

Summary

The Fishlake National Forest proposes to update the current motorized travel plan by designating a system of roads, trails, and open use areas consistent with federal regulation 36 CFR 212.51 from the travel rule released on November 2, 2005. The area affected by the proposal is all National Forest System land within the Fishlake National Forest administrative boundary. This project was initiated because the forest recognized a need for improving management and enforcement of motorized use – off-highway vehicle (OHV) use in particular. There has been unanticipated growth in OHV use since the 1986 Fishlake Forest Plan was written. Forest monitoring of motorized use, known conflicts and impacts, and enforcement issues form the basis of the need for change. A desired result from this project is to provide ample motorized recreational opportunities that minimize the potential for user conflicts and resource impacts, and to create a system that can be maintained over time with the resources available to the forest. The forest intends to meet these objectives, but biophysical, fiscal, and socio-political realities necessitate that progress will occur incrementally over time. A route network that has evolved over 130 years cannot be instantaneously transformed to meet all idealized objectives. The proposed actions represent practical and substantial measurable progress towards the desired ends.

The Fishlake National Forest has one of the larger motorized networks available to ATV and off-highway motorcycles in the National Forest System (NFS). An important niche of the Fishlake is and will continue to be motorized recreation. However, there is a strong need to balance motorized recreational opportunities with other uses and resource protection. The forest has determined that most of the long-term needs for motorized recreation are met by the current system. The forest does not have the resources or justification to greatly expand the system by constructing entirely new routes. Incremental improvements such as constructing short route segments that create loops and relocating or removing routes to reduce resource impacts and use conflicts are still needed however. There may also be a future need to further refine suitable modes of travel on motorized and non-motorized routes. For example, specific routes could be designated for motorized single-track opportunities or mountain biking in the future.

Unmanaged recreation is a national emphasis item for the Forest Service. New federal regulations require National Forests to designate routes and areas and to display them on a motor vehicle use map. A closure that prohibits motorized cross-country travel, except over adequate snow with over-snow vehicles, takes effect once the motorized system is designated. The route designation process initiated by the Fishlake Forest is consistent with and responsive to the new travel management rules. This project should reduce impacts from unmanaged recreation and invasive plants, which the Chief of the Forest Service has identified as two of the [four most critical threats](#) affecting the Nation's Forests and Grasslands. However, unmanaged motorized recreation is the fundamental focus for the purpose and need and proposed actions.

The increased popularity and widespread use of OHVs on public lands in the 1960's and early 1970's prompted the development of a unified Federal policy for such use. Executive Order (EO) 11644 was issued in 1972 and EO 11989 was issued in 1977. They provide direction for Federal agencies to establish policies and provide for procedures to control and direct the use of OHVs on public lands so as to: 1) protect the resources of those lands; 2) promote the safety of all users of those lands; and 3) minimize conflicts among the various users on those lands. The Forest Service developed regulations in response to the EOs (36 CFR 216, 219, and 295) that have subsequently been updated and replaced by the new travel rule. The Fishlake National Forest issued its first travel plan in 1976 in response to the EOs.

External and internal reviews at the national level have identified concerns with Forest Service implementation of the Executive Orders (1995, General Accounting Office, Information on the Use and Impact of Off-Highway Vehicles; 1991, 1986, Forest Service review of its OHV program; and the 1979 Council on Environmental Quality review of Off-Road Vehicles on Public Land). These reviews have identified numerous resource concerns that are addressed by the Fishlake motorized travel plan proposals being evaluated in this FEIS.

Over-snow travel by motor vehicles is outside the scope of the route designation project except in the limited cases where seasonal closures to all motorized use are necessary to protect the integrity of critical mule deer winter range or non-motorized recreation uses. All motorized use is prohibited in areas with special designations such as Research Natural Areas. Throughout this document, the term “cross-country travel” assumes motorized rather than non-motorized travel and excludes over-snow travel unless noted otherwise.

The Fishlake National Forest manages motorized use based on its Land and Resource Management Plan (referred to as a Forest Plan). The DEIS provided an opportunity to gather and incorporate public input into the proposed route and area designations and rules needed to create the new motorized travel plan. These comments were used to develop the final preferred alternative presented in this FEIS. The Forest Plan revision team is also using these comments as they assess other transportation and recreation issues.

Substantial public input on the existing and proposed travel plan was received and incorporated into the DEIS and FEIS alternatives. Prior to release of the NOI, the Forest Service briefed local governmental officials, motorized advocacy groups, businesses, and environmental groups. Public scoping meetings were held in Richfield, Salina, Fillmore, Beaver, Loa, Junction, and Salt Lake City Utah during the month of June in 2004. The project web site <http://www.fs.fed.us/r4/fishlake/projects/ohv.shtml>, press releases, and postings at some trailheads were used to disseminate information and gather comments. About 198 scoping responses from individuals, advocacy groups, State and other federal agencies were received and analyzed for content (see project file or [project web page](#)). Public open houses were held in Richfield, Fillmore, Loa, and Beaver Utah in August of 2005 following release of the DEIS. Twenty-four comments were received between the formal scoping period and the formal DEIS comment period. Fifty comments were received during the formal DEIS comment period and an additional 15 comments arrived after the formal comment period.

Issues

Forest monitoring and enforcement have revealed that the current travel plan has several fundamental design flaws. In addition to known mapping errors, the flaws include unnecessarily complex rules and inconsistent travel management policy with adjacent lands. This makes the motorized travel plan difficult for the public to understand and adhere to. Thus, the travel plan is difficult to enforce.

Fishlake National Forest System lands are either near to or contiguous with the lands managed by the Dixie and Manti-LaSal National Forests, Capitol Reef National Park, the Bureau of Land Management (BLM), and State lands (DWR and SITLA). These organizations believe that it is better customer service to have consistent policies across their boundaries, but currently that consistency does not exist (see Appendix F). This issue is discussed further in Chapter 3.

The rapid growth in OHV uses on the forest necessitates that the current travel plan be updated and replaced with a management scheme that realistically addresses current and future management concerns. A travel plan that is difficult to understand and enforce, that is

inconsistent with adjoining public lands, and that allows unrestricted motorized cross-country travel on over 62 percent of the forest, is incompatible with the agency mission to provide public service and protect natural resources, especially in light of current and anticipated levels of motorized use.

Resource protection needs led the forest to propose limiting motorized travel to designated routes and areas only. Primary concerns are to make the travel plan enforceable by making it easy to understand and consistent among public lands, and to reduce impacts from motorized cross-country travel. Motorized cross-country travel is tied to many actual and potential resource issues and impacts, which include the introduction and spread of invasive plants, displacement and compaction of soils, impacts to rare plants, rutting of wetlands, disturbance of wildlife and livestock, damage to cultural resources, and impacts to water quality, riparian and fisheries habitats. As we evaluated the existing travel plan, two resource issues surfaced that broadly influenced the development of the proposed actions. These are the need to protect critical mule deer winter range and Threatened and Endangered plants. However, there are innumerable other site and resource specific concerns addressed by the proposed actions as is documented in the project file.

The above issues are by no means the complete list of topics identified during internal and public scoping processes, but they did help guide development of the alternatives. Most of the public comments received during scoping were from persons who frequently use national forests for one or more purposes. They expressed concerns that their access to the resources was either enhanced or impacted by the use or presence of motorized use. As an example, all parties expressed concern about the potential impacts from future growth in OHV use. However, motorized proponents desire enough riding opportunities to avoid overcrowding, while preservation groups want greater immediate protection of unroaded and undeveloped areas before it is too late. An analysis and summary of content from public comments is located in the project file and on the project web site at <http://www.fs.fed.us/r4/fishlake/projects/ohv.shtml>.

Questions from Scoping

A number of important issues raised during scoping are addressed in detail in the FEIS in Chapters 2 and 3, and in Appendix D. Agencies, advocacy groups, and members of the public often asked similar questions about the scope of the proposal, which are briefly discussed in Chapter 1.

Alternatives

Alternatives Considered in Detail

Management Common to All Alternatives: The following management guidance will continue, regardless of which alternative is selected, and is common to all alternatives.

The following vehicles and uses are exempted from the prohibitions to motorized cross-country travel by 36 CFR part 212.51:

- a. Aircraft;
- b. Watercraft;
- c. Over-snow vehicles [Note: Limited restrictions of over-snow vehicles are included in the proposed actions consistent with (§212.81)]
- d. Limited administrative use by the Forest Service;
- e. Use of any fire, military, emergency, or law enforcement vehicle for emergency purposes;
- f. Authorized use of any combat or combat support vehicle for national defense purposes;
- g. Law enforcement response to violations of law, including pursuit; and

- h. Motor vehicle use that is specifically authorized under a written authorization issued under Federal law or regulations.

The Forest Service will continue to use infrastructure and resource inventories, monitoring, landscape analysis and watershed assessments, or activity plans for geographical areas to identify needed adjustments to the transportation facilities and uses. Site-specific planning could identify opportunities to address access or resource protection needs. This includes construction of new routes and redesigning, moving, or obliterating existing routes. The Forest Service will continue to monitor impacts from road and trail facilities and route use and will prioritize and address resource issues on an ongoing basis. This is standard procedure.

A motor vehicle use map will be used to display and enforce route and area designations. Expectations from the travel rule are that the map will be updated yearly. The forest would have to rely on existing designations if No Action is chosen, which would be difficult to implement because only routes in restricted areas are explicitly designated currently. The forest would also have to go through a process to designate appropriate vehicle types by route.

The Forest Supervisor may continue to issue travel management orders pursuant to part 261, subpart B, and impose temporary, emergency closures based on a determination of considerable adverse effects pursuant to §212.52(b)(2). This includes considerable adverse impacts to soil, vegetation, wildlife, wildlife habitat, cultural resources, Threatened or Endangered species, other authorized uses, or other resources, until the effects are mitigated or eliminated and measures are implemented to prevent future recurrence. The proposed actions do not in any way limit this existing authority.

We will consult with the U.S. Fish and Wildlife Service in accordance with Section 7 of the Endangered Species Act. The act requires consultation to ensure that any site-specific plan (1) is not likely to jeopardize continued existence of any species listed or proposed to be listed, or (2) does not destroy or adversely modify critical habitat. Access standards in effect for existing recovery plans will be followed. In addition, the authorized officer retains authority to immediately close areas, roads, or trails if motorized use is causing or will cause considerable adverse environmental effects to species listed or proposed to be listed.

The following definitions apply to all alternatives:

Road: A motor vehicle route over 50 inches wide, unless identified and managed as a trail. A road may be authorized, unauthorized, or temporary.

Trail: A route 50 inches or less in width, or a route over 50 inches wide that is identified and managed as a trail. A trail may be authorized, unauthorized, or temporary.

Off-Highway Vehicles (OHV): Any motor vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain. Vehicle types include but are not limited to sport utility vehicles, jeeps, ATVs, minibikes, amphibious vehicles, over-snow vehicles, off-highway motorcycles, go-carts, motorized trail bikes, and dune buggies. Wheelchairs that are designed solely for use by a mobility-impaired person for travel are not included in this definition. *Most issues associated with over-snow vehicles are outside the scope of this project. However, exceptions are noted and addressed where necessary.*

Over-snow vehicle: A motor vehicle that is designed for use over snow and that runs on a track or tracks and/or a ski or skis, while in use over snow.

The Alternatives: Based upon the effects of the alternatives, the responsible official will decide which proposed plan best addresses the purpose and need for action while being responsive to public input. Four action alternatives were developed and analyzed in detail for contrast with the No Action Alternative. The major management actions and environmental consequences of the four alternatives are summarized in Tables 2-35 and 2-36. These tables are summaries of the alternative descriptions contained in Chapter 2 and the environmental consequences contained in Chapter 3. The reader is referred to those chapters for more specific information. Alternative 2 is the proposed action that was released with the Notice of Intent. Alternative 3 modifies the proposed action based on public comments, internal reviews, and additional route inventory from 2004. The changes to Alternative 2 reflected in Alternative 3 represent an evolutionary improvement and progression towards a preferred alternative. Alternative 4 combines suggestions from public comments and advocacy groups such as Utah Forest Network, Three Forest Coalition and Utah Environmental Congress to emphasize greater protection of wilderness characteristics and additional protection of biological and physical resources. Alternative 4 removes motorized trails in undeveloped areas and only adds unauthorized routes when needed to provide private land and special use access. Alternative 5 is the final preferred alternative that incorporates a substantial amount of additional internal review and public comments received during the formal and informal DEIS comment periods. The Three Forest Coalition and the Utah Environmental Congress submitted a route designation proposal that was not received in time to evaluate before release of the DEIS. The final review indicated that this proposal is not substantially different than Alternative 4. Nonetheless, the differences were evaluated route-by-route and information provided by the coalition was considered in development of the final preferred alternative. Maps of all of the alternatives, including the TFC/UEC proposal can be found on the CD-ROM that accompanies the FEIS or on the interactive map server on the web at http://maps.fs.fed.us/tm_jsp/r4/fishlake/.

Alternatives Eliminated from Detailed Study

The following alternatives were eliminated from detailed study because they do not meet the purpose and need; they cannot be implemented due to technical, legal, or other constraints; or the interests are already represented in an alternative that is being studied in detail. More information on these alternatives and why they were eliminated from detailed study can be found in Chapter 2 of the FEIS.

- Issue a Forest-wide Emergency Closure Order
- Start the Travel Plan with a Blank Map
- Retain All “Existing” Routes as Open to Motorized Use
- Construct New Motorized and Non-motorized Routes
- Close the Forest to All Forms of Cross-country Travel
- Close to All Traffic Except Search/Rescue and Emergency Military Traffic
- Create a Game Retrieval Exemption for Motorized Cross-country Travel
- Allow Open Use Areas on Soils that are Resistant to Motorized Cross-country Travel
- Create Special Route Designations for Motorized Single-Track Trails
- Create Special Route Designations and Closures for Mechanized Trail Use
- Create Special Route Designations and Closures for Over-snow Vehicles
- Closed Unless Posted Open / Open Unless Posted Closed
- Utah Forest Network’s Sustainable Multiple Use / Comprehensive Proposal

Utah Environmental Congress Wilderness Protection Alternative

Three Forest Coalition / Utah Environmental Congress “Natural Heritage” Proposals

Changes between the Draft EIS and the Final EIS

Final Travel Management Rule Released

The revisions to the Code of Federal Regulations (CFRs) for travel management (36 CFR parts 212, 251, 261, and 295) were in draft form at the time the Fishlake OHV Route Designation DEIS was released for public review. The changes in those regulations were made final on November 2, 2005. The FEIS was edited where necessary to reflect this completed status.

Some Definitions Changed

The DEIS used the proposed definition for snowmobile that was contained in the draft travel management rule. The proposed rule used the term snowmobile as “A motor vehicle that is designed exclusively for use over snow and that runs on a track or track and/or a ski or skis.” The final rule provided the definition as an over-snow vehicle, which is “A motor vehicle that is designed for use over snow and that runs on a track or tracks and/or a ski or skis, while in use over snow.” The terminology in FEIS is consistent with the final rule. Resource specialists reassessed the route and area designations in light of the new definition. In particular, seasonal route and area closures for critical mule deer winter range [and elk] were revised because the final definition includes ATVs with track conversions as over-snow vehicles. These vehicles were not legitimate over-snow vehicles using the initial definition in the draft travel rule.

The final rule eliminated use of the terms “classified” and “unclassified” for describing whether a route is an official part of the legitimate travel network on National Forest System lands. The terms “Forest road or trail” are used for authorized routes. “Unauthorized” is now used instead of “unclassified” to indicate a route that is not officially recognized and included on the forest travel atlas. The FEIS uses this new terminology, but retains some references to classification where it adds context to historical actions and considerations. The final rule also changed the definition of “construction” from an “activity that results in the addition of forest classified or temporary road miles” to “supervising, inspecting, actual building, and incurrence of all costs incidental to the construction or reconstruction of a road.” Under the old definition, classifying a road was treated as construction that then required a Roads Analysis. The draft guidance for implementing the final rule is indicating that a Transportation Analysis process will replace Roads Analysis. It will be a streamlined version of Roads Analysis that will be done for roads and motorized trails. The Roads Analysis Supplement prepared for the route designation project already includes motorized trails and roads and is consistent with the travel rule and proposed directives as currently drafted.

Treatment of Dispersed Camping Changed

The current travel plan treats the permission to camp 300-foot off open roads as an exemption. Under the final travel rule, the exemptions are limited to those specified in 36 CFR 212.51(a). Dispersed camping provisions are now handled as part of the route designations and are not considered an exemption. The action alternatives and descriptions in the FEIS have been updated accordingly. The forest is proposing to start out with distances from designated routes where existing dispersed campsites can be accessed. Over time, the forest will add routes not already in the inventory if they are desired for dispersed camping access. Subsequent yearly updates to the motor vehicle use map will replace most distance designations with designated routes to dispersed sites. As such, the distance designations will in most cases be temporary allowing the forest to transition to the preferred travel rule option of designating routes to desired campsites.

Public Comments Incorporated

Roughly 89 written comments were received between release of the DEIS and the FEIS. Of that total, 50 were received during the formal comment period. District staff and forest specialists evaluated all of the individual route or area specific comments [regardless of when the comment was received] to determine what if any changes should be made for the final preferred alternative. This process took months to complete, in part because some of the comments necessitated updates to the route inventory.

Route Inventory Updated

About 144 miles of road, 245 miles of motorized trail, and 5 miles of non-motorized trail have been added to the forest route inventory between the draft and final EIS. These routes would, by default, be obliterated in Alternatives 2, 3, and 4. Each route received due consideration for being added to the motorized system or obliterated in the final preferred alternative. Only routes that could be verified by corporate knowledge or aerial photography were added to the Geographic Information System (GIS). Many of the routes were identified by members of the public in their comments or by counties, particularly Sevier County. Other routes are added to begin addressing the need to designate routes to existing desired dispersed campsites as described previously. The effects analyses for the FEIS reflect the current inventory and proposed designations.

A Non-significant Forest Plan Amendment Occurred

A Forest Plan amendment to clarify which guild species to monitor was approved. The amendment eliminates the following guilds: Cavity Nesters, Riparian Guild and Sage Nesters and replace those guilds with the following individual species as MIS:

- ★ Hairy Woodpecker, Western Bluebird, and Mountain Bluebird
- ★ MacGillivray's Warbler, Yellow Warbler, Lincoln's Sparrow, and Song Sparrow
- ★ Brewer's Sparrow, Vesper Sparrow, and Sage Thrasher

A Non-significant Forest Plan Amendment Is Needed

Six existing and one proposed route designation require minor boundary adjustments to Management Area 3A, which emphasizes non-motorized recreation opportunities. Three of the adjustments are located on the Fillmore Ranger District, one on the Beaver Ranger District, and three on the Fremont River Ranger District. All but one of the changes fix 1986 Forest Plan mapping errors that were not caught until the review done for this project. The need for management area changes on the one route (xt_020) is more clearly tied to decisions made for the route designation project than it is to mapping errors. A description of the amendment is contained in Appendix G.

Decisions on "C" Area Restrictions Are Being Deferred

The "C" area restrictions on the current travel plan prescribe that no motorized use occurs yearlong in areas with this designation. The delineation of these areas makes more sense for the current travel plan that combines summer and winter restrictions on one map than it does for the system set up by the travel rule that creates separate summer and winter use maps. Most of the "C" areas do not get enough snow in the winter or are inaccessible due to steep and rugged terrain. Their primary purpose in the original travel plan was to control summer use. Under the new travel rule, this concern is covered by the prohibition on cross-country travel that is automatically triggered once the motor vehicle use map is developed and made available to the public. Thus, most of the "C" area designations in the areas of concern are no longer needed to

assure that motorized use does not occur. Over-snow closure areas were redefined and redrawn in Alternatives 2, 3, and 4 accordingly. Subsequently internal review and interaction with the public revealed the need to delay making changes to the “C” closures on the winter use map until the special area designations from Forest Plan revision are assigned. Therefore, Alternative 5 retains the current “C” closure delineations except where they overlap with the proposed seasonal over-snow closures, which take precedence. The forest will revise the over-snow vehicle use map some time after Forest Plan revision is complete.

Changes to Recreational Uses Tracked More Clearly

In the DEIS, changes to motorized and non-motorized recreation opportunities were presented in the Description of Alternatives in Chapter 2. At the time, it was felt that this would be the best way to help the public understand the nature of the proposed actions. However, this confused some reviewers who were looking for this information in the effects sections of the documents. Consequently, this concern is tracked as an issue in Chapters 1 and 3 of the FEIS with the hope of improving focus and clarity of the documentation.

A New Final Preferred Alternative Developed

The above changes led to numerous site-specific adjustments to Alternative 3, the modified proposed action that was identified as the preferred alternative in the DEIS. As a result, Alternative 5 was added to the FEIS. It is the final preferred alternative. This was done so that the effects from the unique combinations of route and area designations can be properly analyzed and so that the public can be clear about how the final preferred alternative is configured.

The Loa Ranger District Is Now the Fremont River Ranger District

The Fishlake National Forest began administering the Teasdale Ranger District of the Dixie National Forest on October 1, 2004 in combination with the Loa Ranger District from the Fishlake. Due to the timing of the transition, the Teasdale portion of the district is not included into the Fishlake OHV Route Designation project area. Consequently, the Dixie National Forest motorized travel planning project will update the travel plan for Teasdale. The Loa / Teasdale combination was formally designated as the Fremont River Ranger District after the DEIS was released. Any reference to the Fremont River Ranger District in the FEIS excludes the Teasdale portion. This is a change from the DEIS, which only referred to the Loa Ranger District.

Document Structure

The Forest Service has prepared this final environmental impact statement in compliance with the National Environmental Policy Act (NEPA) and other relevant Federal and state laws and regulations. This final environmental impact statement discloses the direct, indirect, and cumulative environmental impacts that would result from the proposed action and alternatives. The document is organized into four chapters:

Chapter 1. Purpose of and Need for Action - The chapter includes information on the history of the project proposal, the purpose of and need for the project, and the agency’s proposal for achieving that purpose and need. This section also details how the Forest Service informed the public of the proposal and how the public responded.

Chapter 2. Description of the Alternatives - This chapter provides a more detailed description of the agency’s proposed action as well as alternative methods for achieving the stated purpose. These alternatives were developed based on significant issues raised by the public and other agencies. This discussion also includes mitigation measures.

Finally, this section provides a summary table of the environmental consequences associated with each alternative.

Chapter 3. Affected Environment and Environmental Consequences - This chapter describes the existing conditions of and potential environmental impacts to at-risk resource values and uses for each alternative. Resource areas, significant issues, and environmental components organize this analysis. The final environmental impact statement incorporates existing condition information from several sources by reference.

Chapter 4. Consultation and Coordination - This chapter provides a list of preparers and agencies consulted during the development of the draft and final environmental impact statements.

References Cited: This section contains all direct reference citations used in this document and from the specialist reports.

Glossary: The Glossary contains definitions of terms used in this document.

Appendix A: Executive Orders 11644 and 11989 – This appendix contains executive branch direction directly related to OHV management on National Forest System lands.

Appendix B: Implementation Plan – This appendix identifies risk management strategies for motorized use and provides infrastructure and enforcement considerations, public education plans, monitoring requirements, and, strategic considerations for future travel planning decisions.

Appendix C: Cumulative Actions – This appendix includes a listing of projects within the Fishlake National Forest and the degree to which they are or are not relevant to the cumulative effects analyses.

Appendix D: Issues Not Discussed in Detail - 1) eliminated by project design, 2) presenting minimal risk, 3) outside project scope, or that are not relevant.

Appendix E: Detailed Route Authorization and Designation Changes

Appendix F: Comparison of select OHV policies for Forest Service, BLM, and State Lands in Utah

This final environmental impact statement (FEIS) discloses the potential environmental consequences of designating motorized routes and open use areas, and prohibiting cross-country travel by OHVs, when not over snow, on lands administered by the Forest Service on the Fishlake National Forest.

Additional project information and an interactive map that can be used to view and query the alternatives is available on the website at <http://www.fs.fed.us/r4/fishlake/projects/ohv.shtml>.