

# Chapter 1: Purpose and Need, and Proposed Action

## OVERVIEW OF CHANGES FROM THE DRAFT TO THE FINAL EIS

- Additional history related to this process has been added to the Background section.
- The “Motorized Recreation Opportunities and Impacts” has been renamed “Manage Recreation Use” and the section has been re-written to more accurately convey the original concept for this section. This section was intended to convey the need to manage recreational use related to travel management to reduce impacts that result from not providing management of these activities.
- The Pack and Saddle Stock portion of the Purpose and Need section has been removed in response to public comments. Rationale for this change is provided in the Purpose and Need section.
- The section on “Decisions Outside the Scope of this Analysis” has been removed and placed in Appendix G.
- The general description of the proposed action has been clarified.
- The Inventoried Roadless Area section has been moved to Chapter 3 and expanded in response to public comments.
- Consolidated implementation information originally in the Proposed Action section of this chapter with other implementation information found in DEIS and placed it in the Elements Common to All Alternatives section of Chapter 2.

## 1.1 BACKGROUND

### 1.1.1 HISTORY

Travel management planning, or management of roads and trails, has received increasing attention in the last decade within the Forest Service. This increased attention is largely the result of increased use of National Forests for recreation purposes. Increased forest visitation has led to concerns that much of this increased use is unmanaged and may be causing undesirable resource and social impacts.

One of the initial activities on the Custer National Forest (Forest) related to the recent travel management focus was to inventory motorized and non-motorized routes. This effort was intended to establish a baseline for future analyses. The Forest undertook this work during 1999 and 2000. This effort was in preparation of the Northern Region of the Forest Service’s (Region) analysis of cross-country vehicle use. In 2001, the Region distributed the Tri-State Off-Highway Vehicle Decision (2001 Tri-State OHV Decision) based on that analysis. The primary focus of the decision was to require motorized vehicles to stay on existing motorized routes.

During this time, the Forest Service also provided a national framework for conducting roads analyses. The Forest Scale Roads Analysis for the Custer National Forest (see Project Record) was completed on the Forest in January, 2003 based on this framework. The report highlighted potential impacts of roads and/or motorized access on wildlife, water quality, cultural resources; right-of-way issues; and potential changes to road management objectives.

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The Beartooth Ranger District (District) initiated District-wide travel management planning in response to both the 2001 Tri-State OHV Decision and the Forest Scale Roads Analysis by issuing a Travel Management Planning Proposed Action in 2004. The key findings in the Forest Scale Roads Analysis report were used in the development of this proposal. The following year the Forest Service finalized the 2005 Motorized Travel Rule that outlined a process for motorized travel management planning to be used by all National Forests. The direction contained in the 2005 Motorized Travel Rule was incorporated into the District's ongoing travel management analysis and a draft environmental impact statement (DEIS) was distributed for public review in 2007. The information gathered from each of these efforts and the public involvement on these projects was used to prepare this final environmental impact statement (FEIS) for travel management planning on the District.

### ***1.1.2 DOCUMENT STRUCTURE***

This Environmental Impact Statement (EIS) discloses the potential environmental, cultural, social, and economic consequences of implementing alternatives to manage travel management within the Beartooth Ranger District (District), Custer National Forest, Montana. The consequences of taking no action are also disclosed. This EIS, in conjunction with public comments, legal requirements, and existing management direction, will be used to establish travel management direction for the District.

This analysis is organized into five chapters and an appendices section. Chapter 1 identifies the reasons that the project is being conducted, legal requirements, and analysis parameters. Chapter 2 describes the public involvement, issues, and alternatives, including those not analyzed in detail. Chapter 3 presents the applicable affected environment and environmental consequences for each of the significant and other issues identified for this project. Chapter 4 describes the coordination conducted for this process and the individuals responsible for preparing the document. Chapter 5 displays response to comments to the Draft EIS. The Appendices incorporate additional material needed to more fully understand the analyses and alternatives.

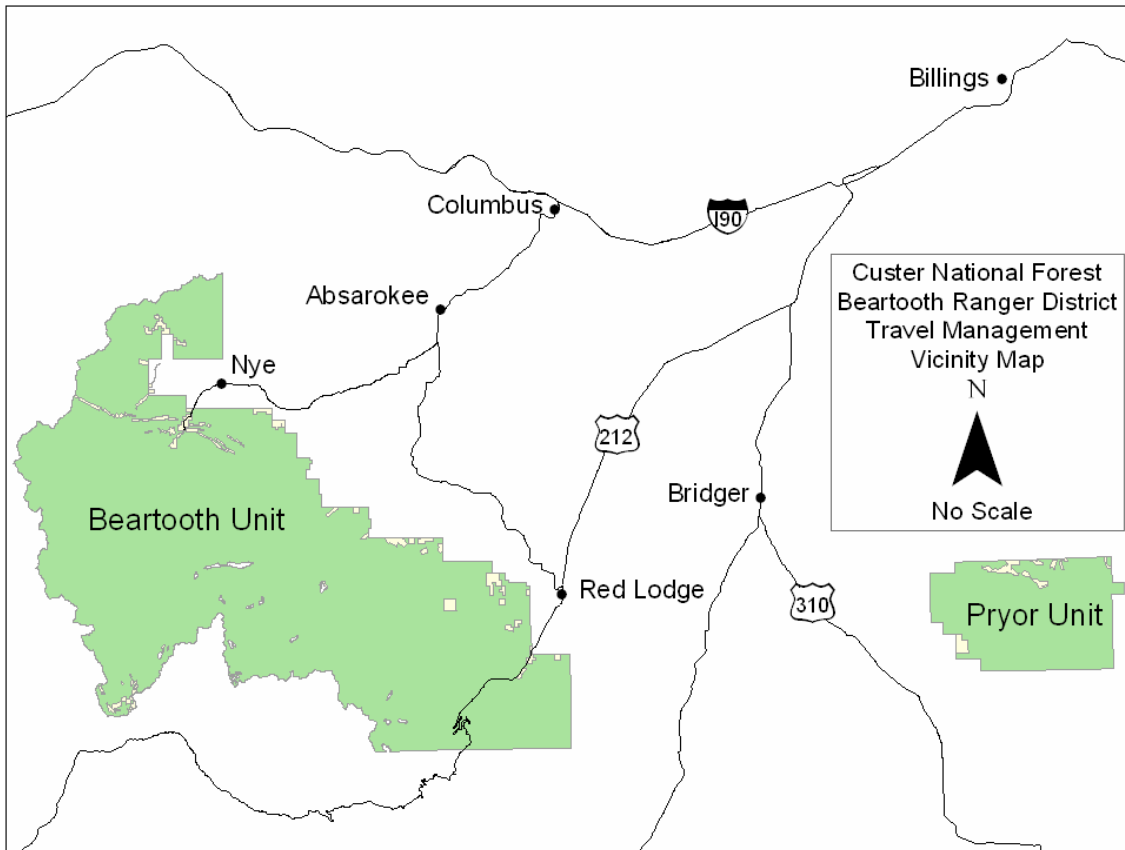
This EIS has been prepared in compliance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality regulations for implementing NEPA provisions (40 CFR 1500), the National Forest Management Act and its accompanying regulations, Forest Service Manuals and Handbooks, and applicable Department of Agriculture and agency guidance.

### ***1.1.3 GENERAL LOCATION AND GEOGRAPHIC SETTING***

The Beartooth Ranger District, situated in south-central Montana, is composed of two separate and unique geographic units, known as the Beartooth and Pryor units (see vicinity map below). The Beartooth Unit consists of approximately 512,943 acres of National Forest System land. Approximately thirty miles to the east is the Pryor Unit which consists of approximately 74,932 acres of National Forest System land.

The Beartooth Unit borders the Gallatin National Forest on the west and has some common boundary with the Shoshone National Forest in Wyoming to the south. The majority of the north and east boundaries of the unit border private lands combined with minor amounts of Bureau of Land Management (BLM) and State of Montana administered lands. The Beartooth Unit is located in portions of four Montana counties: Carbon, Park, Stillwater and Sweet Grass. The unit is comprised of mountains, foothills, valleys, and plateaus associated with the Beartooth Mountain Range.

The Pryor Unit contains the southern portion of the Pryor Mountain Range. This unit is bordered on the north by the Crow Reservation. The entire south boundary and the majority of the east and west boundaries are shared with the BLM. Minor portions of the east and west boundaries border private lands. The entire Pryor Unit lies within Carbon County.



## 1.2 PURPOSE AND NEED

The purpose of this project is to: 1) identify routes for public motorized use on the District, 2) provide for a variety of motorized and non-motorized opportunities, 3) minimize impacts on natural and cultural resources, and 4) have enforceable travel management guidelines.

District-wide travel planning was last addressed in 1987. Since that time, changes in land management policies, increases in use and demand for recreation opportunities, new developments and improvements in recreation-related technology, and increases in concerns about travel-related impacts to natural resources have occurred. These events have led to the need to re-examine travel management planning on the District. More detailed information about these events and the needs that stem from them is presented below.

Comments on the DEIS questioned the appropriateness of addressing issues related to pack and saddle stock camping impacts in Wilderness through this travel management planning process. Commenters questioned whether the impacts were a direct effect of trail management, whether the proposed pack and saddle stock restrictions would result in the desired outcome, and suggested that it may be more

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appropriate to address this issue through a Wilderness management plan or other site specific measures. The Forest agrees with these comments and intends to address this issue outside of this process. Consequently, the portion of the purpose and need related to pack and saddle stock impacts contained in the DEIS has been removed from this analysis.

### ***1.2.1 2001 TRI-STATE OFF-HIGHWAY (OHV) VEHICLE DECISION***

In 2001, the Forest Service issued a decision that addressed unmanaged motorized cross-country travel on all National Forest System lands in Montana, North Dakota and parts of South Dakota (Bosworth, 2001). It also directed National Forests within this area to set up a schedule for completing site-specific planning that would designate appropriate uses on motorized routes. The Custer National Forest implemented a forest order in response to the Tri-State OHV Decision that prohibited cross-country motorized vehicle travel except for dispersed vehicle camping within 300 feet of motorized routes (Curriden, 2001). In addition, the Forest initiated travel management planning in 2003 on the Beartooth Ranger District in response to the direction in the 2001 Tri-State OHV Decision. There is a need to complete this effort to comply with the objective set forth in this decision.

### ***1.2.2 2005 MOTORIZED TRAVEL RULE***

In December 2005, a new travel management rule took effect for all National Forest System lands (Appendix A). The new rule directs National Forests to designate roads, trails, and areas suitable for motorized travel. The actions described in this document are part of the planning process to select routes for designation under the new regulation. All National Forests are expected to complete the planning and designation process by 2009. The Chief of the Forest Service committed to completing the District motorized travel management planning by October 2008. This commitment is displayed in the Chief's schedule for completion of travel management planning for National Forests and Grasslands available on the internet at <http://www.fs.fed.us/recreation/programs/ohv/summary07.pdf>. The Custer needs to complete travel management for the District to fulfill this commitment.

### ***1.2.3 MANAGE RECREATION USE***

Former Chief Dale Bosworth recognized unmanaged recreation as one of the four threats facing sustainable management of the National Forests. Although recreation is a valid use of National Forest System lands, unmanaged recreation use, whether motorized or non-motorized, has the potential to result in unintended consequences, such as undesirable resource impacts and unnecessarily elevated user conflict. Certain aspects of travel management on the District have at times been unmanaged or management has been limited. The presence of several miles of non-system roads on the District are an indication of this. This situation has resulted in concerns that routes and activities may be adversely impacting resources and users. There is a need to manage forest visitor travel to reduce potential resource impacts and user conflicts, while still providing a diversity of recreation opportunities.

#### **1.2.4 ENFORCEMENT OF TRAVEL MANAGEMENT RESTRICTIONS**

The need to evaluate travel management planning at this time is also driven by a need to improve the enforceability of restrictions on motorized recreation. Over the years, procedural issues with implementation of portions of the 1987 Travel Plan have surfaced, which have hampered enforcing the plan, especially the absence of a map produced at the time the plan was prepared. The inability to clearly determine when violations of the 1987 Travel Plan restrictions have occurred has resulted in some undesirable resource impacts and the potential for more. In addition, there are inconsistencies between the 1987 Travel Plan and the 2001 Tri-State OHV Decision, especially with respect to non-system routes. Resolving these inconsistencies and implementing travel management planning that are consistent with the 2005 Motorized Travel Rule would improve the District's ability to enforce travel management restrictions.

#### **1.2.5 ROADS IN DEVELOPED RECREATION AREAS**

There is a need to convert several non-system routes associated with developed recreation sites to system roads. These routes are considered part of the basic administrative infrastructure of the District, but have never formally been identified as National Forest System roads. They include routes in campgrounds, trailheads, recreation residence tracts, and day use areas that provide public recreation opportunities. These non-system routes cannot be designated for public use under the 2005 Motorized Travel Rule unless they are first converted to system roads.

There is also a need to restrict the use of roads within gated campgrounds when they are closed, to protect facilities and resources in the campgrounds.

### **1.3 PROPOSED ACTION**

The *Beartooth Ranger District Travel Management Proposal* (Proposal) was distributed in 2004. The Proposal reflected the guidance at that time to include all system and non-system roads and trails in the proposal and display the intended use for all of them. In other words, the Proposal contained routes where changes were proposed and routes where no changes were proposed. The following year the agency finalized the 2005 Motorized Travel Rule. Guidance associated with this Rule recommended that travel management proposals focus on proposed changes to the system so that the public, responsible official and the interdisciplinary team can focus on those areas where changes are proposed. This was different than the approach used to prepare the Proposal.

To comply with the 2005 Motorized Travel Rule, the 2004 proposed action was re-formatted. As a part of this re-formatting effort, interdisciplinary team members went through the original proposed action to determine if each of the proposed actions was reasonable and still desirable, and supplemented rationale for proposed actions wherever appropriate. Some actions were dropped because conditions or use had changed, or the original basis for the proposal was not clear and could not be substantiated. The original proposed action has been dropped from further analysis (see section 2.5.1). However, the proposed action was the basis for Alternative B and represents the re-formatting effort, updates, and input that transpired between distribution of the 2004 proposed action and the 2007 DEIS. Specific actions associated with Alternative B are contained in Appendix C, Table C-2, and include the following types of actions that the Forest Service is proposing to implement:

- Designate a system of roads and trails on the District for motorized public use.

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- Designate the type of vehicle and season of use for each system road and motorized system trail.
- Change certain system roads to motorized trails or mixed motorized use roads.
- Change certain unauthorized (non-system) routes to system roads and/or system trails that address administrative, utilization, or protection needs.
- Change certain system road, non-system routes, and motorized system trails to non-motorized system trails.
- Identify those system roads and non-system routes to be used for administrative use only.
- Designate dispersed vehicle camping along motorized routes.
- Change system roads for which there is no administrative, utilization, or protection need identified to Maintenance Level 1 system roads available for potential decommissioning in the future.

The Custer National Forest Land and Resource Management Plan (Forest Plan) would be amended to change guidance related to public road designation and restrictions on the District in order to be consistent with the route designation decisions made in the Record of Decision (ROD). These proposed amendments can be found in Appendix B. They generally involve deleting site-specific management direction related to a few specific routes. Management of these routes in the future would be through the site-specific decisions, like this analysis, associated with producing the MVUM. The proposed amendments to the Forest Plan are considered minor and would not require Regional Forester approval to implement.

### **1.4 SCOPE OF DECISION TO BE MADE**

#### ***1.4.1 DECISIONS TO BE MADE***

The decision to be made is to designate a system of roads and trails on the District for public motorized use. In addition, some unauthorized (non-system) routes could be converted to system roads and trails, and some system motorized routes may be changed to system non-motorized trails. The type of vehicle and season of use would also be designated for each system road and motorized system trail. Dispersed vehicle camping distances or site specific restrictions will be determined.

The 1986 Forest Plan would be amended to change guidance related to public road designation and restrictions on the Beartooth Ranger District in order to be in compliance with the decisions made in the ROD. Related existing orders that are not consistent with the decision made in the ROD would be rescinded and any new ones that are necessary for implementation would be issued.

#### ***1.4.2 DECISIONS THAT WILL NOT BE MADE***

There were several subjects that commenters on the proposed action and DEIS thought should be decided through this process, including cross-country game retrieval, exemptions for accessibility, changes to rights of access, over-snow vehicle use, designated cross-country motorized areas, decommissioning or obliterating routes, construction of routes, route designation for the Upper Stillwater Basin. The Deciding Official has determined that these actions are outside the scope of the analysis for this process. The specific rationale for this determination can be found in Appendix G.

## 1.5 LEGAL FRAMEWORK

The Forest Service must comply with laws, regulations, and policies in the management of the District. The 1986 Custer National Forest Land and Resources Management Plan (Forest Plan) is a part of the policy framework within which the Forest Service must conduct the analysis of the Beartooth Travel Management Plan. This framework also includes the laws, regulations, and policies that relate to travel management or the effects associated with travel management and travel management planning.

### *1.5.1 1986 CUSTER NATIONAL FOREST LAND AND RESOURCES MANAGEMENT PLAN*

The Forest Plan directs management of all Forest Service administered lands within the Custer including the District. The Forest Plan provides both Forest-wide Management direction and direction for specific management areas. Forest Plan direction related to travel management is listed in Appendix B. The Appendix also identifies those portions of the plan proposed to be amended by the project.

### *1.5.2 2005 MOTORIZED TRAVEL RULE*

The 2005 Motorized Travel Rule requires consideration of the effects of designating roads, trails and areas on specific resources and components of travel management. The Rule states, “In designating National Forest System roads, National Forest System trails, and areas on the National Forest System lands for motor vehicle use, the responsible official shall consider effects on National Forest System natural and cultural resources, public safety, provision of recreation opportunities, access needs, conflicts among uses of National Forest System lands, the need for maintenance and administration of roads, trails, and areas that would arise if the uses under consideration are designated; and the availability of resources for that maintenance and administration.” (36 CFR 212.55 (a)).

The Rule also contains specific criteria related to designating trails and to designating roads. For trails, it states, “In addition to the criteria listed in paragraph [a] of this section, in designating National Forest System trails and areas on National Forest System lands, the responsible official shall consider effects on the following, with the objective of minimizing: (1) Damage to soil, watershed, vegetation, and other forest resources; (2) Harassment of wildlife and significant disruption of wildlife habitats; (3) Conflicts between motor vehicle use and existing or proposed recreation uses of National Forest System lands or neighboring Federal lands; and (4) Conflicts among different classes of motor vehicle uses of National Forest System lands or neighboring Federal lands. In addition, the responsible official shall consider: (5) Compatibility of motor vehicle use with existing conditions in populated areas, taking into account sound, emissions, and others factors.” (36 CFR 212.55 (b))

For roads, the Rule states, “In addition to the criteria in paragraph [a] of this section, in designating National Forest System roads, the responsible official shall consider: (1) Speed, volume, composition, and distribution of traffic on roads; and (2) Compatibility of vehicle class with road geometry and road surfacing.” (36 CFR 212.55 (c))

The effects associated with resources listed in the criteria identified above, are disclosed in this document for consideration by the responsible official. This disclosure of effects, in many cases, coincides with the disclosure of effects necessary for compliance with NEPA. However, the requirements of the 2005 Motorized Travel Rule do not supplant compliance with NEPA, rather the

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effects disclosure required by the Rule are in addition to that required by NEPA. The location of the effects disclosures for each of the criteria are listed in the following Table. Because no designated motorized areas are proposed in any of the action alternatives, there is no discussion of criteria related to designation of areas.

**Table 1–1. Guide to Locating Effects Disclosures of the Criteria Identified in the 2005 Motorized Travel Management Rule**

| <b>Rule Criteria</b>  | <b>Location in Document</b>   |
|---|---|
| <b>General</b>  |   |
| Natural Resources   | Soils, Water, Vegetation, and Wildlife sections of Chapter 3; Air Quality in the Issues section of Chapter 2. |
| Cultural Resources  | Cultural Resources section of Chapter 3.  |
| Public Safety   | Public Safety in Alternatives section of Chapter 2.   |
| Provision of Recreation Opportunities   | Recreation section of Chapter 3.  |
| Access Needs  | Refer to Access discussion below.   |
| Conflicts Among Uses of National Forest System Lands  | Recreation and Cultural Resource sections of Chapter 3; also refer to discussion below.                       |
| Need for Maintenance and Administration of Roads, Trails and Areas That Would Arise As a Result of Designation                            | Public Safety and Maintenance in Alternatives section of Chapter 2  |
| Availability of Resources for Maintenance and Administration  | Maintenance in Alternatives section of Chapter 2.   |
| <b>Trail Specific</b>   |   |
| Damage to Soil, Watershed, Vegetation and Other Forest Resources  | Soils, Water, Vegetation, and Wildlife sections of Chapter 3; Air Quality in the Issues section of Chapter 2. |
| Harassment of Wildlife and Significant Disruption of Wildlife Habitats  | Wildlife section of Chapter 3.  |
| Conflicts Between Motor Vehicle Use and Existing or Proposed Recreation Uses of National Forest System Lands or Neighboring Federal Lands | Recreation section of Chapter 3.  |
| Conflicts Among Different Classes of Motor Vehicle Uses of National Forest System Lands or Neighboring Federal Lands                      | Recreation section of Chapter 3.  |
| Compatibility of Motor Vehicle Use with Existing Conditions in Populated Areas, Taking Into Account Sound, Emissions, and Others Factors  | Recreation (Noise) section of Chapter 3; Air Quality in Issues section of Chapter 2.                          |
| <b>Road Specific</b>  |   |
| Speed, Volume, Composition, and Distribution of Traffic on Roads  | Public Safety in Alternatives section of Chapter 2.   |
| Compatibility of Vehicle Class with Road Geometry and Road Surfacing  | Public Safety in Alternatives section of Chapter 2.   |

**1.5.2.1 Access Needs**

As required by the 2005 Motorized Travel Rule, access to National Forest lands was considered. The 1986 Forest Plan access goal is to provide at least one access point per five miles of administrative boundary where there is not adequate access from inside National Forest System land. There are still a number of areas on the Forest that are not easily accessible by the general public, because private lands adjacent to the Forest currently preclude access or roads/trails do not exist. Some additional access points have been identified outside of this process and, over time, access to the Forest may be increased. However, the intent will not be to provide road/trail access to all areas on the Forest. Identified access needs are not ripe for analysis or decision and therefore will not be addressed in this analysis.



### **1.5.2.2 Conflicts Among Uses of National Forest System Lands**

The Recreation, Cultural Resources and Human Environment sections of Chapter 3 each address aspects of conflicts among uses, primarily among users, including effects of motorized activities on non-motorized forest visitors and effects of motorized activities on uses associated with traditional religious and cultural practices. Conflict among other uses that may result from designation of system roads and trails, such as conflicts between motorized recreation and timber harvest activities, range management, and permit administration, were considered by the interdisciplinary team, but no substantive conflicts between these uses were identified.

### ***1.5.3 EXECUTIVE ORDER 11644 AS AMENDED BY EXECUTIVE ORDER 11989***

Executive Order (EO) 11644 required federal land management agencies to establish policies and procedures for management of motorized vehicles on public lands to protect resources, promote safety of users, and minimize conflicts among uses. Executive Order 11989 amended EO 11644 with additional guidance on protecting resources when establishing policies related to motorized travel on public lands. The 2005 Motorized Travel Rule is the agency's implementation of these executive orders.

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**- End of Chapter 1 -**