

All appeals to Gallatin travel plan rejected

"I affirm the forest supervisor's decision to implement the travel plan."

— *Ranotta K. McNair, U.S. Forest Service*

By *SCOTT McMILLION Chronicle Staff Writer*

The U.S. Forest Service has denied all 112 appeals of the Gallatin National Forest's controversial travel plan.

"Forest Supervisor (Becki Heath) 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," wrote Ranotta K. McNair, supervisor of the Idaho Panhandle National Forests.

McNair served as the appeal review officer for this project. Her recommendation was sent to Regional Forester Kathleen McAllister, who agreed with it.

"I affirm the forest supervisor's decision to implement the travel plan," McAllister wrote in a letter mailed Wednesday to appellants. "Your requested relief is denied."

However, the process isn't over.

Motorized advocates, who stand to lose access to more than 300,000 acres of land for snowmobiling and scores of trail miles for motorcycles and all-terrain vehicles, have threatened for months to sue.

"We're very disappointed, but probably not surprised," said Cory Swanson, a Helena lawyer representing Citizens For Balanced Use, a Bozeman-based multiple-use group. "We can not just sit by and let these closures happen when we feel the process was unfair."

Swanson cited a number of examples that he said violated the National Environmental Policy Act.

When Gallatin officials studied various options for managing travel, it didn't look at any options that expanded mechanized use, Swanson said. It also lacked what Swanson called a legal and viable "no action" alternative and failed to analyze the cumulative effects of concentrating recreation in smaller areas.

All of those points were made in CBU's appeal, but were denied by regional officials.

Swanson said he wants to study the Forest Service's decision in depth before deciding on a legal strategy.

Jeremy Fatouros, president of the Big Sky Snowriders, said his group, too, is contemplating its legal options.

A lawyer for a group of Bozeman-area ice climbers, who maintain the plan would effectively shut them out of a popular climbing area in Hyalite Canyon, could not be reached for comment Wednesday.

Heath said that, unless ordered to do otherwise by a judge, she will implement the travel plan by this summer. The first step will be publishing a new motorized vehicle use map, which she expects to be complete in April. The map will be a primary enforcement tool for the new regulations.

In places where motor vehicles will be banned, new signs will say so. But on some trails where vehicles will be allowed, the routes can't be opened until enough money is found to bring them up to standards, Heath said.

The travel plan has been five years in its creation, and involved dozens of meetings and thousands of public comments.

Of the 112 appeals, 33 were dismissed mostly because the appellants hadn't participated during earlier comment periods. Others were duplicative to one degree or another, but some raised unique and in-depth issues.

"As a result, the review of the appeals was a complex undertaking," McNair wrote.

Appeals officers spent three weeks going over the documents, Heath said, yet found nothing in her decision to overturn.

"It makes sense for us to feel confident" about legal challenges, she said. "I am just so pleased that we were upheld. It was not a foregone conclusion."

Appellants should receive a letter from McAllister and a roughly 100-page letter outlining the appeals officer's decision within a few days.

Scott McMillion is at scottm@dailychronicle.com