

Chapter 5: Response to Comments

5.1 PUBLIC COMMENT ANALYSIS PROCESS

Content analysis of comments received on the DEIS was conducted. Public comments were received in the form of letters or postcards, electronic mail (e-mail), phone calls, and facsimiles. A Content Analysis Team reviewed all the comments on the DEIS. Substantive comments from each letter, e-mail, or form were identified. Each issue or topic was assigned to a subject area and a response number and the various comments dealing with that topic or issue were grouped under the response number heading. A response was written for each topic or issue that was identified. All of the responses are grouped by subject area and provided in this chapter.

Respondent's and agency names are listed below with response numbers to allow the reader to see how their comments were responded to or used. Persons wishing to find responses to their comments on the DEIS should locate their name and assigned codes below and the corresponding ID Team response. For example:

Capital Trail Vehicle Association Webster, Margaret	E-1, MISC-1, MISC-7, MISC-8, R-3, MGMT-1, MGMT-2, MGMT-3, MGMT-4,
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The only agency comment letters received on the project were from the South Dakota Department of Game, Fish and Parks, U.S. Environmental Protection Agency, USDI Bureau of Land Management Miles City Field Office, and USDI-Office of Environmental Policy and Compliance. These letters are included in Appendix E.

Agency Names	DEIS Response Numbers
South Dakota Department of Game, Fish and Parks	F-4, MISC-3, R-1, WL-1, WQ-4
U.S. Environmental Protection Agency, Region 8 MT Office	F-1, F-2, F-3, MISC-1, MISC-2, S-1, V-1, WQ-1, WQ-2, WQ-3
USDI Bureau of Land Management Miles City Field Office	No Comment
USDI Office of Environmental Policy & Compliance	No Comment

Organization Names	DEIS Response Numbers
Capital Trail Vehicle Association	E-1, MISC-1, MISC-7, MISC-8, R-3, R-4, R-5, R-6, R-7, R-8, R-9, R-10, R-11, R-12, S-2, WQ-5

Individual Names	DEIS Response Numbers
Hunnes, Jeffery A.	C-1, MGMT-1, MGMT-2, MGMT-3, MISC-2, MISC-4, MISC-5, MISC-6, MISC-9, WL-2, WL-3
Webster, Margaret	MGMT-1, MGMT-2, MGMT-3, MGMT-4, MISC-2, MISC-4, MISC-5, R-2, WL-2
Weirick, Greg	No Substantive Comments identified during Content Analysis

The following comments were received after the closing date of the comment period. Comments were reviewed and are address in the FEIS; however, based on 36 CFR 215.13, commenter will have not have standing for appeal.

Individual Names	DEIS Response Numbers
Huffman, Bradford L.	No Substantive Comments identified during Content Analysis

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The following comments were received after the closing date of the comment period. Comments were reviewed and are address in the FEIS; however, based on 36 CFR 215.13, commenter will have not have standing for appeal.	
Individual Names	DEIS Response Numbers
Stark, Rudy	E-1, MISC-1, MISC-7, MISC-8, R-3, R-4, R-5, R-6, R-7, R-8, R-9, R-10, R-11, R-12, S-2, WQ-5
Stevens, Helen	No Substantive Comments identified during Content Analysis

5.2 RESPONSE TO COMMENTS

What follows are individual or summarized comments for each of the subject areas identified through the content analysis process, as well as the response to those comments. If numerous similar comments were received on a topic, they were summarized into a single comment. The response to comments may be a direct response to the comment, or will note whether the comment was addressed by adding analysis or discussion to the FEIS.

CULTURAL RESOURCES

<i>Subject:</i> Cultural Resources	<i>Response #:</i> C-1, Alternative that Protects
<u>Letter-Comment #:</u> 8-2	Second the Forest Service should have included an action alternative that protects cultural resource sites, specifically in Areas of Potential Effect (APE). Alternative B allows motorized use in several problematic areas. "At least 138 recorded cultural resource sites are located within the APE corridor and could be adversely affected by new trail additions to the road and trail system or by conversions of roads to the trail system. ...Allowing additional motorized use, either due to designation of previously undesignated routes or the addition of unlicensed vehicle use to licensed vehicle use on existing system routes, may further expose these deposits resulting in loss of valuable information." (DEIS p. 3-33).
<u>Response:</u> For the FEIS, under Alternative B several sensitive areas were dropped from consideration for proposed addition to the road and trail system or were proposed for administrative use only. Review of proposed non-system routes did not observe any direct effects to cultural resource sites. Monitoring during the past seven years has not revealed any adverse effects to cultural resources as a result of dispersed vehicle camping. Monitoring will continue within the APE where cultural resources are known to exist for evidence of adverse effects to cultural resources.	

ECONOMICS

<i>Subject:</i> Economics	<i>Response #:</i> E-1, Cumulative Effects
<u>Letter-Comment #:</u> 7-9 and 9-9	Each route must include a socio-economic analysis that includes the impacts on the public owning OHVs and looking for opportunities to use them and landowners who purchased property with the intent of being able to access and recreate using motor vehicles.
<u>Response:</u> The Forest Service does not conduct economic analyses that isolate portions of the population based on their choices about purchases. The analysis in the EIS Chapter 3 Recreation section evaluates the relative motorized and non-motorized opportunities provided under each of the alternatives. The results of this analysis are used in the economics section to suggest that if any economic impacts occur, they would be very small compared to the total economic activity in the economic impact area.	

FISHERIES AND AQUATICS

Subject: Fisheries and Aquatics	Response #: F-1, Mode of Travel
Letter-Comment #: 1-6	We do not concur entirely with the statement that in most cases, the actual use, or mode of travel (motorized versus non-motorized) is inconsequential in terms of watershed effects (page 3-81). We believe motorized uses in general are more likely to accelerate erosional processes and worsen poor road conditions, and increase stream sedimentation and degradation of fisheries habitat when compared to non-motorized uses. Sediment yields are generally higher from roads than from trails, and from motorized trails than from non-motorized trails. Roads/trails often tend to become wider and rutted with heavy motorized use, creating a greater need for monitoring of road/trail conditions, and for road and trail maintenance for repair and erosion control.
Response: The paragraph referred to was intended to imply that in most situations the scale of the infrastructure is directly related to the degree of impact. There is evidence to support both motorized and non motorized routes impacting watersheds at varying scales. However, for the purpose of the Sioux Ranger District TMP, the designation or conversion of roads to trails is from motorized roads to motorized trails only. Therefore, in both the Draft EIS and Final EIS, motorized trails were considered equal to roads in the watershed and fisheries risk analysis and were referred to as routes.	

Subject: Fisheries and Aquatics	Response #: F-2, Amphibians
Letter-Comment #: 1-7	It is stated that Alternative B proposes actions that result in a net decrease in risk to aquatic resources in all 12 moderate and high risk watersheds with fish resources or sensitive amphibians on the District (page 3-88), however, Table 3-25 appears to show more miles with increase in risk than decrease in risk in the Gap Creek watershed. It would appear, therefore, that there would be a net increase in risk to aquatic resources in the Gap Creek watershed. We recommend that Alternative B be amended so that it results in a net decrease in risk in the Gap Creek watershed, similar to the net decrease in other watersheds.
Response: The Gap Creek watershed does not harbor fisheries resources or known sensitive amphibian populations. All 12 moderate and high risk watersheds that do harbor fisheries resources and/or sensitive amphibian species appear in bold print in Table 3-25 and as stated in the DEIS analysis (page 3-88), all of these have a net decrease in risk under Alternative B.	
For the FEIS, Alternative B proposes actions that result in a net decrease in risk in 10 of the 13 moderate and high risk aquatic resource watersheds (Table 3-25). The 3 aquatic resource watersheds that have a net increase in risk include the Dry Creek, Headwaters Little Beaver Creek, and the Middle Crooked Creek watersheds. All of these 3 watersheds harbor sensitive amphibian species. However, the net increased risk of 3.5 total miles for these watersheds is related to 3.4 miles of actions that designate non-system routes to administrative use, and only 0.1 miles related to designating non-system routes to public use routes. Therefore, although these routes will remain on the landscape, all but 0.1 miles of the increased route risk miles will receive low levels of use and their designation should have negligible to nonexistent indirect effects to sensitive amphibian species.	

Subject: Fisheries and Aquatics	Response #: F-3, Fish Passage
Letter-Comment #: 1-8	Has the Custer NF and Sioux Ranger District evaluated or conducted a survey of fish passage on culverts on the District?
Response: All Forest Highway stream crossings on the Sioux District have been inventoried and evaluated for fish/aquatic organism passage. The remaining culverts in the analysis area are evaluated on a case by case basis. Few culverts on the Sioux District are associated with perennial waters and hold potential to affect fish passage. However, Aquatic Organism Passage (AOP) is a key factor in all culvert replacements and is incorporated whenever applicable. The scope of the travel plan is limited to the designation of roads and trails. Construction, reconstruction, maintenance and decommissioning proposals will require future and separate NEPA decisions.	

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Subject: Fisheries and Aquatics		Response #: F-4, Roads and Trails
Letter-Comment #: 4-6	The DEIS states that "In general, roads have more impacts than trails because of their wider prisms, etc., etc." We suggest this may not be a blanket truth as erosivity and runoff depends on the type of road: paved, gravel, grassy and secure, soil type, precipitation events, use, location, etc. Also, a recent presentation of a Colorado study indicated that OHV trails created twice the sediment load to streams as dirt roads (Dr. Lee McDonald, Colorado State University, Dakota Society of Am. Foresters Fall Conference, Rapid City, SD). Not all roads and trails are created equal and we suggest caution at assuming trails are not as adverse to riparian systems as roads.	
Response: The paragraph referred to was intended to imply that in most situations the scale of the infrastructure is directly related to the degree of impact. However, the Custer National Forest does agree with the rationale provided and did incorporate the same rationale in the Water Quality/ Fisheries and Aquatics analyses. Motorized trails were considered equal to roads in the watershed risk analysis, in both the Draft EIS and Final EIS. Combined, motorized trails and roads were referred to as "routes" for these analyses.		

MANAGEMENT

Subject: Management		Response #: MGMT-1, Funding
Letter-Comment #: 5-3	Due to inadequate funding, National Forest road maintenance has suffered nationwide. This situation is not likely to change in the near future. The Forest Service must consider this reality, and should consider closing or not authorizing routes that cannot adequately be maintained.	
8-7	Due to inadequate funding, National Forest road maintenance has suffered nationwide. This situation is not likely to change in the near future for the CNF. The Forest Service must consider this reality, and should consider closing or not authorizing routes that cannot adequately be maintained to Forest safety and engineering standards.	
Response: Funding for maintenance of roads and trails is not anticipated to change significantly in the next 10 years. 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 maintained. If issues arise, road closures will be considered to protect resources and/or user safety.		

Subject: Management		Response #: MGMT-2, Mixed Use
Letter-Comment #: 5-8 and 8-11	Since the 2005 Motorized Travel Rule lists public safety as one of the general criteria to be considered during the designation of roads, trails, and areas, mixed use roads and trails should be examined extremely closely before such designation occurs.	
Response: Forest Service regulations require that mixed motorized use road proposals undergo a formal mixed motorized use engineering analysis to determine if mixing licensed and unlicensed vehicles on the proposed road is suitable. This analysis has been completed for Alternative B. No extraordinary safety concerns with these designations were identified.		
During the process of identifying routes for potential motorized trails, the Forest Service considered whether the route had trail characteristics, such as rough surfaces, narrow widths, native soil surfaces, etc.		
In general, routes with trail characteristics require slower speeds, and are generally suitable for use by both licensed and unlicensed vehicles.		

Subject: Management		Response #: MGMT-3, Implementation and Enforcement
Letter-Comment #: 5-9	The Forest Service should propose a travel plan that can reasonably be implemented and enforced. The Forest Service has not demonstrated how the changes in any of the Alternatives will increase the enforceability of the Plan. A reduction of motorized routes, appropriate signage, and a requirement that all motorized vehicles be licensed and street legal would make law would go a long way towards easing the law enforcement burden.	
8-13	The DEIS states that one purpose and need for the project is to "...have enforceable travel management guidelines that meet the direction of the 2005 Motorized Travel Management Rule." (DEIS p. 1-4). However, it is unclear how the change in enforcement authority or the MVUM as outlined in the DEIS will lead to enforceable guidelines in the absence of adequate capacity to physically enforce the travel management decision.	
Response: First, enforceability will be increased simply by having a Motor Vehicle Use Map - i.e. an enforceable travel plan, which does not presently exist. Second, Alternative B reduces the miles of routes available for public motorized use by nearly 100 miles or 25% compared to no action. Third, the Forest understands the importance of signing associated with travel management planning, and is committed to signing routes to make the MVUM useable and enforceable. Finally, the Forest Service defers to State law on vehicle licensing per 36 CFR 212.5(a)(1).		

Subject: Management		Response #: MGMT-4, Road #381612, 38161 and 38161A
Letter-Comment #: 5-11	Road #38161 and #38161A should be closed or not designated as system roads or trails. These are user-created routes attempting to get a little closer to the base of Fighting Butte. Leaving them open to vehicles is an invitation to them to drive further and extend the route to attempt to reach the top of the butte. If and when this occurs, it will cause serious erosion problems on the steep slope of the butte.	
Response: In response to this comment, Alternative B has been modified to change route #38161A (0.7 miles) from designated for public motorized use to administrative use because this would reduce potential impacts to cultural resources, no specific recreational need for the route has been identified, it is difficult to locate in the field, and portions are revegetated. There are no identified resource impacts associated with route #38161, and this route is known to access an area with traditional camping and picnicking. It is proposed to be remain designated for public motorized use in Alternative B.		

MISCELLANEOUS

Subject: Miscellaneous		Response #: MISC-1, Monitoring
Letter-Comment #: 1-10	We also recommend that mechanisms for public disclosure of the monitoring analysis and the decisions for the Travel Plan be provided. The roles of the Forest Service, other Agencies, independent science, and the public should be identified. The FEIS should discuss the future decision points in this adaptive process that may require additional NEPA analysis. The FEIS should also discuss the funding is available for monitoring and adaptive management.	
Response: 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. Refer to Chapter 2 Monitoring for more detailed information related to monitoring.		

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Subject: Miscellaneous		Response #: MISC-2, Dispersed Vehicle Camping
Letter-Comment #: 1-12	We also recommend that special limitations should be considered to limit vehicle access even more if necessary to assure that motorized access does not damage ecologically sensitive resources....We believe motorized access to camping sites in ecologically sensitive areas should be restricted even if they are within 300 feet of designated routes. It would be helpful and appropriate to identify and designate camping sites that avoid sensitive areas, and/or to encourage camping or concentrated public use in areas that are more resilient and can more easily recover from impacts and/or accommodate public use with less impacts.	
5-5 and 8-8	Allowing motorized vehicles to travel 300 feet to either side of every road universally is unwise, and application of this rule should be on a route-by-route basis taking into consideration the topography and resources along the route and the need, as required by the 2007 Travel Management Rule.	
Response: In general, this concern was considered when developing Alternative B. No site-specific areas of concern were identified by the Forest Service. In addition, the Forest Service identified the following considerations: 1) many sensitive areas are not desirable for dispersed vehicle camping (wetlands, grades greater than 5%, etc.); 2) the highest use on the District is during the fall, when areas tend to be dry; 3) 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 (i.e. since the 2001 Tri-State OHV Decision); 4) terrain tends to limit where folks tend to camp; 5) typically, heavy use occurs in same location every year and have not been in sensitive areas.		

Subject: Miscellaneous		Response #: MISC-3, Corrections and Additions
Letter-Comment #: 4-2	Of note, the "Ashland" Ranger District was referenced on pages 1-13 and 2-13, rather than the Sioux.	
4-3	Post-MVUM Enforcement (DEIS page 2-14) discusses how the new travel restrictions will require cooperation from various public entities. Page 3-83 discusses how Montana Dept. of Fish, Wildlife and Parks manages its wildlife and fish populations. Please include the South Dakota Department of Game, Fish and Parks in both references.	
Response: Thank you for bringing these to our attention. These references have been updated to include South Dakota Department of Game, Fish and Parks. Changes have been made in the FEIS.		

Subject: Miscellaneous		Response #: MISC-4, Range of Alternatives
Letter-Comment #: 5-6 and 8-9	The DEIS states that "during the past seven years, the District has not observed unacceptable adverse impacts from this activity that warrants proposing a change to this activity under the (B) alternative." What does the Forest Service define as unacceptable?	
Response: This language has been clarified, by replacing it with, "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 [B] alternative."		

Subject: Management		Response #: MISC-5, Definition of Road and Trail
Letter-Comment #: 5-7 and 8-10	In the DEIS the Forest Service is converting a number of roads to trails in the Sioux District regardless of the width or condition of the route. This is confusing the definition of "road" and "trail", and appears to be a convenience to the Forest Service to avoid "road" maintenance; to circumvent its own safety and engineering requirements, to blur the standards and guidelines of road-density as applied to elk security standards or wildlife habitat, or to bypass Executive order 11644 which limits "roads", but not "trails".	
Response: The proposal to convert some roads to motorized trails open to all motor vehicles is for the purpose of providing recreation opportunities, and not for any of the reasons cited. First, the Forest Service has maintenance, safety and engineering standards for motorized trails open to all vehicles, just like it does for roads - the agency is not attempting to avoid these responsibilities. Second, the analysis includes motorized trails and roads in calculating the density of motorized routes related to elk security. This has consistently been how the calculations have been handled and the agency has never suggested "blurring" the methodology for calculating elk security by leaving motorized trails out of the equation. Finally, the 2005 Motorized Travel Rule, the guidance for this analysis, is the Forest Service's method for implementing Executive Order 11644. The Rule is consistent with the Executive Order and permits the designation of motorized trails open to all motor vehicles.		

Subject: Miscellaneous		Response #: MISC-6, User Created Routes
Letter-Comment #: 8-6	Many of the routes within the District are user created and were developed without agency authorization, environmental analysis, or public involvement and should not be incorporated into the National Forest System...If unauthorized roads that meet the above requirements are to be added to the system, a like number of roads/miles should be removed from the system and obliterated.	
Response: 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 Forest.		

Subject: Miscellaneous		Response #: MISC-7, Cumulative Effects
Letter-Comment #: 7-3 and 9-3	The cumulative effect of all motorized closures has been significant and is growing greater every day yet they have not been adequately addressed. Ignoring cumulative effects allows the agency to continue to close motorized routes unchecked because the facts are not on the table. CEQ guidance on cumulative effects was developed to prevent just this sort of blatant misuse of NEPA...[see table]	
Response: The DEIS addressed the cumulative effects of loss of motorized opportunities. The analysis in the FEIS has been expanded to include the relevant information on cumulative effects in response to the comment.		

Subject: Miscellaneous		Response #: MISC-8, ATV Routes
Letter-Comment #: 7-4 and 9-4	All roads to be closed to full-size vehicles should be converted to atv routes. This is a reasonable alternative for all existing roads.	
Response: In Alternative B, routes that were not designated 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 any 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).		

Subject: Miscellaneous		Response #: MISC-9, Licensed Vehicles
Letter-Comment #: 8-12	EWC members have reported on numerous occasions encountering motorized vehicles in non-motorized areas, and have been told by both Forest Service and BLM law enforcement officials that without a license plate there is little law enforcement can do. By allowing unlicensed vehicles on public land, the Forest Service is encouraging the public to break the law. We ask that ALL vehicles be licensed and readily identifiable.	
8-14	The Forest Service should propose a travel plan .that can reasonably be implemented and enforced. A reduction of motorized routes, appropriate signage, and a requirement that all motorized vehicles be licensed and street legal would go a long way towards easing the law enforcement burden.	
Response: First, enforceability will be increased simply by having a Motor Vehicle Use Map - i.e. an enforceable travel plan, which does not exist presently. Second, Alternative B reduces the miles of routes available for public motorized use by nearly 100 miles or 25% compared to no action. Third, the Forest understands the importance of signing associated with travel management planning, and is committed to signing routes to make the MVUM useable and enforceable. Finally, the Forest Service defers to State law on vehicle licensing per 36 CFR 212.5(a)(1).		

RECREATION

Subject: Recreation		Response #: R-1, Hunting Use
Letter-Comment #: 4-4	Page 3-6 states that the Sioux District is a relatively small percent of the hunting units in South Dakota. True acreage wise, but the District experiences a disproportionate high use during most hunting seasons.	
Response: The text on DEIS Page 3-8 indicated that 60-70% of hunters in those particular units use District lands for deer hunting based on input from the South Dakota Game, Fish, and Parks Department. This information has been included in the FEIS.		

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Subject: Recreation		Response #: R-2, Non-Motorized Trails
Letter-Comment #: 5-1	While The DEIS does provide for road closures for non-motorized hunting, there is no provision for areas or trails permanently and specifically for non-motorized recreational opportunities in the DEIS. Without separately designation motorized and non-motorized areas, user conflict will increase between motorized and/or motorized user and will displace non-motorized users,. Thus is in conflict with Executive Order 11644.	
<p>Response: The purpose of this analysis is to designate motor vehicle use; construction of non-motorized trails is outside the scope of this analysis.</p> <p>Zoning types of recreational uses is also outside the scope of travel management planning and is addressed at the land management planning level, such as The Custer National Forest and National Grasslands Land and Resource Management Plan (Forest Plan). The Forest Plan was developed through the long-term resource management planning efforts required by the National Forest Management Act, as amended. This public process set the goals, objectives, and standards for the Forest and provides the basis for management of the Forest's resources. Site-specific efforts such as travel management planning address a component of Forest management, but are not intended to be the more comprehensive planning effort associated with Forest-level land management planning. Site-specific efforts like travel management planning must be consistent with the Forest Plan.</p> <p>The Department of Agriculture produced the 2005 Motorized Travel Rule, which this process follows, to be consistent with Executive Orders 11644 and 11989, and to serve as the means to implement the policy direction contained in those Executive Orders.</p>		

Subject: Recreation		Response #: R-3, No Net Loss
Letter-Comment #: 7-1 and 9-1	The continual loss of motorized recreational opportunities is our primary concern. Because of the significant cumulative effect of motorized closures at this point in time, we feel strongly that there can be “no net loss” of motorized recreational opportunities with the Sioux Ranger District Travel Management Plan.	
<p>Response: Crafting an alternative that resulted in no net loss of motorized opportunities would require construction of new motorized routes to offset routes that cannot be designated (no legal public right-of-way) or are undesirable to designate (human health and safety or resource concerns). Construction of routes is outside the scope of this process.</p>		

Subject: Recreation		Response #: R-4, Motorcycles
Letter-Comment #: 7-5 and 9-5	In order to recognize the different needs and impacts, the evaluation must be differentiated between ATV and motorcycle trails. Figure 2.2 and 2.7 on page 14 of Chapter 2 in the 3-State OHV EIS and Decision clearly shows that existing tracks used by motorcycles are to be considered as motorized trails (http://www.mt.blm.gov/ea/ohv/Chapter2.pdf). The evaluation must consider these routes in order to meet the requirements of the 3-State OHV agreement.	
<p>Response: 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 Ranger District</p>		

Subject: Recreation		Response #: R-5, Value of Road or Trail to Motorized Recreationists
Letter-Comment #: 7-6 and 9-6	The site specific analysis of each road or trail to be closed must address or identify where the public would go to replace the motorized resource proposed for closure. In other words, the analysis must adequately evaluate the site specific value of a road or trail proposed for closure to motorized recreationists.	
<p>Response: The Recreation analysis in Chapter 3 evaluates the direct, indirect, and cumulative effects that changes to the road system will have on opportunities for motorized and non-motorized activities. The analysis does not, and likely could not, identify where individuals may go if a specific route is designated or not designated, because the agency does not currently have this type of information and is unreasonable to try and collect such information.</p> <p>Rather, the analysis indicates, based on the proposed changes, whether more or less opportunities are available under each alternative and how the quantity of opportunities may be affected by other recent actions on areas potentially frequented by recreational users of the District.</p>		

Subject: Recreation		Response #: R-6, Equal Opportunity (50/50)
Letter-Comment #: 7-12 and 9-12	We request that this data be used to guide the decision-making to a preferred alternative that adequately meets the needs of the public by increasing motorized recreational opportunities in the project area....In order to bring equality to the allocation of non-motorized to motorized trails in the Custer National Forest must either convert 136 miles ((288/2)-8) of non-motorized trails to motorized trails or 272 miles (280-8) of new motorized trail must be constructed. The proposed Travel Plan does not adequately address this imbalance.	
Response: Forest Service policy is to provide a range of 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, this suggested approach appears to be arbitrary because it assumes there is equal demand, and does not take into consideration route-specific characteristics such as suitability for motorized/non-motorized types of uses.		

Subject: Recreation		Response #: R-7, Popularity of Motorized Recreation
Letter-Comment #: 7-14 and 9-14	The evaluation must adequately consider the growing popularity of motorized recreation, the aging population and their needs for motorized access, and the increased recreation time that the aging population has and looked forward to enjoying public lands in their motor vehicles.	
Response: The analysis evaluates the effects each alternative will have on motorized and non-motorized opportunities, especially on hunting, the primary recreation activity on the District.		

Subject: Recreation		Response #: R-8, Dual-Purpose Roads
Letter-Comment #: 7-16 and 9-16	We request that a system of dual-purpose roads, and OHV roads and trails that interconnect be one of the primary objectives of the travel management plan and that this objective be adequately addressed in the document and decision.	
Response: This was one of the objectives used in developing both Alternative A and Alternative B. Screens or criteria that were unique to each alternative were used to identify the base set of motorized routes. Then, every route that was suitable for mixed motorized use or motorized trails was designated as such, and designations were reviewed to insure they formed an interconnected network. If needed, adjustments were made to the alternatives to provide connections.		

Subject: Recreation		Response #: R-9, Dual-Purpose Roads
Letter-Comment #: 7-17 and 9-17	We request that all reasonable routes be designated for dual-use so that a system of roads and trails can be used by motorized recreationists.	
Response: This was one of the objectives used in developing both Alternative A and Alternative B. Every route that was suitable for mixed motorized use or motorized trails was designated as such, and thought was given to making sure they were interconnected to form a network. Some areas were not suitable or desirable for motorized mixed use, most notably the Chalk Buttes and the Ekalaka Hills land units. In the Chalk Buttes, the traditional cultural practices in the area, small size of the land unit and limited motorized opportunities made it a poor candidate for a mixed motorized use road/motorized trail network. In the Ekalaka Hills, continuing commercial activity planned for this land unit and the safety concerns associated with mixing unlicensed vehicle operation with commercial vehicles made it a poor candidate for developing a mixed motorized use road/motorized trail network in this land unit.		

Subject: Recreation		Response #: R-10, Visitor Use Data
Letter-Comment #: 7-18 and 9-18	An important note, agency planning staff has overlooked one important aspect of the visitor use data. The visitor use data cited above is based on a percent of the total population. However, the percent of the total population visiting our public lands is a fraction of the total population. Public lands should be managed for those people that actually visit them. We request that this adjustment be made in this evaluation.	
Response: DEIS Page 3-8 stated that NVUM data collected for the Forest was not appropriate for use in this analysis, because the relatively high visitor use on the Beartooth District heavily influenced the NVUM results which are consequently not reflective of the Sioux Ranger District. This information has been included in the FEIS.		

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Subject: Recreation		Response #: R-11, Revised Data
Letter-Comment #: 7-19 and 9-19	Furthermore, we request that the data in the next two tables be updated to reflect the significant reduction in miles of roads and motorized trails that decisions have produced since this data was assembled. This revised data should be used to guide the decision-making to forest plan and travel plan alternatives that adequately meet the needs of the public by increasing motorized recreational opportunities in the national forest system.	
Response: The majority of decisions and projects listed in the table are outside the impact area for cumulative effects defined in the EIS (see FEIS Chapter 3, Recreation, Cumulative Effects Section). The BLM’s Tri-State OHV Decision was added to the list of projects considered in the cumulative effects analysis in response to the above comment.		

Subject: Recreation		Response #: R-12, Ravalli County Off-Road Users
Letter-Comment #: 7-20 and 9-20	The Ravalli County Off-Road Users Association has found that “at the end of 2006, there were approximately 2500 “stickered” OHV’s in Ravalli County. For the past five years, the growth rate of “stickered” OHV’s has been about 20% per year. If this growth rate continues, the number of OHV’s in the forest will double every four years. On the Bitterroot National Forest there have been no new OHV “system” routes designated for OHV travel since 1996. History, experience and common sense tell us that when adequate, responsible, sustainable routes with attractive destinations are provided, OHV enthusiasts will ride responsibly. On the Bitterroot National Forest this means more routes, not more restriction.” The same analysis must be done for the Custer National Forest and it will find the same no growth trend and a lack of an adequate number of existing routes that is further made worse by a lack of new routes to address growth.	
Response: The addition of nearly all of the unauthorized routes to the road and trail system is considered in Alternative A. The construction of new routes, which appears to also be suggested in this comment, is outside the scope of this analysis.		

SOILS

Subject: Soils		Response #: S-1, High Erosion Hazard Rating
Letter-Comment #: 1-1	The DEIS states that Alternative B would include 24 miles of actions that would increase risks to water resources, and shows a net increase in risk in the Bull Creek-Cottonwood Creek, Dry Creek, and Gap Creek watersheds (i.e., more miles with increase in risk than decrease in risk). We note that the Dry Creek watershed with an increase in risk is also shown as a high risk watershed. Alternative B would have 165.5 miles of routes designated for public motorized uses on soils with "severe" erosion hazards, and 155.9 miles on soils "poorly suited" for roads and trails. Forty miles of roads and trails would be on landscapes that have a severe erosion hazard rating (14 miles Public use and 26 miles Administrative use). We do not support the addition of new routes with high risk of erosion and water quality impacts to the road system, especially when road maintenance is already inadequate to address resource impacts from existing roads.	
1-3	However, we still recommend that Alternative B be revised or amended to include further reductions in motorized routes, particularly routes in areas with high hazard (erosive) soils. Table 2-6 indicates that Alternative B would increase water quality risks on 24 miles, and has 166 miles of routes on soils with high/very high erosion hazards. We note that Table 3-21 (page 3-74) showing route miles by moderate and high erosion risk watersheds for alternatives indicates that the preferred alternative would increase erosion hazard risks on 34.2 miles and decrease risk on 125 miles, and Table 3-22 (page 3-75) shows that Alternative B would add 23.9 miles of routes with increased erosion hazard risks. While Alternative B is clearly an improvement over no action and Alternative A, we still recommend additional reductions in motor vehicle route designations for and high/very high hazard soils and reduction of water quality impacts be included in the preferred alternative.	
1-4	We believe it would be appropriate to revise or amend Alternative B to reduce erosion and watershed risks further, particularly reduction of motorized routes on soils with severe erosion hazards and in poorly suited areas and in high hazard watersheds (i.e., Upper and Lower Tie	

Subject: Soils		Response #: S-1, High Erosion Hazard Rating
	Creek, Speelmon Creek, Upper Crooked Creek, Plum Creek, Bull Creek-Campbell Creek, Dry Beaver, Slick Creek, Little Missouri-K-Bar Creek, Russell Creek, Little Missouri-Waterhole Creek), and do not support the net increases in water resources risks in high risk watersheds proposed with Alternative B (i.e., Dry Creek watershed, Table 3-21).	
<p>Response: As stated in Draft EIS (page 3-92) “Soil Map units may contain one or more ratings based on soil components of the map unit. Since the locations of the different components are not mapped, the map unit ratings depict the most severe rating for the soils within the map unit. For example, if one soil component has a moderate rating while another soil component in the same map unit has a slight rating, the map unit was given a moderate rating. In some map units the most severe or limiting rating may comprise the lowest percentage of the map unit, for example in Carter County, on the Sioux District, the Busby-Blacksheep-Twilight fine sandy loams, 8 to 25 percent slopes, map unit 170D, is rated as having severe erosion hazard and is poorly suited to native surface roads, but only 15% of the map unit actually has that rating, while 70% of the unit has a more favorable rating.” These interpretations are a guide to how soils identified in these map units respond to management. In most cases, on site investigation is needed to accurately identify soils and hazard ratings. These ratings are used as a comparison tool between the alternatives. It is highly likely that the miles of routes on high erosion hazard soils is less than that identified. In addition, Alternative B decreases the miles of roads on high erosion hazard soils compared to the No Action Alternative and Alternative A (see table titled <i>Miles of Roads and Trails by Erosion Hazard Rating by Designation for the Three Alternatives for the Sioux Ranger District</i> in the Soils section of the FEIS). It has been determined that these routes are needed to successfully manage National Forest System Lands for public recreation opportunities or for administrative purposes.</p>		

Subject: Soils		Response #: S-2, Sediment Production
Letter-Comment #: 7-10 and 9-10	A sense of magnitude must be used when making decisions about road closures based on indicators such as sediment production. For example, a route should not be closed because it is estimated to produce 10 cubic yards less sediment. The sediment yield must be compared to naturally occurring conditions which includes fires. The recent fires in the Custer National Forest discharged thousands of cubic yards of sediment to the area streams which is more than all of the motorized routes in the project area for the next 100 years.	
<p>Response: It is difficult to determine the exact amount of sediment generated by roads and trails, or the amount of sediment generated as a result of wildfires. The soils analysis does not try to quantify the erosion from roads and trails but describes the hazard of potential erosion and suitability of the soils for natural surface roads and trails. We do recognize that many factors contribute to erosion and sedimentation. Determining which roads and trails are designated for public use, administrative use, and which ones are not designated was based on many factors, not only soils and erosion hazard.</p>		

VEGETATION

Subject: Vegetation		Response #: V-1, Weed
Letter-Comment #: 1-13	Table 3-32 (page 3-108) evidences that Alternative B has the lowest risk of weed invasion, although 149 acres are still shown with risk of weed invasion under Alternative B. We encourage additional limitations of motorized uses to reduce threat of weed spread....Weed free seed forage should be required for backcountry users.	
<p>Response: There is potential for weed spread along motorized routes, just as there is potential for weed spread in some areas that are not disturbed, or areas that could be disturbed by other elements such as wildfire. Although 149 acres were identified in Alternative B as being low density weed infestations within a 400 foot buffer from route centerline, access to dispersed vehicle camping is unlikely due to steep slopes and terrain features. The routes that bisect these areas are annually monitored and treated as necessary. When compared to No Action, Alternative B reduces risk of vehicle related potential weed impacts by 8,468 acres, while Alternative A increases risk of impacts by 3,968 acres. Weeds will continue to be spread as a result of motorized and non-motorized resource management, recreational use, other human activities, wildlife, and natural processes. To reduce the effects of weed spread, the Forest Service will monitor routes for early detection of new weed infestations and treat when they are still small. The impacts of weed management were analyzed in the 2006 Custer National Forest Weed Management EIS and were incorporated into this analysis by reference. Weed free seed forage is required for backcountry users.</p>		

WATER QUALITY

Subject: Water Quality		Response #: WQ-1, High Risk Watershed
<u>Letter-Comment #:</u> 1-1	<p>The DEIS states that Alternative B would include 24 miles of actions that would increase risks to water resources, and shows a net increase in risk in the Bull Creek-Cottonwood Creek, Dry Creek, and Gap Creek watersheds (i.e., more miles with increase in risk than decrease in risk). We note that the Dry Creek watershed with an increase in risk is also shown as a high risk watershed. Alternative B would have 165.5 miles of routes designated for public motorized uses on soils with "severe" erosion hazards, and 155.9 miles on soils "poorly suited" for roads and trails. Forty miles of roads and trails would be on landscapes that have a severe erosion hazard rating (14 miles Public use and 26 miles Administrative use). We do not support the addition of new routes with high risk of erosion and water quality impacts to the road system, especially when road maintenance is already inadequate to address resource impacts from existing roads.</p>	
1-4	<p>We believe it would be appropriate to revise or amend Alternative B to reduce erosion and watershed risks further, particularly reduction of motorized routes on soils with severe erosion hazards and in poorly suited areas and in high hazard watersheds (i.e., Upper and Lower Tie Creek, Speelmon Creek, Upper Crooked Creek, Plum Creek, Bull Creek-Campbell Creek, Dry Beaver, Slick Creek, Little Missouri-K-Bar Creek, Russell Creek, Little Missouri-Waterhole Creek), and do not support the net increases in water resources risks in high risk watersheds proposed with Alternative B (i.e., Dry Creek watershed, Table 3-21).</p>	
<p><u>Response:</u> The water resource affected environment analysis is a broad scale, risk based assessment. Risks to water resources from the existing transportation system are determined at the 6 HUC watershed scale from GIS spatial data concerning stream length, route length and number of stream crossings. Presence of TMDL streams and exceptionally high fire acres and intermittent stream crossings also elevates watershed risk ratings. Direct, indirect or cumulative route risk is based on whether the proposed action for the individual route will increase, decrease or have no effect on risk. Individual route risks have not been evaluated from site specific GIS spatial data or field data as this data has not been generated or collected. Additionally, cumulative impacts of individual routes at the watershed scale have also not been measured on-ground and quantified.</p> <p>The preferred alternative proposes actions that increase net risk to water resources in only seven (24%) of the 29 moderate and high risk watersheds on the District, while actions that decrease net risk are proposed in 20 watersheds (69%). Risk remains unchanged in two watersheds. The reasons for the decrease in risk are due to changing system routes to administrative use only, and not designating some system routes. From a District-wide cumulative summary, the proposed actions could be expected to result in a net reduction in risk along 40 percent of the 513 total route miles evaluated (See Chapter 3, Water Resources).</p>		

Subject: Water Quality		Response #: WQ-2, TMDL
<u>Letter-Comment #:</u> 1-2	<p>The Plan should also be consistent with Total Maximum Daily Loads (TMDLs) and Water Quality Plans that may be developed to restore water quality and beneficial use support in impaired 303(d)-listed waters in the area (e.g., Little Missouri River, Thompson Creek). The Custer National Forest, Sioux Ranger District should coordinate their travel management planning with the Montana DEQ and South Dakota Dept. of Environment and Natural Resources as well as EPA TMDL staff to assure travel plan consistency with TMDLs and water quality restoration plans being prepared by MDEQ.</p>	
1-5	<p>We recommend that the FEIS clarify if any portions of the impaired segments of the Little Missouri River and Thompson Creek are located with the National Forest boundary.</p>	
<p><u>Response:</u> As mentioned in the DEIS, no TMDLs are located within the Forest boundary and only two are located immediately downstream; Little Missouri and South Fork Grand River. TMDLs for the Little Missouri basin in Montana have not yet begun, while the schedule for the SF Grand River is 2011 (total suspended solids) and 2018 (salinity). The Thompson Creek segment you mention is a tributary to the Little Missouri and located far upstream of the District near the Wyoming state line.</p>		

Subject: Water Quality		Response #: WQ-3, Wetlands
Letter-Comment #: 1-9	We did not see much other discussion, however, regarding potential impacts of travel management alternatives on wetlands, and if any impacts occur, how they will be mitigated (i.e., mitigation means sequence of avoidance, minimization, rehabilitation, and compensation for unavoidable impacts). We believe the FEIS should include some disclosure of potential travel management impacts upon wetlands, and if no impacts are expected, at least state that.	
Response: A discussion of wetlands is now included in the FEIS in the Water Quality section under Human Influences, Transportation Systems and Environmental Consequences.		

Subject: Water Quality		Response #: WQ-4, HUC Tables
Letter-Comment #: 4-5	We are pleased that CNF identified riparian areas and water quality as issues for roads and dispersed motorized camping. The watershed and HUC tables were detailed but land unit or location (ie: Slim Buttes) would have been helpful to quickly identify South Dakota watersheds.	
Response: Watersheds are now differentiated by State in the table in the water quality section titled <i>Summary of Watershed Characteristics and Watershed Scale Influences on the District</i> .		

Subject: Water Quality		Response #: WQ-5, Sense of Magnitude
Letter-Comment #: 7-10 and 9-10	A sense of magnitude must be used when making decisions about road closures based on indicators such as sediment production. For example, a route should not be closed because it is estimated to produce 10 cubic yards less sediment. The sediment yield must be compared to naturally occurring conditions which includes fires. The recent fires in the Custer National Forest discharged thousands of cubic yards of sediment to the area streams which is more than all of the motorized routes in the project area for the next 100 years.	
<p>Response: Sediment production from travel routes was not quantified for this analysis due to numerous issues associated with existing sediment models as relayed in the DEIS. Erosion and sediment transport was discussed in both general terms, and in specific terms in relation to various activities.</p> <p>As stated in the DEIS, <i>“Watersheds, undisturbed by human influences, are not static systems. Deep snow packs and heavy spring rains can cause substantial flooding, landslides and instream erosion. Wildfire, wind, or insect and disease mortality can drastically alter the vegetative composition of a watershed. Depending on the extent of mortality and rate of stand decomposition, impacts to stream systems can also be substantial. Beneficial uses, including fisheries habitat, can be negatively affected by these natural events. However, watersheds left undisturbed after natural events, can and do recover rapidly, and ultimately provide conditions that fully support all beneficial uses within a relatively short period of time. These natural disturbances occur infrequently, which allows for significant and generally rapid recovery of hydrologic and erosional processes prior to the next major disturbance event. This results in pulse effects to water resources, which are moderate to high in magnitude, but low in frequency. Within the current climatic regime and prior to significant human influence, stream systems have developed under pulse type disturbances. [The effects from recurring or continual human activities are considered chronic.] Although chronic effects are generally low to moderate in magnitude, they occur with moderate to high frequency. In contrast to pulse effects, chronic effects may not allow for significant recovery of the soil and water resource over time.”</i></p> <p>For this reason, human caused sediment is an issue and Montana Water Quality Law requires that human caused sediment loading to surface waters be minimized for all land management activities. Under ARM 17.30.623 (2) (f) (B1 waters) <i>“No increases are allowed above naturally occurring concentrations of sediment, settleable solids, oils, or floating solids, which will or are likely to create a nuisance or render the waters harmful, detrimental, or injurious to public health, recreation, safety, welfare, livestock, wild animals, birds, fish, or other wildlife.”</i> Naturally occurring is defined in ARM 16.20.603 as: <i>“the water quality condition resulting from runoff or percolation, over which man has no control, or from developed lands where all reasonable land, soil and water conservation practices have been applied”</i>. Reasonable land, soil and water conservation practices are similar to Best Management Practices (BMPs). BMPs are considered reasonable only if beneficial uses are fully supported. (DEIS/FEIS, Water Quality, Affected Environment)</p>		

WILDLIFE

Subject: Wildlife		Response #: WL-1, South Dakota References
Letter-Comment #: 4-1	We suggested in our 2007 comments and reiterate, South Dakota references regarding wildlife and habitat disturbances (while not complete, see list at end of letter). We do not believe that these studies would change the analysis or preferred alternative but knowledge of them could strengthen the DEIS analysis should it be challenged.	
Response: Thank you for your suggested wildlife references for South Dakota. The references have been reviewed and used where appropriate.		

Subject: Wildlife		Response #: WL-2, Road Density
Letter-Comment #: 5-7 and 8-10	In the DEIS the Forest Service is converting a number of roads to trails in the Sioux District regardless of the width or condition of the route. This is confusing the definition of "road" and "trail", and appears to be a convenience to the Forest Service to avoid "road" maintenance; to circumvent its own safety and engineering requirements, to blur the standards and guidelines of road-density as applied to elk security standards or wildlife habitat, or to bypass Executive order 11644 which limits "roads", but not "trails".	
Response: All open, motorized routes except for "administrative use only" were used to calculate open route densities.		

Subject: Wildlife		Response #: WL-3, Separated by at Least 1 mile
Letter-Comment #: 8-5	However, while your proposal disallows parallel roads that are less than .5 mile apart, it would be much better to have all motorized travelways separated by at least 1 mile to provide secure wildlife cover and areas for quiet recreation.	
Response: Parallel open motorized routes were not criteria for wildlife effects analysis. Parallel routes may limit wildlife use in some areas.		

- End of Chapter 5 -