

Chapter 1.

Purpose and Need

Chapter 1. Purpose and Need 1

 1.1 Introduction 1

 1.2 Background 1

 1.3 Purpose and Need 3

 1.3.1 Purpose 3

 1.3.2 Need 3

 1.4 Proposed Action and Revised Proposed Action 4

 1.5 Project Scope 5

 1.6 Decisions to be Made 5

 1.7 Current Management Direction 6

 1.7.1 Salmon National Forest LRMP 6

 1.7.2 Challis National Forest LRMP (1993, Amendment 9, Travel Plan) 10

 1.8 Public Involvement 15

 1.9 Cooperating Agencies 17

 1.10 Issues 17

 1.10.1 Issues Analyzed in Depth 17

 1.10.1 Issues Not Analyzed in Depth 20

 1.11 Legal Requirements and Required Disclosures 24

 1.12 Project Record 30

 1.13 Availability of the Final EIS 31

List of Tables

Table 1-1. Miles of Roads in the Revised Proposed Action 4

Table 1-2. Miles of Motorized Trails in the Revised Proposed Action 4

Table 1-3. Estimate of acreages available for fuelwood gathering. 21

CHAPTER 1. PURPOSE AND NEED

1.1 INTRODUCTION

This Final Environmental Impact Statement (FEIS) was completed to analyze the environmental effects of designating a system of roads, trails, and areas open to public motor vehicle use on the portion of the Salmon-Challis National Forest (SCNF) outside the Frank Church-River of No Return Wilderness (FC-RONRW) (Map 1-1). Two existing Travel Plans, one for the Salmon National Forest and one for the Challis National Forest, provided the basis for this proposal to develop one consistent plan for the SCNF.

This FEIS has been prepared in compliance with the National Environmental Policy Act (NEPA) and other relevant federal and state laws and regulations. The FEIS analyzes and discloses the direct, indirect, and cumulative environmental impacts that would result from approving the Preferred Alternative or one of the alternatives to the plan.

1.2 BACKGROUND

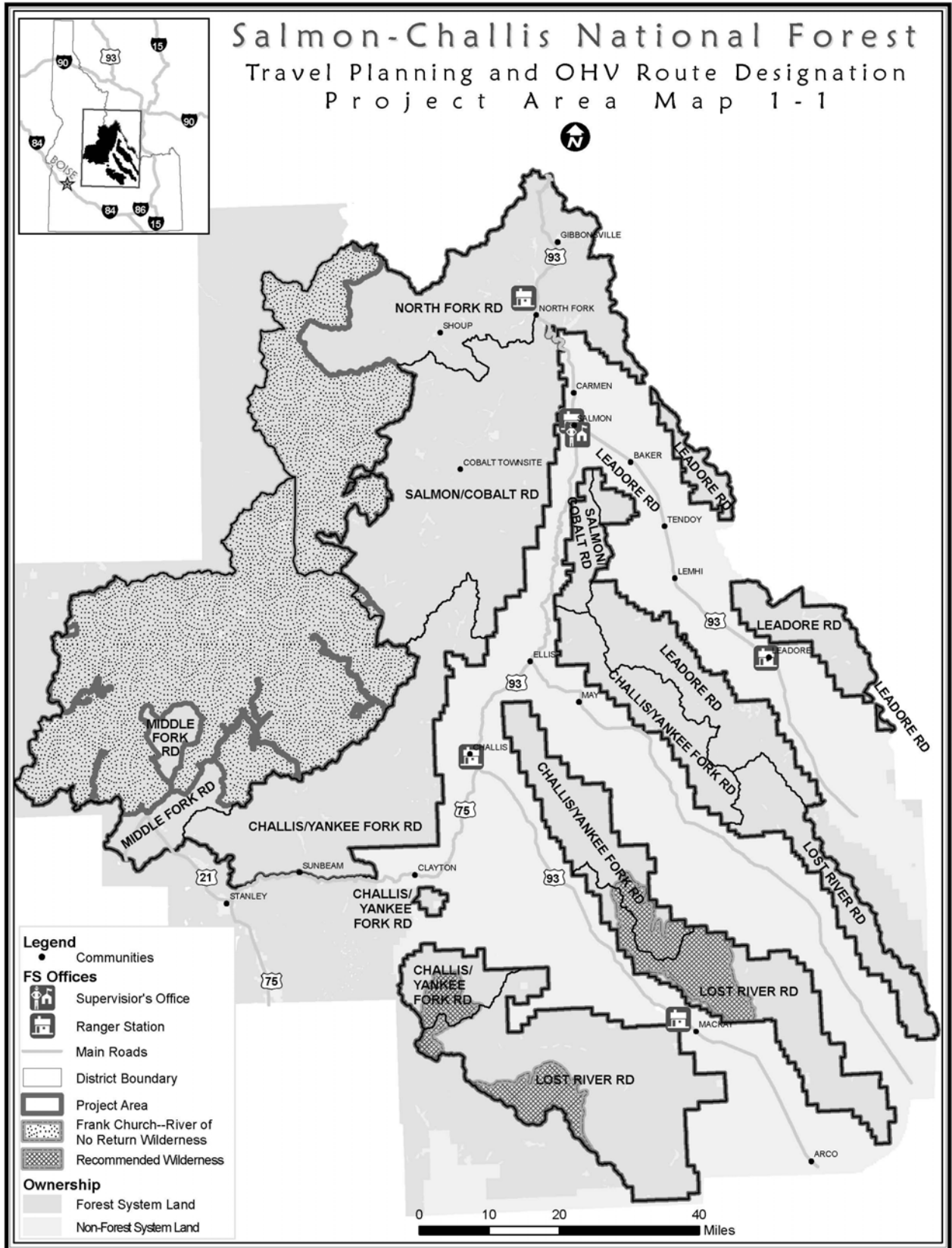
Management of the Salmon-Challis National Forest (SCNF) is guided by individual Land and Resource Management Plans (LRMP), also called Forest Plans, as directed by the National Forest Management Act (NFMA). Regulations implementing the NFMA (1976) require the Regional Forester to revise Forest Plans and provide the basis for revision.

The Salmon National Forest LRMP and a Forest Travel map were completed for the Salmon National Forest in 1988. The current Salmon Forest travel map identifies road and trail opportunities and restrictions, as well as area use opportunities and restrictions. Some areas of the Forest are currently open to motorized cross-country travel, while in other areas, motor vehicle use is restricted to designated roads and trails. Direct ingress and egress is currently allowed for fuelwood gathering and temporary campsites within 300 feet of open designated routes, provided no vegetation is damaged or destroyed and no streams or wet meadows are crossed.

The Challis National Forest LRMP was completed in 1987. Motorized vehicle management was identified as a major public concern during the planning process for the Challis LRMP. The Challis LRMP was appealed by three organizations regarding off-road vehicle management decisions. In the resolution of these Forest Plan appeals, agreements were reached with the appellants whereby the Forest agreed to develop and implement an updated and site-specific Forest Travel Plan.

Between 1990 and 1992, the Challis National Forest developed and analyzed an updated plan. The decision for the 1992 Travel Plan was also appealed and the decision was reversed by the Regional Forester. The reason for reversal was based on the appeal point that the Forest failed to adequately evaluate the impacts on threatened, endangered, or sensitive species; specifically fish.

An environmental analysis and subsequent Travel Plan map were completed for the Challis National Forest in 1994. These maps provide visitors with information on roads, trails, and areas open for travel on the Challis NF portion of the SCNF. The current Challis Forest Travel Plan map also identifies road and trail opportunities and restrictions, as well as area use opportunities and restrictions. Some areas of the Forest are currently open to motorized cross-country travel, while in other areas motor vehicle travel is restricted to designated roads and trails. Motor vehicle use is allowed within 300 feet off designated routes to access dispersed campsites, retrieve game, and gather fuelwood.



National direction for travel management, specifically off-road use of motor vehicles on federal lands, is provided by Executive Order (E.O.) 11644 (February 8, 1972) as amended by E.O. 11989 (May 24, 1977). Forest Service rules at Title 36, Code of Federal Regulations, Part 295 codify the requirements in E.O. 11644 and E.O. 11989. Regulations regarding travel management on National Forest System (NFS) lands were recently modified (36 CFR Parts 212, 251, 261, 295 *Travel Management; Designated Routes and Areas for Motor Vehicle Use*, Federal Register 2005: 70 FR 68264).

In 2005, the Travel Management Rule was published in the Federal Register. This final rule requires designation of those roads, trails, and areas that are open to motor vehicle use. Designations will be made by class of vehicle and, if appropriate, by time of year. The Travel Management Rule would prohibit the use of motor vehicles off the designated system, as well as use of motor vehicles on routes and in areas that is not consistent with the designations. The clear identification of roads, trails, and areas for motor vehicle use on each National Forest will enhance management of NFS lands, sustain natural resource values through more effective management of motor vehicle use, enhance opportunities for motorized recreation experiences on NFS lands, address needs for access to NFS lands, and preserve areas of opportunity on each National Forest for non-motorized travel and experiences. The Travel Management Rule is consistent with provisions of E.O. 11644 and E.O. 11989 regarding off-road use of motor vehicles on federal lands.

1.3 PURPOSE AND NEED

This section provides the framework for the proposal and identifies the purpose and need for action. Federal agencies propose actions to address a need for change from an undesirable existing condition to a more desirable condition on the ground. The need may stem from law, regulation, or policy; public desires; resource needs; or professional judgment. The purpose identifies the scope of activities used to address the need and also serves to guide the range of alternatives and help the decision-maker focus on concerns relevant to the decision.

1.3.1 PURPOSE

The purpose of this action identified by the Salmon-Challis National Forest Supervisor is to designate a system of roads, trails, and areas open for public motor vehicle use that addresses current and anticipated recreation needs, provides a variety of recreation access opportunities, considers management concerns (such as public safety, maintenance costs, and consistency with adjoining public lands), reduces impacts to forest resources, recognizes reserved or outstanding rights, and reduces conflicts between recreational uses on the SCNF.

1.3.2 NEED

The need for this action is to meet national direction published in the Federal Register, 36 CFR Parts 212, 251, 261, 295 *Travel Management; Designated Routes and Areas for Motor Vehicle Use* (Federal Register 2005: 70 FR 68264) (Travel Management Rule). This rule requires designation of those roads, trails, and areas open to motor vehicle use on Forest System Lands. The rule prohibits the use of motor vehicles off the designated system, as well as use of motor vehicles on routes and in areas that are not consistent with the designation. The Travel Management Rule does not require that over-snow vehicles (such as snowmobiles) are limited to a designated system by exempting them under 212.51, but states in 212.81 that “use by over-snow vehicles...on NFS lands may be allowed, restricted, or prohibited.” The SCNF chooses not to include over-snow vehicles in this analysis, and current management direction for over-snow vehicle use would be retained.

The Travel Management Rule provides a consistent framework for motor vehicle use on all NFS lands. Once designation is complete, and the motor vehicle use map (MVUM) is published, the rule prohibits

use of motor vehicles inconsistent with those designations. The Travel Management Rule also provides better opportunities for sustainable motorized recreation, better protection of the environment, increased public safety, and reasonable access to the National Forest System.

The designation of routes for motor vehicle use is required to comply with the national framework as well as direction specified in both the Salmon National Forest LRMP and the Challis National Forest LRMP.

1.4 PROPOSED ACTION AND REVISED PROPOSED ACTION

The proposed action described in the Notice of Intent (NOI) and published in the Federal register on August 3, 2007, stated: “The proposed action identifies approximately 3,400 miles of roads designated for motorized public use and about 1,100 miles of motorized trails. This proposal would prohibit all motorized cross-country travel and close all roads, trails, and routes not specifically designated for motorized public use. Off-route access would be permitted for 300 feet on either side of designated motorized routes, except the Salmon River Road (FR #60030) to accommodate access to and from dispersed campsites only.

Along the Salmon River Road (FR #60030), camping with the use of a motor vehicle (e.g. car, motor-home, truck and camp trailer, camper, off-highway vehicle, or motorcycle) is only allowed in designated dispersed camping areas and designated pull-outs identified on the MVUM. Day-use parking is allowed along the Salmon River Road, but overnight parking is not allowed.

Motor vehicle use for big game retrieval off of designated roads or designated motorized trails would not be allowed. Motor vehicle use beyond those limits would be subject to citations and fines by law enforcement.

Many public comments requesting better quality and more accurate proposed action maps were received after the NOI was published and maps and tables of proposed designated routes were posted on the SCNF website in August of 2007. During the fall and winter of 2007-2008 Geographic Information Systems (GIS) and associated databases were upgraded and refined to improve the quality and accuracy of the maps and information needed for detailed analysis. As a result, errors in the mileages of roads and motorized trails and inconsistencies with direction in the Forest Plans were discovered.

A revised NOI was published in the Federal Register on May 30, 2008. The mileage figures disclosed in the revised NOI were intended to reflect the correct mileages of roads and motorized trails generated from improved mapping and resolution of forest plan inconsistencies of routes proposed for designation in the original proposed action; however, the mileages reported in the Revised NOI were not correct. The revised NOI stated that there are 2,300 miles of roads and 900 miles of motorized trails. The actual miles of roads and motorized trails are 2,670 miles of roads and 838 miles of motorized trails. These are displayed in the table below.

Table 1-1. Miles of Roads in the Revised Proposed Action.

Roads	
Miles of road open yearlong	2413
Miles of road open seasonally	257
Total miles of road	2,670

Table 1-2. Miles of Motorized Trails in the Revised Proposed Action.

Motorized Trails	
Miles of motorized trails open to all vehicles yearlong	110
Miles of motorized trails open to all vehicles seasonally	41

Motorized Trails	
Miles of motorized trails open to All Terrain Vehicles (ATV) and two-wheeled vehicles yearlong	230
Miles of motorized trails open to ATV and two-wheeled vehicles seasonally	18
Miles of motorized trails closed to ATV and open to two-wheeled vehicles yearlong	354
Miles of motorized trails closed to ATV and open to two-wheeled vehicles seasonally	85
Total miles of motorized trails	838

A complete description of the Revised Proposed Action, including Project Design Features (PDFs), management requirements, and monitoring was provided in the DEIS. The Revised Proposed Action was the starting point for developing Alternative 5, the Preferred Alternative, which is described in Chapter 2 of this document. The differences between the Revised Proposed Action and the Preferred Alternative are explained in Appendix E.

1.5 PROJECT SCOPE

The geographic scope of the project is the Salmon-Challis National Forest excluding the Frank Church-River of No Return Wilderness, which is congressionally designated as non-motorized. The project area totals 3,120,243 acres of NFS lands. The project area lies in Lemhi, Custer, and Butte counties. The project area does not include Bureau of Land Management lands, lands owned by the State of Idaho, or private lands.

Roads and trails under the jurisdiction of other entities (such as counties) are not analyzed in this document, but are shown on maps of the alternatives to display how routes are connected on the landscape.

Previous travel decisions made through site-specific project analyses are considered part of the existing travel plans.

The administrative scope includes analysis of existing designated NFS roads and trails, and unauthorized routes proposed for designation by the public or Forest Service officials and resource specialists. Specifics of the administrative scope of the proposed action are described below under “Decisions to be Made.”

1.6 DECISIONS TO BE MADE

The Salmon-Challis National Forest Supervisor, the responsible official for this project, has determined that preparation of an EIS is required for a decision on the proposed plan under Council on Environmental Quality (CEQ) regulations implementing the National Environmental Policy Act (NEPA) (40 CFR 1500-1508).

Given the purpose and need, the Forest Supervisor will review the Preferred Alternative and other alternatives analyzed in this FEIS, and consider the environmental consequences of all alternatives to make the following decisions for motor vehicle use on the SCNF:

1. Which roads, trails, and areas to include or eliminate from the two existing Travel Plans.
2. Which unauthorized routes, if any, to add to the designated system as roads or motorized trails.
3. The type of uses and seasonal open periods allowed on these roads, trails, and areas.
4. The design features necessary to minimize adverse environmental impacts associated with changes in travel management designations.
5. How management parameters (such as safety and cost) should be balanced with recreation opportunities.

6. Monitoring to be included to evaluate project implementation.
7. Whether to approve modifications to the Salmon National Forest LRMP and amendments to the Challis National Forest LRMP. Complete descriptions of the proposed modifications and amendments are described in Chapter 2, Section 2.3.1

1.7 CURRENT MANAGEMENT DIRECTION

As stated previously, the designation of motor vehicle routes is required to comply with the national framework for travel management as well as direction specified in both the Salmon National Forest LRMP (USDA FS 1988) and the Challis National Forest LRMP (USDA FS 1987). Both Forest Plans establish long-term management direction for the entire SCNF and provide some direction for travel planning.

General forest management direction is found in Chapter IV of both the Salmon National Forest LRMP and Challis National Forest LRMP. The Forest Plans also provide Forest-wide goals, objectives, and standards for subunits of the Forests called Management Areas (MA).

The following paragraphs highlight Forest-wide goals, objectives and standards, and MA goals and standards that are relevant to the Preferred Alternative discussed in this FEIS.

1.7.1 SALMON NATIONAL FOREST LRMP

No Forest-wide goals and objectives that specifically pertain to motorized recreation are identified in the LRMP.

Forest-wide Direction

The management requirements in this section set the baseline conditions that must be maintained throughout the Forest in carrying out the Forest Plan. They establish the environmental quality requirements, renewable and depletable resource requirements, and mitigating measures that apply to the Forest. Any necessary additions to these requirements are included in the management requirements for the individual management areas. The management requirements listed in the specific Management Area Direction Section supplement those in this section. Substantive changes which alter the intent of these management requirements may not be made without amending or revising the Forest Plan. Editorial and other minor modifications to these management requirements which do not alter their intent may be made without amending or revising the Forest Plan.

Management requirements are presented as: Management Activities, General Direction Statements, and Standards and Guidelines (Salmon LRMP IV-4)

Management Activity: Dispersed Recreation Management

General Direction: Manage off-road vehicle use to prevent unacceptable resource impacts or damage.

Standards and Guidelines:

- a. Display off-road vehicle restrictions in the Forest Travel Plan.
- b. Update the Forest Travel Plan as needed.

Management Activity: Transportation System Management

General Direction: Classify areas as to whether off-road vehicle use is permitted.

General Direction: Close all newly constructed roads to public motorized use unless documented analysis shows:

- A. Use is compatible with resource management objectives established for the area;

- B. They are located in areas open to motorized use;
- C. They provide use safety;
- D. They serve an identified public need; and,
- E. Financing is available for maintenance or coop-maintenance can be arranged.

Standards and Guidelines:

- a. Specify off-road vehicle restrictions based on ORV use management and display in the Forest Travel Plan.

General Direction: Manage road use by seasonal closure if:

- A. Use causes unacceptable damage to soil and water resources due to weather or seasonal conditions;
- B. Use conflicts with the ROS class established for the area;
- C. Use causes unacceptable wildlife conflict or habitat degradation;
- D. Use results in unsafe conditions due to weather conditions;
- E. They serve a seasonal public or administration need; or, area accessed has seasonal need for protection or nonuse.

Standards and Guidelines:

- a. Use the *R-4 Technical Guide to Erosion Control on Timber Sales* as a guide for transportation systems, erosion prevention and control measures.

General Direction: Keep existing roads open to public motorized use unless:

- A. Financing is not available to maintain the facility or manage the associated use of adjacent lands;
- B. Use causes unacceptable damage to soil and water resources;
- C. Use conflicts with other resource objectives for the area;
- D. They are located in areas closed to motorized use and are not "designated routes" in the Forest Travel Management Direction.

Standards and Guidelines:

- Same as "a" above. (Use the *R-4 Technical Guide to Erosion Control on Timber Sales* as a guide for transportation systems, erosion prevention and control measures).
- 5. Use results in unsafe conditions unrelated to weather conditions; or, there is little or no public need for them. When a "closed" road is "opened" to facilitate a specific management activity, it would be Forest policy to open the road to the general public if doing so is compatible with resource objectives. However, when opening the road to the general public is not desirable the procedures outlined in Standards and Guidelines a. and b. (identified below) will be followed.

Standards and Guidelines:

- a. If a road closure gate exists, and if it poses no unusual traffic problems, the gate will be kept locked, except when authorized traffic is passing through. If it is not feasible to use a gate, the road will be signed as open for permitted traffic only.
- b. A permit to use the road will be issued by the District Ranger, subject to the following conditions:
 - The user will furnish the Ranger with a list of people and equipment which will be working on the "closed" road.
 - The Ranger will issue a permit for the listed individuals and equipment to use the "closed" road for management activities only.
 - The permit will specifically prohibit: using vehicles to transport firearms and/or game animals during big game hunting season; and using vehicles to transport people, equipment and/or supplies for the purposes of hunting and/or transporting game animals.

Management Area Direction

The title of the management area prescriptions describe the specific management emphasis that will take place on the area of land covered by the prescription. The prescriptions are not single use prescriptions, but are multi-functional; that is, they describe how all the various resources of the forest will be managed under any particular prescription. Where a specific prescription is silent about how a particular resource is to be managed, then that resource will be managed according to the standards and guidelines in the Forest-wide Direction (Salmon NF LRMP, Chapter IV-B).

MANAGEMENT PRESCRIPTION 2A
-146.216 Acres-
(Emphasis is on dispersed recreation opportunities.)
Allowing Motorized Vehicle Use

MANAGEMENT ACTIVITIES	GENERAL REQUIREMENTS	STANDARDS & GUIDELINES
Dispersed Recreation Management	1. Emphasize semi-primitive motorized recreation opportunities. Provide opportunities for primitive road and trail use. Specific land areas or travel routes may be closed seasonally or year-round for compatibility with adjacent area management, to prevent resource damage, for economic reasons, to prevent conflicts of use, and for user safety. Experience level and motorized vehicle use will be managed to be compatible with big game population objectives. 2. Manage use to allow low to moderate contact with other groups and individuals. 3. Facilities provided may include development level 1 and 2 campgrounds, trails suitable for motorized trailbike use, local roads with primitive surface and parking lots at trailheads. Provide signing compatible with intended use.	a. Maintain big game habitat capability at 80% or more of potential. b. Specify off-road vehicle restrictions based on ORV use management and display in the Forest Travel Plan. a. Maximum use and capacity levels are: Trail and camp encounters during peak use days are less than 25 other parties per day.
Trail System Maintenance and Operation	1. Maintain existing motorized routes or construct new routes needed as part of the transportation system. Provide loop routes of 1/2 to one day's travel time with at least 1/2 the total route located within the semi-primitive motorized ROS class and utilizing primitive local roads and/or trails suitable- for motorized trail bike travel.	a. Do not exceed an average motorized trail corridor density of 4 miles per square mile on fourth order watersheds. b. Do not exceed an average motorized trail corridor density of 2 miles per square miles in non-forested areas of fourth-order watersheds.

MANAGEMENT PRESCRIPTION 2A-I
-119.472 Acres-
(Emphasis is on dispersed recreation opportunities.)
Allowing Motorized Use on Designated Routes

MANAGEMENT ACTIVITIES	GENERAL ACTIVITIES	STANDARDS & GUIDELINES
Dispersed Recreation Management	3. Facilities provided may include development level 1 and 2 campgrounds, trails suitable for motorized trailbike use, local roads with primitive surface and parking lots at trailheads. Provide signing compatible with intended use.	a. Maximum use and capacity levels are: Trail and camp encounters during peak use days are less than 25 other parties per day.
Trail System Maintenance and Operation	1. Maintain existing motorized routes or construct new routes needed as part of the transportation system. Provide loop routes of 1/2 to one day's travel time with at least 1/2 the total route located within the semi-primitive motorized ROS class and utilizing primitive local roads and/or trails suitable- for motorized trail bike travel.	a. Do not exceed an average motorized trail corridor density of 4 miles per square mile on fourth order watersheds. b. Do not exceed an average motorized trail corridor density of 2 miles per square miles in non-forested areas of fourth-order watersheds.

MANAGEMENT PRESCRIPTION 2B
-72.581 Acres-
(Emphasis is on Dispersed Recreation Opportunities)
Without Motor Vehicle Use

MANAGEMENT ACTIVITIES	GENERAL ACTIVITIES	STANDARDS & GUIDELINES
Dispersed Recreation Management	1. Emphasize semi-primitive non-motorized recreation opportunities. Specific land areas or travel routes may be opened seasonally and with specific authorization to accomplish resource management activities. The area is never open for motorized recreation activities except for snowmobiles operating on snow when such use is compatible with the overall recreation and wildlife management objectives. 2. Manage use to allow low to moderate contact with other groups and individuals. 3. Provide facilities such as foot, bicycle, and horse trails, single lane local intermittent roads with primitive surface used as trails, development Levels 1 and 2 campgrounds, and necessary signing.	a. Prohibit or restrict motorized vehicle use. b. Specify off-road vehicle restrictions based on <i>ORV</i> use management and display in the Forest Travel Plan. a. Maximum use and capacity: - Trail and camp encounters during peak use days are less than 25 other parties per day.

MANAGEMENT PRESCRIPTION 3A
-328.545 Acres-
(Emphasis is on aquatic habitat management for anadromous fish species)

MANAGEMENT ACTIVITIES	GENERAL REQUIREMENTS	STANDARDS & GUIDELINES
Dispersed Recreation Management	1. Semi-primitive non-motorized semi-primitive motorized and roaded natural recreation opportunities can be provided.	a. Specify off-road vehicle restrictions based on <i>ORV</i> use management and display in the Forest Travel Plan.

MANAGEMENT PRESCRIPTION 5A HIGH TM (BASE TM)

-97.813 Acres-

(Emphasis is a high level of commercial sawtimber output and high investments in timber management)

MANAGEMENT ACTIVITIES	GENERAL REQUIREMENTS	STANDARDS & GUIDELINES
Dispersed Recreation Management	1. Semi-primitive non-motorized semi-primitive motorized and roaded natural recreation opportunities can be provided; however, the dominant experience will be roaded natural.	a. Specify off-road vehicle restrictions based on ORV use management and display in the Forest Travel Plan.

MANAGEMENT PRESCRIPTION 8A

-71.601 Acres-

(Emphasis is on maintaining or improving rangeland in satisfactory condition.)

MANAGEMENT ACTIVITIES	GENERAL REQUIREMENTS	STANDARDS & GUIDELINES
Dispersed Recreation Management	1. Semi-primitive non-motorized, semi-primitive motorized, and roaded natural recreation opportunities can be provided.	a. Specify off-road vehicle restrictions based on ORV use management and display in the Forest Travel Plan.

1.7.2 CHALLIS NATIONAL FOREST LRMP (1993, AMENDMENT 9, TRAVEL PLAN)

Forest-wide goals and objectives that pertain to motorized recreation and road management are:

Recreation Goal 3: Provide a broad spectrum of dispersed recreation opportunities.

Objective 2: Review the Challis National Forest Travel Plan annually.

Facilities Goal 2: A road management program will be followed to ensure a safe, economical, functional, and environmentally sound transportation system that serves the resource management needs of the Forest.

Objective 4: Review Challis National Forest Travel Plan annually.

Forest-wide Direction

This section deals with management standards and guidelines which apply to all Management Areas of the Challis National Forest. The standards and guidelines either state the bounds or limits within which all practices will be carried out in achieving the planned objectives, or they give an indication or outline of policy to be applied.

Reference to Regional Standards and Guidelines display a tiering process which the Forest operates under. Regional Standards are followed or adapted to the approved Forest-wide standards, which then can be adapted to the approved Management Area Standards.

1. Recreation

a. Developed Sites

3) Where demand exists, and use is compatible with surroundings, developed campgrounds will accommodate recreation stock or ORVs. Unloading ramps, hitch racks, etc., will be provided.

b. Dispersed Sites

4) ORV closures should be adequately signed.

d. Proposed Wilderness

- 1) Continue existing ORV closures or expand closures where needed to allow adverse impacts from ORVs to heal. May allow ORV use to continue on the following roads and/or trails:
 - a. Toolbox-Herd Peak Trail #051 - Between the ridgetop at the head of Toolbox Canyon, to Herd Peak - on the two short segments of this trail which dip into the proposed wilderness area; two-wheeled motorized and mechanized vehicles only.
 - b. Wildhorse Road #136 - From proposed wilderness boundary (1/4 mile above Wildhorse Campground) to end of current road; no vehicle size restrictions.
 - c. Long Lost Creek Road #434 - From proposed wilderness boundary to trailhead for Long Lost Trail #194; no vehicle size restrictions.
 - d. Long Lost Trail #194 - From Long Lost Creek Road #434 to end of trail; two-wheel, motorized and mechanized vehicles only.
 - e. Swauger Lakes Trail #091 - From Long Lost Creek Road #434 to Dry Creek Trail #240; two-wheel, motorized and mechanized vehicles only.
 - f. Long Lost-Wet Creek Trail #245 - From Long Lost Trail #194 to Shadow Lakes; two-wheel, motorized and mechanized vehicles only.
 - g. Bear-Wet Creek Trail #092 - That portion of the trail which is in the Borah Peak proposed wilderness; two-wheel, motorized and mechanized vehicles permitted from July 1st to Sept. 30th only.
 - h. Sawmill Gulch Road #411 - From proposed wilderness boundary to existing mine; no vehicle size restrictions.

f. Off-Road Vehicles

- 1) Annually inventory high use ORV areas on the Forest, identifying areas of watershed damage.
- 2) Mitigate and/or rehabilitate past and present ORV damaged areas.
- 3) Initiate and enforce ORV restrictions and/or closures within areas where watershed damage is occurring, or where ORV use seriously impacts other resources, i.e., wildlife.
- 4) Positive signing will be installed to explain what travel opportunities are available and the reasons for, and an explanation of, any closures and/or restrictions. Signing will be intended to provide users with an understanding of resource concerns and compliance restrictions.
- 5) Designate unrestricted ORV use areas, specific ORV travel routes, and promote public awareness and utilization through the Travel Plan.
- 6) Program ORV improvement needs as prescribed within the Watershed Condition Inventory.
- 7) Treat, revegetate, and close (include various degrees of obliteration) all roads which are causing, or will cause, serious resource problems(s) and/or extensive user conflicts. Refer to the current Watershed Condition Inventory.
- 8) Relocate ORV crossings in riparian areas where damage is occurring to avoid stream bank and channel damage.
- 9) Discourage ORV use on wetlands and riparian areas.
- 10) Initiate ORV restrictions at trailheads whenever possible.
- 11) Annually review and update, as needed, the Forest Travel Plan.

12) All recommended wilderness will be closed to motorized and mechanized use, except as noted under the Forest-wide standards and guidelines for "Proposed Wilderness).

13) Proposed ORV trail systems will be evaluated by watershed specialists, prior to construction.

14) On NFS lands where travel (motorized and/or mechanized) is restricted to designated routes only, off-route travel is limited to within 300 feet either side of the designated routes and for the purposes of access to camping sites, retrieval of big game carcasses, or for fuelwood gathering; unless otherwise authorized by a properly executed Forest Service permit.

15) The Forest Travel Plan will be displayed on a map designed to be easily understood by the public.

2. Wildlife and Fish

i. Where ORV is causing serious conflicts with big game use of winter habitat the areas will be closed to ORV use.

10. Facilities

c. Road Management

1) The Forest Transportation Plan will be the basis for maintenance.

2) Selected roads may be closed seasonally or year-long to prevent resource damage/conflicts, reduce maintenance costs, and meet management goals.

3) Planned roads will not be surveyed for design until appropriate environmental documentation for the project is completed.

4) Treat, revegetate, and close (including obliteration where needed) all roads for which there is no present or foreseeable use, or which are causing, or will cause, significant resource problem(s), and/or extensive user conflicts, if left without attention.

5) Assign a maintenance level which will protect resources from significant damage, and the public from hazards. When road maintenance falls below the lowest acceptable level, review management alternatives, including road closure(s).

6) Road closures will be properly signed at the point of closure and at appropriate locations to give advance warning of the closure such as at junctions or turn-around areas. Signing should provide reasons for closure and recognize agencies which may be involved in the closure issue, such as the Idaho Department of Fish and Game. All road closures will be preceded by appropriate news releases and will be enforced.

8) The Forest Travel Plan will be reviewed annually and updated as needed with public input and coordinated closely with cooperating agencies.

Management Area Direction

Mgmt. Area	Practices	Management Direction	Standards and Guides
# 3 Marsh Creek	Recreation	Develop ORV Plan for specific areas. Eliminate non-winter travel from wet meadows. Establish open road density figures to use in ORV Plan.	Review ORV plans annually. Modify plan as need to reduce or eliminate impacts on surface resources.
# 4 Valley Creek	Recreation	Develop ORV Plan in conjunction with Cape Horn Mgmt. Area # 3	
# 5 Basin Creek	Recreation	Provide for a variety of ORV uses. ORV Plan to establish open-road density to be maintained in area	Evaluate ORV plan by 1996. Review Plan annually.
#6 Yankee Fork	Recreation	Emphasize compliance with regulations because of high use within the area. Provide for ORV trail use in the area. Provide trail access at level of use the public requires.	Reconstruct West Fork Trailhead by 1996.
# 7 East Fork	Recreation	Retain ORV closures in proposed wilderness areas.	
#8 Thompson Cr.	Recreation	Emphasize dispersed recreation	
#9 Squaw Creek	Recreation	Provide for a variety of ORV uses. Evaluate type of, and demand for, trailheads at Cinnabar, Martin, Treator, and Squaw Creek Trails.	Develop ORV Plan by 1996. ORV Plan to establish open-road density to be maintained in area. Evaluate need by 1996.
#10 Bayhorse	Recreation Soil and Water (Lands)	Provide sites as demand warrants within limits of available resources. Provide needed input to resource distributing activities. Emphasis will be given to mineral activities and Off-Road Vehicle damage. (Obtain needed rights-of-way for Road #40051 and Trail #4206.)	Revise ORV Plan by 1996. Acquire needed right-of-way for existing roads and trails by 2004. Set priority by 1996.
#11 Pioneer Mtns.	Recreation Wildlife and Fish	Close existing designated routes within the proposed wilderness to ORV Inventory trails, trail-heads, including cross-country ski trails and snow machine trails. Provide for a variety of trail use, i.e. motorized and non-motorized uses. ^{2/} Emphasize protection and management of moose, elk, and mule deer reproduction area. Place special emphasis on riparian	Complete by 2000. See District Trail Management Plan. Maintain site to standards, emphasize most heavily used sites and trails.

Mgmt. Area	Practices	Management Direction	Standards and Guides
		<p>areas and in close coordination with range, road-building, and ORV use.^{2/}</p> <p>^{2/}Management direction applies to that portion of the Management Area outside of the proposed wilderness.</p>	
#12 Arco Hills	Recreation	<p>Construct Bighorn ORV trail when state funds are available</p> <p>Inventory area for potential ORV Trails.</p>	Complete inventory year 2000
#13 Garden Cr.	Recreation	Enforce length of stay limit in dispersed campgrounds along Garden Creek.	
#14 So. Lemhi	Recreation	Maintain existing ORV closure in Uncle Ike Creek, along with physical barriers in mining road.	
#15 South Lost River	Recreation	<p>Construct Bighorn ORV Trail when State funds are available.</p> <p>Inventory area for potential ORV trails.</p>	Complete inventory by year 2000
#16 Borah Peak	Recreation	<p>Close proposed wilderness to ORVs to allow past impacts from ORVs to revert back to natural conditions</p> <p>Work with BLM to close Dry Creek Road above old dam. Make it a trail.</p> <p>Close Carlson Lake Basin to 4-wheel Drive vehicle use. Improve road from Horse Heaven Pass to Carlson Lake.^{2/} Consider relocation of access road on East side of Loristica Organizational Camp.^{2/}</p> <p>^{2/}Management direction applies to the portion of the Management Area outside of the proposed wilderness</p>	By 1990
# 17 Pahsimeroi Mountains	Wildlife and Fish	Cooperate with Idaho Department of Fish and Game, and BLM on approved ORV closures around Willow Creek Summit. Include adjacent National Forest System Lands in closure.	
#18 Mackay Front	Recreation	<p>Evaluate closure of Flat Top to motorized vehicle use from 5/1 to 12/15 annually.</p> <p>Inventory existing trails for condition and service to public.</p> <p>Maintain trails for health and safety of users. Provide for a variety of uses, i.e., motorized and non-motorized. Reference annual District Trail Plan.</p>	<p>Revise ORV plan by 1988.</p> <p>Complete by 2000.</p>
#19 North	Lands	(Obtain needed rights-of-way.	

Mgmt. Area	Practices	Management Direction	Standards and Guides
Pahsimeroi		Lime Creek Road No. 40010 through private land is top priority).	
#20 North Lemhi	Recreation	Develop Trail Management Plan.	
#21 Challis Creek	Recreation Wildlife and Fish	Develop Trail Management Plan. Resolve conflicts between big game And ORV use.	
#22 Sawmill Canyon	Recreation	Evaluate trail systems. Prepare trail transportation maintenance plan. Continue cooperative maintenance agreement with ORV organizations.	Complete trail transportation plan by 1995
#24 Corridors	Recreation	Manage the Boundary Creek corridor and Loon Creek area for a roaded natural recreation experience. Manage all other corridors for a Semi-primitive, motorized, recreation experience.	
#25 Antelope Cr.	Recreation	Maintain existing ORV closures.	

1.8 PUBLIC INVOLVEMENT

Newspaper articles and press releases about the travel planning effort have been published in local and regional papers since spring of 2006, including The Recorder Herald (Salmon), The Post Register (Idaho Falls), The Challis Messenger (Challis), The Idaho State Journal (Pocatello), The Idaho Statesman (Boise), The Arco Advertiser (Arco), The Wood River Journal (Hailey), The Mountain Express (Ketchum), The Rexburg Standard-Journal (Rexburg), all in Idaho, and The Ravalli Republic (Hamilton, MT) and The Dillon Tribune (Dillon, MT).

Proposed Action

Public involvement for this project began in May 2006 when public meetings and field trips were held in Salmon, Challis, Mackay, and North Fork. A Notice of Intent (NOI) was published in the Federal Register on August 3, 2007. Public comment was taken for 95 days through November 14, 2007. Many comments were received, including 201 public comment forms, 50 letters, and 9,069 e-mails. Scoping letters were sent to 651 individuals, groups, agencies and tribes. The project first appeared in the Forest's Schedule of Proposed Actions in July 2007.

The Forest completed content analysis of 316 unique responses (letters, e-mails, forms filled out at public meetings, and notes on maps), received from hundreds of individuals and 16 organizations during the pre-NEPA period May 2006 to March 2007 and during the NEPA scoping period that began August 3, 2007. Most comments were from Idaho residents, but comments were also received from people in 10 other states. The responses contained 1,952 comments that were used to develop 91 public concern statements. The public concern statements were used by the Forest Leadership Team and the Travel Planning Interdisciplinary Team to identify issues. Significant issues were used to generate two new alternatives to the Proposed Action. Documents detailing the review of public comments and how the agency incorporated the comments into new alternative design are available in the Project Record.

Public meetings were held in February, March, August, September and October of 2007, in Salmon, Challis, Leadore, Mackay, Stanley, Idaho Falls, and Blackfoot. Informational meetings were held at the request of some stakeholders during the scoping phase of the project.

The project (including the Proposed Action, maps, press releases, and additional information) was posted on August 13, 2007 on the SCNF website at <http://www.fs.fed.us/r4/s-c>. The Proposed Action maps, narratives, and summaries were available for review at Forest Service offices in North Fork, Challis, Leadore, Mackay and Salmon.

Scoping letters were sent to three Tribal Nations: the Shoshone-Bannock Tribes, the Nez Perce Tribes, and the Shoshone-Paiute Tribes. Formal government-to-government consultation on this project has occurred with the Shoshone-Bannock Tribe, including staff correspondence and tribal council briefings.

Revised Proposed Action

Many public requests for better quality and more accurate proposed action maps were received in response to the information posted on the SCNF website in August 2007. During the fall and winter of 2007-2008, Geographic Information Systems (GIS) and associated databases were upgraded and refined to improve the quality and accuracy of the maps and information needed for detailed analysis. As a result, errors in the mileages of roads and motorized trails described in the proposed action and inconsistencies with direction in the Forest Plans were discovered.

A revised Notice of Intent to prepare an environmental impact statement was published in the Federal Register on May 30, 2008, and initiated the final phase of the scoping process. The Forest Service requested any new scoping comments related to the Revised Proposed Action and its potential effects on the quality of the human environment. To be most useful, comments were requested by June 13, 2008. All comments received were retained and considered as potentially relevant to the Revised Proposed Action. Persons and organizations commenting during the initial scoping were mailed a letter on May 29, 2008, informing them of the revised NOI and directing them to the SCNF website to view new maps and data tables.

In response to the Revised Proposed Action, the Forest received 32 comment letters. Six letters sought clarification, better maps, copies of GIS layers, or offered additional corrections to the maps and data tables. One letter supported the Revised Proposed Action and another letter requested the Forest to include over-the-snow travel analysis in the FEIS. Ten letters expressed support for a specific type of motor vehicle use (single-track opportunities), and the remaining letters voiced concerns about losing access to public lands.

Draft Environmental Impact Statement (DEIS)

A Notice of Availability (NOA) of the DEIS was published in the Federal Register on Friday, September 26, 2008, starting a 60-day legal comment period. The DEIS and maps were sent to 556 individuals, three Tribal governments, three cooperating agencies, 19 federal, state and local government agencies, and 32 organizations and special interest groups. Seven public meetings were held in Salmon, Challis, North Fork, Leadore, Mackay, Idaho Falls, and Pocatello, Idaho, in October and November 2008. Over 375 public responses were received in the form of letters, e-mails, faxes, maps, and verbal remarks during the legal comment period. Twenty-two responses were received after the close of the comment period. These comments were analyzed and used to refine issues and improve alternatives. A thorough discussion of the entire public participation process, as well as responses to public comments is included in Chapter 4.

1.9 COOPERATING AGENCIES

At the request of a local Board of County Commissioners, the SCNF offered cooperating agency status to the three counties (Lemhi, Custer, and Butte) where SCNF lands occur. Cooperating agency representatives from these three counties were invited to participate in meetings, review of public comments, identification of issues and alternatives, briefings, and document reviews with the project NEPA Coordinator, Forest Supervisor, and project Interdisciplinary Team.

1.10 ISSUES

Forest Service staff reviewed comments on the Proposed Action received from individuals, special interest groups, organizations and other government agencies. Potential issues generated from letters and public meetings were catalogued by subject and a determination made as to how the issues would be addressed. Documents detailing the review of public comments and how the agency incorporated the comments into the design of new alternatives are in the Project Record.

Issues were separated into two groups: 1) significant issues, used to formulate alternatives or for disclosure, and 2) non-significant issues. The CEQ regulations specify that analysis focus on significant issues. Issues determined not to be significant or covered by prior environmental review are not used to formulate alternatives and are not discussed in detail [40 CFR 1500.1(b), 1500.2(b), 1500.4(c), 1500.4(g), 1501.7(3), 1502.2(b)].

1.10.1 ISSUES ANALYZED IN DEPTH

After thorough analysis of public scoping and internal comments to the Proposed Action and the Revised Proposed Action, the Interdisciplinary Team (IDT) developed the issues analyzed in the DEIS. Issues identified during public meetings and from written comments were analyzed for content and catalogued by subject and rationale. Documents detailing the review and analysis of public comments and how the agency addressed and incorporated those comments into the formulation of issues and alternatives are included in the Project Record.

According to Council on Environmental Quality (CEQ) regulations and Forest Manual and Handbook direction, issues were identified as significant issues and non-significant issues in the Draft EIS. Significant issues were used to develop alternatives to the Revised Proposed Action.

Since the release of the DEIS, Forest Service Manual (FSM1950 Environmental Policy and Procedures) and Forest Service Handbook (FSH 1909.15 NEPA Handbook) direction have been revised and no longer require the identification of significant issues. New guidance directs the agency to identify the issues to be analyzed in depth (FSM 1950.41). As a result, this section of the FEIS addressing issues has been changed to reflect new direction. Additionally, some issues have been refined and clarified based on public comments to the DEIS.

The issues analyzed in depth in this FEIS are:

Recreation Issue 1: The designation of specific motorized routes (and the prohibition of cross-country travel off the designated system) will affect motorized and non-motorized recreation experiences.

Indicator:

- Miles of motorized routes (roads and trails) by use type and seasonal open period
- Acres of area within Motorized Influence Zone (1/2 mile from motorized routes)
- Miles of Motorized Routes within Primitive and Semi-Primitive Non-Motorized Recreation Opportunity Spectrum (ROS)

- Percent inconsistency ROS classification by ranger district

Recreation Issue 2: Designating motor vehicle access to specific dispersed campsites (based on mileage) along the Salmon River Road would be difficult for the public to understand and implement, difficult for the agency to enforce, and will adversely affect anglers and campers by restricting their choices during high-use seasons (spring and fall steelhead fishing seasons, and summer floating season).

Indicator:

- Acres of motor vehicle access to dispersed camping along the Salmon River Road

Recreation Issue 3: Allowing motor vehicle access to dispersed camping for 300 feet on either side of designated routes (except the Salmon River Road) would defeat the purpose of the Travel Management Rule and lead to adverse impacts to wildlife habitat, fish habitat, soil and water quality.

Indicator:

- Acres of motor vehicle access to dispersed camping.

Roadless Character Issue 1: Motor vehicle use on designated roads and motorized trails in Inventoried Roadless Areas (IRA) detracts from the roadless character of the land.

Indicators:

- Miles of new motorized routes designated in IRAs by ranger district
- Effects to Roadless Characteristics

Wilderness Issue 1: Motor vehicle use in the Borah Peak, Boulder/White Clouds, and Pioneer Mountain Recommended Wilderness Areas adversely affects wilderness attributes.

Indicators:

- Miles of new motorized routes proposed for designation within Recommended Wilderness Areas
- Effects to wilderness attributes

Water Resources Issue 1: The type, extent, and location of roads, trails, and dispersed camping may accelerate erosion, deliver sediment to streams, and degrade water quality.

Indicators:

- Motorized route density (miles/mi²)
- Miles of routes in watersheds with a high vulnerability
- Miles of routes within 300 feet of 303(d) streams (303(d) streams have water quality limitations according to the Clean Water Act)
- Number of inventoried perennial stream crossing open to motor vehicle use

Soil Resources Issue 1: The type, extent, level of use and location of motorized roads, trails, and dispersed camping may degrade soil productivity, accelerate erosion, deliver sediment to streams, and degrade water quality.

Indicators:

- Miles of motorized routes > 50 inches and > 50 inches on high surface erosion potential lands
- Miles of motorized routes < 50 inches and <50 inches on high surface erosion potential lands

- Miles of motorized two-wheel routes and two-wheel routes on high surface erosion potential lands
- Acres available for access to off-road dispersed camping

Fisheries Issue 1: Motor vehicle use of new and existing roads and trails may impact habitat for fish species (bull trout, westslope cutthroat, sockeye salmon, spring/summer Chinook salmon, and steelhead) by causing disturbances within Riparian Habitat Conservation Areas (RHCAs), damaging stream-banks and directly effecting fish species at stream crossings.

Indicators:

- Miles of designated roads and motorized trails within 300' of perennial streams
- Miles of designated roads and motorized trails within 100' of intermittent streams
- Number of crossings on designated roads and motorized trails on perennial streams
- Number of crossings on designated roads and motorized trails on intermittent streams with TES and MIS species
- Percentage comparisons of the amounts of change between baseline conditions of the "No Action" and other Alternatives

Noxious Weeds Issue 1: Increased use of motorized routes may increase the risk of invasive and/or noxious weed expansion and establishment.

Indicator:

- The linear miles of proposed travel routes that intersect with existing noxious and/or invasive weed infestations

Noxious Weeds Issue 2: Motor vehicle use for the purpose of accessing dispersed camping may increase the risk of invasive and/or noxious weed expansion and establishment.

Indicator:

- The acres of motor vehicle access available for dispersed camping within existing invasive and/or noxious weed infestations

Cultural Resources Issue 1: Motorized travel on user-created routes and trails that were previously non-motorized, as well as motor vehicle access for dispersed camping have the potential to adversely impact significant cultural resources which the SCNF is mandated to protect.

Indicators:

- Miles of user-created routes and trails whose use will change from non-motorized to motorized
- Miles of user-created routes and trails whose use will change from non-motorized to motorized requiring cultural resource survey
- Number of known sites associated with the above routes
- Number of eligible sites associated with the above routes
- Number of unevaluated sites associated with the above routes

Wildlife Issue 1: Motor vehicle use of new and existing roads and trails can cause disturbance and reduce habitat effectiveness for federally-listed or candidate, USFS Region 4 Sensitive, and SCNF Management Indicator Species, as well as other special status species such as migratory birds and

ungulates. The density of designated roads and motorized trails and the seasonal open period of roads and motorized trails can impact wildlife by resulting in disturbance during critical life stages, compromised security, and/or impacts to habitat.

Indicators:

- Motorized route density (mi/mi²) by Ranger District (yearlong and seasonal motorized routes) and open motorized route density during critical life stages (fawning/calving and hunting seasons) (mi/mi²) (yearlong motorized routes)
- Acres of security habitat available for wide-ranging species (yearlong and seasonal motorized routes)
- Acres of security habitat available during critical life stages (fawning/calving and hunting seasons) (yearlong motorized routes)
- Miles of open motorized routes within 300' of perennial streams and 100' of intermittent streams

Sensitive Plant Issue 1: Motor vehicle use on unauthorized roads and trails proposed for designation could damage habitat or directly impact regionally sensitive plant populations.

Indicators:

- Miles of previously undesignated roads and non-motor vehicle trails designated within watersheds and potential habitat areas where specially designated plants are found
- Acres open to cross-country motor vehicle travel within specially designated plant habitat

Social and Economic Issue 1: Implementation of the Travel Management Rule would adversely affect local economies by limiting motorized recreation opportunities.

Indicator:

- Number of jobs
- Dollars of labor income

1.10.1 ISSUES NOT ANALYZED IN DEPTH

Issues not analyzed in depth include concerns that are:

- Addressed through project design
- Outside the scope of the proposed action
- Already decided by law
- Irrelevant to the decision being made
- Conjectural and not supported by scientific or factual evidence
- Expected to have negligible effects

The rationale for not analyzing certain issues in depth is described below. Concerns about “non-significant issues” identified in the DEIS are also addressed below.

Access was identified as a general topic of non-significant issues in the DEIS. Several public comments stated that access is the primary issue surrounding the project and should not be labeled as non-significant. The purpose and need for this action is to designate a system of roads, trails, and areas open

for public motor vehicle use to comply with the Travel Management Rule. This issue is analyzed in depth throughout the entire document.

Roads and trails designated by the Travel Plan may restrict access for fuelwood gathering opportunities on the Salmon-Challis National Forest.

Response: Fuelwood gathering and any associated need for off-road travel would be authorized by the fuelwood permitting process. The Travel Management Rule allows motor vehicles to be used off the designated system when specifically authorized under a contract, permit, operating plan, or other written instrument issued under federal law or regulation.

A common theme in public comments to the DEIS is that restricting travel to designated routes (and the prohibition of motorized travel off the designated system) will have a substantial impact on available acreage where fuelwood can be gathered.

This brief analysis attempts to capture the available acreage by alternative through modeling of topographic constraints and available routes as they relate to general forest access.

Because it is a model based primarily on existing GIS layers and is limited to the precision or resolution of these layers and in the associated modeling, some specific locations may be categorized incorrectly. However, it would be expected that on the whole, errors would be offsetting and acreages for the forest in aggregate would be reasonably accurate.

The following parameters were used to generate the model.

1. For the No Action Alternative (Alternative 0) analysis it was assumed that overland travel would be limited to 20% slopes as the upper slope steepness that most fuelwood gatherers would use. For steeper slopes, a 300-foot buffer along open routes with no slope limitation was used. The model was further constrained as follows.
 - a. Overland travel allowed in current travel plans is either yearlong or seasonal.
 - b. Available ground has timber cover type. Used forest cover type layer to identify these types.
 - c. Exclusion of private lands within the Forest Boundary.
 - d. Wilderness and Wild/Scenic River excluded.
 - e. 300-foot buffer on perennial streams excluded.
 - f. Selected polygons had connectivity with open road system or open unauthorized roads.
2. For the action alternatives, forested land within 300' either side of open routes was included regardless of slope. Similar constraints were used as in the No Action Alternative model and eliminated private ownership, Wild and Scenic Rivers and Wilderness Areas, as well as acreage within 300 feet of perennial streams.

The model yields the following estimate of acreages available for fuelwood gathering under the various alternatives.

Table 1-3. Estimate of acreages available for fuelwood gathering.

Alternative	Acres	Change from Current	% Change from Current
Alternative 0	97,600		
Alternative 1	76,300	-53467	-0.22
Alternative 2	80,500	-42909	-0.17
Alternative 3	71,500	-26,100	-27%
Alternative 4	94,600	-3,000	-3%
Alternative 5	80,600	-17,000	-17%

As in all models, the precision is limited to those aspects that were actually modeled and the precision of the input data. Some data useful in refining the model was not generally available. Such detail as serviceability of a particular road, whether or not overland travel would be hindered by roughness or vegetation density could not be modeled but would be expected to have an effect on the available acreage. However, the model does serve to illustrate on a Forest-wide basis the overall effects of the various alternatives on accessible fuelwood as these variables would apply more or less equally to any of the alternatives.

The designation of motorized routes may affect the ability of visitors with limited mobility to enjoy the Salmon-Challis National Forest.

Response: Under Section 504 of the Rehabilitation Act of 1973, no person with a disability can be denied participation in a Federal program that is available to all other people solely because of his or her disability. The Americans with Disabilities Act (ADA) of 1990 was based on the 1973 Rehabilitation Act, but expanded the coverage to apply to state and local government services, public accommodations, and commercial establishments. The ADA, with one exception, does not apply to the programs conducted by federal land management agencies, because those programs were already covered under the accessibility requirements of the 1973 Rehabilitation Act. The one section that does apply: ADA Title V Section 507 (c), reaffirms that nothing in the Wilderness Act is to be construed as prohibiting the use of a wheelchair in a wilderness area by an individual whose disability requires the use of a wheelchair, and consistent with the Wilderness Act, no agency is required to provide any form of special treatment or accommodation, or to construct any facilities or modify any conditions of the lands within a wilderness area to facilitate such use.

As stated above, no person with a disability can be denied participation in a federal program that is available to all other people solely because of his or her disability under Section 504 of the Rehabilitation Act of 1973. In conformance with section 504 and FSM 2353.05, wheelchairs that meet the definition in 36 CFR 212.1 are welcome on all NFS lands that are open to foot travel. These wheelchairs are specifically exempted from the definition of a motor vehicle in 36 CFR 212.1, even if they are battery-powered.

There is no legal requirement to allow people with disabilities to use OHVs or other motor vehicles on roads, trails and areas closed to motor vehicle use because such an exemption would undercut the resource protection afforded by the closure and therefore could fundamentally alter the nature of the Forest Service's travel management program (7 CFR 15e.103). Restrictions on motor vehicle use that are applied consistently to everyone are not discriminatory. This concern is already decided by law.

Closing nearly a million acres currently open to cross-country travel on the Salmon-Challis National Forest will restrict access for an aging population who are becoming less able to navigate the forest without that aid.

Response: The Travel Management Rule (2005) requires the designation of those roads, trails, and areas open to motor vehicle use on Forest System Lands. The rule prohibits the use of motor vehicles off the designated system, as well as use of motor vehicles on routes and in areas that are not consistent with the designation. The Forest Service must strike an appropriate balance in managing all types of recreational activities and providing access opportunities to a wide variety of users on NFS Lands. To this end, a designated system of roads, trails, and areas for motor vehicle use, established with public involvement, will enhance public enjoyment of the National Forests while maintaining other important values and uses on NFS lands.

Prohibiting motor vehicle use off the designated system is already decided by regulation, while the need to provide access opportunities to a wide variety of users, including an aging population, will be addressed by project design.

Designating a system of roads and motorized trails for public use may not provide the maximum access needed to fulfill an obligation to the Bureau of Land Management and Forest Service to provide fire protection and suppression as it pertains to our Wildland Urban Interface and Mutual Aid agreements.

Response: Use of any fire, military, emergency, or law enforcement vehicle for emergency purposes is exempted from the designations set forth in the Travel Management Rule. This concern is already decided by law (36 CFR 261.13 (e)).

The proposed action should allow cross-country motorized travel for special use permittees with access described in a special use permit to provide access for grazing permittees, mineral operations, and fuelwood gathering.

Response: Access to accommodate the special needs of range permittees, private land owners, and mining claimants may be permitted under authorities related to those uses. Project-specific access would be maintained through the permitting process for each applicant. As provided for in The Travel Management Rule (Federal Register 2005: 70 FR 68264) motor vehicles may be used off the designated system when specifically authorized under a contract, permit, operating plan, or other written instrument issued under federal law or regulation. The Travel Management Rule requires responsible officials to recognize rights of access in designating roads, trails, and areas (§212.55(d)). Rights of access include valid existing rights, and rights of use of NFS roads and NFS trails under §212.6(b). Therefore, this concern is beyond the scope of the proposed action.

Cultural Resources

The proposed action may affect cultural resources on newly designated roads and trails that exist on the ground, but are not part of the current system.

Response: Consistent with federal archaeological laws, a cultural resources survey and evaluation would be completed and concurrence received from the Idaho State Historic Preservation Officer before any additional routes, including unauthorized routes, would be designated for motorized public use. No cultural resource sites would be adversely impacted, or effects to cultural resource sites would be mitigated to acceptable levels. As a result, adverse effects to cultural resources would not be discernable in any alternative. This issue is addressed by law or project design. The effects among alternatives are expected to be negligible.

Law Enforcement

Due to the limited number of law enforcement officers, the Forest Service may not be capable of enforcing motor vehicle restrictions causing the regulations to be ineffective.

Response: Forest Service law enforcement personnel play a critical role in ensuring compliance with laws and regulations, protecting public safety, and protecting National Forest resources. The Forest Service also maintains cooperative relationships with many state and local law enforcement agencies that provide mutual support across jurisdictional boundaries. Education and cooperative relationships with users support enforcement efforts by promoting voluntary compliance.

The Travel Management Rule will not increase the agency's budget or the number of law enforcement officers. However, the Travel Management Rule "would enhance enforcement by substituting a

regulatory prohibition for closure orders and providing for a motor vehicle use map supplemented by signage.” This concern is already decided by law.

Public Rights-of-Way

The Forest Service should keep historical routes open, including single-track trails, and evaluate all issues surrounding RS 2477 on routes that have provided important public access since the turn of the century (1900).

Response: The Forest Service recognizes legally documented rights-of-way held by state, county or other local public authorities. This includes rights-of-way under Revised Statute (R.S.) 2477 that have been adjudicated through the federal court system or otherwise formally established, such as easements conveyed by the Federal Roads and Trails Act (FRTA). The only means to conclusively establish the existence of a R.S. 2477 right-of-way across federal land is by obtaining a judgment from a Federal Court under the Quiet Title Act (28 U.S.C. § 2409a).

In the analysis for the Travel Plan, the SCNF acknowledges legally documented rights-of-way. This issue is already addressed by law.

1.11 LEGAL REQUIREMENTS AND REQUIRED DISCLOSURES

This FEIS adheres to the following federal legal requirements:

Consistency with the Salmon Land and Resource Management Plan and the Challis Land and Resource Management Plan: This EIS is consistent with the Salmon National Forest LRMP and the Challis National Forest LRMP goals, objectives, standards and guidelines. A complete consistency checklist is part of the Project Record.

The National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190): The purposes of this Act are “To declare a national policy which will encourage productive and enjoyable harmony between man and his environment, to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality” (42 U.S.C. Sec. 4321). NEPA establishes the format and content requirements for environmental analyses and documentation. The entire process of preparing this FEIS was undertaken to comply with NEPA.

The National Forest Management Act (NFMA) of 1976 (P.L. 4-588): This Act guides development and revision of National Forest Land Management Plans and contains regulations that prescribe how land and resource management planning is to be conducted on NFS lands to protect National Forest resources. The different alternatives for this project were developed to comply with NFMA, and represent varying degrees of resource protection.

The Endangered Species Act (ESA) of 1973, as amended: The purposes of this Act are to provide for the conservation of threatened and endangered species and their habitats. The Forest is required by the ESA to ensure that any actions it approves will not jeopardize the continued existence of threatened and endangered species or result in the destruction or adverse modification of critical habitat.

The Forest Service has prepared a biological assessment (BA) to comply with the ESA. A BA analyzes potential effects on threatened and endangered species that may be present in the project area. The U.S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS) decide if implementation of the selected alternative would jeopardize the continued existence of any species listed or proposed as threatened or endangered under the ESA. This determination is issued as a

Biological Opinion (BO) by the regulatory agency. The BO includes terms and conditions that must be complied with in order to be exempt from the prohibitions of Article 9 of that Act. The BO may include conservation recommendations, which are suggestions regarding discretionary activities to minimize or avoid adverse effects of the agency's proposal to listed species or critical habitat. If it is determined that the alternative would jeopardize the continued existence of a species, the agency must offer a reasonable and prudent alternative that would, if implemented, preclude jeopardy. Additional information is provided in the wildlife and fisheries sections in Chapter 3.

The Migratory Bird Treaty Act of 1918: The purpose of this Act is to establish an international framework for the protection and conservation of migratory birds. The Migratory Bird Treaty Act (MBTA) implements various treaties and conventions between the U.S. and Canada, Japan, Mexico, and the former Soviet Union for the protection of migratory birds. Under the Act, taking, killing, or possessing migratory birds, including nests and eggs, is unlawful. A list of neotropical migratory birds protected by the Migratory Bird Treaty Act is provided in 50 CFR 10.13. Additional information on the Migratory Bird Treaty Act can be found in the Wildlife Resources section, Chapter 3. The alternatives analyzed in the FEIS comply with the Migratory Bird Treaty Act.

Executive Order 13186 (Migratory Bird Treaty Act): In January 2001, the President signed an executive order outlining responsibilities of federal agencies to protect migratory birds under the Migratory Bird Treaty Act (MBTA). As a complementary measure to the Executive Order, the Forest Service and the U.S. Fish and Wildlife Service entered into a Memorandum of Understanding (MOU) the purpose of which is to strengthen migratory bird conservation through enhanced collaboration between the agencies, in coordination with state, tribal, and local governments. The alternatives analyzed in the FEIS comply with the Executive Order and the Migratory Bird Treaty Act.

Executive Order 11644 (February 8, 1972) Use of Off-Road Vehicles on the Public Lands, as amended by E.O. 11989 (May 24, 1977): National direction for travel planning, specifically off-road use of motor vehicles on Federal lands, is provided by E.O. 11644 as amended. Section 3(a) of E.O. 11644 directs the Forest Service to promulgate regulations that provide for designation of trails and areas for off-road motor vehicle use. The regulations require that designation of these trails and areas be based upon protection of NFS resources, promotion of public safety, and minimization of conflicts among uses of NFS lands. Section 9(b) was added to E.O. 11644 when it was amended by E.O. 11989. Section 9(b) specifically authorizes the Forest Service to adopt the policy to designate those areas or trails that are suitable for motor vehicle use and to close all other areas and trails to that use. The alternatives analyzed in the FEIS comply with the Executive Orders.

The Federal Water Pollution Control Act of 1972 (PL 92-500) as amended in 1977 (PL 95-217) and 1987 (PL 100-4), also known as the federal Clean Water Act: The primary objective of this Act is to restore and maintain the integrity of the nation's waters by: 1) Eliminating the discharge of pollutants into the nation's waters; and 2) Achieving water quality levels that are fishable and swimmable. This Act establishes a non-degradation policy for all federally proposed projects to be accomplished through planning, application, and monitoring of Best Management Practices (BMPs). Identification of BMPs is mandated by Section 319 of the Water Quality Act of 1987 (also referred to as the Clean Water Act), which states, "It is national policy that programs for the control of nonpoint sources of pollution be developed and implemented." The alternatives analyzed in the FEIS comply with the Clean Water Act.

Federal Noxious Weed Act of 1974: This Act provides for the control and management of non-indigenous weeds that injure or have the potential to injure the interests of agriculture and commerce, wildlife resources, or the public health. The Act requires that each federal agency develop a management program to control undesirable plants on federal lands under the agency's jurisdiction; establish and adequately fund the program; implement cooperative agreements with state agencies to

coordinate management of undesirable plants on federal lands; establish integrated management systems to control undesirable plants targeted under cooperative agreements. The alternatives analyzed in the FEIS comply with the Federal Noxious Weed Act. Under separate planning activities, the agency has developed a management program to control undesirable plants on the SCNF. Alternatives in this FEIS analyze the risk of spreading noxious weeds.

The Preservation of American Antiquities Act of 1906: This Act makes it illegal to "...appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned by the Government of the United States..." Cultural resource surveys would be completed for all proposed additions to the current designated travel system and any cultural resources identified would be protected as required through consultation with the Idaho State Historic Preservation Office (SHPO).

The National Historic Preservation Act of 1966, as amended: This Act requires federal agencies to consult with state and local groups before nonrenewable cultural resources, such as archaeological sites and historic structures are damaged or destroyed. Section 106 of this Act requires federal agencies to review the effects that project proposals may have on the cultural resources in the project area. It requires agencies to consider the effects of undertakings on properties eligible to or listed in the National Register of Historic Places by following the regulatory process specified in 36 CFR 800.

Actions permitted, approved, or initiated by the Forest Service and that may affect cultural resources must comply with provisions of the National Historic Preservation Act (NHPA) of 1966, as amended, and as implemented by federal guidelines 36 CFR 800. Section 106 of the NHPA requires a federal agency to take into account the effects of the agency's undertaking on properties listed on, or eligible for listing on, the National Register of Historic Places (NRHP).

Before any federal undertaking begins, cultural resources eligible for listing on the NRHP must be identified and documented. Cultural resources recorded in the project area are evaluated in consultation with the SHPO or the Federal Advisory Council on Historic Preservation (ACHP).

The Archaeological Resources Protection Act (ARPA) of 1979: ARPA prohibits the excavation, removal, damage, or destruction of archaeological resources located on public lands, and specifies civil and criminal penalties for persons found guilty of violations under the act. Authorized excavation and removal of archaeological resources requires a permit issued by the federal agency. ARPA, as referenced in the Freedom of Information Act (FOIA) (5 U.S.C. 552[b]), protects the confidentiality of archaeological sites from public disclosure. Other provisions of the law promote communication and cooperation between federal agencies, Indian tribes, professional archaeologists, and private individuals for the protection of archaeological resources on public lands. The procedures for implementing ARPA are outlined in the U.S. Code of Federal Regulations (36 CFR Part 296).

Federal statutes covering theft and destruction of government property also prohibit the removal of, and damage or destruction of, archaeological resources on public lands (see 18 U.S.C. 641 and 18 U.S.C. 1361, respectively).

Wild and Scenic Rivers Act: River segments and their corridors that are eligible, suitable, or designated as Wild and Scenic Rivers are managed to retain their free-flowing status, classification, and outstandingly remarkable values for recreation, scenery, wildlife, cultural, fish, geology, hydrology, and ecological/ botanical resources. Opportunities are provided so the public can understand the uniqueness of eligible, suitable, and designated Wild and Scenic Rivers. The alternatives in the FEIS propose to make changes to routes within eligible and designated Wild and Scenic River corridors; however, their status is not affected.

Consumers, Civil Rights, Minorities, and Women: The need to conduct an analysis of this potential impact is required by Forest Service Manual and Forest Service Handbook direction. The civil rights of individuals or groups, including minorities, people with disabilities, and women, are not differentially affected by any alternative, because access is afforded to all groups equally in the SCNF Travel Management Plan.

Executive Order 12898: E.O. 12898 directs each federal agency to make environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. An associated memorandum emphasizes the need to consider these types of effects during NEPA analysis. The alternatives in the FEIS would not disproportionately adversely affect minority or low-income populations (including American Indian Tribal members) because access is afforded to these groups equally in the SCNF Travel Management Plan.

Executive Order 13443: The purpose of Executive Order 13443, signed in 2007, is to direct federal land management agencies to facilitate expansion and enhancement of hunting opportunities and the management of game species and their habitats. The E.O. directs agencies to evaluate the effect of agency actions on trends in hunting participation and, where appropriate to address declining trends, implement actions that expand and enhance hunting opportunities for the public; consider the economic and recreational values of hunting in agency actions, as appropriate; manage wildlife and wildlife habitats on public lands in a manner that expands and enhances hunting opportunities, including through the use of hunting in wildlife management planning; work collaboratively with State governments to manage and conserve game species and their habitats in a manner that respects private property rights and state management authority over wildlife resources; establish short and long term goals, in cooperation with state and tribal governments, and consistent with agency missions, to foster healthy and productive populations of game species and appropriate opportunities for the public to hunt those species; ensure that agency plans and actions consider programs and recommendations of comprehensive planning efforts such as state Wildlife Action Plans, the North American Waterfowl Management Plan, and other range-wide management plans for big game and upland game birds; seek the advice of state and tribal fish and wildlife agencies, and, as appropriate, consult with the Sporting Conservation Council and other organizations, with respect to the foregoing federal activities.

The action alternatives present different levels of motorized access. All the alternatives provide ample hunting opportunities; the alternatives provide a range between predominantly motorized hunting opportunities to more non-motorized hunting opportunities in an attempt to take in to account the various methods of hunting.

Travel Management Rule (36 CFR Parts 212, 251, 261, and 295): The Travel Management Rule requires designation of those roads, trails, and areas that are open to motor vehicle use. Designations will be made by class of vehicle and, if appropriate, by time of year. The Travel Management Rule will prohibit the use of motor vehicles off the designated system, as well as use of motor vehicles on routes and in areas that is not consistent with the designations. The clear identification of roads, trails, and areas for motor vehicle use on each National Forest will enhance management of NFS lands; sustain natural resource values through more effective management of motor vehicle use; enhance opportunities for motorized recreation experiences on NFS lands; address needs for access to NFS lands; and preserve areas of opportunity on each National Forest for non-motorized travel and experiences. The Travel Management Rule is consistent with provisions of E.O. 11644 and E.O. 11989 regarding off-road use of motor vehicles on Federal lands.

A Travel Analysis was conducted in spring 2008 and is part of the project record. The Travel Analysis was included as Appendix A with the DEIS but is not reprinted with the FEIS. Section 20.2 of the Forest

Service Travel Planning Handbook (FSH 7709.55) identifies the objectives of travel analysis to inform decisions related to identification of the minimum road system per 36 CFR 212.5(b)(1); designation of roads trails and areas for motor vehicle use per 36 CFR 212.51; and regulation of over-snow vehicle use per 36 CFR 212.81. The SCNF chooses not to include over-snow travel in this analysis as explained in Section 1.3.2 on page of this FEIS.

The minimum road system as defined in 36 CFR 21.5(b)1 is “the road system determined to be needed to meet resource and other management objectives adopted in the relevant land management plan, to meet applicable statutory and regulatory requirements, reflect long-term funding expectations, to ensure that the identified system minimizes adverse environmental impacts associated with road construction, reconstruction, decommissioning, and maintenance.”

The Preferred Alternative designates the system of roads, trails and areas needed for safe and efficient travel and for administration, utilization, and protection of NFS lands consistent with 36 CFR 212.5(b)(1) and 36 CFR 212.51.

Idaho Roadless Rule: The U.S. Department of Agriculture adopted a state-specific, final rule establishing management direction for designated roadless areas in the State of Idaho, on October 16, 2008. The final rule designates 250 Idaho Roadless Areas (IRAs) and establishes five management themes that provide prohibitions with exceptions or conditioned permissions governing road construction, timber cutting, and discretionary mineral development. This final rule supersedes the 2001 Roadless Area Conservation Rule (2001 Roadless Rule) for National Forest System (NFS) lands in the State of Idaho.

Travel management decisions are not affected by this rule as noted in section 294.26(a). Adjustments to NFS road inventories are made pursuant to the Travel Management rule (70 FR 68264). Section 294.26(a) of the Idaho Roadless Rule identify that decisions concerning the future management and/or status of existing roads or trails in IRAs under this rule will be made during the applicable travel management processes. Forest Service responsible officials are already directed to coordinate with counties when engaged in travel management decision-making regarding designation or revision of NFS roads, trails, and areas on NFS land as directed in 36 CFR 212.53 Of the Travel Management Rule.

The designations of roads, trails and areas for motor vehicle use within Idaho Roadless Areas on the SCNF are consistent with Idaho Roadless Area management themes. No new road or motorized trail construction would occur under any alternative.

Salmon-Challis National Forest Responsibilities to Federally Recognized Tribes: American Indian Tribes are afforded special rights under various federal statutes including: the National Historic Preservation Act (NHPA) of 1966 (as amended); the National Forest Management Act of 1976 (P.L.4588); the Archaeological Resources Protection Act of 1979, and implementing regulations 43 CFR Part 7; the Native American Graves Protection and Repatriation Act (NAGPRA) of 1990, and implementing regulations 43 CFR Part 10; the Religious Freedom Restoration Act of 1993 (P.L. 103141); and the American Indian Religious Freedom Act (AIRFA) of 1978. Federal guidelines direct federal agencies to consult with American Indian Tribal representatives who may have concerns about federal actions that may affect religious practices, other traditional cultural uses, as well as cultural resource sites and remains associated with American Indian ancestors. Any Tribe whose aboriginal territory occurs within a project area is afforded the opportunity to voice concerns for issues governed by NHPA, NAGPRA, or AIRFA.

Federal responsibilities to consult with Indian Tribes are included in the National Forest Management Act of 1976 (P.L. 4-588), Interior Secretarial Order 3175 of 1993 and Executive Orders 12875, 13007, 12866, and 13084: E.O. 12875 calls for regular consultation with tribal governments; and E.O. 13007 requires consultation with Indian Tribes and religious representatives on the access, use, and protection

of Indian sacred sites. E.O. 12866 requires that federal agencies seek views of tribal officials before imposing regulatory requirements that might affect them; and E.O. 13084 provides direction regarding consultation and coordination with American Indian Tribes relative to fee waivers. E.O. 12898 directs federal agencies to focus on the human health and environmental conditions in minority and low-income communities, especially in instances where decisions may adversely impact these populations (see the “Environmental Justice” above). The 40 CFR 1500-1508 regulations of the NEPA invite American Indian tribes to participate in forest management projects and activities that may affect them.

The relationship of the U.S. Government with American Indian Tribes is based on legal agreements between sovereign nations. Portions of the SCNF are located within ceded lands of the Shoshone-Bannock Tribes and Nez Perce Tribe. Ceded lands are federal lands on which the federal government recognizes that a tribe has certain inherent rights retained by treaty. Portions of the SCNF are in the Area of Interest for the Shoshone-Bannock Tribes and the Nez Perce Tribe. Under the Fort Bridger Treaty of 1868, the Shoshone-Bannock Tribes retain off-reservation hunting and fishing rights, and Shoshone-Bannock tribal members also retain hunting and fishing rights on “all unoccupied lands of the United States.” This right applies to all public domain lands that were reserved for NFS purposes that are presently administered by the SCNF. These rights are still in effect, and management actions recognize these rights.

SCNF staff met with Shoshone-Bannock staff on January 31, 2007 in Fort Hall, ID to discuss the Travel Plan revisions and the planned NEPA analysis. Tribal staffs expressed concern regarding several issues including treaty rights, access, and traditional cultural practices (hunting, fuelwood collection, spiritual activities, etc) and believe that tribal members should have unrestricted vehicle access to pursue these activities. In addition, the restriction on dispersed camping no more than 300 feet from designated routes was a major concern for the Shoshone-Bannock Tribes.

A public scoping meeting was held at Fort Hall on the evening of March 7, 2007. Announcements concerning this meeting were posted on the Reservation and a press release announcing the public meeting was published in the Sho-Ban News. The public scoping meeting was attended by two tribal members.

In addition to the staff-to-staff meeting and the public scoping meeting, a letter dated August 1, 2007 was sent to the Fort Hall Business Council Chairman and staff summarizing the Proposed Action and inviting the Business Council to comment on the proposal. A similar letter was also sent to the Nez Perce and the Shoshone-Paiute Tribes. No comments were received from the tribes.

On September 26, 2008, the DEIS was released for public comment and copies were sent to the Shoshone-Bannock Tribes. On November 6, 2008 a staff-to-staff consultation meeting was held at Fort Hall. Staff from the SCNF and Shoshone-Bannock Tribes discussed the Travel Plan DEIS, answering questions that tribal staff had about the Plan and its’ ramifications on reserved treaty rights.

Comments on the DEIS were submitted by the Shoshone-Bannock Tribes in a letter dated March 19, 2009. This letter identifies four main concerns: 1) the restrictions of travel management on tribal members exercising off-reservation treaty rights impacts the ability to camp, retrieve game, cut wood and other traditional activities; 2) tribal issues, perspectives and values regarding cultural resources were not adequately addressed in the DEIS; 3) the inability of the Forest Service to adequately enforce their own existing Forest Travel Management Plans; and 4) the “legalization” of illegal user-created trails, roads and routes which were not analyzed for resource impacts. Based on this letter, a staff-to-staff meeting was held on the morning of June 4, 2009 followed by government-to-government consultation between the SCNF and the Fort Hall Business Council prior to the release of the FEIS. In particular, the Forest and the Tribes agreed to work together to develop a mechanism for the Tribes to

continue to exercise off-reservation treaty rights in pursuit of traditional activities. During these meetings each of these concerns was discussed.

A pre-release version of the FEIS was mailed to the Nez Perce, Shoshone-Bannock, and Shoshone-Paiute tribes for comment on June 8, 2009. Project Record

The Fort Bridger Treaty of July 3, 1868, retained hunting and fishing rights to Shoshone–Bannock tribal members on “all unoccupied lands of the United States.” This right applies to all public domain lands that were reserved for National Forest System purposes that are presently administered by the Salmon-Challis National Forest. These rights are still in effect, and management actions recognize these rights. The reserved rights include hunting, fishing, and gathering. While the Treaty itself only specifies hunting, the lawsuit “State of Idaho vs. Tinno” established that any rights not specifically given up in the Treaty were, in fact, reserved by the Tribes.

The Nez Perce Treaty of 1855, Article 3, between the United States of America and the Nez Perce Tribe mutually agreed that the Nez Perce retain the right of “... taking fish at all usual and accustomed places in common with citizens of the Territory [of Idaho]; and of creating temporary buildings for curing, together with the privilege of hunting, gathering roots and berries, and pasturing horses and cattle...” These rights apply to all public domain lands that were reserved for NFS purposes that are presently administered by the SCNF. These rights are still in effect, and management actions recognize these rights.

A letter dated August 1, 2007 was sent to the Nez Perce Tribal Executive Committee (NPTEC) summarizing the Proposed Action and inviting the NPTEC to comment on the proposal. No comments were received from the tribe. On September 26, 2008, the DEIS was released for public comment and copies were sent to the Tribe, but no comments were received. During government-to-government consultation between the NPTEC and representatives of eight National Forests (SCNF, Nez Perce, Clearwater, Umatilla, Boise, Payette, Wallowa-Whitman and Gallatin National Forests) Travel Management issues were discussed at length. The consultation occurred on March 26, 2009 in Lewiston, ID. The main concern voiced by the Tribe was that no erosion of Treaty reserved rights would occur as a result of the Travel Management Plan. A pre-release version of the FEIS was mailed to the Tribe for comment on June 8, 2009. No response has been received from the Nez Perce Tribe.

1.12 PROJECT RECORD

This FEIS hereby incorporates by reference the Project Record (40 CFR 1502.21). The Project Record contains Specialists’ Reports and other technical documentation used to support the analysis and conclusions in this FEIS. The use of Specialists’ Reports and the Project Record meets provisions of the Council on Environmental Quality (CEQ) regulations to reduce NEPA paperwork (40 CFR 1500.4), to make EISs analytic rather than encyclopedic, and to keep EISs concise and no longer than absolutely necessary (40 CFR 1502.2). The objective is to furnish enough site-specific information to demonstrate a reasoned consideration of the environmental impacts of the alternatives and how these impacts can be mitigated, without repeating detailed analysis and background information available elsewhere. The Project Record is available for review at the Forest Supervisors Office, Salmon-Challis National Forest, Salmon, Idaho.

1.13 AVAILABILITY OF THE FINAL EIS

Availability of the FEIS was announced in the Federal Register and in local papers. The FEIS was mailed to federal and state agencies, American Indian Tribes, municipal offices, and individuals who requested it.

The FEIS is also available for review on the Salmon-Challis National Forest website at:

<http://www.fs.fed.us/r4/s-c/projects>.

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