



Record of Decision



United States
Department of
Agriculture

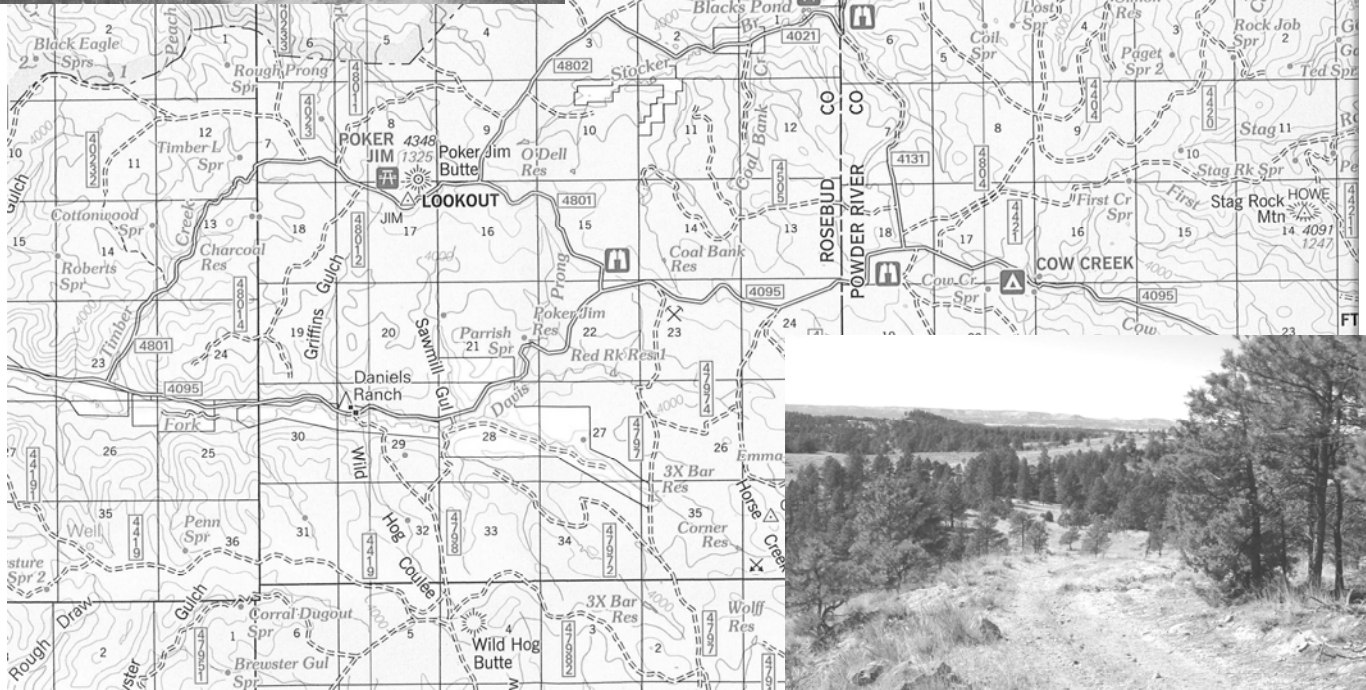
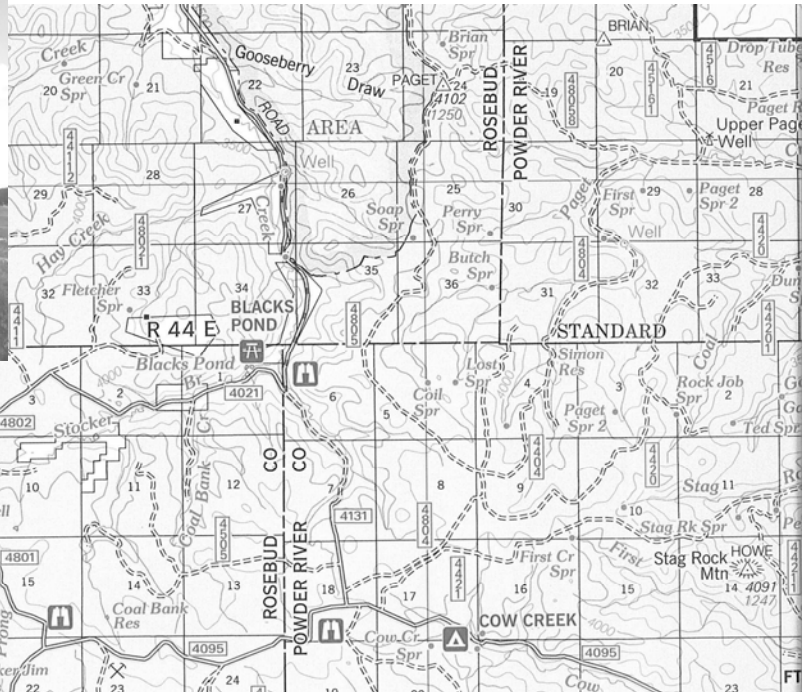
Forest
Service

Ashland Travel Management

Ashland Ranger District
Custer National Forest

Rosebud and Powder River Counties of Montana

June 2009



The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, or marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

1. INTRODUCTION

This Record of Decision (ROD) documents my decision and rationale on the Ashland Ranger District Travel Management Planning project (Project) on the Ashland Ranger District (District), Custer National Forest (Forest). The Project involves proposals to change motorized travel management on the District. I have selected Alternative B Modified as described and analyzed in the Final Environmental Impact Statement for the Project. Alternative B Modified provides many of the same resource benefits as Alternative B, while also providing additional recreational opportunities in response to public comments on the Draft Environmental Impact Statement.

Travel management planning, or management of roads and trails, has received increasing attention in the last decade within the Forest Service. This increased attention is largely the result of increased use of National Forests for recreation purposes. Increased forest visitation has led to concerns that much of this increased use is unmanaged and may be causing undesirable resource and social impacts.

One of the initial activities on the Forest related to the recent travel management focus was to inventory motorized and non-motorized routes. This effort was intended to establish a baseline for future analyses. The Forest undertook this work during 1999 and 2000. This effort was in preparation of the Northern Region of the Forest Service's (Region) analysis of cross-country vehicle use. In 2001, the Region distributed the Tri-State Off-Highway Vehicle Decision (2001 Tri-State OHV Decision) based on that analysis. The primary focus of the decision was to eliminate unmanaged motorized cross-country vehicle use.

During this time, the Forest Service also provided a national framework for conducting roads analyses. The Forest Scale Roads Analysis for the Custer National Forest (see Project Record) was completed in January, 2003 based on the above framework. The report assessed potential impacts of roads and/or motorized access on wildlife, water quality, cultural resources, right-of-way issues, and potential changes to road management objectives. These key findings in the Forest Scale Roads Analysis report were used in the development of this proposal.

In 2005, the Forest Service finalized the Motorized Travel Rule which outlined a process for motorized travel management planning to be used by all National Forests. In response, the Forest initiated travel management planning on the District during the summer of 2007 and distributed a scoping letter and proposed action in the fall of 2007. A draft environmental impact statement was distributed in the fall of 2008 with alternatives and analysis that responded to public and internal comments on the proposal. The information gathered from each of these efforts and the public involvement on these projects was used to prepare this final environmental impact statement (FEIS) for travel management planning on the District.

All figures, facts, and numbers in this ROD and the FEIS are approximate and based on the best available information.

1.1 GENERAL LOCATION AND GEOGRAPHIC SETTING

The analysis area included the entire Ashland Ranger District. The District, situated in southeast Montana, is composed of a single geographic unit, and is separate from other National Forest System lands (see vicinity map below). As such, the District is the single largest block of

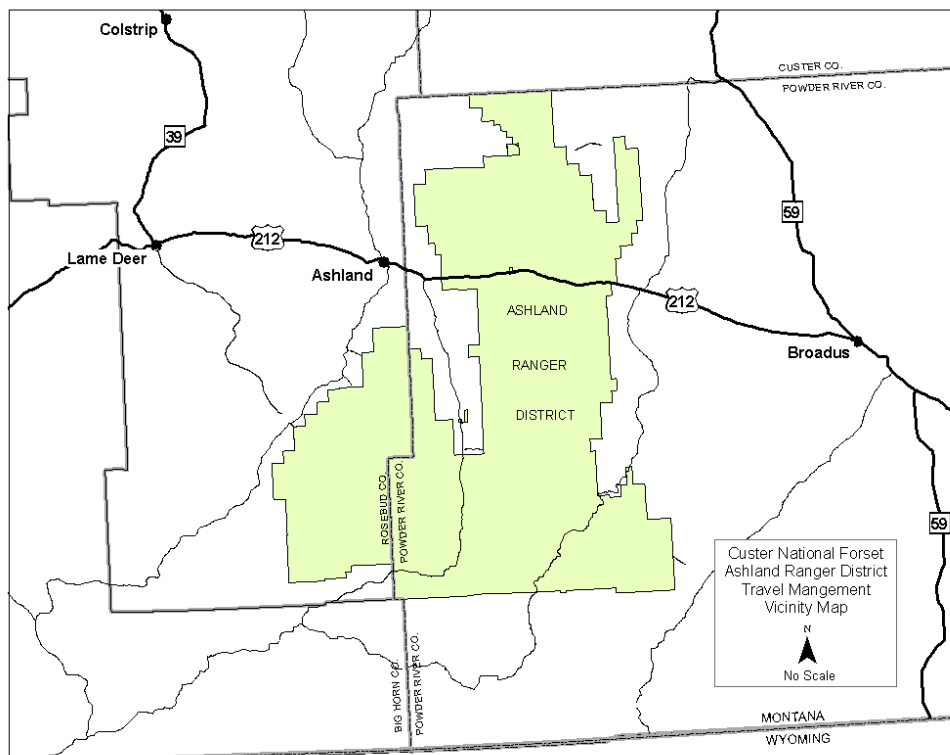
Record of Decision

contiguous federal ownership in Eastern Montana, consisting of approximately 436,546 acres of National Forest System land. However, within the Forest boundary, there are 502,152 acres of land that includes both private inholdings and adjacent lands in other ownership.

The Ashland Ranger District is situated on a remnant plateau which has eroded away to leave the present landforms. The plateau stands out from the surrounding prairie because of its elevation and the ponderosa pine forest. The elevation ranges from 3,200 to 4,300 feet and generally falls within the 11-15 inch precipitation zone. These lands contain and support a large variety of landforms, vegetation, wildlife, and uses. The vegetation on the District consists of ponderosa pine and grasslands interspersed by hardwood draws and ridges resulting in a landscape pattern that is approximately half timbered and half grassland. Game species are abundant with strong populations of deer, grouse, wild turkey, and elk. Non-game species are also abundant and can be found throughout the District. The District has a large grazing program, a significant fuels reduction program, and has considerable lightning caused fires annually. In the past eight years, over 25% of the District has burned from wildfires.

The entire District is within the State of Montana, with the majority of District lands located in Powder River County and a smaller portion in Rosebud County (see Vicinity Map below).

Figure 1. Vicinity Map.



1.2 PURPOSE AND NEED

The *purpose* of travel management planning is to: 1) identify routes for public motorized use, 2) provide for a mix of motorized and non-motorized opportunities, 3) minimize impacts on natural

and cultural resources, and 4) have enforceable travel management guidelines that meet the direction of the 2005 Motorized Travel Management Rule.

District-wide travel management planning was last addressed in 1992. However, the majority of the elements contained in that decision were not implemented. Further, the conditions on the ground and agency policy have changed since 1992, which would make implementation of the 1992 decision inconsistent with current policy.

In the last several years, changes in land management policies, increases in use and demand for recreation opportunities, new developments and improvements in recreation-related technology, and increases in concerns about travel-related impacts to natural resources have occurred. These events have led to the *need* to re-examine travel management planning on the District; they include:

- 2001 Tri-State Off-Highway Vehicle Decision – This decision committed Forest’s to site-specific analysis of motorized routes; there is a need to comply with this decision.
- 2005 Motorized Travel Rule – This rule included direction on designating motorized routes and a related agency commitment to implement the rule by the end of December, 2009; there is need to comply with the rule and timeline.
- Unmanaged Recreation Use – The Forest Service has identified unmanaged recreation as one of four threats to National Forests; there is a need to evaluate unmanaged recreation related to visitor travel to identify and minimize effects.
- Enforcement of Travel Management Restrictions – There is a need to have a clear travel management decision that is consistent with existing policy to enhance law enforcement.

1.3 PROPOSED ACTION

The Forest Service is proposing to designate roads and trails available for public motorized use on the District in compliance with the 2005 Motorized Travel Rule. The existing *system* roads are considered the starting point for this analysis. Consequently, this proposal consists of proposed changes to system roads (also known as actions) that the Forest Service is considering. The proposal includes the following types of actions:

- Designate a system of roads and trails on the District for motorized public use.
- Designate the type of vehicle and season of use for each system road and system motorized trail.
- Change certain system roads to motorized trails or mixed motorized use roads.
- Change certain non-system routes to system roads or system motorized trails.
- Identify those system roads and non-system routes to be used for administrative use only.
- Designate dispersed vehicle camping along system roads and motorized trails.
- Change system roads for which there is no identified administrative, utilization, or protection need to Maintenance Level 1 (see FEIS glossary) system roads available for potential decommissioning in the future. (Any route decommissioning or obliteration would require further site specific NEPA analysis and decision.)

2. DECISION AND RATIONALE

2.1 DECISION

Based on my review of all the alternatives and input from the interested public, I have decided to select Alternative B Modified. This alternative was developed in response to public comments on the DEIS. This decision includes the following details specific to Alternative B Modified.

2.1.1 Motorized System Routes

This decision designates for public motorized use the existing system roads on the District that are currently available for public use, with the following changes to the system:

1. Some system roads will be converted to system motorized trails, which are identified in the Alternative B Modified table of FEIS Appendix C.
2. Some unauthorized (non-system) routes will be converted to system roads and system motorized trails, which are identified in the Alternative B Modified table of FEIS Appendix C.
3. Some system roads will become Maintenance Level 1 routes that are candidates for future decommissioning. These are identified in the Alternative B Modified table of FEIS Appendix C.
4. Some routes will be reserved for administrative use only, which are also identified in the Alternative B Modified table of FEIS Appendix C.

In addition, with this decision, the following will apply to motorized use on the District:

- The season of use on all motorized routes will be yearlong unless a different season of use has been identified for a specific route in the Alternative B Modified table of FEIS Appendix C.
- The type of vehicle designated for system roads will be highway legal vehicles, except where motorized mixed use has been identified in the Alternative B Modified table of Appendix C of the FEIS.
- The type of vehicle designation for motorized system trails will be either open to all off-highway vehicles or open to vehicles 50 inches or less in width as specified in the Alternative B Modified table of Appendix C of the FEIS.
- Dispersed vehicle camping within 300 feet of motorized routes is designated District-wide.

2.1.2 Forest Orders

Any existing forest orders that are not consistent with the decision made in this ROD will be rescinded. Any new forest orders that are necessary for implementation of the decision in this ROD will be issued.

2.2 RATIONALE FOR DECISION

I selected Alternative B Modified because it provides sustainable natural and cultural resource management while providing a mix of recreation opportunities that responds to the diverse preferences expressed by forest users, which are outlined further in the following paragraphs. Alternative B Modified and Alternative B have very similar effects on natural and cultural resources – the differences are arguably minimal between these two alternatives. However, I

preferred Alternative B Modified because it provides specific motorized and non-motorized recreational features in response to DEIS public comments, discussions at public meetings, and follow-up meetings with interested parties which are not contained in Alternative B (see Table 2). In particular, the Alternative B Modified expands key motorized and non-motorized opportunities, such as designating some trails for vehicles 50 inches in width or less (motorized opportunity) and identifying additional routes with a season of use aimed at providing additional non-motorized hunting opportunities.

Alternative B Modified, like Alternative B, reduces the potential for direct and indirect effects on archaeological sites and priority assets compared to no action.

Alternative B Modified, like Alternative B, has more benefits to wildlife than Alternative A or the No Action Alternative. Motorized route density would be less under Alternative B Modified than Alternative A and the No Action Alternative. The percent secure elk habitat, a surrogate indicator for other big-game species as well, and the percent of lands that provides core wildlife habitat would be improved under Alternative B Modified compared to those two alternatives. In particular, they meet the peer-reviewed threshold for 30% or more elk (and deer) secure habitat, unlike Alternative A or the No Action Alternative.

Alternative B Modified, like Alternative B, would have a lower risk of water quality impacts than Alternative A and the No Action Alternative, and would have fewer potential impacts on sensitive aquatic and recreation fish species. The miles of system routes on severe and medium erosion hazard rating soils would be lower with Alternative B Modified than Alternatives A and No Action. And finally, potential vegetation impacts including noxious weeds would be reduced under Alternative B Modified, like Alternative B, when compared to the No Action Alternative or Alternative A.

I would like to share my observations regarding what I heard and read from the public comments (see FEIS Chapter 5) that helped shape my decision. Motorized users commented that they are concerned with the cumulative loss of motorized opportunities; that they feel the Forest should be providing equal amounts of motorized and non-motorized opportunities; and that there should be no net loss of motorized opportunities. Conversely, parties interested in non-motorized opportunities think there should be more balance between motorized and non-motorized opportunities on the District. Specifically, the parties interested in non-motorized experiences think there should be more non-motorized hunting opportunities; that non-system routes should not be added to the system; and that only system roads, rather than motorized trails, should be designated.

In reaching this decision, I have focused on finding a mix of non-motorized and motorized recreation opportunities to respond to these diverse interests while minimizing impacts to natural resources. I also considered the vegetative and topographic features of the District and how these influence recreational activities. My decision will reduce the number of miles of motorized opportunities available compared to no action, but not to the extent sought by some individuals and groups. My decision provides an increase in the amount of non-motorized Recreation Opportunity Spectrum (ROS) settings compared to no action, more than some recreationists feel is appropriate. However, this decision also expands motorized opportunities compared to no action by designating networks of mixed motorized use roads and motorized trails on the District, and adding a number of non-system routes to the system that will enhance motorized opportunities. I

Record of Decision

ultimately selected Alternative B Modified because I believe, based on the analysis in the FEIS, it will provide for the sustainability of natural and cultural resources, and provide a combination of recreation opportunities that best responds to the divergent user preferences expressed.

It is not possible to approach travel management through application of formulas. Rather, route designations are dependent on the limitations of the natural and physical resources, sustainability of resources, and opportunities to meet social expectations. They are somewhat dependent on historical distribution and use that was also dictated by similar parameters. More recent increased pressure and demands for recreational use has resulted in the need to more actively manage recreation use, so that a spectrum of high quality recreation experiences is available. Therefore, my decision reflects a management strategy that implements the current Forest Plan, including acceptance of the level of motorized use outlined in Alternative B Modified.

The engineering analysis of motorized mixed use designations identified in Alternative B Modified has been completed (see Project Record). No extraordinary safety concerns with these designations were identified. The analysis recommends installing signs on motorized mixed use routes to advise motor vehicle users of the motorized mixed use designation. I have decided to designate the motorized mixed use as proposed in Alternative B Modified, along with the recommended signing in the engineering analysis.

The analysis and decision processes for this project are based on the consideration of the best available science. The manner in which best available science is used can be found throughout the ROD, DEIS, FEIS, Response to Comments, Biological Assessments, and the Project Record.

Finally, my decision fits well with the agency's overall goal to manage recreation opportunities on National Forest System lands for the benefit of all users and in a way that sustains natural resources. American citizens have the right to use their Federal public lands, in responsible and sustainable ways that do not diminish the current or future use for everyone. My goal throughout this effort was to work with all stakeholders concerned with the District to find an alternative that sustains resources and provides a mix of recreation opportunities that addresses most public interests, which Alternative B Modified accomplishes. As indicated in the public involvement section of FEIS Chapter 2, the Forest Service has engaged the interested public and other agencies in developing the proposed action and throughout the NEPA process (36 CFR 212.52).

2.2.1 Meets the Purpose and Need

In developing the rationale for my decision, I have **addressed the "Needs"** as displayed in detail in Chapter 2 of the FEIS. In addition, I have displayed the **demonstrable benefits** of Alternative B Modified that were assessed in an interdisciplinary manner and those brought forward from public input.

1. Alternative B Modified fulfills the need to comply with the 2005 Motorized Travel Rule and 2001 Tri-State OHV Decision to do site-specific analysis and designation of motorized roads and trails, including type of vehicle and season of use designations.
2. Alternative B Modified addresses the need to enhance the District's ability to enforce travel management restrictions by providing clear and route-specific decisions for motorized travel on the District.

3. Alternative B Modified will provide managed motorized recreation on the District by designating motorized routes, as well as eliminating confusion about whether routes are system or non-system, and the mode of transportation that is acceptable on the route.

3. PUBLIC PARTICIPATION SUMMARY

The initial scoping document (see Project Record) for this project was distributed on November 26, 2007 to approximately 237 individuals, government agencies, tribal governments, news media, businesses, and organizations that have shown interest in projects on the Custer National Forest, and in particular on the Ashland Ranger District. The scoping document provided information on the purpose and need for the project, described the proposed action, and asked for comments. A news release inviting comments was placed in the Billings Gazette (Billings, MT) on November 27, 2007. News releases were also sent to local newspapers including the Miles City Star, Independent Press, Powder River Examiner, Outlook, and Yellowstone County News. These media efforts helped to publicize the proposal and comment period. Interested parties were asked to comment within 30 days. Due to technical issues that delayed placing the scoping document on the Forest's web page for several days, the comment period was extended an additional 15 days, which ended January 25, 2008.

Public meetings were held in Ashland, Broadus, Miles City, and Billings, Montana in December 2007 to discuss the scoping document.

In response to these efforts, just over 60 letters, personal comments, emails, or phone calls were received. The analysis of electronic, written, and verbal comments preliminarily identified several potential issues. Three of these issues were identified as significant and were used to formulate elements of the alternatives.

A Notice of Intent (NOI) was published in the Federal Register on September 5, 2008. The Notice of Availability for the Draft EIS was published in the Federal Register October 3, 2008 which began a 45-day comment period. In response to a public request, the comment period was extended 15 days for a total of 60 days. News releases were provided to local news media at the beginning of the comment period. The Draft EIS was distributed to interested parties identified in the updated District Travel Management Planning EIS mailing list on September 26, 2008 and posted on the Forest's webpage. The Forest conducted four public open houses to provide information and encourage input on the DEIS. The public open house meetings provided the public with the opportunity for one-on-one discussions with the District Ranger and interdisciplinary team members. In response to the comment period, the Forest received 44 comment letters, e-mails, and documented phone conversations on the DEIS. One of the 44 letters was received after the comment period deadline. Further information on commenters, comments identified in the letters, e-mails, and phone conversations, and agency responses to comments can be found in FEIS Chapter 5.

4. ENVIRONMENTAL ISSUES CONSIDERED

The issues developed through scoping reflect respondents' concerns about the environmental, cultural, economic, and social impacts that may result from travel management on the District. Combining public and agency response with Forest Service knowledge of the resources within the

Record of Decision

project area, the following issues related to District travel management planning were identified as significant issues:

Recreation

- Concern about motorized recreation opportunities
- Concern about non-motorized recreation opportunities
- Concern about opportunities for off-highway vehicle operation
- Concern about impacts on personal recreation experiences

Cultural Resources

- Concern about the protection of archeological sites, traditional cultural properties, and traditional practices.

Wildlife

- Concern about disturbance of wildlife and impacts to wildlife habitat.

The following issue categories were determined not to be significant issues because they did not drive development of alternatives or major components of alternatives, there were no significant effects associated with the proposed actions, or both. These issue categories were considered and disclosed in the FEIS.

- Water Quality, Fisheries, and Aquatics
- Soils
- Vegetation
- Inventoried Roadless Areas
- Economics
- Air Quality
- Hiking and Riding Areas (Management Area J)
- Enforcement
- Climate Change

5. ALTERNATIVES CONSIDERED IN DETAIL

In response to agency and public issues, three action alternatives were developed. Alternatives A, B, and B Modified were analyzed in detail along with the No Action Alternative. A summary description of each of the alternatives is provided below. Specific information on the elements of each alternative is provided in Chapter 2 of the FEIS, FEIS Appendix C, and in the FEIS Map Package.

5.1 ALTERNATIVE A

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

1. Routes that have been decommissioned, obliterated, or are otherwise unavailable for public motorized use based on documented decisions since 2000.

2. Routes for which the Forest Service has no legal right-of-way for public use. This is necessary to be in compliance with the 2005 Motorized Travel Rule guidance and to make this alternative viable for implementation. These routes were either identified as candidates for decommissioning/obliteration or, if an administrative need was identified, they were proposed for administrative use only. This affects 74 miles of routes.
3. Existing administrative routes, which would remain administrative use only (61 miles).

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

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

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

- Add 126 miles of non-system routes to the transportation system as either roads or motorized trails; 123 miles for public motorized use and 3 miles for administrative use.
- Identify 22 miles of system roads (two roads) as candidates for decommissioning.
- Identify 44 miles of existing system roads for administrative use.
- Convert 492 miles of system roads to system motorized trails open to all motor vehicles.
- Designate 37 miles of system roads for mixed motorized use.

The 2001 Tri-State OHV Decision authorized dispersed vehicle camping within 300 feet of motorized routes on the District. During the past eight years, the District has not observed unacceptable adverse impacts from this activity that warrants proposing a change to this decision under this alternative.

Table 1, 2 and 3 provide a summary of the elements associated with this alternative (Table 1) and a summary of alternative mileages (Tables 2 and 3). FEIS Appendix C provides a list of the route specific actions proposed under this alternative.

This alternative largely reflects an alternative submitted by a combination of organizations that partnered together to develop the alternative (further described in FEIS). Some elements in the partnership's proposal were not included in Alternative A because they were not consistent with guidance related to the 2005 Motorized Travel Rule (e.g. designation of roads with no legal right-of-way).

Table 1. Summary of Elements for Each Alternative

Element	Alternative A (Existing Condition)	Alternative B	Alternative B Modified (Preferred Alternative)	No Action Alternative
Type of Vehicle Designations	<p>In general, primary travelways would be designated as system roads, which are only available for use by highway-legal vehicles.</p> <p>The majority of high clearance vehicle roads (Maintenance Level 2) would be converted to system trails open to all motor vehicles.</p> <p>A limited number of roads would be designated as mixed motorized use where connections between proposed motorized trails were important.</p> <p>(The FEIS map package provides a display of the type of vehicle designation for each route.)</p>	Same as Alternative A.	<p>Same as Alternative A, plus:</p> <p>A limited number of trails would be designated for use by vehicles 50 inches or less in width.</p>	System roads would be designated for use by highway legal vehicles.
Season of Use Designations	Season of use for all designated routes is yearlong.	<p>Season of use for all designated routes is yearlong except for the following seasons of use.</p> <p>December 2-August 31 – 18 miles of routes in three locations would have this season of use to provide additional wildlife security and to increase opportunities for non-motorized hunting. See Appendix C and the map package for the specific routes involved.</p>	<p>Season of use for all designated routes is yearlong except for the following seasons of use.</p> <p>December 2-August 31 – 27 miles of routes in six locations would have this season of use to provide additional wildlife security and to increase opportunities for non-motorized hunting. See Appendix C and the map package for the specific routes involved.</p>	Same as Alternative A.
Dispersed Vehicle Camping Designations	Access for dispersed vehicle camping would be allowed within 300 feet of all designated system roads and motorized trails on the District.	Same as Alternative A.	Same as Alternative A.	Same as Alternative A.
Administrative Use	Roads identified for administrative use are not designated for public motorized use due to: 1) the lack of legal right-of-way for public access, 2) existing administrative use roads at administrative sites, 3) and past decisions. FEIS Appendix C includes all non-system roads that would be converted to system roads and identified for administrative use, as well as any additional system roads that would be identified for administrative use.	Roads identified for administrative use are not designated for public motorized use due to: 1) the lack of legal right-of-way for public access, 2) existing administrative use roads at administrative sites, 3) past decisions, and 4) to provide needed administrative access to powerlines, range improvements, etc. when this is the only identified need for the route, such as a parallel route. Appendix C includes all non-system roads that would be converted to system roads and identified for administrative use, as well as any additional system roads that would be identified for administrative use.	Same as Alternative B.	Roads identified for administrative use are not designated for public motorized use based on policy (administrative sites) and past land management decisions. This alternative includes only those roads currently identified for administrative use.

Table 2. Summary of miles¹ of roads and trails by alternative.²

Route Designation			Alternative A	Alternative B	Alternative B Modified	No Action
National Forest System Roads and Trails	Public motorized use	Road: All types allowed (motorized mixed use)	37	37	37	0
		Road: Highway legal vehicles	101	101	101	676
		Trail: All types allowed	612	405	406	0
		Trail: Vehicles 50 inches or less	0	0	17	0
	<i>Subtotal</i>		750	543	561	676
	Administrative use		92	175	161	61
	<i>Total Miles of System Routes</i>		842	718	722	737
System roads not designated for public motorized or administrative use		22	75	78	0	
Non-System Routes	Non-system routes not converted to system roads or trails	19	90	83	146	
<i>Total Miles of Routes not designated or not converted for public motorized or administrative use</i>		41	165	161	146	
Total		883	883	883	883	

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

Season of Use	Alternative A	Alternative B	Alternative B Modified	No Action
Yearlong	750	525	534	676
December 2 – August 31 (Provide Non-Motorized Hunting)	0	18	27	0
<i>Total</i>	750	543	561	676

5.2 ALTERNATIVE B

Alternative B consists of designating a system of motorized routes that provides the public with motorized recreation opportunities, while addressing resource concerns and recreation opportunity concerns. Primary travelways included in this alternative would be designated as roads, or where appropriate, as mixed motorized use roads, and, for the most part, all other routes would be designated as motorized trails. Designation of motorized trails under this alternative is intended to: 1) expand opportunities for motorized recreation opportunities, and 2) more accurately describe the characteristics and nature of these routes. In other words, routes proposed to be motorized trails do not display characteristics typically associated with roads, such as engineered designs, surfacing, and prescribed clearing widths. In many cases, the routes simply developed through use over time and were never designed consistent with Forest Service road standards, have no surfacing, are frequently rutted, and often become impassable when wet.

¹ Mileage comparison between tables may not be exact due to rounding.

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

Record of Decision

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

1. System and non-system routes for which the Forest Service did not have a legal right-of-way for public motorized use were evaluated to determine if administrative use was needed. If needed, the routes were proposed for administrative use, if they were not needed they were identified as candidates for decommissioning or obliteration.
2. Recent decisions on actions within the District that involved travel management were reviewed to determine if the rationale was still appropriate/applicable and if there was any new information that would warrant a change.
3. The remaining system and non-system routes were evaluated to determine if there was an administrative, utilization (including recreation), resource, or protection need for the route. If a need existed, system routes were proposed for designation and non-system routes were proposed to be added to the system and designated. If no need was identified, system routes were identified as candidates for decommissioning and non-system routes were identified as candidates for obliteration.
4. At the same time, the Forest Service also assessed whether routes were parallel with each other, i.e. routes that were within ½ mile of each other. Where parallel routes existed, only one route was selected for public motorized designation.
5. Finally, based on public input, a season of use that limited motorized travel in key wildlife security habitat areas during big-game hunting seasons was developed. The purpose of this measure was to provide additional wildlife security and increase opportunities for non-motorized hunting. District personnel identified routes within Forest Plan Management Area D (wildlife emphasis areas) and proposed to enhance wildlife security and non-motorized hunting opportunities during Montana Fish, Wildlife, and Parks archery and rifle big-game hunting seasons – September 1 to December 1.

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

- Add 56 miles of non-system routes to the transportation system as either roads or motorized trails; 18 miles for public motorized use and 38 miles for administrative use.
- Identify 75 miles of system roads as candidates for decommissioning.
- Identify 91 miles of existing system roads for administrative use.
- Convert 392 miles of system roads to system motorized trails open to all motor vehicles.
- Designate 37 miles of system roads for mixed motorized use.
- Designate a season of use of December 2 – August 31 on 18 miles of system roads and motorized trails.

The 2001 Tri-State OHV Decision authorized dispersed vehicle camping within 300 feet of motorized routes on the District. During the past eight years, the District has not observed unacceptable adverse impacts from this activity that warrants proposing a change to this activity under this alternative.

Alternative B includes the designation of a combination of roads, mixed motorized use roads, and motorized trails. Because the biophysical effects of mixed motorized use roads and trails are identical, the mix of those types of routes in Alternative B could be changed in the Final EIS in response to public or internal comments related to social or management considerations without altering the biophysical effects, and as long as the overall miles are the same.

Table 1, 2 and 3 provide a summary of the elements associated with this alternative (Table 1) and a summary of alternative mileages (Tables 2 and 3). FEIS Appendix C provides a list of the route specific actions proposed under this alternative.

5.3 ALTERNATIVE B MODIFIED (PREFERRED ALTERNATIVE)

Alternative B Modified is largely the same as Alternative B, but has been modified to respond to public and internal comments. The differences between the alternatives are summarized in Table 4.

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

- Add 64 miles of non-system routes to the transportation system as either roads or motorized trails; 26 miles for public motorized use and 38 miles for administrative use.
- Identify 80 miles of system roads as candidates for decommissioning.
- Identify 80 miles of existing system roads for administrative use.
- Convert 400 miles of system roads to system motorized trails open to all motor vehicles.
- Designate 37 miles of system roads for mixed motorized use.
- Designate a season of use of December 2 – August 31 on 27 miles of system roads and motorized trails.

Table 1, 2 and 3 provide a summary of the elements associated with this alternative (Table 1) and a summary of alternative mileages (Tables 2 and 3). FEIS Appendix C provides a list of the route specific actions proposed under this alternative.

5.4 NO ACTION ALTERNATIVE

The No Action Alternative consists of designation of the existing system roads³ on the District. This is different from Alternative A (existing condition) which proposes to designate both existing system and non-system routes. The No Action Alternative also includes the existing vehicle types and seasons of use currently in force on the District (see Table 1 for details).

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

³ The decision to use existing system roads as the foundation for no action stems from 2005 Motorized Travel Rule guidance, including the following:

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

Record of Decision

Table 2. Differences between Alternative B Modified and Alternative B, and the rationale for the modification.

Alternative B Modified	Alternative B	Route⁴	Rationale for Modification		
Designate these system routes with a season of use of 12/2 – 8/31.	Designate these system routes with a yearlong season of use.	40011	Respond to public comments for additional non-motorized hunting opportunities.		
		40012			
		40232			
		45023			
		47854			
		47855			
		48012			
		48014			
		4032	Provides important dispersed vehicle camping opportunity.		
		4503	Respond to public comments that the portion of the route before the gate should be designated with a yearlong season of use to provide for important dispersed vehicle camping opportunity; the SOU for the portion behind the gate would not be changed from Alternative B.		
		Do not designate this route for public motorized use.	Designate as system motorized trail open to all motor vehicles.	40954	There is a fence across this route with no gate and the route is largely revegetated.
				4467	No identified administrative, utilization, or protection need for this route.
				47911	
				4432D	End designation at the fence line - no identified administrative, utilization, or protection need for the route beyond fenceline.
Designate as motorized trail open to all motor vehicles.	System route - candidate for decommissioning.	40957	Provides important dispersed vehicle camping opportunity.		
Designate as motorized trail open to vehicles 50 inches or less in width.	Identify as administrative use only.	41338	Respond to public comments to use these routes for game retrieval.		
		48058	Respond to public comments to make this a motorized trail that provides additional loop opportunities.		
Designate as system motorized trail open to all motor vehicles.	Do not designate this system route for public motorized use.	42123	Respond to public comments to provide additional access in this area and a loop opportunity.		
Designate as system motorized trail open to all motor vehicles.	Route was not identified in inventory.	413111	Provides important dispersed vehicle camping opportunity.		
Do not add this non-system route to the system.	Add non-system route to the system and designate as a motorized trail open to all motorized vehicles.	47983	The route has naturally revegetated – there is no identified administrative, utilization, or protection need.		

⁴ The proposed action may contain all or a portion of the route; see the Alternative B Modified Map and FEIS Appendix C for specific portions and segment lengths.

Table 2. Differences between Alternative B Modified and Alternative B, and the rationale for the modification.

Alternative B Modified	Alternative B	Route ⁴	Rationale for Modification
Add non-system route to system and designate as motorized trail open to vehicles 50 inches or less in width.	Segment A - Add non-system to system and designate as administrative use. Segment B - Do not add this non-system route to the system.	44094	Respond to public comments to make this a motorized trail that provides additional loop opportunities.
Add non-system route to the system and identify for administrative use only.	Do not add this non-system route to the system.	44103	Provide administrative access to range improvements.
		441042	
		4410B	
Do not add this non-system route to the system.	Add non-system to system as a road open to highway legal vehicles.	44235	Address heritage resource concerns with this route.
Do not designate this system route for public motorized use.	Identify as administrative use only.	4432D	No identified administrative, utilization, or protection need for this route.
		4435	
Identify as administrative use only.	Convert this system road to system motorized trail.	44351	Identify the west portion as administrative only to access a Powerline – no other identified utilization or protection need.
Convert this system road to system motorized trail open to all vehicles.	Identify as administrative use only.	44501	Respond to the public to use this route for a loop opportunity.
Add non-system route to the system and designate as a motorized trail open to all motorized vehicles.	Add non-system route to the system and identify for administrative use only.	44502	Respond to the public to use this route for a loop opportunity.
Convert this system road to system motorized trail open to all vehicles.	Identify as administrative use only.	47696	Respond to the public for access in this area and provides important dispersed vehicle camping.
Do not add this non-system route to the system.	Add non-system to system as a road open to highway legal vehicles.	47905	Address heritage resource concerns with this route.
Add non-system route to system and designate as motorized trail open to vehicles 50 inches or less in width.	Add non-system route to the system and identify for administrative use only.	47704	Respond to the public to use this route additional access and for a loop opportunity.

Record of Decision

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

6. ALTERNATIVES CONSIDERED BUT DROPPED FROM DETAILED ANALYSIS

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

- the 14-group partnership alternative;
- separate motorized and non-motorized uses;
- establish triggers for route closures;
- designate administrative routes for public motorized use
- do not designate road #4797
- routes should not be designated on highly erodible soils, riparian areas, wetlands, wet meadows, and ephemeral ponds;
- do not add routes or further reduce miles of routes in moderate and high risk soils and that have water quality impacts in high risk watersheds, to reduce impacts in those watersheds;
- do not designate dispersed vehicle camping in areas with steep topography and sensitive resources to avoid potential adverse impacts;
- further reduce motorized use to minimize the potential for spread of noxious weeds;
- increase elk secure cover to 30-50% of forested area;
- there should be a minimum 30% of the District in non-motorized settings to provide adequate non-motorized hunting opportunities;
- do not convert roads to trails, or convert no more than 10%, or limit trails to 50 inch or less vehicles to discourage additional use and the impact it would have on existing uses;
- seasonally close administrative roads during big-game hunting season;
- there should be no net loss of motorized opportunities to counter the cumulative loss of other motorized opportunities;
- provide additional motorized opportunities by designating routes closed because they cannot accommodate a full-size vehicle for 50 inch wide or less vehicles;
- expand secure elk habitat to maintain a viable and healthy elk population;
- further restrict motorized use to protect cultural resources from impacts
- protect water quality limited streams in need of TMDL determination and watersheds listed as high risk;
- do not designate routes with increased potential to harm amphibians, do not designate routes that follow streams in high and moderate risk watersheds;

- do not designate routes, 1) on grades greater than 15%, 2) located above tree line on highly erosive soils or poorly located, 3) located within 300 feet of fish bearing streams and lakes, 4) have stream crossings without bridges, and only designated dispersed vehicle camping where on low to moderate hazard rating soils;
- designate routes based upon the amount of maintenance funding available;
- do not designate routes in occupied habitat for Great Plains toad, northern leopard frog, and plains spadefoot;
- create a season of use to reduce potential impacts when soils are at increased risk of erosion;
- and numerous route-specific alternatives (see FEIS Appendix G).

Rationale for dismissal of these alternatives is found in Chapter 2 of the FEIS.

7. MONITORING

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

Travel management monitoring would help answer questions, such as:

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

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

Travel management monitoring will be tiered to Forest Plan monitoring activities. The level and intensity of monitoring will be adapted as needed based on changing needs, findings, and budget levels. The results of monitoring and public feedback will be reviewed annually, at a minimum, during preparation of the MVUM for the subsequent year. If the District Ranger determines that a change to District travel management should be investigated, the process outlined under Forest Service Handbook 1909.15, Chapter 10, Section 18 (40 CFR 1502.9(c)(1)(ii)) will be used to review the new information and determine what type of documentation, if any, or other compliance would be appropriate to address any proposed change.

Record of Decision

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

7.1.1 IMPLEMENTATION MONITORING

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

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

7.1.2 EFFECTIVENESS MONITORING

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

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

Table 2-8. Forest Plan Travel Management Effectiveness Monitoring

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

Compliance with the National Historic Preservation Act through the Montana Programmatic Agreement (PA) established with the State Historic Preservation Office (SHPO) is required, and includes monitoring of sites for travel management effects. Cultural resource monitoring will be implemented within the Project Area in order to assess the effectiveness of this project relative to the protection and preservation of significant heritage resources. This cultural resource monitoring program is based upon an adaptive management approach that may necessitate specific changes if site disturbances are observed. Should detrimental effects occur, site evaluative testing and formal consultation with the Montana SHPO to identify measures to reduce, remove or mitigate these

effects will be necessary. These monitoring results will be presented in the Annual Heritage Reports required by the MT PA.

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

7.1.3 MONITORING PLAN

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

8. ENVIRONMENTALLY PREFERRED ALTERNATIVE

The Council on Environmental Quality regulations implementing NEPA, in section 1505.2(b), requires that, in cases where an EIS has been prepared, the Record of Decision (ROD) must identify all alternatives that were considered, ". . . specifying the alternative or alternatives which were considered to be environmentally preferable." The environmentally preferable alternative is the alternative that will promote the national environmental policy as expressed in NEPA's Section 101. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources.

Several important issues were considered in the analysis, including water quality; fisheries and aquatics; soils; vegetation including noxious weeds and sensitive plants; a number of wildlife species; cultural resources; and air quality.

Alternatives B and B Modified are essentially the same in terms of environmental effects and are the environmentally preferred alternatives, because:

1. They meet the peer-reviewed threshold for 30% or more elk (and deer) secure habitat, unlike Alternative A or the No Action Alternative.
2. Although there are no established thresholds for most of the other resources analyzed in the FEIS, Alternatives B and B Modified have fewer impacts to natural resources compared to the other alternatives analyzed in detail.

9. APPLICATION OF THE DECISION

The actual application of the decision will be through multiple administrative actions, including engineering review and designation of each dual-use route, ordering and placement of signs, development and distribution of travel plan maps, enforcement, and monitoring. A public education and involvement effort is anticipated to ensure public understanding of the decision. The actions associated with this decision will be incrementally implemented as funding and workforce are secured and as the individual actions are incorporated into the Forest Program of Work. Partnership dollars, grants, and volunteer work would be encouraged and very beneficial in

Record of Decision

successful implementation of the selected alternative. Implementation activities may also be adjusted based on the periodic evaluation of monitoring findings, resource needs, and management priorities.

There will be some challenges associated with enforcement of the selected alternative. However, I also recognize the tremendous number of people that want this effort to succeed, regardless of your preferred method of travel. It is my hope that much of the energy of so many individuals and groups that has been directed toward this planning process can now be redirected toward implementation on the ground.

10. COMPLIANCE AND CONSISTENCY WITH LAWS, REGULATIONS, AND POLICIES

Where applicable, compliance with laws, regulations, and policies are listed and addressed in various sections of the project record, the Forest Plan, and in specific resource sections in Chapter 3 of the Ashland Ranger District Travel Management Planning FEIS. My decision to implement Alternative B Modified will comply and be consistent with applicable laws, regulations, and policies including those that follow this paragraph.

10.1 CUSTER NATIONAL FOREST AND NATIONAL GRASSLANDS LAND AND RESOURCE MANAGEMENT PLAN, 1986, AS AMENDED

My decision is consistent with the Forest Plan's goals and objectives and management direction. This can be found in FEIS Chapter 3 and in the Specialists' Reports that are included in the project record.

The Custer National Forest and National Grasslands Land and Resource Management Plan were developed through the long-term resource management planning efforts required by the National Forest Management Act, as amended. This very public process set the goals, objectives, and forest-wide and management area standards for the Forest and provides the basis for management of the Forest's resources. Site-specific efforts such as travel management planning address a component of Forest management, but are not intended to be the more comprehensive planning effort associated with Forest-level land management planning. Site-specific efforts like travel management planning must be consistent with the Forest Plan.

The Regional Forester, in the Record of Decision for the Forest Plan, acknowledged the multiple-use challenges the Forest confronts, back when the Plan was signed, as well as today:

“The Forest Service vision of the Custer National Forest is of a Forest managed to benefit the public in harmony with the natural environment. Management direction responds to interested parties, to the effects on peoples lives and to the capability of the land.”

And in the Rationale for selecting the Forest Plan in the Record of Decision, the Regional Forester noted:

“No single factor or individual consideration constitutes the total rationale for my decision. Instead, it was the consideration of many factors and their interrelationships...”

...“In making this decision, I recognize the limitations of the physical and biological systems, and that the Custer National Forest cannot satisfy every individual or group. (ROD, page 13.)

Further in the Record of Decision, the Regional Forester in summarizing the reasons for regarding the selection of the Forest Plan, notes:

“I believe the Plan provides a management strategy for the Forest that maximizes net public benefit. This is achieved by providing a balance among commodity outputs, thus providing for a reasonable level of local employment while protecting amenity values such as wildlife, fish, scenic quality, and diverse recreation opportunities that are important to area residents. The Forest provides a variety of recreation activities that benefit nearby communities indirectly but the Forest has little control over the total benefits to these areas. Management is within the physical and biological capability of the land.

One of the decisions made in the Record of Decision for the Forest Plan was the allocation of areas to allow for certain types of activities. Forest Plan Management Areas in the analysis area, the Ashland Ranger District, are B, D, F, G, J, L, M, N, and P. Of these, Management Areas J (Low Development Areas, aka Hiking and Riding Areas) prohibits public motorized vehicle use. The other management areas allow/provide for motorized travel within them.

My decision complies with Federal laws and agency policies that provide for the management of inventoried roadless lands:

- *Forest Service Manual FSM 1923*: Outlines what activities are appropriate in roadless areas that are recommended for wilderness.
- *Forest Service Handbook 1909.12 70*: Describes the process for identifying and evaluating potential wilderness in the National Forest System. And,
- *Forest Service Handbook 1909.15*: Provides direction to complete an Environmental Impact Statement for proposals that would substantially alter the undeveloped character of roadless lands 5,000 acres or greater in size. Although there has been no site specific proposal put forth that would alter the undeveloped character of roadless lands 5,000 acres or greater in size.

10.2 2005 MOTORIZED TRAVEL RULE

10.2.1 General Route Designation Criteria

The 2005 Motorized Travel Rule requires consideration of the effects of designating roads, trails and areas on specific resources and components of travel management. The Rule states, “In designating National Forest System roads, National Forest System trails, and areas on the National Forest System lands for motor vehicle use, the responsible official shall consider effects on National Forest System natural and cultural resources, public safety, provision of recreation opportunities, access needs, conflicts among uses of National Forest System lands, the need for maintenance and administration of roads, trails, and areas that would arise if the uses under consideration are designated; and the availability of resources for that maintenance and administration.” (36 CFR 212.55 (a)).

Record of Decision

I have determined that the Forest Service has considered the effects of road and motorized trail designation on the resources identified in the 2005 Motorized Travel Rule based on the analysis and information contained in the FEIS and the project record.

10.2.2 Motorized Trail Designation Criteria

The Rule also contains specific criteria related to designating motorized trails. It states, “In addition to the criteria listed in paragraph [a] of this section, 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 others factors.” (36 CFR 212.55 (b))

The objective of Alternative B Modified was to provide additional points of compromise among disparate user preferences while minimizing effects on resources and uses listed above. These resources were considered, as evidenced by the FEIS and project record, and specific measures were taken to minimize the effects of route designation where issues were identified. These measures include contingent designations to reduce soil, fisheries, and water quality impacts; avoiding designation of routes clearly contributing to unacceptable resource impacts or to reduce the potential for impacts to cultural resources; season of use designations to reduce the potential for impacts on soil, vegetation, water quality, and wildlife resources, and noxious weeds.

10.2.3 Road Designation Criteria

For roads, the Rule states, “In addition to the criteria in paragraph [a] of this section, in designating National Forest System roads, the responsible official shall consider: (1) Speed, volume, composition, and distribution of traffic on roads; and (2) Compatibility of vehicle class with road geometry and road surfacing” (36 CFR 212.55 (c)).

The motorized mixed use analysis and the project record display that the Forest considered the above items in the route designations contained in Alternative B Modified. This consideration did not identify any issues of significant concern.

10.3 MOTORIZED MIXED USE ANALYSIS (36 CFR 212 AND 36 CFR 261)

As stated previously, the engineering analysis of motorized mixed use designations identified in Alternative B Modified has been completed (see Project Record). No extraordinary safety concerns with these designations were identified. The analysis recommends installing signs on motorized mixed use routes to advise motor vehicle users of the motorized mixed use designation. I have decided to designate the motorized mixed use as proposed in Alternative B Modified, along with the recommended signing in the engineering analysis.

10.4 MINIMUM ROAD SYSTEM (36 CFR 212.5[B][1])

This travel management planning process has resulted in identification of the minimum road system necessary to meet the utilization (including recreation), protection, and administration needs of the District. Consistent with 36 CFR 212.5(b)(1), this process has involved the “science-based roads analysis” and “broad spectrum of interested and affected citizens, other state and federal agencies, and tribal governments” necessary for determining the minimum road system needed (see Chapters 2 and 3 of the FEIS). In addition, the process has revealed that Alternative B Modified is the minimum “road system determined to be needed to meet resource and other management objectives adopted in the relevant land and resource management plan (36 CFR part 219), to meet applicable statutory and regulatory requirements, to reflect long-term funding expectations, to ensure that the identified system minimizes adverse environmental impacts....” Chapters 1 and 3 of the FEIS identify consistency with the Forest’s land management plan and other statutory and regulatory requirements. FEIS Appendix C, Chapter 2, and Chapter 3 disclose measures proposed in Alternative B Modified to minimize adverse resource impacts and disclose the long-term funding expectations.

10.5 CONSIDERATION OF ROADS ANALYSIS, 1999

The Forest Scale Roads Analysis for the Custer National Forest (see Project Record) was completed on the Forest in January, 2003 based on this framework. The report highlighted potential impacts of roads and/or motorized access on wildlife, water quality, cultural resources; right-of-way issues; and potential changes to road management objectives. This analysis helped inform me about potential resource issues associated with system roads and, to a limited extent, with non-system routes.

10.6 FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976

My decision will ensure that public lands will be managed in a manner that will protect the quality of the physical and biological components of the ecosystem. Habitats will be conserved and enhanced through this decision and outdoor recreational opportunities will be provided for.

10.7 NATIONAL ENVIRONMENTAL POLICY ACT

The provisions of the National Environmental Policy Act (NEPA) have been followed as required under 40 CFR 1500-1508. The ROD and FEIS comply with the intent and requirements of the NEPA. Alternatives in the EIS were developed and analyzed under full public disclosure. The EIS analyzes an acceptable range of alternatives, including a No Action Alternative. It also discloses the impacts of each alternative and discusses the identified issues. This ROD discusses the decision I have made and the reasons for making the decision.

10.8 MIGRATORY BIRD TREATY ACT

On January 10, 2001, President Clinton signed Executive Order 13186 (16 U.S.C. 7 §§703 et seq. 2001.) that outlines responsibilities of federal agencies to protect migratory birds. Upon review of the information in the Ashland Travel Management FEIS, I find that my decision complies with this Executive Order.

Record of Decision

10.9 NHPA, AMERICAN INDIAN RELIGIOUS FREEDOM ACT, AND NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Since cultural resources are nonrenewable and easily damaged, laws and regulations exist to help protect them. These include the National Historic Preservation Act (NHPA), the Archeological Resources Protection Act (ARPA), the American Indian Religious Freedom Act (AIRFA) and the Native American Graves Protection and Repatriation Act (NAGPRA). Sacred and culturally important places fall under this purview of the NHPA, AIRFA and the Sacred Lands Executive Order (Executive Order 13007). Native American graves are protected under NAGPRA.

Following the *USDA Forest Service policy for NHPA Compliance in Travel Management: Designated Routes for Motor Vehicle Use* (2005), the Forest considered all user developed roads and trails that were proposed for designation and the potential effects of the designation to cultural resources. I found that the selected alternative would preserve and protect the cultural resources.

Coordination with pertinent Tribes has been ongoing in the form of the original project scoping letter, public meetings, agency meetings, and letter correspondences. This coordination effort is intended to insure that any tribal concerns or comments are addressed throughout the NEPA process in regards to NHPA, ARPA, AIRFA, and NAGPRA as well as through Government to Government consultation. I intend to continue this consultation throughout the life of this project.

10.10 ENVIRONMENTAL JUSTICE

No impacts to minority or low-income populations were identified through public comment or effects assessment. I find that my decision does not disproportionately impact minority or low-income populations and is in accordance with Executive Order 12898 (59 FR 32, 1994).

10.11 CIVIL RIGHTS IMPACT ANALYSIS

I find there is not a need to conduct a civil rights impact analysis for this project. I base my finding considering the following efforts and disclosures that are compliant with laws, regulations, and policies. Scoping was conducted via letters, news releases, public meetings (as summarized in the public participation summary and in detail in Chapter 2 of the FEIS).

Comments were received through a variety of means and are contained in the project record. No scoping comments were received that indicated the Forest Service was discriminating against anyone or that the Forest Service was violating anyone's civil rights or constitutional rights. Alternative B Modified was developed, in part, as a result of scoping comments submitted to the Forest Service for consideration. Notice of Intent to prepare an EIS was published in September 2008 and the Draft EIS was distributed to the public for comment in October 2008. The issues developed for analysis through scoping reflect respondents' concerns about the environmental, cultural, economic, and social impacts that may result from travel management on the District. There were four alternatives analyzed in detail (see section 5 of this ROD and Chapters 2 and 3 of the FEIS). There were also a number of actions/alternatives that were considered but dropped from detailed analysis (section 6 of this ROD and Chapter 2 of the FEIS). The effects of the alternatives to recreation, cultural resources, and wildlife, the significant issues identified by the Forest Service, are adequately disclosed in the FEIS (Chapters 2 and 3).

As noted in the Rationale for Decision section, there are strong feelings that have been expressed by motorized and non-motorized users of National Forest System lands on the District regarding route designations and motorized/non-motorized uses of the District. The decision is focused on a mix of non-motorized and motorized recreation opportunities that responds to the expressed interests of those users, while minimizing impacts to natural resources. There is a detailed analysis of the effects of route designations on recreation users disclosed in the FEIS. Economic impacts were considered but not identified as a significant issue upon which to conduct effects analysis because the changes in use attributable to the alternatives are difficult to estimate and not expected to change appreciably as a result of the alternatives (FEIS, Chapter 2, Other Issues section).

10.12 REHABILITATION ACT OF 1973

Disabled access is provided per the Rehabilitation Act of 1973. Under the Act, an individual with a disability will not, solely by reason of disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity conducted by the Forest Service. I find that my decision is compatible with the Rehabilitation Act of 1973.

10.13 ENDANGERED SPECIES ACT

The effects of the proposed action on black-footed ferrets, a federally-listed endangered species, were disclosed in the FEIS and in a Biological Assessment. The Biological Assessment concluded that the effects of implementation of the proposed action *May Affect, But Is Not Likely To Adversely Affect the Black-Footed Ferret Or Their Habitat* based on the following: 1) black-footed ferrets are not known to occur in the area, 2) the project area does not support an adequate preybase of prairie dogs to support ferrets, 3) the amount of occupied black-tailed prairie dog habitat continues to increase each year, 4) direct habitat loss would not increase under any alternative because construction of new routes is not proposed, and 5) none of the alternatives propose increased access to black-footed ferret or black-tailed prairie dog habitat.

Upon review of Chapter 3 of the Ashland Travel Management FEIS, the biological evaluation, and the concurrence letter from the USFWS, I find that my decision complies with the ESA.

11. ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES

Copies of the Ashland Travel Plan FEIS are available for review at libraries and the Custer National Forest offices in Billings and Ashland. It may also be accessed on the worldwide web through the Custer National Forest website at <http://www.fs.fed.us/r1/custer/projects/index.shtml>.

Additional printed or electronic (on compact disc) copies of the FEIS and this ROD are available upon request. The supporting project record is available for review at the Custer National Forest Supervisor's Office, 1310 Main St., Billings, Montana, 59105.

This decision is subject to appeal pursuant to 36 CFR Vol. 2 §215.11 (2003). A written appeal pursuant to 36 CFR 215.14 must be submitted within 45 days following the publication date of the legal notice of this decision in the Billings Gazette newspaper, Billings, 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

Record of Decision

means for calculating the time to file an appeal. Appellants should not rely on date or timeframe information provided by any other source.

Paper appeals must be submitted, or delivered in person between 7:30 a.m. to 4:00 p.m., to either of the following locations:

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

USDA Forest Service, Northern Region
ATTN: Appeal Deciding Officer
200 East Broadway
Missoula, Montana 59802

Electronic appeals must be submitted to appeals-northern-regional-office@fs.fed.us

In electronic appeals, the subject line should contain the name of the project being appealed. An automated response will confirm your electronic appeal has been received. Electronic appeals must be submitted in MS Word, WordPerfect, or rich text format (RTF).

It is the appellant's responsibility to provide sufficient project or activity-specific evidence and rationale, focusing on the decision, to show why my decision should be reversed. The appeal must be filed with the Appeal Deciding Officer in writing. At a minimum, the appeal must meet the content requirements of 36 CFR Vol. 2 §215.14 (2003), 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 the 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 substantive comments, and,
- How the appellant believes the decision specifically violates law, regulation, or policy.

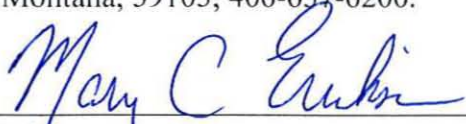
11.1 IMPLEMENTATION

If no appeal is received, implementation of the decision may occur on, but not before, five (5) business days from the close of the appeal filing period. When appeals are filed, implementation

may occur on, but not before, the fifteenth business day following the date of the last appeal disposition.

11.2 CONTACT PERSON

For additional information concerning this decision or the USFS appeal process, contact Mary C. Erickson, Acting Forest Supervisor, Supervisor's Office, Custer National Forest, 1310 Main Street, Billings, Montana, 59105, 406-657-6200.



Mary C. Erickson
Acting Forest Supervisor
Custer National Forest

5/19/09
Date