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File Code: 1570-1 **Date:** March 19, 2007
Route To: (1570 (215/217))

Subject: 1570 (215/217) - ARO Letter - Gallatin NF Travel Management Plan ROD - Gallatin NF

To: Appeal Deciding Officer

This is my recommendation on disposition of the appeals filed protesting the Travel Management Plan Record of Decision (ROD) on the Gallatin National Forest.

Decision under Appeal

The Forest Supervisor for the Gallatin National Forest made a decision to revise existing travel and access management direction for the Gallatin National Forest Travel Management Plan Record of Decision; hereafter, the Travel Plan. This Travel Plan identifies and establishes opportunities for public recreation use and access using the Forest's road and trail system, and establishes a system of designated routes for summer motorized uses. Off-route travel by motorized vehicles is prohibited, except for snowmobiles. For each road and trail, the decision specifies the types of uses that are appropriate, including pleasure driving, high clearance vehicle use, ATV use, motorcycling, biking, hiking, horseback riding, snowmobiling, and skiing/snowshoeing. The Travel Plan also establishes travel management goals, objectives, standards, and guidelines for the Forest as a whole and specific sub-areas referred to as Travel Planning Areas (TPAs). Goals and objectives provide a basis for future site-specific action proposals for management of the transportation system, while standards and guidelines identify sideboards (or limitations) within which those actions must be designed. In conjunction, the Gallatin National Forest Land and Resource Management Plan (Forest Plan) has been amended to remove direction pertaining to management of the transportation system and travel.

Decision Documentation

The decision documentation (project record) is contained on 11 compact discs (CDs). Discs 1, 3, 4 and 5 contain the published ROD/Final EIS, Starting Benchmark, the Draft Alternatives package, and the Draft EIS. Discs 2, 6, 7, and 8 contain copies of the comments received during each of the three comment periods, Forest Service communications, and meeting notes. Discs 9, 10 and 11 contain additional documentation used in the analysis and decision (e.g. specialist reports, non-comment period correspondence, and references).

Appellants' Issues and Relief Requested

The Forest consolidated the issues raised in the 112 appeals received, and their responses to them. Table 2 of the transmittal letter identifies the issue numbers that correspond to those raised in each specific Notice of Appeal (NOA). This table also identifies the relief requested by each appellant.

A total of 110 appeals were received under 36 CFR 215 (Notice, Comment, and Appeal Procedures for National Forest System Projects and Activities) and two appeals were received under 36 CFR 217 (Appeal of Regional Guides and National Forest Land and Resource Management Plans). Issues raised in all 112 appeals will be addressed in this document.

Due to the large number of appeals, the issues raised were grouped and often paraphrased. Some specific points raised by various appellants were included to help clarify some of the issues and to make sure the responses addressed variations on the issues given by each appellant. During my review, the NOAs have been reviewed for the exact wording of the issue and any supporting information they may have provided.

Appeal Review Background

My review was conducted pursuant to, and in accordance with, 36 CFR 215.19 and 217.13 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 reviewed. Although I may not have listed each specific issue, I have considered all the issues raised in the appeals and believe they are adequately addressed. As per 36 CFR 215.19(c) and 217.13, I have consolidated the appeals and am issuing one recommendation.

Appeal review of this project was significantly different than most appeal reviews in the past. A total of 112 appeals were received, of which 33 were dismissed mostly due to lack of comment during the comment period. Some of the appeals were a duplicate of a master appeal, others modified the master appeal by adding many unique comments, and many other appeals were totally unique appeals with unique issues. Many of the issues raised were duplicated in other appeals; however, some issues raised were unique to one appeal. As a result, the review of the appeals was a complex undertaking.

Recognition must be given to the transmittal letter and project record compiled for the project by the Gallatin National Forest. The transmittal letter did an excellent job of summarizing the issues raised, requested relief, and where information regarding the appeal issues could be found in the record. As a result, I used the transmittal letter as a starting point to consolidate my response to the issues.

Summary of Public Involvement Process

The Gallatin National Forest took on a huge undertaking when they initiated the Forest-wide travel planning process. It is obvious from their record that public involvement was critical and central to the entire project.

Scoping to determine potential issues and concerns was conducted over a 2-year period, beginning in 2002, with an initial distribution to approximately 1,700 people. This initial scoping provided the opportunity for people interested in Gallatin Forest travel planning to submit comments, and was a beginning point from which to develop alternatives based on issues identified and information on how the public was using the Forest's transportation network (i.e.

roads, trails and specific geographical areas). This comment period ran for 90 days, and during that time the Forest hosted six open houses and a number of individual and group meetings. Over 1,600 comment letters were received.

The comments received during the initial scoping, along with early analysis by Forest Service specialists, were used to develop six draft alternatives. These alternatives were presented for public comment in August of 2003 to ensure that they sharply defined the issues and sufficiently represented different interests and points of view on how travel should be managed. This comment period ran for 60 days and again during this time the Forest hosted six open houses. Over 3,200 comment letters were received. The resultant alternatives, along with a preferred alternative (Alternative 7), became the basis for analysis in the Draft Environmental Impact Statement.

A Notice of Intent to prepare an Environmental Impact Statement was prepared and published in the Federal Register on December 13, 2002. The proposed Travel Management Plan has also been included on the Forest's Schedule of Proposed Actions since 2002. Prior to the comment periods, news releases were distributed to area media outlets announcing the availability of each document and the schedule of open houses. Direct notification was also provided to those asking to be included on the travel planning mailing list. The documents and maps were made available in both printed and electronic formats (Internet and compact disc).

The Forest released the DEIS for the Proposed Travel Management Plan in mid-February 2005. The DEIS disclosed the analyzed consequences of the six alternatives plus the preferred alternative, which was identified as Alternative 7. During late February and early March 2005, 10 open houses, attended by approximately 1,000 people, were held in communities surrounding the National Forest. In addition to the open houses, the Forest met with over 80 groups and individuals to discuss the DEIS and preferred alternative. The written comment period was extended twice, and ultimately closed on September 2, 2005. During this time, approximately 2,500 written comments and 9,000 electronic comments were received on the DEIS.

Copies of comments received, meeting notes, and Forest Service correspondence can be found in the Gallatin National Forest Travel Management Plan project file. Responses to Comments received are available electronically, either on compact disk or the Gallatin National Forest website, as an appendix to the Final Environmental Impact Statement.

Project Record

All of the documents in the project record have been compiled on 11 CDs which are remarkably easy to use and have facilitated the review of the appeals. Although some groups and individuals believe their comments were not considered, the Forest has gone to extreme steps to document their consideration of all comments received. Specialist reports, maps, supporting information and references, just to mention a few, are easily available for review on the CDs.

Recommendation

With the above information in mind, I have reviewed the record for issues raised in the appeals and have found that the analysis and decision adequately address the issues raised. I have prepared the attached summary which I believe shows how the Forest has responded to the issues raised. The decision documentation for the Gallatin Forest Travel Management Plan is voluminous and more references are available in addition to what I have included. The intent of my responses are not to provide an in-depth review of each issue raised, but rather to document that the Forest Supervisor has made a reasoned decision, has complied with all applicable laws, regulations, and policy, and has issued a decision which is consistent with the overall mission of the Forest Service. I recommend the Forest Supervisor's decision be affirmed and the appellants' requested relief be denied.

In addition to affirming the Forest Supervisor's decision, I recommend providing the following instructions where I believe the Forest Supervisor can clarify some of her rationale in her decision. Supervisor Heath can respond to these instructions as she believes appropriate.

1. Cabin Creek Wildlife Recreation Management Area.

Instructions: Review the ROD and Detailed Description of the Decision (Cabin Creek Travel Area Table pp. 40 and 41) and clarify motorcycle and ATV use.

2. Main Boulder Travel Planning Area.

Instructions: Review the ROD and Detailed Description of the Decision and explain the rationale for changing the restrictions on the Grouse Creek Trail #14 and the Green Mountain Trail #94.

3. Tom Miner Travel Planning Area.

Instructions: Review Tom Miner-Rock TPA and provide rationale for the snowmobile use restriction north of the South Rock Creek Road, and rationale for no longer grooming the road for snowmobiles.

4. ROD: Section IX. Implementation.

Instructions: Implementation of the Travel Management Plan will be a process which will be ongoing over many years. Although the FEIS and ROD refer to implementation in numerous places, the overall discussion of how the Plan will be implemented is missing. Prepare a summary which identifies the overall process for implementation of the Travel Management Plan ROD.

5. Access Management.

Access needs, where there are insufficient rights or no existing rights, are identified in Table I-3 Forest Access Objectives in the Detailed Description of the Decision document. As identified in

some of the appeals, this has lead to concern with adjacent landowners over what rights currently exist or do not exist. While access rights are a very complicated issue, if would be helpful if the Forest Supervisor identified the process she expects to use to clarify some of the identified access needs. This could be included in the implementation section previously discussed. It would be important to ensure that adjacent landowners are also informed of the process.

Conclusion

To be consistent with the huge public involvement process the Forest has gone through, and their effort to maintain a very open process, I recommend the attached summary of responses to the appeal issues be mailed to all of the appellants, including those appellants who withdrew their appeals, and those appellants who were dismissed due to lack of comment during the comment period. This way, the appellants can see the wide range of issues raised in the appeals, and our responses to them.

As I mentioned earlier, the Gallatin National Forest took on a huge undertaking when they initiated the Forest-wide travel planning process. It is obvious from their record that public involvement was critical and central to the entire project. It is also obvious from the appeals received that there are many people and organizations that care deeply about their opportunities to use the Gallatin National Forest. There are many uses, issues, and resources involved, and the Forest will continue to provide an appropriate balance through their ongoing Travel Management pubic involvement process.

/s/ Ranotta K. McNair
RANOTTA K. MCNAIR
Appeal Reviewing Officer

cc:
Forest Coordinator
Responsible Official