

Chapter 2: Public Participation, Issues, and Alternatives

2.1 OVERVIEW OF CHANGES FROM DRAFT TO FINAL EIS

- The Alternatives Considered But Dropped From Detailed Analysis was expanded to include additional alternatives identified in comments on the DEIS.
- Minor changes to Alternative B were made to address new information and make corrections.
- The Public Participation Summary was updated with information on public involvement for the DEIS.
- The discussion on route maintenance was moved from Chapter 1 to this chapter and expanded.

2.2 INTRODUCTION

This chapter reviews the public involvement process, identifies issues, and describes and compares three alternatives considered for management of motorized and non-motorized travel. A summary of effects by alternative is also displayed at the end of this chapter.

2.3 PUBLIC PARTICIPATION SUMMARY

Sioux Ranger District Travel Management EIS public participation is summarized in this section. The summary describes public involvement, identifies persons and organizations contacted during preparation of the EIS, and specifies time frames for accomplishing goals in accordance with 40 CFR 1506.6

Public involvement includes the steps necessary to identify and address public concerns and needs. The public involvement process assists agencies in: (1) broadening the information base for decision making; (2) informing the public about the Proposed Action and the potential impacts that could result from the project; and (3) ensuring that public needs are understood by the agencies.

Public participation is required by NEPA at three specific points: the scoping period, review of the Draft EIS, and receipt of the Record of Decision.

Table 2-1 lists the public meetings conducted in conjunction with the process to date.

2.3.1 PUBLIC SCOPING

Scoping is a process used to help identify specific areas of concern related to the proposal during the early portion of the detailed environmental analysis. The initial scoping document (see Project Record) for this project was distributed on October 22, 2007 to approximately 287 individuals, government agencies, tribal governments, news media, businesses, and organizations that have shown interest in projects on the Custer National Forest, and in particular on the Sioux Ranger District. The scoping document was also posted on the Forest's web page. The scoping document provided information on the purpose and need for the project, described the proposed action, and asked for comments. A news release advertisement inviting comments was placed in the Billings Gazette (Billings, MT) on October 29, 2007. News releases were sent to local newspapers including the

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Billings Gazette, Ekalaka Eagle, Fallon County Times in Montana, the Bowman County Pioneer in North Dakota, and the Nation's Center News and Rapid City Journal in South Dakota, and radio stations in Rapid City, Bowman, Buffalo, Baker, and Sturgis. These media efforts helped to publicize the proposal and comment period. Interested parties were asked to comment within 30 days, which ended November 26, 2007.

Public scoping meetings were held in Camp Crook and Buffalo, South Dakota, and Ekalaka, Montana in November 2007 to discuss the proposal (see Table 2-1).

Table 2-1. Summary of Public Meetings

Location	Date/Time	Number of Attendees
Proposed Action Scoping Meetings		
Camp Crook, SD	November 5, 2007, 6:00-8:00 pm	9
Ekalaka, MT	November 7, 2007, 6:00-8:00 pm	8
Buffalo, SD	November 8, 2007, 6:00-8:00 pm	13
DEIS Public Meetings		
Ekalaka, MT	October 22, 2008, 6:00 pm	7
Buffalo, SD	October 23, 2008, 6:00 pm	4

In response to these efforts, 22 letters, personal comments, emails, or phone calls were received. The analysis of electronic, written, and verbal comments preliminarily identified several potential issues. Three of these issues were identified as significant issues and were used to formulate elements of the alternatives (see Issues section below).

2.3.2 NOTICE OF INTENT

A Notice of Intent (NOI) was published in the Federal Register on September 5, 2008. The NOI stated that when the Draft Environmental Impact Statement was distributed, the public would have a 45-day comment period from the date when the Environmental Protection Agency publishes the Notice of Availability in the Federal Register. Also, a news release will be provided to local news media at the beginning of the 45-day comment period on the Draft EIS. The Draft EIS will be made available to interested parties identified in the updated District Travel Management Planning EIS mailing list.

2.3.3 PUBLIC INVOLVEMENT FOR THE DEIS

The Notice of Availability for the Draft EIS was published in the Federal Register October 3, 2008 which began a 45-day comment period. News releases were provided to local news media at the beginning of the comment period. The DEIS was distributed to the public on September 26, 2008 and posted on the Forest's web page. The Forest conducted two public open houses to provide information and encourage input on the DEIS (see Table 2-1). The public open house meetings provided the public with the opportunity for one-on-one discussions with interdisciplinary team members. In response to the comment period, the Forest received 11 comment letters, e-mails, and documented phone conversations on the DEIS. Three of the 11 letters were received after the comment period deadline. Further information on commenters, substantive comments identified in the letters, e-mails, and phone conversations, and agency responses to comments can be found in Chapter 5.

2.4 SIGNIFICANT ISSUES

One purpose of scoping is to identify the significant issues that should be analyzed in depth within an EIS (40 CFR 1501.7). The significant issues become the focus of the analysis and guide alternative development. All public scoping comments were considered by the interdisciplinary team and Responsible Official, and are documented in the project record.

The IDT used the public comments on the scoping document, along with internal scoping, to develop a list of issues related to potential effects of this project. The IDT and the District Ranger went through a process to identify the significant issues to be analyzed in depth in the EIS versus those which are not significant and therefore only warrant brief discussion of why they are not considered significant. In general, the significant issues identified through that process represent those resources with the greatest potential to be significantly impacted by the project. Significant issues pertain to resources or other components of the environment that are of public value or interest and that are sensitive to potential changes in travel management. The Forest Supervisor concurred with the list of significant and other than significant issues. These issues were used to develop the range of alternatives and are analyzed in detail in Chapter 3. The list of other than significant issues are addressed in Section 2.4

No additional significant issues were identified during the comment period for the Draft EIS.

2.4.1 RECREATION

Concern about motorized recreation opportunities. Reductions in the amount of routes available for motorized use could reduce the opportunities available for motorized recreation, diminish the ability to retrieve big game using motorized routes, and reduce dispersed camping opportunities. Alternative A was developed to respond to this issue.

Indicators:

- Acres in rural, roaded natural, and semi-primitive motorized ROS settings within the District.
- Miles of motorized system roads and trails to be designated on the District.

Concern about non-motorized recreation opportunities. Increases in the amount of routes designated for motorized use could reduce the quality of non-motorized recreation experiences, reduce opportunities for non-motorized big game hunting opportunities, and reduce opportunities for solitude, away from noise generated by motorized vehicles. Elements of Alternative B were developed in response to this issue.

Indicators:

- Acres in semi-primitive non-motorized and primitive ROS settings within the District.

Concern about opportunities for off-highway vehicle operation. The use of unlicensed off-highway vehicles on roads is not consistent with State of Montana and South Dakota motor vehicle laws. Designating roads (as opposed to motorized mixed use roads or motorized trails) would limit opportunities for off-highway vehicle use. This issue was used in designing Alternatives A and B.

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Indicators:

- Miles of mixed use system roads in the project area.
- Miles of motorized system trails in the project area.

Concern about impacts on personal recreation experiences. The Forest Service and commenters recognized the potential for travel management changes to not only impact individual's personal experiences and connection to forest lands, but it also has the potential to increase or decrease conflict between forest users, particularly between motorized and non-motorized uses. Alternative B was developed in part to address concerns such as these.

2.4.2 CULTURAL RESOURCES

Concern about protection of archeological sites, traditional cultural properties, and traditional practices. Actions associated with designation, such as converting non-system routes to system routes, have the potential to adversely impact the scientific, traditional, cultural, and intrinsic values of archeological, cultural, and historic sites. In addition, proposed actions could have an adverse effect to certain areas of traditional importance to local tribes.

Indicators:

- Total number of cultural resource sites within the Area of Potential Effect (APE).
- Number of priority asset sites within the APE.
- Number of culturally sensitive sites within the APE.

2.4.3 WILDLIFE

Concern about disturbance of wildlife and impacts to wildlife habitat. Human use associated with system and non-system road and trail designation has the potential to disturb wildlife through noise and visual effects. Human use can disrupt activities such as foraging habits, resting location selection and duration, nesting, and denning. In addition, changes in road densities can affect the quality of wildlife habitat. The Forest Service identified and analyzed the effects of travel management alternatives on federally threatened, Forest Service sensitive, big-game, and other wildlife species and their habitat.

Indicators:

- Effects determinations for federally listed threatened or endangered species, Forest Service sensitive species, Custer National Forest management indicator species, and other species of concern.
- Deer and Elk – Motorized Route Density and Percent secure habitat within deer and elk habitat on the District.
- General wildlife – Percent of land unit that is core wildlife habitat based on motorized and non-motorized routes on the District.

2.5 OTHER ISSUES

The Council on Environmental Quality Regulations Implementing the National Environmental Policy Act states that agencies should discuss, “only briefly issues other than significant ones” (40 CFR 1500.4[c]). The following issues were determined to not be significant issues because they did not

drive development of alternatives or major components of alternatives, there were no significant effects associated with the proposed actions, or both.

2.5.1 WATER QUALITY, FISHERIES, AND AQUATICS

The action of adding routes to the system has the potential to influence water quality indirectly through on-site erosion and sediment delivery to streams. Actions can also influence water quality and channel processes as a result of improper route location.

Indicators:

- Miles of actions that decrease risks on routes within the project area.
- Miles of actions that increase risks on routes within the project area.
- Effects determinations for listed Forest Service sensitive species and other species of concern.

2.5.2 SOILS

Adding routes to the transportation system on high and medium risk soils could increase the potential to compact, displace, or erode soils such that there is a loss of soil productivity.

Indicator:

- Miles of motorized and non-motorized routes by high/very high and medium erosion hazard rating on the District.

2.5.3 VEGETATION

Concerns have been expressed about the effects of designating routes on native and rare vegetation found on the District. Designation of additional system roads and trails, along with the associated dispersed vehicle camping, has the potential to cause ground disturbance that could lead to noxious weed establishment and/or encouraging spreading.

Indicators:

- Acres and Percent of potential vegetation impacts by moderate risk category for motorized routes on the District.
- Weed susceptible Acres within designated road corridors within the project area.
- Total weed infested Acres within motorized route potentially affected corridor.
- Effects determinations for listed Forest Service sensitive species and other species of concern.

2.5.4 ECONOMICS

The functional economic area that surrounds the District consists of Carter County in Montana and Harding County in South Dakota and the immediate surrounding counties. For the two-county functional economic area evaluated, the total economic effects of recreation overall, and specifically recreation tied to motorized and non-motorized activities, are very small compared to the total economic activity in the area. Though changes in use attributable to the alternatives outlined in the economic report are difficult to estimate (see Project Record), the dominance of hunting as a recreation choice and the expectation that the number of hunters using the District is not expected to

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change as a result of the alternatives (see Chapter 3 Recreation) means that the proposed travel management changes would have little effect on the overall economy of the two-county area.

Given this information, no further discussion of this issue is included in the EIS.

2.5.5 AIR QUALITY

There is concern that the addition of routes to the transportation system may lead to an adverse impact on air quality. Encountering motorized use emissions and fugitive dust on Forest roads and trails could have an undesirable effect on the quality of a recreational experience. These effects are typically transitory in nature and not long lasting. There are typically good air dispersion characteristics and low inversion potential across the District. In addition, traffic is generally at lower speeds that result in less dust generation.

Air quality across the District is considered good to excellent. All areas within and immediately adjacent to the District currently meet all state and federal air quality standards (MTDEQ, 2008 and SD DENR, 2008). There are no non-attainment areas in South Dakota. The nearest Montana non-attainment area for particulate matter is Lame Deer, MT (approx. 150 miles west) and Laurel, MT (approx. 300 miles west) with sulfur dioxide concerns.

Implementation of any of the alternatives is expected to maintain air quality conditions due to 1) good dispersion characteristics across the District, 2) low inversion potential across the District, 3) low emissions from vehicles relative to other potential sources, and 4) reduced or equivalent route miles open to motorized vehicles under all alternatives compared to the existing condition. Compliance with State and Federal air quality standards would occur under all alternatives. Given this information, no further discussion of this issue is included in the EIS.

2.5.6 CLIMATE CHANGE

A January 13, 2009 Forest Service document titled *Climate Change Considerations in Project Level NEPA Analysis* states, "It is not currently feasible to quantify the indirect effects of individual or multiple projects on global climate change and therefore determining significant effects of those projects or project alternatives on global climate change cannot be made at any scale." (USDA Forest Service, 2009) This project only has the potential to have indirect effects on global climate change, if any, and will not have any direct effects, because the scope of the project is limited to designating routes for motor vehicle use. Given this information, no further discussion of this issue is included in the EIS.

2.6 ALTERNATIVES CONSIDERED IN DETAIL

In response to agency and public issues, two action alternatives were developed. Alternatives A and B were analyzed in detail along with the No Action Alternative. A general description of each of the alternatives is provided below.

Table 2-4 summarizes important features and rationale for each of the alternatives. Detailed information on the alternatives is displayed on the comparison maps (see Map Package) and in the route specific tables provided in Appendix C.

Tables 2-2, 2-3, and 2-9 are intended to provide readers with comparative information about the alternatives that is not strictly focused on changes from no action. For the action alternatives, the figures in the tables represent the total miles available under each table category if that alternative is implemented. The figures used for the No Action Alternative represent the current miles for each of the categories listed.

2.6.1 ALTERNATIVE A (EXISTING CONDITION)

Alternative A was developed in response to multiple public comments expressing a desire to designate most or all of the motorized routes identified in the 1999-2000 inventory of the District for public motorized use. This alternative consists of all routes identified during the 1999-2000 inventory, excluding:

1. Routes that have been decommissioned, obliterated, or are otherwise unavailable for public motorized use based on documented decisions since 2000.
2. Routes for which the Forest Service has no legal right-of-way for public use. This is necessary to be in compliance with the 2005 Motorized Travel Rule guidance and to make this alternative viable for implementation. These routes were either identified as candidates for decommissioning/obliteration or, if an administrative need was identified, they were proposed for administrative use only. This affects 31 miles of routes.
3. Two miles of existing administrative routes that would remain administrative use only.

Consequently, Alternative A includes designating the majority of both system and non-system routes on the District for public motorized use. Primary motorized travelways would either be designated as roads, or where appropriate, as mixed motorized use roads. For the most part, all other routes would be designated as motorized trails. To maximize motorized opportunities, no season of use would be designated on any routes, and motorized trails would be designated for use by all motor vehicles. This alternative approximates the existing condition (e.g. motorized use of existing system and non-system routes).

Designation of motorized trails under this alternative is intended to: 1) expand opportunities for motorized recreation opportunities, and 2) more accurately describe the characteristics and nature of these routes. In other words, routes proposed to be motorized trails do not display characteristics typically associated with roads, such as surfacing, engineering, and prescribed clearing widths. In many cases, the routes were not engineered, do not have any surfacing which has resulted in rutting and no defined drainage, and they may become impassable when wet.

This alternative includes the following actions (see Appendix C for route specific actions and rationale):

- Add 101 miles of non-system routes to the transportation system as either roads or motorized trails; 91 miles for public motorized use and 10 miles for administrative use.
- Identify 0.40 miles of system roads (two roads) as candidates for decommissioning.
- Identify 24 miles of existing system roads for administrative use.
- Convert 210 miles of system roads to system motorized trails open to all motor vehicles.
- Designate 116 miles of system roads for mixed motorized use.
- Remove season of use designations on 148 miles of system roads.

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- Eliminate dispersed vehicle camping along 10 miles of system routes.

The 2001 Tri-State OHV Decision authorized dispersed vehicle camping within 300 feet of motorized routes on the District. During the past eight years, the District has not observed unacceptable adverse impacts from this activity that warrants proposing a change to this activity under this alternative. However, due to safety and health concerns related to past mining activities, 10 miles of motorized routes would not be designated for dispersed vehicle camping in the North Cave Hills.

The tables at the end of this section provide a summary of the elements associated with this alternative (Table 2-4) and a summary of alternative mileages (Tables 2-2 and 2-3). Appendix C provides a list of the route specific actions proposed under this alternative.

2.6.2 ALTERNATIVE B (PREFERRED ALTERNATIVE)

Alternative B consists of designating a system of motorized routes that provides the public with motorized recreation opportunities, while addressing resource concerns and recreation opportunity concerns. Primary travelways included in this alternative would be designated as roads, or where appropriate, as mixed motorized use roads, and, for the most part, all other routes would be designated as motorized trails. Designation of motorized trails under this alternative is intended to: 1) expand opportunities for motorized recreation opportunities, and 2) more accurately describe the characteristics and nature of these routes. In other words, routes proposed to be motorized trails do not display characteristics typically associated with roads. They are in many cases very primitive.

The Forest Service followed this general screening process to develop this alternative:

1. System and non-system routes for which the Forest Service did not have a legal right-of-way for public motorized use were evaluated to determine if administrative use was needed. If needed, the routes were proposed for administrative use, if they were not needed they were identified as candidates for decommissioning or obliteration.
2. Recent decisions on actions within the District were reviewed to determine if there were any new circumstances that would prompt proposing changes, and if not, then to insure that information about these decisions were incorporated.
3. The remaining system and non-system routes were evaluated to determine if there was an administrative, utilization (including recreation), resource, or protection need for the route. If a need existed, system routes were proposed for designation and non-system routes were proposed to be added to the system and designated. If no need was identified, system routes were identified as candidates for decommissioning and non-system routes were identified as candidates for obliteration.
4. At the same time, the Forest Service also assessed whether routes were parallel with each other, i.e. routes that were within ½ mile of each other. Where parallel routes existed, only one route was generally selected for public motorized designation.
5. Finally, based on public input, a season of use that limited motorized travel on some of the land units was developed. The purpose of this measure was to provide additional wildlife security and increase opportunities for non-motorized hunting. Forest Service personnel identified adjacent routes that would create consolidated areas accessible by primary travelways and proposed restricting motorized travel within those areas during rifle big-game hunting seasons – October 15 to November 30.

This alternative includes the actions shown in Table 2-4 (see Appendix C for route specific actions and rationale).

- Add 66 miles of non-system routes to the transportation system as either roads or motorized trails; 23 miles for public motorized use and 43 miles for administrative use.
- Identify 22 miles of system roads as candidates for decommissioning.
- Identify 100 miles of existing system roads for administrative use.
- Convert 72 miles of system roads to system motorized trails open to all motor vehicles.
- Designate 57 miles of system roads for mixed motorized use.
- Designate a season of use on 37 miles of system roads and motorized trails.
- Remove season of use designations on 4 miles of system roads.
- Eliminate dispersed vehicle camping along 10 miles of system routes.

The 2001 Tri-State OHV Decision authorized dispersed vehicle camping within 300 feet of motorized routes on the District. During the past eight years, the District has not observed unacceptable adverse impacts from this activity, such as moderate to severe vegetation denuding or rutting that would cause water quality issues that warrant proposing a change to this activity under the alternative. However, due to safety and health concerns related to past mining activities, 10 miles of motorized routes would not be designated for dispersed vehicle camping in the North Cave Hills.

Alternative B includes the designation of a combination of roads, mixed motorized use roads, and motorized trails.

The tables at the end of this section provide a summary of the elements associated with this alternative (Table 2-4) and a summary of alternative mileages (Tables 2-2 and 2-3). Appendix C provides a list of the route specific actions proposed under this alternative.

2.6.3 NO ACTION ALTERNATIVE

The No Action Alternative consists of designation of the existing system roads¹ on the District. This is different from Alternative A (existing condition) which proposes to designate both existing system and non-system routes. The No Action Alternative also includes the existing vehicle types and seasons of use currently in force on the District (see Table 2-4 for details).

Designation of the existing network of system roads would not require any further NEPA and represents the starting point for any proposed changes to the routes or areas available for public motorized use. Based on this information, no action was determined to be designation of the existing system roads and trails.

¹ The decision to use existing system roads as the foundation for no action stems from 2005 Motorized Travel Rule guidance, including the following:

- The *Travel Management: Designated Routes and Areas for Motorized Use* (USDA Forest Service, 2005) guide prepared by the Forest Service to aid in implementing the 2005 Motorized Travel Rule affirms that the starting point for travel analyses is the current network of system roads.
- The *Motor Vehicle Route and Area Designation Guide* (version 111705) (USDA Forest Service, 2005) states, “There is no need to initiate a NEPA process to designate those NFS roads, NFS trails, and areas on NFS lands that are already managed for motor vehicle use where that use will continue unchanged, or to retain existing restrictions on motor vehicle use.”

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System roads that the Forest Service does not have legal right-of-way for public access to use will be included in this alternative, unlike the action alternatives. This is because not designating these system roads would constitute an action, which would be inconsistent with the premise of the No Action Alternative.

Table 2-2. Summary of miles² of roads and trails by alternative.

Route Designation		Alternative A	Alternative B	No Action	
National Forest System Roads and Trails	Public motorized use	Road: All types allowed (motorized mixed use)	116	57	0
		Road: Highway legal vehicles	70	159	399
		Trail: All types allowed	280	84	0
	<i>Subtotal</i>		466	300	399
	Administrative use		36	145	2
<i>Total miles of system routes</i>		502	445	401	
System roads not designated for public motorized or administrative use		0	23	0	
Non-System Routes	Non-system routes not converted to system roads or trails	3	37	104	
<i>Total Miles of Routes not designated or not converted for public motorized or administrative use</i>		3	60	104	
Total		505	505	505	

Table 2-3. Miles of system roads and trails designated for public motorized use by proposed season of use designation for each alternative.

Season of Use	Alternative A	Alternative B	No Action
Yearlong	466	184	251
December 1 – October 15 (Provide Non-Motorized Hunting)	0	116	148
<i>Total</i>	466	300	399

² Mileage comparison between tables may not be exact due to rounding differences.

Table 2–4. Summary of Elements for Each Alternative

Element	Alternative A (Existing Condition)	Alternative B (Preferred Alternative)	No Action Alternative
Type of Vehicle Designations	<p>Roads: In general, primary travelways would be designated as system roads available for use by highway-legal vehicles.</p> <p>Motorized Trails: A significant portion of high clearance vehicle roads (Maintenance Level 2) would be converted to system trails open to all motor vehicles.</p> <p>Mixed Use Roads: A limited number of roads would be designated as mixed motorized use where connections between proposed motorized trails were important.</p> <p>(The map package displays the type of vehicle designation for each route.)</p>	Same as Alternative A.	System roads would be designated for use by highway legal vehicles.
Season of Use Designations	Season of use for all designated routes is yearlong.	<p>Season of use for all designated routes is yearlong except for the following seasons of use.</p> <p>December 1-October 14 – A portion of the motorized trails on several of the land units would have this season of use designation to provide additional wildlife security and to increase opportunities for non-motorized hunting. See Appendix C and the map package for the specific routes involved.</p>	<p>Season of use for all designated routes is yearlong except for the following seasons of use.</p> <p>December 1-October 14 – A portion of the roads in the Long Pines land unit would have this season of use designation to provide additional wildlife security and to increase opportunities for non-motorized hunting. See Appendix C and the map package for the specific routes involved.</p>
Dispersed Vehicle Camping Designations	Access for dispersed vehicle camping would be allowed within 300 feet of all designated system roads and motorized trails on the District, except for 10 miles of motorized routes in the North Cave Hills.	Same as Alternative A.	Same as Alternative A.
Administrative Use	Roads identified for administrative use would not be designated for public motorized use for the following reasons: 1) the lack of legal right-of-way for public access, 2) to protect the public from hazardous situations, 3) existing administrative use roads at administrative sites, 4) prior decisions. Appendix C includes all non-system roads that would be converted to system roads and identified for administrative use, as well as any additional system roads that would be identified for administrative use.	Same as Alternative A.	Roads identified for administrative use would not be designated for public motorized use for the following reasons: 1) existing administrative use roads at administrative sites, and 2) prior decisions. This alternative includes only those roads currently identified for administrative use.

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2.6.4 ELEMENTS COMMON TO ALL ALTERNATIVES

2.6.4.1 Administrative Exemptions

Exemptions for off road travel as described in 36 CFR 212.51(a) would be allowed. Exemptions include administrative activities such as law enforcement, fire, emergencies, military operations, noxious weed control, permit activities, and other official business purposes. All such use requires authorization from or coordination with the appropriate Line Officer, detailing when, where, who, and under what circumstances motorized travel would be allowed.

2.6.4.2 Administrative Sites

System roads associated with administrative sites will not be designated for public motorized use, except those roads that provide access to visitor services.

2.6.4.3 System Roads with Forest Service Maintenance Obligations

System roads that the FS has a legal obligation to maintain will not be removed from the system, but may or may not be designated for public motorized use.

2.6.4.4 Roads Under Permit

In instances of special use permits for ingress/egress to private inholdings, a road will generally be designated for public motorized use when the Forest Service has road maintenance responsibilities. In instances of road use permits, a road may be closed to public use when the permit holder is assigned road maintenance responsibilities.

2.6.4.5 No Legal Right-of-Way for Public Access

Routes that the Forest Service has no legal right-of-way to access will not be designated for public motorized use.

2.6.4.6 Designated Routes Required to be Part of the National Forest System

In accordance with the 2005 Motorized Travel Rule, only system routes can be designated for public motorized use. If motorized routes that are currently non-system routes are desired for public motorized use, an action is required to add them to National Forest transportation system.

2.6.4.7 Dispersed Vehicle Camping Authorized Only on National Forest System Lands

Under alternatives that allow access for dispersed vehicle camping within 300 feet of a motorized route, access is only authorized on NFS lands, not on private, state, or other federal lands that may be within 300 feet of designated routes.

2.6.4.8 Implementation

In order to implement this project, the 2005 Motorized Travel Rule requires the Forest to make a Motor Vehicle Use Map available to the public, free of charge. The Forest also expects to install signs

on all designated routes, undertake an estimated two year education campaign regarding new travel management direction and rules, and patrolling. These activities, other than publishing the MVUM, may vary in extent subject to the availability of funding.

Until the Record of Decision (ROD) for this project is implemented, the current decisions for the existing network of system roads remain in effect. The ROD and its implementation will supersede the existing network of motorized system roads when the Motor Vehicle Use Map is published and any associated orders are in place.

Sign purchase and installation is a one time cost, but the remaining costs such as patrolling and Motor Vehicle Use Map production would be incurred annually. Annual funding levels may vary.

2.6.4.9 Enforcement

Public comment related to law enforcement issues focused on enforcing regulations, providing more law enforcement presence, and providing the public with signing and education. These comments tended to concentrate on motorized activities on the forest, and were raised by both motorized and non-motorized recreationists. A number of comments highlighted impacts associated with the lack of enforcement, such as resource damage and diminished recreation experience for other forest visitors. Some comments suggested that there was a need for additional law enforcement personnel to handle the increase of motorized use on the forest.

Background

2005 Motorized Travel Management Rule. Until recently, travel restrictions could only be enacted through two means on National Forests: the 36 Code of Federal Regulations (CFR) 261 Subpart A (restrictions or general prohibitions), and the 36 CFR 261 Subpart B (prohibitions that are created through special order).

The Subpart A prohibitions that apply to the use of roads and trails have historically dealt primarily with violations of applicable state laws that regulate licensing, noise, safe operation of vehicles, damaging roads or trails, interfering with road or trail use, under the influence of alcohol or drugs, careless or reckless operation or in a manner in which damages resources or wildlife (36 CFR 262.12[a.]-[d.] and 36 CFR 261.13 [a.]-[i.]). These general prohibitions of the CFRs are considered “strict liability” prohibitions. This means that it is the user’s responsibility to know and adhere to these regulations without any additional notification or posting on the part of the agency. Recent changes to CFR regulations have added off-route motor vehicle travel to the Subpart A restrictions. (See further discussion below on this subject.)

Most travel restrictions that historically prohibited some sort of travel on National Forest were implemented through the 36 CFR subpart B authority for special orders, specifically 36 CFR 261.53 (special closures), 36 CFR 261.54 (use of Forest development roads), 36 CFR 261.55 (use of Forest development trails), and 35 CFR 261.56 (use of vehicles off Forest development roads). These specific sections of the CFRs permit the agency to prohibit certain uses of roads and trails to limit use to specific vehicle types and to prohibit off road travel.

The situation that especially hampers enforcement of these special order restrictions is the 36 CFR 261.51 (a) and (b) requirement for posting of these prohibitions. 36 CFR 261.51 (a) states, “Placing a

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copy of the order imposing each prohibition in the Offices of the Forest Supervisor and District Ranger, or equivalent Officer who has jurisdiction over the lands affected by the order AND (emphasis added),” 36 CFR 261.51 (b) states, “Displaying each prohibition imposed by an order in such locations and manner as to reasonably bring the prohibition to the attention of the public.” The latter requirement becomes very problematic when attempting to post area closure or trail restrictions on the ground across large areas. The simple issue is that without adequate posting on the ground, special order restrictions are less enforceable. Lack of maintenance and vandalism of posted prohibition signing creates ongoing issues, and has the effect of negating or jeopardizing the effectiveness of special order closures.

In 2005, the Motorized Travel Rule changed the legal authority for regulating off-route travel of motor vehicles. The final rule modified regulations in 36 CFR 295 which historically governed the management of OHVs on National Forests. In addition, the rule changed the enforcement authority for motor vehicle restrictions from 36 CFR 261 Subpart B: Special Orders to the Subpart A: General Prohibitions section, making motor vehicle violations in the future a strict liability infraction. This change relieves the Agency of the posting and signing requirements of 36 CFR 261 Subpart B and authorizes map notification to be the enforcement tool in the future. The decision mandates that Districts and administrative units complete a travel management review with public involvement to designate motorized roads, trails, and areas and produce Motor Vehicle Use Map that identifies these designations (36 CFR 212.56). Once this is completed, travel management restrictions may be enforced under Subpart A without being required to post and maintain prohibition signs in the field.

The Forest Service’s Washington Office has established the format and the majority of the text that will appear on all MVUM maps prepared by the Forest Service. The text on these maps will include standardized information on the purpose and content of the map as well as a statement about motorized vehicle operator’s responsibilities and fines. The text states, “It is prohibited to possess or operate a motor vehicle on National Forest System lands on the Sioux Ranger District other than in accordance with these designations (36 CFR 261.13). Violations of 36 CFR 261.13 are subject to a fine of up to \$5,000 or imprisonment for up to 6 months or both (18 U.S.C. 3571(e)).”

Staffing. There is one full-time Law Enforcement Officer (LEO) stationed on the Custer National Forest. The District also has five permanent staff trained as Forest Protection Officers (FPO). FPOs have limited law enforcement authority and responsibilities compared to LEOs, but are capable of issuing citations for travel management violations associated with the prohibition created under the 2005 Motorized Travel Rule found at 36 CFR 261.13. Increasing the number of LEOs or FPOs is primarily a function of Forest and District budget and priorities. Changes in the budget to facilitate increases in law enforcement capability can be accomplished through changes in allocations within Forest and District budgets, securing additional budget funding from within the Northern Region, or supplementing budgets with grants and similar funds. Based on past practices, additional funding would most likely be used to hire additional seasonal FPOs, rather than full-time FPOs or LEOs.

Changes in Forest priorities to increase law enforcement capability would most likely occur through two options. First, the Forest can determine which programs, such as developed recreation, travel management enforcement, wildlife, etc., should be emphasized and allocate the funds to accomplish objectives related to those priorities. Another method is to prioritize the work of existing permanent and seasonal employees so that more than the current number of staff have the training and supervisory support to enforce violations of travel management decisions.

Post-Motor Vehicle Use Map Enforcement

This analysis will fulfill the 2005 Motorized Travel Rule requirements of review and public involvement for each of the action alternatives and no action. Upon publishing the MVUM for the selected alternative, the new 2005 Motorized Travel Rule regulations will become enforceable on the District (36 CFR 261.13). The MVUM would display those routes open to motorized travel by the public, along with the types of vehicles and seasons of use. The District intends to post route number signs on the open routes to correspond with numbers shown on the MVUM. These actions are expected to greatly enhance the ability to enforce travel management decisions. The regulatory requirements for posting prohibitions will no longer be applicable, and the problems associated with implementing and maintaining extensive prohibition posting will be eliminated. Hard-copy and electronic versions of the MVUM will be available to forest users and will identify those roads and trails available for motorized use by the public. This is expected to reduce confusion about where motorized vehicle use is legal. In addition, LEOs and FPOs will have clear authority for issuing citations for violations of motorized travel management decisions.

Although new travel restrictions may be less complex, the changes would require a period of adjustment for Forest visitors. Inadvertent violation of new travel restrictions is expected initially, but is also expected to diminish over the first several years after implementation. Enforcement of new travel restrictions would require additional emphasis by the Custer National Forest, with assistance from the South Dakota Department of Game, Fish and Parks and Montana Department Fish, Wildlife and Parks, and the public.

Having a clear, enforceable travel plan will facilitate being able to involve groups and individuals that have expressed interest in assisting the District with volunteer “patrols” to provide an additional presence in-the-field. Volunteers can provide District visitors with information about legal motorized use, avoiding activities that have adverse impacts on natural and cultural resources, and report violations when they are observed.

2.7 ALTERNATIVES CONSIDERED BUT DROPPED FROM DETAILED ANALYSIS

Federal agencies are required by NEPA to rigorously explore and objectively evaluate all reasonable alternatives and to briefly discuss the reasons for eliminating any alternatives that were not developed in detail (40 CFR 1502.14). Public comments received in response to the Proposed Action provided suggestions for alternative methods for achieving the purpose and need. Some of these alternatives may have been outside the scope of travel management, duplicative of the alternatives considered in detail, incorporated into alternatives considered in detail, determined to be components that would cause unnecessary environmental harm, or are already addressed by law, regulation or policy. Therefore, a number of alternatives were considered, but dismissed from detailed consideration for the reasons summarized below.

2.7.1 MOTORIZED DESIGNATED AREAS

The preamble to the 2005 Motorized Travel Rule indicates that designated areas “would have natural resource characteristics that are suitable for motorized vehicle use or would be so significantly altered by past actions that motor vehicle use might be appropriate.” (Federal Register, Vol. 70, No. 216, p.

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68274) This language was included in the January 2009 Forest Service Manual and Handbook. (FSM 7715.73 (2))

The Forest Service considered lands within the Sioux Ranger District, but did not identify any areas that “have natural resource characteristics that are suitable for motorized vehicle use”. No naturally-occurring tract of land on the District that does not possess natural resources that would be adversely impacted by long-term cross-country vehicle travel designation was identified.

The Forest Service also reviewed District lands for areas “significantly altered by past actions”, including mining, vegetation management, natural disasters, or other activities such that they are suitable for motorized cross-country vehicle travel. There are some lands that meet this definition in the Cave Hills land unit. These areas are the result of past mining. However, these areas contain health and safety hazards in the form of radioactive soils exposed or deposited during mining activities. The Forest Service has taken measures to limit human exposure within these areas (i.e. area and road closures, silt catchments, water testing). Designating cross-country vehicle travel in these areas would be counter to these activities and pose a health and safety hazard. No other tracts of land that met this definition were identified.

2.7.2 DESIGNATE GAME RETRIEVAL USE FROM 10:00 AM TO 2:00 PM ON ROUTES NOT OTHERWISE DESIGNATED FOR PUBLIC MOTORIZED USE

This alternative is indirectly addressed by Alternative A, since all routes would be available for game retrieval under that alternative. Applying this approach to Alternative B was not considered practical or suitable. Affected routes would require additional signing, could create enforce issues, and could potentially confuse users. Furthermore, proposals in Alternative B to not designate a route for public motorized use or to have a season of use on a route were done to avoid resource impacts and enhance non-motorized recreation opportunities. Including this proposal to allow use of these routes would undermine several of these objectives.

2.7.3 A MOTORIZED RECREATION ALTERNATIVE WITH A RECREATION OPPORTUNITY SPECTRUM (ROS) COMPARABLE TO THE SURROUNDING ROS AVAILABLE FOR NON-MOTORIZED RECREATIONISTS

Initial ROS mapping for Alternatives A and B indicates that there are more acres in motorized ROS settings than there are in non-motorized settings. This appears to address the concern that there are more non-motorized ROS settings than motorized ROS settings in the project area.

In addition, prescribing that a specific amount of ROS settings be provided is often not practical or prudent management. Limitations such as legal rights-of-way for public access and guidance associated with the Forest Plan are just two examples of circumstances that can (and should) drive the type and location of recreation activities that are appropriate on National Forest System lands.

2.7.4 THE FOREST SERVICE SHOULD CONSIDER CLOSING THE LOWER SECTION OF ROUTE #381612

The lower section of route #381612 (i.e. the portion below the top of the butte) provides the only legal access to the state land in adjacent Section 36, and there are no identified resource concerns with this section of the route.

2.7.5 IMPLEMENT A 100 FOOT FIXED LIMIT FOR DISPERSED VEHICLE CAMPING

The Custer National Forest has allowed dispersed vehicle camping within 300 feet of motorized routes since the July, 2001 Forest Order that implemented the 2001 Tri-State OHV Decision. Impacts observed in association with dispersed vehicle camping, if any, have been minor - limited to very localized, short-term effects. Consequently, it is not evident that there is a need to change the existing dispersed vehicle camping policy based on biophysical resource impacts.

2.7.6 IDENTIFY WHERE PARKING ALONG ROUTES WOULD BE UNSAFE OR CAUSE RESOURCE DAMAGE AND DO NOT DESIGNATE

Parking is not an activity that is required to be authorized separately from designation of routes. Parking within a vehicle length of a route is considered inherent with designation of motorized routes. Cross-country travel for dispersed vehicle camping does require designation. Initial scoping indicated areas in the North Cave Hills where dispersed vehicle camping could have human health and safety hazards. These areas would not be designated for dispersed vehicle camping in either action alternative. If any additional areas with either safety or resource impact issues are identified during the process, additional measures will be considered to address the issue.

2.7.7 SEASON OF USE DESIGNATIONS RATHER THAN NO DESIGNATION, ESPECIALLY TO ADDRESS WILDLIFE NEEDS

This alternative proposal was dropped because there were no routes that were not designated in either Alternative A or Alternative B due to wildlife needs. In Alternative B, route designation was based on specific objectives. Where those objectives could be achieved with a season of use designation, such designation was proposed. Alternative B includes all existing routes except those that the Forest Service does not have a legal right-of-way for public access. This alternative proposal appears to be addressed by Alternative A, and does not appear to be appropriate for Alternative B.

2.7.8 SEASON OF USE DESIGNATION FOR ROUTES WITHIN 200 FEET OF RAPTOR NESTS

The District will continue to manage and evaluate species of concern in compliance with the Custer National Forest Land and Resource Management Plan identifies. The effects of the alternatives on raptors was analyzed and no significant impacts were identified, and therefore no mitigation measures were proposed.

2.7.9 DO NOT DESIGNATE DISPERSED VEHICLE CAMPING IN AREAS WITH STEEP TOPOGRAPHY AND SENSITIVE RESOURCES TO AVOID POTENTIAL ADVERSE IMPACTS

This concern was indirectly considered when developing Alternative B. No site-specific areas of concern with dispersed vehicle camping were identified. In determining whether to designate dispersed vehicle camping, the IDT did consider: 1) that there have not been any specific issues identified during the last 8 years of this activity that indicate the 300 foot allowance has been an issue; 2) the period of highest use on the District is during the fall, when conditions are at their driest reducing the potential for soil, water quality and similar resource impacts; 3) many sensitive areas are

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not desirable for dispersed vehicle camping (wetlands, grades greater than 6%, etc.); 4) terrain tends to limit where visitors tend to camp; 5) typically, heavy use occurs in same location every year and these locations have not been in sensitive areas.

2.7.10 FURTHER REDUCE MOTORIZED USE TO MINIMIZE THE POTENTIAL FOR SPREAD OF NOXIOUS WEEDS

Alternative B would not designate routes that bisect the most problematic weed infestations. Weeds will continue to spread as a result of motorized and non-motorized resource management activities, recreational use, wildlife, and natural processes. In compliance with the 2006 Custer National Forest Weed EIS and ROD, the Forest Service will monitor routes for early detection of new weed infestations and treat them, and will treat road corridors to reduce the effects of weed spread.

2.7.11 IMPROVE ENFORCEABILITY BY DESIGNATING ONLY SYSTEM ROADS SO THAT ALL MOTORIZED VEHICLES HAVE LICENSE PLATES FOR IDENTIFICATION

Motor vehicle enforcement will be improved simply by having a Motor Vehicle Use Map - i.e. an enforceable travel plan, which does not presently exist. The Forest does not believe that eliminating opportunities for motorized trails and mixed motorized use roads in an attempt to ensure that every vehicle may potentially be identifiable by a license plate at the time an illegal act is committed is not warranted. By and large, the majority of forest visitors are law abiding – the percentage of violation notices is very small compared to the total number of forest visitors. When taken into consideration together, the above items suggest that the trade-off in lost recreation opportunities compared to the gain in potential enforceability by only designating system roads open to highway legal vehicles (i.e. licensed vehicles) is not desirable or warranted.

2.7.12 ROAD #38161 SHOULD BE CLOSED OR NOT DESIGNATED AS A SYSTEM ROAD OR TRAIL TO PREVENT NEW ROUTES FROM BEING CREATED AND IMPACTING FIGHTING BUTTE

There are no identified resource impacts associated with route #38161 and this route is known to access an area with traditional camping and picnicking. Assuming that designation of the route for public motorized use will result in the creation of new routes onto Fighting Butte is speculative.

2.7.13 THERE SHOULD BE NO NET LOSS OF MOTORIZED OPPORTUNITIES TO COUNTER THE CUMULATIVE LOSS OF OTHER MOTORIZED OPPORTUNITIES

No net loss of motorized opportunities is assumed to mean no net loss in the current miles of system and non-system motorized routes on the District. Crafting an alternative that yielded no net loss of motorized opportunities would require construction of new motorized routes to offset routes that cannot legally be designated (no legal public right-of-way) or are irresponsible to designate (human health and safety or resource concerns). Construction of routes is outside the scope of this process; therefore technically it is not feasible under this proposal to create an alternative that will result in no net loss of motorized opportunities as defined above. However, the addition of nearly all of the non-system motorized routes on the District is considered in Alternative A.

2.7.14 PROVIDE ADDITIONAL MOTORIZED OPPORTUNITIES BY DESIGNATING ROUTES CLOSED BECAUSE THEY CANNOT ACCOMMODATE A FULL-SIZE VEHICLE FOR 50 INCH WIDE OR LESS VEHICLES

In Alternative B, routes that were not designated were done so because of resource concerns; human health and safety concerns; the route has naturally re-vegetated; the route is parallel to another motorized route; or because there was no legal public right-of-way. Designating these routes for motorized use would be counter to the rationale used to develop Alternative B. In Alternative A, only a limited number of routes were not designated, which would not be designated regardless of vehicle type (i.e. no legal public right-of-way).

2.7.15 CONSIDER ALL IDENTIFIED MOTORCYCLE TRACK FOR DESIGNATION AS MOTORIZED TRAILS

The Tri-State OHV considered game and livestock trails with motorized "regular use and continuous passage over a period of years" as motorized routes. No single track routes of this nature have been identified on the Sioux RD.

2.7.16 THE FOREST SHOULD HAVE AN EQUAL NUMBER OF MOTORIZED AND NON-MOTORIZED TRAILS TO PROVIDE EQUAL AMOUNTS OF OPPORTUNITIES

Forest Service policy is to provide a range of recreation opportunities in compliance with the Forest's Land and Resource Management Plan. The Custer NF Land and Resource Management Plan does not mandate that equal quantities of recreational opportunities be provided across the Forest. Furthermore, balancing the miles of motorized and non-motorized trail would be arbitrary because it would not be a decision based on considerations such as resource availability and suitability, demand, agency policy, laws, and regulations.

2.7.17 USE A ONE MILE BUFFER (RATHER THAN .5 MILES) TO SCREEN OUT PARALLEL ROUTES TO PROVIDE ADDITIONAL NON-MOTORIZED OPPORTUNITIES AND WILDLIFE SECURITY

All of the land units achieve the minimum 30% during the critical big-game hunting season, except for one land (South Cave Hills) unit which is unlikely to achieve 30% even if one mile buffers were used given the size of the unit and proximity of the access routes. In addition, the .5 mile buffer used for determining wildlife security is based on established, peer-reviewed protocol. There is no scientific basis for using different protocol.

It would be extremely costly to gather user information to determine if there is a need for more non-motorized opportunities. It is questionable if there is a need for additional non-motorized opportunities given the limited amount of observed motorized use in much of the area outside of the fall hunting seasons.

2.7.18 THERE SHOULD BE NO NET GAIN OF SYSTEM ROUTES

The 2005 Motorized Travel Rule permits the addition of non-system routes to the Forest transportation system. It does not require maintaining the existing miles of routes on a District or

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Forest, but rather requires designation of system routes based on consideration of a number of criteria including, such as natural and cultural resource impacts.

2.7.19 FURTHER REDUCE MILES OF ROUTES IN SOIL MAPPING UNITS IDENTIFIED AS HAVING A HIGH RISK OF SOIL EROSION TO REDUCE WATER QUALITY IMPACTS

In compliance with NEPA, this EIS includes sufficient analysis of these two "other issues", water quality and soils, to substantiate that the proposed actions would not have significant impacts to these resources. This proposal was not intended to resolve all issues with existing routes, nor was the analysis for soils and water quality intended to pinpoint what effect specific routes proposed to be added to the system may have on individual watersheds. It was used to indicate if the proposal moved water quality and soils impacts in a beneficial or adverse direction on a watershed basis. Opportunities to further reduce risks and/or mitigate impacts that are outside the scope of this analysis are identified in Appendix D.

2.7.20 DO NOT ADD ROUTES OR FURTHER REDUCE MILES OF ROUTES IN MODERATE AND HIGH RISK SOILS AND THAT HAVE WATER QUALITY IMPACTS IN HIGH RISK WATERSHEDS, TO REDUCE IMPACTS IN THOSE WATERSHEDS.

In compliance with NEPA, this EIS includes sufficient analysis of these two "other issues", water quality and soils, to substantiate that the proposed actions would not have significant impacts to these resources. This proposal was not intended to resolve all issues with existing routes, nor was the analysis for soils and water quality intended to pinpoint what effect specific routes proposed to be added to the system may have on individual watersheds. It was used to indicate if the proposal moved water quality and soils impacts in a beneficial or adverse direction on a watershed basis. Opportunities to further reduce risks and/or mitigate impacts that are outside the scope of this analysis are identified in Appendix D.

2.8 COMPARISON OF EFFECTS

Table 2-9 (found at the end of the chapter) provides a summary of the effects of implementing each alternative. Information in Table 2-9 is focused on activities and effects where different levels of effects or outputs can be distinguished quantitatively or qualitatively among alternatives. Detail effects analysis for each alternative is found in Chapter 3.

2.8.1 ROUTE MAINTENANCE NEEDS

Introduction

Commentors indicated concerns that adding system roads and trails could increase the need for maintenance. Commentors also questioned whether converting a road to a trail would mean the route would receive less maintenance. The 2005 Motorized Travel Rule also includes a criterion related to maintenance needs that must be considered. This section is intended to address that criterion by considering the maintenance of motorized routes.

Regulatory Framework

Road Maintenance guidelines are prescribed in Forest Service Handbook 7709.59 Road System Operations and Maintenance Handbook and Forest Service Manual 7730 -Road Operation and

Maintenance. Trail Maintenance guidelines are prescribed in Forest Service Handbook 2309.18 Trails Management Handbook and Forest Service Manual 2300 – Recreation, Wilderness, and Related Resource Management, Chapter 2350 – Trail, River, and Similar Recreation Opportunities. The Forest’s road and trail activities are conducted in compliance with these directives.

The Forest is required to maintain National Forest System roads in a condition to safely accommodate intended use in accordance with the maintenance objective for that road. Trail maintenance is intended to preserve the trail and related facilities to meet established objectives for that trail.

Maintenance Standards

The Forest Service has established national maintenance standards/criteria for both roads and trails. The standards/criteria establish the corporate level of quality the Forest Service expects to provide. These standards/criteria include key measures related to health; safety; facility conditions; and compliance with laws, regulations, and policies. The trail standards also identify critical standards that if not met would pose “a high probability of immediate or permanent loss to people or property.” Immediate actions must be taken to correct or mitigate the problem if one arises, such as closing the route to the public until the issue is addressed.

Each route is assigned a maintenance level or trail class which reflects the routes operation and maintenance standards/criteria. The higher the maintenance level or trail class number (1-5) the higher the standard of maintenance.

Maintenance Funding Overview

Based on past funding levels, the Forest is unlikely to have sufficient funding to maintain to standard all of the routes necessary for the administration, utilization, and protection of the District for the foreseeable future. As a result, the Forest prioritizes maintenance work and routinely applies for additional/supplemental funding to increase the number of miles of road and trail maintenance completed.

Road and trail maintenance funding can only be applied to system roads and trails. Similarly, road funding can only be used for road maintenance, and trail funding can only be used for trail maintenance. Because the District does not currently have any system trails, trail maintenance funds have not been expended on the District in the past. The Forest receives an annual trail maintenance allocation, which would be the source for any trail maintenance conducted on the District, in addition to any supplemental funding (ex: state trails grants) that can be secured.

Maintenance does not occur on every mile of road or trail every year. As mentioned above, maintenance is prioritized across the Forest and accomplished based on the funding received. Over the past 6 years, the Forest annual road maintenance accomplishment ranges any where from 0 to 4% of high clearance vehicle roads (Maintenance Level 2), 21 to 39% of passenger vehicle suitable roads (Maintenance Level 3) on the District. The following table displays the miles of road receiving annual maintenance on the District from 2001 to 2007.

Table 2-5. Summary of Road Miles Receiving Annual Maintenance³ by Maintenance Level.

Sioux District	Fiscal Year (October 1 – September 30)						
	2001	2002	2003	2004	2005	2006	2007
2 - High Clearance Vehicles	-	-	12	6	1	-	10
3 - Suitable For Passenger Cars	39	21	31	22	35	30	27

Evaluation Methodology

There are many factors to consider when determining maintenance needs such as volume, type, class, and composition of traffic. For this evaluation, the miles of system routes by maintenance level/trail class and route designation was used to determine the relative maintenance needs for each alternative.

Evaluation of Route Maintenance Needs

The following table displays the miles of motorized system routes by the proposed road maintenance level/trail class and the proposed route designation for each alternative.

Table 2-6. Miles of System Routes by Maintenance Level/Trail Class and Route Designation for Each Alternative

Maintenance Level or Trail Class	Trail Class 2	Road Maintenance Level 2		Road Maintenance Level 3	
Route Designation	Open to Public Motorized Use	Open to Public Motorized Use	Administrative Use	Open to Public Motorized Use	Administrative Use
Alternative A	283	78	36	105	0
Alternative B	84	111	146	105	0
No Action	0	288	2	111	0

Routes designated for administrative use would only be used by Forest Service personnel, or by permit holders, contractors, etc. through a written authorization issued under federal law or regulation. These routes have extremely low traffic volumes and are controlled by the authorizing permit which in some cases also requires the permittee or contractor to provide route maintenance. For these reasons, route maintenance needs for routes designated for administrative use are typically much less than comparable routes designated for public motorized use.

The miles of Maintenance Level 3 routes designated for public motorized use are the same for Alternatives A and B. The No Action Alternative includes 6 more miles than the action alternatives.

In general, Trail Class 2 and Maintenance Level 2 routes have similar maintenance needs based on the roads and trails maintenance handbooks (FSH 7709.59 and FSH 2309.18).

Given the above information, comparison of maintenance needs by alternative will be based on miles of routes available for public motorized use. Miles of administrative use routes is not included because generally these routes require less maintenance and maintenance costs are in some cases offset.

³ Based on data specific to maintenance that were readily available.

Maintenance Level/Class	Trail Class 2	Road Maintenance Level 2	Total
Alternative A	283	78	361
Alternative B	84	111	195
No Action	0	288	288

By combining Trail Class 2 and Maintenance Level 2 routes designated for public motorized use, a comparison of alternatives can be made. As the above table indicates, Alternative A has the most miles designated for public motorized use (361 miles) and therefore the most potential maintenance need. The No Action Alternative falls between the two action alternatives at 288 miles. Alternative B would be roughly half the amount of Alternative A (195 miles) and two-thirds that of No Action Alternative.

2.9 MONITORING

Monitoring is one of the cornerstones of contemporary adaptive management. Without monitoring, it is difficult to evaluate whether or not management actions are effective or determine how actions might be modified to improve effectiveness. Monitoring is vital to inform the Forest Service whether or not there is a need to change or make new travel management decisions. Changes to the system of designated routes may include new routes, removing designations, or changing designated vehicle classes or seasons of use. Revisions to designations are governed by 36 CFR 212.54. In most cases, these changes (including connected actions and cumulative effects) can be addressed on a site-specific basis and may not trigger reconsideration of decisions governing the entire system of designated roads, trails and areas on an administrative unit or a ranger district.

Travel management monitoring would help answer questions, such as:

- Are the motorized travel designations having unanticipated impacts, adverse or beneficial, on water quality, soils, fisheries, aquatic species, and vegetation?
- Are the motorized travel designations having impacts, adverse or beneficial, on cultural resources?
- Are the motorized travel designations effective and therefore resulting in the anticipated effects on wildlife and recreation opportunities?

There are two principal sources of new information that the Forest Service may consider in determining if there is a need to modify travel management decisions: 1) monitoring – formal and informal monitoring, including resource specialist’s field observations, and 2) public feedback. Formal and informal monitoring is addressed further below. Public feedback may either be solicited by the agency or initiated by the public. Public input on the travel management program of work, designations, and route proposals is encouraged and welcomed.

Travel management monitoring will be tiered to Forest Plan monitoring activities. The level and intensity of monitoring will be adapted as needed based on changing needs, findings, and budget levels. The results of monitoring and public feedback will be reviewed annually, at a minimum, during preparation of the MVUM for the subsequent year. If the District Ranger determines that a change to District travel management should be investigated, the process outlined under Forest

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Service Handbook 1909.15, Chapter 10, Section 18 (40 CFR 1502.9(c)(1)(ii)) will be used to review the new information and determine what type of documentation, if any, or other compliance would be appropriate to address any proposed change.

Travel management monitoring will primarily focus on two types of monitoring activities: implementation monitoring and effectiveness monitoring.

2.9.1 IMPLEMENTATION MONITORING

This monitoring activity will focus on compliance with Forest Service travel management implementation requirements, namely (1) producing the annual MVUM and (2) installing and maintaining route markers (road and trail numbers) that are consistent with the MVUM.

Monitoring would consist of: (1) reviewing whether or not the annual MVUM was produced and made available to the public in both hardcopy and web-based formats in a timely manner, and (2) reviewing whether or not route signing markers have been installed and are reasonably being maintained, i.e. deferred route marker maintenance is not accumulating.

2.9.2 EFFECTIVENESS MONITORING

This monitoring activity will focus on evaluating the effectiveness of management and enforcement in achieving the desired outcomes from this decision, including success at restricting motor vehicle use to designated routes.

The following table contains the travel management enforcement monitoring measure identified in the Forest Plan, which is anticipated to be a primary source of monitoring information used to determine if there is a need for change in the future.

Table 2-8. Forest Plan Travel Management Effectiveness Monitoring

Monitoring Item	Data Source	Monitoring Objective	Variability Which Would Initiate Further Evaluation	Corrective Measures
Off-road-vehicle use and damage and Travel Plan effectiveness. (A-3)	Travel Plan (violation and incident reports, number of variances granted).	To determine compliance with travel plan direction (and, therefore, effectiveness in achieving resource protection objectives). To assist in determination of effectiveness of restriction methods, public understanding of travel plan direction.	Conflicts with Forest Management Area goals.	Review situation for change in implementation techniques such as signing, barriers, public contacts, etc.

Compliance with the National Historic Preservation Act through the Montana Programmatic Agreement (PA) and the South Dakota PA established with each State Historic Preservation Office (SHPO) is required, and includes monitoring of sites for travel management effects. Cultural resource monitoring will be implemented within the Project Area in order to assess the effectiveness of this project relative to the protection and preservation of significant heritage resources. This cultural resource monitoring program will be based upon an adaptive management approach that may

necessitate specific changes if site disturbances are observed. Should detrimental effects occur, site evaluative testing and formal consultation with the Montana SHPO or the South Dakota SHPO to identify measures to reduce, remove or mitigate these effects will be necessary. These monitoring results will be presented in the Annual Heritage Reports required by the MT PA and SD PA.

Additional effectiveness monitoring information is expected to be generated through other ongoing monitoring efforts such as the Forest's annual weed monitoring program and the periodic Best Management Practices audits.

2.9.3 MONITORING PLAN

The District Ranger will develop an implementation and effectiveness monitoring plan within one year of the date of the decision for this project. The monitoring plan will identify monitoring items that are most critical to determining if implementation of the decision is satisfactory and if the decision has been effective. The plan may include criteria similar to the Forest Plan, such as potential data sources/measures, monitoring objectives, thresholds or indicators that change may be needed, and potential corrective measures.

2.10 FOREST SERVICE PREFERRED ALTERNATIVE

The Forest Service preferred alternative is Alternative B. Alternative B is the “preferred” alternative based on Responsible Official and interdisciplinary team deliberations. This alternative provides the road system necessary for the administration, utilization, and administration of the District. It appears to respond best to the significant issues related to providing motorized and non-motorized recreation opportunities, reduced wildlife disturbance and impacts on habitat, and protection of heritage resources based on the analysis in Chapter 3. In particular, Alternative B would provide more non-motorized hunting opportunities than Alternative A or the No Action Alternative while still maintaining ample opportunities for motorized recreation. Other environmental impacts, such as water quality, soils, and fisheries, would also generally be reduced under Alternative B when compared to Alternative A and the No Action Alternative.

The Responsible Official (the Custer Forest Supervisor) may select any combination of travel management actions as presented and analyzed within this document.

Table 2-9. Comparison of Effects by Alternative

Feature	Alternative A	Alternative B	No Action Alternative	
Recreation				
Motorized Recreation Opportunity				
Acres of Rural ROS (During SOU ⁴ /Outside SOU)	2,986/NA ⁵	2,986/2,986	2,986/2,986	
Acres of Roded Natural ROS (During SOU/Outside SOU)	54,512/NA	53,213/53,253	55,222/55,222	
Acres of Semi-Primitive Motorized ROS (During SOU/Outside SOU)	109,312/NA	110,510/59,768	119,488/76,668	
Miles of motorized roads and trails (During SOU/Outside SOU)	466/NA	300/184	399/251	
Non-Motorized Recreation Opportunity				
Acres of Semi-Primitive Non-Motorized ROS (During SOU/Outside SOU)	10,948/NA	10,948/61,690	0/42,820	
Opportunity for Off-Highway Vehicle Operation				
Miles of Mixed Use System Roads	116	57	0	
Miles of Motorized System Trails	280	84	0	
Total Miles available for Off-Highway Vehicle Operation	396	141	0	
Cultural Resources				
Total Number of Cultural Resource Sites within the APE	346	252	311	
Number of Priority Assets Sites within the APE	38	35	76	
Number of Culturally Sensitive Sites within the APE	97	68	30	
Wildlife				
Threatened or Endangered Wildlife Species				
Number of species with No Jeopardy	1	1	1	
Number of species with potential to effect, but not likely to adversely affect.	1	1	1	
Number of species with potential to effect, and likely to adversely affect	0	0	0	
Sensitive Wildlife Species				
Number of Species with Beneficial Impact	0	0	0	
Number of Species with No Impact	13	13	13	
Number of Species with potential to effect individuals or Habitat but will not Likely Contribute to a trend towards Federal Listing or Loss of Viability to the Population or Species	9	9	9	
Number of Species likely to result in a trend to Federal listing or loss of viability	0	0	0	
Management Indicator Species				
Number of Species with Positive Effects	0	0	0	
Number of Species with Neutral Effects	16	16	16	
Number of Species with Negative Effects	0	0	0	
Deer & Elk				
Motorized Route Density in miles per square mile (During SOU/Outside SOU)	Chalk Buttes	1.16/NA	0.70/0.70	0.99/0.99
	Ekalaka Hills	2.21/NA	1.27/0.90	1.83/1.83
	Long Pines	1.93/NA	1.11/0.44	1.74/0.40
	East Short Pines	1.19/NA	0.69/0.69	1.22/1.22
	West Short Pines	1.76/NA	1.76/1.76	1.76/1.76
	North Cave Hills	1.60/NA	1.14/0.85	1.42/1.42
	South Cave Hills	1.95/NA	1.25/1.25	1.55/1.55
	Slim Buttes	1.12/NA	0.94/0.66	0.82/0.82

⁴ SOU = Season of Use
⁵ NA = Not Applicable

Table 2-9. Comparison of Effects by Alternative

Feature		Alternative A	Alternative B	No Action Alternative
Percent secure habitat within elk habitat (During SOU/Outside SOU)	Chalk Buttes	50/NA	57/57	36/36
	Ekalaka Hills	11/NA	26/43	8/8
	Long Pines	6/NA	28/65	8/64
	East Short Pines	34/NA	44/44	13/13
	West Short Pines	0/NA	0/0	0/0
	North Cave Hills	7/NA	24/35	11/11
	South Cave Hills	7/NA	17/17	7/7
	Slim Buttes	30/NA	34/48	32/32
General Wildlife				
Percent of Land Unit that is core wildlife habitat (based on motorized routes)	Chalk Buttes	45	52	31
	Ekalaka Hills	10	21	7
	Long Pines	5	21	6
	East Short Pines	28	37	8
	West Short Pines	2	2	2
	North Cave Hills	8	19	9
	South Cave Hills	6	14	7
	Slim Buttes	27	30	26
Water Quality, Fisheries, and Aquatics				
Water Quality				
Miles of actions that reduce risks on routes within the project area		24	122	0
Miles of actions that increase risks on routes within the project area		101	67	0
Sensitive Aquatic Species				
Number of Species with No Impact or Beneficial Impact		3	5	3
Number of Species with potential to effect individuals or Habitat but will not Likely Contribute to a trend towards Federal Listing or Loss of Viability to the Population or Species		2	0	2
Number of Species likely to result in a trend to Federal listing or loss of viability		0	0	0
Recreational Fish Species				
Alternatives with No Impact or Beneficial Impact		No	Yes	No
Alternatives with potential to effect individuals or Habitat but will not Likely Contribute to a Loss of Viability to the Population or Species		Yes	No	Yes
Soils				
Severe Erosion Hazard Rating				
Miles of Motorized Routes designated for public use		263	153	223
Moderate Erosion Hazard Rating				
Miles of Motorized Routes designated for public use.		176	137	150
Vegetation				
Moderate Risk Areas - Motorized Routes				
Acres Potential Frequent Use Areas (% of Project Area)		128 (Trace)	90 (Trace)	98 (Trace)
Acres Potential Infrequent Use Areas (% of Project Area)		2,191 (1%)	1,380 (1%)	1,634 (1%)
Miles in Moderate Risk Area		24	13	17
Weeds Susceptibility				
Weed Susceptible Acres within designated route corridor		34,572	21,874	30,604
Weed Infestation				
Total Infested Acres within motorized route potentially affected corridor		209	149	201

Table 2-9. Comparison of Effects by Alternative

Feature	Alternative A	Alternative B	No Action Alternative
Sensitive Plants			
Number of Species with No Impact	4	4	4
Number of Species with potential to effect individuals or Habitat but will not Likely Contribute to a trend towards Federal Listing or Loss of Viability to the Population or Species	2	2	2
Number of Species likely to result in a trend to Federal listing or loss of viability	0	0	0

Table 2-10. Summary of Changes in Effects Compared to the No Action Alternative

Feature	Alternative A	Alternative B	
Recreation			
Motorized Recreation Opportunity			
Acres of Rural ROS (During SOU ⁶ /Outside SOU)	No change		
Acres of Roaded Natural ROS (During SOU/Outside SOU)	Reduced by 710 acres/ Reduced by 710 acres	Reduced by 2009 acres/ Reduced by 1,969 acres	
Acres of Semi-Primitive Motorized ROS (During SOU/Outside SOU)	Reduced by 10,176 acres/ Increased by 32,644 acres	Reduced by 8,978 acres/ Reduced by 16,900 acres	
Miles of motorized roads and trails (During SOU/Outside SOU)	Increased by 67 miles/ Increased by 215 miles	Reduced by 99 miles/ Reduced by 67 miles	
Non-Motorized Recreation Opportunity			
Acres of Semi-Primitive Non-Motorized ROS (During SOU/Outside SOU)	Increased by 10,948 acres/ Reduced by 31,872 acres	Increased by 10,948 acres/ Increased by 18,870 acres	
Opportunity for Off-Highway Vehicle Operation			
Miles of Mixed Use System Roads	Increased by 116 miles	Increased by 57 miles	
Miles of Motorized System Trails	Increased by 280 miles	Increased by 84 miles	
Total Miles available for Off-Highway Vehicle Operation	Increased by 396 miles	Increased by 141 miles	
Cultural Resources			
Total Number of Cultural Resource Sites within the APE	Increase of 35 sites	Decrease of 59 sites	
Number of Priority Assets Sites within the APE	Decrease of 38 sites	Decrease of 41 sites	
Number of Culturally Sensitive Sites within the APE	Increase of 67 sites	Increase of 38 sites	
Wildlife			
Threatened or Endangered Wildlife Species			
Number of species with No Jeopardy	No change; no species jeopardized		
Number of species with potential to effect, but not likely to adversely affect.	No change; Actions are not likely to adversely affect the single species analyzed		
Sensitive Wildlife Species			
Change from the No Action Alternative	No Change		
Management Indicator Species			
Change from the No Action Alternative	No Change		
Deer & Elk			
Motorized Route Density in miles per square mile (During SOU/Outside SOU)	Chalk Buttes	Density increases by 17% / Density increases by 17%	Density decreases by 29% / Density decreases by 29%
	Ekalaka Hills	Density increases by 21% / Density increases by 21%	Density decreases by 36% / Density decreases by 51%
	Long Pines	Density increases by 11% / Density increases by 383%	Density decreases by 36% / Density increases by 10%

⁶ SOU = Season of Use

Table 2-10. Summary of Changes in Effects Compared to the No Action Alternative

Feature		Alternative A	Alternative B
	East Short Pines	Density decreases by 2% / Density decreases by 2%	Density decreases by 43% / Density decreases by 43%
	West Short Pines	No changes/No change	No changes/No change
	North Cave Hills	Density increases by 13% / Density increases by 13%	Density decreases by 20% / Density decreases by 12%
	South Cave Hills	Density increases by 26% / Density increases by 26%	Density decreases by 19% / Density decreases by 19%
	Slim Buttes	Density increase by 37% / Density increase by 37%	Density increases by 15% / Density decreases by 20%
Percent secure habitat within elk habitat (During SOU/Outside SOU)	Chalk Buttes	Increase of 14% / Decrease of 36%	Increase of 18% / Increase of 35%
	Ekalaka Hills	Increase of 3% / Decrease of 8%	Increase of 17% / Increase of 29%
	Long Pines	Decrease of 2% / Decrease of 54%	Increase of 20% / Increase of 1%
	East Short Pines	Increase of 21% / Increase of 21%	Increase of 31% / Increase of 31%
	West Short Pines	No change	No change
	North Cave Hills	Decrease of 4% / Decrease of 11%	Increase of 13% / Increase of 24%
	South Cave Hills	No change / Decrease of 7%	Increase of 10% / Increase of 10%
	Slim Buttes	Decrease of 2% / Decrease of 32%	Increase of 2% / Increase of 16%
General Wildlife			
Percent of Land Unit that is core wildlife habitat (based on motorized routes)	Chalk Buttes	Increase of 14%	Increase of 21%
	Ekalaka Hills	Increase of 3%	Increase of 14%
	Long Pines	Decrease of 1%	Increase of 15%
	East Short Pines	Increase of 20%	Increase of 29%
	West Short Pines	No change	
	North Cave Hills	Decrease of 1%	Increase of 10%
	South Cave Hills	Decrease of 1%	Increase by 7%
	Slim Buttes	Increase of 1%	Increase of 4%
Water Quality, Fisheries, and Aquatics			
Water Quality			
Miles of actions that reduce risks on routes within the project area		24 miles	122 miles
Miles of actions that increase risks on routes within the project area		101 miles	67 miles
Sensitive Aquatic Species			
Change from No Action Alternative		No change	Change 2 species from May Impact to No Impact
Recreational Fish Species			
Change from No Action Alternative		No change	Change from May Impact to No Impact
Soils			
Severe Erosion Hazard Rating			
Miles of Motorized Routes designated for public use		Increase of 40 miles	Decrease of 70 miles
Moderate Erosion Hazard Rating			
Miles of Motorized Routes designated for public use.		Increase of 25 miles	Decrease of 13 miles
Vegetation			
Moderate Risk Areas - Motorized Routes			
Acres Potential Frequent Use Areas		Increase of 30 acres	Decrease of 8 acres

Chapter 2: Public Participation, Issues and Alternatives

Table 2-10. Summary of Changes in Effects Compared to the No Action Alternative

Feature	Alternative A	Alternative B
Acres Potential Infrequent Use Areas	Increase of 557 acres	Decrease of 254 acres
Miles in Moderate Risk Area	Increase of 7 miles	Decrease of 4 miles
Weeds Susceptibility		
Weed Susceptible Acres within designated road corridor	Increase of 3,968 acres	Decrease of 8,730 acres
Weed Infestation		
Total Infested Acres within Motorized Route potentially affected corridor	8 additional acres	52 fewer acres
Sensitive Plants		
Change from No Action Alternative	No change; ; Actions are not likely to result in a trend to Federal listing or loss of viability	

- End of Chapter 2 -