

**DECISION NOTICE
& FINDING OF NO SIGNIFICANT IMPACT
DESIGNATION OF SUMMER MOTORIZED TRAVEL ON THE
MADISON RANGER DISTRICT
USDA FOREST SERVICE
BEAVERHEAD-DEERLODGE NATIONAL FOREST
MADISON RANGER DISTRICT
MADISON AND BEAVERHEAD COUNTIES, MONTANA**

DECISION

Based upon my review of the Updated Environmental Assessment for the Designation of Summer Motorized Travel on the Madison Ranger District, all public comments, and the project file, I have decided to implement the following decision as described below and displayed on the attached Decision Notice Map. This decision will:

- Designate 1.9 miles of unauthorized roads as system motorized roads.
- Designate 3.6 miles of unauthorized trails as system motorized trails.
- Designate 6.6 miles of unauthorized roads for access to dispersed camp sites as system motorized trails.
- Close 3.4 miles of unauthorized roads to motorized use.
- Close 15.6 miles of existing system roads to motorized use.
- Close 9.9 miles of existing system trail to motorized use.
- Decommission 4.2 miles of existing system roads.
- Convert 77.8 miles of existing system motorized roads to system motorized trails.
- Convert 21.9 miles of existing system roads with maintenance levels 2 and 3, to maintenance level 1.
- Change Vehicle Type/Season of Use on 116.8 miles of existing system motorized routes.
- Replace all Area delineations and the Route and Area Restrictions identified on the 2008 Beaverhead-Deerlodge Travel Plan Map (2008 BDTPM) and September 2009 Errata with route specific designations as displayed in the Vehicle Type/Season of Use Map Code Key in Appendix D of the Updated Environmental Assessment. This applies to the Madison Ranger District only.
- In the Gravelly Landscape, designate routes that provide access to identified dispersed campsites as system motorized trails. These trails would be open to all types of vehicles.
- In the Tobacco Root Landscape, allow motorized wheeled travel on existing routes leading to identified dispersed campsites for the purpose of dispersed camping within 300 feet of designated routes open to motorized use.
- Post heritage resource protection signs at sites shown to have problems with vandalism.

- Maintain a Forest Service field presence for enforcement and education.
- If monitoring determines that trumpeter swans have returned to nesting territories on Elk Lake, implement an area closure to boating and fishing on the north end of Elk Lake within 1500 feet of the nest site between April 1 and July 15. Implement public education with signing and/or brochures.

I am deferring the decision regarding motorized watercraft speed on Elk Lake at this time. A no-wake travel speed was analyzed as part of Alternative B and B Modified, but a separate decision document will be written to address that use.

DECISION RATIONALE

The purpose of this project is to update designated summer motorized travel on the Madison Ranger District in order to:

- Comply with the 2009 Revised Beaverhead-Deerlodge Land and Resource Management Plan (2009 Forest Plan) Forestwide and Management Area goals, objectives, and standards (Ch. 3 and 4).
- Comply with the November 2005 Travel Management Rule (2005 TMR), and the production of a Motor Vehicle Use Map (MVUM) for the Madison Ranger District.
- Better protect natural resources.
- Improve recreation management related to motor vehicle use.
- Decrease user conflicts.

This decision will not:

- Reconsider all past travel management decisions on the Madison District.
- Construct any new or re-construct any existing roads or trails.
- Designate motorized areas.
- Make new or change existing decisions on non-wheeled winter motorized travel management.
- Make new or change existing decisions on where specific types of non-motorized recreation can occur (e.g. bicycles versus stock animals).
- Make decisions about motorized use on other federal, state, or private lands within the Madison District boundary.
- Change decisions made as part of the 2009 Forest Plan.
- Analyze or make a determination about how route closures and decommissioning will be implemented on the ground.
- Change existing decisions regarding motorized travel for permitted activities (firewood gathering, disabled hunting, private landowner access, allotment management, etc.), game retrieval, or parking.

Overall, the key travel management changes resulting from this decision are: 1) converting some roads to trails; 2) changing season of use or vehicle type allowed; 3) closing some system roads and trails, and most unauthorized routes, and adding some unauthorized routes to the system; and 4) maintaining motorized access to dispersed camping sites.

The Designation of Summer Motorized Travel on the Madison Ranger District Updated EA documents the environmental analysis and conclusions upon which this decision is based. The rationale for specific route-by-route changes is described in Appendix C of the Updated EA.

I believe the designation of motorized routes and determinations about the use of motorized vehicles on Forest Service lands is largely a recreation decision. Wildlife is also a key consideration when designating motorized routes, and balancing the effects on wildlife with effects on motorized users was a recurring theme as we worked through this process. My rationale therefore hinges on recreation and wildlife considerations. Many other resource conditions, such as aquatics, noxious weeds, and scenery, were analyzed as part of this project. While important to consider and disclose as effects, the differences in effects between the alternatives did not vary greatly for these resources and therefore were not particularly helpful in choosing between alternatives.

The following section discusses my rationale for selecting Alternative B Modified, organized by the primary recreation and wildlife factors I considered.

Converting roads to trails.

Alternatives B and B Modified convert some roads to trails. The purpose of this is to increase opportunities for motorized recreationists to use vehicles that do not meet street legal requirements. The conversions focused on roads where road conditions limit travel speeds (low standard roads). In Alternative B Modified changes were made to the final miles of roads converted to trails based on additional information that was brought up in public comments and/or identified upon further internal review. Two roads were not changed to trails due to Forest Plan management area standards that do not allow additional motorized trail miles. In another case a road proposed for conversion to trail was not changed to a trail in Alternative B Modified because it is a higher standard road and is likely to require more substantial maintenance than needed for a trail.

Alternatives A and C would not convert any roads to trails and would thus not provide additional opportunities for recreationists who do not meet street legal requirements.

I believe that Alternative B Modified is the best alternative related to conversion of roads to trails because it meets an expressed public desire to increase these types of opportunities, and makes the needed adjustments to meet Forest Plan standards.

Changing season of use and/or vehicle type allowed.

Adjustments to season of use in Alternatives B and B Modified were primarily focused on matching open and closed route dates between various jurisdictions or connected route systems. For example, opening dates for motorized routes connected to the Wall Creek Wildlife Management Area were adjusted to match the opening date of May 1 on the state lands. Alternatives B and B Modified also would make some changes to eliminate minor differences in season dates in order to collapse the number of seasonal categories. For example, some roads in the Gravelly Landscape were changed to a July 1 opening date rather than the current July 2 date.

The primary difference between Alternative B and B Modified in terms of season of use is that B Modified would close groomed snowmobile routes and routes accessed by groomed snowmobile routes, to wheeled vehicles from January 1 through March 31 to avoid damage to the groomed track by wheeled vehicles. This adjustment was made in response to public and internal comments. The impacts of this change on wheeled motorized opportunities are very minimal, and the improvement for snowmobilers is relatively high. This one change accounts for almost all the road miles switching from “open to motorized use year-round” to “open seasonally” between Alternative B and B Modified. Alternatives A and C would make no changes from existing condition related to season of use.

In Alternatives B and B Modified, changes to vehicle types allowed were minor. For both alternatives the Mud Lake Trail was opened to motorized use by ATVs, and one road, Table Mountain Ridge Road, was restricted from full-sized vehicles to ATVs and motorcycles. Both these changes address the desire for more ATV opportunities expressed by some members of the public. Alternatives A and C would make no changes from current condition related to type of vehicle allowed.

Detailed rationale for individual route changes related to season of use or vehicle type is included in Appendix C of the Updated EA.

For season of use and vehicle type considerations, my preference is Alternative B Modified. This alternative provides better consistency between jurisdictions and addresses potential conflicts related to wheeled vehicles damaging groomed snowmobile routes.

Closing some system roads and trails, and most unauthorized routes, to motorized use and adding some motorized routes to the system.

Closures of routes to motorized use were proposed in Alternatives B, B Modified, and C. Detailed rationale for route-by-route closures and additions to the system is included in Appendix C of the Updated EA.

In Alternatives B and B Modified, closures of currently-open system routes to motorized use were proposed for a variety of reasons, including: 1) to meet the 2009 Forest Plan Management Area standards; 2) to better protect natural resources; 3) to improve recreation management related to motor vehicle use including: a) to eliminate parallel motorized routes that provide access to the same destination; b) to match closure designations on adjacent public lands; c) when there is no public access across private land to access a Forest Service route; d) when a route provides no recreational opportunity or destination (for example, short spur roads ending in old timber harvest units). Alternative C would not close any system routes currently open to motorized use.

Unauthorized route closures are virtually identical in Alternatives B and B Modified. In alternative C all unauthorized routes would be closed by not adding them to the system. For Alternatives B and B Modified, these routes were reviewed individually and were not added to the system if they were short routes that led to no destination, paralleled an existing motorized route, or were creating resource damage.

Alternative B Modified adds a total of 12.1 miles of unauthorized routes to the transportation system on the District. The majority of these routes added to the system, 6.6 miles, were added in order to maintain motorized access to dispersed camping sites in the Gravelly Landscape. The remaining routes added to the system, 5.5 miles, were added because they provided motorized loop opportunities or accessed a recreation destination. The number of miles of unauthorized routes (12.1 miles) added to the system, when compared to the total number of unauthorized routes on the District (292.7 miles), represents approximately 4% of the total unauthorized route miles across the District.

Cumulatively, with the inclusion of the 32.9 miles of routes closed under ROD 2, Alternative B and B Modified result in virtually the same number of miles open to motorized use across the District. Specifically, Alternative B cumulatively would result in 675.3 miles of motorized routes and Alternative B Modified cumulatively results in 675.4 miles of motorized routes. Both of these mileages result in 45% of the transportation system on the Madison Ranger District open to motorized use for some portion of the year.

I am well aware that some members of the public do not want any route closures to occur, while others would like to see more miles closed than are proposed in any alternative. Each request to open or close a specific route to motorized use was reviewed and discussed among the ID Team. The outcomes of these considerations are addressed in the Response to Comments (Appendix G).

I believe that Alternative B Modified best addresses specific resource and recreation situations, while providing a mix of non-motorized and motorized recreation opportunities.

Maintaining motorized access to dispersed campsites.

In the Gravelly Landscape, Alternatives B and B Modified would designate routes leading to dispersed campsites as system motorized trails open to all vehicle types. In the Tobacco Root Landscape under Alternatives B and B Modified, motorized travel on existing routes leading to identified dispersed campsites is allowed for the purposes of dispersed camping within 300 feet of designated routes open to motorized use. This decision clarifies that, in both landscapes, existing motorized access to dispersed camping will be maintained, but that the creation of new routes to access dispersed campsites will be prohibited. This decision also adds to the interim allowance under the Forest Plan (“motorized wheeled travel on routes leading to identified dispersed campsites is allowed”) in the Tobacco Root Landscape by adding three conditions for legal travel to and from dispersed campsites on these routes: travelers must be on existing routes; they must be on them for the purpose of accessing dispersed camping; and they must not travel on these routes leading to dispersed campsites beyond a distance of 300 feet as discussed in the recreation section of the Updated EA. Alternative C would close all unauthorized routes, many of which currently lead to identified dispersed campsites. These routes would be closed to motorized use in both the Gravelly and Tobacco Root Landscapes under Alternative C.

I believe Alternative B Modified is the best alternative related to this issue because it allows motorized travel on existing routes leading to identified dispersed campsites while limiting resource damage. Alternative B Modified retains the access to campsites throughout the District that the public is accustomed to, and also makes the step to designate routes to dispersed

campsites in the Gravelly Landscape. Alternative C was not selected because it would close the short unauthorized routes that provide motorized access to dispersed campsites. These short routes have been in place for many years, and contribute to an important recreational opportunity.

Maintaining and Improving Wildlife Security

I believe that Alternatives B and B Modified are both good choices from a wildlife perspective as they result in virtually the same number of miles closed to motorized use across the District. Alternative B Modified will increase wildlife security since it results in an overall reduction of open motorized routes and a reduction in open motorized route density in some landscapes and hunting units in the project area. Cumulatively, when combined with the ROD 2 decision, Alternative B Modified results in the following:

- An overall decrease in open motorized miles by 63.7 miles across the District
- A slight decrease to open motorized route density from .8 miles per square mile to .7 miles per square mile in the Gravelly Landscape and from .5 miles per square mile to .4 miles per square mile in Hunting Unit 324.
- Open motorized route density (miles per square mile) remained constant across all other landscapes and hunting units in the project area even though reductions in open motorized route mileages were made in Hunt Units 324, 327, 330, and 333 and in the Tobacco Root Landscape.
- Although Hunting Unit 333 still exceeds Forest Plan objectives for open motorized route density, Forest Plan Standard 1 for Wildlife was met by reducing the overall mileage in that hunting unit by 3 tenths of a mile.

Overall

In the course of our public involvement on this project, we heard from people across the spectrum of opinions about how much and where summer motorized versus non-motorized recreational opportunities should be provided on the District. I appreciated the thoughtful and passionate comments on both sides. My intent with this decision is to provide satisfying opportunities for both motorized and non-motorized recreationists while protecting resources and meeting 2009 Forest Plan and Travel Management Rule direction.

It is important to me to positively address the issue of wildlife security, especially if I can do that while still providing adequate opportunities for motorized recreation. I believe Alternatives B and B Modified do provide substantial motorized opportunities while maintaining or increasing wildlife security as explained above. In Alternative B Modified, we incorporated public response to modify/refine Alternative B to the extent that it made sense on the ground, complied with the 2009 Forest Plan standards, and met the project's purpose. I prefer Alternative B Modified over Alternative B because the modified alternative has been improved as a result of the public comments received and by benefit of additional analysis by the ID team.

I am not selecting Alternative A because it would not meet the requirements I have under the Travel Management Rule to designate motorized roads and trails, would not meet other aspects of the project's Purpose and Need such as decreasing user conflicts, and would not positively address the wildlife security issue. I did not select Alternative C because it would not address

resource based concerns for existing system routes, and would not allow for motorized access to dispersed campsites that has long been available.

PUBLIC INVOLVEMENT

The proposal was listed in the Schedule of Proposed Actions (SOPA) in July 2007 and has been listed every quarter since. The initial proposals were presented at an “open house” held in Sheridan, Montana on July 9, 2007. A news release providing similar information was provided to area media contacts and the general public through a direct mailing in August of 2007. This scoping process generated responses from 140 individuals and organizations.

In January of 2010, the EA went out for 30-day comment. A legal notice was published in the Montana Standard announcing the start of the 30-day comment period. Additionally, news releases were published in local newspapers announcing the start of the comment period and the dates and locations of Open Houses where the public could review the proposal and discuss any concerns or questions they had with Madison District personnel. During the comment period, three Open Houses were held, 2 in Ennis and 1 in Sheridan, Montana. This comment period generated responses from 37 individuals and organizations. The comments were used to refine the proposed action and helped clarify certain areas of analysis for the Updated EA. Please see Appendix G of the Updated EA for detailed responses to comments received during the 30-day comment period. The Updated EA also lists agencies and people consulted on page 169.

FINDING OF NO SIGNIFICANT IMPACT

The significance of environmental impacts must be considered in terms of context and intensity. Context means that the significance of an action must be analyzed in several contexts such as society as a whole (human and national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. In the case of a site-specific action, significance usually depends upon the effects in the locale rather than in the world as a whole. Intensity refers to the severity or degree of impact.

CONTEXT

This project is limited in scope and is designed to minimize adverse environmental effects. The route management decisions made here apply only to the Madison Ranger District. Although the economic effects are focused on an eight county economic impact area (Updated EA, page 64), the majority of the impacts are in Madison County and a very small portion of Beaverhead County.

INTENSITY

The intensity of effects was considered in terms of the following:

- 1) Impacts may be both beneficial and adverse. A significant effect may exist even if the**

Federal agency believes that on the balance the effects will be beneficial: My finding of no significant environmental effects is not biased by the beneficial effects of the action. I considered beneficial and adverse impacts associated with Alternative B Modified as presented in the Madison Ranger District Designation of Summer Motorized Travel Updated EA (pages 17 to 157). I concluded the specific direct, indirect, and cumulative effects of the selected alternative are not significant, and this action does not rely on beneficial effects to balance adverse environmental effects.

Beneficial Effects

The Updated EA documents the following beneficial effects of implementing Alternative B Modified:

- Reduces user conflicts between motorized and non-motorized recreationists and improves management related to motorized recreation (Updated EA, pages 18 to 41 under recreation) by making route-specific changes to season of use and vehicle type, and by closing some routes to motorized use.
- With the conversion of 77.8 miles of road to trail, there will be a slight increase in motorized opportunities for those who do not meet street legal requirements (Updated EA, pages 18 to 41 under recreation).
- Wildlife security will increase with the cumulative closure of 63.7 miles of routes and slight decreases in open motorized route density (Updated EA, pages 70-106 under wildlife).
- Non-motorized recreation opportunities will increase with the cumulative closure of 63.7 miles of routes to motorized use.

Potential Adverse Effects

The Updated EA documents the following potential adverse effects from implementing Alternative B Modified:

Recreation (Updated EA, page 18-41): This decision results in a 2 percent decrease in routes open to motorized recreation and a 2 percent increase in routes closed to motorized recreation compared to the existing condition, leading to a cumulative total of 45% of the total miles available for motorized recreation on the District. For some, any decrease in motorized opportunities is an adverse effect on their motorized recreation experience. However, because this decision produces a limited reduction in motorized recreation, with a large percentage of the total miles remaining open to motorized use, it does not result in a significant impact on motorized users.

Social and Economic (Updated EA, page 47 - 69): A few vendors and service providers may be impacted based on site-specific changes to wheeled motorized recreation opportunities. The travel management changes may also promote new business opportunities. Based on the analysis, the overall contribution that recreation activities and associated spending make to the jobs and labor income of the economic impact area is less than one half of one percent. Small changes to these spending levels would not have significant economic impacts to the area.

Aquatics (Updated EA, page 116 - 127): All the alternatives result in some potential for vehicle related mortality to Western (Boreal) Toads. Based on the analysis, the mortality from the decision may impact individuals or habitat, but will not likely contribute to a trend toward federal listing or loss of viability to the population or species. Therefore the potential for adverse effects from this decision is not significant.

Botany and Weeds (Updated EA, page 138 - 140): Although motor vehicles can spread noxious weeds, the District has an ongoing aggressive noxious weed control program that emphasizes prevention, early detection, and eradication of new invaders. Noxious weed prevention and early detection programs, including a noxious weed seed free forage requirement, education of publics and staff, and vehicle washes, are ongoing throughout the District. There is close coordination between private, county, state and other federal agencies pertaining to weed management in the analysis area. These efforts will continue and therefore the potential adverse effects are not significant.

Heritage (Updated EA, page 141 - 147): Use of motorized vehicles has some potential to adversely affect heritage properties. However, measures are in place to identify threats to resources and to prioritize management actions. Heritage inventories, annual site monitoring, identification of significant heritage sites, and the preservation and protection of those significant heritage sites can reduce the downward trend in the heritage resource base and potential adverse effects. The existing heritage program and mitigations authorized by this decision will minimize the potential for adverse effects and thus these effects are not significant.

2) The degree to which the proposed action affects public health or safety: It is my determination that the actions in Alternative B Modified may improve public safety by reducing user conflicts and better aligning season of use and vehicle type to conditions on the ground. Therefore, Alternative B Modified will have no significant effect on public health and safety (see Updated EA pages 28, 30, 33, 34, 37, 41 and 56).

3) Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas: As identified in the Updated EA (page 1), there are no park lands or prime farmlands identified on the Madison Ranger District. There are cultural sites, wetlands, and rivers identified as eligible for wild and scenic consideration. The management practices identified in the Cultural/Heritage section of the Updated EA (pages 141 - 147) mitigate potential significant effects to historic or cultural resources. There are no proposed activities in wetlands or along those rivers identified as eligible for wild and scenic consideration. There are no ecologically critical areas identified in the project area. None of the actions authorized by this decision will impact any of the unique characteristics present in the geographic area.

4) The degree to which the effects on the quality of the human environment are likely to be highly controversial: The effects on the quality of the human environment are not likely to be highly controversial because there is no known scientific controversy over the impacts of summer motorized recreation (see Updated EA pages 17 - 157). The effects analysis was conducted using the best available scientific literature (see literature cited), and the

interdisciplinary team reviewed the literature cited in the public comments on the project (Appendix G). Although there are differing opinions regarding the change in the amount of motorized recreation opportunity, I believe the cumulative 45/55 percent split between routes open versus those closed to motorized use is sufficient to address the concerns raised. No issues were identified during the scoping process or the 30-day comment period that would lead to a determination that the effects of this project are construed as highly controversial (Updated EA, page 4 - 16).

5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks: We have considerable experience with the types of activities to be implemented. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk (see Updated EA pages 17 - 157). I have determined there are no uncertain or unique characteristics in the project area that have not been previously encountered or that would constitute an unknown risk to the human environment.

6) The degree to which the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration: The action is not likely to establish a precedent for future actions with significant effects because they are similar in nature and effects to actions implemented on the Madison District in 1987, 1990, and 1996 relating to travel management and are consistent with the recreation allocations designated in the 2009 Forest Plan (Updated EA, pages 18 - 41).

7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts: Potential cumulative effects with previous recreation and travel management decisions, including ROD 2 for the Forest Plan, as well as decisions on adjacent public lands were considered and found to be not significant as discussed in the recreation effects analysis (Updated EA, pages 18 - 41). In addition, cumulative effects to the following resources were found to be negligible or beneficial: Social/Economics (Updated EA, pages 47 - 69), Wildlife (Updated EA, pages 70 - 106), Aquatics (Updated EA, pages 116 - 127), Hydrology/Watershed (Updated EA, pages 128 - 137), Heritage (Updated EA, pages 141 - 147), or Scenery (Updated EA, pages 148 - 157).

8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed, or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources: As identified in the Heritage section of the Updated EA (pages 141 - 147), no cultural landscapes or traditional cultural properties (TCP's) have been identified anywhere in the project area. No significant scientific resources have been identified in the project area. There are currently 147 recorded cultural/historic properties within ¼ mile of identified roads and trails. Of all the known recorded sites only seven have been formally evaluated for significance in consultation with the Montana State Historic Preservation Office, six of which were determined to be eligible for the National Register of Historic Places (24BE1335, 24MA105, 24MA572, 24MA665, 24MA1203, 24MA1205, 24MA1206, 24MA1207, 24MA1208, and 24MA1209), and one site determined not eligible (24MA1000).

Within the Madison District, there are currently two, as yet “informally” defined archaeological

districts, Black Butte Archaeological District and the Monument Ridge Archaeological District. These two districts have a significant cultural resource value associated with the extraction and utilization of the naturally occurring chert rock for tool manufacturing. The closure and decommissioning of routes within ¼ mile of existing sites/properties and the identified mitigation measures will minimize potential adverse effects. Therefore, the actions associated with Alternative B Modified will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, nor will it cause loss or destruction of cultural or historical resources (Updated EA, pages 141-147).

9) The degree to which the action may adversely affect an endangered or threatened species:

There are no threatened or endangered plants in the project area. There are six sensitive plant species in the project area. As identified in the Updated EA (pages 138 -140) those routes with adjacent sensitive plant populations are main access routes and were not feasible for closing to motorized use. Although impacts may come from vehicles driving off road to park or incidental road maintenance work that occurs just off the road prism, all six sensitive plant species with populations within 100 feet of an open motorized route show no evidence of impact from existing road or trail use. All sensitive plant populations are in healthy plant communities. Individuals show high vigor and exhibit no impacts from motorized vehicle use. Closing of a motorized route or a change in maintenance level will have no affect on the sensitive plant populations or their habitat in the project area.

As identified in the Updated EA (pages 70 - 106), per the US Fish and Wildlife Service (Service) Species list (USDI Fish and Wildlife Service 2009a) for the Beaverhead-Deerlodge NF, the grizzly bear is the only listed Endangered or Threatened Species. By reducing the existing template of motorized routes and with no vegetation treatment proposed, the actions will not adversely affect grizzly bears on the Madison RD. Secure habitat for the grizzly bear will be maintained. Based on the findings of the US Fish and Wildlife Service and the fact that Alternative B Modified is consistent with the 2009 Forest Plan, I conclude that Alternative B Modified is consistent with the findings of the U.S. Fish and Wildlife Service's Biological Opinion and would not adversely affect the grizzly bear or its habitat.

As identified in the Updated EA, (pages 116-127) there are no threatened or endangered aquatic species in the project area.

10) Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment:

The actions will not violate Federal, State, or local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the Updated EA (Project Record, specialist reports). The action is consistent with the 2009 Beaverhead-Deerlodge Land and Resource Management Plan (Updated EA, Appendix F).

Conclusion:

After considering the environmental effects described in the Updated EA, I find that the actions authorized by this decision will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an Environmental Impact Statement (EIS) will not be prepared. I found no significant issues or

unresolved conflicts concerning alternative uses of available resources that warranted consideration of additional alternatives (Updated EA pages 4 - 16).

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

The following are other applicable laws, regulations, and policies this decision complies with:

- National Environmental Policy Act (NEPA) - The project meets NEPA requirements (36 CFR 220, and 212.50-57) with the publication of the Designation of Summer Motorized Travel on the Madison Ranger District Updated EA and this Decision Notice and Finding of No Significant Impact.
- 2009 Forest Plan - The project was designed to conform with the Forestwide Desired Condition for summer motorized recreation (2009 Forest Plan, page 11) and all applicable goals, objectives, and standards. Please see Appendix F of the Updated EA for documentation of consistency with applicable standards. The project is consistent with National Forest Management Act (NFMA) and does not require any Forest Plan amendments.
- Travel Management Rule (36 CFR Part 212, Subparts A, B, and C), as revised 2005 - For the designation of roads and trails. This project designates roads and trails on the Madison Ranger District and complies with the direction in the rule. I considered the need for maintenance and administration of roads and trails that will arise if the uses under consideration are designated per the direction in the rule.
- USDA Forest Service Manual, Chapter 7700 Travel Management - This chapter enumerates the authority, objectives, policy, responsibility, and definitions for planning, construction, reconstruction, operation, and maintenance of forest transportation facilities and for management of motor vehicle use on National Forest System lands. This project used this manual direction in the development and analysis of alternatives, particularly portions related to planning and maintenance.
- Clean Water Act - Any Federal action must comply with Section 313. As discussed in the Updated EA, this decision complies with the Clean Water Act and associated regulations.
- American Indian Religious Freedom Act of 1978 as amended, which directs that American Indians shall have reasonable access to federal lands for the purpose of conducting traditional religious ceremonies and collecting traditional ceremonial and medicinal plants and materials. It also requires federal agencies to consult with American Indian tribes regarding proposed undertakings in areas that may be of cultural or spiritual interest to them. The Shoshone-Bannock and Confederated Salish and Kootenai Tribes were consulted during the project. An initial concern of being able to maintain treaty rights to access areas for traditional plant collection was resolved and no further concerns were expressed.

ADMINISTRATIVE REVIEW (APPEAL) OPPORTUNITIES

This decision is subject to administrative review pursuant to 36 CFR Part 215. A written appeal must be submitted within 45 days following the publication date of the legal notice of this decision in the *Montana Standard*, Butte, Montana. It is the responsibility of the appellant to ensure their appeal is received in a timely manner. The publication date of the legal notice of the decision in the newspaper of record is the exclusive means for calculating the time to file an appeal. Appellants should not rely on date or timeframe information provided by any other source.

The appeal must be filed with the Appeal Deciding Officer in writing. It is the appellant's responsibility to provide sufficient project or activity-specific evidence and rationale, focusing on the decision, to show why the decision should be reversed. At a minimum, the appeal must meet the content requirements of 36 CFR 215.12, and include the following information:

- The appellant's name and address, with a telephone number if available;
- A signature or other verification of authorship upon request. A scanned signature for electronic mail may be filed with the appeal;
- When multiple names are listed on an appeal, identification of the lead appellant and verification of the identity of the lead appellant upon request;
- The name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision;
- The regulation under which the appeal is being filed, when there is an option to appeal under either 36 CFR 215 or 36 CFR 251, subpart C.
- Any specific change(s) in the decision that the appellant seeks and rationale for those changes;
- Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement;
- Why the appellant believes the Responsible Official's decision failed to consider the comments; and

How the appellant believes the decision specifically violates law, regulation, or policy.

Appeals may be:

Mailed to: USDA Forest Service, Northern Region. ATTN: Appeal Deciding Officer. P.O. Box 7669, Missoula, MT 59807.

Hand Delivered to: USDA Forest Service, Northern Region Headquarters. ATTN: Appeal Deciding Officer, Federal Building, 200 East Broadway, Missoula, MT. Business Hours: 8:00 AM to 4:30 PM.

Faxed to: 406.329.3411 ATTN: Appeal Deciding Officer.

E-mailed to: appeals-northern-regional-office@fs.fed.us. Please put " APPEAL: Madison Ranger District Designation of Summer Motorized Travel" in the subject line.



IMPLEMENTATION DATE

If no appeal is received, implementation of this decision may occur on, but not before, 5 business days from the close of the appeal filing period. If an appeal is received, implementation may not occur for 15 days following the date of the appeal disposition.

CONTACT

For additional information concerning this decision, contact: Sue Heald, Madison District Ranger, 5 Forest Service Road, Ennis, MT 59729, 406.682.4253.

/s/ David R. Myers

March 3, 2011

DAVID R. MYERS

Date

Forest Supervisor

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