



**File Code:** 1570-1

**Date:** July 3, 2002

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

**Subject:** ARO Letter - West Lake TS and Road Decommissioning Project ROD - Gallatin  
NF - Appeal #02-01-00-0060 - Lynda Caine, Firehouse Ranch

**To:** Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Richard J. Dolan, on behalf of Lynda Caine (Firehole Ranch), protesting the West Lake Timber Sale and Road Decommissioning Project Record of Decision (ROD) on the Gallatin National Forest (Hebgen Lake Ranger District).

The Forest Supervisor's decision adopts Alternative 6, which includes timber harvest of an estimated 2.3 million board feet of timber from approximately 739 acres of National Forest land. The project also includes 78 acres of tree planting, 399 acres of under burning, 0.9 miles of temporary road construction, 2.1 miles of existing road reconditioning, and 6.7 miles of road decommissioning.

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 appellant's 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 appellant alleges violations of the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), the Endangered Species Act (ESA), and the Administrative Procedures Act (APA). The appellant requests a remand of the ROD. An informal meeting was held but no resolution of the issues was reached.

### ISSUE REVIEW

**Issue 1. The Record of Decision and FEIS fail to adequately address the noise impacts the project will cause.**

**Response:** The issue of noise impacts is addressed in Appendix A of the FEIS (pp. A-3 to A-5). The analysis discloses that all action alternatives would have an effect on recreation use in the analysis area and would affect users of private land much the same way as those on Forest Service System lands. The FEIS does not regard noise (or recreation) as a significant issue because of the effective mitigation and the minor effects of the project.



**Issue 2: The operating restrictions are illusory and fail to adequately address the noise impact. The appellant is concerned that the mitigation is not permanent and that noise from chainsaws and trucks will be audible from the Firehole Ranch. Also, the EIS must present a reasonably complete discussion of possible mitigation measure.**

**Response:** The analysis contained in the FEIS identified the mitigation measures related to noise impacts (EIS, p. 2-35, App. A, pp. 4-3 to 4-5). The ROD discloses specific operating restrictions that address the effects on recreation, including noise, on pages 6 and 9. The Forest Supervisor included in the ROD additional mitigation to be used in preparation of the timber sale contract that would restrict helicopter yarding during the summer months around Firehole Guest Ranch. These mitigation measures were implemented specifically to address the concerns of the Firehole Ranch. Although no laws or regulations restrict the amount of noise effects that can be caused by the timber sale, the intent of the mitigation is to implement these restrictions unless they make the timber sale no longer economically viable. Each of the documents describes conditions that would act as a trigger mechanism to relax or remove the analyzed mitigations.

**Issue 3: The Record of Decision and FEIS arbitrarily favor the winter recreation industry over the summer recreation industry.**

**Response:** Winter logging was raised as a comment on the DEIS and responded to in Response to Comments (FEIS, D-4). Harvest cannot occur after December because of conflict with a recreation special-use permittee, and because the snow accumulation is too great for cost-efficient winter logging. Limiting the season of all harvest operations (helicopter and tractor) from Labor Day weekend until the end of November was addressed in the EIS, page 2-35. Logging in the springtime (prior to June) during “spring-breakup” could cause a prohibited amount of damage to the roads.

**Issue 4: The Record of Decision and FEIS fail to adequately address the visual impacts of the proposed project.**

**Response:** Visual impacts of the proposed project are addressed in the ROD with respect to the FP amendment and providing mitigations (ROD, pp. 7 and 27). The EIS provided an extensive discussion on the visual quality analysis (EIS, pp. 3-16 to 3-58). The effects analysis is displayed by alternative in three different formats (a summary table, written descriptions and photo simulations). The direct and indirect effects are summarized for each harvest unit, and a visual effects analysis is provided for five key observation points and one non-key observation point. The agency Response to Comment #78 (EIS, Appendix D, p. D-32) also addresses this issue.

**Issue 5: The record of decision and FEIS overestimate the timber harvest.**

**Response:** The ROD shows estimated volume per unit (ROD, p. 3) for a total of 2,354 MBF (thousand board feet). The EIS also shows volume per unit for each alternative (EIS, Ch. 2, p. 2-12 to 2-23). The volume is an estimate based on past timber cruise volume (Volume 5, Section H-14).

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 appellant. I recommend the Forest Supervisor's decision be affirmed and the appellant's requested relief be denied.

/s/ Michael J. Burnside  
MICHAEL J. BURNSIDE  
Appeal Reviewing Officer  
Regional Mining Geologist