

Supplemental Information Report
Elkhorn Management Areas
Helena & Beaverhead/Deerlodge National Forests
November 2007

Intro

This supplemental information report (SIR) is in regard to the **Elkhorn Mountains Travel Management Plan** – Decision Notice (DN) and Finding of no Significant Impact (FONSI) (*1995 Elkhorns*), the **Off-Highway Vehicle Record of Decision and Plan Amendment for Montana, North Dakota, and Portions of South Dakota** (*2001 Tri State OHV ROD*), and 36 CFR 212...**Travel Management; Designated Routes and Areas for Motor Vehicle Use; Final Rule**; November 2005 (*2005 Travel Rule*).

Objective

This SIR will help the responsible officials to determine if a need for change will be necessary as it relates to the information presented in the *2005 Travel Rule* to the current direction for travel management in the Elkhorn Wildlife Management Unit. This process is guided by the instructions in Section 18 - *Corrections, Supplementation, or Revision of Environmental Documents and Reconsideration of Decision to Take Action* of the Forest Service Handbook (FSH) 1909.15. This evaluation focuses on the need to address environmental concerns that have a bearing on the action or its impacts and may address all or a portion of the original decision.

The focal point for this evaluation is to create understanding and clarification among these documents in order to produce the *2005 Travel Rule* “Motor Vehicle Use Map” (MVUM) that reflects designated roads, trails, and areas on an administrative unit or a Ranger District of the National Forest System in a consistent manner. Under Section 212.50 (b) of the *2005 Travel Rule*, the responsible official may incorporate previous administrative decisions regarding travel management made under other authorities...

Under this authority, the responsible official applies FSH 1909.15 Section 18 to evaluate whether new information does indeed change a previous decision that may have a bearing on the action or its impact.

Background

Elkhorns

The Elkhorn Wildlife Management Unit was established as a result of the Final Elkhorn Wilderness Study Report in 1982. The final report recommended no area be designated for wilderness but that the Elkhorn Wildlife Management Unit to be established on the Helena and Deerlodge National Forest (NF) (Deerlodge National Forest has been administratively consolidated and is part of the Beaverhead/Deerlodge NF). Objectives for the Elkhorn Wildlife Management Unit were developed using the following criteria:

- Wildlife habitat will be managed to maintain viable populations...
- Vehicular access will be restricted...

- Management controls over the use of motorized vehicles will be implemented...
- A trans-mountain road will not be considered.
- Land management activities for other resource values will be considered when they are compatible...
- Etc.

In August of 1995, the Elkhorn Mountains Travel Management Plan DN/FONSI (1995 *Elkhorn*) was signed by the USDI-BLM (Butte District) and USDA-Forest Service (Helena NF and Deerlodge NF). Lands in the Elkhorn Cooperative Management Area include both USDI and USDA jurisdiction. This was a cooperative project between the USDI and USDA with collaboration with the Montana Dept. of Fish, Wildlife, and Parks. That decision addressed travel restrictions; no ground disturbing activities were proposed.

2001 Tri State OHV ROD

In January 2001, the Forest Service (FS) and Bureau of Land Management (BLM) issued a joint decision to prohibit motorized cross-country wheeled-vehicle travel on all National Forest System (NFS) and BLM lands in three states except on designated routes and areas. That decision directed agencies to set up a schedule for completing site-specific planning that would designate appropriate uses on all system and non-system roads and trails.

Due to increased use and capabilities of the newer cross-country vehicles, it was necessary for the Forest Service and BLM to take a closer look at this use and its' relationship to the resources.

2005 Travel Rule

The *2005 Travel Rule* was issued because the older regulations allowed, restricted, or prohibited motor vehicle travel when those uses were less widely available, less powerful, and less capable of cross-country travel than today's models. The growing popularity and capabilities of OHVs demand new regulations, so that the FS can continue to provide these opportunities while sustaining the health of the NFS lands and resources.

SIR - Scope

To keep this due process focused and on schedule (Travel management, Schedule for Implementation; November 2, 2005, Dale Bosworth), this SIR includes only the existing Forest routes on NFS lands on both the Helena NF and Beaverhead/Deerlodge NF within the Elkhorn Wildlife Management Unit and is limited to motor vehicle use from May 15 to December 1. Inclusion of winter motorized use was exempt from this process under 36 CFR 212.51 (3).

An interdisciplinary review was used to help the responsible officials to determine if there were any substantive or significant differences in the *2005 Travel Rule* as it relates specifically to the summer motorized use within the Elkhorn Wildlife Management Unit.

Evaluation of Considered Travel Plan Elements

In this evaluation the key area for comparing consistency lies within 36 CFR 212.51 as revised by the *2005 Travel Rule*. The elements to be evaluated are designation, emergency and other administrative use, time of year or seasonal closure, motor vehicle access to dispersed camping, and game retrieval. The following table compares that language.

Key Travel Elements

Element/Document	Elkhorns	2001 Tri State OHV ROD	2005 Travel Rule
Designation/Restrictions	There are 4 Elkhorn Management Areas. Elkhorn 2 is closed to motorized vehicles while Elkhorn 1, 3 & 4 are administered under an area closure with motorized vehicle use being limited to designated routes and/or areas. See Helena NF Amendment #10.	This decision restricts motorized wheeled cross-county travel throughout the analysis area to protect resources and to reduce user conflicts. See pages 4 & 8 of 2001 January ROD.	The 2005 Travel Rule directs the designation of motorized, open roads, trails, and areas. All other areas beyond designation are prohibited from motorized use; with exceptions. See 36 CFR 212.51 (a).
Emergency & other Administrative Use	The Elkhorn Management Unit did not specifically address these items but is guided by emergency and administrative uses under 36 CFR 212.	This decision does allow for emergency cross-country travel and does allow but limits travel for administrative, lessees, and permittees. See pages 4, 8 & 9 of 2001 January ROD.	Under 36 CFR 212.51 (a) uses are exempted from designations include...(4) limited admin. use by the FS, (5) Use of any fire, military, emergency, or law enforcement vehicle for emergency purposes...
Seasonal Closures	<ul style="list-style-type: none"> • Closed to all motorized use yearlong, • Closed to motorized use (10/15-12/1), • Closed to motorized use (12/2-5/15), • Closed to motorized use (10/15-5/15), • Closed to motorized use yearlong, except for big game retrieval, and • There are some variations due to other needs e.g. cross-county skiing 	Motorized wheeled cross-country travel is designated restricted yearlong under FS regulations 36 CFR 295. See page 8 of 2001 January ROD. Seasonal closures on open routes default to standards outlined in the Forest Plans.	Closure dates are not specifically delineated in the <i>2005 Travel Rule</i> primarily due to the varying needs for effective closures specific to each Forest. It does leave the flexibility for the responsible official to apply closures by time of year where appropriately needed.
Dispersed Campsite Access	Regulations provide for camping within 300' either side of designated routes. So, dispersed camping is provided for in this decision as well. See page 13 of 1995 August DN/FONSI.	Access allowed within 300 feet of open, motorized roads and trails by the most direct route. See pages 4 & 9 of 2001 January ROD.	"Agency may include in the designation the limited use of motor vehicles within a specified distance of certain designated routes, and if appropriate within specified time periods, solely for the purposes of dispersed camping..." See 36 CFR 212.51 (b).
Game Retrieval	Game retrieval is allowed as designated on the Elkhorn Travel Plan Visitor Map.	Not allowed. Retrieval is only allowed from open, motorized roads and trails. See page 4 & 9 of 2001 January ROD	In the same context of dispersed camping (above) it continues with "...or retrieval of a downed big game animal by an individual who has legally taken that animal."

Travel Element Conclusions

DESIGNATION/RESTRICTIONS:

In respect to designation of motor vehicle use, all three documents restrict motorized, cross-country travel. Both the *1995 Elkhorns* and *2005 Travel Rule* incorporated language for designation of motor vehicle routes while *2001 Tri State OHV ROD* does not directly designate routes but is implied by designation of cross-county restrictions. All three documents require that OHVs must stay on open routes or areas to be in compliance. Therefore, this element does not have a substantial or significant change due to the *2005 Travel Rule*.

EMERGENCY & OTHER ADMINISTRATIVE USE:

All three documents either defer to language in 36 CFR 212 or reference 212 language that recognize the need for emergency and administrative uses. The responsible official has the authority in all situations to respond to and meet other resource needs but must be cautious in its application. Therefore, these applications do not have a substantial or significant change.

SEASONAL CLOSURE:

The *1995 Elkhorns* contains a number of closures while the *2001 Tri State OHV ROD* defaults to the Forest Plans for route seasonal closures while maintaining restrictions of yearlong motorized, cross-county use. The *2005 Travel Rule* leaves flexibility to the responsible official to ensure that the use of OHVs on public lands will be controlled and directed so as to protect the resources of those lands... but does not suggest any particular dates for potential seasonal closures. Therefore, this element does not have a substantial or significant change in the *2005 Travel Rule* but does allow flexibility for the responsible official to meet other resource needs.

DISPERSED CAMPSITE ACCESS:

The *1995 Elkhorns* and the *2001 Tri State OHV ROD* reflect the allowance of access to dispersed campsites within 300 feet that uses the most direct route and does not contribute to adverse impacts to the area's resources. The *2005 Travel Rule* leaves the discretion up to the responsible official within a specified distance but to use sparingly. Therefore, the *2005 Travel Rule* does not have a substantive or significant change to this element and is indeed more flexible and can better address site-specific needs that the responsible official can apply.

GAME RETRIEVAL:

The *1995 Elkhorns* and *2001 Tri State OHV ROD* are similar in nature in that they do allow for game retrieval but only on those delineated open routes on the Elkhorn Travel Plan Visitor Map and, in the case of the *2001 Tri State OHV ROD*, only from those open, motorized routes. Under the *2005 Travel Rule*, it is the same as with access to dispersed campsites, the discretion is up to the responsible official on what they want or do not want in game retrieval. Therefore, the *2005 Travel Rule* does not have a substantive or significant change due to its flexibility for the responsible official to use.

2005 Travel Rule Monitoring

The responsible official shall monitor the effects of motor vehicle use on designated roads and trails and in designated areas under the jurisdiction of that responsible official, consistent with applicable land management plan, as appropriate and feasible.

This process will use an adaptive management approach, supported by monitoring, as an ongoing part of travel management. Revisions to designated roads, trails, and areas as well as the motor vehicle access to dispersed camping will be applied as needed to meet changing conditions. These revisions shall be made in accordance with the requirements for public involvement (212.52), coordinated with other governmental entities (212.53), and using the criteria for designation (212.55). These changes shall be reflected on the motor vehicle use map made available to the public at the Forest Supervisor's Office and appropriate Ranger Districts as well as the Forest website.

Summary of Conclusions

In context to motorized use of the existing Forest transportation system, the key elements of this evaluation were:

- Designation/Restrictions,
- Emergency & other Administrative Use,
- Seasonal Closure,
- Dispersed Campsite Access, and
- Game Retrieval.

The intent of all three documents is to continue providing opportunities for OHV use in a manner that avoids resource impacts and user conflict from the increasing use of OHV's. Specifically in regard to the above elements, the *1995 Elkhorns*, *2001 Tri State OHV ROD*, and the *2005 Travel Rule* are very similar in nature and direction and do not present a substantive or significant difference.

Submitted and Review by:

Steve Wyatt – Helena Special Uses
Denise Pengeroth – Helena Wildlife
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Michael Cole – Townsend District Ranger
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Decision/Conclusions

Upon reviewing the information presented in this evaluation regarding the *1995 Elkhorns* environmental document and decision, *2001 Tri State OHV* environmental document and ROD, and the *2005 Travel Rule*, I find that there are neither any substantial or significant differences in regard to designation/restrictions, emergency and other administrative use, seasonal closures, dispersed campsite access, and game retrieval. I believe that the needs outlined in the *1995 Elkhorns Decision*, including the need for reduction in soil erosion, reduction in vegetative loss, and reduction of sediment delivery to near by drainages would continue to be improved and protected as directed from the *2005 Travel Rule*.

Furthermore, through the monitoring expectation as described above, I believe with the ongoing coordination and cooperation with the interested publics and other government entities, as practical, that the motor vehicle use map required by the *2005 Travel Rule* will meet the needs of the area's resources, public uses, and Forest administration.

An adaptive management approach based on monitoring and continued public input will be used in making appropriate changes to the motor vehicle use map. Route designations will be monitored for effectiveness and the motor vehicle use map will be revised as necessary. Minor modifications such as incorrect road location will be made administratively. Temporary closures such as spring break-up or unacceptable resource damage will still be implemented as needed using Prohibitions at 36 CFR 261.

In respect to the evidence presented in this evaluation, I conclude that a revised EA for the *1995 Elkhorns Travel Management Plan* is not needed. The intent of the *2001 Tri State OHV ROD* as further reinforced by the *2005 Travel Rule* is being met.

Approved by:



KEVIN T. RIORDAN
Forest Supervisor
Helena National Forest

DATE: FEBRUARY 1, 2008



BRUCE RAMSEY
Forest Supervisor
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DATE: 2-9-08