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# Decision Notice and Finding of No Significant Impact

## Forest-wide Travel Management Project

### Superior National Forest Duluth, MN

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# **Decision Notice and Finding of No Significant Impact**

## **Forest-wide Travel Management Project Environmental Assessment**

USDA - Forest Service  
Superior National Forest  
Duluth, Minnesota  
Cook, Lake, and St. Louis Counties, Minnesota

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## Forest-wide Travel Management Project

## Introduction

In conformance with the National Environmental Policy Act (NEPA), the Forest-wide Travel Management Project Environmental Assessment (EA) documents the analysis of a proposal to help reach the long-range goals and objectives of the Superior National Forest Land and Resource Management Plan (Forest Plan). The Environmental Assessment identifies two purposes for the project:

1. Designating or decommissioning unclassified roads (see definition for “unclassified” road in Chapter 4 of the environmental assessment)
2. Providing loop routes and connections for longer distance riding opportunities on existing roads and trails that provide for enjoyable and consistently managed Off-highway Vehicle (OHV) riding experiences.

In addition, this project implements the National Travel Management Rule (36 CFR 212, 251, 261 and 295) The Project area includes all National Forest System land within the proclamation boundaries of the Superior National Forest and also includes the Kabetogema and Pigeon River Purchase units. Not included in this project is the Boundary Waters Canoe Area Wilderness (BWCAW) where motorized use is restricted by legislation; however, effects to the Wilderness are included in the analysis. The project area is located in Cook, Lake, and St. Louis Counties, in Minnesota and covers approximately 2,768,000 acres (49% is National Forest System land).

One outcome of this analysis and decision will be the production and publishing of what is called a Motor Vehicle Use Map (MVUM) that displays the various types of motor vehicles that are permitted on roads and trails on Superior National Forest system lands (the various types of motor vehicles are defined in Chapter 4 of the environmental assessment).

The EA describes three action alternatives and the no action alternative and documents potential associated effects. In addition, the interdisciplinary teams reviewed Alternatives A through R but after further consideration I determined that these alternatives would be eliminated from detailed analysis (Chapter 2.4).

Electronic copies of the Environmental Assessment, Decision Notice and Finding of No Significant Impact are posted on the Superior National Forest website at [www.fs.fed.us/r9/superior](http://www.fs.fed.us/r9/superior). CD-Rom copies are also available at the Supervisor’s Office and all District Offices of the Superior National Forest.

## Background Information

### Why here and why now?

It is important to understand the management situation that led to the need to designate or decommission unclassified roads and to provide improved OHV riding opportunities.

Prior to 2004, it was legal to travel with all-terrain vehicles (ATVs) not only on low standard forest roads, but also to travel cross-country or throughout the national forest, even where there were no roads. Approximately 1.3 million acres of national forest (outside of the Boundary Waters Canoe Area Wilderness) were available for riding ATVs.

The 2004 Forest Plan made several decisions with regard to OHV use. Perhaps the most far reaching decision was prohibiting all cross country travel (use off of existing roads or trails) by ATVs, off-highway motorcycles (OHMs), and four-wheel drives. (Forest Plan page 2-44, S-RMV-3). In addition, the 2004 Plan generally allows ATVs and OHMs on many existing low standard roads (called OML-1 and OML-2 roads) that are managed for use by high-clearance vehicles such as pick-up trucks. Management direction addressing Objective Maintenance Level (OML) 1 through 5 roads and unclassified roads is provided in the Forest Plan. (See Table F1 in chapter 4 of the environmental assessment for definitions of the 5 levels of roads. See also Forest Plan EIS Record of Decision, p. 7, Forest Plan EIS Appendix F, Transportation Systems, and Transportation System direction in the Forest Plan, pages 2-47 through 2-50).

The Record of Decision for the Forest Plan EIS also states that ATVs, OHMs and off-highway four wheel drive vehicles would be permitted on most existing unclassified roads, **until such time that a decision is made on the disposition of the unclassified road.** (Forest Plan EIS, Record of Decision, page 7).

The portion of the previous statement in bold letters is critically important to the decision that we are now making. The 2004 Forest Plan recognized the need to evaluate unclassified roads on the Forest and either convert them to a national forest system road or trail or to decommission the road so it was no longer available for any motorized travel (Forest Plan, page 2-49, O-TS-6). When the Plan was revised, we intended to complete this analysis on an area-by-area basis when we analyzed and planned vegetation treatments, so that over a 10 to 15 year period, the entire Forest would have been analyzed and decisions made on each of the unclassified roads.

However, the national Travel Management Rule published in 2005 directed us to make determinations of unclassified roads on a tight timeline, rather than making area-by-area decisions as we had planned. We now needed to assess unclassified roads on a Forest-wide basis which had not already been addressed in a project level decision. A Roads Analysis was completed for this proposal which took a close look at each unclassified road to determine whether it was needed for a road, trail or was to be decommissioned. Each unclassified road was inventoried using Global Positioning system (GPS)

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technology and then the needs for that road was reviewed by an ID team (see Roads Analysis in project file) before a final determination was made.

In addition to determining the fate of unclassified roads, the Travel Management Rule also requires national forests to designate those roads and trails and areas that are open to motor vehicle use on a Motor Vehicle Use Map. Designations are made by class of vehicle and, if appropriate, by time of year. This requirement was seen as an opportunity to more completely achieve the Desired Conditions called for in the 2004 Forest Plan. The 2004 Plan's desired conditions of creating a seamless system of travel routes (D-TS-4, p. 2-47), providing road and trail riding opportunities in a variety of forest environments (D-RMV-1, p. 2-43) and having policies consistent with adjacent public land management agencies (D-RMV-2) were not being met as well as they should. Our discussions with the Minnesota DNR, local counties, tribal governments and OHV user groups indicated that our existing OHV routes were fragmented, did not connect well with routes on adjacent non-federal lands, and did not provide many loop routes or routes with longer riding opportunities. Instead, the broad designations made by the 2004 Plan, and the Forest Supervisor's order that established the specific routes resulted in many very short and dead end spur roads that did not provide quality riding opportunities.

This project implements the intent, direction and processes of the 2004 Forest Plan and the 2005 Travel Management Rule. Since the 2004 Forest Plan was published, project level decisions, which have included public involvement, have continued to refine our system of roads. Unless specifically stated in this decision, all previous administrative decisions on roads and trails will stay in place and stand as is. The Travel Management Rule in 36 CFR 212.5 states that the responsible official may incorporate previous administrative decisions regarding travel management.

The analysis and decision for the Forest-wide Travel Management Project does not revise or revisit decisions already made regarding the majority of national forest system roads on the Forest. **Our objective in this project was to improve on implementing the decisions already made and not to undo or reanalyze every road decision made in the Forest Plan and other previous decisions.** In fact, use on most existing system roads will remain exactly as it is managed today. We are focusing on fine tuning the designated use by creating loops and longer riding opportunities, by eliminating existing OHV use on a number of short dead end roads, and by determining the fate of unclassified roads.

In the future, project or area by area decisions will continue to review local road needs to determine necessary changes. Our adaptive management process will allow interdisciplinary teams and local line officers to have a chance to again take a close and careful look at roads to review site specific needs. Future changes proposed for local roads will have an additional appropriate roads analysis completed with the project level decision along with public involvement and local governmental coordination.

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**Involving people in developing the proposal and leading to the Decision**

Local Governments: In working to prepare a proposal to achieve the objectives listed above, we underwent a long and thorough process involving several steps. Consistent with 36 CFR 212.53, we coordinated closely with other governmental units, including state, county and local tribal governments to ensure continuity and consistency of approach. These governmental entities met numerous times and compared inventory data, road and OHV definitions, and each agency's rules and regulations. We strove to be as consistent as possible within the larger landscape when proposing road and OHV designations on lands under each of our management authorities.

Early Public Input: Public involvement was important in reaching this decision. In 2006, prior to a proposal being developed, the Forest Service and Minnesota Department of Natural Resources (DNR) conducted six joint public meetings to explain the collaborative planning process. We received a variety of comments ranging from prohibiting all OHV use and decommissioning all unclassified roads to allowing OHV travel on all roads, allowing cross-country travel and converting all unclassified roads to national forest system roads. Based in part upon the collaboration with other governments and careful review of all the comments received up to that time, the Forest Service developed an initial proposal in the Spring of 2007. Two scoping packages were mailed (one for the east and one for the west side of the Forest) soliciting public comment on the proposal. The public was involved in several stages of our analysis process as outlined in the section of this document titled Public Involvement (p. 32).

Resource Specialists: Criteria were also developed to address access needs for purposes of resource management, recreational use, and access needs of adjacent landowners. These criteria were used to help determine which unclassified roads were needed, and which were not needed and therefore should be decommissioned under Forest Plan direction at O-TS-6 and O-TS-7 (p. 2-49). An interdisciplinary team of resource specialists (see list of preparers in Section 4.1 of the environmental assessment) reviewed each unclassified road to determine needs for access and use, and to estimate the effects of that use (36 CFR 212.55). The interdisciplinary team also identified areas where authorized use of OHVs on existing system roads and trails would meet the purpose and need while minimizing effects to natural and social resources.

**Recognizing Trade-offs.**

Often in managing natural resources, tradeoffs must be made between allowing for public use and enjoyment of the national forest and protecting the natural resources. Interdisciplinary teams and I considered:

- Providing for the safety of the riders vs. risks created by permitting use on all roads.
- Providing OHV routes on existing roads vs. developing a new set of designated trails and the natural resources affected by each.
- Providing expanded OHV opportunities vs. closing more routes.
- A quiet setting vs. the noise motorized use creates.

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Throughout the development and analysis of this proposal, these trade-offs have been forefront in my mind. I am confident that the analysis done has taken a hard look at these tradeoffs and has helped me make an informed decision. The safety of our visitors is always paramount and before this decision was made, a mixed use analysis was completed for each higher standard road (OML 3, 4 and 5) where OHV use was considered. The environmental assessment, biological assessment and biological evaluation have provided me a careful look at the impacts of each alternative. However, the interaction with all citizens and levels of government has provided a very personal look at what those trade-offs mean to us as a society.

This decision will not be greeted with applause by all; it won't satisfy the desires for any one group of citizens. However, blending the principles outlined by laws affecting National Forest management with the precepts of our Forest Plan and involving governing bodies and the public has allowed me to put forth a proposal and alternatives that give fair consideration to all.

**What about the Future?**

Many people have asked me about the future. Will we consider more OHV routes? Will we allow OHV travel on long-distance snowmobile trails? Will we consider closing some ATV trails if problems occur? Will we allow OHV use in some campgrounds? Will we monitor OHV use and its effects on natural resources? How will we enforce the OHV system we have put into place? How will we ensure that our policies provide for the exercise of treaty rights for American Indian Bands in the 1854 ceded territory?

I want to assure all those who use and enjoy the Superior National Forest, including motorized and non-motorized recreationists, that we will continue to look at future opportunities to meet Forest Plan objectives regarding OHV use and the transportation system. This current decision focuses on implementing our Forest Plan and using existing routes to enhance opportunities for OHV travel. This is our initial step towards designing an OHV system that provides more loops and longer routes and taking a Forest-wide look at unclassified roads needed for present or future use and those that are not needed. It is also an initial move toward working more closely with other public landowners in northeastern Minnesota to provide a seamless OHV system.

We will continue to work with the American Indian tribal governments to ensure their ability to exercise their treaty rights in the 1854 ceded territory. We will continue to accomplish this through Forest-wide and project-level decisions. As detailed in our monitoring plan (included as Appendix B to this decision) we will continue to monitor both the use that the OHV system gets as well as the effects on key natural resources. We will focus on education and compliance and we intend to work with user groups to maintain and improve travel routes, and to help communicate Tread Lightly techniques, local rules and regulations for OHV use.

Did we get the decision 100 percent perfect? Not likely.

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Will changes be needed in the future? Quite possibly.

Managing a national forest and the complex network of roads and trails is a dynamic process. We will continue to analyze our transportation system as we implement all aspects of the Forest Plan, including the management of vegetation, wildlife, recreation, minerals, fire and all other resources. These future analyses will no doubt lead to adjustments and refinements of the road decisions identified in this and previous decisions.

The changes that will result from this decision are a big step. OHV enthusiasts have not had loop riding opportunities of this nature on the Forest before – even under the 1986 Forest Plan. We are also taking advantage of the opportunity to decommission unneeded roads and limit OHV use on other roads. Over the long run, this will result in lower road maintenance costs, cleaner water, improved wildlife and fish habitat, and fewer conflicts between motorized and non-motorized recreationists. I welcome your support in getting this decision implemented on the ground, in designating routes and educating people about where they can and cannot ride, respecting closures, and monitoring use and impacts. Once we have that information, then we can begin to look at ways of continuing to improve travel management on the Forest.

I hope this explanation helps clarify the history, background and the basis upon which we are moving forward with the decision. More details about the history of OHV use and management can be found in Chapter 1 of the environmental assessment under the heading of 1.1 Introduction and Background.

## **Decision**

I have decided to implement Alternative 2 as described in the Environmental Assessment with minor modifications. This decision applies only to national forest lands within the Forest boundary, but outside the Boundary Waters Canoe Area Wilderness (BWCAW).

It is important to understand that I am not re-visiting or revising the decision on the majority of roads that were determined to be open or closed for OHV use by previous decisions. Of the almost 1600 miles of roads currently open to OHVs, I am making a decision on OHV use on about 37 percent of those roads (about 596 miles). Furthermore, it is important to understand that I am not making a decision to decommission or change the OML status of existing national forest system roads. I am making the decision to decommission 154 miles and designate 142 miles of unclassified roads.

Tables 1.1 and 1.2 summarize my decision:

<b>TABLE 1.1 ACTIVITIES INCLUDED IN DECISION</b>	
<b>CHANGES TO NATIONAL FOREST SYSTEM ROADS</b>	
<i>Road Activities</i>	
Roads currently open to only highway licensed vehicles that will now be <b>Open to use by all vehicles, including all OHVs</b>	187 miles
Roads currently closed to all OHVs that will now be <b>Open to only ATVs and Off-highway motorcycles.</b>	38 miles
Roads currently open to OHVs or ATVs and Off-highway motorcycles that will be <b>Closed to all OHVs</b>	76 miles
<b>CHANGES TO NATIONAL FOREST SYSTEM TRAILS</b>	
<i>Trail Activities</i>	
Construct new ATV/OHM Trail	2.5 miles
Co-designate snowmobile trail as ATV/OHM trail	39 miles
Co-designate dogsled trail as ATV/OHM trail	4 miles
<b>CHANGES TO UNCLASSIFIED ROADS</b>	
<i>Conversion and Decommissioning Decision</i>	
Convert to OML-1 road	69 miles
Convert to OML-2 road	58 miles
Convert to OML-3 road	0.4 miles
Convert to Motorized Trail	14 miles
Convert to Hiking Trail	0.6 miles
Convert to Special Use Permit	To be done in a separate Decision*
Decommission	154 miles
<i>OHV Use on Unclassified Roads Converted to National Forest System Roads and Trails by this Decision**</i>	
Road open to only ATV/OHM use	39 miles
Road open to use by all OHVs	50 miles
Road closed to all OHVs***	39 miles
Trail open to ATV/OHMs	14 miles

\* The special use permit decisions will be issued by the Kawishiwi and Laurentian District Rangers.

\*\* The roads referred to in this portion of the table are those converted to OML 1-3 roads and motorized trail in the “Conversion and Decommissioning Decision” section of the table.

\*\*\*Many of these roads are closed to OHVs due to their short length, but many still allow cars and trucks.

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In addition to the above, I am also including the following changes to Alternative 2 in my decision:

**Table 1.2 Changes to Alternative 2 incorporated into the Decision.**

Road Number	Ranger District	Type of change	Original Proposal in Alt. 2	Final Decision	Reason
U660102	LaCroix	Error	Convert to OML-1 & allow ATV/OHM	Convert to OML-2 & allow OHV	Road provides access to county leased cabins & must allow highway vehicle use. Change based on collaboration with county and state governments.
353	Tofte	Comments	No Change – Continue to allow ATV/OHM as previous	Do not allow ATV/OHM	Road is grown in and not currently used
377V	Tofte	Comments	No Change – Continue to allow OHV as previous	Do not allow OHV	Short spur off an existing road closed to OHV use. Does not contribute to longer, connected routes for OHVs.
U2304C01	Gunflint	Error	No Change	Convert to OML-2 and allow OHV	Unclassified road that provides access to young red pine, potential future management.
304	Gunflint	Error	No ATV from 155D to 304D	Allow OHV use	Error. Alt 2 was to allow OHV use (not just Alt 4)
U6471A02	LaCroix	Error	Convert portion to OML-1, allow ATV/OHM	Remove from EA	Road already included in Echo Trail analysis. Continue to include new decision on end of road.
U1LC1509	Laurentian	Error	Convert to OML-1, allow ATV/OHM	Remove from EA	Whyte EA already made decision to decommission this road.
112	Kawishiwi	Error	OML-3, allow ATV/OHM	Allow OHV	All OML3, 4, and 5 roads designated for travel by OHVs will allow all OHVs, not just ATV/OHMs.
601DJ	LaCroix	Error	Allow OHV	Remove from EA	Road already allows OHV from previous decision.
601DL	LaCroix	Error	Allow OHV	Remove from EA	Road already allows OHV from previous decision.
355A	Tofte	Error	Do not allow OHV	Remove from EA	Road already does not allow OHV
U6581	LaCroix	Error	Decommission road	Remove from EA	State Land- Forest Service does not have jurisdiction
U7172H01	Tofte	Comments	Decommission road	Convert to Trail, Allow ATV/OHM	DNR comment – this existing ATV route provides MN DNR and the public with access to within ½ mile of Hoist Lake.
U130601	Laurentian	Error	Convert to OML-2, Allow ATV	Remove from EA	Road is entirely on other ownership
902	Tofte	Error	No change – continue to allow ATV/OHM	Close to all OHV	No crossing exists on Dumbell River
902A	Tofte	Error	No change – continue to allow ATV/OHM	Close to all OHV	No crossing exists on Dumbell River
U790201	Tofte	Error	Convert to	Convert to	No crossing exists on Dumbell River

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**Table 1.2 Changes to Alternative 2 incorporated into the Decision.**

Road Number	Ranger District	Type of change	Original Proposal in Alt. 2	Final Decision	Reason
			OML-2, Allow OHV	OML-1, do not allow OHV	
303L	Gunflint	Error	No Change	Allow ATV/OHM	Intention was to allow ATV/OHM use on this road but was omitted in alternatives
479CA	LaCroix	Error	Do not allow ATV/OHM	Allow ATV/OHM	Intention was to allow ATV/OHM use on this road, but erroneously shown as closed to OHV in all alternatives.
609	LaCroix	Comments	No Change	Allow OHV	Allow OHV use for first .11 mile to link to FR 607. Based on collaboration with MN DNR and will make a connection for more loop opportunities.
387	Kawishiwi	Comments	No Change	Close to all motorized traffic	Due to comments, decision to close the last 1.0 mile of this OML1 road to all motorized traffic.
U1531D03	Laurentian	Error	Convert to OML-2, allow ATV/OHM	Remove from EA	Virginia EIS previously made the decision to decommission this road
U1MN108	Laurentian	Comments	Decommission Road	Convert to OML-1, do not allow OHV	DNR comment – retain access for wildlife opening management
U1MN109	Laurentian	Comments	Decommission Road	Convert to OML-1, do not allow OHV	DNR comment – retain access for wildlife opening management
U1MN109A	Laurentian	Comments	Decommission Road	Convert to OML-1, do not allow OHV	DNR comment – retain access for wildlife opening management
U1416GA	Laurentian	Comments	Decommission Road	Convert to OML-1, Allow ATV/OHM	Based on comments, convert to OML-1 and allow ATV/OHM use.
U6SC40802	LaCroix	Error	Convert to OML1- allow ATV/OHM	Remove from EA	Road already proposed for decommissioning in Echo Trail analysis.
Arrowhead Snowmobile Trail	LaCroix	Comments	No Change	Allow ATV/OHM	This 0.28 miles in T66N, R18W, Sec. 19 would allow ATV/OHM on snowmobile trail instead of allowing mixed use on FR203 and will make loop opportunity. Based on collaboration with MN DNR.
Voyageur Snowmobile Trail	LaCroix	Comments	No Change	Allow ATV/OHM	Allow ATV/OHM use on 0.28 mile section in T65N, R19W, Section 9 to link to the trail on state lands and provide loop opportunities. Based on collaboration with MN DNR.
Stoney Spur Snowmobile	Kawishiwi	Comments	No Change	Allow ATV/OHM	City of Babbit comment – city and other landowners manage their portions as dual designation of ATV/Snowmobile trail.
U192AAA01	Kawishiwi	Error	Convert to NFS road and allow ATV/OHM	Convert to NFS road allow OHV	Based upon joint effort with State of MN DNR to provide access to Little Lake.
192AAA	Kawishiwi	Error	ATV/OHM allowed	Allow all OHV	Based upon joint effort with State of MN DNR to provide access to Little Lake

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A list of each specific road included in this decision is in Appendix A of this Decision Notice/FONSI. Map 1 (Disposition of Unclassified Roads) and Map 2 (OHV use decisions) included with this Decision Notice show the road and route designations that were made by this decision. However, if that were the only route information displayed, it would show only a few fragmented road segments across the National Forest. In order to put this decision into context with the existing OHV travel routes, I have included a third map (Map 3 - OHV travel routes) which shows the results of this current decision along with previous decisions on OHV use. This map is not a part of this decision but helps set the context by displaying the complete picture of the OHV system on national forest roads and trails. This map is for context purposes only. Similarly, in the environmental assessment, I included two tables in Chapter 2. Table 2.3.1 illustrates the amount of activities proposed in each alternative, while Table 2.3.2 illustrates the overall results of the alternatives (the result of the current decision when coupled with OHV decisions previously made). When this current decision is implemented with existing OHV travel routes already in place, approximately 1600 miles of roads and trails will be available for riding ATVs and off highway motorcycles on the Superior National Forest.

An important note is that this decision is made based on the list of roads shown in Appendix A. Maps 1 and 2 visualize this list. However, with an electronic cartography system, it is possible that while making a change on one portion of the map, an unintended change could occur on another part of the map. We have scrutinized these maps to make them as accurate as possible but the possibility of a miss exists. Therefore the roads list within Appendix A is considered to carry precedence over Maps 1 and 2.

## **Implementation and Other Aspects of the Decision:**

### **Motor Vehicle Use Map**

The 2005 Travel Management Rule requires that designated roads and trails be identified on a motor vehicle use map (MVUM) that is available to the public. The map shall specify the classes of vehicles and, if appropriate, the times of year for which use is designated. *Once published, this MVUM becomes the official documentation used to implement road and trail designations and to identify roads and trails where motor vehicle use is authorized. If the road is not on the MVUM, then it is not legal to ride on that road.* (Note: The maps attached to this Decision Notice are maps to document the NEPA process and my decision and are not the MVUM map. However, the MVUM map will be consistent with my decision.)

While I am making this decision now, I intend to implement this decision and publish the MVUM in February or March 2009. OHV use is minimal in winter which allows several months to get information out before OHV use again increases in the spring and summer. This time schedule also allows time for Forest staff to post signs prior to the spring/summer use season next year. The MVUM will be updated on an annual basis as future decisions adjust the transportation system.

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**Time of year when OHV and ATV use is designated:**

ATVs and OHVs are allowed on designated OML-1 roads and ATV trails from May 1 through March 30. Since OML-2 through 5 roads are open to highway vehicle use year round, there is no need to apply a special seasonal restriction to these roads for the purposes of OHV travel. Keeping ATVs and OHVs off of trails and OML-1 roads (which are low standard, native surfaced roads closed to highway vehicle use) from April 1 until May 1 will help protect these roads and trails when soils are wet and saturated. The Forest Plan also provides for the use of short-term closures outside these dates for specific roads or trails in response to local or temporary conditions, such as an extremely wet spring or fall season (Forest Plan, G-RMV-4 p. 2-44 and G-TS-11 p. 2-50). These would be enacted through a Forest Supervisor closure order and the conditions would be monitored to determine when the closure could be lifted.

In those instances where OHV use is allowed on roads and trails that are also designated snowmobile or ski trails, those roads and trails will be closed to ATV, OHV and Off-highway motorcycle use from December 1 through April 30, which includes the normal snowmobile and ski season of December 1 through March 30 as well as the wet season of April 1 through April 30.

There is an exception to this season of use designation:

The Stony Spur trail from the City of Babbitt to the public landing on the southwest end of Birch Lake. This portion of the trail will also remain open to ATVs during the winter season to allow for ATV access to Birch Lake beach. The portion crossing national forest system lands is less than 1 mile in length. This exception came about as part of the cooperation among governments including the City of Babbitt, which sponsors this state Grant-in-Aid trail, the Minnesota DNR, and the Forest Service, all of which are in agreement to making this route available to ATVs during the winter season. The portion of the trail on national forest system lands will be monitored and maintained by the Grant-in-Aid sponsor.

**Decommissioning of Roads:**

This decision identifies 154 miles of unclassified roads for decommissioning consistent with Forest Plan direction at S-TS-4, G-TS-15 and G-TS-16 (p. 2-50). As referenced in the environmental assessment, there are several techniques for decommissioning roads, ranging from blocking usage and allowing natural revegetation, to completely removing the roadbed and re-landscaping. The technique used will be dependent upon specific conditions of each road to be decommissioned. Our monitoring and evaluation have demonstrated that these decommissioning techniques have proven to be successful in prohibiting unauthorized use (Monitoring Reports for FY 2005, pp. 183-194 and 200-208; FY 2006, pp. 94-104; FY 2007, pp. 87-93). The photos in the Appendix B of this document (Monitoring Plan) demonstrate various techniques and results of road decommissioning. Decommissioning of roads will occur as soon as possible dependent on funding and/or other projects which provide the opportunity for decommissioning the road. However, all roads scheduled for decommissioning will be posted as closed to motor vehicle use during the first use season (2009) and the motor vehicle use map will display these changes. With this decision, we have taken a major step in implementing

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the direction in the Forest Plan. Since the Forest Plan was revised in 2004, we have done an extensive inventory of unclassified roads (as identified in the Roads Analysis Report in the project record), including field reconnaissance. As a result, we have identified approximately 300 miles of unclassified roads on the Superior National Forest, of which 154 miles will be decommissioned and 142 miles will be converted to national forest system roads or trails. (Approximately 4 miles will be converted to special use roads in another decision document.) While we may continue to find a few additional unclassified roads in future inventories, this decision addresses nearly all unclassified roads on the forest.

**Terminology – “Unauthorized Use”:**

We have received comments about the terminology used in the environmental assessment and Forest Plan. Of specific concern was the use of the term “unclassified” instead of “unauthorized” as directed in the 2005 Travel Management Rule. With this decision, roads previously referred to as “unclassified” will have a final determination and the term will no longer be used. Any roads that are not part of the national forest road system which are discovered in the future will now utilize the term “unauthorized.” The Superior National Forest has undertaken a huge inventory effort to locate and map all roads on national forest system lands; however, there may be roads yet to be discovered. Those will be “unauthorized” roads and because they are not displayed on the Motor Vehicle Use Map (MVUM), they will not be legal for any motorized use.

We did not make this change until now because the 2004 Forest Plan allowed OHV use on many unclassified roads until such time that site-specific decisions could be made on the disposition of unclassified roads (Forest Plan EIS Record of Decision, page 7). Using the term unauthorized for these roads while the Forest Plan was still allowing OHV use on many of them would have been confusing. Now that a decision on these roads has been made with the roads designated as a national forest system road or trail or being scheduled for decommissioning, the term unauthorized is truly applicable. Any road not formally a part of the national forest road system is now “unauthorized” for public motor vehicle use.

This change will be made through an administrative correction to the Forest Plan. The correction is only a change in terminology and clarifies but does not change the intent of the management direction contained in the Forest Plan.

**Taconite Trail**

My decision to open portions of the Taconite Trail to use by ATVs and OHMs is contingent on the outcome of a proposal by the Minnesota DNR. Throughout this planning process, we have worked closely with other agencies including the MN DNR to provide a seamless OHV system. The MN DNR is considering a proposal to allow OHV use on the non-national forest portions of Taconite Trail, but a final decision has not yet been made. Therefore, while I have identified that ATVs and OHMs would be allowed on the portions of this trail that cross national forest system lands, I will implement this part of the decision only if or when the MN Department of Natural Resources opens the

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portions over non-national forest system lands. Regardless of the MN DNR decision, the portion of the Taconite Trail shared by F.R. 534 (an OML-2 Forest Service road) will be open to all OHVs from May 1<sup>st</sup> to November 30<sup>th</sup> when the rest of the Travel Management Project goes into effect.

**Special Use Roads**

Proposals for designating special use roads for land owner access to non-national forest lands were analyzed as part of the alternatives in the Forest-wide Travel Management environmental assessment. Decisions on those special use roads are not covered by this Decision Notice, but will be determined in separate Decision Notices that will be signed by the Kawishiwi and Laurentian District Rangers.

The reason for this approach is based on Forest Plan goals and objectives, public comments and analysis disclosed in the Environmental Assessment and contained in the project file. This ensures that the proposed actions will only occur under the terms and conditions identified in a special use authorization.

**Coordination of this decision with Project, or area by area, level decisions:**

As previously mentioned, several project level decisions have been made prior to this proposal. Most of those project level decisions have or will soon be implemented. The exception is Echo Trail Forest Management Project where the Record of Decision was signed January 3, 2007 but has been litigated. Included in the Echo Trail Project was the decision to decommission 25 miles of unclassified roads and 10 miles of system roads. Map 4 in Appendix D of this Decision Notice displays those roads prescribed for decommissioning in the Echo Trail decision that can not be implemented until a resolution is reached with the Echo Trail Project. A Draft Supplement to the EIS for the Echo Trail Project has been made available for public comment.

As discussed above, unclassified roads become unauthorized for use with this decision. The unclassified roads identified for decommissioning in the Echo Trail Project will not be listed in the Motor Vehicle Use Map and will be unauthorized for use. These roads will be scheduled for decommissioning when the appropriate supplemental work to resolve the litigation on the Echo Trail Project is completed.

**Threatened, Endangered, and Sensitive Species**

The US Fish and Wildlife Service will be notified by District wildlife biologists if any new threatened or endangered den or nest sites are discovered, so that appropriate measures may be taken to protect them. If any threatened and endangered plant, lichen or bryophyte species are discovered, appropriate measures will be taken to protect them.

**Heritage Resources**

Known sites will be protected from ground disturbing activities. If new heritage resource sites are found during any phase of implementation, Forest Heritage Resource Specialists will be notified, and those sites will be afforded the same protection as known sites.

**Safety**

OML-3, 4 and 5 roads that have mixed OHV and highway vehicle use will be signed at the beginning of and along affected routes to warn users of the ATV/OHV traffic.

**Monitoring and Evaluation**

Monitoring and evaluation of the Forest Plan is required by the National Forest Management Act. The Superior National Forest monitors activities, practices, outputs, and services identified in the Forest Plan (Chapter 4). This is to determine if: the goals and objectives of the Forest Plan are appropriate; management practices are effective in meeting the intent of the standards and guidelines; and the projects were implemented according to direction. Evaluation of results identifies changes needed to better achieve objectives of the Forest Plan.

Under this decision, the following monitoring will be conducted as available funding, personnel and time permit:

- Road and trail closures will be monitored to ensure they remain closed to motorized vehicles.
- Road decommissioning will be monitored for effectiveness.
- Roadside inventories for noxious weeds will be conducted 1 year after any project implementation.
- Safety measures such as signage on OML 3, 4 and 5 roads will be monitored.
- Impacts of OHV use on soil and water resources.
- Noise entering the BWCAW from travel routes.

See Appendix B of this Decision Notice for more details.

This decision is based on Forest Plan goals and objectives, public comments and analysis disclosed in the Environmental Assessment and contained in the project file. The decision ensures that the proposed actions will only occur under the terms and conditions identified by the Forest Service and will not result in significant adverse impacts to the environment based on the evaluation of current conditions. The decision also ensures consistency with the Superior National Forest 2004 Land and Resource Management Plan (Forest Plan) and as well as 'Sustaining Minnesota Forest Resources: Voluntary Site-Level Forest Management Guidelines for Landowners, Loggers and Resource Managers' (MFRC 2005).

## Reasons for the Decision

I believe it is important to understand the starting point for this project is that we have a given set of roads and trails with a given set of existing uses on the Superior National Forest. If no action were taken, those routes open to motorized traffic would continue to remain open. There are two additional considerations to help understand my decision. One is that nearly all unclassified roads are currently open to OHV use. Second is to understand that most roads considered for OHV loop riding opportunities are currently open to highway licensed vehicles and this decision will not affect that status. We have taken nearly three years of inventory, analysis and public discourse to determine how to best meet the desires of the public while protecting our natural resources for future generations.

In making my decision, I considered the environmental effects of the action and the no action alternatives, and how well each would meet the purpose and need described in Section 1.5 of the environmental assessment. I considered all issues and the comments that people provided on the environmental assessment.

The reasons for my decision are listed below. I have grouped my reasons according to how the decision meets the stated purpose and need, how well the decision addressed issues raised in relation to the project, and other factors that I considered.

### Overview of the Decision

Alternative 2 with modifications does four things that very clearly meet the objectives of this project.

1. Roads open to motorized vehicles will be reduced from the current condition to the minimum necessary needed for resource management and public access.
2. While overall road mileage is decreased, an increase in the miles of loop and connected riding OHV opportunities result from careful design and collaboration with other governments.
3. By predominantly allowing additional OHV use on existing higher level roads (OML 3-5), this decision provides a continued separation of motor and non-motor uses.
4. Because most additional OHV use authorized by this decision will be focused on existing OML 3-5 roads that are designed for heavier motor vehicle use, the impacts to natural resources are minimized.

*Compared to the current condition, my decision would increase the amount OHV loop riding opportunities, as well as riding on longer connected routes. Because my decision results in fewer total roads and that most additional OHV use will be placed on higher standard roads, overall negative impacts to natural resources will be less than is occurring now or would occur under the No Action Alternative.*

The analysis in the environmental assessment and in the project file demonstrates that all action alternatives result in fewer total roads on the national forest and more roads that

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will be decommissioned than in the no action alternative. A quick review of Table 1.1 demonstrates that 154 miles of road will be decommissioned in Alternative 2 as modified. Another 42 miles of formerly unclassified roads will no longer be open to OHVs and 76 miles of system road will no longer be open to OHVs. This totals 272 miles of road no longer open to OHVs or ATVs. On the reverse side, 271 miles of roads and trails formerly not available to OHVs or ATVs will now be open to such use. Yet, when I look at the impact of this change, nearly every route under consideration for being made available for ATV or OHV use is currently open for some form of motorized vehicle, with the exception being the changes to national forest system trails (Table 1.1).

Overall, taking the 154 miles of road to be decommissioned and the 46 miles of trail that will be designated for ATV/OHM use, there is a net reduction of 108 miles of motorized use on the national forest.

The analysis in the environmental assessment and in the project file demonstrates that fewer roads would be open to OHV travel in sensitive areas and areas of public concern, such as roadless areas, Research Natural Areas, candidate Research Natural Areas, and eligible Scenic and Recreational Rivers. Unique Biological and Semi-primitive non-motorized management areas would continue to remain off limits to OHV travel. Several roads near the BWCAW are scheduled for either decommissioning or closure to OHVs. Indicators and analysis in the environmental assessment demonstrate that effects to natural resources are reduced for nearly all of the natural resources considered. (See pages 2-10 through 2-12 of the environmental assessment for a summary of environmental effects, and Chapter 3 for more detailed analysis of specific resources.) Given these outcomes, not only is it appropriate to select Alternative 2, it represents an improvement over the No Action Alternative.

Our collaborative planning effort with the Minnesota DNR, counties and tribal governments has resulted in a more seamless OHV travel system. By planning across public ownership boundaries it was possible to provide more and longer loop OHV trails and greater consistency in OHV management. Recent decisions by the Minnesota DNR resulted in an OHV classification of "limited" for State Lands within the boundaries of the Superior National Forest in Cook and Lake Counties. Compared to the previous situation on state lands, this classification has reduced the number of places that OHVs can travel on State lands within the boundaries of the Superior National Forest. A final decision for St. Louis County has not yet been made. The effect of this collaboration means that cumulatively, there will be fewer negative effects on natural resources while at the same time providing better OHV riding opportunities.

**How the decision meets the Purpose and Need:**

The purpose and need for the environmental assessment is to:

1. *Designate or decommission unclassified roads.* The Travel Management Rule restricts motor vehicles to designated roads and trails but not all roads on the

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Superior NF are designated. There is a need to designate needed roads as system roads, trails, or special use authorization routes, and to decommission unclassified roads not needed for long-term resource management, for access (including tribal interests), or for its contribution to recreational motorized use. Roads designated for decommissioning will generally be subject to the following: Road will be rendered unusable by motorized vehicles; stream crossing structures will be removed; road fills will be removed from flood prone and wetland areas to restore stream and wetland crossings to original contours; and exposed soil will be revegetated (Forest Plan p. 2-50).

2. *Create loops and connections.* Many of the roads that the TMR requires the FS to make decisions on are short spur roads that do not provide quality motorized experiences. The Forest Plan desired condition is to provide a range of quality motorized and non-motorized recreation opportunities to satisfy diverse public interests while maintaining sustainable ecosystems (D-REC-1). Mixed ownership of publicly managed land also requires collaborative planning to create a seamless system of routes (D-TS-4). There is a need to create recreation opportunities for off-highway vehicles by identifying loop routes and connections on existing roads and trails that provide for enjoyable and consistently managed riding experiences. Limited new construction may be necessary to create the loops.

I am also making decisions related to implementation and management, including season of ATV use, monitoring, and law enforcement (see Decision section).

**Designate or decommission unclassified roads:** A lot of thought, inventory and analysis went into looking at unclassified roads on the National Forest to determine which of these should become part of the official national forest road and trail system and which should be decommissioned. The Forest Plan set the framework for how we should proceed with the following direction:

- Forest-wide Goal** – *Maintain a road and trail system that provides opportunities for people to access the National Forest.*
- D-TS-2** *The National Forest road system is the minimum needed to provide adequate access to both NFS and non-NFS land.*
- D-TS-5** *Private and non-NFS landowners have reasonable access to their land.*
- O-TS-6** *Decisions will be made on Forest unclassified roads to designate them as a National Forest System road or trail or to decommission them.*
- O-TS-7** *Unneeded roads will be decommissioned and closed to motorized vehicles. Roads that are not necessary for long-term resource management are considered “unneeded.”*
- S-TS-4** *Decommission unclassified roads that are not needed in the National Forest road and trail system and special use permitted roads that are no longer needed. Decommissioning will make the road unusable by motorized vehicles and stabilize the roadbed.*
- D-RMV-1** *The Forest provides RMV (recreation motor vehicle) road and trail riding opportunities with experiences in a variety of forest environments, while protecting natural resources.*
- O-RMV-1** *A maximum of 90 additional ATV trail miles...may be added to the designated National Forest Trail system.*

Beginning in 2004 and continuing up until this year, we conducted extensive inventories of unclassified roads in an attempt to identify those “woods roads” that were on National Forest System lands, but not designated as part of our official road system. These roads came about in a variety of ways. Some were routes that had been in place for decades,

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resulting from old travel-ways used for logging or for access to structures now long gone. Others were temporary roads from Forest Service timber sales that were not closed when the sale was complete, and periodic use kept them from growing in. Still others were user-created trails, perhaps cut to access a favorite hunting or berry picking spot.

However these roads came to be, our Engineering and Forest staff did a thorough job of field inventory to locate, assess and catalog each of these roads. An interdisciplinary team considered the direction in the Forest Plan (listed above) and looked at the forest-land surrounding these roads to determine whether the road was needed for long term access for resource management, to provide access to Tribal hunting and gathering, for getting to adjacent non-national forest lands, for recreational purposes, and whether there were resource problems associated with the road. The team also considered the criteria listed in 36 CFR 212.55. (See page 1-10 in the environmental assessment and the roads analysis in the project file for additional criteria.)

The roads analysis completed for this project focused on unclassified roads since these roads are the only type of road that are decommissioned or designated as a part of the national forest transportation system by this decision. While a roads analysis is not necessary for allowing or prohibiting OHV use on existing system roads and trails, analysis of OHV use is documented in the EA and project record. The roads analysis for unclassified roads is consistent with Forest Service policy identified in the document titled *Roads Analysis: Informing Decisions about Managing the National Forest Transportation System* (Misc. Report FS-643) and is documented in the project file.

I used the above information along with the comments received from the public and other government agencies. Public comments varied widely, with some people stating that all unclassified roads were “needed” for motorized recreation and their access to the Forest, while others commented that all unclassified roads be decommissioned because they are not “needed.” Others requested specific unclassified roads be added to meet various access or use needs.

After considering all this information, I determined that Alternative 2 with the changes listed above best met the purpose and need, Forest Plan direction, and best addressed public comment. The changes I’ve made to Alternative 2 were made in part on comments we received and in part on correcting errors. I realize that it is not possible to satisfy everyone’s desires or requests for road and OHV access. I believe that the approximately 127 miles identified to become system road and 14 miles identified to become system trail meets the Forest Plan desired condition of the minimum road system needed. At the same time, it provides adequate access to the national forest and non-national forest lands and allows for loops and longer OHV riding opportunities.

The remainder of unclassified roads (154 miles) will be decommissioned. These roads are considered “unneeded” for the purposes of managing the national forest and will be closed to all motor vehicle use. The road will be made unusable by motor vehicles and the roadbed will be stabilized as directed in S-TS-4 of the Forest Plan (p. 2-50). Past decommissioning practices and our monitoring of these projects have demonstrated that our techniques for decommissioning have been effective in keeping public motorized use

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from these former roads. See the Monitoring Plan for this project (Appendix B) and the 2005-2007 Forest Monitoring Reports (FY 2005, pp. 183-194 and 200-208; FY 2006, pp. 94-104; FY 2007, pp. 87-93) for documentation and photos of decommissioned roads.

**Create Loops and Connections** (and designating system roads and trails open to various uses): As I previously mentioned, the revised Forest Plan's desired conditions of creating a seamless system of travel routes (D-TS-4), providing road and trail riding opportunities in a variety of forest environments (D-RMV-1) and having policies consistent with adjacent public land management agencies (D-RMV-2) were not being fully achieved. Some of our existing OHV routes were fragmented, did not connect well with routes on adjacent non-federal lands, and did not provide many loop routes or routes with longer riding opportunities. There were many very short and dead-end spur roads that did not provide quality riding opportunities. Therefore, we looked at ways to fine tune our existing system to provide better quality OHV riding experiences within the guidelines of the Forest Plan to utilize more loops and connections to longer riding opportunities, and include fewer short, dead end routes.

I believe that my decision to select Alternative 2 as modified provides the best OHV system in terms of creating loops, connections and longer riding opportunities, while at the same time being responsive to other requirements for protecting resources, addressing issues, and maintaining the minimum road system needed to provide adequate access. Certainly Alternative 3 created more OHV riding opportunities, but had more environmental effects, did not address all the issues as well, and resulted in a national forest road and trail system that exceeded the minimum needed. One impact that I gave particular attention to was that of safety of mixed use on the higher level roads. Alternative 2 did not include roads with the higher use or traffic speeds that Alternative 3 included. Alternative 4, on the other hand, addressed issues relating to non-motorized use and had the fewest environmental effects, but it provided considerably less OHV riding opportunities and did not address minimum access needs to the National Forest nearly as well as Alternative 2. See the discussion on pp. 29-32 of this decision document for more information about why Alternatives 3 and 4 were not selected.

**How the decision addresses issues raised during scoping.**

The issues resulting from scoping for this project basically fell into two broad categories. I will speak to how my decision addresses each of these issues and their elements.

**Issue 1.** The proposed level of OHV use will adversely affect motorized recreation opportunities for forest visitors and adjacent landowners. This includes the following elements:

- Impacts to OHV recreation experience for forest visitors and adjacent landowners.
- Impacts to forest access for hunting and fulfillment of 1854 Treaty rights

**Impacts to OHV Recreation Experience:** Many people were concerned that changing where and how people could use OHVs would have negative impacts and place undue restrictions on using and enjoying the national forest with OHVs. Concern was over

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negative impacts to the OHV recreation experience, not only for those visiting the national forest, but also for landowners who live within the national forest.

I have read and believe that I understand the comments that people raised with regard to this issue. When compared to the current condition, this decision provides over 300 more miles of loop riding opportunities, and almost doubles (470 more miles) the amount of routes that are 10 miles or more in length. I understand that some people wanted more opportunities than are provided by this decision, and wanted more loop and longer routes and to be able to continue to use all existing travel routes provided by the unclassified roads. Alternative 3 was developed in part to address these desires; however this alternative resulted in potential impacts that I could not accept at this point. I believe my decision provides the best mix of providing quality OHV riding opportunities, while still addressing other issues related to impacts to resources and responsible management of the Forest road and trail system.

**Impacts to forest access for hunting and fulfillment of 1854 Treaty Rights:** The Forest Service takes very seriously its responsibility for allowing the exercise of treaty rights within the 1854 ceded territories. During development of the proposed action, employees of the Forest Service met with members of the Bois Forte, Grand Portage, and Fond du Lac bands as well as personnel from the 1854 Authority. Further information about Treaty rights and development of the proposed action is contained in Section 3.6 of the environmental assessment.

A key Tribal interest was maintaining access to opportunities for hunting, fishing, and gathering. Tribal representatives were involved in initial planning of routes that would be proposed for motorized use. Under my decision, I acknowledge that there will be fewer total miles available for motorized access (including highway legal vehicles as well as OHVs) to National Forest lands, than under the existing condition. This would be true of all of the action alternatives. My decision will result in a 108 mile reduction (approximately 6 percent) in the miles of motorized access. This may affect some individuals who use specific roads that would be closed or decommissioned. However, much of the change in access from the existing condition is related to motorized access on unclassified roads, a situation that cannot continue under the National Travel Management Rule. Our site-specific review of many of these roads led us to understand that the habitat conditions surrounding these roads did not fit the criteria for game habitat that the 1854 Authority had provided to the Forest Service. As a check, our proposals were developed and reviewed with input from 1854 Authority and tribal representatives. My determination is that these miles scheduled for decommissioning were not needed to meet minimum resource management or access needs. Additionally, the reduction in motorized access is not anticipated to have a large effect on motorized access for hunting and gathering use when viewed in the context of the entire Forest and the number of roads available for motorized use, as evidenced by the previous review of the proposal by tribal representatives.

The Travel Management Project is not the sole opportunity for the Superior National Forest to work with the bands and the 1854 Authority to help ensure the exercise of treaty

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rights. We will continue to do so for other current and future projects. As an example of demonstrating this commitment, a recent decision on the Gunflint Ranger District (the Devil Trout decision) identified and kept access open to key hunting habitats. The Mid-Temperance Project on the Tofte Ranger District is another example where the Forest worked with the 1854 Authority to enhance hunting access opportunities. The selected alternative to create foraging habitat for grouse and moose was developed partially in response to concerns raised by the 1854 Authority. To provide access to these areas, the 1854 Authority asked us to provide parking pull-outs for hunting access. These pullouts were located at closed temporary roads that lead to young stands that were identified as having potential moose habitat. Tofte Ranger District also worked with 1854 Authority on the Clara Project to identify several roads to keep open on a seasonal, temporary basis for public access into areas with potential foraging habitat for moose, but no decision has been yet issued on the Clara Project. We will continue to work with the bands and 1854 Authority to develop and implement these solutions as appropriate across the Forest.

**Issue 2.** The proposed level of OHV use will adversely affect non-motorized recreation opportunities for forest visitors and adjacent landowners. The proposed level of use could also affect forest resources. This includes the following elements:

- Impacts to non-motorized recreation experience on NFS lands
- Impacts to wilderness character in the BWCAW
- Impacts to soil and water resources
- Impacts from the spread of Non-Native Invasive Species (NNIS)
- Impacts to threatened and endangered species, Regional Forester sensitive species and habitat

**Impacts to non-motorized recreation experiences on NFS lands**

Many people were concerned that changing OHV travel routes to provide more loops and longer routes would have negative impacts to the ability of the national forest to provide non-motorized recreation experiences. They were concerned that the increase in loop riding opportunities would result in increased use and noise and conflicts between people using the Forest to enjoy quiet and solitude and those using it for motorized recreation.

I have read and believe I understand the comments of people that raised this issue. Alternative 4 was developed in part to address some of these concerns. My decision focuses on placing the overwhelming majority of the OHV use on National Forest System roads where motorized use by highway vehicles is already allowed. None of the additional routes or trails was placed on trails or routes designed or designated for non-motorized use. A result from implementing Alternative 2 is that 154 miles of unclassified roads will be decommissioned and no motorized use of those routes will be allowed. Decommissioned routes and the areas surrounding them will be available to add to the non-motorized experiences on the Forest (see photos in the FONSI section of this decision, under the heading of Wilderness).

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I believe one of the best ways to maintain the separation of motor and non-motor uses that the commenters discussed is to place OHV motorized activities on existing higher standard roads. These roads were developed to carry motorized traffic and that includes all the sights, sounds, and resource impacts that accompany a road system. Although developed for motorized use, foot traffic is welcomed and I have to believe that people who walk on roads have the expectation that they may meet motorized traffic. Therefore, I find that Alternative 2 does the best at providing for non-motorized recreation opportunities while at the same doing the best job of improving the OHV opportunities on the Forest.

**Impacts to wilderness character in the BWCAW**

This element of the issue is related primarily to impacts from OHV use in proximity to the boundary of the Boundary Waters Canoe Area Wilderness. There are four elements of wilderness character: Untrammeled, Natural, Undeveloped, and Outstanding Opportunities for solitude or a primitive and unconfined type of recreation (see EA p. 3-25). These four elements characterize the wilderness and what we expect to experience when we are in the wilderness. My decision does not include any activities inside the BWCAW, but the EA evaluates what effect the alternatives would have inside the wilderness.

Concerns focused on noise caused by OHV use and its impact on wilderness character, impacts to watershed health and wildlife of the BWCAW caused by OHV use, transmission of NNIS to the BWCAW by OHV use, and the ability of OHVs to illegally enter into the Wilderness from roads in close proximity to the wilderness boundary. Compared to the current condition, my decision results in a decrease in the number of OHV routes within one mile of BWCAW travel routes (lakes and rivers) and BWCAW campsites. Under the current condition, 25 BWCAW lakes and rivers and 22 BWCAW campsites on those water bodies are within 1 mile of a route where OHVs are allowed to travel on national forest system lands. Under my decision, only 21 BWCAW lakes and rivers and 12 BWCAW campsites are within 1 mile of an OHV travel route. Said another way, currently there are 12.5 miles of roads and trails open to OHV use within 1 mile of a BWCAW campsite, whereas only 10.7 miles would be open under my decision (Table 3.9-5, EA page 3-32).

Common sounds from outside the BWCAW (such as motorboats, road use, private development, logging and mining activity, and airplane use) can be heard for at least a short distance inside the wilderness on a regular basis. Analysis in the environmental assessment determines that none of the alternatives would cause noise of a different type or quality, nor would the noise be more constant or frequent, than what already exists on public and private roads adjacent to the wilderness boundary (EA, page 3-34). In addition, analysis in the environmental assessment determines that none of the alternatives would degrade the natural character of the wilderness ecosystem. Because my decision actually reduces the number of roads open to OHVs in proximity to the wilderness, effects would be reduced from current levels. My decision does not have a significant impact on wilderness character and is in compliance with section 4(b) and

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other provisions of the Wilderness Act. Please see item #3 of the FONSI for further discussion on compliance with the Wilderness Act.

**Impacts to soil and water resources**

One of the key reasons for the national Travel Management Rule was to address unmanaged motorized recreation and its potential for impacts to basic resources such as soil and water. As a result, I have taken a hard look at the effects to hydrology and soils in making this decision. Compared to the current condition, my decision reduces the potential for negative impacts to water and soil resources by reducing the miles of ATV use on low standard roads and concentrating more use on higher level roads. It reduces the number of miles of travelways open to any OHV use within riparian areas by 60 percent; the number of stream crossings open to any OHV use by 62 percent, and the total number of miles subject to ATV disturbance. The decision results in a 72 percent reduction in the miles of ATV use on trails and roads on soils more susceptible to disturbance and erosion (Table 3.10-5, EA page 3-38). The decision decommissions 154 miles of unclassified roads. My decision will considerably reduce the potential for negative impacts from ATVs and OHVs as compared to the existing condition.

An important consideration for the development of this proposal was the use of existing roads versus constructing new trails off road. Roads, by design, are shaped and compacted to reduce the chance for disturbance and erosion. Higher maintenance level (OML) roads have higher level design standards. Putting more of the OHV use on higher standard roads with less on unclassified roads decreases the probability of water quality degradation. I am confident from a water quality perspective that Alternative 2 provides very good protection of soil and water qualities and, in fact, represents an improvement from the existing condition.

**Impacts from the spread of non-native invasive species (NNIS)**

Very little new construction (2.5 miles) is being proposed in my decision. My decision would result in the decommissioning of 154 miles of unclassified roads, and conversion of 141 miles of currently unclassified roads to national forest system roads or trails. All of the action alternatives (Alternatives 2, 3 and 4) would reduce the number of miles of road or trail open to any motorized use (OHVs and other motor vehicles). Only Alternative 1, No Action, leaves the miles of motorized routes at the current level. The vast majority of management options affect already existing travel corridors and weed spread along these routes probably began when the route was originally constructed.

My decision, and in fact any proposal that would allow access to the national forest by either motorized or non-motorized means has the potential for a net increase of weed infestations on the National Forest. However, when compared among the alternatives considered, it would have the 2<sup>nd</sup> lowest potential. (Alternative 4 would have the lowest potential, and Alternative 1 – No Action would have the highest potential). Most weed-related impacts would be confined to road corridors, where it can be managed by our ongoing NNIS program. The Superior National Forest has an active and ongoing NNIS

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program. We have conducted extensive inventories to locate NNIS, prioritize treatments and implement those treatments (see the Superior NF NNIS EA and the 2007 Superior National Forest Monitoring and Evaluation Report pp. 38-42).

**Impacts to threatened and endangered species, Regional Forester Sensitive Species, and habitat.**

In making this decision, I have considered the analysis contained in the environmental assessment and also within the Biological Evaluation (BE) for Regional Forester's sensitive species, the Biological Assessment (BA) for federally proposed, candidate, threatened, or endangered species and designated critical habitat, as well as the Biological Opinion (BO) issued by the US Fish and Wildlife Service.

These analyses conclude that with regard to Canada lynx and gray wolf (threatened species), all the action alternatives would consolidate off-highway vehicles use and improve habitat in most Lynx Analysis Units and wolf habitat through a net reduction of roads open to motor vehicles. The Alternatives (including my decision which is within the range of alternatives considered) may affect but are not likely to adversely affect the Canada lynx and gray wolf. The effects are expected to be discountable, insignificant, or completely beneficial (see Biological Assessment and supplement in project file).

With regard to Regional Forester sensitive wildlife species, and Regional Forester sensitive vascular plants, lichens and bryophytes, the actions of any of the alternatives will either have no direct, indirect or cumulative effects; or they may impact individuals, but are not likely to cause a trend to federal listing or a loss of viability (see Biological Evaluation).

**Mixed use (highway vehicles and OHVs) of roads, in particular FR 152 (the Lima Grade)**

To meet the project's objective of providing more loops and longer routes, the alternatives in the environmental assessment proposed OHV use on several higher level national forest system roads. During the comment period on the environmental assessment, the Forest Service received several comments regarding the mixing of highway vehicles and OHVs on some of the higher level national forest system roads, which we refer to as OML-3, 4, and 5 roads. The concerns expressed about mixed use on this and other roads included safety, conflicts with other users, illegal or off-road activities, maintenance and impacts to the BWCAW. The road most frequently cited was FR 152 also known as Twin Lakes Road or the Lima Grade.

The Forest Plan contains direction on OHV use stating that OHV use may be allowed on specific segments of OML-3, 4 and 5 roads to provide connections to other roads and trails open to OHVs if safety, resource and other considerations can be addressed. (Forest Plan G-RMV-1 p. 2-44). The purpose for allowing OHV use on OML-3, 4 and 5 roads in this project is to provide connections for loop routes.

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A motorized mixed use analysis was performed by a qualified engineer on all roads proposed for motorized mixed use in my decision. That mixed use analysis involves the engineer visiting and driving the road, recording such things as traffic volume, surface type, speed, crash history, and local traffic laws. It includes recommended mitigation measures and an assessment of risk without mitigation. I have reviewed all of the mixed use analysis reports and have spoken with the two qualified engineers who did the analysis.

All the national forest system roads are considered very low volume roads, in that they have average daily traffic levels of less than 400 vehicles per day, with most being less than 100. The definition of very low volume roads is set by the American Association of State Highway and Transportation Officials. In all cases of national forest system roads that are identified for mixed use (and FR 152 is one of these), a mitigation measure is posting signs that warn of mixed use (OHVs on the road) where the use begins and ends. Mixed use will not be allowed until signs are posted.

Another important consideration when determining where to allow mixed use is who will be allowed to operate an OHV. State traffic laws govern national forest system roads and the State of Minnesota requires that an ATV operator on a public road must be 16 years of age or older and be a licensed driver. This requirement applies to our OML-3, 4 and 5 roads.

The safety of people recreating on the national forest is among my highest priorities. I have reviewed the mixed-use analysis and the license requirements for OHV riders on public roads. I am comfortable that my decision to authorize mixed use on 172 miles of OML-3, 4 and 5 roads is based upon sound advice. This would allow mixed use on 27 percent of the OML-3, 4 and 5 roads on the national forest.

Having said that, I will re-emphasize the fact that National Forest Management is adaptive in nature. We will monitor the outcomes projected by this decision and when necessary change the status of roads open or closed to various motorized activities.

### **Enforcement of OHV routes and regulations**

During the comment period, some people expressed concern with the Forest Service's ability to enforce OHV regulations and deal with illegal OHV use (use off of designated routes and especially in ecologically sensitive areas such as wetlands). In making my decision to select Alternative 2 as modified, I have considered these comments and the potential risk to the natural environment due to illegal or unauthorized use. I have also considered Alternative 1, No action, and the implications of choosing it. We have been operating under the current regulations for 4 years without major environmental problems. However, there would be a greater total number of miles of roads open to motorized use. No loops would be afforded which nearly invites ATV enthusiasts to create their own loops by using higher standard roads. I have considered the probabilities of illegal activities between the options of governments working together to achieve a

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seamless network of high quality ATV routes versus the Forest Service acting alone to only provide short, one-way routes.

There will always be a percentage of people willing to do illegal activities, but in my experience I have found that working with the public to reach a common objective and adherence to the established rules nearly always results in increased cooperation.

During the first year of implementation of the new routes and regulations, we will work closely with motorized recreationists and OHV user groups to inform and educate these users about the routes and the regulations. In keeping direction in the Forest Plan, routes where uses are allowed, restricted or prohibited will be clearly defined to the public (Forest Plan D-RMV-2, page 2-43). This will include maps showing locations of routes as well as informational signing. Where it is apparent that the violator was aware of the fact that they were violating prior to the contact, issuance of a violation notice would be appropriate (see the Law Enforcement Operations Plan attached as Appendix E).

For those very few who choose to act illegally, we and our partner agencies, with a clear definition of what is legal and with routes marked on the ground, will be in a better situation to enforce the regulations. We have added additional law enforcement officers to our staff within the past year. We now have four law enforcement officers on staff, as well as a Patrol Captain and Special Agent in the Duluth office. In addition to dedicated law enforcement staff, we also have 53 Forest Protection Officers, which are regular employees that have had special training in enforcement to enable them to issue violation notices and written warnings.

My decision to select Alternative 2 with modifications provides the best balance between competing public desires by putting in place a designated and managed OHV system, while at the same time providing separation between motor and non-motor users. It provides for adequate public access, while at the same time increasing the number of loops and connected routes where people can ride OHVs. This alternative also restricts ATV and off-highway motorcycle use during those times of the year (such as wet conditions during the early spring) when OML-1 roads and trails are most susceptible to resource damage. When necessary, I will use a Forest-Supervisor's closure order for short term closure on specific routes due to weather or other resource conditions. In keeping with Forest Plan direction, roads that are determined through site-specific analysis to have immitigatable resource and social concerns and/or do not meet management objectives will be effectively closed. (Forest Plan G-RMV-4, page 2-44).

### **Other Alternatives Considered**

The alternatives considered and analyzed in detail are described in section 2.2 of the environmental assessment and are summarized below along with my rationale for not selecting them. In addition, 19 alternatives considered but not analyzed in detail are described in section 2.4 of the environmental assessment.

#### ***Alternative 1 – No Action Alternative***

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The No-Action alternative, Alternative 1, was considered as required by the National Environmental Policy Act (NEPA). This alternative would continue the current condition with regard to OHV travel and unclassified roads on the Superior National Forest. With the exception of updates and corrections of data, the locations and types of OHV uses allowed has remained essentially unchanged since the adoption of the revised Forest Plan in 2004. Management direction in the form of Forest Plan goals, desired conditions, objectives and standards and guidelines and the subsequent Forest Supervisor's closure order of September 10, 2004 would continue to determine what roads are available for OHV travel. In this alternative, OHV use occurs primarily on low-standard National Forest System roads (OML-1 and 2) and on many short unclassified roads.

I did not select this alternative because it does not meet the purpose and need identified in Chapter 1, Section 1.5 of the EA. Also, Alternative 1 does not address the current unclassified road situation. It would leave all existing unclassified roads open to all forms of motorized traffic including OHVs. It does not improve management of NNIS issues, water quality issues or wilderness impact issues with regard to OHV use beyond the existing condition. This alternative does not create the seamless route system that is a goal of our Forest Plan and partner government agencies. It does not provide a system of OHV riding opportunities nor does it consolidate OHV riding on a network of routes, but does leave a disjointed system.

I find that this alternative does not meet the purpose and need for this proposal, does not fully achieve Forest Plan goals and objectives, nor does it meet the direction of the Travel Management Rule, and it therefore cannot be selected.

***Alternative 3***

Alternative 3 was designed to meet the purpose and need of the project while responding to public issues about the proposal's impacts to OHV recreation experiences for forest visitors and adjacent landowners and impacts to forest access for hunting and fulfillment of 1854 Treaty rights. The alternative responds to those issues by making additional routes (both loop routes and "out and back" routes) available to provide additional riding opportunities and additional access to national forest system lands. Approximately 25 percent of the existing unclassified roads are proposed for decommissioning, with about 75 percent converted to system roads or trails.

I did not select this alternative for two main reasons.

First, this alternative converts 92 miles of unclassified roads to ATV trails, and co-designates 58 miles of snowmobile trail as ATV trail. This far exceeds the Forest Plan Objective of designation of a maximum of 90 additional ATV trail miles (Objective RMV-1 p. 2-43). While it is possible to amend the Forest Plan at this time to allow for such an overage, I believe it is prudent to stay within the management direction of the Forest Plan at this time and to monitor the system we are putting into place. Once we

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have that information, we can determine whether any changes need to be made in the future.

Second, this alternative would allow OHV use on 149 miles on high level (OML-4) roads. This would allow OHV use on nearly half of all OML-4 roads on the Forest and approximately twice the number of miles allowed under Alternative 2 with modifications. The safety of people recreating on the national forest is among my highest priorities. The high level of mixed use in Alternative 3 and some of the specific roads to be included for mixed use under this alternative gives me concern for safe travel.

I realize that this alternative had many advocates, especially those who wanted more loop routes and connecting routes than were provided by Alternative 2, and who also wanted increased motorized access to national forest system lands that were provided by the continued inclusion of short spur routes. Of particular concern with this alternative is that it would continue to keep open many short roads that are currently open to OHVs and these roads connect to higher level roads that are not open to OHVs. This might create a situation where OHV riders venture out onto the higher level roads closed to OHVs for safety reasons. Our interdisciplinary teams and line officers have closely looked at which higher level roads would permit safe OHV opportunities and which would not. I do not find it reasonable that an OHV rider would trailer their OHV or ATV to a short road only to off-load and ride a short distance and then re-load the vehicle again.

Several comments to the environmental assessment suggested that Alternative 3 could be improved by allowing OHV travel on even more OML-3, 4, and 5 level roads, and by converting many more miles of existing snowmobile trail to OHV use during the non-snow season. Alternatives D and G had proposals similar to these and were considered in section 2.4 of the environmental assessment, but were not carried forward for detailed study. The rationale for not considering them further is contained in the environmental assessment

I have not selected Alternative 3 due in large part to safety concerns outlined above. I also do not believe this alternative best meets the needs for access for public use or resource management.

#### ***Alternative 4***

This alternative was designed to meet the purpose and need of the project while responding to public issues that the proposed level of OHV use would adversely affect non-motorized recreation opportunities for forest visitors and adjacent landowners, and would adversely affect forest resources. The alternative responds to those issues by concentrating predominantly on loop routes and use of existing national forest system roads. Fewer miles of “out and back” roads would be authorized for OHV use in this alternative. Very few miles of snowmobile trails would be designated as ATV trails during the non-snow season. Approximately 61 percent of the existing unclassified roads

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are proposed for decommissioning, with about 39 percent converted to system roads or trails.

I did not select this alternative for several reasons:

First, it provides the least amount of OHV riding opportunities of any of the action alternatives. It eliminates use on 462 miles of existing roads where OHV use is currently allowed. This is over six times as much as Alternative 2. It does the least of any of the action alternatives in terms of meeting the objective of creating loops and connectors and in meeting the Forest Plan desired condition of providing road and trail riding opportunities with experiences in a variety of forested environments, while protecting natural resources.

Second, because it decommissions the greatest amount of unclassified roads, it does not result in the national forest road system desired or needed on the Superior National Forest. An overall goal of the Forest Plan is to maintain a road and trail system that provides opportunities for people to access the National Forest (Forest Plan, page 2-5). At the same time, a desired condition for the transportation system is that the National Forest road system is the minimum needed to provide adequate access to both NFS and non-NFS land. (Forest Plan, page 2-47, and Travel Management Rule 36 CFR 212, 251, 261, and 295). These two items of management direction are not in conflict with one another, but rather require both analysis and judgment in arriving at a road and trail system that provides adequate access while at the same time is the minimum needed to provide that access. I believe that this alternative would eliminate too many current uses without good, substantiated reasons and therefore does not meet access needs as well as Alternative 2 with modifications. This conclusion is based on the analysis of roads in the project file, the effects analysis in the environmental assessment, our obligation to provide suitable access to American Indian bands for the exercise of their treaty rights, and the management direction in the Forest Plan.

Alternative 4 generally had the least amount of environmental effects to natural resources. However, all of the action alternatives result in a reduction of effects compared to the current situation (Alternative 1). Our line officers and interdisciplinary team members gave careful consideration to roads not needed for resource management and public access and use. Unclassified roads not needed were identified for decommissioning and national forest system roads not needed for OHV use were closed to that use. Given the analysis and conclusions documented in the environmental assessment, I selected Alternative 2 with modifications because it has the best mix of providing OHV riding opportunities while at the same time reducing the effects on natural resources. Alternative 4 unnecessarily reduced the level of public motorized use and therefore I find it did not provide that best mix.

This alternative also had several advocates, especially those who wanted fewer motorized opportunities to be available on the national forest, those who were concerned about the effects of OHV use in proximity to the Wilderness, and were also concerned about OHV effects on wildlife and natural resources. In fact, many people provided comments on

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the environmental assessment and advocated for far greater restrictions on OHV use on the National Forest, ranging from eliminating OHV use altogether, to decommissioning all unclassified roads, to decommissioning all roads near the BWCAW boundary, to not allowing OHV use on any OML-3, 4 or 5 roads. Others requested that specific roads be made off-limits to OHV travel. Alternatives L, M, O, Q, and R had proposals similar to these and were considered in section 2.4 of the environmental assessment, but were not carried forward for detailed study. The rationale for not considering them further is contained in the environmental assessment. In addition, the response to comments in the appendix to this Decision Notice addresses the requests for specific roads.

## Public Involvement

Early on in the process the Forest Service and the Minnesota Department of Natural Resources held joint public meetings to present information about existing roads and trails to the public and to explain the collaborative planning process. Public meetings were held in Grand Marais and Schroeder, MN during January of 2006, in Finland, Two Harbors and at Fall Lake town hall in July of 2006, and in Tower, Virginia and Orr in June of 2007.

Throughout 2006 and into 2007, the Forest Service continued to meet and collaborate with other governments (MN DNR, counties, and Tribal representatives) on the State Forest Classifications and to evaluate cross-jurisdictional routes.

Additionally, we developed two Scoping Letters (one for the Eastern Zone and one for the Western Zone of the National Forest) that included information on the Project Area, a preliminary Purpose and Need, a Proposed Action, instructions for submitting comments, and maps displaying the proposed action for OHV travel and for unclassified roads. The Eastern Zone mailed the scoping letter on March 23, 2007 and the Western Zone mailed their scoping letter on June 11, 2007. Approximately 85 letters totaling over 950 comments on the Scoping Letters were received from the public.

A series of six open-house meetings were held in March of 2008 to preview a set of potential alternatives that would be considered in the environmental assessment. This was done so the public would have an understanding of alternatives and definitions once the environmental assessment was published.

On June 6, 2008, the legal notice for the 30-day comment period was published in the *Duluth News Tribune*, and copies of the environmental assessment were sent out to those who provided input during scoping, key contacts, government agencies, and those who had requested copies of the EA be sent to them. During the 30-day comment period the Superior National Forest received 110 letters, e-mails, and phone calls regarding the proposal from individuals, environmental organizations, tribal representatives, and government agencies.

The scoping package and lists of the correspondence received during scoping and the 30-day comment period are included in the project file. Appendix C contains comments

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received during the 30-day comment period along with agency responses to those comments.

Throughout this process, we received comments that covered the entire spectrum from completely prohibiting OHV use and decommissioning all unclassified roads, to allowing OHVs to travel not only on all roads but also cross-country and converting all unclassified roads to national forest system roads. A hard look and careful consideration was given to all sides and all issues, in order to arrive at an appropriate level of roads, trails and OHV uses.

Documentation of review of public comment is located in the project file.

## Finding of No Significant Impact (FONSI)

I base my finding on the following:

### **A) Context:**

In the case of site specific actions, significance would usually depend on the effects in the locale rather than in the world as a whole. Both short and long-term effects are relevant (40 CFR 1508.27a).

This project is a site-specific action that by itself does not have international, national, region-wide, or statewide importance. Decisions made for the Superior National Forest were in collaboration with other local governments. However, these decisions do not affect management decisions of any governing body outside the boundaries of the Superior National Forest, nor was this decision affected by management decisions outside the Forest boundaries. The discussion of the significance criteria that follows applies to the intended action and is within the context of local importance in the area associated with the Forest-wide Travel Management Project (see Figure 1.1 Vicinity Map, EA page 1-6)

The Travel Management Project implements the Forest Plan and all of the effects disclosed in the EA are consistent with the context described by the effects disclosed in the Final Environmental Impact Statement for the Forest Plan. The Superior National Forest has 2497 miles of system road and 296 miles of unclassified roads. All of those, with the exception of 933 miles of OML-1 roads, are open to some variety of motorized traffic. My decision to reduce the total mileage of roads open to motorized vehicles on the Superior National Forest by approximately 108 miles affects 6 percent of our network.

Thirty nine miles of the new routes will be placed on existing snowmobile trails that are considered physically suited for OHV use; minimal natural resource impacts will occur with the addition of OHV use on these routes (see EA, Watershed section of Chapter 3). Those trails are currently used by snowmobiles and are groomed and maintained by motorized equipment. Many of our snowmobile trails were created from old roads and some are on roads that are driven in the summer months. Adding another motorized use to these routes will only create a minor change to the social and natural resource setting. Only 4 miles are being converted from dog-sled trails and 2.5 miles of new routes will be created through this decision. In the context of the over all setting of motorized use on the Superior National Forest, this is a very minor change, especially in light of the net reduction in routes open to motorized traffic.

The EA presents the context of effects to NNIS and the specialist's determination that primary spread is along travel routes (see NNIS section of EA, chapter 3). This proposal closes 154 miles of road and only creates 2.5 miles of new trail.

The EA presents the context for soil and water effects and that most new riding will be located on roads designed and maintained for motorized use (see Watershed section of

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EA, chapter 3). There will be 154 miles of unclassified roads decommissioned with the project. This will be implemented through a broad range of techniques, from simply allowing the road bed to continue to grow into trees, to the opposite end where heavy equipment will be used to restore the road bed to a natural state. Superior National Forest Monitoring and Evaluation (M&E) reports (FY 2005, pp. 183-194 and 200-208; FY 2006, pp. 94-104; FY 2007, pp. 87-93) demonstrate the effectiveness and the overall positive benefits of road decommissioning (see also Appendix B). Our experience as demonstrated through the M&E reports shows that there may be short term soil impacts from equipment ripping and restoring road beds, but following our Forest Plan standards and guidelines has resulted in a minimal soil and water impact while obtaining a long-term benefit.

The EA presents the context of impacts to the BWCAW by addressing both roads to be decommissioned and the existing roads currently open to licensed vehicles that will now permit OHV use.

The EA also presents the context of Tribal use and reserved rights within northeastern Minnesota for those Tribes under the 1854 treaty (see EA, Access section of Chapter 3). These changes highlight the context of the effects of my decision. I considered the short and long term effects of travel management as described in the EA (Chapter 3). It is my determination that the effects of implementing Alternative 2 with modifications will not be significant locally, regionally or nationally.

***B) Intensity:***

This refers to the severity of impact and the following areas should be considered in evaluating the intensity of the actions. Discussion is organized around the ten significance criteria described in the National Environmental Policy Act (NEPA) regulations (40 CFR 1508.27b).

After considering the environmental effects described in the EA in Chapter 3, 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. Consideration of both beneficial and adverse impacts.**

I considered both beneficial and adverse impacts associated with the alternatives as presented in Chapter 3 of the EA. I am comfortable that the effects of decommissioning 154 miles have been displayed in the EA, including the effect to public and tribal access. I am also comfortable that the higher level roads that will be opened to OHV use have been displayed and there is potential for additional effects to resources and the non-motor using public. Both of these situations have positive and negative aspects. Potential impacts are localized at the proposed site of the roads and trails as shown on EA Maps for Alternative 2: "OHV Use" and "Disposition of Unclassified Roads" and as described in Chapter 3 of the EA. Many of the short term impacts are minimized and/or avoided by the application of Forest Plan standards and guidelines, Minnesota Forest Resource

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Council (MFRC) Voluntary Site-level Forest Management Guidelines, design features, and other implementation measures intended to further limit the extent, severity, and duration of these effects (see EA Section 3.1, pp. 3-2 to 3-4 and resource Sections of Chapter 3). I have given careful consideration to both the beneficial and adverse impacts and believe that neither is significant.

**2. Consideration of the effects on public health and safety.**

My decision will not significantly affect public health and safety. Public health and safety will be minimally affected by the proposed and/or continued use and maintenance of existing unclassified routes selected for designation. There is always a chance of motor vehicle collision and on occasion this does happen with highway licensed vehicles on public roads including National Forest System Roads. Two considerations provided me with the confidence that these changes will not create a significant public safety concern. Higher level roads where mixed use will occur (both OHV use and street-legal use) have been surveyed by a certified engineer and my staff and I have reviewed those reports. Mixed use roads will be signed or subject to closures as determined necessary for public health and safety (see Appendix B to the Decision Notice). Many other roads were suggested for mixed use by the public, and in several instances I have not approved such use because of potential safety problems. I am confident that changes proposed with this project will not increase the motor vehicle accident rate for the types of roads in question. Monitoring of the safety of mixed use will occur (see Appendix B to the Decision Notice). If safety issues develop, steps will be taken to resolve these immediately with closure orders and/or other methods.

**3. Consideration of the unique characteristics of the geographic area (e.g. such as historic features, park lands, prime farmlands, wild and scenic rivers or wetlands).**

There will be no significant effects on unique characteristics of the area. There are no park lands or prime farmlands within the project area. Wetlands and historic features are protected as shown in EA sections 3.10 (pp. 3-35 to 3-40) and 3.14 (pp. 3-63 to 3-65) respectively and all Forest Plan direction regarding these resources was incorporated into my decision.

***Wild and Scenic Rivers***

No designated Wild, Scenic or Recreational Rivers exist on the Superior National Forest. The Forest does have a management area that provides direction for six river corridors that are eligible for consideration as Wild, Scenic or Recreational Rivers. There is no planned OHV use within Management Areas related to river segments eligible for status as Wild. All segments of these rivers outside the BWCAW are eligible as either Scenic or Recreational classification. The Forest Plan provides direction that recreational facilities such as trails for ATV use may be provided on lands within Scenic or Recreational Management Areas. Yet, my decision to select Alternative 2 with modifications results in reducing the mileage of OHV travel routes within the management areas for eligible Scenic and Recreational Rivers. Documentation in the project file indicates a reduction of over 9 miles of OHV travel routes as compared to the current situation. My decision will not have a significant effect on Wild, Scenic or Recreational River management areas.

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***Research Natural Areas, Candidate Research Natural Areas and Unique Biological Areas***

My decision does not authorize any additional OHV access within Research Natural Areas, candidate Research Natural Areas or Unique Biological Areas. Within the candidate Research Natural Areas my decision decommissions 1.3 miles of existing unclassified roads. My decision will have a positive, but not significant effect on these management areas.

***Boundary Waters Canoe Area Wilderness (BWCAW)***

Because this project involves no activity within the BWCAW, the concerns addressed were how management activities adjacent to the wilderness might affect noise, NNIS, water quality, wildlife and illegal entry into the BWCAW.

The four aspects of this project that draw me to the conclusion that this decision will not have a significant effect to the wilderness are:

1. There will be fewer low standard roads within one mile of the wilderness, and no new roads or trails will be constructed within one mile. Accordingly, there will be less OHV and motor vehicle use within one mile of the wilderness.
2. Additional OHV use will be primarily on existing roads open to all vehicles; there will not be a separate set of motorized trails created within this proposal.
3. The analysis for sound provided in the EA demonstrates the very minor impact that additional motor use will have from use on existing roads (see Section 3.9 of the EA, pp. 3-25 to 3-34 effects from noise on solitude).
4. We have demonstrated that decisions to close roads can be implemented to have very effective results.

These four factors above relate directly to the characteristics that are used to measure impacts to wilderness character identified in the General Technical Report “Monitoring Selected Conditions Related to Wilderness Character”: a National Framework (see EA p. 3-25):

Untrammeled: The existing untrammeled nature of the BWCAW will be unchanged by this project since there are no activities proposed within the BWCAW. There will be no ground or vegetation disturbed within the BWCAW from this project.

Natural: There will be no significant effect on the existing natural character of the BWCAW from this project. The effects of the project on the natural character of the BWCAW are disclosed in the EA, sections 3.10 (Watershed), 3.11 (Threatened, Endangered and Sensitive Species) and 3.12 (Non-Native Invasive Species). As discussed above and documented in the EA, BE and BA, the decrease in the mileage of roads within one mile of the wilderness will decrease indirect effects associated with OHV and other motorized use to the wilderness.

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Undeveloped: Since this project will not create any temporary or permanent improvements or human occupation within the wilderness, the undeveloped quality of the BWCAW will not be affected.

Outstanding Opportunities for solitude or a primitive and unconfined type of recreation:

As previously stated on p. 24, there will be fewer low standard roads within one mile of the Wilderness and no new roads will be constructed within one mile. Furthermore, additional motorized use will occur on existing roads or routes adjacent to the BWCAW only where some type of motorized use is already allowed. There will be no significant effect on solitude and other wilderness values within the BWCAW (see Section 3.9 of the EA, pp. 3-25 to 3-34 which discloses effects from noise on solitude).

Regarding the potential impacts to solitude and other wilderness values within the BWCAW, there are concerns from citizens that OHV use may impact the Boundary Waters Canoe Area Wilderness from roads that are close to the border of the wilderness. The Superior National Forest has been monitoring roads near the Wilderness border to ensure motorized traffic is not entering illegally. When we discover a problem road or trail then we employ closure techniques that either obliterate the road or restrict use to foot travel.

Our annual Monitoring and Evaluation Reports (FY 2005, pp. 183-194 and 200-208; FY 2006, pp. 94-104; FY 2007, pp. 87-93) display results of road closures that we have employed in the general forest over the past several years. Our track record for decommissioning roads is ahead of the schedule outlined in our Forest Plan and our effectiveness at closing roads to motorized traffic since 2001 is very good (also see Appendix B, Road/Trail Closure Effectiveness).

There is a site specific example that I am including with this FONSI that displays our results specific to Wilderness management and motor intrusion. The Kinogami Road (FR-170R) was discovered by Tofte District employees to be an open road that led directly to Kinogami Lake (a lake within the BWCAW). It was about a mile long that came in off the Grade (FR-170) and used by the public to haul boats to the lake. The road most probably was built to access an old gravel pit prior to establishment of the Wilderness Boundaries and was likely pioneered in for lake access.

We had our surveyor locate the wilderness boundary and then backed away from the BWCAW border about another 1200 feet to locate a good closure site. We scattered boulders and planted trees along the route and closed off the entrance with rocks to only allow foot traffic into the lake. This trail is maintained as a portage trail into the lake and there is a register box on the wilderness boundary. The closure has been in place for the past 2-1/2 years and there have been no attempts to breach the closure and no public complaints have been registered. The photos shown below were taken in August, 2008 and demonstrate the effective road closure.



Figure 1 Kinogami road closure.

Photo taken of former road to Kinogami Lake at the point where the road was closed to motorized traffic and only foot traffic permitted beyond.

Boulders were placed in conjunction with trees planted to achieve effective closure.



Figure 2. Kinogami Lake Foot Trail

A photo taken further down the trail to Kinogami Lake displaying that only foot traffic is using the trail.

Trees planted help disguise the fact that this was a road only three years prior.

We will continue active monitoring across the Forest with specific emphasis near the BWCAW and other management areas where OHVs are not allowed for illegal entry (for example, see Appendix B to the Decision Notice). As demonstrated by this example, we will take immediate and appropriate action to resolve the problem. Based on our work to date, I am very confident that we can resolve these illegal uses in a manner accepted by the public.

My conclusions are that low standard roads being closed within one mile of the wilderness with this decision will decrease sounds entering the wilderness, decrease potential water quality impacts to the wilderness, decrease potential impacts to wildlife and decrease the potential for NNIS spread into the wilderness. There are some higher standard roads currently being driven by licensed vehicles (logging trucks, pickup trucks, automobiles, and motorcycles) that will now have additional motorized use. Because these roads are monitored and maintained regularly, I believe the additional impacts from OHVs will be minor.

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I find that the overall impact to the Boundary Waters Canoe Area Wilderness will be positive but not significant.

**4. The degree to which the effects on the quality of the human environment are not likely to be highly controversial.**

The differences in comments reflect a range of opinions, and do not of and by themselves constitute controversy. The effects of the selected alternative on the various resources are not considered to be highly controversial by professionals, specialists, and scientists from associated fields of geology, hydrology, wildlife biology, and forestry, etc. I do not believe that there is significant controversy over the effects of this project. Although I anticipate this decision will not be acceptable to all, I have determined that the effects as displayed in the EA and supporting documentation in the project record file are not likely to be highly controversial.

**5. Consideration of the degree to which effects on the human environment are highly uncertain or involve unique or unknown risks.**

This decision is similar to past actions, and its effects are reasonably expected to be similar. In the past, motorized access has occurred on National Forest roads and trails. Furthermore, motorized access authorized in this project is guided by the Forest Plan and the Final Environmental Impact Statement to the Forest Plan documents the range of effects anticipated from implementing the Forest Plan. The effects analysis shows the effects of this decision are not uncertain, and do not involve unique or unknown risk (see EA Chapter 3).

**6. The degree to which this action may establish a precedent for future actions with significant effects or represents a decision in principle about future considerations.**

This action does not establish a precedent for future projects that may be implemented to meet the goals and objectives of the Forest Plan. These actions are not foreseen to be connected with future actions that may have significant effects. I have mentioned that National Forest management is adaptive and monitoring or new information might lead to changes in road status and OHV use. Adaptive management is a common and accepted practice in resource management and is based on lessons learned. Changes will be made as deemed appropriate for future conditions. This finding is made because none of the selected actions are a major departure from types of activities now common to the Superior National Forest.

**7. Consideration of the action in relation to other actions within individually insignificant, but cumulative significant effects.**

Cumulative effects analysis for the analysis area, by resource, was conducted and documented in Chapter 3 of the EA. It is important to consider that while OHV use is expected to increase over the next 10 years (MN DNR 2005 OHV Study) and this is factored into consideration of cumulative effects in the EA, much of that use will be confined to existing roads (see for example EA p. 3-46). The effects of this decision, when considered in conjunction with the effects of other past, ongoing and reasonably foreseeable activities, are not expected to be cumulatively significant.

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Minor additions have been made to the analysis area and cumulative effects sections of the EA along with the addition of Appendix B to the EA to address comments received during the 30 day comment period. These minor additions clarify the details of the cumulative effects analysis completed and are consistent with the analysis in the EA and my decision.

**8. The degree to which the action may affect listed or eligible historic places.**

This project meets federal, State and local laws for protection of historic/cultural properties. A project specific inventory of the area has been conducted. Project activities will avoid inventoried sites, and if any historic/cultural properties are discovered during implementation, activities will avoid them. The action will also not cause loss or destruction of significant scientific, cultural, or historical resources (EA section 3.14 pp. 3-63 to 3-65).

**9. The degree to which the action may affect an endangered species or their habitat.** A Biological Assessment (BA) was completed for threatened and endangered species for the Forest-wide Travel Management Project. The BA disclosed potential effects to threatened and endangered species and determined that the Project “may affect but is not likely to adversely affect” Canada Lynx. The Forest Service consulted with the U.S. Fish and Wildlife Service in accordance with requirements, who concurred with this determination. Recently a court decision overturned the de-listing of the gray wolf, therefore, a supplement to the original BA was prepared and submitted to the U.S. Fish and Wildlife Service, who concurred that the Travel Management Project is not likely to affect gray wolf or its critical habitat. A copy of the supplement and the U.S. Fish and Wildlife’s concurrence is included in the project file.

The effects to all of the Regional Forester Sensitive Species are briefly summarized in the EA (section 3.11, pp. 3-41 to 3-46). The Biological Evaluation (BE) contains the complete effects analysis and considered the existing condition information, including populations and trends and information on Project Area surveys, habitat needs and limiting factors; habitat trends, direct and indirect effects, cumulative effects, the determination, and mitigations. See section 3.11.1 of the EA, p. 3-41 for a list of species in which this project may impact individuals but is not likely to cause a trend toward federal listing or a loss of viability. Please see the BE for the analysis that led to these conclusions.

Based on the EA, the BA, and the BE, I have concluded there will be no significant direct, indirect, or cumulative effects to any Federally Threatened, Endangered, or Sensitive species or their habitats. Although the bald eagle is no longer listed as threatened or endangered species, potential effects were considered on these species in the BE (Appendix A of the EA). See also section 3.11 of the EA, pp. 3-41 to 3-46 for a summary of effects to Threatened, Endangered and Sensitive species. See the project file for the BA, its supplement for gray wolf, and U.S. Fish and Wildlife’s concurrence.

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**10. Whether the proposed action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.**

The action is consistent with the 2004 Forest Plan (as discussed below). Actions to be implemented under this decision do not threaten a violation of federal, state, or local environmental protection laws. Project design features and stipulations help assure compliance with these laws. The EA also meets National Environmental Policy Act disclosure requirements.

**Findings Required by Other Laws and Regulations**

My decision complies with all applicable laws and regulations. I have summarized some pertinent ones below.

**National Forest Management Act - Consistency with Forest Plan (16 USC 1604(i)):**

The 2008 Planning Rule provides direction to the Forest Service on implementing the NFMA. As required by section 219.8(e) of the 2008 Planning Rule, this project is consistent with the direction found in the 2004 Forest Plan. The project is feasible and reasonable and results in the application of management practices that meet the Plan's overall direction of protecting the environment while producing goods and services.

The Forest Plan considered all system roads existing at the time of completion of the Plan. The Forest Plan included direction that unclassified roads would have a final determination through a careful, road-by-road look at the resource and social context of each road. Decisions would be made on the future of each road whether to convert to needed system road or trail or to decommission. This action and decision are important steps that implement the direction of the Forest Plan.

The actions of the my decision utilize the standards and guidelines found in the Forest Plan, as well as the implementation direction stated in the Environmental Assessment (see Chapter 3 of the EA. See also Decision Notice pages 8 through 17 and Appendices A, B and E).

**The Clean Water Act and State Water Quality Standards –**

The integrity of the decision area's water and riparian features will be maintained. Forest Plan standards and guidelines and the project's design features and stipulations (EA section 3.10 pp. 3-35 to 3-40) provide site-specific measures to assure riparian areas retain their ecological function. The analysis also indicates that implementation of this decision will not produce appreciable impacts on aquatic resources (EA section 3.10 pp. 3-35 to 3-40). The Clean Water Act and State Water Quality Standards will be met.

**The Endangered Species Act (ESA) (16USC 1531 et.seq) –**

This project *may effect but is not likely to adversely affect* the federally listed Canada Lynx, and grey wolf. The project would not lead to federal listing or the loss of viability of the species. The US Fish and Wildlife Service has reviewed the Biological Assessment (BA) and its supplement and has issued their concurrence with the determinations within the BA and its supplement. A biological evaluation (BE) has been

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completed and located in EA Appendix A. Conclusions from the BA and BE are summarized in the EA, section 3.11 pp. 3-41 to 3-46. The BA and its supplement for the gray wolf are in the project file.

**The Wilderness Act –**

On September 28, 2007, U.S. District Judge John Tunheim issued a ruling for the *Izaak Walton League, et al v. Kimball et al* case involving establishing a snowmobile trail near the BWCAW.

The factors identified in Judge Tunheim's ruling are considered in detail in the EA. Roads considered with this decision were designed for motorized traffic and nearly all were built before the designation of the BWCAW. The miles of motorized road or trail within one mile of the wilderness will decrease with this decision. Therefore, OHV use and other motor vehicle use and the associated types and intensity of sound will decrease with this decision.

Additionally, see Item 3 of this FONSI on p. 37 and additional discussion on p. 24 for reasoning of my finding of no significant effect on wilderness character and my finding for the Wilderness Act. As described in EA, the effects to the wilderness character of the Boundary Waters Canoe Area Wilderness have been carefully considered and disclosed. There will be no significant effect on wilderness character and my decision is in compliance with the requirements of section 4(b) and the other provisions of the Wilderness Act.

**Travel Management Rule of 2005 –**

The Travel Management Rule (70 Federal Register 68264), dated November 9, 2005 (36 CFR Parts 212, 261 and 295) revised regulations regarding travel management on National Forest System lands to clarify policy related to motor vehicle use, including off-highway vehicles. The TMR requires the Forest Service to designate a system of roads, trails and/or specific areas open for motorized use, and the TMR prohibits the use of motor vehicles off the designated system, except for over-the-snow vehicles. My selection of Alternative 2 with modifications complies with the TMR (see Decision Notice). My decision also complies with Executive Order 11644 as amended by Executive Order 11989 providing direction for management of OHV use on public lands.

**National Historic Preservation Act –**

All sites will be avoided and protected following the standards set forth under the guidelines of the Memorandum of Agreement between the USDA Forest Service and the Minnesota State Historic Preservation Officer. A project-specific inventory of all activity areas has been conducted and has been placed in the archaeological files. If any unknown sites are found within an area of potential effect during project implementation, the project will be redesigned to avoid the site, or measures will be designed to mitigate the effects of the project on the site and submitted to the Minnesota State Historical Preservation Office as required by law for their review and consultation. Based upon analysis in the EA section 3.14 (pp. 3-63 to 3-65), I have determined that there are no

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direct, indirect, or cumulative effects to heritage resources from implementation of this decision.

**Wild and Scenic Rivers –**

There is no designated Wild, Scenic or Recreational River on the Superior National Forest. There are six river corridors eligible for consideration as Wild, Scenic or Recreational Rivers and the Forest Plan provides management direction for these areas. Forest Plan direction for all segments of the eligible wild, scenic and recreational segments of river corridors has been followed very closely. Although this management direction does not limit OHV routes within eligible Scenic or Recreational river corridor segments (D-WSR-6), my decision results in actually reducing the mileage of OHV travel routes within these corridors. Documentation in the project file indicates a reduction of over 9 miles of OHV travel routes as compared to the current situation. Accordingly, my decision is consistent with the Wild and Scenic Rivers Act and relevant Forest Plan direction.

**Environmental Justice Act of 1994 –**

Public involvement occurred for this project, and the results did not identify any adversely impacted local minority or low-income populations. I have considered the effects of this project on low income and minority populations and concluded that this project is consistent with the intent of this Order (EO 12898). The local community was notified of this project through the public participation process (EA section 1.9, p. 1-12).

**Summary of Findings**

My review of the analysis prepared by the ID Team indicates that this decision is consistent with 2004 Forest Plan management direction, compliant with other applicable laws, and responds to public concerns. After thorough consideration, I have determined that actions selected do not constitute a major federal action, individually or cumulatively, and these actions will not significantly affect the quality of the human environment. The site-specific actions of Alternative 2 with modifications, in both the short and long-term, are not significant. Therefore, the preparation of an environmental impact statement is not needed.

**Administrative Review or Appeal Opportunities**

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215. A written notice of appeal must be submitted within 45 calendar days after the Legal Notice is published in the *Duluth News Tribune*. However, when the 45-day filing period would end on a Saturday, Sunday, or Federal holiday, then filing time is extended to the end of the next Federal working day. The date of the publication of the Legal Notice is the only means for calculating the date by which appeals must be submitted; do not rely upon any other source for this information.

The Notice of Appeal must be sent to: Appeal Deciding Officer, Kent Connaughton. Regional Forester; c/o USDA, Forest Service, Gaslight Building, Suite 700, 626 East Wisconsin Avenue, Milwaukee, WI 53202-4616. Hand-delivered appeals may be

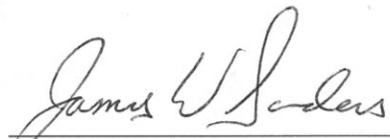
submitted at the above address between 7:30 and 4:00 pm CT Monday through Friday, except on Federal holidays. The Notice of Appeal may alternatively be faxed to: (414) 944-3963, Attn: Appeals Deciding Officer, USDA, Forest Service, Eastern Regional Office. Those wishing to submit appeals by email may do so to [appeals-eastern-regional-office@fs.fed.us](mailto:appeals-eastern-regional-office@fs.fed.us). Acceptable formats for electronic comments are text or html email, Adobe portable document format, and formats viewable in Microsoft Office applications. In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification. Appeals must meet the content requirements of 36 CFR 215.14 and will only be accepted from those who have expressed interest during the formal, 30-day comment period.

**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 15<sup>th</sup> business day following the date of the last appeal disposition.

**Contact**

For additional information concerning this decision, please contact Duane Lula at 8901 Grand Avenue Place, Duluth, MN 55809 or (218) 626-4300.

  
\_\_\_\_\_  
JAMES W. SANDERS  
Forest Supervisor, Superior National Forest

12-16-08

\_\_\_\_\_  
Date

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