

DECISION NOTICE

FINDING OF NO SIGNIFICANT IMPACT

Ely Ranger District Travel Management Project
USDA Forest Service

Ely Ranger District, Humboldt-Toiyabe National Forest
White Pine, Lincoln, and Nye Counties, Nevada

Introduction

This Decision Notice documents my decision to adjust the forest transportation system on the Ely Ranger District to meet recreation and administrative needs in an environmentally sustainable fashion. The Ely Ranger District will identify those roads and trails designated for motor vehicle use on a motor vehicle use map, restricting motor vehicle use to designated roads and trails in accordance with 36 CFR 261.13.

The environmental effects of this decision are documented in an Environmental Assessment (EA) for the Ely Ranger District Travel Management Project. This EA and my decision comply with the requirements of the National Environmental Policy Act (NEPA, 40 CFR 1500-1508), the National Forest Management Act (NFMA, 36 CFR 219), and the Humboldt National Forest Land and Resource Management Plan (Forest Plan), as amended. The EA documents the analysis of three alternatives, including the “No Action” alternative and two action alternatives designed to meet the purpose and need for the project.

Background

The Chief of the Forest Service identified unmanaged recreation, including impacts from off-highway vehicles (OHVs), as one of four threats facing the nation’s forests and grasslands. In response to that concern, the Forest Service released revised regulations (36 CFR 212, 251, 261, and 295) for Travel Management. The final rule was published in the Federal Register on November 9, 2005 (70 FR 26959). The final rule requires designation of those roads, trails, and areas open to motor vehicle use.

The forest transportation atlas shows that there are currently approximately 210 National Forest System (NFS) roads totaling approximately 800 miles, and 84 NFS trails totaling 222 miles that comprise the forest transportation system on the Ely Ranger District (District). Eight of these NFS trails (approximately 30 miles) are open to motor vehicle use. Some of the NFS roads are the primary access routes that lead into and across the District. Other NFS roads provide access for high-clearance vehicles into the backcountry of the District. These roads provide access for the administration, utilization, and protection of the NFS lands on the Ely Ranger District and include routes used by anglers, hunters, other recreation users, and authorized permittees. These routes provide access for people who want to enjoy the Forest. They afford opportunities for off-highway vehicle (OHV) drivers to explore the District and drive on challenging high-clearance four-wheel drive roads and trails.

Outside designated wilderness and the Duck Creek Basin, much of the Ely Ranger District is currently open to cross-country travel. Unauthorized routes have arisen through use over time in

this area. These routes are not inventoried, managed, maintained, or included on the forest transportation system.

Some unauthorized routes are well situated and provide access to popular dispersed campsites, informal trailheads, and other features. Some have been in use for many years. Altogether, there may be as many as 900 unauthorized routes on the District. Most of these are less than 0.5 mile in length.

Based on a comprehensive travel analysis, I am adding some of the unauthorized routes to the forest transportation system as NFS roads or NFS trails to facilitate recreation access or resource management. Many of the other unauthorized routes would not contribute substantially to recreation or use of the District or would involve serious environmental concerns, and will not be included on the forest transportation system. Upon publication of the motor vehicle use map, motor vehicles will be restricted to designated routes.

Those routes to be added to the forest transportation system are depicted on the set of maps included on the attached CD and available on the Forest website ([Ely Map Package](#)).

Purpose and Need for This Action

On November 9, 2005, the Secretary of Agriculture adopted rules which provided for a fundamental change in the management of motor vehicle use on the national forests (70 FR 68288). Until that time, there was a presumption that all roads, trails, and areas were open to use by motor vehicles. If use by motor vehicles was not appropriate for any reason, the Forest Service had to take action to close specific roads, trails, or areas. This resulted in a largely unplanned transportation system, with many routes established by repeated use, and damage to resources occurring from uncontrolled cross-country travel.

The 2005 rule provided a mechanism for transition to a new system for managing motor vehicle use. Following appropriate environmental analysis and public involvement, those roads, trails, and areas designated for motorized use will be identified on a motor vehicle use map (MVUM), and any motor vehicle use not consistent with those designations will be prohibited by the rule (36 CFR 261.13). In this way, the national forests will provide sustainable transportation systems for travel and recreation, and for management and protection of resources prone to damage from unmanaged use.

The rule also provides that the management of motor vehicle use is to be an ongoing process, with continuing evaluation of the designations and revision as needed (36 CFR 212.54). Many changes to the designated system will be made over time in order to meet recreation and transportation needs and protect national forest resources.

In addition to the forest transportation system, the District contains unauthorized routes, developed through use. Some of these routes were established in areas where there is the potential for resource damage. Restricting motor vehicles to designated roads and trails will reduce the effects to natural resources caused by cross-country travel. This action responds to the goals and objectives outlined in the Humboldt Forest Plan (USFS 1986). It helps move the project area towards the desired conditions described in the Forest Plan by allowing motor vehicle use where it will not unacceptably impact Forest resources or unnecessarily impact other Forest users.

The purpose of the proposed action is to designate roads, trails, and areas for motor vehicle use to meet recreation, access, and management objectives while limiting environmental impacts and

ensuring a sustainable transportation system across the District. This also applies to the use of over-snow vehicles in the Murry Canyon Municipal Watershed. Use of these vehicles off designated routes can affect the city of Ely’s municipal watershed. Closing this area to snowmobile use will reduce ground disturbance to the watershed, protecting the city of Ely’s water source.

Public Involvement and Issues Identified

Over the past three years, the District collected public input on travel planning in preparation for this project. Table 1 lists the efforts made by the District to inform the public of the project, to gather input related to routes, and to work with tribes, other agencies, county governments, and individuals and organizations.

Table 1: Public Involvement Activities conducted for the Ely Travel Management Project

Public Involvement Activities for the Ely Travel Management Project	
Summer and Fall 2005	Held open houses every Thursday from 3 pm to 6 pm to gather public comments.
Fall 2005	Sought input from Ely Bureau of Land Management.
June and October 2005	Consulted with Ely Shoshone, Duckwater, and Yomba Tribes.
July 8, August 12, 2005	Published articles on travel management in Ely Times.
November/December 2005	Met with Nevada State Parks and Nevada Department of Wildlife.
Fall 2005	Provided Nye and Lincoln County maps to Tonopah Ranger District Office for public review.
January 2006	Met with staff from Great Basin National Park to discuss travel management.
December 2006	Received proposal from South Steptoe Technical Review Team for roads and trails located on part of Ward mountain and in Areas south of Cave Lake State Park.
2007	Provided quarterly updates to the White Pine Coordinated Resource Management Steering Committee.
February 23, 2007	Presented information to White Pine, Lincoln, and Nye County on Project at Tri-County meeting.
April 2007	Met with Duckwater Shoshone Tribe to discuss the project.
May 15, 2007	Mailed request for comments to 240 individuals and organizations.
May 23, 2007	Published Press Release in The Ely Times.
May 18, 2007	Provided update to County Commissioners from White Pine, Lincoln, and Nye counties at Tri-County Meeting.
June 2007	Met with Ely Shoshone Tribe to discuss the project.
June 5, 2007	Presented the proposed action and maps to the White Pine County Public Land Users Advisory Committee.
February 29, 2008	Provided second update to County Commissioners from White Pine, Lincoln, and Nye counties at Tri-County Meeting.
March-April 2008	Met with Yomba Tribe, Ely Shoshone, Goshute, and Duckwater Shoshone to discuss the project.

During the scoping period (May 23-June 21, 2007), the District received 19 letters from interested individuals, state agencies, and organizations. The District used these comments to develop the issues and alternatives in the EA.

I have considered the information gathered in the public involvement process. This information was used during the travel analysis process to identify routes which members of the public or other state and federal agencies identified as being either important to retain or critical to close. Often these two interests were in conflict. When there was a conflict I have relied on the analysis presented in the EA and the supporting material in the project record. Forest Service staffs have evaluated individual routes in the field.

In making the following decision I would like to stress the ongoing and iterative process of transportation management. In looking at the District and discussing some of these routes with

my staff, I know that over the next few years we will be making further changes to the forest transportation system. These changes may include additions of existing routes that were overlooked in the development of the proposed action, the development of new routes to replace routes that are closed in this analysis because of resource issues, or closure of routes in response to changes in conditions on the ground. Any such changes will be accompanied by appropriate environmental analysis and public involvement.

Decision

Based upon my review of the EA, public comments, project record, and discussions with the interdisciplinary team (IDT), I have decided to implement the Proposed Action, as described and analyzed in the EA. This decision consists of the following:

- Adding 154 unauthorized routes as NFS trails, totaling 156 miles (see EA, appendix A, for a list of the routes being added).
- Adding 36 unauthorized high-clearance four-wheel drive roads as NFS roads, totaling 57.2 miles (see EA, appendix A, for a list of the routes being added).
- Reclassifying three NFS roads, Fawn Trail Road (59009), Kolcheck Road (59571), and Ice Plant Road (59442), totaling 8.9 miles, as motorized NFS trails open to OHVs.
- Reclassifying NFS Road 59420 as a non-motorized NFS trail.
- Allowing motor vehicle use on the Ranger Trail (19069) north of the Duck Creek area and on Trail 19718 by vehicle type (i.e., ATV, single-track, OHV, etc.) for a total of 20 miles.
- This decision also prohibits over-snow vehicles in the Murry Canyon Municipal Watershed on Ward Mountain (except where designated on the 59440 road) to reduce disturbance to the city of Ely's municipal watershed. The closure is 3,990.4 acres in size and is depicted on the project maps.

Following issuance of this decision, all roads and trails designated for motor vehicle use would be identified on a motor vehicle use map. Motor vehicle use that is not consistent with the designations will be prohibited under the terms of 36 CFR 261.13. However, the prohibitions on motor vehicle use will not apply to the following activities, as detailed in 36 CFR 261.13:

- Aircraft.
- Watercraft.
- Over-snow vehicles (except as noted in the Murry Canyon Municipal Watershed).
- Limited administrative use by the Forest Service.
- Use of any fire, military, emergency, or law enforcement vehicle for emergency purposes.
- Authorized use of any combat or combat-support vehicle for national defense purposes.
- Law enforcement response to violations of law, including pursuit.
- Motor vehicle use that is specifically authorized under a written authorization issued under federal law or regulation (e.g., woodcutting permits, term grazing permits, approved plans of operations) (36 CFR 212.51a).

With the proposed changes, the forest transportation system on the Ely Ranger District will include 484 routes with approximately 1,239 miles of NFS roads and NFS trails (Table 2). This

includes approximately 187 miles of NFS road located outside of the Ely Ranger District boundaries. Roads outside of the NFS boundary were included in the analysis as they provide primary access to some roads and trails inside of the Forest boundary.

With the proposed changes, the forest transportation system for the District will include approximately 1,239 miles of roads and trails, of which 1,039 will be open to motor vehicle use ([Ely Map Package](#)). The remaining 199 miles of roads and trails on the transportation system will be open only to non-motorized use. Designated NFS roads and NFS trails would remain open to both highway-legal and non-highway-legal vehicles (i.e., ATVs).

Table 2. Forest Transportation System on the Ely Ranger District

Forest Transportation System under the Proposed Action Alternative.	
NFS Roads*	828 miles, 238 routes
NFS Trails*	411 miles, 246 routes
* Totals include routes in Duck Creek Basin and NFS roads located outside the boundaries of Ely Ranger District.	

Other Alternatives Considered

In addition to the selected alternative, I considered two other alternatives in detail. A comparison of these alternatives can be found in the EA on pages 15-21.

Alternative 1: No Action

Under the No Action Alternative, current travel management direction would remain in effect. The No Action Alternative would not change the forest transportation system. No motor vehicle use map would be issued, and the restriction on motor vehicle use to designated routes would not go into effect.

This alternative serves as the baseline for the analysis and addresses the recreation access issue, since under this alternative motor vehicles users would be permitted to travel on and off routes in pursuit of their recreation activity. I did not select this alternative because it does not meet the purpose and need for action as stated above, does not result in sustainable recreation use, and does not implement the Travel Management Rule.

Alternative 3: Current System Alternative

Under this alternative, motor vehicles would be restricted to the existing forest transportation system. No unauthorized routes would be added to the forest transportation system and approximately 210 system routes, totaling about 800 miles, would serve as the motorized access routes into and across the District.

This alternative would also adjust the current forest transportation system by designating four NFS roads as trails to reflect road condition. These are the same four routes that are identified under the selected alternative (Alternative 2) discussed above. As in Alternative 2, this alternative would also restrict over snow use in the Murry Canyon Municipal Watershed to NFS road 59440. Following the decision, designated routes would be identified on a motor vehicle

use map. Motor vehicles would be restricted to designated routes under 36 CFR 261.13, as in Alternative 2.

This alternative addresses the potential impacts of designating routes in Inventoried Roadless Areas (IRAs), impacts on recreation users, biological, physical, and cultural resources. Under this alternative, no unauthorized routes would be designated in IRAs (or anywhere else), although current NFS roads in IRAs would remain open. I am not selecting this alternative because many of the routes that will be designated under the selected alternative provide valuable access to recreation users, District permittees, and District employees conducting administrative duties and have a long history of public use. .

Rationale for My Decision

The Purpose and Need for Action presented above and in the EA requires a balance between providing the convenience of motorized access to the area and the protection of the environmental values of the District. A variety of public opinions exist on where the balance should be struck between human use and environmental protection. Some might argue that the environmental values of the area would best be served by eliminating or severely restricting motorized access to the entire area. Others hold that any restriction of motorized access is an infringement on personal freedom. I do not find either position entirely consistent with our agency's mission as outlined in law, regulation, and policy, or with the direction contained in the Humboldt National Forest Plan. In selecting this alternative, I weighed these competing interests. I believe that in this decision I am designating the routes that reflect the current use and the multiple interests of the public.

I did not select Alternative 1 (the No Action Alternative) because it fails to address the long-term impacts of cross-country OHV use and an expanding network of unauthorized roads and motorized trails on the environmental values of this area. The No Action Alternative basically keeps us on a course of minimal regulation of motorized use. With the exception of the wilderness areas and Duck Creek Basin, the entire Ely Ranger District would continue to be open to motorized travel on roads, trails, and cross-country. I find this last issue, continued cross-country travel and the subsequent proliferation of new routes, most problematic from an environmental perspective as well as a source of potential conflicts between users of the national forest. The rapid increase in the number and power of both highway-legal as well as all-terrain vehicles compels us to be more active in our management of this use.

In short, in my estimation the No Action Alternative does not sufficiently address critical elements of the Purpose and Need for Action, most specifically the need to manage the impacts of expanding motorized use. My contacts with the public indicate that users largely understand that we must work together to limit these impacts on our national forests.

Although differing in approach, both of the action alternatives (Alternatives 2 and 3) can reasonably be said to meet the Purpose and Need for Action. They vary in the way in which they address the issues of roadless area protection and recreation access. In selecting between them, I carefully considered both issues.

Alternative 3 (the Current System Alternative) would only allow motorized travel on routes that are currently part of the forest transportation system and are currently designated for motorized travel. Motorized travel on existing unauthorized routes would be prohibited. As a result, most dispersed campsites on the District would be closed to motor vehicles, as would some routes that have had motorized use for at least the last 40 years.

My rationale for not selecting Alternative 3 (the Current System Alternative) requires a brief explanation of how the forest transportation system has evolved over the last few decades and the effect closing all unauthorized routes would have on the administration, utilization, and protection of the Ely Ranger District.

Currently the forest transportation system on the Ely Ranger District includes approximately 800 miles of NFS roads. These roads include access routes to NFS land, main routes that cross the mountain ranges, and spur routes that access single canyons, ridgelines, and locations. However, the forest transportation system has not, until now, had the benefit of a comprehensive review, and many critical historic routes making up the minimum road system have never been formally recognized as NFS roads or trails. Implementation of the Current System Alternative under the Travel Management Rule would eliminate many existing routes and the access they provide.

A key example of the problem involves the many existing access routes to dispersed campsites. Most are very short – sometimes as little as 0.01 miles in length. The majority of the recreational camping that occurs on the Ely Ranger District occurs at the many dispersed campsites scattered across the District. By prohibiting motor vehicles from traveling off designated routes, visitors would no longer be allowed to camp alongside their vehicles.

The District recognized this limitation in the current system as a need to include some existing unauthorized routes in the minimum forest transportation system. The District proposed designating unauthorized routes to dispersed campsites, long established range developments, and other locations needed for administration, forest utilization, and protection access. Designation of some of these routes also helps the District meet its multiple use mandates by providing routes for a motorized recreation experiences.

For the reasons outlined above, I believe Alternative 2 (the Proposed Action Alternative) is preferable to Alternative 3 (the Current System Alternative). I believe it best accomplishes our goal of balancing the needs and interests of the motoring public with the need to protect the environmental values that attract them to this area. The selected alternative will prohibit motorized use off designated routes, leaving 1,018 miles of roads and trails open to motor vehicle use, ranging from main roads through the District to some challenging and rugged trails. I believe that this decision will allow us to continue to provide sustainable motorized recreation opportunities for responsible OHV users (EA, pp. 24-36). I have determined, in accordance with 36 CFR 212.5 that the roads included on the forest transportation system constitute the minimum road network necessary for the use and enjoyment of the Ely Ranger District.

As part of my decision I have added several routes that link the NFS system of roads and trails together. Examples of this can be seen in the northwest corner of the Moriah Range, on the Schell Creek Range, and in the White Pines. These road systems provide access to a wide variety of users, including those recreationists driving for pleasure. Use and enjoyment of the national forest needs to be balanced. It is my job to ensure that everyone has an opportunity to enjoy the national forest while doing so in a respectful and conscientious manner. Responsible use of motor vehicles on the national forest is a legitimate and longstanding use that everyone

can enjoy. These systems provide that opportunity. They provide access into remote country along well established routes. They provide loop opportunities that can expose people to a multitude of scenic vistas. They provide access to historic and geologic points of interest. They can save permittees and other Forest users hours of driving time that might otherwise be spent managing the natural resources of the Forest. While these loops will likely be used by individuals driving for the pleasure of driving, this will not be the only use and it is my guess that it will not be the most common. If abuses occur along these route systems then I will exercise my responsibility to protect the natural resources of the national forest and close the routes where the damage is occurring. At this time I am leaving key routes open for the enjoyment of the public, where they are not causing environmental damage.

Finally, while developing the Proposed Action and preparing the Travel Analysis Process Report, I considered the safety of Forest visitors. Part of this consideration was whether to allow both highway-legal and non-highway-legal vehicles use on NFS roads. Currently, under Nevada traffic law, use of non-highway legal vehicles is illegal on Nevada highways. White Pine County traffic code applies this prohibition to every way publicly maintained by the county. Several state and county roads cross NFS land on the Ely Ranger District. The use of non-highway legal vehicles is prohibited by the state and county on state and county roads.

Under this decision, NFS routes would continue to be open to all vehicle types including OHVs. Routes on the Ely Ranger District have both very low traffic volumes and, because of the native surfaces and rocky conditions of the roads, very low speeds. Very few motor vehicle accidents involving mixed use have occurred over the past 10 years (single vehicle accidents and rollovers do occur but are not a function of mixed use designation). Informal monitoring by District employees has not indicated any potential problems related to allowing mixed use on Districts roads and motorized trails. Responsible and prudent users who drive defensively, and are aware of road conditions and their own ability, will have a safe experience. Appropriate signing will be placed along major access routes to warn visitors of the presence of a variety of vehicles using District roads and motorized trails. Leaving NFS roads on the Ely Ranger District open to all motor vehicles retains the status quo. Use of OHVs on state and county roadways would still be controlled by State Traffic Law as implemented by the county.

As part of my decision I have considered the following criteria for designation of roads and trails under 36 CFR 212.55 and Executive Order 11644:

- Natural and cultural resources (EA, p. 23-103);
- Public safety (EA, p. 100);
- Recreation opportunities (EA, p.24-36);
- Access needs (EA, p. 97-102);
- Conflicts among uses (EA, p. 24-36);
- Need for maintenance and administration of roads and trails with available funds. The roads and trails to be added to the forest transportation system do not require regular maintenance (EA, p. 101-102);
- Damage to soil, watershed, vegetation, and other forest resources (EA, p. 86-95).
- Harassment of wildlife and the potential for significant disruption of wildlife habitats (EA, p. 50-81);
- Conflicts between motor vehicles use and existing recreational uses (EA, p. 24-36);
- Compatibility of motor vehicle use in populated areas. Much of the Ely Ranger District is not located near populated areas;

- Wilderness areas and primitive areas. (EA, p. 36-44).

The decision helps the Forest meet the following goals identified in the Humboldt National Forest Land and Resource Management Plan (USFS 1986):

- Goal 4: Provide a broad spectrum of dispersed recreation opportunities (EA, p. 2; 11; 24-36).
- Goal 8: Provide opportunities for the use of motor vehicles where they will not unacceptably impact forest resources or unnecessarily impact other forest users (EA, p. 11; 23-103).
- Goal: 9: Provide a pleasing visual landscape in the Humboldt National Forest (EA p. 36-44). While the EA does not specifically address visual landscapes the road density on the District, the size of the routes, and their location on the landscape do not tend to conflict with the over all pleasing visual landscape of the Ely Ranger District.
- Goal 12: Coordinate recreation program with local county, state and other federal recreation agencies (EA, table 1, p. 6).
- Goal 24: Emphasize the control of priority 1 noxious weeds (EA, p. 44-50).
- Goal 32: Design and implement practices on-the-ground that will re-establish acceptable soil, hydrologic, and vegetative conditions which are sufficient to secure and maintain favorable water flow (EA, p. 86-95). While nothing is being designed or constructed location of routes or the current route density in watersheds does not suggest unacceptable soil, hydrologic, or vegetation condition related to the transportation system.
- Goal 45: Protect NFS lands from trespass and undesirable occupancy (EA, p. 15).
- Goal 48: A road management program will be established to develop and maintain a safe, economical, functional and environmentally sound transportation system that serves the resource elements (EA, p. 5, 15).
- Goal 56: Public Involvement – Ensure appropriate public participation in national forest planning (EA, p. 5).

This decision is also consistent with the standards and guides related to the Recreation Opportunity Spectrum and visual landscapes (IV-18), Off-road Vehicle Management (IV-26), and Trail System Maintenance (IV-27) of the Forest Plan (USDA FS 1986).

Finding of No Significant Impact

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action.
2. There will be no significant effects on public health and safety, because all routes designated are already open to public use, are used at low levels, and low speeds (EA p. 100).

3. None of the alternatives proposed route designation within the wilderness areas. The analysis of the effects of the Proposed Action on inventoried roadless areas is documented in the EA (p. 36-44). By restricting motor vehicles to designated routes, the selected alternative will substantially reduce impacts of motor vehicles use on inventoried roadless areas.
4. While the project itself may be controversial, there is no known credible scientific controversy over the impacts of the project (EA, p. 23-103).
5. We have considerable experience with the types of activities to be implemented. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk (EA, p. 23-103).
6. The action is not likely to establish a precedent for future actions with significant effects, because the analysis and decision is specific to the Ely Ranger District. The project restricts motor vehicle use to designated routes. The project does not prevent the District from adding new routes to the system if proposed in the future, or closing routes that it finds may be unneeded or causing resource damage.
7. The cumulative impacts are not significant (EA, p. 23-103). The effects of the current forest transportation system are considered cumulatively with the proposed action as part of the existing environmental condition.
8. The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, because, with the exception of one potentially eligible prehistoric site, none of these items have been found in proximity to the routes addressed in this decision. Effects to heritage resources are discussed in the EA (p. 84-86). One potentially eligible site was discovered during field studies conducted for this project. On February 6, 2009, the Forest received a letter from the State Historic Preservation Office concurring with the finding of No Adverse Effect and agreeing with the monitoring plan the Forest will implement to document the conditions of sites along proposed routes.
9. The action will not adversely affect any endangered or threatened species or its critical habitat under the Endangered Species Act of 1973. A biological assessment was not prepared for this action because there were no endangered or threatened species located within the project area.
10. The action will not violate federal, state, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA. The action is consistent with the Humboldt National Forest Land and Resource Management Plan (EA, p. 3-4).

Findings Required by Other Laws and Regulations

This decision is consistent with the intent of the Forest Plan's long-term goals and objectives (pages IV-2 to IV-17) and desired future condition for Recreation (IV-83) and Transportation (pages IV 88 to 89) (USFS 1986). The project was designed in conformance with Forest Plan standards. The project also meets Forest Plan direction specific to the Management Areas located on the Ely Ranger District (District): maintain a travel plan to control off-road vehicle use and provide protection for vegetation, soil and other resources (p. IV-202).

The project is consistent with Executive Orders (EO) 11644 and 11989. These orders establish policies and provide for procedures that will ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands. It is also their purpose to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands. Criteria for route designation defined in section 3 of EO 11644 have been used throughout the Ely Travel Management Project to help identify the minimum road system on the District and to assess the effects of routes on the biological, physical and cultural resources on the District.

This decision is also consistent with 36 CFR Parts 212, 251, 261, and 295, the Final Rule for Travel Management and Designated Routes and Areas for Motor Vehicle Use, as published in the Federal Register on November 9, 2005 (70 FR 26959). As required in these regulations, my decision to designate roads and trails (212.51) considered:

- Public comment on designation (212.52);
- Effects on natural and cultural resources, public safety, provision of recreational opportunities, access needs, conflicts among uses, the need and availability of resources for maintenance and the administration of roads and trails (212.55);
- Criteria for the designation of roads and trails (212.55).

Implementation Date

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

Implementation of this decision will be followed by the publication of a motor vehicle use map that will be made available to the public as soon as practicable (212.56). Following publication of the map, possession or operation of motor vehicles on the Ely Ranger District, other than in accordance with my designations, will be prohibited (261.13). Exemptions to the prohibition, listed in 212.51[a], include:

Aircraft;

Watercraft;

Over-snow vehicles;

Limited administrative use by the Forest Service;

Use of any fire, military, emergency, or law enforcement vehicle for emergency purposes;

Authorized use of any combat or combat support vehicle for national defense purposes;
Law enforcement response to violations of law, including pursuit; and
Motor vehicle use that is specifically authorized under a written authorization issued under federal law or regulation (e.g., woodcutting permits, term grazing permits, approved plans of operations).

Administrative Review or Appeal Opportunities

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215.

The appeal must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Appeal Deciding Officer. Written comments must be submitted to: Appeal Deciding Officer, 324 25th Street, Ogden, UT 84401; fax: (801) 625-5277; e-mail: appeals-intermtn-regional-office@fs.fed.us. Office business hours for those submitting hand-delivered appeals are: 8:00 a.m. to 4:30 p.m. Monday-Friday, excluding federal holidays. Electronic appeals must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), and Word (.doc).

The appeal must have an identifiable name attached; otherwise a verification of identity will be required. A scanned signature may serve as verification on electronic appeals.

Appeals, including attachments, must be filed within 45 days from the publication date of this notice in the Ely Times, the newspaper of record. Attachments received after the 45 day appeal period will not be considered. The publication date in the Ely Times is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

Individuals or organizations who submitted comments or otherwise expressed interest during the comment period specified at 215.6 may appeal this decision. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

Contact

For additional information concerning this decision or the Forest Service appeal process, contact:

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2/9/2009
Date

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