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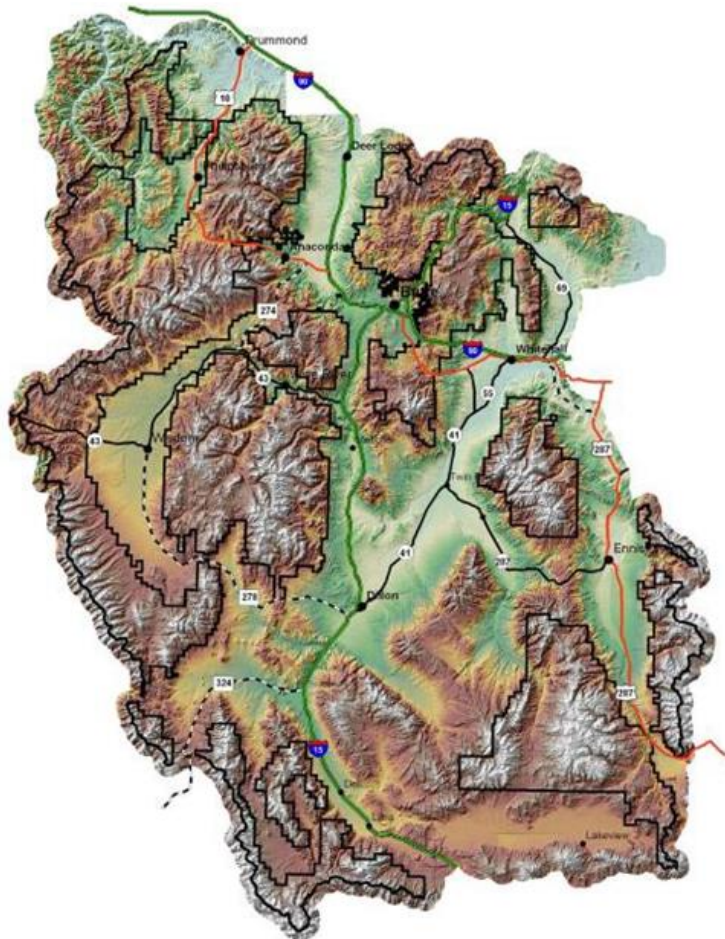


Record of Decision

For the

Beaverhead-Deerlodge National Forest Land and Resource Management Plan to Comply with the District Court Order (Winter Motorized Use)

Beaverhead, Deer Lodge, Granite, Jefferson, Madison,
Powell, Silver Bow, and Gallatin Counties, Montana



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RECORD OF DECISION

for the

Beaverhead-Deerlodge National Forest
Land and Resource Management Plan
to Comply with the District Court Order
(Winter Motorized Use)

INTRODUCTION

This Record of Decision (ROD) documents my decision and rationale in compliance with the District Court’s order of August 27, 2015. Based on the analysis in the “Final Supplemental Environmental Impact Statement for the Beaverhead-Deerlodge National Forest Land and Resource Management Plan to Comply with the District Court Order (Winter Motorized Use)” (hereinafter 2016 FSEIS), public comment, and applying the 2005 Travel Management Rule (hereinafter TMR) minimization criteria, I am reaffirming the decision of the 2009 Revised Forest Plan Record of Decision selecting Alternative 6 Modified. To address localized concerns related to OSV use identified during the FSEIS analysis process, the BDNF will continue several existing management actions and education programs. My decision and rationale is set forth in detail in the Decision section below.

BACKGROUND

2009 Forest Plan

In the Forest Plan Record of Decision dated January 14, 2009 (2009 ROD), Regional Forester Thomas Tidwell selected Modified Alternative 6 and approved the 2009 Forest Plan for the Beaverhead-Deerlodge National Forest (hereinafter BDNF). The 2009 Forest Plan provides broad programmatic management direction for activities on the 3.38 million acre BDNF for the next 10-15 years, including direction on eight revision topics (vegetation, wildlife, aquatic resources, recreation and travel management, fire management, livestock grazing, timber and recommended wilderness). This direction revised previous management direction from the 1986 Beaverhead National Forest Plan and the 1987 Deerlodge National Forest Plan.

The 504-page Forest Plan provides management direction for activities on the 3.38 million acre BDNF and establishes forest-wide management goals, objectives and standards for 17 specific resources and additional direction specific to 86 management areas. While the 2009 ROD approved the Forest Plan, it did not make site-specific project level decisions; rather direction in the Forest Plan applies to subsequent projects and decisions.

The 2009 Forest Plan, in addition to other management direction, allocated areas for winter recreation identifying where over snow vehicle (OSV) use is allowable and where it is not allowed. Routes or areas closed to OSVs under the prior plans were not changed in the 2009 Forest Plan. Rather, the 2009 Forest Plan allocated fewer areas to winter motorized recreation.

The 2009 ROD describes the rationale for these allocations under Revision Topic #4: Recreation and Travel Management (2009 ROD, pgs. 13 – 15). These allocations guide future decisions. Future site-specific decisions may not allow OSV use where the 2009 Forest Plan does not allow it without an amendment. In contrast, while the 2009 Forest Plan allows for OSV use in some management areas, it does not require it. Subsequent site-specific decisions may prohibit this activity where needed to protect or promote local resource values within the broader multiple-use prescriptions.

As explained in the 2009 ROD (pg. 23), the Forest Plan established desired conditions, standards and allowable uses but did not make site-specific decisions such as closing individual motorized routes in areas recommended for wilderness. In the 2009 ROD, the Regional Forester directed the Forest Supervisor to issue a second ROD, based on the analysis in the 2009 FEIS, making site-specific decisions closing areas and routes to motorized use based on 2009 Forest Plan direction and signing and enforcing those closures.

On February 12, 2010, Forest Supervisor David Myers signed the ROD Enacting Forest Plan Travel Management Direction for Certain Areas of the BDNF (2010 ROD). This 2010 ROD closed those areas to winter motorized travel that the 2009 Forest Plan had allocated to winter non- motorized prescriptions (December 2 through May 15) (2009 FEIS, pg. 366). After signature, an additional 816,016 acres of the BDNF were closed to winter motorized use from the previous 1986/1987 Forest Plan allocations. This resulted in 1,336,553 acres or 40% of the BDNF allocated to non-motorized winter use (closed to OSV use) and 2,043,372 acres of the BDNF open to winter motorized use (2010 ROD, pg. 3).

LITIGATION

On September 7, 2010, Wildlands CPR, Inc., Friends of the Bitterroot, Inc., and Montanans for Quiet Recreation filed a complaint in US District Court for the District of Montana (Case 98:10-cv-00104-DWM) alleging inadequate analysis of the impacts of winter motorized travel when developing the Forest Plan and failure to analyze criteria intended to minimize off-road vehicle impacts.

District Court April 2, 2012 Order

In an Order dated April 2, 2012, the US District Court for the District of Montana found the Forest Service adequately applied the minimization criteria of Executive Order (EO) 11644 for areas open to snowmobile use and adequately analyzed snowmobile impacts to big game. However, the court found “to the extent that specific routes have been designated for snowmobile use”, the Forest Service failed to show it adequately applied the minimization criteria at the route-specific level. The court ordered as follows: “that this case is remanded to the Forest Service for the limited purpose of applying the minimization criteria mandated by EO 11644 at the route specific level where specific snowmobile routes are designated. The Forest Service shall perform this analysis and update the Revised Forest Plan by September 30, 2012”.

In response to the District Court’s remand, the BDNF prepared a Draft and Final Supplemental EIS (2012 FSEIS) evaluating potential effects relevant to applying the minimization criteria established in EO 11644 at the route-specific level where snowmobiles routes were delineated in the 2009 Forest Plan. The 2012 FSEIS provides additional environmental analysis for three routes identified in the 2009 Forest Plan as exceptions within winter, non-motorized areas, specifically:

- Snowmobile use through the Electric Peak area near Thunderbolt Creek and Cottonwood Lake (Jefferson County, Montana),
- Snowmobile use through the non-motorized area on the Road #056 corridor in the vicinity of Antelope Basin (Beaverhead County, Montana), and
- Snowmobile use on the road to Antone Cabin in the southwest portion of the Snowcrest Mountains (Beaverhead County, Montana) (2012 FSEIS, pg. 3).

On November 14, 2012, the Regional Forester signed a Determination and Affirmation of Prior Decision in response to the District Court Order. Based on analysis in the 2012 FSEIS, public comment, and applying the minimization criteria to the three routes designated for snowmobile use in the 2009 Forest Plan, the Regional Forester determined a new decision for the Forest Plan was not needed and the routes are appropriately managed as limited exceptions to winter non-motorized allocations (Determination, pg. 3).

Appeal to Ninth Circuit and Ninth Circuit Opinion

Wildlands CPR, Inc., Friends of the Bitterroot, Inc., and Montanans for Quiet Recreation appealed the April 2, 2012, US District Court decision on a number of issues including the District Court's finding that the Forest Service complied with the minimization criteria of EO 11644 for areas open to snowmobile use and adequately disclosed impacts of snowmobile use on big game. In a June 22, 2015 Opinion, the US Court of Appeals affirmed "...the district court's ruling that the EIS sufficiently analyzed the conflicts between snowmobiles and other recreational uses in the Revised Forest Plan. Further, we agree that WildEarth's challenge to the Subpart C exemption in the TMR is not ripe for review".

However, in the same opinion the US Court of Appeals reversed "...the district court's NEPA ruling, in part, because the Forest Service did not properly disclose the information underlying its analysis of snowmobile impacts on big game wildlife in the EIS" and reversed "...the district court's ruling that the Forest Service adequately applied the minimization criteria in the TMR". The Ninth Circuit remanded the case to District Court.

District Court August 27, 2015 Order

Pursuant to the Ninth Circuit's June 22, 2015 Opinion, in an August 27, 2015 Order, the US District Court for the District of Montana ordered the Forest Service to "...properly disclose the information underlying its analysis of snowmobile impacts on big game wildlife' and 'adequately appl[y] the minimization criteria in the [2005 Travel Management Rule]". The District Court further ordered the Forest Service to "...make the proper disclosures, perform the proper analysis, and update the Revised Forest Plan by February 29, 2016. A failure to do so will result in the suspension of the winter travel management portion of the Revised Forest Plan as of March 1, 2016."¹

PUBLIC INVOLVEMENT

Public involvement for revision of the 2009 Forest Plan is described in the 2009 FEIS (pg. 10), 2009 ROD (pg. 30) and 2010 ROD (pg. 12-13) are summarized here. Revision formally began with publication in the Federal Register of a Notice of Intent (NOI) to prepare an EIS on May 3,

¹ On March 3, 2016, the U.S. District Court issued an Order extending the compliance deadline to October 13, 2016.

2002. Four public comment opportunities were provided. The DEIS was available for public comment for 120 days ending October 31, 2005 and generated more than 11,000 letters and emails. An FEIS was published in February, 2008. While a comment period was not required for the 2008 FEIS, an additional 90-day comment period was offered due to high public interest and the length of time since release of the DEIS. The FEIS comment period in 2008 generated more than 32,536 letters, phone calls and email. The interdisciplinary team responded to all comments which are publically available on the BDNF web page.

In response to the August 27, 2015 Order from the U.S. District Court, a Notice of Intent (NOI) to prepare a Supplemental EIS was published in the Federal Register (Vol. 80. No. 176) on September 11, 2015. Pursuant to 40 CFR §1502.9(c)(4), a formal scoping period for the Draft SEIS was not offered. The NOI explained a Draft SEIS was expected to be available for public review and comment in November 2015, and the Draft SEIS comment period would be 90 days from the date the Notice of Availability is published in the Federal Register in accordance with 36 CFR §219.16(a)(2). The Notice of Availability of the Draft SEIS was published December 5, 2105 and the Draft SEIS comment period run until March 3, 2016. The BDNF received 224 letters and email message providing comments. The interdisciplinary team responded to all comments on the Draft SEIS (2016 FSEIS, Appendix G).

The 2016 FSEIS was completed in May, 2016. On May 20, 2016, all individuals and organizations commenting on the Draft SEIS, were mailed a letter informing them the 2016 FSEIS and draft ROD were available on the BDNF web page. A legal notice was published in the Montana Standard on May 21, 2016 initiating a 60-day objection period. A Notice of Availability for the 2016 FSEIS was published in the Federal Register on June 10, 2016.

Between July 13 and 20, 2016, three objections were filed by (1) Montana Backcountry Hunters and Anglers, (2) Winter Wildlands Alliance/Greater Yellowstone Coalition/Montana Wilderness Association, and (3) WildEarth Guardians. An objection resolution meeting was held August 25, 2016 in Butte, Montana and was attended, in person or via conference phone, by representatives from each objector and several interested parties. Proposals by objectors for further closures to OSVs in the Mt. Jefferson area, designations of one snowmobile route through high quality winter ungulate habitat rather than having general open areas, limiting snowmobile use based on snow depth and mapping mountain goat habitat were discussed. These proposals are discussed in light of my decision under the heading for “Application of the Minimization Criteria”.

I received a written response to the objections from the Objection Reviewing Officer on September 16, 2016. This letter included instructions needing to be completed prior to finalizing this ROD. A description of how I complied with the instructions is also discussed under the heading for “Application of the Minimization Criteria”.

ALTERNATIVES CONSIDERED

Forest Plan Alternatives

The 2009 Forest Plan FEIS went through extensive analysis and public comment and review in the development of the alternatives, both those analyzed in detail and not analyzed further. This 2016 FSEIS implements the court direction to apply the TMR minimization criteria to the 2009 Forest Plan FEIS.

Alternative 1

Alternative 1 is the No Action Alternative which provides a baseline for comparison of the other alternatives as required by the NEPA. “No Action” means management allocations, activities, and management direction described in the 1986 and 1987 Forest Plans continues.

Approximately 16% of the BDNF would remain allocated as a non-motorized winter. This includes motorized use in recommended wilderness and wilderness study areas (2009 FEIS, pg. 23-24 and 69).

Alternative 2

Alternative 2 is the Proposed Action released for public review in 2003. Approximately 22% of the BDNF would be allocated as a non-motorized winter setting. Recommended wilderness would be closed to motorized travel (2009 FEIS, pg. 25 and 70).

Alternative 3

Alternative 3 addresses public comments asking the agency to allow natural processes to maintain ecosystems, minimize mechanical vegetation treatment and conserve or restore aquatic health. Approximately 45% of the BDNF would be allocated as a non-motorized winter setting. Recommended wilderness would be closed to motorized travel (2009 FEIS, pg. 25-26 and 71).

Alternative 4

Alternative 4 responds to public comments that forest management should directly benefit local economies and utilitarian traditions of families and communities through management emphasis on predictable sustained commodity outputs while allowing a variety of other uses.

Approximately 15% of the BDNF would be allocated as a non-motorized winter setting. No acres are identified as recommended wilderness (2009 FEIS, pg. 27 and 72).

Alternative 5

Alternative 5 was developed to balance the demand for diverse recreation opportunities, resource protection and commodity outputs. Approximately 37% of the BDNF would be allocated as a non-motorized winter setting. Recommended wilderness would be closed to motorized travel (2009 FEIS, pg. 27-29 and 73).

Alternative 6 Modified

Alternative 6 was developed after review of almost 11,000 comments and over 160 meetings with 90 interested groups and individuals. It reflects an attempt to balance the demand for diverse recreation opportunities, resource protection and commodity outputs and to positively respond to many comments and corrections to the 2005 DEIS (2009 FEIS, pg. 29).

In the 2009 ROD, the Regional Forester selected a modified version of Alternative 6. This 2016 FSEIS does not analyze Alternative 6 as described in the 2009 FEIS. Rather, it analyzes Alternative 6 Modified as described in the 2009 ROD because the Forest Plan is based on this alternative and, following signature of the 2010 ROD, winter recreation allocations have been managed as described in Alternative 6 Modified.

Alternative 6 Modified allocates approximately 40% of the BDNF as a non-motorized winter setting. Motorized use is excluded from recommended wilderness (2010 ROD, pg. 6).

Alternatives and Mitigation Measures Suggested During Public Comment Period

A number of recommendations were submitted during the public comment for the Draft SEIS. I considered these recommendations. My complete evaluations are described in the 2016 FSEIS (pg. 24-26).

Environmentally Preferred Alternative

Regulations implementing NEPA require agencies to specify “the alternative or alternatives which are considered to be the environmentally preferable” (40 CFR § 1505.2(b)). The environmentally preferable alternative causes the least harm to the biological and physical environments and best protects, preserves, and enhances historical, cultural, and natural resources (36 CFR § 220.3).

The 2009 ROD for the Revised Beaverhead-Deerlodge Forest Plan identified Modified Alternative 6, the selected alternative, as the alternative that best met the goals of Section 101 of NEPA and therefore the environmentally preferable alternative. In context of the purposes of a Forest Plan and the agency’s overall multiple use mandate, I concur. In terms of OSV use, Modified Alternative 6, as discussed above, allocated 1,336,553 acres or 40% of the BDNF to non-motorized winter use (closed to OSV use). This increased the acres closed to OSV use on the Forest by 813,016 acres from the previous 1986/1987 Forest Plan allocations. Under the previous Forest Plans, prior to the 2009 Revision, approximately 16% or 526,537 acres of the BDNF was allocated to non-motorized winter use. For the Boulder Landscape, where MFWP had raised specific concerns, Alternative 6 Modified closes more winter range to OSV use than all other alternatives.

DECISION

In response to court orders, and based on the analysis in the 2016 FSEIS and public comment, and applying the minimization criteria to the decision, I am reaffirming the decision of the 2009 Revised Forest Plan Record of Decision selecting Alternative 6 Modified. To address localized concerns related to OSV use identified during the 2016 FSEIS analysis process, the BDNF will continue implementing site-specific actions and education programs.

My decision adopts the winter motorized and winter non-motorized allocations of the 2009 Revised Forest Plan Record of Decision as displayed in Figure A.

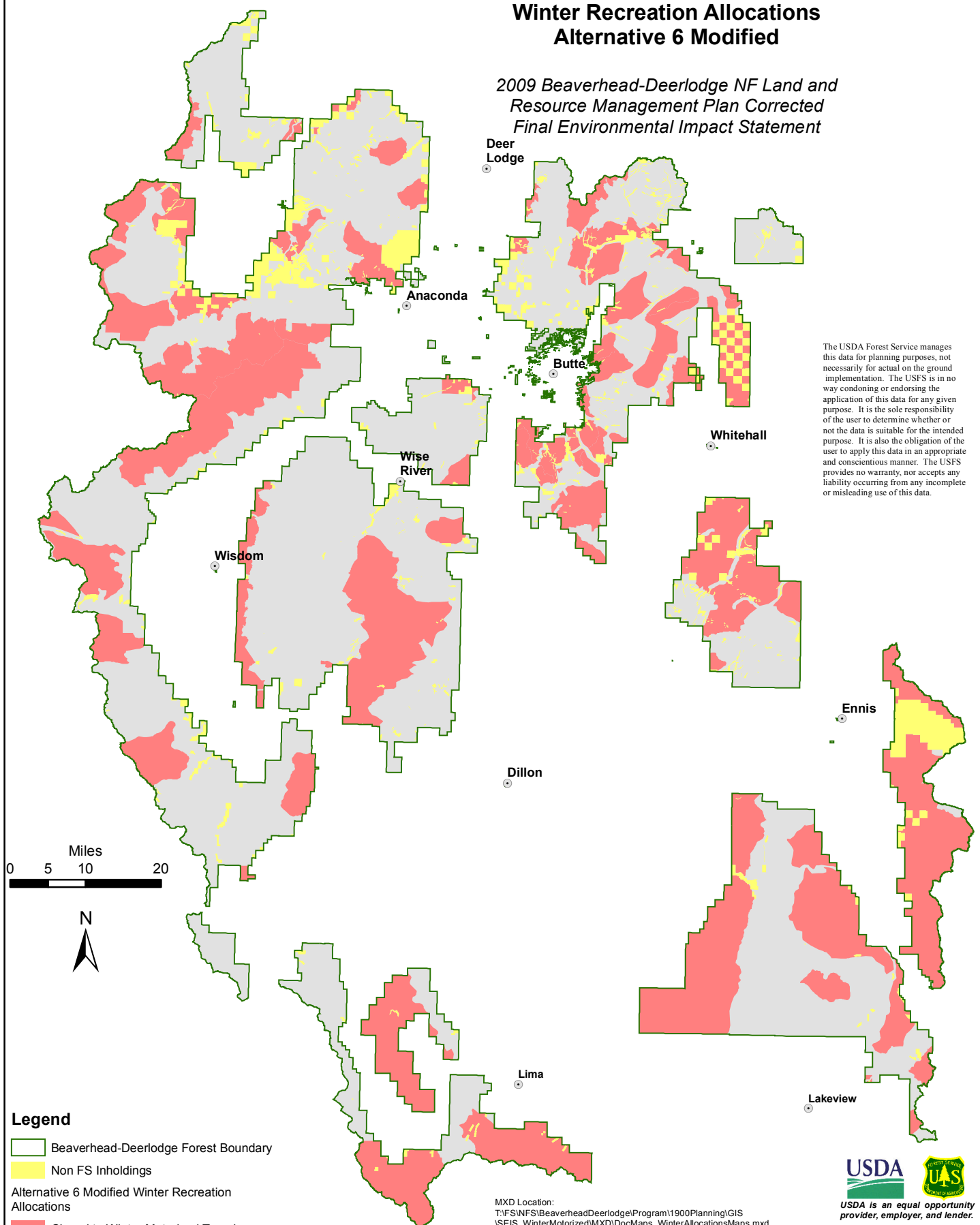
The 2016 FSEIS demonstrates that application of the 2005 Travel Management Rule minimization criteria on areas open to winter motorized use supports my decision to affirm Alternative 6 Modified for winter motorized and non-motorized allocations at the Landscape scale. My decision does not result in a change to existing winter motorized and non-motorized allocations in the 2009 Forest Plan. As a result, I have determined that an amendment to Forest Plan direction is not needed.

My decision considers and applies the analysis and data in the 2009 Forest Plan FEIS and the 2016 FSEIS regarding impacts of over-snow vehicles (OSV²) use on big game winter range and resources subject to the minimization criteria.

² An Over-Snow Vehicle (OSV) is defined in Forest Service regulations at 36 CFR. § 212.1 as “A motor vehicle that is designed for use over snow and that runs on a track or tracks and/or a ski or skis, while in use over snow.” A snowmobile is an OSV.

Winter Recreation Allocations Alternative 6 Modified

2009 Beaverhead-Deerlodge NF Land and
Resource Management Plan Corrected
Final Environmental Impact Statement



The USDA Forest Service manages this data for planning purposes, not necessarily for actual on the ground implementation. The USFS is in no way condoning or endorsing the application of this data for any given purpose. It is the sole responsibility of the user to determine whether or not the data is suitable for the intended purpose. It is also the obligation of the user to apply this data in an appropriate and conscientious manner. The USFS provides no warranty, nor accepts any liability occurring from any incomplete or misleading use of this data.

Legend

- Beaverhead-Deerlodge Forest Boundary
- Non FS Inholdings
- Alternative 6 Modified Winter Recreation Allocations
- Closed to Winter Motorized Travel
- Remain Open to Winter Motorized Travel

MXD Location:
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Profile Location:
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B-D GIS
jto 3/21/2016

This map replaces all maps
of same title with previous date

There is nothing in this decision precluding additional closure of areas to OSV use should future evidence demonstrate the need. The monitoring and closure ability under both the 2009 Forest Plan and the TMR designation process gives the tools necessary to deal with future conditions and use (36 CFR. § 212.50 et. seq).

Decision Process

With this decision, I applied the analyses and data in designating areas for OSV use and in designating three OSV routes on the Forest that occur within areas closed to OSV use with the intent of minimizing effects of OSV use on relevant criteria found at 36 CFR §212.55(b); while taking into consideration needs for recreational use, access and the multiple-use mandates of the Forest Service.³ Although the 2009 FEIS did not explicitly reference the Travel Management Rule, many of the same considerations were part of the original analysis and are evident in the design of Alternative 6 Modified.

The 2009 Forest Plan provides reasonable protections that will maintain or enhance these various resource values and represents the Forest Service's best efforts at resolving the competing interests of winter recreation opportunities and other Forest Plan goals.

It is based on a 6-year planning process and considered over 32,000 comments and discussions with interest groups including both motorized and non-motorized communities, wildlife and fisheries advocates, neighboring landowners, and other local, state and federal agencies. The 2009 Forest Plan ROD and its decision rationale are incorporated into this ROD.

Decision by Landscape

My decision considered areas open and closed to OSV use by Landscape. The description of the decision by Landscape below provides only the overall summary of acres in winter motorized and non-motorized travel compared to the existing condition at the time of Forest Plan Revision. The 2016 FSEIS provides detailed analysis and data by Landscape and resources. Management direction prior to the 2009 Forest Plan Revision was created over time across the forest and was set forth as the management direction in the 1986/1987 Forest Plans. Table 1 shows how Alternative 6 Modified of the 2009 Forest Plan decreased the acres open to OSV use in each Landscape and, correspondingly, increased acres closed to OSVs. Other sections in this ROD discuss the changes incorporated into Alternative 6 Modified in terms of the application of the minimization criteria and consideration of specific resource effects.

³ Within the OSV areas that I am designating, OSV use is not confined to particular roads, trails or routes in these areas. As such, my designation of OSV areas encompasses use throughout the areas, including use on known routes within these OSV use areas (see Appendix H of the 2016 FSEIS and Appendix 1 to this ROD). The TMR provides that in such situations it is appropriate to designate areas for OSV use. 80 FR 4501, 4506, 4508 (Jan. 28, 2015).

Table 1: Decision acres open/closed to OSV by Landscape

Landscape	Alt 6 Modified Open to OSV use	Open to OSV use Prior to Plan Revision	Alt 6 Modified Closed to OSV use	Closed to OSV use Prior to Plan Revision
Big Hole	353,772 acres (67%)	449,715 acres (85%)	177,587 acres (33%)	81,644 acres (15%)
Boulder River	132,448 acres (65%)	189,131 acres (93%)	70,844 acres (35%)	14,160 acres (7%)
Clark Fork Flint	306,554 acres (83%)	341,280 acres (92%)	62,708 acres (17%)	27,982 acres (8%)
Gravelly	236,963 acres (50%)	377,946 acres (81%)	232,423 acres (50%)	91,441 acres (19%)
Jefferson River	90,190 acres (47%)	190,574 acres (99.9%)	100,423 acres (53%)	39 acres (0.1%)
Lima Tendoy	202,401 acres (55%)	291,963 acres (79%)	165,123 acres (45%).	75,561 acres (21%)
Madison	2,730 acres (2%)	13,191 acres (11%)	120,264 acres (98%)	109,803 acres (89%)
Pioneer	424,492 acres (74%)	531,932 acres (93%)	149,633 acres (26%)	42,193 acres (7%)
Tobacco Root	83,851 acres (48%)	164,641 acres (95%)	90,125 acres (52%)	9,334 acres (5%)
Upper Clark Fork	55,542 acres (67%)	74,277 acres (89%)	27,776 acres (33%)	9,041 acres (11%)
Upper Rock Creek	133,571 acres (49%)	207,880 acres (76%)	139,647 acres (51%)	65,339 acres (24%)
BDNF – forest wide total	2,022,514 acres (60%)	2,832,530 acres (84%)*	1,336,553 acres (40%)	526,537 acres (16%)*

My decision does not change existing winter motorized and winter non-motorized allocations of the 2009 Forest Plan. I have determined that an amendment to Forest Plan direction is not needed. I am, however, undertaking additional site-specific actions and continuing several existing actions, policies, and education programs to address localized concerns related to OSV use. These actions are within my normal management authority.

- Implement an educational signing plan (beginning with the 2016/2017 winter season) to reduce effects to moose wintering in willow bottoms along the West Fork of the Madison (Gravelly Landscape). This plan is detailed in a letter in the record from the District Ranger.

- Continue implementing a multipronged approach towards effective and positive reductions of illegal incursions into the BDNF's Centennial Recommended Wilderness Area (RWA)⁴ in the Gravelly Landscape, including:
 - Partner in expanded public education and community outreach efforts including placing posters, signs, and brochures at area businesses and around communities, signing at parking lot trailheads and along snowmobile travel routes and continued public service radio spots.
 - Utilize volunteers to help maintain signs along the motorized – non-motorized boundary.
 - Continue efforts to pool funding and equipment resources to have snow rangers in place to patrol the closure boundary between the BDNF Centennial RWA and Mt Jefferson Management Area and follow up on citations.
 - The Forest Service and partners will continue to monitor for incursions into the BDNF Centennial RWA and continue assisting with monitoring and enforcing illegal OSV incursions into the Sheep Experiment Station and adjacent BLM Centennial Mountains Wilderness Study Area.
- Upon receipt of reports of illegal OSV use in non-motorized allocations, we will inform law enforcement. For example, reports of illegal OSV use around Granite Lake (Tobacco Root Landscape) have been reported to law enforcement.

The monitoring and closure ability under the 2009 Forest Plan and the TMR designation process gives the BDNF the tools necessary to deal with future conditions and use (36 CFR § 212.50 et. seq).

All Wilderness Areas and all Recommended Wilderness Areas are in non-motorized winter use allocations, and by reaffirming Alternative 6 Modified remain closed to OSV use.

My decision, reaffirming Alternative 6 Modified, in designating areas for OSV use includes the OSV use of routes (groomed or ungroomed) in these open areas (see footnote 3). In addition, my decision incorporates the 2012 FSEIS and 2012 Regional Forester decision which analyzed and applied the minimization criteria to three OSV routes on the BDNF that occur in areas otherwise closed to winter motorized use. The three designated OSV routes are:

- Snowmobile use through the Electric Peak area (Trail #7065) near Thunderbolt Creek and Cottonwood Lake (Jefferson County, Montana).
- Snowmobile use through the non-motorized area on the Road #056 corridor in the vicinity of Antelope Basin (Beaverhead County, Montana), and
- Snowmobile use on the road to Antone Cabin in the southwest portion of the Snowcrest Mountains (Beaverhead County, Montana).

The Regional Forester determined a new decision for the Forest Plan was not needed and the routes are appropriately managed as limited exceptions to winter non-motorized allocations.

⁴ The 2,100 acre Centennial RWA Management Area, which is closed to OSV use, along with the 2,400 acre Mt. Jefferson Management Area, which is open to OSV use, (2009 Forest Plan, pg. 132-133 and 146-147) are frequently collectively referred to as the Mt. Jefferson area. Please see the map in Appendix 2 of this ROD showing the closed portion of the Mt. Jefferson area (the Centennial RWA Management Area) in relation to the open portion of the Mt. Jefferson area (the Mt. Jefferson Management Area) and nearby Bureau of Land Management and U.S. Sheep Experiment Station lands.

In summary, my affirmation of Alternative 6 Modified closes an additional 810,016 acres of the BDNF to OSV use from the existing condition prior to Forest Plan Revision. Approximately 1,336,553 acres (40%) of the Beaverhead-Deerlodge National Forest (BDNF) is allocated to non-motorized winter recreation (closed to OSVs) and approximately 2,022,514 acres (60%) is allocated to motorized winter recreation (open for OSV use).

MANAGEMENT OBJECTIVE AND PURPOSE AND NEED

The purpose of this analysis and decision is to comply with the August 27, 2015, U.S. District Court Order which required the forest to “properly disclose the information underlying its analysis of snowmobile impacts on big game wildlife” and “adequately appl[y] the minimization criteria in the [2005 Travel Management Rule]”. As such, this decision and analysis documents how the Forest Service evaluated and applied the data on an area-by-area basis with the objective of minimizing impacts as specified in the TMR in designating areas for OSV use on the BDNF.

The 2016 FSEIS discloses and evaluates information underlying the Forest Plan analysis of snowmobile impacts on big game wildlife. This decision applies the minimization criteria of the 2005 Travel Management Rule for areas and routes open to OSVs during the winter recreation season (December 2 through May 15) in the 2009 Forest Plan FEIS. In order to address the issue at a more granular level than forest-wide, the 2016 FSEIS applies those criteria at finer scales (see Figure B).

The minimization criteria are identified in the final rule for Travel Management; Designated Routes and Areas for Motor Vehicle Use (commonly referred to as the 2005 Travel Management Rule or TMR) which implements provisions of EO 11644 and 11989 regarding off-road use of motor vehicles on Federal lands. Regulations implementing this rule are found at 36 CFR Part 212. The portion of the rule pertaining to OSV use is Subpart C which was updated in January 2015. The “minimization criteria” referenced in the 2015 Circuit Court Opinion and District Court Order are found at 36 CFR §212.55(b) Specific criteria for designation of trails and areas, and specify:

“...in designating National Forest System trails and areas on National Forest System lands, the responsible official shall consider effects on the following with the objective of minimizing:

- 1) Damage to soil, watershed, vegetation, and other forest resources;
- 2) Harassment of wildlife and significant disruption of wildlife habitats;
- 3) Conflicts between motor vehicle use and existing or proposed recreation uses of National Forest System lands or neighboring Federal lands; and
- 4) Conflicts among different classes of motor vehicle uses of National Forest System lands or neighboring Federal lands.

In addition, the responsible official shall consider:

- 5) Compatibility of motor vehicle use with existing conditions in populated areas, taking into account sound, emissions, and other factors.”

MINIMIZATION CRITERIA

Context for the Decision Applying the Minimization Criteria

My designations of OSV use requires me to consider, with the objective of minimizing, the effects of those designations on the resources and uses listed at 36 CFR 212.55(b).

“Minimization,” as used in the regulations and the underlying Executive Order (EO) is not defined. However, the EO states a clear purpose focusing on the outcomes of protection of resources, safety of users and minimization of conflicts. The EO’s clear outcome based purpose is stated as follows:

“Section 1: Purpose: It is the purpose of this order to establish policies and provide for procedures that will ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands.”

The Ninth Circuit Court of Appeals, “assumes that the TMR requires the Forest Service to comply with the minimization criteria in a manner that is feasible, prudent, and reasonable in light of the agency’s multiple-use mandate” and does not impose an “absolute, discernible limit” on off road motorized use (*WildEarth Guardians v. USFS*, 790 F.3d 920, 930 footnote 10 (9th Cir. 2015)). To that end, the following discussions provide what I believe are important contexts for understanding what minimization means, here and now, on the BDNF. It is also important to the understanding of why I believe my decision represents the feasible, prudent, and reasonable application of these criteria.

Prior to the 1970s, OSV use was permissible anywhere on the BDNF (except congressionally designated Wilderness areas), subject only to terrain, vegetation and vehicle performance limitations. About this time, off road vehicle use, nationally, was growing rapidly and environmental concerns were heightened. In response to these concerns, President Nixon signed EO 11644, as amended by EO 11989, in 1972. Section 3 of the EO required each agency to, “develop and issue regulations and administrative instructions... to provide for administrative designations of the specific areas and trails on the public lands on which the use of off-road vehicles may be permitted, and areas in which the use of off-road vehicles may not be permitted...” The Forest Service promulgated its regulations in 1978 (see 43 FR 20006 [May 210, 1978] and 36 CFR Part 295 [2000]). These regulations have now been superseded by the 36 CFR Part 212 regulations.

Starting in the 1980’s, the BDNF began limiting off-road vehicle use, including the use of OSVs, and in many areas of the Forest these limitations were reflected in the 1986/1987 Forest Plans and site-specific decisions. The Forest made additional decisions in the 1990’s to further limit off-road vehicles. At the time the Forest Plan Revision process began in 2002, 526,537 acres of the BDNF was closed to OSVs. In effect, OSV use that in 1972 had been only constrained by terrain and vehicle performance limitations was already prohibited in areas with high potential for conflict with other resource values when the Forest Plan Revision process began. Thus, our task when we started the 2009 Forest Plan effort was not to start from scratch. Instead, it was to adjust the existing and already highly tailored plan where new information, including extensive public involvement, indicated it is feasible, reasonable, and prudent to do so. This is the approach in Section 8 of EO 11644, and this has been the approach taken by the BDNF over the years.

Section 8 of the Executive Order then sets out requirements for monitoring use and adjusting designations over time. The “agency shall monitor the effects of the use of off-road vehicles on lands under their jurisdictions. On the basis of the information gathered, they shall from time to time amend or rescind designations of areas or other actions taken pursuant to this order as necessary to further the policy of this order.” For over 35 years now the BDNF has been

monitoring the effects of off-road vehicle use and, when necessary to further the policy of this order or to otherwise further the purposes for which the National Forest was established, have amended or rescinded motor vehicle designations.

The 2009 Forest Plan, in essence, defines what the agency's multiple-use mandate means on the BDNF for the next 10-15 years. As such, it specifically considered what is "feasible, prudent, and reasonable in light of the agency's multiple-use mandate." As I apply the TMR's "minimization criteria" to this decision, it is important to understand that the 2009 Forest Plan, under the mandates of the Multiple Use Sustained Yield Act and National Forest Management Act, had to tackle the issue of finding balance between the various uses of BDNF lands. Important programmatic decisions made in the Forest Plan include what lands are suitable for various uses, including motorized uses, and what uses are compatible with each other (or where they may be compatible, even if some level of "conflict" would exist). Furthermore, to accommodate the many uses of these lands, the plan geographically separates some uses providing, for example, non-motorized areas where recreationists can reasonably expect a quiet outdoor experience and others where one should not anticipate the same.

However, I am mindful that forest plans are permissive by nature. While certain uses may be permissible under the plan, the plan itself does not require those uses to occur. Nevertheless, the 2009 Forest Plan provides my framework for what is "feasible, prudent, and reasonable" as I applied the TMR's "minimization criteria" to this decision and, to the extent that current resource conditions allow, I should strive towards achieving the overall balance envisioned by the plan.

I am also mindful that choosing not to designate an area open to OSVs excludes a specific form of winter recreation use. As a result, decisions to prohibit OSV use in certain areas should be meaningful by substantially contributing to the sustainability of that use.

Congress has established the purposes for which National Forests are to be managed. "*National Forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes*" and these surface resources are to be administered for, "*multiple use and sustained yield*" (Multiple-Use Sustained-Yield Act of 1960).

"Multiple use" means: The management of all the various renewable surface resources of the national forests so that they are utilized in the combination that will best meet the needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; that some land will be used for less than all of the resources; and harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output." (16 U.S.C. § 531).

Included is the entire definition of "Multiple use" from the Act here because, in considering and applying the language of the EO to National Forest lands, it must be considered in context of the laws that existed at the time it was enacted as well as in light of all the laws Congress has passed. This affects how we consider, weigh, and manage all the resources and values of our National Forests and, in this case, the BDNF.

Recreation is one of the multiple uses provided by the BDNF. Winter recreation opportunities on the BDNF includes OSV, back-country and cross-country skiing, snow-shoeing, dog sledding and downhill skiing. During the over-the snow season, most Forest seasonal roads are closed due to snow and are available for use by snowmobiles (unless the area is closed to OSVs) and other winter recreationists. Snowmobiling has been a popular winter recreation activity on the BDNF since at least the mid-1960s. Alternative 6 Modified not only continues providing both motorized and non-motorized winter recreation opportunities on the BDNF, it also contributes to social and economic desires of local residents (2016 FSEIS, pg. 38-39). Other multiple uses addressed by the Forest Plan include vegetation, wildlife, aquatic resources, fire management, suitable range and timberland and wilderness recommendations (FSEIS, pg. 8-9).

Except for the comparatively limited focus of the EO, there are only nominal differences in practice between the EO's purpose to "minimize conflict among the various uses of those lands" and the responsibility to integrate and manage the "various renewable surface resources of the national forests so that they are utilized in the combination that will best meet the needs of the American people." This dual integration requirement is a daunting task. However the EO, the Multiple-use Sustained Yield Act, Forest and Rangeland Renewable Resources Planning Act, and National Forest Management Act neither require nor anticipate that the current decision be the ultimate answer for all time. Each anticipate periodic adjustment as conditions and needs change.

Finally, these designations aren't for all time. As with previous adjustments, what is right for today will be monitored and further adjusted over time. As before, I have emergency closure authority at hand for urgent needs such as resource damage or user safety, and through an established public process, I can consider new proposals adjusting motorized use as monitoring results suggest.

In summary, OSV use on the BDNF has not shown to be a substantial issue in terms of impacts to resources or use conflicts. When specific issues have been raised they have been dealt with. However, the 2009 Forest Plan analysis did recognize that winter recreation use of all kinds has become more popular on the BDNF (2009 FEIS, pg. 352). In addition, technological advances in snowmobile design led to snowmobiles penetrating farther into backcountry areas (2009 FEIS, pg. 350). Therefore, as we began revision of the 1986/1987 Forest Plans, some public comments indicated a desire to maintain existing winter motorized recreation opportunities while others wanted to expand quiet areas free of motorized use with easy vehicle access and parking, and yet others wanted increased motorized opportunities. These comments led to consideration of the following key issue:

- Where and how many acres allocated and managed for winter motorized and non-motorized opportunities (2016 FSEIS, pg. 9).

While the BDNF had managed OSV use under the 1986/1987 Forest Plans, a need to consider forest-wide adjustments to the existing tailored plans was in response to issues, policies, regulations, and management needs projected in the next 10-15 years. With this incremental change, the Forest continued its trend from the lightly regulated situation in 1972 to the current contrasting situation, with its multiple layers of resource protection. It is important to note that the 2009 FEIS did not identify specific areas where OSV use was expected to have irreversible or irretrievable environmental effects. Rather, the winter motorized allocations proposed, and analyzed, in the 2009 FEIS were designed to address a public desire for motorized and non-

motorized recreation opportunities and considered future potential advances in snowmobile technology.

Methodology of the 2016 FSEIS Analysis

The BDNFs methodology for the 2016 FSEIS *started* with a review of the available scientific information (2016 FSEIS, pg. 26), including literature provided by the public reviewers and objectors (See 2016 FSEIS, pg. 153). That review framed the *potential* cause effect relationships and helped identify the locations and situations on the Forest where those effects would most likely be identifiable and most relevant to the decision at hand. Concurrently, the Forest gathered and reviewed current species population and habitat status, trends, and winter use patterns to identify *locally* the potential species vulnerabilities to off-road OSV use (2016 FSEIS, pg. 27). These were in turn assessed in relation to actual OSV use patterns on the Forest (2016 FSEIS, pg. 34-35). Finally, the Forest queried and interviewed the resource managers most knowledgeable and experienced with actual on-the-ground conditions on the BDNF (2016 FSEIS, p. 27). Those discussions *started* at the landscape level and then followed the evidence. The effort was designed to define and focus the analysis and determine *where* a harder look may be warranted.

Findings from this initial line of inquiry were then shared with both Montana Fish Wildlife and Parks (MFWP) and the public with the specific intent to identify any additional site-specific conflicts (2016 FSEIS, pg. 27). Substantive leads were followed with more detail in the 2016 FSEIS.

I have considered the potential effects from OSV use on big game wildlife and the resources cited in the minimization criteria, as disclosed in the 2016 FSEIS. I evaluated the applicable resource data, as discussed in detail below, and applied the minimization criteria to reach my decision with the intent of minimizing effects from OSV use to each of the criteria resources. I applied the criteria by landscape, and to site-specific areas where warranted.

APPLICATION OF THE MINIMIZATION CRITERIA (36 CFR § 212.55(b))

Damage to soil, watershed, vegetation and other forest resources

OSV use has been a popular winter recreation activity on the BDNF since the mid-1960s. Potential impacts from repetitive low snow condition OSV use over a 50 year period is not readily apparent on any of the Landscapes.

For the analysis, ten agency resource specialists were asked to locate where OSV use, especially during low snow conditions, may have detrimentally affected soil, watershed and vegetation resources. They stated they have not observed these effects at a detrimental level and were unable to identify any damage to the resources in site-specific areas after numerous years of observations (2016 FSEIS, pg. 113). Specialists cited that combinations of availability of deep snow, terrain and vegetation and infrequent OSV use in low snow conditions on the BDNF has resulted in few observable effects to soil, watershed, vegetation and other forest resources on the BDNF. (2016 FSEIS pgs. 113-118). These specialists have a combined total exceeding 200 years of experience observing on-the-ground conditions on the BDNF. In addition, although several comment letters assume detrimental effects are occurring, more than 200 public reviewers did not identify specific locations where detrimental impacts are occurring.

It appears some reviewers considered the information described above as an indication that OSV use in low snow conditions never occurs on the BDNF and felt compelled to correct that perceived assumption. However, the 2016 FSEIS does not claim OSV use in low snow conditions does not occur. Rather, the 2016 FSEIS discloses the possibility of an effect and then discloses the nature of the effect as it exists specifically on the BDNF. Objectors provided photographic evidence of OSV use possibly occurring during low snow conditions. However, those same photographs do not show damage to the soil resource, stream channel or frequent vegetative damage. See BDNF responses 15 and 115 to WildEarth Guardian's objections.

Certainly OSV use in low snow conditions is possible and could occur in areas designated open for OSV use in Alternative 6 Modified. However, that use is also likely to remain infrequent as recreation users seek desired deep snow conditions on frozen surfaces with very little observable effects or damage to soil, watershed and vegetation on the BDNF.

Detrimental effects to soil, watershed and vegetation, if they occur in the future, would most likely occur near staging areas where OSV use is concentrated at lower elevations. The OSV staging areas were disclosed in Appendix H of the 2016 FSEIS and are attached to this ROD as Appendix 1 along with a description of the staging areas and routes in the vicinity. These staging areas are located on roads and highways. Because these are the same staging areas used by BDNF resource specialists in managing and monitoring the winter recreation program, they are highly visible to BDNF resource specialists and to winter recreation users. BDNF resource specialists have not identified detrimental effects to soil, watersheds and vegetation at these areas). If resources specialists or forest users begin observing impacts from OSV use during low snow conditions, site specific monitoring, including inventory and evaluation of those effects would occur, at that time and at that location. Further, if and when it is determined that OSV use is directly causing or will directly cause considerable adverse impacts, I have the necessary authority and tools to address those situations quickly and at the appropriate scale (36 CFR § 212.52(b)).

Objectors also suggest implementing a minimum snow depth to address possible detrimental effects to soil, watershed and vegetation. To adopt this recommendation within the framework of the agency's multiple use mandate, I need to expect that restricting OSV use to a minimum snow depth would contribute in a meaningful manner to sustaining healthy vegetative communities and productive soils. However, I find that due to a lack of adverse effects and the self-regulation of OSV users seeking deeper snow there is nothing to indicate that a minimum snow depth requirement is necessary to sustain healthy vegetative communities and productive soils on the BDNF, at this time. My decision does not preclude a future decision considering a minimum snow depth, if frequent OSV use in low snow conditions damages soil, watershed and vegetation resources where the effect limits the sustainability of the affected resource.

Based on the 2016 FSEIS analysis, my decision to select Alternative 6 Modified minimizes damage to soils, watershed and vegetation while allowing OSV use as OSV impacts on soils, watersheds and vegetation are minimal due to the nature of snowpack depth patterns on the BDNF, which is not limiting in alpine terrain, and due to the fact that there is little snowmobile use except on roads and trails at mid-elevations as users avoid travelling off roads and trails in areas when there is little snow. Further, the implementation of Alternative 6 Modified substantially decreased OSV open acres in every Landscape from conditions existing at the time of Forest Plan Revision.

Water Quality

OSV use is not adversely affecting water quality on the BDNF. As disclosed in the 2016 FSEIS, no evidence could be found to implicate water quality as a relevant issue at this time. In the winter, water crossings by OSVs usually occur in frozen conditions. On the BDNF, open water, when it exists, appears to be avoided by OSV users. Further, most used OSV routes on the BDNF largely follow existing roads and trails where water crossings are designed to minimize impacts. (2016 FSEIS, pg. 114, 116-117).

Water quality has also not been an issue in Yellowstone National Park, our neighbor to the southeast, where OSV use is far greater. Studies done in Yellowstone National Park have shown little to no measurable negative effects from OSV use adjacent to water bodies at much higher use levels than are present across the BDNF (2016 FSEIS, pg. 114, 116-117).

Based on the available information, I also find no reason for concern in compliance with the Clean Water Act, which sets the threshold of a statistically measureable increase in the associated TMDL (Total Maximum Daily Load) a stream is listed for. Furthermore, the 303d list impairments range from sediment to metals but rarely include things like hydrocarbons or other potential toxins that could be associated with OSV emissions. Current TMDLs for streams located on the BDNF have never identified OSVs as a probable cause for any impairment or discussed OSV travel as contributing to any impairment, which is supported by the lack of evidence for impacts to soils.

Based on the 2016 FSEIS analysis, minimizing damage to water quality did not show a need to provide additional protections beyond those already provided as part of the 2009 Forest Plan Alternative 6 Modified. Further, the implementation of Alternative 6 Modified substantially decreased OSV open acres in every Landscape from conditions existing at the time of Forest Plan Revision. Please refer to the above section (soil, watershed and vegetation) for additional information.

Harassment of Wildlife and Significant Disruption of Wildlife Habitat

My decision designating OSV use areas while minimizing the effects of those designations in terms of the harassment of wildlife and significant disruption of wildlife habitat considers both the existing 2009 Forest Plan and information and data presented in the 2016 FSEIS.

Prior to the 2009 Forest Plan ROD a total of 526,537 acres of the BDNF had been closed to OSV use, negating any potential risk of harassment of wildlife and disruption of habitat from that use in the closed areas. Alternative 6 Modified further reduced the potential risk of harassment of wildlife and disruption of habitat by closing an additional 810,016 acres. Specific areas closed to OSV use by Alternative 6 Modified in the 2009 Forest Plan are displayed in Table 2 and on the map shown as Figure B. The Map ID column in Table 2 corresponds with the ID number displayed in Figure B map. A zero (0) indicates no habitat exists for the species listed in the column within the specified portion (Map ID) of the landscape. A ✓ indicates the specified habitat component exists within this portion of the landscape.

Table 2: Areas closed to OSVs in Alternative 6 Modified in relation to wildlife habitat

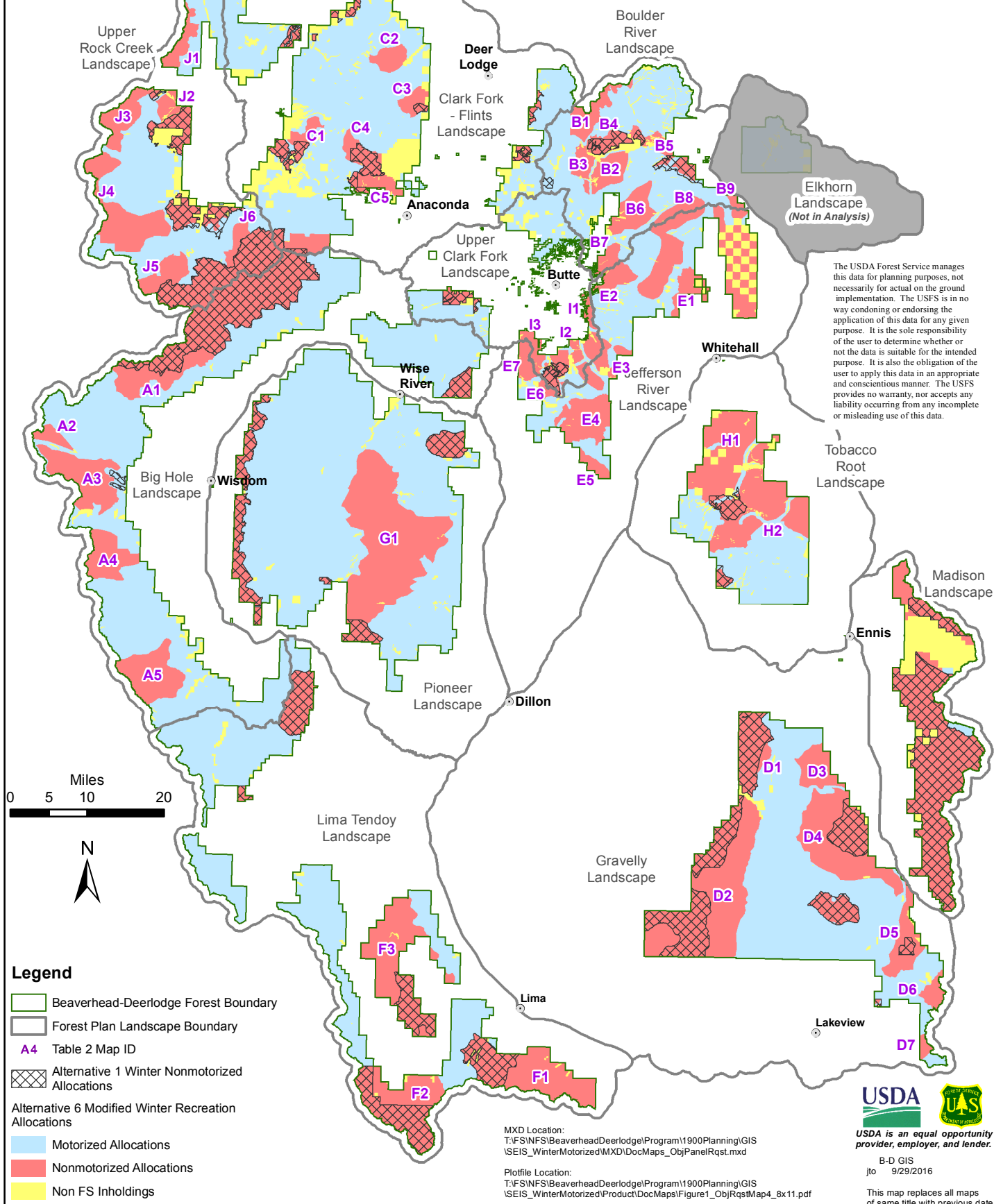
Landscape	Map ID	Additional Alt 6 Modified Closures	Big game winter range	Bighorn sheep winter range	Mountain goat winter range	Grizzly bear denning habitat	Wolverine denning habitat (Heinemeyer, et al 2001)	Wolverine denning habitat (Inman et al 2013)
Big Hole	A1	South of Anaconda-Pintler wilderness	✓	No occupied habitat in landscape	✓	✓	✓	✓
	A2	NE of Chief Joseph Pass	0		0	✓	0	0
	A3	May Creek Area, south of Hwy 43	✓		0	✓	0	✓
	A4	Sheep Mtn, Pyramid Mtn, Jumbo Peak	✓		0	✓	✓	✓
	A5	Miner Cr. south to Pioneer Cr.	✓		0	✓	✓	✓
Boulder	B1	Thunderbolt Mtn area	✓	No occupied habitat in landscape	No occupied habitat in landscape	✓	✓	0
	B2	S Mormon Gulch, Ladysmith Campground, E. Lowland Cr.	✓			✓	0	0
	B3	Ferdinand Gulch, S Fork Dry Gulch	✓			✓	0	0
	B4	South of Road 5196	✓			✓	0	0
	B5	N, NE of Basin, Buttermilk Jim Gulch	✓			✓	0	0
	B6	Haystack Mtn	✓			✓	✓	0
	B7	West of Whitetail Peak	✓			✓	✓	0
	B8	South of Little Boulder River	✓			✓	0	0
	B9	Clark Ridge & north	✓			✓	0	0
Clark Fork-Flint	C1	Rumsey Mtn north to west of Red Lion Mtn	✓	0	✓	✓	0	✓

Landscape	Map ID	Additional Alt 6 Modified Closures	Big game winter range	Bighorn sheep winter range	Mountain goat winter range	Grizzly bear denning habitat	Wolverine denning habitat (Heinemeyer, et al 2001)	Wolverine denning habitat (Inman et al 2013)
	C2	Pikes Peak Ridge	✓	0	✓	✓	✓	✓
	C3	Deer Lodge Mtn south and east of Deer Lodge Prison ground	✓	0	✓	✓	✓	✓
	C4	Foster Cr area, South of Thornton Cr	✓	0	✓	0	✓	✓
	C5	Stuckey Ridge, Blue-eyed Nellie	✓	✓	0	✓	✓	0
Gravelly	D1	Greenhorn Range	✓	✓	0	✓	✓	✓
	D2	Entire Snowcrest Range	✓	✓	✓	✓	✓	✓
	D3	Morgan Gulch to Johnny Gulch	✓	0	0	✓	0	✓
	D4	East of Clover Mdws, Lazyman, Red Hills & Cave Mtn	✓	0	0	✓	✓	✓
	D5	Wade Lake to Hidden Lake	✓	0	0	✓	0	0
	D6	Antelope Basin	✓	0	0	✓	✓	✓
	D7	Nemesis Mtn to west of Mt Jefferson	0	0	0	✓	✓	✓
Jefferson River	E1	Goodwin Mtn, Dry Mtn	✓	0	No occupied habitat in landscape	✓	0	0
	E2	International Cr west to Wissikihon Cr, East of I-15	0	0		✓	0	0
	E3	Areas north, west and south of Toll Mtn	✓	0		✓	0	0

Landscape	Map ID	Additional Alt 6 Modified Closures	Big game winter range	Bighorn sheep winter range	Mountain goat winter range	Grizzly bear denning habitat	Wolverine denning habitat (Heinemeyer, et al 2001)	Wolverine denning habitat (Inman et al 2013)
	E4	Red Mtn, Table Mtn, West Peak, Creek Ridge	✓	0		✓	✓	✓
	E5	Hells Canyon	✓	0		✓	0	0
	E6	East of Burton Park	✓	0		0	0	0
	E7	NW of Burton Park	✓	0		✓	0	0
Lima Tendoy	F1	North of Idaho border, east of Lima Peaks & Garfield Mtn. to the east BDNF bdy	✓	0	No occupied habitat in landscape	✓	✓	✓
	F2	East of Meadows Cr to west of Bannack Pass	✓	0		✓	✓	0
	F3	East of Medicine Lodge Cr.	✓	✓		✓	✓	0
Pioneer	G1	East Pioneer Mtns	✓	✓	0	✓	✓	✓
Tobacco Root	H1	North half	✓	No occupied habitat in landscape	No occupied habitat in landscape	✓	✓	✓
	H2	East of Branham Peaks	✓			✓	✓	✓
Upper Clark Fork	I1	East of I-90 to Continental Divide	✓	No occupied habitat in landscape	No occupied habitat in landscape	✓	✓	0
	I2	Thompson Park, Blacktail Cr.	✓			✓	0	0
	I3	China Gulch to Herman Gulch, Basin Cr.	✓			✓	0	0
	J1	East of Sandstone Ridge	✓	✓	0	✓	0	✓

Landscape	Map ID	Additional Alt 6 Modified Closures	Big game winter range	Bighorn sheep winter range	Mountain goat winter range	Grizzly bear denning habitat	Wolverine denning habitat (Heinemeyer, et al 2001)	Wolverine denning habitat (Inman et al 2013)
Upper Rock Creek	J2	South of Stoney Cr. & west of Cornish Gulch	✓	✓	0	✓	0	0
	J3	West of Stoney Cr. to BDNF bdy	✓	✓	✓	✓	✓	✓
	J4	East of Sapphire Mtns, Sapphire Wilderness Study Area	✓	0	0	✓	✓	✓
	J5	Meyers Cr. & North of Hole in the Wall	✓	0	✓	✓	✓	✓
	J6	Dexter Basin, SW of East Fork Reservoir	✓	0	✓	✓	✓	✓

Winter Recreation Allocations Motorized Status Alternative 1 / Alternative 6 Modified Winter Nonmotorized Allocation Comparison



In addition to consideration of the 2009 Forest Plan, I also considered the information and data concerning wildlife and wildlife habitat in the 2016 FSEIS. The 2016 FSEIS discusses at length the existing big game winter range on the BDNF (2016 FSEIS, pgs. 42-45); big game species population data (2016 FSEIS, pgs. 45-53); amount of big game winter range open to OSV use by alternative (2016 FSEIS, pgs. 55-57); effects of OSV use on general big game (elk, moose, mule deer, white-tailed deer, and antelope), bighorn sheep, mountain goat and the species habitat by landscape (2016 FSEIS 64-111, 120-121); effect of OSV use on grizzly bears and habitat (2016 FSEIS 121-152); effect of OSV use on lynx (2016 FSEIS, pg. 152-155); effects of OSV use on gray wolf (2016 FSEIS, pg. 156); effects of OSV use on wolverine (2016 FSEIS, pgs. 157-179); and effects of OSV use on small mammals (2016 FSEIS, pg. 180). The information and data presented in the 2016 FSEIS is summarized below and incorporated into my decision.

During the objection process, recommendations were made for substantial closures. Objectors recommended closing all high value big game winter range, wolverine denning habitat and mountain goat winter range and buffer all mountain goat habitat by 1 mile. Maps in Appendix 4 display the areas proposed for closure by objectors and associated acreage figures. If all areas recommended were closed, OSV use would be restricted to 11% of the BDNF without consideration of how OSV users would access the remaining open areas by a plowed road or how the public could recognize and abide by boundaries limited largely by elevation and not terrain features.

The recommendations displayed in Appendix 4 would reduce possible disturbance to individual animals by removing all OSV use in winter range but would limit OSV use to a small portion of the BDNF. To adopt this recommendation within the framework of the agency's multiple use mandate, I need to expect that restricting OSV use to this smaller area would contribute in a meaningful manner to sustaining healthy wildlife populations. However, there is no information or data that such a reduction in OSV use is needed to protect wildlife resources. MFWP has made no such closure recommendations for any species. I find that the Objectors' recommendations are not consistent with the balance of multiple-uses to be provided by the Forest Plan. Based on 2016 FSEIS information and data and summarized in the following discussion for big game, bighorn sheep, mountain goats, grizzly bears, lynx, and wolverine, restrictions on OSV use included in Alternative 6 Modified complies with the minimization criteria by protecting wildlife resources in a manner that is feasible, prudent and reasonable in light of the agency's multiple-use mandate.

General Big Game (Elk, Moose, Mule Deer, White-tailed Deer, Antelope)

The 2016 FSEIS presents substantial information on big game species, winter range and snowmobiling. The 2016 FEIS shows minimal effects from OSV use due to the nature of big game winter range based on annual snow conditions and the topography of the forest resulting in the unlikely coincidence of snowmobiling and big game winter range occurring at the same time and place because snowmobiling generally occurs in deep snow conditions which are poor conditions for big game winter range. Disturbance to individuals is possible, but there is no evidence that OSV use is affecting any species populations and MFWP biologists did not recommend any additional measures to minimize impacts of OSV use with the exception of education measures designed to benefit moose wintering in willow dominated bottoms along the West Fork of the Madison River on the Madison Ranger District.

Further, the 2016 FSEIS shows that BDNF lands do not provide the majority of winter range in southwest Montana as 70% of big game winter range is on the lower elevation on private lands with only 30% of big game winter range on BDNF lands. (2009 FEIS, pg. 493; 2016 FSEIS, pg. 57). In addition, as discussed above, the Alternative 6 Modified of the 2009 Forest Plan reduced the potential risk of harassment of wildlife and significant disruption of habitat through additional closures. Table 3 shows the 2009 Forest Plan Alternative 6 Modified additional closures by landscape.

Table 3: Acres/percent of big game winter range closed in Alternative 6 Modified and change from prior 1986/1987 Forest Plans

Landscape	Acres/Percentage on BDNF lands of General Big Game Winter Range Closed in Alternative 6 Modified	Approximate Change in Big Game Winter Range acres closed to OSV from 1986/1987 Forest Plans
Big Hole	16,376/9%	+ 8,500 acres
Boulder	46,071/34%	+32,100 acres
Clark Fork Flint	40,542/17%	+17,400 acres
Gravelly	173,318/50%	+101,800 acres
Jefferson	59,636/53%	+59,600 acres
Lima Tendoy	119,134/47%	+70,000 acres
Madison	91,391/100%	+8,500 acres
Pioneer	68,192/23%	+26,600 acres
Tobacco Root	45,851/45%	+43,400 acres
Upper Clark Fork	22,397/34%	+15,600 acres
Upper Rock Creek	45,472/41%	+18,600 acres
BDNF – forest wide total	728,380/37%	+402,100 acres

Elk

During the development of the 2009 Forest Plan, the Boulder Landscape was the only landscape where MFWP biologists identified OSV use as an issue for wintering elk (2016 FSEIS, pg. 59). Winter range use by elk in the Boulder Landscape is quite different from almost all other landscapes on the Forest (2016 FSEIS, pg. 69). Alternative 6 Modified was developed to specifically address MFWP's concerns and, as such, added closures to reduce effects specifically to elk on winter range in the Boulder Landscape. (2009 FEIS, pg. 29; 2016 FSEIS, pg. 59). Of all the alternatives, Alternative 6 Modified closes the most winter range within the Boulder Landscape to winter motorized use. Currently, all three related hunt districts meet or exceed MFWP elk population objectives. (2016 FSEIS, pg. 45-47; 69).

Across the BDNF elk are widely distributed and observed population data in 2015 show elk numbers at 39,100 exceeding the MFWP State Elk Plan objective of 30,155 elk. (2016 FSEIS, pg. 46-47, 120). Alternative 6 Modified decreases acres of general big game winter range open to winter motorized travel to approximately 1,218,142 acres or 63% of the winter range leaving approximately 728,380 acres or 37% of the winter range in a non-motorized allocation. But, these percentages portray big game winter range on National Forest System lands only, not across the entire big game winter range. Only 30% of the big game winter range is on lands administered by the BDNF, with the remaining 70% is in other land ownership.

Elk physically occupy winter range on the BDNF during low snow conditions that are not highly desired by OSV users. During these low snow conditions, OSV users generally drive a full-sized vehicle to a plowed staging area or on a public road in the vicinity of the BDNF until access is blocked by drifting snow, unload their equipment and quickly pass through the low snow area (desired by wintering elk) to deep snow areas (desired by OSV users). While this use may disturb individual elk if present, I have concluded that Alternative 6 Modified minimizes harassment of elk and significant disruption of winter habitat by continuing to keep areas closed to OSV use that were closed prior to 2009, adding the additional areas closed in the 2009 Forest Plan as described in Table 3, and the likely low presence of OSVs under the low snow conditions desired by wintering elk. This conclusion is supported by on-the-ground and aerial observations by MFWP biologists in each Landscape and an abundant elk population widely distributed across the BDNF. The OSV area designations included in Alternative 6 Modified minimize harassment to elk and significant disruption of habitat as the information and data show minimal effects of OSV use while retaining a strong elk population. OSV area designations meet the BDNF's multiple use mandate while ensuring that elk are protected.

Moose

MFWP biologists identified two site-specific areas where extensive OSV use may affect wintering moose. These localized OSV effects to moose are in riparian communities in the Boulder and Gravelly Landscapes, specifically the Boulder River and the West Fork of the Madison River.

Boulder Landscape: Alternative 6 Modified, adopted as the 2009 Forest Plan, closed more of the Boulder Landscape to OSV use than any other alternative. This closure has been in effect since 2010. The local MFWP biologist for the Boulder River area stated that during the 2015-2016 winter range aerial surveys, extensive snowmobile use in willow communities along the Boulder River was not noted (Pers. com. MFWP 2016, 2016 FSEIS, pg. 70). The biologist did not recommend any additional changes at this time. My monitoring and closure ability under both the 2009 Forest Plan and the 2005 TMR designation process gives the tools necessary to deal with future conditions should use patterns change (36 CFR § 212.50 et. seq).

Gravelly Landscape: The disruption of moose within this winter range by OSVs in the West Fork of the Madison River area was identified as a concern by the local MFWP biologist (2016 FSEIS, pg. 79). The local MFWP biologist recommended an education plan that involves signing similar to those at the Konda Trailhead in the Boulder Landscape. Personal experience of that biologist with education plans at the Konda Trailhead in the Boulder Landscape indicate that educational efforts to encourage OSV riders to stay out of the specific willow bottoms can change rider behavior across entire ecosystems. Within his normal management authority, the Madison District Ranger will initiate an OSV user education program, including the recommended signing plan (beginning with the 2016/2017 winter season) to limit disruption of moose wintering in willow bottoms along the West Fork of the Madison and to educate OSV riders of the importance of avoiding similar areas elsewhere.

While OSV use occurring in close proximity to wintering moose may disturb individual moose, I have concluded that OSV allocation decision of Alternative 6 Modified minimizes harassment of moose and disruption of winter habitat by continuing to keep areas closed to OSV use that were closed prior to the 2009 Forest Plan, adding the additional areas closed in the 2009 Forest Plan as described in Table 2 and Table 3, and implementing the recommendations of MFWP in the West

Fork of the Madison area. This conclusion is supported by on-the-ground and aerial observations by MFWP biologists in each Landscape and the species analysis included in the 2016 FSEIS. OSV area designations included in Alternative 6 Modified provide for protection of moose and moose habitat in a manner that is feasible, prudent and reasonable while providing for OSV use consistent with the agency's multiple-use mandate.

Mule Deer, White-tailed Deer, Antelope

There were no instances on any Landscape or site specific area where MFWP biologists identified harassment or significant habitat disruption of mule deer, whitetail deer, or antelope (Pers. com. MFWP 2016, 2016 FSEIS, pg. 57-58).

Based on the 2016 FSEIS analysis, this criteria did not compel change for additional protections beyond those already provided in Alternative 6 Modified. The implementation of Alternative 6 Modified substantially decreased OSV open acres in every Landscape from conditions existing at the time of Forest Plan Revision. (Table 24, 2016 FSEIS pg. 55).

Please refer to the above discussion for elk. Similar circumstances exist for mule deer, white-tailed deer and antelope in that they prefer wintering areas with low snow conditions. As a result, I have concluded that Alternative 6 Modified minimizes harassment of deer and antelope and disruption of winter habitat by continuing to keep areas closed to OSV use that were closed prior to 2009, adding the additional areas closed in the 2009 Forest Plan as described in Table 3 and the likely low presence of OSVs under the low snow conditions desired by wintering deer and antelope. This conclusion is supported by on-the-ground and aerial observations by MFWP biologists in each landscape. OSV area designations included in Alternative 6 Modified provide for protection of mule deer, white-tailed deer and antelope in a manner that is feasible, prudent and reasonable while providing for OSV use consistent with the agency's multiple-use mandate.

Bighorn Sheep

There were no instances on any Landscape or site specific area where MFWP biologists identified harassment or significant disruption of bighorn sheep habitat/populations as an issue from OSV travel (Pers. com. MFWP 2016 and 2016 FSEIS, pg. 54). Alternative 6 Modified closes 71,134 acres (51%) of the 138,494 acres of bighorn sheep winter range located on the BDNF.

Table 4: Acres/percent of bighorn sheep winter range closed in Alternative 6 Modified and change from prior 1986/1987 Forest Plans

Landscape	Acres/Percentage of Bighorn Sheep Range Closed In Alternative 6 Modified	Change in acres closed to OSV from 1986/1987 Forest Plans
Big Hole	No bighorn sheep winter range on National Forest System lands	----
Boulder	No bighorn sheep winter range	----
Clark Fork -Flint	10,568/57%	+6,500 acres
Gravelly	12,048/86%	+2,000 acres
Jefferson	0/0% - all 2,767 acres bighorn sheep winter range is open to OSV. Area receives little or no use.	No change.
Lima Tendoy	9,364/37%	+3,100 acres

Landscape	Acres/Percentage of Bighorn Sheep Range Closed In Alternative 6 Modified	Change in acres closed to OSV from 1986/1987 Forest Plans
Madison	20,686/100%	No change
Pioneer	11,405/24%	+2,000 acres
Tobacco Root	No bighorn sheep range	-----
Upper Clark Fork	No bighorn sheep range	-----
Upper Rock Creek	6,634/81%	+4,100 acres
BDNF – forest wide total	70,705/51%	+17,700 acres

Alternative 6 Modified closes the most important bighorn sheep winter range to OSV travel. There are only two Landscapes where potential effects to bighorn sheep on winter range were identified: Gravelly and Pioneer. (2016 FSEIS, pg. 121). In the Gravelly Landscape there is no off road travel in bighorn sheep winter range and MFWP does not expect negative effects from off-road travel. In the Pioneer Landscape, intermittent OSV use could affect individual bighorn sheep, if present, in terms of increased stress, energy expenditure and displacement. However, MFWP did not identify OSV use in this area as a management concern for the herd. (2016 FSEIS, pg. 99, 82-83, 121)

Based on the 2016 FSEIS analysis, this criteria did not compel change for additional protections beyond those already provided in Alternative 6 Modified. The implementation of Alternative 6 Modified decreased OSV open acres in those Landscapes where bighorn sheep winter range areas were open to OSV use (Table 25, 2016 FSEIS pg. 56).

Please refer to the above discussion for elk in that the species prefer wintering areas with low snow conditions. Similar circumstances exist for bighorn sheep herds on the BDNF. As a result, I have concluded that Alternative 6 Modified minimizes harassment of bighorn sheep and disruption of winter habitat by continuing to keep areas closed to OSV use that were closed prior to 2009, adding the additional areas closed in the 2009 Forest Plan described in Table 2 and Table 4 and the likely low presence of OSVs under the low snow conditions desired by wintering bighorn sheep. This conclusion is supported by on-the-ground and aerial observations by MFWP biologists in each landscape occupied by bighorn sheep. OSV area designations included in Alternative 6 Modified provide for protection of bighorn sheep in a manner that is feasible, prudent and reasonable while providing for OSV use consistent with the agency's multiple-use mandate.

Mountain Goats

There were no instances on any Landscape or site specific area where MFWP biologists identified harassment or significant disruption of mountain goat habitat/populations as an issue from OSV travel (Pers. com. MFWP 2016 and 2016 FSEIS pg. 54).

Although not identified as a serious concern, MFWP biologists stated that although unlikely, mountain goat herds in the Clark Fork Flint, Pioneer and the Upper Rock Creek Landscape could potentially be affected from intermittent OSV travel (Pers. com. MFWP 2016; 2016 FSEIS, pg. 121). However, MFWP biologists identified no concern regarding impacts from these potential effects and recommended no additional measures needed to protect mountain goats. As such, the 2016 FSEIS analysis discusses that although there could be potential for effects to individuals,

there is no evidence of negative effects to mountain goat populations from OSV travel. As a result, there is no recommendation from local MFWP biologists to take additional action to protect mountain goat winter habitat. (2016 FSEIS, pgs. 64-112; 121).

Table 5: Acres/percent of mountain goat winter range closed in Alternative 6 Modified and change from prior 1986/1987 Forest Plans

Landscape	Acres/Percentage of Mountain Goat Winter Range Closed In Alternative 6 Modified	Change in acres closed to OSV from 1986/1987 Forest Plans
Big Hole	78,619/56%	+ 7,700 acres
Boulder	No mountain goat range	----
Clark Fork- Flint	27,614/23%	+23,600 acres
Gravelly	35,228/100% All mountain goat winter range closed	+17,300 acres
Jefferson	No mountain goat range.	-----
Lima Tendoy	Mountain goat winter range not mapped by MFWP	-----
Madison	77,765/99%	+5,900 acres
Pioneer	15,791/36%	No change
Tobacco Root	Mountain goat winter range not mapped by MFWP	-----
Upper Clark Fork	No mountain goat winter range	-----
Upper Rock Creek	53,345/78%	+12,400 acres
BDNF – forest wide total	288,362/59%	+66,900 acres

Alternative 6 Modified reduces effects from OSV travel to mountain goats on winter range. There are only three Landscapes, the Clark Fork Flint, Pioneer and Upper Rock Creek where potential effects may be possible (pers. com. MFWP 2016). Although disturbance to individuals is possible, MFWP biologists did not recommend measures to further protect mountain goats and there is no evidence that OSV travel is affecting any of these populations on the BDNF (pers. com. MFWP 2016). (2016 FSEIS, pgs. 77-78, 100-101, 111, 121).

During the objection process, concerns were raised about occupancy by mountain goats in landscapes that did not include mapped winter range – specifically the Lima Tendoy and Tobacco Root landscapes and the portion of the Big Hole Landscape west of Jackson, Montana (Homer Young Peak area). According to MFWP and Idaho Fish and Game aerial surveys, mountain goats in the specified portion of the Big Hole Landscape spend their winter in Idaho. MFWP has not mapped winter range for mountain goats in the Tobacco Root or the Lima Tendoy Landscapes pending additional monitoring. In responding to the Reviewing Officer's instruction, BDNF contacted MFWP regarding mapping of winter mountain goat range. MFWP stated further observations and information of mountain goat use are needed to assure accuracy before they complete mapping. It is therefore premature, at this time, to map additional mountain goat winter range. However, the BDNF did consider information from MFWP that the Tobacco Root mountain goats appear to be wintering in mountain mahogany vegetation types east of Waterloo, Montana where low snow accumulation and vegetation restricts snowmobile use. In

the Lima Tendoy Landscape, mountain goats winter in extremely steep areas that cannot be traversed by OSVs.

During the objection resolution meeting, a concern was raised that OSV use can drive down mountain goat populations. As evidenced by a lack of mountain goat hunting licenses, interested parties pointed out several mountain goat hunting districts where MFWP does not issue goat licenses but where snowmobile use has been restricted for decades (such as the Anaconda Pintler Wilderness Area) and conversely in other hunting districts where goat tags continue to be issued in the presence of OSV use (such as the Tobacco Root Mountains). These examples seem to correlate with observations of MFWP biologists that OSV tracks are not seen during aerial surveys where mountain goats are wintering on the BDNF.

Based on the information and data in the 2016 FSEIS analysis, additional protections for mountain goat beyond those already provided in Alternative 6 Modified are not necessary at this time. The implementation of Alternative 6 Modified substantially decreased OSV open acres in those Landscapes (except the Pioneer Landscape which already had 36% of goat winter range closed) within mountain goat winter range from conditions existing at the time of Forest Plan Revision. In addition, OSV use on the BDNF has shown to be of little impact on goat populations.

Grizzly Bears

The FEIS analysis focuses primarily on the potential effects of OSV use to grizzly bears (particularly sows with cubs) as they leave their dens in the spring. Connectivity is not a primary issue with OSV use because grizzly bears do not travel substantially during the springtime. The US Fish and Wildlife Service (USFWS) Forest Plan consultation states, "...spring snowmobiling areas and spring grizzly bear habitat are almost mutually exclusive in that the areas that would be suitable for spring snowmobiling (i.e. more snowpack) would not typically overlap with spring grizzly bear habitats (i.e. less snowpack in areas of early green-up)" (See 2016 FSEIS, pgs. 121-152).

Table 6: Acres/percent of modeled grizzly bear denning habitat closed in Alternative 6 Modified and change from prior 1986/1987 Forest Plans

Landscape	Acres/Percentage of Modeled Grizzly Bear Denning Habitat Closed In Alternative 6 Modified	Change in acres closed to OSV from 1986/1987 Forest Plans
Big Hole	22,305/43%	+20,700 acres
Boulder	5,286/45%	+4,200 acres
Clark Fork- Flint	2,095/11%	+1,200 acres
Gravelly	51,230/68%	+26,000 acres
Jefferson	7,892/65%	+7,900 acres
Lima Tendoy	25,950/36%	+10,800 acres
Madison	26,808/98%	+2,800 acres
Pioneer	42,796/29%	+34,700 acres
Tobacco Root	25,614/51%	+24,000 acres
Upper Clark Fork	3,369/36%	+2,300 acres
Upper Rock Creek	5,322/45%	+3,500 acres
BDNF – forest wide total	218,677/45 %	+138,100 acres

Alternative 6 Modified reduces potential effects from OSV travel to modeled grizzly bear habitat. Alternative 6 Modified closes 218,677 acres (45%) of the modeled denning habitat to OSV use (closing an additional 138,100 acres of grizzly bear modeled denning from the existing condition). The only Landscape within a grizzly bear recovery zone is the Madison Landscape where the portion of the Landscape within the recovery zone is within the Lee Metcalf Wilderness which is closed to motorized use. (2016 FSEIS, pg. 151).

The 2009 Forest Plan Biological Opinion identifies potential interaction between OSV use and females and cubs is most likely to occur between the third week of March and May 15th. Such interaction would be limited due to the low number of denning bears and the abundant amount of denning habitat on the BDNF. The potential for effects is further reduced by closing OSV travel after May 15. In conclusion the USFWS Biological Opinion states, "... the Service does not expect impacts to spring habitat and foraging grizzly bears to rise to the magnitude that would injure grizzly bears" (USFWS, 2013b). The USFWS stated in the Biological Opinion that they do not expect impacts to denning grizzly bears (outside of the emergence period) or to spring habitat and foraging grizzly bears to rise to the magnitude that would adversely affect grizzly bears (USFWS 2013). The USFWS based its conclusion, in terms of winter motorized use, on the fact that although exact numbers of females and cubs denning on the Forest is unknown at this time, there are "...likely very few to date and that the amount of denning habitat, in comparison, is abundant." (USFWS, 2013) Additionally, it was noted that the same conditions that lead to bear emergence lead to poor quality snow for snowmobiling (USFWS 2013). There was no requirement from the USFWS to further reduce the OSV travel in spring grizzly bear habitat. (2016 FSEIS pg. 151-152).

Based on the 2016 FSEIS analysis, this criteria did not compel change for additional protections beyond those already provided in Alternative 6 Modified. The implementation of Alternative 6 Modified substantially decreased OSV open acres in those Landscapes with grizzly bear denning habitat from existing condition at the time of Forest Plan Revision (Table 28, 2016 FSEIS pg. 124-125). (See also, FSEIS, pgs. 121-152).

It is worth reiterating that minimization of effects to grizzly bears from OSV travel on the BDNF is not limited to the Greater Yellowstone Ecosystem grizzly bear recovery zone but instead is distributed across each Landscape. This occurs through the reduction of denning habitat open to OSV use as well as closing all Landscapes to OSV use from May 16 through December 1, as stated in the Biological Opinion.

I have concluded that Alternative 6 Modified minimizes harassment of grizzly bears emerging from their dens and disruption of habitat by continuing to keep areas closed to OSV use that were closed prior to 2009, adding the additional areas closed in the 2009 Forest Plan described in Table 2 and Table 6, the limited time period interactions are most likely to occur, the low number of denning grizzly bears in comparison to the abundance of denning habitat on the BDNF, the closing of all Landscapes to OSV use from May 16 through December 1, and the fact that, the same conditions that lead to bear emergence also leads to snow conditions OSV users avoid.

Canada Lynx

The BDNF is identified as unoccupied Canada lynx habitat under the 2007 Northern Rockies Lynx Management Direction (NRLMD). There is no designated critical habitat for the species on the BDNF. The 2009 Forest Plan FEIS effects for Canada lynx section discloses that Alternative

1, the No Action, was included as part of the baseline analysis for the Lynx Conservation Assessment Strategy (2000) and the subsequent NRLMD.

In its consultation with the Forest Service on the NRLMD, the USFWS did not recommend any restrictions for dispersed OSV recreation and provided guidance on expansion of designated OSV routes and designated play areas. None of the 2009 Forest Plan action alternatives, including Alternative 6 Modified, increase designated routes or designated play areas from the existing condition prior to Forest Plan Revision. Compliance with NRLMD direction in all alternatives across all Landscapes minimizes potential effects to Canada lynx. (See 2016 FSEIS, pgs. 152-155).

On July 5, 2016 the BDNF informally consulted with the USFWS with the proposed action to adopt the winter motorized and winter non-motorized allocations as described by Alternative 6 Modified from the Forest Plan Record of Decision. On July 18, 2016, the USFWS concurred that winter motorized use, as allocated under the 2009 Forest Plan may affect but is not likely to adversely affect Canada lynx.

Based on the information and data in 2016 FSEIS analysis, the OSV area designations of Alternative 6 modified minimize effects to lynx while providing for OSV use. The implementation of Alternative 6 Modified substantially decreased OSV open acres in every Landscape from conditions existing at the time of Forest Plan Revision (Tables 1-11, 2016 FSEIS, pg. 20-23) and OSV use is not likely to adversely affect lynx.

Wolverine

While human disturbance may in general affect wolverine distribution, the highest potential for negative disturbance impacts is theorized to be disturbance at den sites. Effects of OSV travel were analyzed originally based on the Heinemeyer et al. (2001) denning model. Additional research on wolverines has emerged since the 2009 Forest Plan was finalized and has been updated in the 2016 FSEIS to include an analysis of denning habitat based on Inman et al. (2013). Winter motorized travel would be allowed within some modelled wolverine denning habitat (utilizing both models across the BDNF) and may cause disturbance effects to individual wolverines. Although this is the case, the USFWS Proposed Rule acknowledged that while dispersed recreation may affect wolverines, significant effects to wolverines from winter recreation remain to be demonstrated scientifically (USFWS 2013). The Proposed Rule also found that preliminary results from an ongoing study by Heinenmeyer et al. on the potential impacts of winter recreation on wolverines in central Idaho indicate that wolverines are present and reproducing in the study area in spite of heavy recreational use, including a developed ski area; dispersed winter and summer recreation; and dispersed snowmobile use (USDI Fish and Wildlife Service, 2013). (See 2016 FSEIS, pgs. 157-180).

Table 7: Acres/percent of modeled wolverine denning habitat closed in Alternative 6 Modified and change from prior 1986/1987 Forest Plans

Landscape	Acres/Percentage of Modeled Wolverine Denning Habitat Closed In Alternative 6 Modified	Change in acres closed to OSV from 1986/1987 Forest Plans
Big Hole	20,077/63%	+8,000 acres
Boulder	No wolverine denning habitat.	----
Clark Fork- Flint	6,048/42%	+4,700 acres

Landscape	Acres/Percentage of Modeled Wolverine Denning Habitat Closed In Alternative 6 Modified	Change in acres closed to OSV from 1986/1987 Forest Plans
Gravelly	11,264/73%	+7,500 acres
Jefferson	3,722/99%	+3,700 acres
Lima Tendoy	16,731/65%	+6,900 acres
Madison	28,209/98%	+800 acres
Pioneer	18,320/60%	+17,600 acres
Tobacco Root	13,099/63%	+9,800 acres
Upper Clark Fork	No wolverine denning habitat.	----
Upper Rock Creek	8,047/88%	+800 acres
BDNF – forest wide total	125,517/69%	+59,800 acres

Alternative 6 Modified reduces potential effects to wolverine denning habitat. Winter motorized use would still be allowed in some wolverine denning habitat across the Forest and theoretically there may be some localized small-scale effects to wolverines in these areas. However, as discussed in the 2016 FSEIS there is still no evidence that winter recreation, motorized or non-motorized has negative effects on wolverine. (2016 FSEIS, pg. 179).

In 2014, Forest Service Region 1 prepared a Biological Assessment on the effects of Forest Plan activities, including OSV travel, on the wolverine. It found that OSV use was not a threat to wolverine and “will not jeopardize the continued existence of the Distinct Population Segment of the North American wolverine.” (USFS 2014). In May 2014, the USFWS concurred with the Region’s finding for all forests in the Northern Region, including the BDNF (USFWS 2014). This concurrence was confirmed by the USFWS on June 15, 2016. Based on the above information, although there could be small localized effects, the proposed OSV travel on the BDNF would not jeopardize the wolverine population. Although there is no specific population information for the Mt. Jefferson area, Alt 6 Modified closed a known historic denning area to OSV use which would at a minimum minimize harassment or significant disruption of habitat.

Based on the 2016 FSEIS analysis, this criteria did not compel change for additional protections beyond those already provided in Alternative 6 Modified. The implementation of Alternative 6 Modified substantially decreased OSV open acres in those Landscapes that have modeled denning habitat from conditions existing at the time of Forest Plan Revision. There is an increase of approximately 59,800 acres of wolverine denning habitat (Heinemeyer et al 2001) closed to OSV use under this Alternative; most in the Big Hole, Pioneer, Tobacco Root, and Clark Fork Flint Landscapes. (Table 29, 2016 FSEIS, pg. 158).

Wolverine have been the topic of several research projects completed after initiation of the Forest Plan revision process in 2002. Appendix 3 of this ROD provides a summary of the influence this research has had since 2002 on the context and intensity of potential OSV use to wolverine.

I have concluded that Alternative 6 Modified minimizes potential harassment of wolverine and disruption of winter habitat by continuing to keep areas closed to OSV use that were closed prior to 2009, adding the additional areas closed by the 2009 Forest Plan described in Table 2 and Table 7 and based on new scientific studies indicating when interactions between wolverine and OSVs occur, wolverine are likely to remain present and continue reproducing even in areas

where OSV use and other forms of developed winter recreation are heavier than what occurs on most of the BDNF.

Conflicts between motor vehicle use and existing or proposed recreation uses of National Forest System lands or neighboring Federal lands

This section reiterates the work done towards resolving conflict between motorized and non-motorized winter use in the 2009 Forest Plan FEIS. Additional information has been addressed in this 2016 FSEIS that supports the substantive efforts that continue to occur in specific locations where people have competing uses.

The 2009 FEIS discusses one area of historic recreation use conflict, the Mt. Jefferson area within the Gravelly Landscape; and one area of potential recreation use conflict near Chief Joseph Pass within the Big Hole Landscape.

Mt. Jefferson Area within the Gravelly Landscape:

The 2009 Forest Plan decision to designate 2,100 acres of the BDNF's Mt. Jefferson area⁵ to Recommended Wilderness while keeping approximately 2,400 acres open to OSV use generated significant interest. During the revision process, approximately 8,000 comments were received both in favor of winter motorized use and against it. This interest influenced the creation of Alternative 6 Modified.

In the 2009 ROD, the Forest Service agreed to manage the area consistent with adjoining uses. Wilderness recommendations made by the Bureau of Land Management (BLM) in the 1990 Centennial Mountains Wilderness Suitability Study led us to allocate the adjacent BDNF area as recommended wilderness. While the southern portion of the area, of approximately 2,400 acres adjoining the Caribou-Targhee National Forest area open to OSVs, remains open to OSVs. The BDNF acknowledged that management of the area would represent a challenge and committed to monitoring compliance and evaluating the decision (2009 ROD, pg. 21).

While reviewing objections to the draft ROD, I found it necessary to explain the role the BDNF plays in the overall use of the larger⁶ "Mt. Jefferson" area. BDNF managed lands are bounded on the south and east sides by Forest Service lands managed by the Caribou-Targhee National Forest in Idaho. Caribou-Targhee lands are open to OSV use. Southwest of BDNF lands is the U.S. Sheep Experiment Station (managed by the Agriculture Research Station). While federal lands, the U.S. Sheep Experiment Station is not "public land". With the exception of non-motorized recreation use allowed along a corridor for the Continental Divide National Scenic Trail, all public recreation use (motorized or non-motorized) is prohibited within the U.S. Sheep Experiment Station. West of BDNF lands, are lands managed by the BLM as the Centennial Mountains Wilderness Study Area, which is closed to OSV use. The BDNF portion of Mt Jefferson can be described as a 4,500-acre "thumb" inserted between the Caribou-Targhee to the east and south and the U.S. Sheep Experiment Station and BLM to the west. Only the southern portion of this "thumb" is open to OSVs and is accessed through an open area on the Caribou-

⁵ This area is also sometimes referred to as the "Mt. Jefferson/Hellroaring Area" and, as discussed above, consists on BDNF lands of both the 2,100 acre recommended wilderness area closed to OSV use and the 2,400 acre area open to OSV use. The area totals 4,500 acres of land administered by the BDNF and is located south of Red-Rock road in the Centennial Mountain range of the Gravelly Landscape.

⁶ The total area displayed on the map in Appendix 2 as the "larger" Mt Jefferson area is 45,505 acres.

Targhee National Forest. Please refer to the map in Appendix 2 depicting land ownership boundaries in the overall Mt Jefferson area.

To access the closed BLM and U.S. Sheep Experiment Station lands from the BDNF, (traveling east to west) OSV users must first illegally travel through the closed area on the BDNF. However, illegal incursions on BLM and U.S. Sheep Experiment Station lands can and do occur from the south, from Caribou-Targhee National Forest lands which are open to OSV use. These illegal intrusions from Caribou-Targhee lands are not affected by my decision.

As part of the 2009 Forest Plan, Alternative 6 Modified minimized effects of OSV recreational use conflicts by closing the portion of the BDNF directly adjacent (east) of the BLM and U.S. Sheep Experiment Station. As such, illegal incursions onto BLM and U.S. Sheep Station lands, from BDNF lands, now come from OSVs which must first pass through BDNF recommended wilderness lands which are closed to OSV use. This is an enforcement issue on BDNF lands.

The BDNF has been monitoring winter recreation and OSV use in the Mt. Jefferson area every year since 2008, documenting motorized intrusions into the closed areas each year (Table 8). Montana Wilderness Association, Greater Yellowstone Coalition, and Winter Wildlands Alliance have all expressed concern over the potential impacts to primitive recreation, solitude and wilderness suitability for the BDNF area within recommended wilderness designation and BLM and U.S. Sheep Station lands. In addition, the quality of back country skiing opportunities associated with the ski hut outfitter may be impacted by the presence of tracks from illegal OSV incursions into the BDNF closed area and BLM Wilderness Study Area.

Winter use monitoring for the 2015-2016 season included monitoring of both legal OSV use in open areas on the Caribou-Targhee and BDNF and illegal use on the BDNF, BLM and U.S. Sheep Experiment Station. Previous Forest Plan Monitoring Reports did not always distinguish where illegal incursions came from, that is, whether they came from the open Caribou-Targhee National Forest lands or the closed BDNF lands. As we updated the monitoring data as instructed by the Reviewing Officer, we scrutinized monitoring data for the 2015/2016 winter season and found some illegal incursions were not the result of OSV management on the BDNF. In fact, agency snow rangers noted a need to better mark the closure boundary between the Caribou-Targhee and the U.S. Sheep Experiment Station to prevent incursions into the closed area.

Page 188 of the 2016 FSEIS notes that OSV monitoring of the Mt Jefferson area was ongoing at the time of publication. The 2015/2016 season has now ended and motion sensor cameras were retrieved after snow melt. Table 8 has been updated with the final monitoring information. The same changes apply to Table 33 in the 2016 FSEIS. From our thorough review of the data, the number of days of illegal incursions coming from the open BDNF lands onto the closed BDNF lands or going through closed BDNF lands onto to adjacent federal lands for the 2015-2016 season is a total of 2 monitoring days when incursions were noted instead of 12 shown previously that recorded “tracks” in the entire Mt Jefferson area (not just those associated with the BDNF). The reason for this is that we found that the original count inappropriately included incursions on the U.S. Sheep Experiment Station lands that did not cross the BDNF closed area (they came from open Caribou-Targhee lands), the same tracks viewed by different people were double counted, and short incursions from OSV users who were only selecting a safe area to turn around at the boundary were also counted. The data in Table 8 below more accurately reflects the effects of BDNF OSV management. In summary, there were only 2 days of illegal incursions

onto BDNF closed lands and none of these incursions onto BDNF lands continued on to BLM or U.S. Sheep Experiment Station lands. In addition, in our review, we found information on page 189 of the 2016 FSEIS disclosing the number of days spent monitoring OSV use in the Mt Jefferson area is inaccurate. Agency employees and members of Winter Wildlands Alliance spent 28 days monitoring the area between December 31, 2015 and May 24, 2016. The analysis made while tallying the 2015/2016 monitoring data and the data itself is available in the project record.

Table 8: OSV incursions into Mt. Jefferson closure area.

Year*	Cole Creek Area	OSV Incursions into BDNF Recommended Wilderness Closed to OSV use	OSV Incursions from BDNF Lands into BLM – Wilderness Study Area	TOTAL
2009	0	12	19	31
2010	6	18	14	38
2011	0	21	3	24
2012	0	21	5	26
2013	10	51	11	72
2014	0	39	0	39
2015**	Not Monitored	10 (Approx.)	0	10
2016	Not monitored	2	0	2

*The year shown reflects the winter season. That is, as an example, the year 2016 reflects the winter season of 2015-2016.

**Limited Monitoring

2015-2016 monitoring does indicate that winter motorized use in the Mt. Jefferson closed area (BDNF recommended wilderness area) is occurring in violation of the winter non-motorized allocation in the 2009 Forest Plan. Without consistent efforts to reduce incursions into the BDNF recommended wilderness area (depicted as the closed portion of the BDNF in Appendix 2), illegal use risks degrading potential wilderness characteristics.

The BDNF in the 2015-2016 season began undertaking additional efforts to reduce illegal OSV use. Annually, local community leaders and stakeholders in Montana and Idaho convened with the Forest to assess the situation. There is significant interest and partnerships working with the agency to develop and continue implementing a multipronged approach to effect a positive change in incursions into the RWA. After applying this new strategy this last winter, I am encouraged by the initial outcomes. I realize one season does not make a trend, but the results are promising.

Additional efforts to minimize non-motorized winter recreation user conflict will continue by partnering with Fremont County and the Idaho State Snowmobile Association in expanding public education efforts and community outreach (such as placing posters, signs, and brochures at area businesses and around communities and signing at parking lot trailheads and along snowmobile travel routes). Individuals renting snow machines in the area are asked to read and sign a form acknowledging restrictions associated with the Mt. Jefferson area. Public service radio spots are aired with information about Mt. Jefferson. Volunteers help maintain signs along the motorized – non-motorized boundary. Madison and Ashton-Island Park Ranger Districts, Fremont County Idaho, Idaho, Montana State Snowmobile Associations, and snowmobile

volunteers of Fremont County have pooled funding and equipment resources to be able to have snow rangers in place to patrol the Mt. Jefferson boundary. This includes a Collection Agreement between Fremont County, Idaho and the BDNF. Funding has been secured to hire snow rangers for the 2015/2016 and 2016/2017 seasons. A local Arctic Cat dealer is providing the use of two snowmobiles. Housing for snow rangers is available at the Ashton-Island Park Ranger District. The BDNF and partners will continue pooling funding and equipment resources to have snow rangers in place to patrol the Mt. Jefferson boundary and follow up on citations.

Conflict between recreation user groups in the Mt. Jefferson area are historic and continue to occur. The selection of an alternative that would close the entire 4,500 acre area to OSV use, has been proffered as a potential solution. Since the incursions occurring are in violation of our 2009 Forest Plan and illegal, I see little evidence that changing the designation of the area would promote legal use and lessen conflict. One of the challenges with applying the monitoring results is the number of incursions (tracks) does not inform me if the tracks were made by a few OSV users driving extensively in the area or numerous users driving to a specific location via different routes. Open areas on Mt. Jefferson (both the Caribou-Targhee and the BDNF) are popular with OSV users. Three motion cameras were posted the entire season along the BDNF closure boundary. On January 14, 2016, the cameras recorded 2 snowmobilers entering the BDNF closure area. These 2 OSV users knowingly violated a clearly marked closure boundary. While not all of the OSV users violating the closure boundary were recorded on the cameras it is apparent that most OSV users are choosing to comply. Considering the popularity of the overall area, I find compliance with the BDNF closure by users is quite high. I find no reason to believe moving the orange boundary signs to a different location would persuade OSV users who knowingly violate the current boundary to abide by the new boundary. Rather, I find it far more reasonable to conclude continued public education and peer pressure from OSV users who knowingly choose to abide by the existing closure is more likely to alter user behavior than closing the BDNF portion of Mt Jefferson. I expect continued education and enforcement efforts are more likely to reduce OSV impacts (illegal incursions) to the BDNF recommended wilderness area than moving the boundary to an area that excludes an established use.

Alternative 6 Modified closed 2,100 acres of the area to OSV use. The monitoring, education and enforcement efforts described above are reducing OSV incursions from the open area into the closed, BDNF recommended wilderness area. This change in user behavior is protecting the planned use for the closed area (recommended wilderness and non-motorized recreation) and does not preclude future congressional designation.

Trail Creek Management Area within the Big Hole Landscape

The 2016 FSEIS discusses that Chief Joseph Pass is an area of potential conflict between cross-country skiing and snowmobile use for Alternatives 1-5. As described in the 2016 FSEIS, efforts have been undertaken to avoid this potential conflict. However, during the objection review process, it was noted that the boundary for the winter non-motorized allocation associated with the groomed cross-country ski trails at Chief Joseph Pass was drawn on the BDNF/Bitterroot National Forest boundary, placing the groomed trails in a non-motorized allocation. A Forest Plan standard specific to the Trail Creek Management Area (Forest Plan, pg. 83) requires “The Chief Joseph cross-country ski area is closed to snowmobiling except for grooming”. As a result, potential conflict between cross-country skiing on groomed trails and OSV use is eliminated by closing the groomed trails in Alternative 6 Modified.

The Trail Creek Management Area also provides an example of how the 2009 Forest Plan provides differing winter recreation on the BDNF. Consistent deep snows with permanent plowed access on Highway 43 makes this a high value winter sports area. Weekend and longer trips are enhanced by cabin rental opportunities at Hogan, May Creek and Gordon Reese Cabins (Forest Plan, pg. 83). Cross-country skiers and OSV users share the Trail Creek parking area near May Creek Campground (see map at Forest Plan, pg. 84). Skiers can obtain a quiet, non-motorized recreation experience and an overnight stay at May Creek Cabin (south of Highway 43) and OSV users can experience a motorized recreation experience (including opportunities in the Tie-Johnson Management Area to the north – see Forest Plan, pg. 80) and an overnight stay at Hogan Cabin (north of Highway 43).

The above opportunities also display why a careful balance of opportunities is necessary. While OSV users are excluded from the use of May Creek Cabin, cross-country skiers are not excluded from use of Hogan Cabin. Skiers can, and do ski to Hogan Cabin by way of the winter non-motorized allocation south of the cabin and in so doing, have a reasonable expectation to see and hear OSV use in and around the cabin. For some skiers, the quality of their recreation experience is not diminished by the sight and sounds of OSVs near the cabin, while other skiers feel their experience is diminished. However, for both groups the Trail Creek Management Area provides a reasonable expectation of an experience in the absence of OSVs by selecting the May Creek area. Quiet and motorized forms of winter recreation are both valid uses of the BDNF. However, areas with a reasonable expectation of a quiet recreation experience simultaneously exclude those recreationists preferring a motorized experience. This example is provided to demonstrate how the 2009 Forest Plan provides for both types of experiences.

Summary – Conflict between Existing and Proposed Recreation Uses

Not only does Alternative 6 Modified identify existing, and continuing, recreation uses of the BDNF by allocating areas for winter motorized and non-motorized experiences, it also closes the non-motorized allocations so quiet winter recreation users can have a reasonable expectation of experiencing their preferred quiet form of recreation in the absence of the sight and sounds of OSVs. The 2009 Forest Plan Record of Decision directly addresses this management of recreation settings and travel patterns providing for a balanced and diverse range of opportunities across the Forest. (See, 2009 Forest Plan ROD, pg. 13-15). I find Alternative 6 Modified made substantial efforts to address both user groups and minimize user conflict impacts.

Highway vehicle access to deep snow is limited on the BDNF to a few plowed roads. It is reasonable for users to expect interaction between user groups, especially in the vicinity of these shared parking areas. During the Draft SEIS comment period, OSV users commented that they see non-motorized users in areas open to OSVs and some backcountry skiers commented they use OSVs (in areas open to that use) to access the deep, untracked snow they desire but are unable to reach via non-motorized methods in a single day. Opportunities for both forms of winter recreation exist in every landscape on the BDNF.

Based on the information and data in the 2016 FSEIS, OSV use designations of Alternative 6 Modified minimize user conflicts by providing both motorized and non-motorized opportunities. In addition, my decision includes continued monitoring, education and, enforcement of illegal incursions into closed areas. The 2009 Forest Plan Record of Decision states “If monitoring reveals that non-compliance is an issue, the decision to allow snowmobiling on Mt. Jefferson will be re-evaluated.” Based on all the information currently available to me I find that the

BDNF is minimizing user conflicts and that an amendment closing the portion of the BDNF lands in the Mt. Jefferson area is not needed. The BDNF, consistent with the 2009 Forest Plan Record of Decision, will continue to monitor and re-evaluate OSV use in the Mt. Jefferson area.

Conflicts among different classes of motor vehicle uses of National Forest System lands or neighboring Federal lands.

There is very little use by any other motorized vehicles during the winter season in areas available for snowmobile use. Snowmobiles are the primary motor vehicles in use during winter with appropriate snow conditions. (2016 FSEIS, pgs. 200-202).

The FEIS discusses the potential for conflict among different classes of motor vehicle use in winter could occur with early spring ATV use on roads⁷ designated for wheeled motor vehicle use yearlong and/or tracked⁸ OHVs. Tracked OHV use, although limited, is growing in the Jefferson and Upper Clark Fork Landscapes, especially in low snow areas. Full-sized vehicles also occasionally use open roads when snow levels are low. Legal ATV and full-sized vehicle use could impact OSV use dependent on snow conditions. However, this conflict is result of road designation for wheeled vehicles, not area or trail OSV designation considered here.

Based on the 2016 FSEIS analysis, additional protections beyond those already provided in Alternative 6 Modified are not needed to minimize this criteria.

Compatibility of motor vehicle use with existing conditions in populated areas, taking into account sound, emissions, and other factors.

All areas on the BDNF are rural in nature and sparsely populated ranging from 1.6 persons per square mile to 47 persons per square mile. There are no densely populated areas affected by winter motor vehicle use on the BDNF. As such, in terms of both noise and air quality the BDNF lacks the concentrated OSV use to cause compatibility issues with existing conditions in populated areas. (See 2016 FSEIS, pgs. 202-206).

Noise

In the FEIS, we considered and disclosed the study of potential impacts of noise based on acoustic modeling in Yellowstone National Park due to the close proximity and similar weather, terrain and vegetation patterns that exist on the BDNF. The 2016 FSEIS discusses noise impacts both in terms the level of sound impacts based on acoustic modeling in Yellowstone National Park and use conflicts on solitude, natural settings and in the quality of the user's experience.

Additional limits to noise impacts are done through the Forest Service's law enforcement authority to enforce noise standards set by the State of Montana which sets a limitation on machines built after 1975 of 78 dbA measured at 50 feet. (2016 FSEIS, pg. 203).

Air Quality

The 2016 FSEIS discloses that snowmobile emissions include carbon monoxide, oxides of nitrogen, and particulate matter and that conflicts can arise when recreation use occurs alongside

⁷ 36 CFR § 212.55(b) applies to designation of trails and areas, not roads.

⁸ A tracked OHV is an off road/off highway recreation vehicle (ATV or UTV) which has been converted to a tracked vehicle by replacing its wheels with either multiple tracks or a rear track/front ski combination

non-motorized pursuits, where clean-smelling air is desirable. However, snowmobile emissions monitoring at West Yellowstone indicated no instances where National Ambient Air Quality Standards or Montana Ambient Air Quality Standards were exceeded. OSV areas on the BDNF receive much less use than West Yellowstone (2016 FSEIS, pgs. 116, 204). Based on this analysis and the 2009 FEIS analysis, overall emissions from OSV use are unlikely to exceed national Ambient Air Quality or Montana Air Quality Standards since these standards have not been exceeded in the West Yellowstone area directly southeast of the forest where OSV use is much heavier. This supports the goal of the Revised Forest Plan that air quality is maintained within standards set by federal and state agencies (2016 FSEIS, pg. 114, 116-117).

Alternative 6 Modified substantially decreased the acres on the BDNF where OSV is allowed. As such, cumulative impacts on air quality from Alternative 6 Modified would be small, and in general, temporary and localized; all areas of the BDNF currently meet state and federal air quality standards and show no degradation to visibility or other air-quality-related values (2016 FSEIS, pg. 204).

CONCLUSIONS

I have considered the potential effects from OSV use on big game winter range and the resources cited in the minimization criteria, as disclosed in this 2016 FSEIS. I applied the criteria by Landscape and to site-specific areas. As I discuss in detail above, the minimization criteria were considered in my decision with the intent of minimizing effects from OSV use to each of the criteria while still taking into consideration travel management needs providing for public recreation and access, and the Forest Service's multiple use mandate.

Alternative 6 Modified provides meaningful protections and continues to represent the best mix of recreational opportunities that fit the land while meeting the myriad of Forest Plan and legal requirements. I have also described additional actions the BDNF is taking to minimize effects in site-specific areas.

FINDINGS RELATED TO OTHER LAWS AND REGULATIONS AND POLICY

This decision does not alter the decision made in the *2009 Revised Forest Plan Record of Decision*. Findings related to other laws and regulations and policy as disclosed in the 2009 Revised Forest Plan ROD (pgs. 32-37) remain applicable and are incorporated into this ROD. In addition, the Forest Service makes the following finding:

Executive Order 11644 as Amended by Executive Order 11989 and 36 CFR § 212 et seq.

Executive Orders, as implemented by the 2005 Travel Management rule at 36 CFR § 212 et seq. address the use of off-road vehicles on public lands. The Executive Orders provide that the Forest Service and other federal land management agencies "establish policies and provide for procedures that will ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands" (section 1). The EOs direct agencies to designate the "specific areas and trails on public lands on which use the off-road vehicles may be permitted, and areas in which the use of

off-road vehicles may not be permitted" (section 3). In addition to the requirement for designating where off-road vehicles may or may not be permitted, section 3 of the EOs require "that designation of such areas and trails will be based upon the protection of the resources of the public lands, promotion of the safety of all users of those lands, and minimization of conflicts among the various uses of those lands".

The 2005 Travel Management Rule Subpart C (36 CFR § 212.80 et seq.), implementing the EOs and other FS authorities, provides for a system of National Forest System roads, National Forest System trails and areas on National Forest System lands that are designated for over-snow vehicle (OSV) use. Specifically, 36 CFR § 212.81(d) provides that requirements governing designations of trails and areas for over-snow vehicle use includes applying the designation criteria of 36 CFR § 212.55(b), the minimization criteria.

My decision designates the areas open to OSV use on the BDNF along with three routes in areas closed to OSV use. My decision will document those designations on the OSV use map (OSVUM). It is my finding that my decision complies with the EOs and the 2005 Travel Management Rule. This ROD shows how I have applied the minimization criteria to make my decision and complies with the EOs and 2005 Travel Management Rule.

Management under the integrated 2009 Forest Plan will maintain or move the Forest's various resources towards desired conditions over time. The 2009 Forest Plan provides the necessary direction to provide for diversity of plant and animal communities based on the suitability and capability of the specific land area in order to meet overall multiple-use objectives. As an integrated plan, it provides for the protection of forest resources to provide for outdoor recreation (including wilderness), range, timber, watershed, wildlife, and fish. Considered in its entirety, I believe the Plan also achieves the purpose of EO 11644 as Amended by EO 11989 in a manner that is feasible, prudent, and reasonable in light of the agency's multiple-use mandate.

In addition, both the 2005 Travel Management Rule and the EOs includes requirements for monitoring the effects of off-road vehicle use and adjusting designations as needed. Further, if and when it is determined that OSV use is directly causing or will directly cause considerable adverse impacts. I have the necessary authority and tools to address those situations quickly and at the appropriate scale (36 CFR § 212.52(b)). The BDNF monitors the effects of off-road vehicle use, including OSV use, and when necessary, to further the policy of the regulation or to otherwise further the purposes for which the Forest was established, will undertake closure orders or amend or rescind OSV use designations.

Other Disclosures

Best Available Science

My decision is based upon the consideration of the best available science. This science is thoroughly discussed throughout the 2016 FSEIS, in the Response to Comments, and in Project File documentation.

CONTACT PERSON

For more information or to request a printed copy of the 2016 FSEIS and ROD, please contact Jan Bowey, ID Team Leader for Beaverhead-Deerlodge National Forest at (406)683-3900 or by email at jbowey@fs.fed.us with "2016 OSV ROD" in the subject line.

SIGNATURE



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Forest Supervisor



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