Appendix H: Agency Letters

H.1 INRODUCTION

The agency comment letters received on the project in response to the DEIS were from the Environmental Protection Agency, USDI-Office of Environmental Policy and Compliance, and the State of Montana Department of Natural Resources and Conservation. These letters are included below.

H.2 AGENCY LETTERS

#40

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8, MONTANA OFFICE
FEDERAL BUILDING, 301 S. PARK, DRAWER 10096
HELENA, MONTANA 59626-0096

Ref: 8MO

November 5, 2007

Mr. Steve E. Williams, Forest Supervisor
Attn: Doug Epperly, Project Coordinator
Custer National Forest
1310 Main Street
Billings, MT 59105

Re: CEQ 20070409; Beartooth Travel Management Plan DEIS

Dear Mr. Williams:

The Environmental Protection Agency (EPA) Region VIII Montana Office has reviewed the Beartooth Travel Management Plan and Draft Environmental Impact Statement (DEIS) in accordance with EPA responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Section 309 of the Clean Air Act directs EPA to review and comment in writing on the environmental impacts of any major federal agency action. EPA's comments include a rating of both the environmental impact of the proposed action and the adequacy of the NEPA document.

We appreciate the Custer National Forest's and Beartooth Ranger District's effort in preparing a Travel Management Plan and DEIS for the Beartooth area. We support travel planning efforts intended to better manage and control recreational uses and reduce environmental impacts of such uses on National Forests. Public recreational demand and access has increased significantly in recent years, and motorized uses and roads in many cases have caused increased damage to aquatic and terrestrial resources. We have been concerned about environmental effects of roads and motorized uses, particularly the increasing use of off-highway vehicles (OHVs) and all-terrain vehicles (ATVs) that occur away from roads and trails, including steep slopes, fragile soils, wet meadows, and around water bodies. Newer motorized vehicles such as trail bikes, all terrain vehicles (ATVs) and snowmobiles can access areas much further into the Forest than they could historically, forcing wildlife onto smaller and smaller patches of habitat, fragmenting habitat and migration corridors, and adversely affecting wildlife security, and causing soil erosion and adverse effects to water quality, aquatic habitat and fisheries, and spreading weeds.

It is important that motorized activities be properly managed and controlled so that they occur in a manner and location that is consistent with protection of the environment and other resources in order to sustain and protect the environment, other resources, and ecosystems for use by future generations. The challenge is in providing adequate access for land management and public recreation while protecting and restoring aquatic and terrestrial ecosystems. Where

there are conflicts between access and recreational use and long-term protection of resources and ecosystems, we believe resource/ecosystem protection must be given priority to sustain and protect resources and ecosystems for use by future generations. We very much support proposed efforts to restrict motorized vehicle use to designated roads and trails.

The Beartooth Travel Plan action alternatives all appear to be improvements to no action, however, we consider Alternative C to include more environmentally protective features than action Alternatives A or B (i.e., protection of streams, water quality, fisheries, wildlife, etc.). Alternative C would have the highest potential reduction in miles of road erosion and runoff (152 miles vs. 100 miles with Alternative B and 38 miles with Alternative A); lowest mileage of roads with high erosion hazard (135 miles vs. 170 miles with Alternative B and 219 miles with Alternative A); least miles of roads designated for public motorized use (198 miles vs. 211 miles with Alternative B and 225 miles with Alternative A); lowest road density (0.27 mi/mi^2 vs. 0.32 mi/mi^2 with Alternative B and 0. 40 mi/mi^2 with Alternative A); lowest weed susceptible acres within the designated road corridor (2,211 acres vs. 11,029 acres with Alternative B and 15,290 acres with Alternative A); and least potential to impact sensitive Yellowstone cutthroat trout and their habitat.

The EPA supports selection of Alternative C, although we recognize that there are many user groups and interests, and social, economic and environmental effects and trade-offs that need to be considered during decision-making, and the preferred alternative, Alternative B, may be more socially acceptable than Alternative C. We do consider Alternative B to be preferable to No action and Alternative A, since it includes more features to reduce adverse environmental effects. We have the greatest environmental concerns with No Action and Alternative A due to increased risk of adverse effects on watersheds, water quality, fisheries and wildlife habitat and security with these alternatives.

We still believe, however, that the preferred alternative, should be modified to include further reductions in motorized routes, particularly routes in areas with high hazard (erosive) soils. The DEIS states that Alternative B would include 15.9 miles of public motor vehicle use and 49.3 miles of OHV use on high hazard rating soils. Alternative C, however, includes no such routes on high hazard soils. We believe additional reductions in motor vehicle and OHV route designations for high hazard soils should be included in the preferred alternative. At the very least improved rationale for having motor vehicle routes and OHV routes on high hazard soils with Alternative B should be provided that justifies designating motorized routes on high hazard soils.

We are also concerned about the effects of roads on aquatic and terrestrial ecosystems, and the minimal funding and resources available to properly maintain roads and keep them in fair to good condition to minimize erosion and water quality and fisheries impacts. The DEIS indicates that only a small percentage of roads on the District receive annual maintenance. We believe there is a need to address road conditions that contribute to degraded water quality and aquatic habitat, particularly to address road related water quality impairment in 303(d) listed streams. Reductions in sediment delivery from roads as well as improvements in road drainage

and reductions in road density are important for improving watershed conditions and aquatic health in area streams.

Adequate budgets need to be provided to maintain the roads remaining on the road system within the analysis area. We believe the preferred alternative should include a greater commitment of resources to road maintenance to reduce risks to water quality and fisheries. We encourage the Forest Service to incorporate as much road rehabilitation and road closure and decommissioning as possible in its preferred alternative, particularly removal of road stream crossings, and obliteration of roads causing resource damages.

We also do not support the addition of new routes to the road system (e.g., #21407, #241412, #21401A, #21401B), especially routes with high risk of erosion and water quality impacts, when funding for road maintenance is already inadequate to address resource impacts from existing roads and nearby campsites. New routes and increased demands for road maintenance should not be placed on the system when road maintenance is already inadequate and overburdened. The EPA believes road and trail networks should be limited to those that can be adequately maintained within agency budgets and capabilities, and roads which cannot be properly maintained should be decommissioned.

Efforts to improve road conditions and reduce sediment delivery from roads should be an important element of the Travel Plan. The Plan should be consistent with Total Maximum Daily Loads (TMDLs) and water quality restoration strategies that are being developed to restore water quality and beneficial use support in impaired 303(d)-listed waters in the area (e.g., Rock Creek, Bad Canyon Creek, Crooked Creek, West Red Lodge Creek). The Custer National Forest, Beartooth Ranger District should coordinate their travel management planning with the Montana DEQ as well as EPA TMDL staff to assure travel plan consistency with TMDLs and water quality restoration plans being prepared by MDEQ.

The EPA's more detailed questions, comments, and concerns regarding the analysis, documentation, or potential environmental impacts of the Beartooth Travel Management Plan DEIS are included in the enclosure with this letter. Based on the procedures EPA uses to evaluate the adequacy of the information and the potential environmental impacts of the proposed action and alternatives in an EIS, the Beartooth Travel Management Plan DEIS has been rated as Category EC-2 (Environmental Concerns - Insufficient Information). A summary of EPA's DEIS rating criteria is attached.

The EPA's environmental concerns regard potential effects to water quality, fisheries, wildlife and other resources from roads and motorized uses. We support Alternative C, since it is more protective of streams, water quality, fisheries, wildlife, although we recognize that there are many user groups and interests, and social, economic and environmental effects and trade-offs that need to be considered, and the preferred alternative, Alternative B, may be more socially acceptable than Alternative C. We recommend that the preferred alternative include modifications to reduce roads in high hazard areas; avoid adding new roads that overburden the already inadequate road maintenance budget; and include a greater commitment of resources to road maintenance and road decommissioning to reduce risks to water quality and fisheries.

If you have any questions you may contact Mr. Steve Potts of my staff in Helena at (406) 447-5022 or in Missoula at (406) 329-3313, or via e-mail at potts.stephen@epa.gov . Thank you for your willingness to consider our comments at this stage of the process, and we hope they will be useful to you.

Sincerely,

John F. Wardell
Director
Montana Office

Enclosures

cc: Larry Svoboda/Julia Johnson, EPA, 8EPR-N, Denver
Mark Kelley/Robert Ray, MDEQ, Helena

EPA Comments on the Draft EIS for the Beartooth Ranger District Travel Management Plan

Brief Project Overview:

The Beartooth Ranger District of the Custer National Forest proposes to designate routes for public motorized use, including specification of type of vehicle and season of use for each route, and to change management of pack and saddle stock on certain trails. The purpose of the 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. Travel planning has not been done on the District since 1987. The Beartooth Ranger District is situated in south-central Montana in the Beartooth and Pryor Mountains, and consists of 512,943 acres on the Beartooth Unit and 74,932 acres on the Pryor Unit, which is approximately thirty miles east of the Beartooth Unit. Over-snow vehicle use is not part of the decision to be made. Three action alternatives and no action are evaluated in the DEIS.

The No Action Alternative consists of designation of the existing system roads and vehicle types and seasons of use that are currently in force on the District. No action is different from Alternative A (existing condition) which proposes to designate both existing system and non-system routes. The No Action Alternative largely reflects the set of system roads identified in the 1987 Travel Plan along with modifications that have been made since 1987.

Alternative A is the existing condition in which the recreation experience in slightly less than three-quarters of the Pryor Unit would be primarily motorized use. Recreationist's experiences in the Beartooth Unit are not expected to be appreciably different than the No Action Alternative, including pack and saddle stock users and motorcyclists. Alternative A would designate public motorized use on the majority of routes (system and non-system) identified during the 1999-2000 inventory. The only roads that would not be designated for public motorized use under this alternative would be those identified for administrative uses and those that the Forest Service does not have a legal right-or-way for use. The majority of non-designated routes (32 of 34 miles) represent routes for which the Forest Service has no legal right-of-way for public access (access is only via private lands). This alternative largely reflects the motorized road and trail elements of an alternative submitted by the Custer Partnership, a coalition of area groups interested in this project, including Families for Outdoor Recreation, Treasure State ATV, and other individuals.

Alternative B addresses key resource concerns, including soil, water, wildlife habitat, and cultural resources. This alternative identifies slightly less motorized routes than no action for designation, but more than Alternative C. In Alternative B, approximately two-thirds of the Pryor Unit would be in motorized settings. In addition, several seasonal, high-elevation loops would be available for their use during the June 15-April 15 season of use for the Pryor Unit. Hikers and horseback riders would find large areas or "enclaves" in the Pryor Unit with very little motorized use, including portions of Big Pryor Mountain, Punchbowl, and Lost Water

Canyon. These non-motorized areas would expand dramatically in size during the time of year when motorized use is prohibited at higher elevations (April 15-June 15). Recreationists could expect to take day-long hikes or horseback rides without hearing or seeing OHVs during the April 15-June 15 period; but may have a little more difficulty finding this type of experience the remainder of the year. Pack and saddle stock users could still expect to find many opportunities for riding and camping in the Beartooth Unit, and could expect to use the Meyers Creek and Lodgepole Creek areas without hearing or seeing motorized use. Motorcyclists could expect to have opportunities to ride in both the Beartooth and Pryor units, but would not find opportunities for single track motorcycle experiences. The preferred alternative is Alternative B.

Alternative C designates very little motorize use in the Pryor Unit. Approximately half of the unit would be in motorized settings and half in non-motorized settings. Recreationists could expect that some effort would be required to walk or ride to certain destinations – for example Bear Canyon, King Canyon, and the Punchbowl area – and certain activities, such as hunting, could be expected to require more effort to find game. There would be multiple opportunities to walk or ride a horse or mountain bike without seeing or hearing OHVs on adjacent ridges. You might encounter the occasional motorized vehicle being utilized for weed spraying or grazing permit administration on roads and trails identified for administrative uses. Recreationists accustomed to dispersed vehicle camping would find less opportunities and fewer desirable sites for this activity since fewer motorized routes would be designated and access to dispersed vehicle camping sites within 300 feet of motorized routes would not be allowed under this alternative.

Comments:

1. Thank you for providing Summary Tables and Matrices including Tables 2-2 thorough 2-7 summarizing alternatives, particularly the status of roads and trails in the action alternatives; Table 2-8 with comparisons of environmental effects of alternatives; Table 2-9 identifying forest plan monitoring items; as well as clear, large, maps of the alternatives. The summary tables, alternatives descriptions and maps help clarify alternatives, define issues, and provide a basis of choice among alternatives for the decisionmaker and the public as directed by the CEQ's regulations for implementing NEPA (40 CFR 1502.14).

Alternatives

2. Forest Travel Plans are critical elements in the management of National Forests, providing direction to manage road and trail networks for public recreation and conduct of land management activities. We have been concerned about environmental effects of roads and motorized uses, particularly increasing use of off-highway vehicles (OHVs) and all-terrain vehicles (ATVs) that occur away from roads and trails, including steep slopes, fragile soils, wet meadows, and around water bodies. Public recreational demand and access has increased significantly in recent years, and motorized uses and roads in many cases have caused increased damage to aquatic and terrestrial resources. Newer motorized vehicles such as trail bikes, all terrain vehicles (ATVs) and snowmobiles can

access areas much further into the Forest than they could historically, forcing wildlife onto smaller and smaller patches of habitat, fragmenting habitat and migration corridors, and adversely affecting wildlife security, and causing soil erosion and adverse effects to water quality, aquatic habitat and fisheries, and spreading weeds.

The challenge is in providing adequate access for land management and public recreation while protecting and restoring aquatic and terrestrial ecosystems. Where there are conflicts between access and recreational use and long-term protection of resources and ecosystems, we believe resource/ecosystem protection must be given priority to sustain and protect resources and ecosystems for use by future generations.

The condition of forest road networks and environmental effects of motorized travel are a significant concern of EPA in regard to land management. Roads and motorized uses have affected wildlife behavior and life history functions and habitat quality and quantity; caused habitat loss and fragmentation and wildlife mortality from vehicle-wildlife collisions; increased erosion resulting in sediment transport to water; degraded watershed conditions, water quality, aquatic habitat, and fisheries; increased dust emissions to air; spread weeds; and otherwise disrupted and degraded terrestrial and aquatic environments.

Roads are often a primary source of human-caused sediment increases, and sediment yields are generally higher from roads than from trails, and from motorized trails than from non-motorized trails. It is important, therefore, that Travel Plans provide adequate limitations and restrictions on motorized uses to minimize road and travel impacts to watersheds, water quality, fisheries, soil integrity, wildlife habitat/security, spread of weeds, air quality, and overall ecosystem functions. We support proposed efforts to restrict motorized vehicles to designated roads and trails.

While the action alternatives all appear to be improvements to no action, we consider Alternative C to include more environmentally protective features than action Alternatives A or B (i.e., more protection of streams, water quality, fisheries, wildlife, etc.). Alternative C would have the highest potential reduction in miles of road erosion and runoff (152 miles vs. 100 miles with Alternative B and 38 miles with Alternative A); lowest mileage of roads with high erosion hazard (135 miles vs. 170 miles with Alternative B and 219 miles with Alternative A); least miles of roads designated for public motorized use (198 miles vs. 211 miles with Alternative B and 225 miles with Alternative A); lowest road density (0.27 mi/mi^2 vs. 0.32 mi/mi^2 with Alternative B and 0. 40 mi/mi^2 with Alternative A); lowest weed susceptible acres within the designated road corridor (2,211 acres vs. 11,029 acres with Alternative B and 15,290 acres with Alternative A). Alternative C also has less potential impact to sensitive Yellowstone cutthroat trout and their habitat (Table 3-46, page 3-121).

The EPA supports selection of Alternative C. Although while we support Alternative C over the preferred alternative, Alternative B, we recognize that there are many user groups and interests, and social, economic and environmental effects and trade-offs that

need to be considered during decision-making, and we understand that Alternative B may be more socially acceptable than Alternative C. We believe Alternative B is preferable to No action and Alternative A, since it includes more features to reduce adverse environmental effects. We have the greatest environmental concerns with No action and Alternative A due to increased adverse effects on watersheds, water quality, fisheries and wildlife habitat and security with these alternatives.

However, we still recommend that Alternative B be modified to include further reductions in motorized routes, particularly routes in areas with high hazard (erosive) soils. We note that Table 3-28 showing route miles by erosion hazard rating for alternatives (page 3-74) indicates that the preferred alternative would include 15.9 miles of public motor vehicle use and 49.3 miles of OHV use on high hazard rating soils. Alternative C, however, includes no such routes on high hazard soils. We believe additional reductions in motor vehicle and OHV route designations for high hazard soils should be included in the preferred alternative. At the very least improved rationale for having motor vehicle routes and OHV routes on high hazard soils with Alternative B should be provided in the FEIS.

Water Quality/Aquatics

3. Thank you for including a table (Table 3-32, page 3-87) identifying streams on Montana's Clean Water Act Section 303(d) list of impaired waters. We note that there appear to be additional streams within the analysis area that are not identified on this list (e.g., Rock Creek, West Red Lodge Creek). We recommend that the impairment status of surface waters within the area be compared vs. the most current 2006 303(d) list (available at, http://www.deq.state.mt.us/CWAIC/default.aspx), to be sure that all listed streams are identified in the FEIS.

4. As you know, stream segments designated as "water quality impaired" and/or "threatened" listed on State 303(d) lists require development of a Total Maximum Daily Load (TMDL). A TMDL:

   Identifies the maximum load of a pollutant (e.g., sediment, nutrient, metal) a waterbody is able to assimilate and fully support its designated uses; allocates portions of the maximum load to all sources; identifies the necessary controls that may be implemented voluntarily or through regulatory means; and describes a monitoring plan and associated corrective feedback loop to insure that uses are fully supported; Or can also be viewed as, *the total amount of pollutant that a water body may receive from all sources without exceeding WQS*; Or may be viewed as, *a reduction in pollutant loading that results in meeting WQS.*

   Montana's approach is to include TMDLs as one component of comprehensive Water Quality Plans (WQPs). TMDLs/WQPs contain eight principal components:

   1. Watershed characterization (hydrology, climate, vegetation, land use,

ownership, etc.)
2. Description of impairments and applicable water quality standards.
3. Pollutant source assessment and estimate of existing pollutant loads, including pollutant loads in tributaries to 303(d) listed waters.
4. Water quality goals/restoration targets.
5. Load allocations (i.e., TMDLs).
6. Restoration strategy
7. Monitoring Strategy
8. Public involvement (30 day public comment period, informational meetings, etc.)

The load allocations and targets established by TMDLs/WQPs inform land managers how much sediment, nutrient or other pollutant discharge may be too much (i.e., prevent support of beneficial uses). A WQP provides a means to track the health of a stream over time. If a WQP has not restored beneficial uses within five years, the Montana DEQ conducts an assessment to determine if:

* the implementation of new and improved BMPs are is necessary;
* water quality is improving but more time is needed to comply with WQS; or
* revisions to the plan will be necessary to meet WQS.

The Montana Dept. of Environmental Quality (MDEQ) and EPA are under a Court Ordered schedule to prepare TMDLs. Montana has divided the State into TMDL Planning Areas, grouping streams with similar water quality problems and land ownership as much as possible on a watershed basis. Each TMDL planning area may include 4 to 10 impaired watersheds that have specific TMDL preparation needs. See http://www.deq.state.mt.us/wqinfo/TMDL/index.asp for the latest schedule for preparation of TMDLs in Montana.

Pending completion of a TMDL in Montana, new and expanded nonpoint source activities may commence and continue, provided those activities are conducted in accordance with (MCA 75-5-703). The Administrative Rules of Montana (17.30.602) define these as "methods, measures, or practices that protect present and reasonably anticipated beneficial uses." "Reasonable soil, land and water conservation practices" include but are not limited to structural and nonstructural controls and operation and maintenance procedures. Appropriate practices may be applied before, during, or after pollution producing activities.

It is important to note that "reasonable soil, land and water conservation practices" are differentiated from BMPs, which are generally established practices for controlling nonpoint source pollution. BMPs are largely practices that provide a degree of protection for water quality, but may or may not be sufficient to achieve Water Quality Standards and protect beneficial uses. "Reasonable soil, land and water conservation practices" include BMPs, but may require additional conservation practices, beyond BMPs to achieve Water Quality Standards and restore beneficial uses.

9

It is important that the Beartooth Travel Management Plan be consistent with the TMDLs and Water Quality Plans being developed by the State of Montana to restore water quality and beneficial use support in impaired 303(d)-listed waters on Beartooth District. Table 3-34 (pages 3-97 to 3-99) indicates that roads/trails are impacting water quality, including impacts to some 303(d) listed streams (e.g., Rock Creek, Bad Canyon Creek, Crooked Creek, West Red Lodge Creek). Reduction of sediment delivery from roads is an important element in water quality restoration. Road reclamation and improvements in road drainage and BMPs (i.e., installing waterbars, drain dips, and ditch relief culverts), and relocating roads away from streams, decommissioning roads, removing and/or upgrading undersized culverts, eliminating fords, and armoring stream channels at former road stream crossings, and reducing motorized uses in erosive areas should improve water quality in the long-term, and help provide consistency with the TMDLs. We also note that sources of pollutant loading may also occur in unlisted tributaries to listed streams, and TMDLs must account for all sources of pollution, hence there is a need to also address road related pollution sources in watersheds of 303(d) listed waters.

Reductions in road density are also important for improving watershed conditions and aquatic health in area streams. Areas with higher road density have been correlated with higher levels of stream sedimentation, and higher quality aquatic habitat and higher populations of salmonid fish (trout) are often associated with watersheds with low road density.

The Beartooth Travel Management analysis area appears to be within the Stillwater-Carbon, Rock Creek-Red Lodge, and Clark Fork-Yellowstone TMDL Planning Areas. TMDLs and Water Quality Plans are due for these areas in 2012. We recommend that the Beartooth Ranger District coordinate their travel management planning with the Montana DEQ as well as EPA TMDL staff to assure travel plan consistency with TMDLs and water quality restoration plans being prepared by MDEQ (contact Robert Ray or Mark Kelley of the MDEQ in Helena at 444-5319 and 444-3508, respectively; and Ron Steg, EPA TMDL Coordinator for Montana in Helena at 457-5024).

Proposed travel management should also be discussed with any local watershed groups that may be involved in preparing TMDLs and water quality plans. Aquatic/water quality effectiveness monitoring activities that are being carried out to evaluate water quality effects from the transportation system should also be described.

5. We are pleased that roads and trails were evaluated for their potential to impact water quality or natural channel processes with evaluation of numbers of stream crossings, routes within 100 feet of streams, and erosion hazards (page 3-83). The DEIS states that this evaluation determined that there were 18 routes totaling 41 miles that have a high risk of water quality impacts (Table 3-30, page 3-84). Eighty routes were reviewed on the ground to observe impacts, with the results summarized in Table 3-31, which indicate that 18 roads had water quality impacts, along with impacts at 4 additional adjacent dispersed campsites. Field recommendations are included in Table 3-31 to address roads

with water quality impacts (e.g., road reconstruction, maintenance, closure, improved road drainage, etc.). In addition Appendix E shows priority road/trail rehabilitation.

It is not clear to us, however, if adequate resources (funds) are available to implement the field recommendations in Table 3-31 and/or the priority rehabilitation measures in Appendix E to address water quality impacts. The DEIS states that compliance with Forest Plan direction and water quality regulations will be possible because routes needing active rehabilitation (Alternative E) are part of all action alternatives (page 3-100). The DEIS also states in regard to road decommissioning (page 1-7) that roads and routes are generally not being proposed for decommissioning or obliteration as a part of this proposal, although nine sites have been identified as having high priority water quality improvement needs. This leaves some uncertainty in regard to the road rehabilitation that may be carried out. It is not clear to us if all the actions identified in Appendix E and Table 3-31 will actually be carried out. The FEIS should identify those recommendations which will be carried out on a timely basis to address water quality impacts of existing roads and adjacent dispersed sites.

We are concerned that limited funding is available for road and trail maintenance and road decommissioning so that the recommendations identified in Table 3-31 and Appendix E will not be carried out. We appreciate the inclusion of a discussion of road/trail maintenance in the DEIS (Issue #11, page 3-197 to 3-202). Table 3-78 summarizes road miles receiving annual maintenance during the last six years, and we calculated an average of approximately 28 miles of system road received some maintenance annually during this period. Table 3-17 (page 3-30) appears to indicate that there are 225 miles of road on the District, however, Table 3-73 (page 3-177) indicates that there are 287 miles of motorized routes currently and 341miles with Alternative A (existing situation). It is not clear, therefore, how many roads are currently on the District to compare the 28 miles of annual road maintenance to, but it appears that only approximately 8-13% of the roads on the District to receive annual maintenance. Regardless of which specific annual maintenance percentage may be accurate, they all appear to evidence that funding and resources for road/motorized route maintenance are very limited.

We are concerned that the level of funding for road maintenance is inadequate to correct road deficiencies and road impacts to resources, since there is a significant road maintenance backlog on National Forests, and we understand additional road maintenance budget reductions are proposed. We believe that there should be a continuing road inspection, evaluation and maintenance program in place to identify road drainage and BMP needs, including an inspection, evaluation and road maintenance program, and adequate funds to correct road deficiencies. We have serious concerns that road maintenance budgets are not adequate to properly maintain the road system.

We encourage the Forest Service to incorporate as much road rehabilitation and road closure and decommissioning as possible in its preferred alternative, particularly removal of road stream crossings, and obliteration of illegally user created non-system roads

causing resource damages. We support prioritizing decommissioning of roads close to streams rather than roads on upper slopes or ridges, and roads on sensitive soils or slopes or in landslide prone areas that have greater erosion potential, or roads within riparian areas to maximize water quality improvement benefits. Where roads or trails are located in narrow valleys adjacent to streams where roads/trails cannot be decommissioned, we recommend consideration of use of vegetative plantings, silt fences, and/or rock or log placement along the stream banks and/or steep slopes to reduce sediment entry into the streams.

We also want to note that it is difficult to effectively restrict motorized access and protect public lands with simple gated road closures. Road rip-seed-slash (obliteration or full road recontour) is a more effective, and thus, preferred method of road closure. We advise removing and restoring stable drainage ways during road removal to address water quality concerns. It is important that adequate attention be directed to restoring natural drainages and culvert removal and revegetating natural landscapes by ripping, scarifying, and seeding disturbed areas with native seed.

We believe efforts to improve road conditions and reduce sediment delivery from roads and decommission unneeded roads should be an important element of the Travel Plan. One of our main concerns with travel planning is that the poor conditions of existing roads and trails are often not adequately addressed during the process.

6. While we support Alternative C, we are pleased that the preferred alternative includes features that would reduce environmental impacts of the transportation system (i.e., 5.9 miles of system routes will not be designated (for motorized use); 11.6 miles of road would be converted to administrative use; 2 miles of road would be converted to trail; 37.7 miles of road would have seasonal restrictions; and 7.2 miles of road would be converted to less damaging travel modes,Table 3-35, page 3-92). We agree that reductions in motorized uses that are associated with seasonal restrictions and conversion of roads to administrative use should help to reduce adverse impacts.

   Roads/trails often tend to become wider and rutted with heavy motorized use, creating a greater need for monitoring of road/trail conditions, and for road and trail maintenance for repair and erosion control. Motorized uses are more likely to accelerate erosional processes and worsen poor road conditions, and increase stream sedimentation and degradation of fisheries habitat, and sediment yields are generally higher from roads than from trails, and from motorized trails than from non-motorized trails. Travel management changes that will reduce motorized uses are likely to reduce water quality impacts, particularly for roads near streams and roads in more erosive areas.

   However, even though we are pleased that the preferred alternative would likely reduce motorized use impacts to water quality, we have concerns that non-use of some routes (#2073F, 2073H, 2085A, 2097C, and 2478) will not fully mitigate water quality impacts, and future actions will be needed to bring such routes into compliance with forest plan standards and water quality regulations (page 3-93). We are also concerned that risks to

water resources are stated for routes #2085L, 2085M, 2071, 2421, 20714, 207111, 20719, 21417, 21418, 21419, 24141A, 24141C, 242119A, 24219, and future actions will be needed to address the problems with these routes (page 3-100). As stated above, we are concerned that there are not adequate funds to carry out the needed future actions (i.e., road maintenance or upgrading or decommissioning) for compliance with forest plan standards and water quality regulations.

7. The also DEIS states on page 3-93 in regard to adding routes #21407 and #241412 that "it is unknown when maintenance would occur," and that impacts from dispersed campsites near roads will, "continue into the foreseeable future until site maintenance occurs, although it is unknown when maintenance would occur," and that "maintenance will be insufficient to address the problems" on routes #21401A and #21401B (page 3-94). These statements only reinforce EPA concerns about the inadequacy of Forest Service road maintenance budgets.

   We do not support the addition of new routes to the road system, especially routes with high risk of erosion and water quality impacts, when funding for road maintenance is already inadequate to address resource impacts from existing roads and nearby campsites. The EPA believes road and trail networks should be limited to those that can be adequately maintained within agency budgets and capabilities, and roads which cannot be properly maintained should be decommissioned. Certainly new routes and increased demands for road maintenance should not be placed on the system when road maintenance is already inadequate and overburdened.

8. EPA's specific areas of concern regarding roads, include road drainage and surface erosion, adequate numbers of ditch relief culverts to avoid drainage running on or along roads; interception and routing of sediment to streams; culvert sizing and potential for washout; culvert allowance of fish migration and effects on stream structure and seasonal and spawning habitats; supplies of large woody debris; road density, number of road stream crossings; and road encroachment on stream, riparian, and wetland habitats. For your information, EPA's general recommendations regarding roads are to:

   * minimize road construction and reduce road density as much as possible to reduce potential adverse effects to watersheds;
   * locate roads away from streams and riparian areas and away from steep slopes, landslide prone areas, or erosive soils; as much as possible (roads at or near ridgetops have far fewer failures and generate far less sediment for streams than roads in lower slope positions);
   * minimize the number of road stream crossings;
   * stabilize cut and fill slopes;
   * provide for adequate road drainage and control of surface erosion with measures such as adequate numbers of waterbars, maintaining crowns on roads, adequate numbers of rolling dips and ditch relief culverts to promote drainage off roads avoid drainage or along roads and avoid interception and routing sediment to streams;
   * ditch relief culverts should not be placed where they may discharge onto erodible

slopes or directly into streams.
* where possible install cross-drainage above stream crossings to prevent ditch sediments from entering streams.
* consider road effects on stream structure and seasonal and spawning habitats;
* allow for adequate large woody debris recruitment to streams and riparian buffers near streams.
* construct road stream crossings during periods of low flow to avoid fish spawning and incubation periods, and/or dewater crossing stream segment prior to construction.
* obliterate temporary roads constructed for timber sales before termination of the timber sale contract (and revegetate within ten years after the contract), and require contractors or permittees to restore natural drainage patterns (i.e., remove culverts and fill from waters of the U.S., remove cross drains and install water bars, etc.) and stabilize slopes (e.g., outsloping or contouring).

Culverts should be properly sized to handle flood events, pass bedload and woody debris, and reduce potential for washout, and should be properly aligned with the stream channel and designed and placed to allow for fish migration. Undersized culverts should be replaced and culverts which are not properly aligned or which present fish passage problems and/or serve as barriers to fish migration should be adjusted. Bridges or open bottom culverts that simulate stream grade and substrate and that provide adequate capacity for flood flows, bedload and woody debris are recommended to minimize adverse fisheries effects of road stream crossings.

Road maintenance (e.g., blading) of unpaved roads in a manner that contributes to road erosion and sediment transport to streams and wetlands should be avoided. It is important that management direction assures that road maintenance be focused on reducing road surface erosion and sediment delivery from roads to area streams. Blading should only be conducted: 1) when the road surface becomes too rough for the designated vehicle use; 2) when the surface becomes a safety hazard; or 3) when it is needed to improve road drainage by reducing road surface erosion and sediment delivery from roads to area streams. Where possible do not remove vegetation growing in ditches draining insloped roads. Unpaved roads should not be graded (bladed) in a manner that contributes to road erosion and sediment transport to streams and wetlands. Avoid routine general blading of ditch lines on insloped roads to maintain vegetative cover. Where necessary blade only the ditch segments where blockage problems occur. Graded material should not be sidecast over the shoulder, and shoulders should not be widened to encroach upon and have adverse effects upon streams, wetlands, and riparian areas adjacent to roads.

Road use during spring breakup conditions should also be avoided. Snow plowing of roads in a manner that adds sediment to streams and wetlands should be avoided. Snow plowing of roads when temperatures are above freezing should also be avoided to limit development of runoff created road ruts during thaws that increase road erosion (i.e., ruts channel road runoff along roads increasing erosion of the road surface, and sediment delivery from the road). The potential for snow plowing to cause runoff created ruts

increases with snow plowing operations later in winter when there may be frequent thaws. Road maintenance staff should be aware of this concern, and limit late winter snow plowing to when it is absolutely necessary.

We are pleased that Forest Service Region 1 provides training for operators of road graders regarding conduct of road maintenance in a manner that protects streams and wetlands, (i.e., Gravel Roads Back to the Basics). If there are road maintenance needs on unpaved roads adjacent to streams and wetlands we encourage utilization of such training (contact Donna Sheehy, FS R1 Transportation Management Engineer, at 406-329-3312).

As you may know, there are also training videos available from the Forest Service San Dimas Technology and Development Center for use by the Forest Service and its contractors (e.g., "Forest Roads and the Environment"-an overview of how maintenance can affect watershed condition and fish habitat; "Reading the Traveled Way" -how road conditions create problems and how to identify effective treatments; "Reading Beyond the Traveled Way"-explains considerations of roads vs. natural landscape functions and how to design maintenance to minimize road impacts; "Smoothing and Reshaping the Traveled Way"-step by step process for smoothing and reshaping a road while maintaining crowns and other road slopes; and "Maintaining the Ditch and Surface Cross Drains"-instructions for constructing and maintaining ditches, culverts and surface cross drains).

9. Table 3-40 and table 3-41 (pages 3-112, 3-114) indicates that roads and trails are also impacting streams with populations of sensitive aquatic species, such as Yellowstone cutthroat trout, Western boreal toad, and Northern leopard frog, (Table 3-40, page 3-112). Table 3-42 shows routes with higher risks to fish and amphibians, however, only one of these routes appear to be designated for motorized travel (#241412). This route is stated to be a short road segment and dispersed campsite that is in close proximity to Little Rocky Creek which harbors genetically pure Yellowstone cutthroat trout. This route is also stated to contribute sediment to the stream and have a moderate to high potential for impacting aquatic habitat and sensitive species. We recommend that this route be relocated away from the stream and/or designated for non-motorized travel to reduce potential impacts to the stream and aquatic species.

10. Has the Custer NF and Beartooth Ranger District evaluated or conducted a survey of fish passage on culverts on the District? Since culverts often impede fish passage we recommend that such a survey be conducted to identify culverts causing fish passage problems. A priority list of culverts requiring modification or replacement should then be developed.

11. We are pleased that the preferred alternative includes closure of routes # 2085L and 2085M that have potential to deliver sediment to Crooked Creek, a 303(d) listed stream with genetically pure Yellowstone cutthroat trout (page 3-118).

Wetlands

12. EPA considers the protection, improvement, and restoration of wetlands to be a high priority. Wetlands increase landscape and species diversity, and are critical to the protection of designated water uses. Possible impacts on wetlands include damage or improvement to: water quality, habitat for aquatic and terrestrial life, channel & bank stability, flood storage, ground water recharge and discharge, sources of primary production, and recreation and aesthetics. Roads and motorized uses in or near wetlands and riparian areas have potential to affect wetland integrity and function.

    Executive Order 11990 requires that all Federal Agencies protect wetlands. In addition national wetlands policy has established an interim goal of **No Overall Net Loss of the Nation's remaining wetlands**, and a long-term goal of increasing quantity and quality of the Nation's wetlands resource base (see "Presidential Wetland Policy of 1993" at website, http://www.usace.army.mil/inet/functions/cw/cecwo/reg/aug93wet.htm). Wetland impacts should be avoided, and then minimized, to the maximum extent practicable, and then unavoidable impacts should be compensated for through wetland restoration, creation, or enhancement.

    The DEIS indicates that wetlands and riparian areas are scattered throughout the Forest (page 3-130), although they are less than 5% of the lands on the District (page 3-132). It is important that appropriate limitations and restrictions be placed on motorized vehicle use to protect against degradation of wetlands and other sensitive areas. We did not see much other discussion, however, regarding potential impacts of travel management alternatives on wetlands, and if any impacts occur, how they will be mitigated (i.e., mitigation means sequence of avoidance, minimization, rehabilitation, and compensation for unavoidable impacts). We believe the FEIS should include some disclosure of potential travel management impacts upon wetlands, and if no impacts are expected, at least state that.

Enforcement

13. Executive Orders 11644 and 11989, "Use of Off-Road Vehicles on Public Lands," require agencies to ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands. Restrictions on motorized travel, however, will not be effective in protecting sensitive resources without adequate enforcement.

    We are pleased that the DEIS evidences understanding of the need to improve enforceability of restrictions on motorized recreation (page 1-3), and includes discussion of the enforcement issue (Issue #10, page 3-193 to 3-197). We support the effort to have understandable travel maps (Motor Vehicle Use Map, MVUM), and clearer travel management rules for the public. We also encourage improved road and trails signs to promote understanding of travel rules, and thus, improved voluntary compliance with the

travel plan. In addition, we support adding law enforcement personnel to handle the increases in motorized uses on the District. We particularly recommend increasing enforcement officer contact with off-road vehicle users and increasing enforcement staffing on holidays and weekends.

The DEIS states that there is only one full time law enforcement officer on the Custer National Forest and five Forest Protection Officers and seasonal staff with enforcement training (page 3-195). It is stated that increased law enforcement capability can be accomplished through changes in budget priorities and allocations. We very much support improved budgets for travel management enforcement. We are concerned, however, that funding for effective enforcement of travel restrictions has often been inadequate to promote appropriate compliance, and thus, adequate protection of water quality, fisheries, wildlife, and other sensitive resources. We are concerned that the budgeted amounts in Table 3-76 for patrols may not allow for adequate enforcement of travel plan restrictions. Will the amount of $40,100 for patrols, and $5,000 patrol vehicle costs allow for increasing enforcement officer contact with off-road vehicle users and increasing enforcement staffing on holidays and weekends?

Monitoring

14. There should be an effective program for monitoring, evaluation and adaptive management to assure that effects of travel management are identified and management modified where necessary to reduce adverse effects. The DEIS states (page 2-11) that, "monitoring and evaluation could be used to determine if the physical, biological, social, and economic effects of implementing any alternative occur as predicted," and that "monitoring may be conducted by sampling a range of projects from the entire Beartooth Ranger District as outlined in the Forest Plan monitoring section." The DEIS also states that, "if Beartooth Travel Management is selected for monitoring on the Forest, the following table list Forest Plan criteria for evaluating the effects of implementation."

    We are concerned that these statements include ambiguous or uncertain language stating that monitoring "could be used" and "may be conducted" and "if Beartooth Travel Management is selected." This language does not provide assurance that there will be an effective program for monitoring, evaluation and adaptive management for travel management. Unless effects of travel are identified through monitoring they will not be known, and likely not mitigated. The DEIS, does not clearly state a commitment or assurance that adequate monitoring will be conducted to identify effects from travel or a commitment that effects of travel management will be mitigated with the monitoring and adaptive management program.

    We realize that monitoring budgets are limited, but we believe the Travel Plan should include a monitoring plan to assess effects of road and travel management. The initial decisions on opening or closing roads to motorized travel may need to be modified based on impacts resulting from travel that can only be identified by monitoring. EPA believes monitoring and evaluation should take place with an adaptive management approach for

all resource conditions. It is through the iterative process of setting goals and objectives, planning and carrying out travel management, monitoring impacts of travel management, and feeding back monitoring results to managers so they can understand effects and make needed adjustments to mitigate effects, that adaptive management works.

We believe the FEIS should describe in greater detail the monitoring and adaptive management program that will be used to assure that effects of travel management will be detected and adequately mitigated. A properly designed monitoring plan will quantify how well the preferred alternative resolves the issues and concerns identified during scoping, and provide for monitoring and feedback of monitoring results to improve predictive methodology and modify mitigation.

We are particularly concerned about effects of roads and motorized uses on water quality, aquatic habitat and fisheries, as well as other resources such as wildlife habitat, sensitive plants. Given the acknowledged impact of roads/trails and ATV/OHV use on water quality and fisheries and other resources such as wildlife, sensitive plants, etc., it would appear appropriate to develop monitoring components to assess travel management impacts on these resources.

We recommend development of criteria or thresholds that are protective of resources (e.g., for aquatic and wildlife habitat) that represent the minimum desired conditions for each resource affected by travel management in the Beartooth analysis area. These criteria can serve as "trigger points" that when reached trigger conduct of additional management responses, such as more detailed monitoring and evaluation, conduct of additional planning or mitigation. Monitoring and evaluation of resource impacts relative to threshold values followed by subsequent management responses when thresholds are exceeded are what makes adaptive management programs work.

We also recommend that mechanisms for public disclosure of the monitoring analysis and the decisions for the Travel Plan be provided. The roles of the Forest Service, other Agencies, independent science, and the public should be identified. The EIS should discuss the future decision points in this adaptive process that may require additional NEPA analysis. The EIS should also discuss the funding is available for monitoring and adaptive management.

Recreation

15. We appreciate the discussion of outdoor recreation in the DEIS (beginning on page 3-18), including the many tables showing visitations and recreation trends and information on motorized and non-motorized recreational opportunities. While we recognize that a balance of motorized and non-motorized recreational opportunities need to be provided, we have concerns that motorized uses contribute more to resource and environmental damage than non-motorized uses. Motorized uses push wildlife onto smaller and smaller patches of habitat; reducing migration corridors; increasing adverse effects to wildlife habitat and security; causing soil erosion and adverse effects to water quality and aquatic

habitat and fisheries; spreading weeds; and increasing opportunity for vandalism of historic properties.

Motorized uses also have the potential to degrade the quality of experience and solitude desired by non-motorized uses (e.g., hiking, viewing natural features and wildlife). It appears that the no action alternative provides the greatest opportunity for motorized recreation, and least opportunity for non-motorized recreation without effects of motorized uses. In contrast, Alternative C appears to provide the most opportunities for non-motorized recreation (Tables 3-16, 3-17, page 3-30). We support increasing opportunities for non-motorized uses such as viewing wildlife or natural features in solitude. We believe motorized activities should be limited so that they only occur in a manner and location that minimize effects to other public uses, and are consistent with protection of natural features, wildlife, and other resources. This provides further reason for our support of Alternative C since it provides greater limitations on motorized uses to allow greater levels of protection for wildlife, natural features, and other resources that are used by the public.

16. We support the limitation of vehicle access to dispersed campsites to only 300 feet from designated routes (pages 3-32). We also recommend that special limitations should be considered to limit vehicle access even more if necessary to assure that motorized access does not damage ecologically sensitive resources.

    EPA encourages locating campground facilities, and concentrated public recreational uses away from ecologically sensitive resources. We believe motorized access to camping sites in ecologically sensitive areas should be restricted even if they are within 300 feet of designated routes. It would be helpful and appropriate to identify and designate camping sites that avoid sensitive areas, and/or to encourage camping or concentrated public use in areas that are more resilient and can more easily recover from impacts and/or accommodate public use with less impacts.

Wildlife

17. We believe the Travel Plan should avoid adverse impacts upon species of special concern, and contribute to recovery of listed species, and should maintain and protect high quality wildlife habitat and linkage corridors for productive and diverse populations of wildlife species (species viability). Wildlife connectivity and security should be maintained or improved and wildlife fragmentation and displacement should be reduced.

    It is known that motorized use increases wildlife encounters with humans which can result in habitat degradation, displacement, increased wildlife mortality, changes in behavior, increased stress, and reduction of reproductive success. We support adequate limitations on motorized travel and road density for protection of wildlife habitat and security, and key corridors for wildlife migration.

We are pleased that biological assessment of potential effects to threatened and endangered (T&E) species indicates that the preferred alternative will have "no effect" on Canada lynx, gray wolf, least tern, black-footed ferret, Table 3-62, page 3-149), and is consistent with the Grizzly Bear Conservation Strategy for the Yellowstone Ecosystem (page 3-161). We are also pleased that the preferred alternative would have "no impact" on sensitive species (peregrine falcon, Baird's sparrow, Bald eagle,); and may even have a beneficial impact on some species (pallid bat, spotted bat, Townsend's big-eared bat).

EPA recommends that the final EIS and Record of Decision include documentation of U.S. Fish & Wildlife Service concurrence with these "no effect" assessments upon T&E species. If the consultation process is treated as a separate process, the Agencies risk USFWS identification of significant impacts, perhaps additional mitigation measures, or changes to the preferred alternative.

Roadless

18. The DEIS indicates that there are road segments designated for public or administrative use within Inventoried Roadless Areas (i.e., 9.5 miles, 10.0 miles, 9.4 miles and 10.8 miles of road, respectively, within roadless areas with Alternatives A, B, C, and No action, Table 1-2, page 1-11).

    EPA supports protection of the pristine character and integrity of the few remaining minimally disturbed roadless areas to prevent further fragmentation and degradation of wildlife habitat, and to maintain or restore solitude and primitive recreation characteristics in such areas. Roadless areas often provide population strongholds and key refugia for listed or proposed species and narrow endemic populations due to their more natural undisturbed character. We have concerns about allowing roads and motorized recreation within such areas that may have potential adverse effects on roadless values, especially in recognition of trends of increasing public use of OHV's that can access previously inaccessible lands and cause increased damage to resources.

    One of the National Strategic Goals regarding the use of motorized equipment in wilderness (FSM 2326.02) is to "Exclude the sight, sound, and other tangible evidence of motorized equipment or mechanical transport within wilderness, except where they are needed and justified." We also believe provisions of access to roadless lands should be limited to where such access is absolutely needed and justified. It is important that our last remaining wildlands remain unspoiled and natural in order to provide clean water and air, sanctuary for native wildlife and plant species, and opportunities for low impact human recreation.

    We encourage the Custer NF to restrict motorized use in remaining roadless areas to protect the pristine characteristics of such areas. We support closure of motorized routes created by cross-country travel in such areas, with closures policed and enforced. We support the features of Alternative C that would result in the fewest open road miles within roadless areas.

Vegetation

19. We support proposed efforts to stop and/or reverse the trend of denuded vegetation near campsites associated with pack and saddle stock use of the campsites to maintain the Wilderness characteristics of such sites (page 1-3). We note that extensive damage to vegetation can occur from motorized uses or user-built access roads and associate campsites.

20. We are pleased that the DEIS includes discussion of travel management impacts on the spread of noxious weeds (beginning on page 3-124). Noxious weeds are a great threat to biodiversity. Weeds can out-compete native plants and produce a monoculture that has little or no plant species diversity or benefit to wildlife. Noxious weeds tend to gain a foothold where there is disturbance in the ecosystem, such as road construction and where off-road vehicles disturb soils.

    EPA supports the need to minimize noxious weed infestation, and we were very pleased with the Custer National Forest 2006 Weed Management EIS that described the Forest's Integrated Weed Management Program. We agree with the DEIS statement that cars and trucks are vectors of weed spread (page 3-125). In fact, we believe motorized vehicles—cars, trucks, ATVs, motorcycles, and even snowmobiles- may be the greatest vector for spread of weeds. A single vehicle driven several feet through a knapweed site can acquire up to 2,000 seeds, 200 of which may still be attached after 10 miles of driving (Montana Knapweeds: Identification, Biology and Management, MSU Extension Service.)

    We believe an effective noxious weed control program must include restrictions on motorized uses, particularly off-road uses. Off-road vehicles are designed to, and do, travel off-trail, disturbing soil, creating weed seedbeds, and dispersing seeds widely. Weed seed dispersal from non-motorized travel is of lesser concern because of fewer places to collect/transport seed, and the dispersal rate and distances along trails are less with non-motorized travel.

    Table 3-54 (page 3-135) evidences that Alternative C with its greater restrictions on motorized uses has a lesser potential for spreading of noxious weeds. We encourage limiting motorized uses to designated roads and trails to reduce threat of weed spread, and limitations on motorized use in roadless areas, which are often reservoirs of native plants. The need to avoid the spread of weeds, provides further support for the selection of Alternative C. For your information, measures we often recommend for preventing spread from source areas to uninfested areas include:

- Ensure that equipment tracks and tires are cleaned prior to transportation to an uninfested site.
- Focus control efforts at trail heads and transportation corridors to prevent tracking of seed into uninfested areas.
- Attempt to control the spread from one watershed to another to reduce water as a

transport vector.

- If a localized infestation exists and control is not a viable option, consider rerouting trails/roads around the infestation to reduce available vectors for spread.
- Establish an education program for industrial and recreational users and encourage voluntary assistance in both prevention and control activities.
- Reseed disturbed sites as soon as possible following disturbance.

We also note that hay can be a source of noxious weed seed. Hay/straw is used as mulch to slow erosion and encourage seed germination, and used to feed horses in hunting and recreation camps, and as wildlife feed during harsh winters. The Federal Noxious Weed Act of 1974 prohibits the interstate transport of noxious weeds or weed parts, such as seed. Cattle that are released on grazing allotments or horses used on public lands can transport undigested weed seed and spread it in their manure. Weed free seed forage should be required for backcountry users.

Air Quality

21. We did not see analysis and discussion of potential air quality effects associated with travel management, however, we recognize that all the action alternatives propose fewer miles of motorized roads/trails than no action, and the project area is known to have good air dispersion characteristics, so that impacts of travel within the analysis area roads/trails and on the air quality are likely to be small. We anticipate that the Travel Plan is likely to be consistent with National Ambient Air Quality Standards (NAAQS) and other applicable air quality requirements, but we recommend that the FEIS identify Travel Plan consistency with NAAQS and other applicable air quality requirements.

U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements

Definitions and Follow-Up Action*

Environmental Impact of the Action

LO - - Lack of Objections: The Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC - - Environmental Concerns: The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO - - Environmental Objections: The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU - - Environmentally Unsatisfactory: The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 - - Adequate: EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 - - Insufficient Information: The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 - - Inadequate: EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.

United States Department of the Interior

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Denver, Colorado 80225-0007

November 5, 2007

9043.1
ER 07/814

Mr. Steve E. Williams, Forest Superviosr
Custer National Forest
1310 Main Street
Billings, MT 59105

Dear Mr. Williams:

The Department of the Interior has reviewed the draft Environmental Impact Statement for the Beartooth Ranger District Travel Management Plan, Custer National Forest, Montana, and has no comments.

Sincerely,

Robert F. Stewart
Regional Environmental Officer

cc: Doug Epperly, Project Leader

#367

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

BRIAN SCHWEITZER, GOVERNOR

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AIRPORT INDUSTRIAL PARK
1371 RIMTOP DRIVE
BILLINGS, MONTANA 59105-1978

December 12, 2007

Custer National Forest
1310 Main Street
Billings, MT 59105

Dear Steve, Doug, and Babete,

Thank you for the opportunity to comment on the Beartooth Travel Management Plan Draft Environmental Impact Statement.

The Montana Department of Natural Resources and Conservation (DNRC) Southern Land Office respectfully requests Road# 21415, as shown in Alternative A in Section 12-T7S-R18E, be open to highway vehicles only – yearlong, the same designation as Road# 2141. This road would provide vitally important legal access to the State's 5,610-acre block of School Trust land in Sections 3, 5, 6, 7, 8, 9, 10, 11, 12-T7S-R19E and Section 7-T7S-R20 in Carbon County. Currently, the DNRC does not have legal motorized access to this block of ownership. Allowing motorized access on this road to the west section line of Section 7-T7S-R19E would enable our agency access to actively manage its natural resources, provide for fire suppression activities, and provide recreational opportunities for the public.

Regardless of the Alternative chosen, opening this road to motorized access is crucial for the State of Montana to legally access one of its largest blocks of contiguous ownership in eastern Montana. Thanks again for the opportunity to comment.

Sincerely,

Richard A. Moore
DNRC Southern Land Office Area Manager

- End of Appendix H -