

Chapter 1. Purpose and Need for Action

Document Structure

The Forest Service has prepared this Draft Environmental Impact Statement (DEIS) in compliance with the National Environmental Policy Act (NEPA) and other relevant Federal and State laws and regulations. This DEIS discloses the direct, indirect, and cumulative environmental effects that would result from the proposed action and alternatives. The document is organized as follows:

- **Chapter 1. Purpose and Need for Action:** The chapter includes information on the history of the project proposal, the purpose of and need for the project, and the agency's proposal for achieving the purpose and need. This section also details how the Forest Service informed the public of the proposal and how the public responded.
- **Chapter 2. Alternatives, including the Proposed Action:** This chapter provides a more detailed description of the agency's proposed action as well as alternatives designed to resolve issues and achieve the stated purpose. These alternatives were developed based on significant issues raised internally, by the public and by other agencies. This discussion also includes design criteria. Finally, this section provides a summary table of the environmental consequences associated with each alternative.
- **Chapter 3. Affected Environment and Environmental Consequences:** This chapter describes the expected environmental effects of implementing the proposed action and alternatives. This analysis is organized by resource area (such as wildlife and soils).
- **Chapter 4. Consultation and Coordination:** This chapter provides a list of preparers and agencies consulted during the development of the environmental impact statement.
- **Appendices:** The appendices provide more detailed information to support the analyses presented in the environmental impact statement.
- **Index:** The index provides page numbers by document topic.

Additional documentation, including completed specialist reports, scientific and other sources underlying the analysis, and other planning documents, may be found in the project planning record located at the Forest Supervisor's Office in Custer, South Dakota.

Location

The project area consists of Federal lands managed by the Black Hills National Forest, comprising approximately 1.2 million acres in western South Dakota and eastern Wyoming (Figure 1). The bulk of the Forest is located in a contiguous block in western South Dakota, with parcels in eastern Wyoming, including the Bear Lodge Mountains. The gross area within the administrative boundary of the Forest depicted in Figure 1 is 1.5 million acres. Approximately 300,000 acres of lands of other ownerships lie within the Black Hills, and are seen in Figure 1 as white inclusions in the gray background. A small amount of this is in federal ownership (just under 2,600 acres comprise Jewel Cave and Mount Rushmore National Monuments, and the Bureau of Land Management manages lands around Lead and Deadwood), but most is in State or private ownership. Most of the lands on the periphery of the Forest are also non-federal land and privately owned. Much of the private land on the periphery of the Forest and within the Forest is prized for private subdivision development, private recreational ranches, and land speculation whose end purpose is generally residential development. Wildland-urban interface

(WUI) issues played a prominent role in developing current Forest Plan direction and are a prime consideration in management of the Forest.

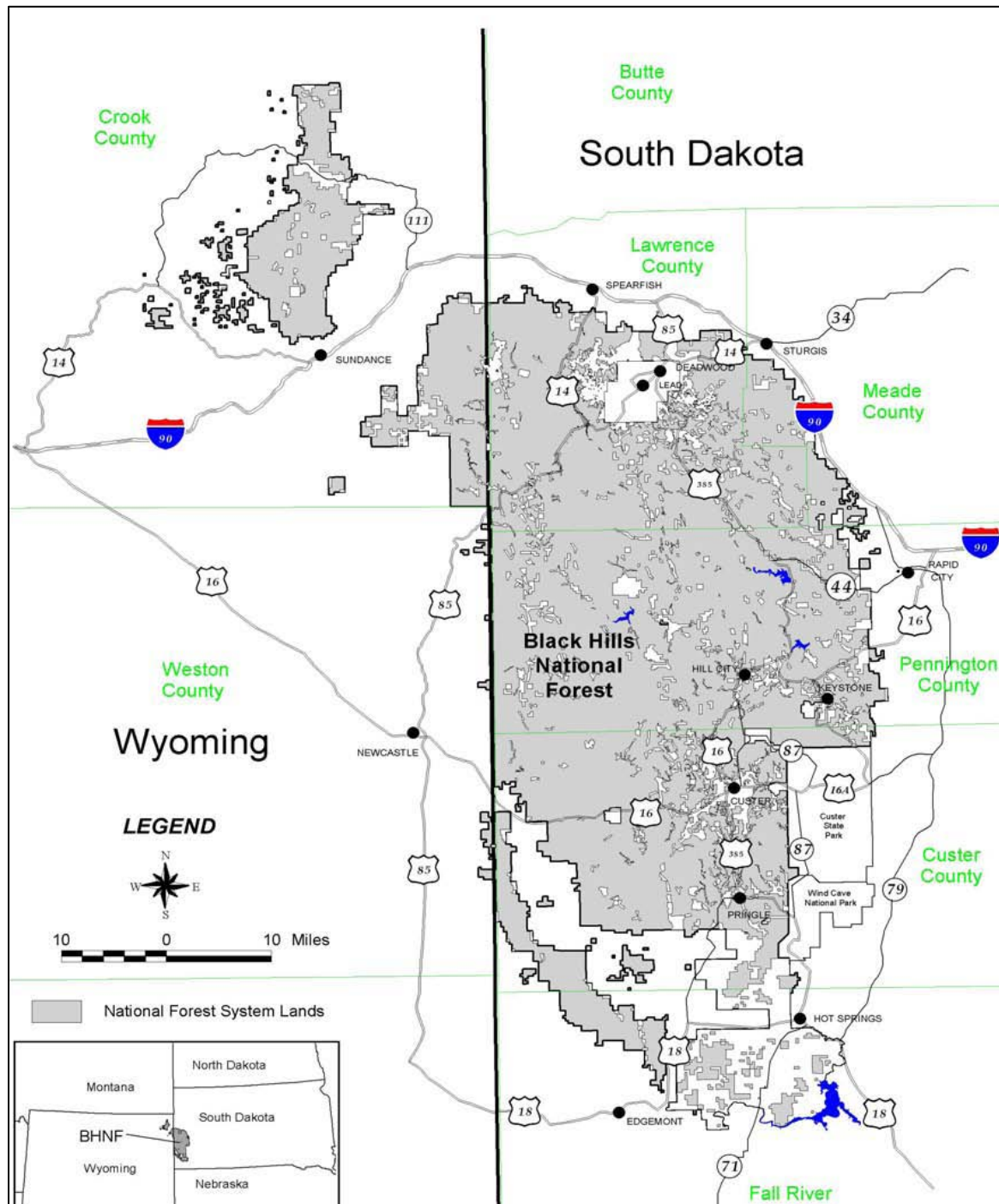


Figure 1. Black Hills National Forest planning area (Source: USDA Forest Service 2004)

Background

The Black Hills National Forest is part of the 191 million acres managed for multiple uses within the National Forest System (NFS). Motorized vehicles are used on NFS lands for a variety of purposes, including access to private property, harvesting timber and herding cattle, accessing recreational opportunities such as hunting, fishing, and camping, for sport and simply driving for pleasure. Nearly everyone who uses NFS lands – even those seeking nonmotorized pursuits – uses motorized vehicles in some fashion.

There are many types of motorized vehicles operating on NFS lands. These include highway-legal sedans, four-wheel-drive vehicles (4x4s), pickup trucks, and off-highway vehicles (OHVs) including all-terrain vehicles (ATVs), “dirt bike” motorcycles, and specialized vehicles such as rock crawlers. OHV use has become particularly popular in the last few decades. Nationally, OHV owners and users have increased in numbers from about 5 million in 1972 to 51 million in 2004. OHV users account for 11 million visitors annually to the National Forests and Grasslands (USDA Forest Service 2004b). The West (including Wyoming) and the Midwest (including South Dakota) as regions rank first and second, respectively, in percentage of residents participating in OHV activities. The states of Wyoming and South Dakota rank second- and seventh-highest in the nation, respectively, in percentage of residents participating in OHV recreation (USDA Forest Service 2005c).

Management of OHV and other motorized uses currently varies throughout the National Forests and Grasslands nationwide. Many Forests and Grasslands restrict motorized vehicle use to designated routes and areas. This approach has been referred to as “closed unless designated open”. Conversely, some Forests allow for unrestricted cross-country use and travel on routes that are not part of the regular transportation system. This approach has been referred to as “open unless designated closed”. Roads and trails that are not part of the official transportation system are often referred to as non-system or unauthorized routes. This varying regulatory approach for motorized vehicle use across the many National Forests and Grasslands has led to confusion among users, especially in areas where different Forests border one another. What is legal on one side of the boundary may be illegal on the other side.

The use of motorized vehicles on National Forests and Grasslands provides users with much enjoyment and varied recreational opportunities. There are issues, however, associated with motorized use. Unmanaged motor vehicle use can negatively affect riparian areas, wildlife habitat, soils, vegetation, cultural resources, and historic sites, and can contribute to the spread of invasive weed species. Such use can also bring about conflicts with other users of the National Forests and Grasslands, and adjacent private landowners, and can generate costs associated with route maintenance and law enforcement. In response to these issues, the Chief of the Forest Service in 2004 identified unmanaged recreation (including unmanaged motorized vehicle use) as one of four threats to the health of the nation’s forests and grasslands (USDA Forest Service 2004b).

Travel Management Rule

Heightened concern with the effects of unmanaged recreation was followed in November 2005 by the issuance of a new Travel Management Rule (the Rule, or travel management rule -- Federal Register, 70FR68264, incorporated here by reference). The final Rule amended regulations at 36 CFR 212, 251 and 261, and removed obsolete direction at 36 CFR 295. This Rule specifically requires the designation of any roads, trails, and areas that are to be open to motor vehicle use on a National Forest. The Rule also directs that designations be made by class

of vehicle and by season of use, where appropriate and necessary. Motor vehicle use would be prohibited on routes and areas not designated open to use. The Rule provides the motivation for this travel planning effort. It is a major reason why this EIS is being prepared, and it is the reason why the Forest is proposing to designate routes open to use in contrast to the approach used previously.

Presently, most (864,000 acres) of the Black Hills National Forest (the Forest) is open to cross-country motorized travel, and has been for many years. There are over 10,000 miles of authorized roads and trails, unauthorized routes, and other-jurisdiction routes on the Forest. The authorized roads are referred to as system roads. They have been constructed and are maintained to provide administrative and public access to the Forest. System roads are considered necessary for the proper management of the Forest. Some of these system roads are high-speed gravel or paved routes, but most are lower-standard “dirt” roads with native surface material. Many are open on a year-round basis; others are restricted seasonally, typically being closed in the winter and early spring to provide undisturbed wildlife winter habitat and to protect the roadbeds during wet periods.

Definitions (36 CFR 212.1)

Road – A motor vehicle route over 50 inches wide, unless identified and managed as a trail.

Trail – A route 50 inches or less in width or a route over 50 inches wide that is identified and managed as a trail.

Forest road or trail – A road or trail wholly or partially within or adjacent to and serving the NFS that the Forest Service determines is necessary for the protection, administration, and utilization of the NFS and the use and development of its resources

Unauthorized Route – A route that is not a forest road or trail or a temporary road or trail and that is not included in a forest transportation atlas.

Unauthorized roads and trails include a variety of routes. Some are old routes that were either constructed or used for forest management activities on a temporary basis. Users adopted these routes over time and have used them, in some cases for decades. Other routes are user-created. These routes were developed by repeated driving cross-country on the same path winding through the trees or across openings. User-created routes have not been designed by engineers and are sometimes situated in poor locations on the landscape. Other-jurisdiction roads include State highways, county and private roads.

This environmental impact statement (EIS) addresses roads, trails, and areas under jurisdiction of the Black Hills National Forest. This document does not address the management of routes by other jurisdictions. This document does not address travel by over-the-snow machines. This EIS responds to the Travel Management Rule and discloses the effects of five alternative approaches to managing motorized vehicles on the Forest. These alternatives were developed after significant public involvement. The EIS considers which routes should be designated as open to motorized use, what types (class) of vehicles should be used on various routes, which routes should be open yearlong and which ones seasonally, and whether limited cross-country motorized travel should be allowed for purposes of retrieving downed game and/or dispersed camping.

Legal Framework

The Forest Service must comply with numerous laws, regulations, and policies in managing NFS lands. Some of the more important of these relating to travel management planning and implementation are as follows.

Multiple Use-Sustained Yield Act of 1960 (16 U.S.C. 528) – This law states that it is the policy of Congress that the National Forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes, and authorizes and directs the Secretary of Agriculture “to develop and administer the renewable surface resources of the National Forests for the multiple use and sustained yield of the products and services obtained therefrom.”

National Forest Management Act of 1976 (NFMA; 16 U.S.C. 1600) – The National Forest Management Act requires the Secretary of Agriculture to assess forest lands, develop a management program based on multiple-use, sustained-yield principles, and implement a resource management plan for each unit of the National Forest System. It is the primary statute governing the administration of National Forests. This law primarily guides the development of Forest Plans, but requires also that project decisions such as will be made under this Forest Travel Management Plan EIS must be consistent with direction in the Revised Forest Plan for the Black Hills National Forest, as amended.

National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321) – This law directs all federal agencies to consider and report the potential environmental impacts of proposed federal actions, and established the Council on Environmental Quality (CEQ). The CEQ regulations implementing NEPA are located at 40 CFR 1500-1508.

36 CFR 212, 251, 261 – Regulations at Part 212 establish requirements for the administration of the forest transportation system, including roads, trails, and airfields, and provisions for acquisition of rights-of-way. These regulations describe a minimum road system and require a science-based roads analysis to plan the road system and to set funding priorities. Regulations at Part 261 establish prohibitions on National Forest System roads that are enforceable by the Forest Service and other federal law enforcement official(s). Collectively, regulations at these three parts govern motorized travel management, land uses, and prohibitions. These were recently revised under the final travel management rule. The Rule requires consideration of the effects of designating roads, trails and areas on specific resources and components of travel management (36 CFR 212.55(a)). The Rule also contains specific criteria related to designating trails and roads (36 CFR 212.55(b, c)). This document is being prepared in direct response to the direction in this Rule.

Executive Order 11644 as Amended by E.O. 11989 – Executive Order (E.O.) 11644 requires Federal land management agencies to establish policies and procedures for managing motorized vehicles on public lands to protect resources, promote safety of users, and minimize conflicts among users. E.O. 11989 amended E.O. 11644 with additional guidance to protect resources when establishing policies related to motorized travel on public lands. The 2005 Final Travel Management Rule is the agency’s method of implementing these executive orders.

Executive Order 13443 – This Order requires Federal land management agencies to consider the effects of agency actions on hunting, hunter participation, and wildlife habitat; to work cooperatively with state and tribal entities on wildlife management; and to consider

programs and recommendations of comprehensive wildlife planning efforts. Chapter 3 discloses the effects of the alternatives on hunting, hunting participation, and wildlife habitat, and on compliance with applicable species specific and other wildlife management plans.

Revised Statute (R.S.) 2477 Rights-of-Way – The 2005 Motorized Travel Rule exemption for legally documented rights-of-way held by State, county or other local public road authorities covers rights-of-way under R.S. 2477 that have been adjudicated through the Federal court system or otherwise formally established. However, Congress has placed a moratorium on rulemaking concerning recognition of any unresolved R.S. 2477 rights-of-way claims. Identification of unresolved R.S.2477 rights-of-way in this document would be contrary to the Congressional moratorium and will not be further discussed here.

Forest Highways Act of 1958 (23 U.S.C. Chapter 200) – Requires that funds available for forest development roads and trails be used by the Secretary of Agriculture to pay for the costs of construction and maintenance thereof, including roads and trails on experimental and other areas under Forest Service administration, or for adjacent vehicular parking areas and sanitary, water, and fire control facilities. Authorizes the Secretary of Agriculture to enter into contracts with a State or civil subdivision thereof, and issue such regulations as he deems desirable.

National Highway Safety Act of 1966 (23 U.S.C. 402) – Authorizes State and local governments and participating Federal agencies to design, construct, and maintain roads in accordance with safety standards; to apply sound traffic control principles and standards; and to promote pedestrian safety. Pursuant to a Memorandum of Understanding (MOU) between the Forest Service and the Federal Highways Administration (FHWA), Maintenance Level 3, 4 and 5 roads are subject to “open to public travel” regulations.

This Draft EIS is tiered to the Final EIS for the Revised Land and Resource Management Plan for the Black Hills National Forest (USDA Forest Service 1996a); and the Final Environmental Impact Statement for the Phase II Amendment to the 1997 Revised Land and Resource Management Plan for the Black Hills National Forest (USDA Forest Service 2005a). This analysis incorporates by reference the 1997 Revised Land and Resource Management Plan (Forest Plan) for the Black Hills National Forest, As Amended by the Phase II Amendment (USDA Forest Service 2006a), and the entire record for this project.

Consistency between Federal Management and State Law

The Forest Service generally defers to state laws regarding the operation of motor vehicles on roads. The Rule allows designations on Forest roads that pre-empt, or vary from state law (36 CFR 212.5(a)(1, 2)). It is the intent of the Forest Service to comply with state laws while providing for a reasonable and safe range of travel and recreation options. However, if the Forest Service allows a road designation that varies from state designation, a road-use analysis will be completed prior to the decision to inform the decisionmaker of the safety implications.

Motorized Mixed Use – The use of both highway-legal and non-highway-legal vehicles on a NFS road.

A potential point of conflict between state law and any decision on this project could involve motorized mixed use on public roads. Motorized mixed use is defined for purposes of this analysis as the designation of a NFS road for use by both highway-legal and non-highway-legal motor vehicles (USDA Forest Service 2005d). The

concept of motorized mixed use pertains entirely to the licensing and registration of vehicles under state law. The concept is independent of the licensing of vehicle operators. This DEIS does not consider alternatives to current state law regarding operator licensing.

South Dakota State laws related to roads fall under South Dakota Codified Laws Title 32, Motor Vehicles (SDCL 32-20). South Dakota law requires that motor vehicles operated on public roads within the state be highway-legal. This means the vehicle must be properly equipped and must be registered with a valid license plate. The State of South Dakota has interpreted this requirement to apply to all Forest Service Maintenance Level 2, 3, 4, and 5 roads. The law also requires that the operator possess a valid state driver's license.

Wyoming State law allows the mixed use of properly outfitted, licensed, highway-legal multipurpose vehicles (MPVs) with non-highway legal vehicles on public highways under the State ORV (off-road vehicle) Program. Roads designated under this program are referred to as "enrolled roads". The law also requires that motor vehicle operators possess a valid state driver's license while operating on roads.

A motorized-mixed-use analysis is a systematic process that determines the safety and liability when allowing both licensed and unlicensed vehicle use on the same public road at the same time. Because the Forest Service is a public road management agency, allowing the use of unlicensed vehicles on Forest Service roads open to the public must be analyzed. The decision to allow motorized mixed use must be documented and approved by a Forest Service decisionmaker. The motorized-mixed-use analysis will be completed when the Final EIS for this project is developed. The Forest Supervisor will consider both when deciding what network of roads will be open to OHV use.

Purpose and Need for Action

The purpose of this action is to improve management of motorized vehicle use on NFS lands within the Black Hills National Forest in accordance with regulations at 36 CFR Parts 212, 251, 261, and 295, and as described in *Travel Management; Designated Routes and Areas for Motor Vehicle Use; Final Rule* (70FR68264). This action is needed to:

- **Identify an official travel system and update the Forest travel map.** The National direction requires Forests to clearly designate their motorized transportation system by class

Maintenance level – This concept defines system roads by the level of service they provide and the maintenance they require.

Maintenance level 1 (ML1) – Roads closed to vehicular traffic; may be open and suitable for nonmotorized uses.

Maintenance level 2 (ML2) – Roads open for use by high-clearance vehicles but not passenger cars. Typically involve low traffic volume and low speed.

Maintenance level 3 (ML3) – Roads open for travel by prudent drivers in a standard passenger car. User comfort and convenience are low priorities. Typically single-lane, low-speed routes.

Maintenance level 4 (ML4) – Roads providing a moderate degree of user comfort and convenience. Typically double-lane and aggregate-surfaced, with moderate traffic volume and speed.

Maintenance level 5 (ML5) – Roads providing a high degree of user comfort and convenience. Typically double-lane, paved, with the highest traffic volume and speeds.

- **Develop a transportation system to meet the increasing demand for recreational travel opportunities and to provide a range of quality experiences for a wide variety of Forest users.** Recreational use, including motorized travel, on the Forest has increased since the 1997 Forest Plan was published. The rapid increase of recreational activity on the Forest is partially in response to population growth, private land development, events such as the Sturgis Motorcycle Rally, and attractions including Mt. Rushmore National Memorial, Custer State Park, and Wind Cave National Park. Individuals drawn to these events and destinations often enjoy recreational opportunities on the Forest, including hiking, camping, fishing, hunting and motorized travel (USDA Forest Service 2005).

Increased recreational use on the Forest has also contributed to the overuse of recreational facilities, resource impacts, and increased conflicts between owners of private property and Forest recreational users. In response to Forest Plan Goal 4, the Forest strives to provide a range of quality recreation experiences to the public within the capability of the Forest's resources. It is timely to review the Forest's capability to provide a variety of recreational opportunities given the change in demand.

- **Reduce adverse impacts caused by unmanaged cross-country and road and trail usage in order to maintain and conserve the condition of ecosystems and watersheds.** Effects to resources have increased as travel on the Forest has increased. Legal and stewardship mandates require the Forest Service to maintain and restore ecosystems and watersheds. Forest managers and the public have expressed concern about the capability to maintain an increasingly large network of roads and trails. Roads and trails in disrepair can prevent the Forest from meeting resource protection goals. There are also concerns about maintenance and resource damage on roads and trails that are no longer needed to meet public or agency needs. Legally, road and trail funding on National Forests can only be used for authorized routes. Currently, there is no way to pay for maintenance or corrective measures such as road and trail structures on unauthorized routes.
- **Specify roads, trails, and areas open to motorized use.** The Travel Management Rule requires the Forest to designate roads, trails, and areas open to motorized use and to specify the type of vehicle and season of use for each (Federal Register 2005:70FR68264). Current Forest travel maps display roads, trails, and areas that are open or closed to motorized use, but do not officially designate routes and areas open to motorized use. Under the authority of the Rule, these maps do not create a legal basis for law enforcement.
- **Closely align travel and recreation opportunities offered to the public with the Forest's management capability.** Unmanaged recreation has been identified by the Forest Service as one of the Four Threats to the Health of the Nation's Forests and Grasslands (USDA Forest Service 2004). The Code of Federal Regulations (36 CFR 212.55) requires the responsible official to consider the need for maintenance and administration of roads, trails, and areas that would arise if the uses under consideration are designated and the resources for that maintenance and administration are available. Proactively designating and actively managing system roads, trails, and areas could help reduce management cost and focus limited resources.

Decision Framework

Given the purpose and need, the Forest Supervisor will review the proposed action and alternatives, significant issues, the environmental consequences of each alternative, and public

comments, and will make the following decisions concerning the management of motorized travel on the lands in the project area:

- Whether to designate certain routes, trailheads and other facilities as open to the public for motorized use.
- Whether to authorize improvements to certain routes to allow their use, and if so, the nature of those improvements.
- Whether to allow motorized game retrieval and motorized dispersed camping or off-road parking.
- The season or types of public motorized use allowed for those routes open to motorized travel.
- Whether to amend existing Forest Plan direction to allow implementation of the selected travel management alternative.

Site-specific analysis is incorporated into this document to support the authorization of construction and reconstruction of trails. However, interdisciplinary (ID) team specialists did not evaluate the physical decommissioning of roads or trails, thus no decision to physically close and decommission roads or trails will be made based on the analysis in this document.

Proposed Action

Early development of the proposed action involved extensive consultation with many individuals and groups. Some of this work was conducted by the National Forest Advisory Board. Other efforts were conducted by the Forest Service. The following section summarizes these efforts.

National Forest Advisory Board Efforts

The Forest conducted preliminary public involvement from April 2003 to November 2007 through the work of the Black Hills National Forest Advisory Board (NFAB). This board was chartered under the Federal Advisory Committee Act (FACA) in 2003. In March 2005, the Board established the Travel Management Subcommittee (the Subcommittee) to develop recommendations to the larger NFAB for travel management on the Forest. It was intended that advice provided by the NFAB would be used by the Forest Service to develop a proposed action or alternatives to be considered in the EIS. Members appointed to the Subcommittee represented a wide variety of interests, including both motorized and nonmotorized recreationists.

To assist their efforts in evaluating the potential for establishing a designated OHV trail system on the Forest, the Subcommittee distributed a User Needs Questionnaire to solicit input from both OHV and non-OHV users. By December 2005, some 559 responses had been received. To supplement the information received from this effort, the Subcommittee also conducted four public meetings in South Dakota and Wyoming in which they listened to ideas, suggestions and concerns from off-highway vehicle users, outdoor recreationists, interested stakeholders and community members.

NFAB Recommendations - Based on public input solicited and received, the Subcommittee issued a report on June 8, 2006 (Blair et al. 2006). The report contained eleven core recommendations regarding design and management of a designated system of roads, trails, and areas. The report made it clear that these recommendations “are intended to be general in nature.” The eleven recommendations offered by the Travel Subcommittee to the NFAB are incorporated by reference in this analysis, and are summarized as follows:

1. **Our Setting/Niche** – “The Subcommittee recognizes that motorized vehicle use including OHVs is an important part of the recreation experience on the Black Hills. The Subcommittee recommends that an OHV trail system be developed, within the context of overall motorized uses, which provides for a variety of opportunities but does not dominate or unreasonably interfere with other multiple uses on the Forest.”
2. **Active or a Passive System?** “The Subcommittee recommends an ‘active’ system versus a passive one. A *passive system* is similar to what we have today—routes and areas are designated as open or closed, and people use these routes/areas as desired. An *active system* is one that is specifically designed, maintained, and enforced to provide for specific uses. The Subcommittee recognizes that funding would play a large role in the size and nature of the system.” (Emphasis added.)
3. **What are the economic and funding issues?** “The Subcommittee recognizes that the size and nature of an OHV system will depend substantially on the funding sources available. The Subcommittee supports pursuing all possible funding options.”
4. **What would be the role of the States and local communities in developing and managing an OHV trail system?** “The Subcommittee recommends that OHV management on the Black Hills National Forest be a cooperative effort between the Forest Service, the States of South Dakota and Wyoming, and local counties. The Forest Service would have primary responsibility for an OHV trail system (as well as other transportation systems) on NFS lands.”
5. **What should the system look like/consist of?** “The group likes the concept of “Gateway Communities” or of at least connecting/tying in communities in some fashion. In general, the system should consist of a main arterial system extending throughout the Black Hills and a network of routes branching off the main system. The focus would be on multiple scale loops as opposed to dead-end spurs. Many of the routes would be shared by multiple users... The group recognizes that, for the most part, there are already an adequate number of routes on the Forest that could be developed into a system [and that] some current, non-system routes may need to be included in the system.” The Subcommittee stated that they did not envision that a large number of new routes would be developed, and that the development of new connections or “limited new routes...should be off-set by the removal of other existing routes. In the end, there should be less ‘tracks on the ground’ than currently exists.”
6. **How do we address populated areas?** “General consensus was that it is important to limit the amount of noise and potential conflicts adjacent to communities/ subdivisions, and that an OHV trail system should focus more on areas away from populated areas.” The Subcommittee recognized that concentrating motorized use near populated areas “can be a nuisance for some and cause conflicts” and that efforts should be made to reduce this nuisance and conflicts. The Subcommittee noted that providing motorized access from these areas while reducing conflicts could be “the most difficult aspect of the entire process.”
7. **Game Retrieval** – “The Subcommittee recommends that allowances be made for game retrieval as part of the motorized use designation process.” The Subcommittee recommended further that the program on the Forest should be consistent with other Federal and State agencies, notably Custer State Park, and that “No unacceptable

resource damage, as defined by the Forest Service, will occur as part of retrieval operations.”

8. **Firewood Collecting** – The Subcommittee recognized that many residents collect firewood on the Forest to heat their homes, and recommended “that motorized use to collect firewood:
 - a. Require a firewood permit.
 - b. Be limited to areas designated by the Forest Service which can be modified as needed.”
9. **Dispersed Camping** – “The Subcommittee recommends that dispersed camping using motorized vehicles off designated routes be allowed, but motorized vehicles be restricted to within 300 feet of an open, designated route using the most direct route to the camp site.”
10. **Cross-Country Motorized OHV Use** – “The Subcommittee recommends that cross-country motorized OHV travel be allowed only within designated areas. Exceptions to this would be for administrative and permitted uses, public safety, fire suppression, and search and rescue.” The Subcommittee offered no recommendation as to the size and nature of these designated areas.
11. **Mud-Bogging** – “The Subcommittee recommends that no mud-bogging be allowed on National Forest System lands,” noting the resource damage that accompanies such use.

Forest Service Efforts

The Forest Service also conducted work outside the framework of the NFAB. During this preliminary public involvement stage, Forest leadership met with Indian tribal leadership to consider the travel planning process. The Forest Service also sponsored and conducted workshops. The Forest, in cooperation with the National Off-Highway Vehicle Conservation Council (NOHVCC) conducted an OHV Route Designation Workshop in October 2006 for agency personnel and the public. The purpose of this workshop was to acquaint agency personnel and the public with the Travel Management Rule and its implementation. In November 2006, the Forest conducted four “Travelways” workshops. The purpose of these workshops was to gather public input and ideas for developing a proposed action. Individuals attending these workshops identified routes they felt should remain open for public use on Forest lands, and suggested changes or additions to the travel system. Participants at these workshops contributed site-specific information that was used to develop the proposed action.

The Forest then convened decisionmakers and resource specialists from the Supervisor’s Office and all four Ranger Districts, to design and display a motorized travel system that would follow the NFAB recommendations and meet public desires expressed up to that time. The aim was to develop a system that would also reduce or minimize potential resource damage, and be practical to implement.

Proposed Action

To meet the purpose and need, the Forest Service proposes to designate certain roads and trails open to wheeled, motorized-vehicle travel on lands administered by the Forest. The agency believes it is appropriate and necessary to assign a class of vehicle and season of use to these designated roads or trails. The agency also believes that the proposed, consciously designed, or

“active” motorized travel system would improve on the current “passive” unmanaged system, which has evolved in an unplanned manner over time. An active system would meet a variety of motorized and nonmotorized recreation needs and desires while reducing effects of motorized recreation on natural resources and neighbors.

Motor vehicle use map (MVUM):

A map reflecting designated roads, trails, and areas on an administrative unit or a Ranger District of the NFS (36 CFR 212.1).

Specifically, the action proposed by the Forest Service would greatly increase the miles of motorized trails from the current 36 miles to 663 miles. This would provide over 400 miles of trails for vehicles 50 inches or less in width, and 76 miles of motorcycle trails. This proposal would further designate 2,226

miles of road to fill out the system for motorized mixed use by both highway-legal and non-highway-legal vehicles. An additional 1,242 miles of road would be open to highway-legal vehicles only. These routes open to public use would be officially designated on a Forest motor vehicle use map. Routes not shown would be closed to motorized use. Map display would make it easier for recreationists to comply with the system, and for the agency to enforce it. Finally, cross-country travel would be allowed on 177,000 acres of NFS land for the purposes of retrieving downed game and dispersed camping. This would reduce cross-country travel from the current 864,000 acres with the intent to improve natural resource conditions. This proposal is further described in Chapter 2, Alternatives, under Alternative B.

By implementing this proposal, the Forest would comply with requirements of the 2005 Travel Management Rule (36 CFR Part 212). As a result of these travel management decisions, the Forest would produce a motor vehicle use map depicting those routes and areas on the Forest that would be open to motorized travel. The motor vehicle use map would be the primary tool used to determine compliance and enforcement with motorized travel designations on the ground. All other routes, including existing Forest routes and user-created routes not designated open on the motor vehicle use map, would be closed to motorized travel. This would represent a major change from the current situation in which routes and areas are generally considered open to motorized travel unless specifically closed.

Public Involvement

This section of the EIS describes public involvement efforts that occurred in the formal analysis process. Public involvement occurring prior to that point was described in the Proposed Action section.

Initial contact with the public at the beginning of the formal analysis process is referred to as scoping. The intent of scoping is to better define the bounds of the proposal and to identify concerns the public may have with it. The Notice of Intent (NOI) initiating the scoping process was published in the Federal Register on September 11, 2007 (72FR51772). The NOI requested public comment over a 60-day period ending November 13, 2007. As part of the scoping process in September 2007, the Forest hosted four public meetings in Wyoming and South Dakota. These meetings were attended by over 700 people. The purpose of the public meetings was to introduce the Travel Management Plan process and solicit additional comments. Open houses were also held in October 2007 at the four Forest ranger district locations, at which the district rangers were present. The public provided additional site-specific route input at these open houses. Several of the comments obtained at the open houses provided specific information concerning the current inventory of non-system (unauthorized) roads, trails, and

areas. Information pertaining to the current inventory of non-system roads, trails, and areas was used to update the computerized inventory base layers.

The Forest received more than 700 emails and letters during the public scoping period. The interdisciplinary team analyzed over 2,000 comments derived from these emails and letters using an established analytical process known as content analysis. Comments were sorted and categorized in a database, and individually evaluated. The interdisciplinary team used the comments from the public and other agencies to develop a list of issues that would be addressed in the Travel Management Plan. The issues are introduced below and are discussed in detail in Chapter 3 of this document.

Issues

During the public involvement process, the Forest identified public concerns that should be analyzed in detail in the EIS (40 CFR 1501.7). These concerns are summarized below as issues. Issues serve to highlight effects or unintended consequences that may occur from the proposed action and alternatives, giving opportunities during the analysis to reduce adverse effects and to compare trade-offs for the decisionmaker and public to understand.

These issues were separated into two groups: significant and nonsignificant issues. Issues were determined to be significant if an effect or conflict would result from implementing the proposed action. The significant issues become the focus of the analysis and guide alternative development. On the other hand, issues were determined to be nonsignificant if they were found to be: 1) outside the scope of the proposed action; 2) already decided by law, regulation, Forest Plan, or other higher level decision; 3) irrelevant to the decision to be made; or 4) conjectural and not supported by scientific or factual evidence. All public scoping comments were considered by the interdisciplinary team and the responsible official, and are documented in the project record. Comments and their disposition are summarized in Appendix D.

Significant Issues and Indicator Measures

After reviewing and analyzing agency and public responses, the following significant issues were identified. The Forest focused on articulating the significant issues identified by the public that guided the development of a range of alternatives to the proposed action. These issues are analyzed in detail in Chapter 3. Indicators were developed for each issue to help define the issue, and to evaluate the effects of the proposed action and the alternatives. The issues and their associated indicators are described below.

Issue 1: Effects on natural and cultural resources

The alternatives considered in the DEIS may have effects on natural and cultural resources. Natural resources of most concern include certain plant and wildlife species, soil and water, and the threat of invasive species. Effects to these resources will vary between alternatives and are mostly dependent on the miles of roads and trails open to motorized use. Restricting motorized use to a managed system of designated roads and trails, identifying specific seasons of use, and identifying authorized types of vehicle use, would improve protection for these natural and cultural resources. Effects to natural and cultural resources between alternatives are identified in detail in the effects analysis in Chapter 3. The following are the primary indicators used to measure the effects to natural and cultural resources. Additional indicators are addressed in the individual resource discussions in Chapter 3.

Indicators

Botanical indicators

- Miles of motorized routes
- Acres open to dispersed camping and game retrieval
- Miles of new routes and reopened closed roads
- Acres of trailheads

Wildlife

- Miles of motorized routes
- Acres open to cross-country use
- Acres open to game retrieval
- Acres open to dispersed camping

Fisheries and Hydrology

- Number of route crossings on perennial streams
- Miles of routes within 30 feet of a perennial stream (floodplain)
- Miles of routes within 119 feet of a perennial stream (WIZ)

Soils

- Acres open to cross-country use
- Acres open to game retrieval and dispersed camping

Cultural Resources

- Miles of routes closed
- Reopen a closed road
- Trail converted from road
- New routes

Range and Noxious Weeds

- Miles of motorized routes
- Acres open to game retrieval
- Acres open to dispersed camping
- Number of motorized trailheads

Issue 2: Effects on recreational opportunities

The alternatives considered in the DEIS may have effects on the amount of available recreational opportunities provided on the Forest, including motorized use on roads and trails, motorized-mixed-use roads, dispersed camping, big game retrieval, motorized trailheads and nonmotorized opportunities. Effects to the recreational opportunities by alternative are identified in detail in the effects analysis in Chapter 3. The following indicators were used to measure the effects on recreational opportunities.

Indicators

- Miles of road open to all vehicles (motorized mixed use)
- Miles of road open to highway legal vehicles only
- Miles of trail open to all vehicles (includes vehicles wider than 50 inches)
- Miles of trail open to wheeled vehicles (50 inches wide or less)
- Miles of motorcycle trail
- Miles of special designations (rock crawling)
- Concentrated, cross-country travel areas less than 5 acres
- Acres open to cross-country use
- Acres open to game retrieval
- Acres open to dispersed camping
- Number of motorized trailheads

Issue 3: Effects of transportation system design on management capabilities

The alternatives considered in the DEIS may have effects on the Forest's ability to proactively designate and manage system roads and trails, while also optimizing recreation experiences. The alternatives considered will have different effects on how the transportation system is able to address management concerns (such as law enforcement, user education, signing, and maintenance) while reducing management costs and focusing limited resources. Addressing many of the management concerns will be dependent on available funding sources, which will most likely be limited. The transportation system design can also affect public safety depending on the miles of motorized-mixed-use roads. Any roads identified for motorized mixed use will be reviewed in a Mixed Use Roads Analysis that includes mitigation to make reasonable accommodations for the public's safety. The following are the indicators used to analyze this issue.

Indicators

- Miles of road open to all vehicles
- Miles of road open to highway legal vehicles only
- Miles of trail open to all vehicles
- Miles of trail open to vehicles 50 inches wide or less
- Miles of motorcycle trail
- Number of trailheads
- Number of perennial stream crossings
- Miles of open roads to be closed
- Miles of closed roads to be reopened
- Miles of road converted to trails
- Miles of new routes to be converted from unauthorized.
- Number of dead-end spurs
- Miles of motorized-mixed-use roads open yearlong
- Miles of motorized-mixed-use roads open seasonally
- Total miles of motorized-mixed-use roads
- Miles of roads at maintenance levels 3, 4 and 5

Issue 4: Social and Economic Concerns

The alternatives considered in the DEIS may affect the economic sustainability of local businesses and communities. Effects may be related to sound level (noise), dust (air quality), trespass and access to private property, distance from motorized routes to private land, traffic levels, and miles of routes open to motorized use. The following are the indicators used to analyze this issue.

Indicators

- Miles of motorized routes within 0.5 miles of a nonmotorized trail
- Miles of NFS motorized routes through or within 300 feet of non-NFS lands
- Number of motorized trailheads within 3 miles of a gateway community
- Miles of motorized routes