



United States Department of Agriculture  
Forest Service  
Northern Region

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**OFF-HIGHWAY VEHICLE  
RECORD OF DECISION AND PLAN AMENDMENT  
FOR MONTANA, NORTH DAKOTA AND PORTIONS  
OF SOUTH DAKOTA**



# RECORD OF DECISION

Amendment to Nine National Forest  
Land and Resource Management Plans  
In Montana, North and South Dakota

Management Direction Related to  
Off-Highway Vehicles

## INTRODUCTION

The Forest Service (FS) has made a decision to amend the forest plans listed in Table 1.1. The amendment eliminates wheeled motorized cross-country travel with a few specific exceptions. The decision is based on the analysis in the Final Environmental Impact Statement (FEIS), which was prepared jointly with the Bureau of Land Management. This decision document applies to National Forest System Lands only.

Each national forest and grassland manages OHV use based on its land and resource management plan (referred to as forest plans). The Dakota Prairie Grasslands are currently covered by the Custer National Forest plan and included in that plan.

**Table 1.1 FS Forest Plans**

Beaverhead National Forest Plan (1986)  
 Bitterroot National Forest Plan (1987)  
 Custer National Forest Plan (1987)  
 (Includes Dakota Prairie Grasslands)  
 Deerlodge National Forest Plan (1987)  
 Flathead National Forest Plan (1986)  
 Gallatin National Forest Plan (1987)  
 Helena National Forest Plan (1986)  
 Kootenai National Forest Plan (1987)  
 Lewis and Clark National Forest Plan (1986)

### Location of the Analysis Area

FS Northern Region in Montana, North Dakota, and portions of South Dakota administers 18.2 million acres of National Forest System (NFS) land located within nine national forests and the Dakota Prairie Grasslands. About 10 million of the 18.2 million acres of NFS lands are currently designated as available to motorized wheeled cross-country travel, either seasonally or yearlong, and would be affected by this Record of Decision (ROD). Table 1.1 displays the plans affected by this analysis. The national forests and grasslands acreage affected are listed in Table 1.2.

The scope of this analysis does not include the northern Idaho portion of the Northern Region. The north Idaho forests complicated the cooperative effort with the BLM because the whole state of Idaho falls within a different BLM administrative unit. In addition the dense forests and steeper terrain in north Idaho result in relatively fewer problems from cross-country travel by wheeled motorized OHV's.

**Table 1.2**

National Forests and Grasslands	Affected Acres	Total Acres
Beaverhead-Deerlodge National Forest	1,921,000	3,352,000
Bitterroot National Forest	796,000	1,117,000
Custer National Forest	758,000	1,187,000
Dakota Prairie Grasslands*	1,260,000	1,260,000
Flathead National Forest	1,211,000	2,353,000
Gallatin National Forest	780,000	1,801,000
Helena National Forest	571,000	975,000
Kootenai National Forest	1,551,000	2,220,000
Lewis and Clark National Forest	1,347,000	1,862,000
Lolo National Forest	0	2,082,000

\*Dakota Prairie Grasslands are currently managed in accordance with the Custer National Forest.

### Background

The increased popularity and widespread use of OHV's on public lands in the 1960's and early 1970's prompted the development of a unified federal policy for such use. Executive Order (EO) 11644 was issued in 1972 and EO 11989 was issued in 1977 (Appendix A of the FEIS). They provide direction for federal agencies to establish policies and provide for procedures to control and direct the use of OHV's on public lands so as to (1) protect the resources of those lands; (2) promote the safety of all users of those lands; and (3) minimize conflicts among the various users on those lands. The FS developed regulations in response to the EO's (36 CFR 216, 219, and 295). Under those regulations, OHV use can be restricted or prohibited to minimize (1) damage to the soil, watershed, vegetation, or other resources of the public lands; (2) harm to wildlife or wildlife habitats; and (3) conflict between the use of OHV's and other types of recreation.

External and internal reviews have identified concerns with the FS implementation of the EO's (1995, General Accounting Office, Information on the Use and Impact of Off-Highway Vehicles; 1986, Forest Service review of its OHV program; and the 1979 Council on Environmental Quality review of Off-Road Vehicles on Public Land). These reviews have identified numerous resource concerns that would be addressed by this proposal.

The FS recognizes in their respective forest plans, policy, and manual direction, that OHV use is a valid recreational activity when properly managed. Managing this use along with other recreation uses and the need to protect natural and cultural resources has become increasingly more difficult with increased public demands.

**Figure 1.1 Decision Levels for Travel Planning**

<p><u>Decision Level One</u> Forest Plans</p>	<p><u>Decision Level Two</u> Site-Specific Planning At the Local Level</p>
<p>Provides direction for acceptable uses and protection measures. Identifies goals, objectives, standards and guidelines for future decision-making through site-specific planning.</p> <p>Designates areas as closed, open, or limited/restricted to motorized wheeled cross-country travel.</p>	<p>Provides analysis of site-specific road and trail management designed to achieve goals and objectives of the forest plan.</p> <p>Includes identification of when and where individual roads and trails would be open or closed to various types of use.</p>

Planning for units of the National Forest System involves two levels of decision (Figure 1.1). The first level, often referred to as programmatic planning, is the development or amendment of forest plans that provide management direction for resource programs, uses, and protection measures. Forest plans and associated amendments are intended to set out management area prescriptions or direction with goals, objectives, standards, and guidelines for future decision-making through site-specific planning. This includes the designation of areas as closed, open or restricted to motorized wheeled cross-country travel. The environmental analysis accomplished at the plan amendment level guides resource management decisions on National Forest System (NFS) lands and aids, through the tiering process, environmental analyses for more site-specific planning. This FEIS is a programmatic, forest plan level, document.

The second level of planning involves the analysis and implementation of management practices designed to achieve goals and objectives of the forest plan. This is commonly referred to as site-specific planning. It requires relatively detailed information that includes the location, condition, and current uses of individual roads and trails, and the identification of when and where individual roads and trails will be open or closed to various types of use. This step is accomplished through the site-specific planning process at the local level.

It is important for the reader to note that anytime a specific road, trail or area has considerable adverse environmental effects occurring from OHV use, the local manager has the responsibility and authority (36 CFR 295.5) to immediately close the road, trail or area to use until the problem has been resolved.

**Purpose and Need**

In general the need for a decision and the purpose of the decision is based on an evaluation of the existing condition compared to the desired condition. The following describes this process.

**Purpose**

The purpose of this decision is to avoid future impacts from the increasing use of OHV's on areas that are currently available to motorized wheeled cross-country travel. It amends forest plan direction to prohibit motorized wheeled cross-country travel to protect natural resource values. This would provide timely direction that would minimize further resource damage, user conflicts, and related problems associated with motorized wheeled cross-country travel, including new user-created roads, until subsequent site-specific planning is completed.

Site-specific planning would address OHV use on individual roads and trails to provide for a range of safe motorized recreation opportunities while continuing to protect resource values.

This decision does not change the current restricted year-long or closed designations for areas. This decision does not change current road or trail designations.

**Existing Condition**

About 10 million of the 18.2 million acres of NFS lands are currently designated as available to motorized wheeled cross-country travel, either seasonally or yearlong (Table 1.3).

<b>Table 1.3 Affected Environment (Acres)</b>		
<b>Open Seasonally</b>	<b>Open Yearlong</b>	<b>Total</b>
3,848,000	6,244,000	10,092,000

During the past 10 years, OHV use and associated cross-country travel have increased in some areas. The estimated number of vehicles used off-highway across the three-state

area increased dramatically in the 1990's (Table 1.4). The increased use has resulted in environmental effects on public resources in numerous areas, including roads and trails that have developed as the result of repeated use, often referred to as user-created.

<b>Table 1.4 Percent Increase in Estimated Number of Vehicles Used Off-Highway from 1990-1998 Across the 3-State Area *</b>	
Trucks	13%
ATV's and Motorcycles	92%

\*For additional information see Chapter 3, Economics Section in the FEIS.

Problems do not occur equally throughout the analysis area. Some OHV use has occurred in riparian areas and on highly erodible slopes. In other areas use is very light and little or no effects from motorized wheeled cross-country travel are evident. It is estimated that only about 1% of the wheeled motorized OHV users go cross-country when the whole analysis area is considered (chapter 3 of the FEIS). However the 1% is not evenly distributed and the cross-country use that occurs in more sensitive areas can result in damage from very low levels of use.

Increased use of OHV's has the potential to:

- spread noxious weeds,
- cause erosion,
- damage cultural sites,
- create user conflicts, and
- disrupt wildlife and damage wildlife habitat.

Monitoring of OHV travel at some National Forest and district offices indicates that problems exist where unrestricted motorized wheeled cross-country travel is allowed. Some forests or districts are presently reevaluating their existing travel management plans or developing new plans. These plans are designed to determine the appropriate use of roads and trails to provide a reasonable mix of motorized and nonmotorized recreation opportunities while protecting other resource values. Many offices have begun or completed site-specific planning.

Members of the public and other state and federal agencies have shared their concerns about unrestricted OHV travel on public lands (OHV project file).

**Desired Condition**

The goal of managing OHV's is to provide a range of safe motorized recreation opportunities, recognizing their legitimate use while minimizing the current or anticipated

effects on wildlife and their habitat, soil, native vegetation, water, fish, cultural resources and other users (Appendix A of the FEIS). The long-term goal is that OHV use would occur on designated routes and intensive use areas to provide a variety of motorized and nonmotorized recreation opportunities. However, designation of specific routes requires local site-specific planning consistent with the forest plan. In the interim period before designation of travel routes can be accomplished, it is desirable to take the first step and restrict motorized wheeled cross-country travel. The designation of areas to the restricted yearlong category in the forest plans in the three-state area is a valuable step toward the long-term goal.

**Need**

In comparing the existing condition to the desired condition, it is evident that OHV use and associated effects have increased in many areas since forest plans were completed. The FS is concerned that continuing unrestricted use could potentially further increase the spread of noxious weeds, cause erosion, damage cultural sites, create user conflicts, disrupt wildlife and damage wildlife habitat. The trend of increased use is expected to continue. In order to minimize further resource damage in areas already experiencing increased activity and to avoid future impacts in areas not yet affected, management of OHV use needs to be reviewed.

Areas that are open seasonally or yearlong to motorized wheeled cross-country travel in current forest plans require a plan amendment to address these issues. The decision to manage the cross-country aspect of motorized wheeled vehicle use is part of the responsibility of public land managers to balance human use with the need to protect natural resources.

The FS Natural Resource Agenda has established a number of goals for maintaining and restoring the health, diversity, and productivity of the land, which include: protect and restore the settings of outdoor recreation; determine the best way to access the national forest or grassland; reduce impacts of the existing road system; restore watersheds; and provide an avenue to collaborate with communities, the private sector and other agencies. This decision will help address several of these goals.

**DECISION**

After careful consideration of the potential environmental impacts, the effectiveness in resolving the planning issues, responsiveness to public concern, and compliance with FS statutory authority and Executive Orders 11644 and 11989 it is my decision to adopt Alternative 5.

My decision amends the nine forest plans listed in Table 1.1 and establishes a new standard that restricts yearlong, wheeled motorized cross-country travel, where it is not already restricted. There are several specific exceptions to this restriction:

- Motorized wheeled cross-country travel would be allowed for any military, fire, search and rescue, or law enforcement vehicle used for emergency purposes.
- Motorized wheeled cross-country travel for the FS would be limited to official administrative business as outlined by internal memo (see Appendix D of the FEIS).
- Motorized wheeled cross-country travel for other government entities on official administrative business would require authorization from the local field manager or district ranger in their respective areas. This authorization would be through normal permitting processes and/or memoranda of understanding.
- Motorized wheeled cross-country travel for lessees and permittees would be limited to the administration of a federal lease or permit.
- Motorized wheeled cross-country travel to a campsite would be permissible within 300 feet of roads and trails.

This decision directs the forests/grasslands to prioritize areas across each unit as to whether they are high, medium or low priority for site-specific planning, based on the factors identified in Appendix B of the FEIS. The prioritization will be completed within six months of the release of this decision. High priority areas will have site-specific planning initiated no later than two years after this decision. Medium will be initiated within 5 years. No time limit is specified for the low priorities. Site-specific planning is the process that will result in the designation of roads and trails for their appropriate uses.

Approximately 3600 acres of drawdown area around Lake Koocanusa on the Rexford District of the Kootenai National Forest is excluded from this decision. The drawdown area is currently being addressed in the Rexford District Recreation Management Plan.

## REASONS FOR DECISION

Alternative 5 was selected because it minimizes further resource damage, user conflicts and related problems, including new user-created roads, associated with motorized wheeled cross-country travel. The protection provided by

alternative 5 is slightly less than alternative 1 (Chapter 3 of FEIS) because it allows more administrative and other permitted uses of OHV's cross-country. However, this use would be conducted in a controlled manner, according to permit requirements, to mitigate potential adverse effects. Examples of permit requirements include the cleaning of equipment to avoid spreading invasive weeds, avoidance of threatened or endangered species habitat, timing restrictions, etc. This slight tradeoff is made in order to maintain efficient and effective management of the public's resources by allowing limited motorized wheeled cross-country travel for conducting needed work, such as prescribed fires, treating invasive weeds, conducting monitoring or research, maintaining or constructing fences, utility structures and other types of improvements.

Alternative 5 does not allow motorized wheeled cross-country travel for big game retrieval, as in alternative 2, the preferred alternative in the draft EIS. This game retrieval restriction would: reduce the conflicts between motorized and nonmotorized users during the hunting season; reduce the potential for introducing invasive weeds; reduce the potential for soil erosion; reduce the potential for impacts to wildlife; be more responsive to numerous public concerns that were expressed about the inappropriateness of allowing an exception for game retrieval; and be consistent with the long-term goal of using vehicles on designated routes. For these reasons alternative 5 was selected instead of alternative 2.

Alternative 5 allows for dispersed camping within 300 feet of a road or trail provided recreationists use the most direct route and select their site by nonmotorized means. This greater distance than in alternative 1 (50') was important particularly in areas without any developed campgrounds. This allows people to move away from the dust and noise generated on the road or trail. Agency recreation specialists expect relatively little use of this exception, as most popular dispersed campsites already have a road accessing them.

There are parts of this three-state area with relatively little damage from wheeled motorized cross-country travel as described in the FEIS. Alternative 3 excluded the Bitterroot, Kootenai and Flathead National Forests because they are relatively steep and densely vegetated which precludes the use of OHV's in many areas. I did not choose that alternative, to prevent future problems of invasive weed introductions, the development of unclassified roads and trails, potential effects on historic and cultural resources and effects on wildlife and their habitat from developing and to provide consistency of use within the analysis area and between the BLM and Forest Service.

Alternative 5 was selected instead of alternative 4 because I felt the seasonal restrictions did not provide sufficient

protection from the spread of invasive weeds, the potential for development of more unclassified (user-created) roads and trails, damage to historic and cultural resources or adequately protect wildlife and their habitat. Particularly the protection of threatened and endangered species that may be unknowingly affected by cross-country users. This same rationale was applied for not selecting the no action alternative.

This important step towards the goal of designated roads and trails will allow the maintenance of a legitimate form of recreation while the natural and cultural resources of the national forests are maintained and user-conflicts are minimized. The designation of roads and trails allows for knowledgeable monitoring and evaluation of use and the effects of use that cannot be accounted for when large expanses of land are open for cross-country use.

Alternative 5 provides specific mitigation measures consistent with the Endangered Species Act for the threatened western prairie fringed orchid in known habitat on the Shiyenne National Grassland. It provides for positive benefits for several other listed species (Appendix C of the FEIS) as well as many other species of wildlife (Chapter 4 of the FEIS), whereas the no action alternative completely lacks these protections.

This decision is consistent with the BLM's preferred alternative in the FEIS, which provides for better service to the public, since the rules are the same and will not create confusion for the users of federal public lands.

This decision and the local site-specific planning approach it prescribes is consistent with the proposed roads rule the FS recently published (36 CFR 212). It provides a process for resolving the disposition of unclassified roads, including user-created roads and trails. It moves the agency towards designated routes, which many people, organizations and other agencies have advocated.

This decision in conjunction with the existing authority for local line officers, to immediately close any areas roads or trails that are or will cause considerable adverse effects (36 CFR 295), will substantially improve the our ability to maintain the use of OHV's as a recreational activity and meet our responsibility to protect the cultural and environmental values of the national forests.

## **IMPLEMENTATION**

This decision will take effect 7 days after publication of legal notice in each of the newspapers of record listed at the end of this document.

The actual application of the decision will be through activities on each of the forests and grasslands affected. This will include a CFR order signed by each forest/grassland supervisor eliminating cross-country travel. This will be added to the travel management maps for each forest/grassland. Signs will be posted on the major portal roads to NFS lands prohibiting cross-country travel. These orders and signs will be in place by July 1, 2001.

## **ALTERNATIVES CONSIDERED**

This section describes the No Action Alternative and five other alternatives for management of OHV's on public lands. All alternatives comply with the National Forest Management Act (NFMA) of 1976, and are subject to compliance with all valid statutes on NFS lands. Impacts of all resources are considered through the National Environmental Policy Act (NEPA) of 1969.

### **Attributes Common to All Alternatives**

The FS will consult in accordance with Section 7 of the Endangered Species Act (ESA) through the U.S. Fish and Wildlife Service to ensure any site-specific plan is not likely to jeopardize the continued existence of any species listed or proposed to be listed under the provisions of the ESA, or result in the destruction or adverse modification of designated or proposed critical habitat.

Through subsequent site-specific planning, the FS will designate roads and trails for motorized use. With public involvement the agencies would continue with ongoing travel management plans and develop new travel management plans (i.e., landscape analysis, watershed plans, or activity plans) for geographical areas. Through site-specific planning, roads and trails would be inventoried, mapped, and analyzed to the degree necessary to evaluate and designate the roads and trails as open, seasonally open, or closed and determine the type of vehicle. The inventory would be commensurate with the analysis needs, issues, and desired resource conditions based on forest plan objectives for the analysis area. When addressing roads, the proposed FS roads policy will be utilized (36 CFR 212).

Site-specific planning could include identifying opportunities for trail construction and/or improvement, eliminating roads/trails that are causing resource problems or adding specific areas where intensive OHV use may be appropriate. A change in area designations from restricted to open would require a plan amendment. Implementation and monitoring are described in Appendix B of the FEIS. Implementation includes prioritizing areas for site-specific planning within six months of the respective agencies' Record of Decision based on the resources in the area.

Disabled access will be allowed per the Rehabilitation Act of 1973.

## **No Action Alternative (Current Management)**

This alternative would continue current direction and was used as the baseline condition for comparing the other alternatives. The FS would continue to manage OHV's using existing direction and regulations. It addressed a number of issues and concerns raised during scoping, such as the proposal is too restrictive and effects on the ground do not warrant any change. It also addressed the concern that it is unrealistic to provide consistent management of OHV's across a three-state area due to wide variations of issues and problems that would necessitate decisions be made at the local level.

Areas currently open seasonally or yearlong to motorized wheeled cross-country travel would remain open (Table 1.3 and Map 1 in the FEIS). The table and map reflect designations identified in existing forest plans.

Site-specific planning and enforcement of OHV regulations would occur at current levels.

## **Alternative 1**

This is the most restrictive alternative for management of OHV's. Motorized wheeled cross-country travel would be prohibited with only a few exceptions for emergency and limited administrative purposes. This alternative was developed to address concerns that OHV use needed to be restricted quickly and was overdue because of resource impacts and user conflicts. Concerns addressed were to stop the expansion of problems associated with the spread of noxious weeds, user conflicts, wildlife harassment and habitat alteration, effects on vegetation, soils and aquatic resources, and further deterioration of FS Inventoried Roadless, Recommended Wilderness and Montana Wilderness Study Areas.

The FS would restrict motorized wheeled cross-country travel yearlong (Map 1, FEIS). These lands, approximately 10 million acres, would be designated restricted yearlong under FS regulations (36 CFR 295).

Motorized wheeled cross-country travel would be allowed for any military, fire, search and rescue, or law enforcement vehicle used for emergency purposes.

Motorized wheeled cross-country travel for FS official administrative business would not be allowed without prior approval by the authorized officer (district ranger).

Motorized wheeled cross-country travel for lessees and permittees to administer federal leases or permits would not be allowed unless specifically authorized under the lease or permit.

Motorized wheeled cross-country travel would not be allowed for the retrieval of a big game animal.

Motorized wheeled cross-country travel would not be allowed for personal use permits such as firewood and Christmas tree cutting.

The following exception would apply unless currently restricted:

Motorized wheeled cross-country travel for camping would be permissible within 50 feet of roads and trails by the most direct route after site selection by nonmotorized means. This exception does not apply where existing seasonal restrictions prohibit traveling off designated routes to a campsite.

## **Alternative 2**

This alternative was based on the initial proposal and public comments received during scoping. It restricts motorized wheeled cross-country travel throughout the analysis area but allows some additional exceptions compared to alternative 1, for relatively infrequent activities. Similar to Alternative 1, concerns addressed were to stop the expansion of problems associated with the spread of noxious weeds, user conflicts, wildlife harassment and habitat alteration, effects on vegetation, soils and aquatic resources, and further deterioration of FS Inventoried Roadless, Recommended Wilderness and Montana Wilderness Study Areas. It meets the concern that the FS needs to allow for some exceptions for motorized wheeled cross-country travel, such as game retrieval and camping. It provides almost the same ease of enforcement and consistency between the BLM and FS as Alternative 1.

The FS would restrict motorized wheeled cross-country travel yearlong (Map 1, FEIS). These lands, approximately 10 million acres, would be designated restricted yearlong under FS regulations (36 CFR 295).

Motorized wheeled cross-country travel would be allowed for any military, fire, search and rescue, or law enforcement vehicle used for emergency purposes.

Motorized wheeled cross-country travel for FS official administrative business would be allowed.

Motorized wheeled cross-country travel for lessees and permittees to administer federal leases or permits would be



allowed, unless specifically prohibited in the lease or permit. This would not change any existing terms or conditions in current leases or permits. However, this would not preclude modifying leases or permits to limit motorized wheeled cross-country travel based on further site-specific analysis.

Motorized wheeled cross-country travel for personal use permits, such as firewood and Christmas tree cutting, could be permitted at the local level (FS ranger district) at the discretion of the authorizing officer.

The following exceptions would apply unless currently restricted:

Motorized wheeled cross-country travel for camping would be permissible within 300 feet of roads and trails by the most direct route after site selection by nonmotorized means. This exception would not apply where existing seasonal restrictions prevent traveling off designated routes to a campsite.

Motorized wheeled cross-country travel by the most direct route to retrieve a big game animal in possession would be allowed only in the following field units in Montana: Custer National Forest (NF) with the exception of the Beartooth Ranger District. Motorized wheeled cross-country travel in all other areas to retrieve a big game animal would not be allowed. Through subsequent site-specific planning big game retrieval could be restricted.

The following mitigation measures for the western prairie fringed orchid would apply:

Motorized wheeled cross-country travel for FS official administrative business would not be allowed in known western prairie fringed orchid habitat on the Sheyenne National Grassland in eastern North Dakota without prior approval.

Motorized wheeled cross-country travel for lessees and permittees to administer federal leases or permits would not be allowed in known western prairie fringed orchid habitat on the Sheyenne National Grassland in eastern North Dakota without prior approval.

### **Alternative 3**

This alternative is based on the premise that the agencies should not restrict OHV use where problems are limited by steep terrain and dense vegetation or where existing regulations are adequate. Lands in the Flathead, Kootenai and Bitterroot National Forests in western Montana would not be affected by this alternative. Preliminary analysis indi-

cated that even though significant amounts of federal land were open to motorized wheeled cross-country travel in western Montana, current technology of OHV's generally has limited the expansion of user-created routes because of relative steepness and dense vegetation. Concerns for the need to restrict OHV's in the remainder of the analysis area are similar to Alternative 2. Concerns addressed were to stop the expansion of problems associated with the spread of noxious weeds, user conflicts, wildlife harassment and habitat alteration, effects on vegetation, soils and aquatic resources, and further deterioration of FS Inventoried Roadless, Recommended Wilderness and Montana Wilderness Study Areas. It meets the concern that the agencies need to allow some exceptions for motorized wheeled cross-country travel, such as game retrieval and camping.

The FS would prohibit motorized wheeled cross-country travel yearlong in the Beaverhead-Deerlodge NF, Custer NF, Dakota Prairie Grasslands, Gallatin NF, Helena NF, and the Lewis and Clark NF (Map 2 in the FEIS). Approximately 6.6 million acres would be designated restricted yearlong under the FS regulations (36 CFR 295).

Motorized wheeled cross-country travel would be allowed for any military, fire, search and rescue, or law enforcement vehicle used for emergency purposes.

Motorized wheeled cross-country travel for FS official administrative business would be allowed.

Motorized wheeled cross-country travel for lessees and permittees to administer federal leases or permits would be allowed, unless specifically prohibited in the lease or permit. This would not change any existing terms or conditions in current leases or permits. However, this would not preclude modifying leases or permits to limit motorized wheeled cross-country travel based on further site-specific analysis.

Motorized wheeled cross-country travel for personal use permits, such as firewood and Christmas tree cutting, could be permitted at the local level (FS ranger district) at the discretion of the authorizing officer.

The following exceptions would apply unless currently restricted:

Motorized wheeled cross-country travel for camping would be permissible within 300 feet of roads and trails by the most direct route after site selection by nonmotorized means. This exception does not apply where existing seasonal restrictions prohibit traveling off designated routes to a campsite.

Motorized wheeled cross-country travel by the most direct route would be allowed from 10:00 a.m. until 2:00 p.m. to retrieve a big game animal that is in possession. Through subsequent site-specific planning big game retrieval could be restricted.

#### **Alternative 4**

This alternative restricts motorized wheeled cross-country travel seasonally to lessen impacts on resource values and to minimize user conflicts. Motorized wheeled cross-country travel would be restricted to times of the year when the ground is generally frozen (December 2 to February 15) or during dryer periods (June 15 to August 31) to reduce soil and vegetation impacts, aquatic resource damage, and to minimize user conflicts. No motorized wheeled cross-country travel would be allowed during big game hunting seasons in all three states, with the exception of game retrieval, to minimize user conflicts and wildlife harassment. Game retrieval would be allowed in all open areas of the analysis area. It meets the concern that the agencies need to allow some exceptions for motorized wheeled cross-country travel, such as game retrieval and camping. It provides almost the same ease of enforcement and consistency between the two agencies as Alternative 1 because the timing and exceptions are the same throughout the three-state area.

The FS would restrict motorized wheeled cross-country travel seasonally (Map 1, FEIS). These areas would be open to motorized wheeled cross-country travel from June 15 to August 31 and from December 2 to February 15. These lands, approximately 10 million acres, would be designated limited or restricted seasonally under FS regulations (36 CFR 295).

Motorized wheeled cross-country travel would be allowed for any military, fire, search and rescue, or law enforcement vehicle used for emergency purposes.

Motorized wheeled cross-country travel for FS official administrative business would be allowed.

Motorized wheeled cross-country travel for lessees and permittees to administer federal leases or permits would be allowed, unless specifically prohibited in the lease or permit. This would not change any existing terms or conditions in current leases or permits. However, this would not preclude modifying leases or permits to limit motorized wheeled cross-country travel based on further site-specific analysis.

Motorized wheeled cross-country travel for personal use permits, such as firewood and Christmas tree cutting, could be permitted at the local level (FS ranger district) at the discretion of the authorizing officer.

The following exceptions would apply unless currently restricted:

Motorized wheeled cross-country travel for camping would be permissible within 300 feet of roads and trails by the most direct route after site selection by nonmotorized means. This exception does not apply where existing seasonal restrictions prohibit traveling off designated routes to a campsite.

Motorized wheeled cross-country travel by the most direct route would be allowed to retrieve a big game animal that is in possession. Through subsequent site-specific planning big game retrieval could be restricted.

#### **Alternative 5 (Preferred Alternative)**

This alternative was developed in response to comments on the DEIS from the public and other agencies. It restricts motorized wheeled cross-country travel throughout the analysis area to protect riparian areas, wetlands, crucial wildlife habitat, threatened or endangered species, soils and vegetation, aquatic resources, and to reduce user conflicts. The alternative addresses the concern that the agencies need to allow an exception for camping, but includes specific limitations on that exception. This alternative would limit travel for administrative use by the FS, other government entities, and lessees and permittees, but would allow motorized wheeled cross-country travel when necessary.

The FS would restrict motorized wheeled cross-country travel yearlong (Map 1, FEIS). These lands, approximately 10 million acres, would be designated restricted yearlong for motorized wheeled cross-country travel under FS regulations (36 CFR 295).

The FS recognize there are some valid needs for motorized wheeled cross-country travel. The following outlines the needs for motorized wheeled cross-country travel allowed in this alternative.

Motorized wheeled cross-country travel would be allowed for any military, fire, search and rescue, or law enforcement vehicle used for emergency purposes.

Motorized wheeled cross-country travel for the FS would be limited to official administrative business as outlined by internal memo (see Appendix D of the FEIS). Examples of administrative use would be prescribed fire, noxious weed control, revegetation, and surveying. Where possible, agency personnel performing administrative functions would locate a sign or notice in the area they are working to identify for the public the function they are authorized to perform.

Motorized wheeled cross-country travel for other government entities on official administrative business would require authorization from the local field manager or district ranger in their respective areas. This authorization would be through normal permitting processes and/or memoranda of understanding. Some examples of other agency administrative use would be noxious weed control, surveying, and animal damage control efforts. Where possible, the authorized party performing administrative functions would locate a sign or notice in the area they are working to identify for the public the function they are authorized to perform.

Motorized wheeled cross-country travel for lessees and permittees would be limited to the administration of a federal lease or permit. Persons or corporations having such a permit or lease could perform administrative functions on public lands within the scope of the permit or lease. However, this would not preclude modifying permits or leases to limit motorized wheeled cross-country travel during further site-specific analysis to meet resource management objectives or standards and guidelines. Some examples of administrative functions include, but are not limited to:

- Gas or electric utilities monitoring a utility corridor for safety conditions or normal maintenance,
- Accessing a remote communication site for normal maintenance or repair,
- Livestock permittees checking vegetative conditions, building or maintaining fences, delivering salt and supplements, moving livestock, checking wells or pipelines as part of the implementation of a grazing permit or lease, and
- Scientific groups under contract for resource assessments or research.

Motorized wheeled cross-country travel for personal use permits, such as firewood and Christmas tree cutting, could be allowed at the local level (FS ranger district) in specific areas identified for such use. In all other areas, motorized wheeled cross-country travel associated with personal use permits would not be allowed.

Motorized wheeled cross-country travel for big game retrieval would not be allowed.

The following exception would apply unless currently restricted:

Motorized wheeled cross-country travel to a campsite would be permissible within 300 feet of roads and trails. Site selection must be completed by nonmotorized means and accessed by the most direct route causing the least damage. This exception does not apply where existing seasonal restrictions prohibit traveling off designated routes to a campsite. Existing local rules take precedence over this exception. This distance could be modified through subsequent site-specific planning.

The following mitigation measures for the western prairie fringed orchid would apply:

Motorized wheeled cross-country travel for FS official administrative business would not be allowed in known western prairie fringed orchid habitat on the Sheyenne National Grassland in eastern North Dakota without prior approval so as to eliminate impacts to occupied habitat.

Motorized wheeled cross-country travel for lessees and permittees to administer federal leases or permits would not be allowed in known western prairie fringed orchid habitat on the Sheyenne National Grassland in eastern North Dakota without prior approval so as to eliminate impacts to occupied habitat.

**Table S.1 Summary of Alternatives**

<i>Management</i>	<i>No Action (Current Management)</i>	<i>Alternative 1</i>	<i>Alternative 2</i>	<i>Alternative 3</i>	<i>Alternative 4</i>	<i>Alternative 5 (Preferred Alternative)</i>
Areas open yearlong or seasonally	Areas currently open	None	None	Flathead NF, Kootenai NF and Bitterroot NF	Open 6/15 to 8/31 and 12/2 to 2/15 in all areas currently open	None
Prohibits motorized wheeled cross-country travel	No	Yes	Yes	Yes, except in Flathead NF, Kootenai NF and Bitterroot NF	Restricted seasonally	Yes
Emergency use	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed
Administrative use	Allowed	Authorization required	Allowed	Allowed	Allowed	Allowed as outlined by internal memo
Lease and permit holders	Allowed	Not allowed unless specifically authorized	Allowed unless specifically prohibited	Allowed unless specifically prohibited	Allowed unless specifically prohibited	Allowed unless specifically prohibited
Exceptions for Motorized Wheeled Cross-Country Travel						
- Camping	Allowed	Within 50 feet of roads and trails by the most direct route	Within 300 feet of roads and trails by the most direct route	Within 300 feet of roads and trails by the most direct route	Within 300 feet of roads and trails by the most direct route	Within 300 feet of roads and trails by the most direct route
- Game retrieval	Allowed	Not allowed	Allowed by the most direct route in portions of eastern Montana.* Not allowed in other areas.	Allowed from 10 a.m. to 2 p.m. by the most direct route	Allowed by the most direct route	Not allowed. Retrieval would be allowed on roads and trails unless currently restricted.
- Disabled access	Allowed per Rehabilitation Act	Allowed per Rehabilitation Act	Allowed per Rehabilitation Act	Allowed per Rehabilitation Act	Allowed per Rehabilitation Act	Allowed per Rehabilitation Act
- Firewood and Christmas tree cutting	Specified by permit	Not allowed	Specified by permit at the local level	Specified by permit at the local level	Specified by permit at the local level	Specified by permit at the local level

\* Game retrieval is allowed in Montana only in the following field units: Miles City FO, Billings FO, Malta FO, Lewistown FO with the exception of the Great Falls Field Station, and Custer NF with the exception of the Beartooth RD.

**Table S.2 Summary of Environmental Consequences**

<i>Identified Environmental Issues</i>	<i>No Action (Current Management)</i>	<i>Alternative 1</i>	<i>Alternative 2</i>	<i>Alternative 3</i>	<i>Alternative 4</i>	<i>Alternative 5 (Preferred Alternative)</i>
<b>Recreation</b>						
User Conflicts	User conflicts would continue to increase.	User conflicts associated with cross-country travel would be substantially reduced.	User conflicts associated with cross-country travel would be substantially reduced.	Effects under Alt. 2 would apply where motorized wheeled cross-country travel is prohibited. Effects under No Action would apply elsewhere.	Effects under No Action Alt. would apply from 6/15-8/31 and 12/2-2-15. Effects under Alt. 2 would apply during other time periods.	User conflicts associated with cross-country travel would be substantially reduced.
Motorized Recreation	Existing opportunities would remain.	Motorized users would have access to roads and trails. Cross-country travel eliminated.	Motorized users would have access to roads and trails. Cross-country travel eliminated.	Same as above.	Same as above.	Motorized users would have access to roads and trails. Cross-country travel eliminated.
Nonmotorized Recreation	Recreation experience would be reduced.	Recreation experience would improve.	Recreation experience would improve.	Same as above.	Same as above.	Recreation experience would improve.
Visuals	Objectives for scenic values may not be met.	Additional disturbances to visuals would be substantially reduced.	Additional disturbances to visuals would be substantially reduced.	Same as above.	Same as above.	Additional disturbances to visuals would be substantially reduced.
Roadless/Wilderness Study Areas	Motorized wheeled cross-country travel may have an effect on the naturalness of these areas.	This alt. would enhance the protection of the naturalness of these areas.	This alt. would enhance the protection of the naturalness of these areas.	Same as above.	Seasonal motorized wheeled cross-country travel may have an effect on the naturalness of these areas.	This alt. would enhance the protection of the naturalness of these areas.
<b>Social</b>						
Older Recreationists	Opportunity would be available to substitute motorized wheeled cross-country travel for activities that require more mobility. There is no clear evidence this is what people will choose to do as they age.	No opportunity would be available to substitute motorized wheeled cross-country travel for activities that require more mobility. There is no clear evidence this is what people will choose to do as they age.	No opportunity would be available to substitute motorized wheeled cross-country travel for activities that require more mobility. There is no clear evidence this is what people will choose to do as they age.	Opportunity would be available in some areas to substitute motorized wheeled cross-country travel for activities that require more mobility. There is no clear evidence that this is what people will choose to do as they age.	Opportunity would be available from 6/15-8/31 and 12/2-2/15 to substitute motorized wheeled cross-country travel for activities that require more mobility. There is no clear evidence this is what people will choose to do as they age.	No opportunity would be available to substitute motorized wheeled cross-country travel for activities that require more mobility. There is no clear evidence this is what people will choose to do as they age.

<i>Identified Environmental Issues</i>	<i>No Action (Current Management)</i>	<i>Alternative 1</i>	<i>Alternative 2</i>	<i>Alternative 3</i>	<i>Alternative 4</i>	<i>Alternative 5 (Preferred Alternative)</i>
Environmental Advocacy	This group feels that current management does not sufficiently protect resources on public lands.	This alt. may meet the desires of this group.	This alt. may meet the desires of this group.	This alt. may meet the desires of this group in most areas. In open areas, this group feels that current management does not protect resources on public lands.	This alt. would not meet the desires of this group because it may not go far enough to protect the resources on public lands.	This alt. may meet the desires of this group.
Lessees and Permittees	Motorized wheeled cross-country travel opportunities would be available to administer a lease or permit.	Motorized wheeled cross-country travel to administer a lease or permit would only be allowed under specific terms of the lease or permit.	Motorized wheeled cross-country travel opportunities would be available to administer a lease or permit.	Motorized wheeled cross-country travel opportunities would be available to administer a lease or permit.	Motorized wheeled cross-country travel opportunities would be available to administer a lease or permit.	Motorized wheeled cross-country travel opportunities would be available to administer a lease or permit.
Rural Communities/ Personal Freedom	This alt. would best respond to rural communities who prefer that current activities on public lands not be limited.	This alt. would not be consistent with rural communities' preference for leaving activities on public lands at current levels.	This alt. would not be consistent with rural communities' preference for leaving activities on public lands at current levels.	Effects under Alt. 2 would apply where motorized wheeled cross-country travel is prohibited. Effects under No Action Alt. would apply elsewhere.	This alt. would not be consistent with rural communities' preference for leaving activities on public lands at current levels.	This alt. would not be consistent with rural communities' preference for leaving activities on public lands at current levels.
Economics of OHV Industry	Minor increase in jobs is expected to increase due to projected increases in OHV's and trucks.	Minor reductions in jobs and employee compensations may occur.	Minor reductions in jobs and employee compensations may occur.	Minor reductions in jobs and employee compensations may occur.	Minor reductions in jobs and employee compensations may occur.	Minor reductions in jobs and employee compensations may occur.
Cultural Resources	This alt. would cause the greatest direct and indirect impacts to cultural sites in the analysis area.	This alt. would offer the most protection for cultural sites in the analysis area.	This alt. would offer protection similar to Alt. 1, with minor differences due to the exceptions.	Effects under Alt. 2 would apply where motorized wheeled cross-country travel is prohibited. Effects under No Action Alt. would apply elsewhere.	This alt. would cause direct and indirect impacts to cultural sites in the analysis area.	This alt. would offer protection similar to Alt. 1, with a minor difference due to the camping and permitted use exceptions.
Vegetation and Weeds	This alt. would have the greatest risk for expanding and introducing existing and new weeds to BLM and NFS lands.	This alt. would have the lowest risk for expanding and introducing existing and new weeds to BLM and NFS lands.	This alt. would have the third lowest risk for expanding and introducing existing and new weeds to BLM and NFS lands.	This alt. would have substantially less risk than the No Action Alt. because only 6.5 million acres would be open and of those lands, many acres would not be available because of dense forest cover. But it has more risk than alt. 1, 5 and 2.	Effects under this alt. would be similar to the No Action Alt.	This alt. would be similar to Alt. 1, with a minor difference due to the camping and permitted use exceptions.

<i>Identified Environmental Issues</i>	<i>No Action (Current Management)</i>	<i>Alternative 1</i>	<i>Alternative 2</i>	<i>Alternative 3</i>	<i>Alternative 4</i>	<i>Alternative 5 (Preferred Alternative)</i>
Wildlife	The current level of impact to wildlife and wildlife habitat would continue with this alt.	Direct and indirect effects would be reduced (habitat fragmentation, habitat abandonment, physiological effects, and indirect impacts of weeds).	Direct and indirect effects would be reduced (habitat fragmentation, physiological effects, and indirect impacts of weeds).	Effects under Alt. 2 would apply where motorized wheeled cross-country travel is prohibited. Effects under No Action Alt. would apply elsewhere.	Effects under No Action Alt. would apply from 6/15-8/31 and 12/2-2/15. Effects under Alt. 2 would apply during the other time periods. Overall, impacts to wildlife may be considerably less since closed period is when most travel occurs (fall hunting).	Direct and indirect effects would be reduced (habitat fragmentation, habitat abandonment, physiological effects, and indirect impacts of weeds).
Aquatic Resources	This alt. would provide no risk reduction for further impacts to aquatic resources.	This alt. would provide greatest risk reduction for further impacts to aquatic resources.	This alt. is similar to Alt. 5, with minor differences due to the additional exceptions.	Effects under Alt. 2 would apply where motorized wheeled cross-country travel is prohibited. Effects under No Action Alt. would apply elsewhere.	Overall, effects under this alt. would be less than those under No Action Alt. because there would be fewer days during which motorized wheeled cross-country travel could occur.	This alt. is similar to Alt. 1, with a minor difference due to the camping and permitted use exceptions.
Soils	This alt. would have the greatest potential to impact soil resources.	Impacts to soil resources would be kept to a minimum and widely dispersed.	Impacts to soil resources would be kept to a minimum and widely dispersed.	Overall accelerated soil erosion from motorized wheeled cross-country travel would be reduced, except if such travel were to occur in a concentrated manner.	This alt. would reduce soil erosion by reducing motorized wheeled cross-country travel to periods when soils are likely dry or frozen.	Impacts to soil resources would be kept to a minimum and widely dispersed.
Air	This alt. would have the greatest potential to influence short-term air quality in the immediate area.	This alt. would have reduced localized air effects from fewer user-created trails.	This alt. would have reduced localized air effects from fewer user-created trails.	Effects under Alt. 2 would apply where motorized wheeled cross-country travel is prohibited. Effects under No Action Alt. would apply elsewhere.	This alt. would offer no real difference from the No Action Alt.	This alt. would have reduced localized air effects from fewer user-created trails.
Minerals	This alt. would have no impact.	This alt. would cause increased administrative review before some routine activities could occur.	This alt. would have no impact to existing holders of mineral leases or permits. Some increase would occur in administrative review of casual use for pre-permit surveying and staking.	Effects under Alt. 2 would apply where motorized wheeled cross-country travel is prohibited. Effects under No Action Alt. would apply elsewhere.	Effects under No Action Alt. would apply from 6/15-8/31 and 12/2-2/15. Effects under Alt. 2 would apply during the other time periods.	This alt. would have no impact to existing holders of mineral leases or permits. Some increase would occur in administrative review of casual use for pre-permit surveying and staking.

## PUBLIC INVOLVEMENT

The Forest Service and BLM conducted public involvement for the proposed amendments consistent with procedures required by the National Environmental Policy Act. A Notice of Intent was published in the Federal Register on January 22, 1999. Nearly 14,000 scoping letters were mailed out. The comment period was extended to May 31, 1999. During that time 35 open houses were conducted, which approximately 1400 people attended. During the scoping period nearly 3,400 letters were received and reviewed and used to identify issues and develop alternatives.

The draft EIS had a 90 day comment period that ended February 24, 2000. During this period 35 open houses were hosted with over 1,500 people attending. Over 2,300 letters were received and analyzed.

A thorough description of the public involvement process and responses to comments is located in Chapter 4 of the FEIS.

## LEGALLY REQUIRED FINDINGS

### National Forest Management Act: Finding of Nonsignificant Amendment

The NFMA significance determination is based on a review of the degree to which management direction for the area covered by a forest plan is being changed. The purpose of this amendment is to restrict motorized wheeled cross-country travel to avoid future impacts to soil, water, vegetation, wildlife and its habitat, the spread of invasive weed species, damage to cultural resources and minimize user conflicts. These problems are occurring in some areas. A major reason for this decision is preventative in nature. Given the increases in OHV use in the past ten years and the expectation of that trend to continue the decision to amend forest plans to restrict cross-country travel has been made.

NFMA provides that forest plans may be amended in any manner, but if the amendment results in a significant change in the plan, additional procedures must be followed. The Forest Service Handbook (FSH 1909.12) identifies four factors to consider in determining whether an amendment is significant. These are addressed below for this amendment.

It is important to put these decisions into context with national direction for OHV management. The Executive Orders 11644 and 11989 direct federal agencies to establish procedures to control and direct the use of OHV's on public lands so as to (1) protect the resources of those lands, (2) promote the safety of all users, and (3) minimize conflicts among the various users of those lands. The E.O.'s require the designation of areas and trails for use by OHV's. These amendments only deal with the area designation. Existing land management plans allocated lands to one of three categories: closed – no motorized travel permitted; restricted – seasonally or year-long restrictions on the use of OHV's; open – areas open to use anytime. These amendments shift lands from open and seasonally restricted to yearlong restrictions. These amendments result in minor changes in the use of the forests for motorized recreationists as discussed in chapter 3, recreation section of the FEIS. It explains that motorized recreation is just one segment of the overall suite of possible activities provided on the national forests/grasslands. And that OHV motorized wheeled cross-country travel recreation is just a small portion of the motorized forms of recreation (approximately 1%, see chapter 3, recreation section of FEIS).

The following four factors and their discussion were used in determining significance:

**Timing:** Identify when the change is to take place. Determine whether the change is necessary during or after the plan period or whether the change is to take place after the next scheduled revision of the forest plan.

NFMA requires that Forest and Grassland Plans be revised at least every 15 years. These plans have been in place since 1986-1987. The plan revisions are scheduled in the next couple of years. Thus it is late in the current planning period.

These OHV area designation amendments are taking place during the current planning period prior to completion of the revisions. As stated in FSH 1909.12, chapter 5.32, "the later the change, the less likely it is to be significant for the current forest plan."

**Location and Size:** Determine the location and size of the area involved in the change. Define the relationship of the affected area to the overall planning area.

The following table displays the acres and percentage of each forest plan that is and is not affected by these amendments.



National Forest/ Grassland	Acres Open Yearlong	Acres Closed/ Restricted Yearlong	Total Acres	Percent of Unit Open
Beaverhead-Deerlodge*	1,921,000	1,431,000	3,352,000	57%
Bitterroot**	796,000	321,000	1,117,000	71%
Custer	758,000	429,000	1,187,000	64%
Dakota Prairie***	1,260,000	0	0	100%
Flathead	1,211,000	1,142,000	2,353,000	51%
Gallatin	780,000	1,021,000	1,801,000	43%
Helena	571,000	404,000	975,000	59%
Kootenai**	1,447,000	670,000	2,220,000	70%
Lewis & Clark	1,347,000	516,000	1,862,000	72%

\*These two forests are administered as one forest but have two separate plans.

\*\*Acreages only include lands in Montana.

\*\*\*Part of the Custer NF plan. A separate plan is currently being developed.

The area involved with the change in designation ranges from 43 to 100 % of the affected forests/grasslands, which is fairly large. However the forest/grassland recreation experts have estimated the number of cross-country wheeled OHV users to be about 1% of all OHV users across the forests/grasslands and the range is from less than 1% to 10% (chapter 3 FEIS). Most wheeled motorized OHV use occurs on roads and trails. Roads and trails remain open within existing restrictions. As described in the environmental setting in chapter 3 much of the National Forest System lands are steep and trees and other vegetation is dense enough to preclude cross-country use by OHV's cross-country. Therefore the change in designation has a much smaller effect on OHV users than depicted by these figures since roads and trails remain open. More than three quarters of the Northern Region is forested. Because of the small magnitude of effects and the fact that much of the land is not now accessible this is not a significant amendment.

**Goals, Objectives and Outputs:** Determine whether the change alters long-term relationships between the levels of goods and services projected by the forest plan. Consider whether an increase in one type of output would trigger an increase or decrease in another. Determine whether there is a demand for goods or services not discussed in the forest plan.

This amendment is fully consistent with the goals in all nine of the forest plans affected. None of the goals will be altered by this decision. There are no new forest plan goals established.

This amendment is fully consistent with and does not alter the objectives of each forest plan. No new objectives are established.

There are no significant changes, in outputs projected by the forest/grassland plans, expected as a result of this decision. The greatest effect is upon motorized OHV users. This effect is relatively minor since the majority of use (estimated to be 99% in the EIS) is on roads and trails and thus is minimally altered by this decision. It is expected that most of the OHV users that have recreated cross-country will shift their activity to roads and trails rather than stop recreating altogether. There will be some benefits for wildlife habitat, slightly reduce the spread of noxious weeds, slightly improve habitat for some Threatened and Endangered species. None of these changes alter the long-term projections of goods and services projected in the forest/grassland plans.

This decision does not deal with a demand for goods or services that were not discussed in the previous planning efforts.

**Management Prescription:** determine whether the change in a management prescription is only for a specific situation or it would apply to future decisions throughout the planning area. Determine whether or not the change alters the desired future condition of the land and resources or the anticipated goods and services to be produced.

This amendment does not change any Management Area (MA) designations. It does change where the motorized activity within the MA's can be conducted. It eliminates the motorized wheeled cross-country travel, with a few specifically managed exceptions, but does not change the current use of roads and trails in place now.

This decision does change the designation of areas for wheeled motorized cross-country travel for future decisions not just for a specific situation.

It does not change the desired future condition of the land and resources as described in the existing plans or make a consequential change in goods and services that are produced.

Conclusion: Based on a consideration of the four factors, and considering the nine Plans being amended, I have determined that the adoption of this amendment is not significant under NFMA. This amendment is fully consistent with the current goals and objectives of the respective plans.

### **National Forest Management Act: Diversity and Viability Provisions for Fish and Wildlife**

The National Forest Management Act requires the Secretary of Agriculture to specify “guidelines for land management plans developed to achieve the goals of the Program which provide for diversity of plant and animal communities based on the suitability and capability of the specific land area in order to meet overall multiple-use objectives” (16 U.S.C. 1604(g)(3)(B)). In accord with this diversity provision, the Secretary promulgated a regulation that provides in part: “Fish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area” (36 CFR 219.19).

The scientific community and courts recognize that NFMA does not create a concrete, precise standard for diversity. The Committee of Scientists that provided scientific advice to the Forest Service on drafting of NFMA regulations stated that “it is impossible to write specific regulations to ‘provide for’ diversity” and “there remains a great deal of room for honest debate on the translation of policy into management planning requirements and into management programs” (44 Fed. Reg. 26,600-01 & 26,608).

In this planning context, absolute certainty is not possible. Thus, the determination is a matter of risk or likelihood when considering the effects of the action.

In making the determination for this decision the effects displayed in chapter 4 of the FEIS, indicate alternative 5 will be beneficial for wildlife by reducing disturbance of the animals and damage to plants. It will reduce the damage to habitat and reduce the spread of invasive exotic plants. It will reduce the amount of sediment introduced to streams, result in less damage to riparian zone soil and vegetation. Therefore, I conclude this decision will positively contribute to the maintenance of diversity and viability of fish and wildlife on the national forest lands affected.

### **Endangered Species Act**

A team of biologists and botanists prepared a Biological Assessment on this proposed amendment to the Forest Plans. This Biological Assessment, which is included as Appendix C of the Final EIS, summarizes the consultation process on the proposed plan amendment, and evaluates the potential effects of the proposed amendment on listed species and species proposed for listing. The Biological Assessment determined that the proposed amendment is may effect, not likely to adversely affect the, threatened grizzly bear, bald eagle, piping plover, bull trout and Canada lynx or bull trout, endangered gray wolf and black-footed ferret, or mountain plover and Spalding’s catchfly. The last two determinations would be made if the final rule were to list them. It was determined the amendment will have no effect on the endangered least tern, whooping crane, pallid sturgeon, white sturgeon, American burying beetle or the threatened water howellia, Ute ladies’ tresses and western prairie fringed orchid.

The Forest Service requested that the U.S. Fish and Wildlife Service review the Biological Assessment in a letter dated December 7, 2000. The Fish and Wildlife Service concurred and stated that it did not anticipate any incidental take of listed species as a result of the proposed amendment. As a result, they concluded that formal consultation under the Endangered Species Act is not required.

### **NEPA: Environmentally Preferred Alternative**

The Council on Environmental Quality regulations for implementing NEPA require that the Record of Decision specify “the alternative or alternatives which were considered to be environmentally preferable” (40 CFR 1505.2(b)). This alternative has generally been interpreted to be the alternative that will promote the national environmental policy as expressed in NEPA’s Section 101 (CEQ’s “Forty Most-Asked Questions”, 46 Federal Register, 18026, March 23, 1981). Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative that best protects, preserves, and enhances historic, cultural, and natural resources.

Alternative 1 is the environmentally preferred alternative since it has the greatest level of restrictions on the use of wheeled motorized OHV’s traveling cross-country, therefore it would have the least effects on the biological, physical, cultural and historic resources.

## **Environmental Justice (Executive Order 12898)**

Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," requires that Federal agencies make achieving environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health and environmental effects of their programs, policies, and activities on minority populations and low-income populations.

We have conducted a qualitative assessment of environmental justice considerations based on the information in the Final EIS. My conclusion is that the risk of such disproportionate effects on minority or low-income populations from this amendment is very low. The Final EIS consistently ranks Alternative 5 as among those with the lowest risk of adverse environmental effects from land management activities. Based on the assessment there is no evidence that the low level or risk is disproportionately placed on low income or minority populations.

Alternative 5 also does not pose any significant socioeconomic risks that disproportionately affect low income or minority populations in communities where timber producing employment opportunities and workers are located. Alternative 5 will not cause a significant change in local employment or revenue sharing with local communities. Thus, this decision should not disproportionately affect low-income or minority populations and communities.

## **ADMINISTRATIVE APPEAL OPPORTUNITIES**

Implementation of this decision shall not occur until 7 days following publication of the legal notice of the decision in the following newspapers of record: Missoulian, Great Falls Tribune, Billings Gazette, Montana Standard, Ravalli Republic, Bismark Tribune, Rapic City Journal, Daily Interlake, Bozeman Chronicle and the Independent Record.

This decision to adopt a is subject to appeal pursuant to 36 CFR 217.

This Forest Plan Revision was developed using planning regulations that were adopted in 1982 under 36 CFR 219. On Thursday November 9, 2000 new regulations for the appeal process (36 CFR 217) and the forest planning process (36 CFR 219) were adopted through publication in the Federal Register. Instead of an appeal process an objection process will be used for any decisions made using the new planning regulation.

Since this plan was developed using the 1982 planning regulation that means there is neither an appeal or objection process for this decision. Given this situation I have decided to provide for what I am calling a voluntary appeal process on the Forest Service's part using the same procedures as outlined in the now obsolete 36 CFR 217 appeal process. Therefore, this decision is subject to administrative review pursuant to 36 CFR 217 prior to their removal. What that means is a written appeal of this decision, a nonsignificant Forest Plan amendment, must be filed in duplicate within 45 days of the date of the published legal notice. Appeals must be filed with:

Chief, USDA Forest Service  
14<sup>th</sup> and Independence, SW  
201 14<sup>th</sup> Street  
Washington, DC 20250

Any notice of appeal must be fully consistent with 36 CRF 217.9 and include at a minimum:

- A statement that the document is a Notice of Appeal filed pursuant to 36 CFR part 217.
- The name, address, and telephone number of the appellant.
- Identification of the decision to which the objection is being made.
- Identification of the document in which the decision is contained, by title and subject, date of the decision, and name and title of the Deciding Officer.
- Identification of the specific portion of the decision to which objection is made.
- The reasons for objection, including issues of fact, law, regulation, or policy and, if applicable, specifically how the decision violates law, regulation, or policy.
- Identification of the specific change(s) in the decision that the appellant seeks.

For questions concerning the appeal process, contact:

USDA Forest Service  
Attention: Ecosystem Management Staff (Steve Segovia)  
P.O. Box 96090  
Washington, D.C. 20090-6090  
(202) 205-1066

For questions concerning this amendment, contact:

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Dale N. Bosworth  
REGIONAL FORESTER, Northern Region