

## Laws, Regulations, Executive Order and Policies

The following is a partial listing of the laws, regulations, Executive Orders, and policies with which the Forest Service must comply. Some were established before approval of the Forest Plan and a number of them have come since the Forest Plan was signed. Also listed are recent developments or activities on the lands adjacent to the Custer National Forest that may influence activities on the Forest.

Multiple Use – Sustained Yield Act (1960)  
National Historic Preservation Act (1966)  
National Environmental Policy Act (1969)  
Endangered Species Act (1973)  
National Forest Management Act (1976)  
Archaeological Resources Protection Act (1976)  
American Indian Religious Freedom Act (1978)  
36 CFR 228 E regulations governing oil and gas leasing and management on NFS lands  
Best Management Practices  
Changes in the Threatened and Endangered Species Lists  
Changes in the Northern Region Forest Service Sensitive Species List  
Native American Grave Protection and Repatriation Act (1990)  
Patenting of SMC lands on the Beartooth District  
Changes in regulations for land and resource management planning  
Roads Analysis Process  
Changes in regulation and policies for transportation system (36 CFR Parts 212, 261, and 295, FSM 1920, FSM 7700)  
Off-Highway Vehicle Record of Decision and Plan Amendment for Montana, North Dakota and Portions of South Dakota and its attendant Final Environmental Impact Statement  
E.I. 13007 Sacred Sites  
Water Quality Limited Segments (WQLS)  
The Roadless Area Conservation Final Rule  
1994 Memorandum on Government-to-Government Relations with Native American Tribal Government  
E.O. 13084 (1998) Consultation and Coordination with Indian Tribal Government  
Forest Service Resource Planning Act Long Term Strategic Plan (May 1990)  
Caves Resources Protection Act (1988)  
Revised NRHP Section 106 Regulations  
Proposed Canada lynx Forest Plan amendment

Proposed Grizzly bear Forest Plan amendment  
Healthy Forest Restoration Act (December 2003)

## Access and Travel Management (ATM) - Northern Region Guide (1997)

Access and Travel Management (ATM) is a continuous process of analyzing, regulating, and controlling travel across National Forest System lands in order to meet management objectives while protecting the natural resources. It is the portion of the planning and implementation process that develops specific direction for the appropriate levels of access opportunities made available. The Forest Service is authorized and required by law to plan, develop, manage and maintain a system of roads and trails to serve National Forest resources and public uses.

Each Forest determines which routes and areas will be open or restricted based on the recommendations by resource specialists and other agencies, and comments from the public and organizations that use the route or area. Road and trail use is restricted for such reasons as to provide for public safety, to prevent soil erosion, to protect wildlife, and to reduce user conflicts. Area restrictions on motorized off-highway use may remain in effect for reasons such as winter range, elk calving, or hunter-user conflicts. Restrictions are not established to discriminate against any group or recreation activity, but are based on sound management decisions.

The Forest Service will use the ATM process in developing the Beartooth Travel Management Plan.

## Permitted Exceptions to the Travel Management Plan

With the 2001 OHV decision, the Beartooth Ranger District implemented a system by which the District Ranger reviews and approves or disapproves the written requests for off road travel for administrative uses by Forest Service employees. The objective of this system is to make sure we are following our own Travel Plan and that the District Ranger is aware of all off road travel on the District. This is a method of keeping track of the cumulative use as well.

The Ranger District may receive requests from the public or other entities for off road travel. The philosophy that helped shape this travel management plan is to treat these requests in the same fashion as our own administrative use requests. The District Ranger will be looking at the purpose and need for the request, the timing in

relationship to on the ground resources, wildlife considerations, neighboring activities and alternate methods of getting the job done.

There will also be a system that the District Ranger can consider additional motorized use for emergencies or for circumstances that different equipment may be necessary.

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## IV. HOW TO READ AND UNDERSTAND THIS DOCUMENT (PROPOSED ACTION)

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Many of you will be interested in overall management of the National Forest transportation system road and trails (e.g. whether certain uses are allowed and where; does the plan increase or decrease opportunities for certain uses, etc.) Others may be more interested in specific roads and trails that they enjoy using. This section provides information on how to read this document selectively to get at the information you may be interested in. The glossary is on page 11 to assist in understanding terms.

## Section by Section Description

This Proposed Action, as well as all subsequent alternatives that will be developed for the Beartooth Travel Plan, are based on the direction given in the Forest Plan. The proposed Beartooth Travel Plan is structured as outlined below.

### *Ranger District-Travel Management Strategies*

This section of the Proposed Action describes travel management strategies that would apply to the Ranger District as a whole. The travel strategy statements describing end results in general terms such as identifying the types of recreation opportunities and other public uses we wish to accommodate on the Beartooth Ranger District.

Ranger District-wide travel strategies aggregate the goals and objectives of the Forest Plan.

This section is a good place to look to find out whether a specific mode of travel will be accommodated under this Proposed Action somewhere on the Beartooth Ranger District. For example, if you would like to know whether the Geographic Area would provide opportunities for mountain biking and to what level, Travel Strategies will identify such.

This section also contains tables that display information that summarize the Geographic Areas on a District-wide basis. For example, there is a table that displays miles of roads and/or trails by type of use (i.e. miles of trails where stock use is encouraged or prohibited).

#### *Forest-Wide Standards and Guidelines*

Standards and Guidelines: An indication or outline of policy or conduct. For the purpose of travel planning Forest-wide and Management Area standards establish sideboards within which future road and trail construction, reconstruction, or maintenance must take place. Management actions cannot depart from meeting a standard unless the Forest Plan is amended.

Again, for the purpose of travel planning, any strategy identified in this document would focus on providing resource measures for future management activity.

#### *Geographic Area*

This is the heart of the Beartooth Travel Plan. It is the section to review when you want to know how a specific area, road, or trail would be managed under the Proposed Action. For the purposes of travel planning, we divided the Beartooth Ranger District into eight Geographic Areas, each with its own unique travel management strategy and corresponding road and trail management plan. For example, if you want to know whether the travel management emphasis for the specific area would be motorized or non-motorized use, read travel management strategy and desired condition for the area. If you want to know whether you would be able to ride a motorcycle on a specific trail or road, go to route-by-route direction table and travel map section of the Geographic Area.

The direction for each area begins with a header, a statement of the desired travel management condition for the Proposed Action, and a description of the existing condition. The desired condition sets the stage for the strategy, which are decisions to be made at the end of this planning process.

The creation of Geographic Areas allows for the development of a strategy that takes into consideration the unique and varied attributes of specific parts of the Ranger District. Terrain, location, road and trail network, attractions, and other resource concerns are all factors to be considered in establishing travel management direction. Travel Management Strategy reflects these considerations. The Travel

Management Strategy is used if needed to set sideboards on future projects and activities in order to insure protection of resources. In travel planning they will most likely apply to any future proposal for road and trail construction, reconstruction or maintenance. At the travel planning area scale, any strategy would be included to provide resource protection if needed.

Establishing route-by-route management direction is the most significant decision being made through the travel planning process.

Finally, the last part of the Geographic Area strategy is route-by-route designations for type and season of use. For each road and trail it specifies the type of uses that are appropriate whether it be pleasure driving, ATV, high clearance and off-road vehicle, motorcycle, mountain biking, horseback riding, snowmobiling, hiking and/or cross country skiing. There are maps and a legend with this information plus identification of any yearlong or seasonal area restrictions that may be applicable. Under the Proposed Action any route not otherwise designated, whether it be mapped or unmapped, is proposed as being yearlong restricted to all public motorized use.

### **Guideline for Participating in the Travel Planning Process**

#### **Methods for Providing Comments**

You may provide comments in writing or by calling to set up an appointment to visit with Forest Service staff. Written comments should be sent to:

District Ranger  
Beartooth Ranger District  
HC 49 Box 3420  
Red Lodge, MT 59068

If you would like to visit with staff please contact the Beartooth Ranger District office at (406) 446-2103. The key contact person is Tom Highberger.

In summary we estimate the travel planning process to take three and a half to four years to complete. The travel planning process is currently structured such that there will be several opportunities for public participation. At this early stage our goal is to solicit your assistance to help build a range of alternatives.

Comments are useful whether they simply offer a change in the management of a single trail or they address the strategy proposed within a geographic area. The following are some guiding principles

to follow in providing comments and feedback in helping to build alternatives.

You might tell us if you agree with the identified desired condition for any or all of the geographic areas. If you do not agree, tell us how you think the management emphasis should be changed and why.

We suggest that you review the section discussing the strategy for developing the alternatives for a Beartooth Travel Plan. Obviously, in making route-by-route decisions on the use of Ranger District roads and trails, there could be an unlimited number of permutations and combinations. Therefore we must establish some basic guidelines and sideboards to keep the alternatives within a reasonable range.

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## **V. PRELIMINARY ISSUES**

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The Interdisciplinary Team has identified the following list of key issues. This list will be validated, refined and/or modified based on input from the public. What will the effects of travel strategies be on:

1. Watershed Protection
2. Wildlife and Threatened and Endangered Management
3. Heritage Resource Management
4. Noxious Weed Management
5. Recreational Opportunities
6. Wilderness Management
7. Private Property Access
8. Travel management consistency with the adjacent agencies

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## **VI. THE DEVELOPMENT OF ALTERNATIVES**

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The National Environmental Policy Act (NEPA) requires federal agencies to consider and evaluate a range of reasonable alternatives (40 CFR 1502.14). Alternatives must fulfill the Purpose and Need for action and address significant issues related to the proposed action and alternatives to it.

In summary, based on the statement of Purpose and Need, the alternatives (with the exception of no action) developed for travel management must:

1. Provide for a range of public access and recreational use of the road and trail system on the Beartooth Ranger District.
2. Bring road and trail use into compliance with laws, regulations, and other higher level management direction such as the Region 1 OHV Decision directing designated travel routes and prohibiting motorized cross country travel.
3. Implement the Northern Region Access and Travel Management Guide (ATM)
4. Provide for public understanding of types of use and season of use allowed for each road and trail by developing a proper and consistent travel management signing plan, maps and implementation strategy.
5. Implement Custer National Forest and National Grassland Resource Management Plan direction.
6. Identify administrative use and permitted exception by developing a written policy.

**Potential Preliminary Alternatives include:**

1. No Action (based on existing 1987 Beartooth Travel Management Plan)
2. Proposed Action (based on the 2003 Custer Forest Travel Planning Interdisciplinary Team process)
3. Alternative 3 (based on public participation in the scoping process)
4. Alternative 4 (based on public review and comment of the environmental analysis)
5. Other Alternatives may surface during the analysis process.

**Decisions to be made**

The Forest Supervisor is the responsible official for this decision. Based on the environmental analysis, the Forest Supervisor will decide the types and seasons of use of the National Forest transportation system (roads and trails) on the Beartooth Ranger District. The responsible official will decide whether to implement the proposed action or an alternative to the proposed action. The no action alternative for this proposal is the continuance of the existing travel management plan. The responsible official will determine whether the proposed action will proceed as proposed, be modified by an alternative, or not at all. The responsible official will identify any mitigation measures and monitoring applicable to the selected alternative. The responsible official will also determine whether the

proposal and alternatives to the proposed action are consistent with the Forest Plan. Because of the roads specifically identified in the Forest Plan, it has been determined that a Forest Plan amendment is necessary. This proposed amendment would delete specific roads from the Forest Plan, and include the travel management for these roads in the Beartooth Travel Plan.

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**VII. INDIVIDUAL GEOGRAPHIC AREA INFORMATION**

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The following section provides detailed information on each Geographic Area, including a discussion of current and desired condition. As you review this section and the maps it is important that you compare the Geographic Area maps with the current Beartooth Ranger District Travel map. Multiple activities can and do occur on many routes. Using both maps you can find all of the uses and how they are managed. (See map packet)



**A typical Level 3 Forest Service Road**

Each Geographic Area is represented with a map or set of maps. Each map has a corresponding table displaying the routes within the Geographic Area. The routes are color coded on the map as well as the table.

Area snowmobile use is shown on separate maps.

The tables within each Geographic Area will show road and trail restrictions. Road and trails, and areas are considered opened unless restricted.

The following symbols are used in the tables and maps.

	<b><u>ROAD VEHICLE</u></b> – a motor vehicle which meets the requirements of appropriate State law or registration and licensing in order to travel on public highways and National Forest system roads.
	<b><u>TRAIL VEHICLE</u></b> – 3 or 4-wheeled all-terrain motorized vehicle.
	<b><u>TRAIL VEHICLE</u></b> – a 2-wheeled motorized vehicle, such as trail bike, scooter, motorcycle, or moped.
	<b><u>SNOWMOBILE</u></b> – a self-propelled vehicle intended for travel primarily on snow, having a curb weight of not more than 1,000 pounds, driven by a track or tracks in contact with the snow, and steered by a ski or skis in contact with the snow.
	<b><u>MOUNTAIN BIKE</u></b> – a non-motorized trail bike.
	<b><u>TRAIL STOCK</u></b> – mode of transportation is by stock animal, such as horse, llama, donkey, mule, or goat.
	<b><u>HIKING</u></b> – mode of transportation is by foot.

The following is a list of Travel Management terminology used on the tables and maps. A full glossary of terms is presented at the end of the section.

Road Objective Maintenance Level	Description
<b>Objective Maintenance Level 1 (1)</b>	Assigned to intermittent service roads during the time they are closed to vehicular traffic. The closure period must exceed 1 year. Basic custodial maintenance is performed to keep damage to adjacent resources to an acceptable level and to perpetuate the road to facilitate future management activities. Emphasis is normally given to maintaining drainage facilities and runoff patterns. Planned road deterioration may occur at this level. Appropriate traffic management strategies are “prohibit” and “eliminate”. Roads receiving level 1 maintenance may be of any type, class or construction standard, and may be managed at any other maintenance level during the time they are open for traffic. However, while being maintained at level 1, they are closed to vehicular traffic, but may be open and suitable for non-motorized uses.
<b>Objective Maintenance Level 2 (2)</b>	Assigned to roads open for use by high clearance vehicles. Passenger car traffic is not a consideration. Traffic is normally minor, usually consisting of one or a combination of administrative, permitted, dispersed recreation, or other specialized uses. Log haul may occur at this level. Appropriate traffic management strategies are either (1) discourage or prohibit passenger cars or (2) accept or discourage high clearance vehicles.

Road Objective Maintenance Level	Description
<b>Objective Maintenance Level 3 (3)</b>	Assigned to roads open and maintained for travel by a prudent driver in a standard passenger car. User comfort and convenience are not considered priorities. Roads in this maintenance level are typically low speed, single lane with turnouts and spot surfacing. Some roads may be fully surfaced with either native or processed material. Appropriate traffic management strategies are either “encourage” or “accept.” “Discourage” or “prohibit” strategies may be employed for certain classes of vehicles or users.
<b>Objective Maintenance Level 4 (4)</b>	Assigned to roads that provide a moderate degree of user comfort and convenience at moderate travel speeds. Most roads are double lane and aggregate surfaced. However, some roads may be single lane. Some roads may be paved and/or dust abated. The most appropriate traffic management strategy is “encourage.” However, the “prohibit” strategy may apply to specific classes of vehicles or users at certain times.
<b>Objective Maintenance Level 5 (5)</b>	Assigned to roads that provide a high degree of user comfort and convenience. Normally, roads are double-lane, paved facilities. Some may be aggregate surfaced and dust abated. The appropriate traffic management strategy is “encourage.”



An example of a road with erosion potential due to steep grade



The Stillwater Trail within the Absaroka-Beartooth Wilderness

Trail Objective Maintenance Level/ Trail Class	Description
<b>Trail Class 1 (TC1)</b>	Primitive/Undeveloped - Tread is intermittent and indistinct, it may require route finding and is native materials only. Narrow passages; brush, steep grades, rocks and logs present. Drainage is functional with no constructed bridges or foot crossings. No destination signs present. Recreation environment and experience is natural and unmodified.
<b>Trail Class 2 (TC2)</b>	Simple/Minor Development - Tread is discernible and continuous, but narrow and rough it has few or no allowances constructed for passing and is native materials. Vegetation may encroach into trailway. Drainage is functional with primitive foot crossings and fords. Typically very few or no destination signs present. Recreation environment and experience is natural, essentially unmodified.

Trail Objective Maintenance Level/ Trail Class	Description
<b>Trail Class 3 (TC3)</b>	Developed/Improved – Tread is obvious and continuous. The width accommodates unhindered one-lane travel, typically native material. Vegetation is cleared outside of trailway. Trail structures (walls, steps, drainage, and raised trail) may be common and substantial. Trail bridges as needed. Destination and directional signs typically present. Recreation environment and experience is natural, primarily unmodified.
<b>Trail Class 4 (TC4)</b>	Highly developed – Tread is wide and relatively smooth. Width may consistently accommodate two-lane travel, native or imported material. Vegetation cleared outside of trailway. Structures are frequent and substantial. Trail bridges are at water crossings. Informational and interpretive signs are present. Recreation environment and experience may be modified.
<b>Trail Class 5 (TC5)</b>	Fully developed - Width accommodates two-lane travel, hardened with imported material. No obstacles. Structures are frequent and continuous. Drainage structures are frequent with a road like design. Trail bridges are at water crossings. Informational and interpretive signs are present. Recreation environment and experience can be highly modified.