

# Draft Record of Decision

## Bog Creek Road Project

**U.S. Department of Agriculture  
Idaho Panhandle National Forests  
Bonners Ferry and Priest Lake Ranger Districts**

February 2019



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# Bog Creek Road Project

## Draft Record of Decision

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Idaho Panhandle National Forests  
Bonners Ferry and Priest Lake Ranger  
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## LIST OF ABBREVIATIONS

### Document Abbreviations

Access Amendment	<i>Forest Plan Amendments for Motorized Access Management within the Selkirk and Cabinet-Yaak Grizzly Bear Recovery Zones</i> (U.S. Forest Service 2011)
Forest Plan	<i>Revised Land Management Plan, Idaho Panhandle National Forests</i> (U.S. Forest Service 2015)
INFISH	<i>Inland Native Fish Strategy: Interim Strategies for Managing Fish-Producing Watersheds in Eastern Oregon and Washington, Idaho, Western Montana and Portions of Nevada</i> (U.S. Forest Service 1995)

### Other Abbreviations

ANILCA	Alaska National Interest Lands Conservation Act of 1980
ATV	all-terrain vehicle
BE	biological evaluation
BMP	best management practice
BMU	Bear Management Unit
CBP	U.S. Department of Homeland Security, Customs and Border Protection
CFR	Code of Federal Regulations
CWA	Clean Water Act
DEIS	draft environmental impact statement
EIS	environmental impact statement
EO	Executive Order
ESA	Endangered Species Act
FEIS	final environmental impact statement
Forest Service	U.S. Department of Agriculture Forest Service
FSM	Forest Service Manual
FSR	Forest Service Road

IDEQ	Idaho Department of Environmental Quality
IDFG	Idaho Department of Fish and Game
IGBC	Interagency Grizzly Bear Committee
IPNF	Idaho Panhandle National Forests
MA	Management Area
MP	milepost
MS	Management Situation
NEPA	National Environmental Policy Act
NFMA	National Forest Management Act
NFS	National Forest System
NOI	Notice of Intent
OHV	off-highway vehicle
OMRD	open motorized route density
ROD	Record of Decision
SHPO	State Historic Preservation Office
SRZ	Selkirk Recovery Zone
TMDL	total maximum daily load
TMRD	total motorized route density
U.S.	United States
USACE	U.S. Army Corps of Engineers
U.S.C.	United States Code
U.S. Department of Agriculture	USDA
USFWS	U.S. Fish and Wildlife Service



# 1 BACKGROUND

The United States (U.S.) Department of Homeland Security, Customs and Border Protection (CBP) and the U.S. Department of Agriculture (USDA) Forest Service (Forest Service) have proposed a road repair, maintenance, and motorized access management project in the Continental Mountain area of the Idaho Panhandle National Forests (IPNF) within the Bonners Ferry and Priest Lake Ranger Districts. The project has two objectives: 1) to provide safe east–west access for administrative use to this section of the U.S.–Canada border across the Selkirk Mountains, and 2) meet legally required IPNF Forest Plan standards for motorized access in grizzly bear habitat in the Blue-Grass Bear Management Unit (Blue-Grass BMU) that are compatible with the needs of grizzly bear as defined in the Recovery Plan.<sup>1</sup>

The primary road that provides east–west access around Continental Mountain is Bog Creek Road. The road was gated on both ends in the late 1980s for grizzly bear security and was maintained on a limited basis after that time. The road experienced minor failures in the mid-1990s, with a large failure occurring around 2000–2001 when a large culvert at approximately milepost (MP) 35 failed due to heavy surface water runoff. At that time, the road became impassable to most vehicles. Currently, the road is gated at the east end and barricaded at the west end.

CBP has identified Bog Creek Road as important for the agency to perform its statutory mission to protect the U.S. northern border. In recent years, the road has been infrequently used by CBP personnel traveling on all-terrain vehicles (ATVs) and on horseback. Agents from both the Metaline Falls station, located in Washington State, and the Bonners Ferry station in Idaho access the Blue-Grass BMU from both the west and east. Because of the impassability of Bog Creek Road, the amount of vehicular operating time on restricted roads within the BMU is increased because vehicular access is not available from the west.

The Forest Service has been working since the late 1980s to create secure habitat for grizzly bears and manage the habitat conditions of the Selkirk Recovery Zone (SRZ). In 2011, the IPNF issued a Record of Decision (ROD) for the *Forest Plan Amendments for Motorized Access Management within the Selkirk and Cabinet-Yaak Grizzly Bear Recovery Zones (Access Amendment)*<sup>2</sup> that set motorized<sup>3</sup> vehicle access and security standards to meet the agency’s responsibilities under the Endangered Species Act (ESA) to conserve and contribute to the recovery of grizzly bears. The ROD and accompanying biological opinion from the U.S. Fish and Wildlife Service (USFWS) require the standards in the Access Amendment to be met in 2019. In addition, forest service management must meet the needs of the grizzly bear under the *Grizzly Bear Recovery Plan*.<sup>4</sup>

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<sup>1</sup> U.S. Fish and Wildlife Service (USFWS). 1993. *Grizzly Bear Management/Recovery Plan*. Missoula, Montana.

<sup>2</sup> U.S. Department of Agriculture Forest Service (Forest Service). 2011. *Forest Plan Amendments for Motorized Access Management within the Selkirk and Cabinet-Yaak Grizzly Bear Recovery Zones*. November. Available at: [http://data.ecosystem-management.org/nepaweb/nepa\\_project\\_exp.php?project=24882](http://data.ecosystem-management.org/nepaweb/nepa_project_exp.php?project=24882). Accessed June 4, 2015.

<sup>3</sup> The term “motorized” as used throughout this ROD refers to wheeled motorized vehicles.

<sup>4</sup> USFWS, 1993.

The Recovery Plan<sup>5</sup> summarized the 1986 Interagency Grizzly Bear Guidelines (IGBC),<sup>6</sup> which outlined the Forest Service’s role in managing grizzly bear habitat to support the conservation and recovery of the species. National Forest System (NFS) lands within the identified recovery zones are delineated into five Management Situation (MS) categories to define the relative importance of specific areas to grizzly bears and the associated direction that should be applied. This direction is incorporated into the *Revised Land Management Plan, Idaho Panhandle National Forests* (Forest Plan).<sup>7</sup>

## 1.1 Blue-Grass Bear Management Unit

The grizzly bear analysis area is the Blue-Grass BMU, a management unit centrally located inside the SRZ. This BMU is one of 10 BMUs included in the U.S. portion of the SRZ. The Blue-Grass BMU has been designated Management Situation 1 (MS1). The 1986 guidelines were incorporated into the 2011 Access Amendment and 2015 Forest Plan.<sup>8,9,10</sup> MS1 areas meet the population and habitat conditions shown in Table 1.1; therefore, management direction is to prioritize the needs of the bear (additional details are available in the project record, as well as the following documents: Forest Service,<sup>11,12</sup> IGBC,<sup>13,14</sup> and USFWS<sup>15</sup>).

**Table 1.1.** MS1 Population and Habitat Conditions and Management Direction

Population and Habitat Conditions	Management Direction
The area contains grizzly population centers (areas key to the survival of grizzly where seasonal or year-long grizzly activity, under natural, free-ranging conditions is common) and habitat components needed for the survival and recovery of the species or a segment of its population. The probability is very great that major Federal activities or programs may affect (have direct or indirect relationships to the conservation and recovery of) the grizzly.	Grizzly habitat maintenance and improvement, and grizzly–human conflict minimization will receive the highest management priority. Management decisions will favor the needs of the grizzly bear when grizzly habitat and other land use values compete. Land uses which can affect grizzlies and/or their habitat will be made compatible with grizzly needs or such uses will be disallowed or eliminated. Grizzly–human conflicts will be resolved in favor of grizzlies unless the bear involved is determined to be a nuisance. Nuisance bears may be controlled through either relocation or removal but only if such control would result in a more natural free-ranging grizzly population and reasonable measures have been taken to protect the bear and/or its habitat (including area closures and/or activity curtailments).

Source: *Interagency Grizzly Bear Guidelines*.<sup>16</sup>

<sup>5</sup> USFWS, 1993.

<sup>6</sup> Interagency Grizzly Bear Committee (IGBC). 1986. *Interagency Grizzly Bear Guidelines*. Wyoming Fish and Game, Bureau of Land Management, U.S. Fish and Wildlife Service, National Park Service, Idaho Department of Fish and Game, Montana Fish Wildlife and Parks, and Washington Game Department.

<sup>7</sup> U.S. Department of Agriculture Forest Service (Forest Service). 2015. *Revised Land Management Plan, Idaho Panhandle National Forests*. Coeur d’Alene, Idaho: U.S. Department of Agriculture Forest Service.

<sup>8</sup> IGBC, 1986.

<sup>9</sup> Forest Service, 2011.

<sup>10</sup> Forest Service, 2015.

<sup>11</sup> Forest Service, 2011.

<sup>12</sup> Forest Service, 2015.

<sup>13</sup> IGBC, 1986.

<sup>14</sup> Interagency Grizzly Bear Committee. 1998. *Revised Interagency Grizzly Bear Taskforce Report: Grizzly Bear/Motorized Access Management*. Missoula, Montana: U.S. Forest Service.

<sup>15</sup> USFWS, 1993.

<sup>16</sup> IGBC, 1986.

In 2011, the IPNF issued a ROD for the Access Amendment<sup>17</sup> that set motorized vehicle access and security standards to meet the agency’s responsibilities under the ESA to conserve and contribute to the recovery of grizzly bears. The ROD and accompanying biological opinion from the USFWS require the standards in the Access Amendment to be met in 2019.

Specifically, the Access Amendment adopted the following standards for controlling motorized vehicle use within the Blue-Grass BMU:

1. Open motorized route density (OMRD) of greater than 1 mile per square mile on no more than 33 percent of the BMU;
2. Total motorized route density (TMRD) of greater than 2 miles per square mile on no more than 26 percent of the BMU; and
3. Grizzly bear core area habitat comprising at least 55 percent of the BMU.

The Blue-Grass BMU provides an important north–south movement corridor as it provides high-quality habitat that is centrally located between the BMUs in the SRZ and the Canadian portion of the SRZ. The U.S. portion of the SRZ is “not of sufficient size to support a minimum population;”<sup>18</sup> without connectivity to Canada, the SRZ population recovery may be inhibited. The Blue-Grass BMU is currently not meeting the motorized access standards set forth in the Forest Plan.<sup>19</sup> The Forest Service has been planning to bring the BMU into compliance with the Access Amendment and the Forest Plan. The existing network of roads prevents the IPNF from meeting the grizzly bear habitat requirement of 55 percent core in the Blue-Grass BMU.<sup>20</sup> The purpose of core habitat is to allow for sufficient space for grizzly bears to roam and effectively use available habitats. It is a reflection of an area’s ability to support grizzly bears based on quality of the habitat and the type and amount of human disturbance imposed on it. Currently, the Blue-Grass BMU has 48.3 percent of core grizzly bear habitat. Additional detailed information regarding the *Grizzly Bear Recovery Plan* and Access Amendment standards is contained in Chapter 1 of the final environmental impact statement (FEIS).

In June 2018, the Forest Service published the draft environmental impact statement (DEIS) analyzing the impacts of the proposed Bog Creek Road Project. In February 2019, the Forest Service published the FEIS for the Bog Creek Road Project, containing changes resulting from comments on the DEIS. The FEIS also includes all comments received on the DEIS and the Forest Service’s and CBP’s responses.

## **2 DECISION FRAMEWORK AND RATIONALE FOR THE DECISION**

### **2.1 Joint Process**

CBP and the Forest Service are working together as joint lead agencies for the FEIS and are each issuing a separate draft ROD. I, as the Forest Supervisor for IPNF, am the

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<sup>17</sup> Forest Service, 2011.

<sup>18</sup> USFWS, 1993, page 12.

<sup>19</sup> Forest Service, 2015.

<sup>20</sup> Forest Service, 2011.

deciding official for the Forest Service. The Assistant Commissioner, Office of Facilities and Asset Management, CBP, is the deciding official for CBP. Given the purpose and need, I and the CBP deciding official reviewed the Proposed Action, the other alternatives, and the environmental consequences in order to make the following decisions:

### **CBP Decision:**

The CBP decision is whether to approve funding for and execute the repair and maintenance of Bog Creek Road, contingent on the Forest Service's approval.

### **Forest Service Decision:**

The Forest Service decision is: 1) whether to approve the repair and maintenance of Bog Creek Road; 2) whether to implement the motorized closure of seasonally restricted Forest Service roads to establish grizzly bear core area habitat to meet Access Amendment standards for the Blue-Grass BMU and to meet IPNF Forest Plan standards regarding the needs of the grizzly bear as defined in the Recovery Plan; and 3) whether to implement changes in the seasonally restricted designation of roads in the Blue-Grass BMU.

## **2.2 The Selected Alternative**

I have decided to implement Alternative 3, as described in the FEIS (pages 25–29), with modifications, to provide safe east–west access for administrative use to this section of the U.S.–Canada border and ensure that recovery standards for the grizzly bear are met, including grizzly bear motorized access standards within the Blue-Grass BMU. Based on my careful review of the FEIS and public comments, I believe that the Selected Alternative will best meet the purpose and need, respond to the issues raised, and comply with laws, regulations, and policy. I believe it best balances the need for border security in a manner compatible with grizzly bear recovery. Although there was a strong desire raised in public comments to have greater motorized public access, those desires had to be balanced with the needs for grizzly bear recovery in this decision.

The Selected Alternative is within the range of actions and effects analyzed and disclosed in the FEIS.

## **2.3 Modifications Included in the Selected Alternative**

I am adopting the following Alternative 3 action components and modifications with this decision:

1. The road repair and maintenance of Bog Creek Road between the existing gate on Forest Service Road (FSR) 1013 and 2546 within the Blue-Grass BMU and change in designation for Bog Creek Road from *seasonally restricted* to *administrative open* (as-needed administrative motorized access) are retained as proposed in Alternative 3 (Modified Proposed Action). A special use permit will be required for private property access to Continental Mine. The special use permit will be authorized in conjunction with this decision and will be structured to allow for unlimited trips from the west side on Bog Creek Road and will require compliance of trip counts from the east side (within the seasonally

restricted use designation criteria in coordination with the Forest Service). Terms of the special use permit will require that access and egress to the private property is direct and will not allow for use of public lands along the road corridor at any time. The direct, indirect, and cumulative effects of *administrative open* access on Bog Creek Road are disclosed in the FEIS.

2. The change in designation for approximately 5.5 miles of Blue Joe Creek Road (FSR 2546) from *seasonally restricted* to *administrative open* designation is retained as proposed in the Modified Proposed Action. This change will allow for access to private property (Continental Mine) as per the special use permit as described above as well as allow for unlimited trips on the Blue Joe Creek Road that will be authorized in conjunction with this decision. The direct, indirect, and cumulative effects of *administrative open* access on Blue Joe Creek Road are disclosed in the FEIS.
3. The motorized road closure of seasonally restricted FSRs 2464 (Lower), 2464 (Upper), 1322, 1322A, 1013D, 1013C, 1388A, and 2.7 miles of FSR 2253 is retained as proposed in Alternative 3. Modifications to Alternative 3 include motorized closure of FSR 1388. This establishes grizzly bear core area habitat to meet the Access Amendment standards in the Blue-Grass BMU. Under the Selected Alternative, FSR 636 will remain as *seasonally restricted, but with very limited access*. The livestock permittee has several salting locations along FSR 636 that are visited periodically. The number of trips will be limited to six and will be counted as per the current condition in the No-Action Alternative; no additional trips or motorized use will be authorized. The direct, indirect, and cumulative effects of maintaining FSR 636 as *seasonally restricted* are disclosed in the FEIS.
4. Although FSR 1388 will be closed to motorized use, snowmobile use will be allowed on this road. To meet Access Amendment standards for core habitat, the closure of FSR 1388 is needed as a modification to Alternative 3 to offset the retention of FSR 636 as seasonally restricted. The 1388 route is currently a designated snowmobile route, and this use will be maintained because use does not conflict with the active bear year. The direct, indirect, and cumulative effects of continuing to allow snowmobile use on FSR 1388 are disclosed in the FEIS.

A summary of activities under the selected alternative can be found in Appendix A of this draft ROD.

## 2.4 Decision Rationale

I have determined that my decision to select Alternative 3, with modifications, is consistent with all laws, regulations, and agency policy. My decision is based on a fair analysis of the scientific and environmental data, effects analysis, and public response in relation to the governmental and societal needs that the agencies need to address.

The development of the FEIS and draft ROD has been based on consideration of the best available science. This has occurred by carefully reviewing available scientific research and other information relevant to the Bog Creek Road Project. Scientific conclusions are drawn from well-supported data sources, and data availability is disclosed. Scientific sources relied upon were cited, responsible opposing views were discussed, incomplete

and unavailable information was acknowledged, and scientific uncertainty and risk were addressed in relevant portions of the FEIS or administrative records. In addition, the specific modeling and analysis methods used were documented, as appropriate.

The Forest Service and CBP encouraged public participation from the beginning and maintained participation throughout the planning process, including issue identification and the analysis documentation process. Project-specific public comments were used to refine alternative design and ensure a thorough analysis, helping the project interdisciplinary team, CBP, and the Forest Service in determining the best course of action for the project.

I have considered reasonably foreseeable activities and potential cumulative effects. I believe that my decision provides for the best combination of management activities that respond to the purpose and need and issues identified in the development of the project. The factors I used to make my decision on this project included the following:

- Responsiveness to the project's purpose and need (FEIS, Chapter 2)
- Public comments (FEIS, Chapter 2; and Appendix C, Response to Comments on the Draft Environmental Impact Statement)
- Relationship to environmental and social issues (FEIS, Chapter 3)
- Analysis completed and disclosed in the FEIS and project record documentation
- Consistency with the Forest Plan and findings required by other laws, regulations, and policy (FEIS, Chapter 3, by resource)

The analysis and decision processes for this project are based on the consideration of the best available science. The manner in which the best available science is addressed can be found throughout the EIS, in the Response to Comments on the Draft Environmental Impact Statement (see FEIS, Appendix C), and the project record.

## **2.5 Meeting the Purpose of and Need for Action**

The purpose of and need for the Proposed Action is twofold:

- provide improved east–west access across the Selkirk Mountains on National Forest System (NFS) lands to enable CBP to execute its statutory mission to protect the U.S. northern border and for the safety of CBP and other law enforcement officers while carrying out their duties; and
- meet IPNF Forest Plan standards for motorized access in grizzly bear habitat in the Blue-Grass BMU compatible with the needs of grizzly bear as defined in the Recovery Plan.

### **Need: Provide Safe East–West Access for Administrative Use**

Reliable access to areas north of Continental Mountain is needed by CBP. CBP agents must be able to access the U.S.–Canada border to prevent illegal activities before perpetrators can reach areas where they can blend into legitimate activities and elude apprehension. CBP agents patrol remote areas as part of surveillance and information gathering, which feeds the threat assessment process. In addition to access for patrol and prevention purposes, vehicular access to border areas north of Continental Mountain is required for the potential future installation and maintenance of technological assets

designed to detect incursions into the United States and provide information on the nature and manner of those incursions. Because technological assets allow for an additional layer of surveillance, the ability to install, service, and maintain those assets could significantly reduce the need for regularly occurring patrols into the BMU. It is important to note that technological assets will not preclude the need for an active law enforcement presence. Technology is passive in nature; any detected incursion can only be addressed via an active law enforcement response. I believe this decision best provides the needed access while minimizing the effects to other resources managed on NFS lands.

No Action (Alternative 1) would not respond to this need as CBP and Forest Service motorized administrative road access would be limited due to the mostly impassable road conditions of Bog Creek Road and therefore CBP would not be able to effectively execute its statutory mission.

The Proposed Action (Alternative 2), Alternative 3, Alternative 4, and Alternative 4 Modified provide tradeoffs in the CBP's capability to effectively control the border as described in the FEIS (Chapter 3, Section 3.8, Recreation and Access). The Selected Alternative (Alternative 3 with modifications) and the Proposed Action (Alternative 2) provide the best balance among the alternatives by providing CBP agents unimpeded west–east access to and along the border north of Continental Mountain from both directions in the event of emergency or exigent circumstances, providing reliable and as-needed access from the west for routine patrol and other purposes, and limiting the detrimental effects to situational awareness and threat identification of the general public traversing the immediate border area.

Improved motorized access to the border under Alternative 4 and Alternative 4 Modified would enhance CBP's capability to effectively control the border environment; however, some capabilities would be diminished due to the lower ratio of law enforcement officers present as compared to general public traversing the immediate border area and the increased probability of cross-border violators' blending in with the general public traversing the area.

The Selected Alternative will provide the best balance among these alternatives by affording unlimited reliable access along the east–west Bog Creek Road for CBP while allowing the Forest Service to meet the standards required in the Access Amendment and providing for the needs of the grizzly bear. While CBP does not have a direct stake in the Forest Service's meeting the IPNF Forest Plan standards, CBP recognizes that the Forest Service cannot approve the Bog Creek Road repairs unless the agency can otherwise also meet the motorized access standards. Therefore, CBP's acceptance and approval of the overall Selected Alternative is based on that understanding.

### **Need: Access Amendment Standards for the Blue-Grass BMU and Recovery Plan for the Grizzly Bear**

The Forest Service is required to meet the Access Amendment standards for the Blue-Grass BMU in 2019 and to meet IPNF Forest Plan standards that address the needs of the grizzly bear as defined in the Recovery Plan. To meet these standards, the Forest Service must identify roads for motorized road closure. Regardless of the access status of Bog Creek Road, additional road closures will still be required to meet the Access Amendment standards in the BMU. The Forest Service must consider multiple uses of the forest road system, including access for border security functions, and balance the

interests of a number of stakeholders, tribal access, and public users. As identified in the Access Amendment ROD<sup>21</sup> and the 2015 Forest Plan,<sup>22</sup> proposed land management uses—which includes the transportation system—should be compatible with the needs of the grizzly bear as defined in the Recovery Plan.

Alternative 1 does not respond to this element of the purpose and need specific to meeting the standards of the Access Amendment for the Blue Grass BMU. Under this alternative, motorized road closure of seasonally restricted NFS roads would not occur, and the Forest Service would not meet the Access Amendment standards through the establishment of new grizzly bear core area habitat.

The action alternatives provide tradeoffs for meeting the Access Amendment standards for the Blue-Grass BMU and Recovery Plan for the grizzly bear. While motorized road closures under any of the action alternatives would allow the Forest Service to meet the Access Amendments standards for the Blue-Grass BMU, the action alternatives differ in how they address the habitat components necessary for recovery of the grizzly bear in accordance with the Recovery Plan. I believe Alternative 2 does not adequately address the needs of the grizzly bear with regard to maintaining or improving habitat because there is a net loss of seasonal habitat and permeability for grizzly bears in the BMU (FEIS, Table 3.2.16). Additionally, this alternative increases mortality risk and potential for grizzly–human conflict for grizzly bears from the increase of activity along the Bog Creek road, compared with the No-Action Alternative.

I believe Alternative 4 also does not adequately address the needs of the grizzly bear with respect to maintaining or improving habitat, and it poses the highest mortality risk of all alternatives. I believe this alternative has the highest probability of creating grizzly–human conflicts. With open public motorized access across the center of the BMU, conditions favorable to north–south genetic connectivity through the BMU would be decreased more with Alternative 4 than with any other alternative.

Alternative 4 Modified is also has less compatible with meeting the needs of the grizzly bear with respect to maintaining or improving habitat and minimizing the grizzly–human conflicts than other alternatives. Alternative 4 Modified was analyzed to limit motorized access to a 30-day period during late summer; however, during this open period, there would be increased risk of mortality for grizzly bears. This open road access may also decrease the genetic connectivity north–south through the BMU. With documented motorized road avoidance behavior by grizzlies, the east-to-west roads would be a less permeable barrier for grizzly bears than under the No-Action Alternative, Alternative 2, or Alternative 3.

I believe the Selected Alternative is compatible with the needs of the grizzly bear under the Recovery Plan because it minimizes human impacts to bears in the BMU, provides for quality core habitat to offset the loss of habitat with the reconstruction of Bog Creek Road and associated activities, and offsets the increased potential for grizzly–human conflict and related mortality risk. I believe the Selected Alternative provides safe east–west access for administrative use to meet the mission of the CBP while meeting the

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<sup>21</sup> Forest Service, 2011.

<sup>22</sup> Forest Service, 2015.



access amendment standards for the Bear Grass BMU, and continuing to support the recovery of the grizzly bear.

## 2.6 Consideration of Public and Tribal Comments in the Decision

The decision is based on a fair analysis of the scientific and environmental data, effects analysis, and public response. The Forest Service and CBP encouraged public participation from the beginning and maintained participation throughout the planning process, including issue identification and the analysis documentation process. Project-specific public comments were used to refine alternative design and ensure a thorough analysis, helping the project interdisciplinary team, district rangers, and me in determining the best course of action for the project.

The Forest Service and CBP met with the Kootenai Tribe of Idaho on September 8, 2016, March 28, 2018, June 11, 2018, July 10, 2018, August 15, 2018, and November 13, 2018. Additional communication with the Kootenai Tribe of Idaho included telephone calls and emails. A field trip with a tribal member was held on August 29, 2018. Tribal consultation will continue throughout the EIS process until the Forest Service and CBP have issued the final RODs.

The project was also discussed with the Kalispel Tribe of Indians. In correspondence received from the Kalispel Tribe of Indians in 2014, the Program Manager for Cultural Resources Management disclosed that the proposed undertaking associated with this project is located outside the adjudicated lands of the Kalispel Tribe of Indians and as a matter of domestic policy, declined to comment and referred the matter to the attention to the Kootenai Tribe of Idaho.

I considered public comments and those of the tribes in my decision. I completed a thorough review of comments, considering the needs and interests of both providing for recovery of the grizzly bear and public access, which were balanced in this decision.

## 2.7 Consideration of the Issues

I considered the effects of each of the alternatives as related to the major issues raised: 1) Grizzly Bear Impacts, and 2) Motorized Access to the National Forest, along with the effects to other resources analyzed and discussed in detail in the FEIS (Chapter 3). A summary comparison of project impacts to these issues, by alternative, is provided in FEIS Table 2.4.4; my rationale for the decision related to these issues is summarized below.

### Grizzly Bear Impacts

#### ***The potential for human presence (noise and activity) to cause disturbance and avoidance***

Under the No-Action Alternative, current noise and traffic levels would continue and could result in occasional disturbance or displacement of grizzly bears. For all action alternatives, there will be an increase in motorized use, which will result in grizzly bear behavioral changes stemming from avoidance of roads due to human noise and activity.

Implementation of the decision could take up to three seasons. During the implementation phase of road repair and motorized closure, the seasonal vehicle trip restrictions would be exceeded within the Blue-Grass BMU. All repair activities associated with Bog Creek Road would occur between July 16 and November 15, and motorized closure of NFS roads would occur between June 16 and November 15. Human noise and activity, consisting of the use of heavy equipment and human voices, would increase during these periods. Grizzly bears would likely avoid areas of human activity, forgoing available resources in the vicinity of the human noise and activity. All action alternatives would have similar impacts.

Alternative 4 and Alternative 4 Modified would allow for increased public access along the open west-to-east access roads that may have the greatest increased risk for mortality from recreationists, hunters, poachers, or those seeking to maliciously kill grizzly bears of the action alternatives. Alternatives 2 and 3 would have the lowest risk. I believe that although human access along Bog Creek Road and Blue Joe Road would be increased under the Selected Alternative, overall the human presence and opportunity for associated disturbance and grizzly–human conflict throughout the BMU would be much less than in Alternative 2, Alternative 4, or Alternative 4 Modified.

***The potential for illegal kills (poaching or malicious kills), mistaken identity kills, or kills in defense of human life***

Alternative 4 and Alternative 4 Modified would allow for increased public access along the open west-to-east access roads that could lead to the increased potential for mortality from hunters, poachers, or those seeking to maliciously kill grizzly bears. With improved public access to the area, the potential for habituation and grizzly–human conflicts would increase. Increased human presence could also increase the potential for bear mortality in defense of human life.

Alternative 2 and the Selected Alternative included similar levels of motorized closures and seasonal restrictions that would reduce the potential for grizzly–human interaction and illegal kills compared to other alternatives. I believe the Selected Alternative would best minimize the potential of grizzly–human conflicts once construction and closure activities are completed.

***Impacts to linkage corridors***

The Blue-Grass BMU provides an important grizzly bear movement corridor between the other BMUs in the SRZ and the Canadian portion of the SRZ. Bog Creek Road under the No-Action Alternative is currently not accessible to motorized vehicles and is therefore providing a movement corridor for grizzly bears. All action alternatives would result in increased motorized use in the west side of the BMU, impacting bear movement in a north–south direction, which would reduce the permeability of the movement corridor. Motorized use could cumulatively decrease the potential genetic flow between the U.S. and the Canadian portion of this population, leading to a detrimental impact for the SRZ bear population, which currently has low genetic diversity.<sup>23</sup> Without connectivity to Canada, the SRZ population recovery may be inhibited.

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<sup>23</sup> Interagency Grizzly Bear Committee. 2017. Selkirk/Cabinet-Yaak IGBC Subcommittee, 5/17/17 Meeting, Trout Creek, MT. Available at: [http://igbconline.org/wp-content/uploads/2016/02/170517\\_SCY\\_Mtg\\_Summary.pdf](http://igbconline.org/wp-content/uploads/2016/02/170517_SCY_Mtg_Summary.pdf). Accessed January 6, 2018.

Alternative 4 and Alternative 4 Modified would allow unlimited motorized public access across the center of this important linkage area, which would detrimentally impact the grizzly bear population connectivity in the SRZ due to grizzly bears documented avoidance of roads, especially motorized roads. This effect would be greatest under Alternative 4, given that Alternative 4 Modified would have a more limited season of use (30 days). Alternative 2 and the Selected Alternative would limit motorized use on the seasonally restricted roads in the central portion of the BMU. I believe the Selected Alternative would best improve genetic connectivity potential for the grizzly bear by seasonally restricting motorized access across the BMU and through the center of the BMU (via the Grass Creek drainage) by limiting the number of trips (6) on the 636 road to the livestock permittee only.

### ***Changes in acres of grizzly bear core area habitat***

Core area is specifically defined as an area of secure habitat within a BMU that contains no motorized travel routes or high-use non-motorized trails during the non-denning season and is more than 0.31 mile (500 m) from a drivable road. The grizzly bear non-denning season within the SRZ is from April 1 through November 15. Core areas do not include any gated roads but may contain roads that are impassable due to vegetation or constructed barriers. Core areas strive to contain the full range of seasonal habitats that are available in the BMU.

Currently, the Blue-Grass BMU core area habitat does not meet Forest Plan standard of 55 percent core habitat. The current core habitat is 48.3 percent.

Each of the action alternatives would impact core habitat in the Bog Creek area. The effective de facto closure of Bog Creek Road has created high-quality core habitat; thus, there is a need to shift this quality habitat to other parts of the BMU. This would likely result in bears currently using the habitat surrounding Bog Creek Road changing daily and seasonal habitat use patterns to avoid the motorized disturbances on Bog Creek Road. Because Blue Joe Creek Road would increase from low to moderate motorized use, bears would also be disturbed from the habitat surrounding this road. A comparison of denning, wet meadow, and seasonal habitats available to grizzly bears under varying long-term motorized use demonstrates detrimental indirect disturbance impacts to grizzly bears from the action alternatives. Alternative 2 would establish 7 percent more core habitat for a total of 55 percent; however, the quality of habitat would be less than under the Selected Alternative. Alternative 4 and Alternative 4 Modified, would also increase the amount of core habitat (53.3 percent and 56.1 percent respectively); however, the quality of the core habitat would be less than the Selected Alternative. Alternative 3 would create the most core habitat of all the action alternatives (55.8 percent) (see FEIS, Tables 2.4.2 and 2.4.3, for comparison of core area habitat and summary of MS1 alternative assessments). The Selected Alternative provides 55.5 percent of core habitat, which meets the Forest Plan and Access Amendment standard of 55 percent while providing high-quality habitat. I believe this alternative meets the needs of the bear by providing adequate core habitat while balancing other uses in the BMU.

### ***Changes in open and total motorized route densities***

The Forest Service has a need to bring the Blue-Grass BMU into compliance with the Access Amendment and the Forest Plan.<sup>24</sup> Specifically, the Access Amendment adopted

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<sup>24</sup> Forest Service, 2015.

the following standards for controlling motorized vehicle use within the Blue-Grass BMU:

1. OMRD of greater than 1 mile per square mile on no more than 33 percent of the BMU;
2. TMRD of greater than 2 miles per square mile on no more than 26 percent of the BMU.

Currently, the TMRD within the BMU is 29 percent which does not meet the Access Amendment standards of less than 26 percent. OMRD is currently well below the standard at 14.9 percent.

All of the action alternatives reduce TMRD to within Forest Plan and Access Amendment Standards; however, as noted above construction and road closure timing would create impacts in the short term until these activities are completed. Alternative 2 would result in an OMRD increase of 8.4 percentage points, from 14.9 percent to 23.3 percent and a TMRD decrease to 19.6 percent. Alternative 3 would result in an OMRD increase to 23.3 percent and a TMRD decrease to 20.9 percent. Under Alternative 4, the eastern approach roads to Bog Creek Road would be designated open to the public for unlimited motorized travel; seasonal restrictions, which limit the number of motorized administrative trips along these roads, would be removed. Designation of these eastern approach roads as “open” under the Access Amendment would increase OMRD 16.4 percentage points, from 14.9 percent to 31.3 percent. This increase in OMRD remains within the Access Amendment allowable maximum of 33 percent. Also, under alternative 4, approximately 26 miles of Forest Service roads would be closed to all motorized use by the Forest Service within the Blue-Grass BMU. The road designation changes would result in a TMRD decrease to 19.6 percent, compared with the No-Action Alternative.

Alternative 4 Modified would open the same eastern approach roads to Bog Creek Road as Alternative 4; however, the roads would only be open to unlimited public motorized access from July 15 to August 15 (FEIS, Figure 2.2.6). Outside of this month, motorized access to the roads would be available for administrative use only. Alternative 4 Modified provides less public motorized access than Alternative 4, because the roads described would only be open for east–west public motorized access for 1 month rather than unlimited motorized public access.

The Selected Alternative would result in TMRD at 19.3 percent, and OMRD would be 23.3 percent, which would be in compliance with the Access Amendment standards. I believe the Selected Alternative meets the requirements of the Access Amendment while balancing multiple uses and providing for the needs of the grizzly bear.

I believe the Selected Alternative meets the overall needs of the grizzly bear by complying with the Access Amendment standards, minimizing additional motorized access, mitigating the effects by creating quality core habitat, and minimizing impacts to grizzly bear movement north–south through the BMU.

## **Motorized Access to the National Forest (public and administrative)**

The Proposed Action occurs on NFS lands on the IPNF, located in the Selkirk Mountains, which is a highly popular area for both motorized and non-motorized public recreational use. Concerns regarding access associated with this project included potential limits to hunting access and other recreation opportunities and concerns regarding illegal access. Other existing recreation opportunities within the analysis area include dispersed uses such as hiking, backpacking, mountain biking, horseback riding, and cross-country skiing, as well as developed uses such as off-highway vehicle (OHV) use, driving for pleasure, and snowmobiling. The discussion below summarizes my assessment of the decision on these issues:

### ***Changes in total miles of the existing route system available for recreational public use in the Blue-Grass BMU:***

Currently, there are approximately 34 miles of routes that are classified as “open,” and approximately 97 miles of routes seasonally restricted for public motorized use. Current recreational motorized and non-motorized public uses include full-sized vehicles, OHVs, hiking, horseback riding, cycling, and snowmobiling. Administrative uses by the Forest Service and law enforcement agencies also occur. Bog Creek Road is generally inaccessible for recreation activities such as hiking and mountain biking.

Alternative 2 would not change public motorized access on Bog Creek or Blue Joe Creek Roads which would only be open for administrative access (including permitted uses such as private land access); however, these roads would be open and accessible for non-motorized recreational use. An existing gate, located at the east end of Bog Creek Road, would be closed and locked year-round, and no public motorized use would be allowed to occur. The repair of Bog Creek Road would allow for increased non-motorized uses of hiking, biking, and horseback riding. Additionally, 26 miles of seasonally restricted Forest Service roads would be closed to all motorized use (FEIS, Table 3.8.7). The closed roads would not be maintained for non-motorized recreational activities that include hiking, biking, horseback riding, etc. Non-motorized users would still be able to access the closed roads; however, motorized road closure activities (e.g., installing gates or barricades, ripping the road surface, removing culverts and re-contouring stream crossings, planting and seeding, mulching, slashing disturbed areas) and the resultant vegetation reestablishment within the road would make non-motorized access increasingly difficult. Snowmobile (or over snow vehicle) designated routes would be decreased by 5.2 miles.

Alternative 3 would have similar impacts to public use; however, the snowmobile designations would not change from the current designations.

Alternative 4 would provide the most increase in public motorized access with an increase in 23 miles of open road. Alternative 4 Modified would provide the same amount of open road but would be seasonally restricted to a 1-month period in late summer. These alternatives would provide the greatest option for motorized public use and increased public access; however, this increase in motorized use would least meet the needs of grizzly bear as defined in the Recovery Plan, even though they meet the Access Amendment requirements. As described above, Alternative 4 presents the greatest risk to

grizzly bears as it relates to disturbance impacts, connectivity, and grizzly–human conflict.

I believe the Selected Alternative best provides for the needs of the grizzly bear as defined in the Recovery Plan while still providing for public access. The impacts would be most similar to those described in Alternative 3, with the exception of FSR 636 having limited trips for the livestock permittee and the closure of 2.7 miles of FSR 2253 to create additional core habitat for grizzly bears. Under the Selected Alternative, FSR 1388 would not be closed and would remain open for snowmobile use; thus, snowmobile access would not be affected by this decision.

### ***Changes in access to private land and grazing allotments in the Blue-Grass BMU***

#### **Private Land Access**

Private property within the Blue-Grass BMU and in the vicinity of Bog Creek Road includes the Continental Mine property. Historically, the property was accessed via FSR 2450, which enters the BMU from the north through Canada, and Blue Joe Creek Road. In approximately 2009, CBP closed this border crossing, and the Continental Mine property owners were no longer able to access their property via this route. Since that time, the property owners have accessed their property via the west–east access roads (FSRs 1011, 636, and 1009) and Blue Joe Creek Road.

The Alaska National Interest Lands Conservation Act of 1980 (ANILCA), Sec. 1323(a), grants non-Federal landowners, whose ownership lies within the boundaries of the NFS, the statutory right of access over NFS lands when such access is needed to provide for the reasonable use and enjoyment of non-Federal lands. A landowner’s statutory right of access is limited to that which is adequate to secure the owner the reasonable use and enjoyment of the subject non-Federal land. The Forest Service, as the responsible land management agency, has the discretion to determine the location, design, type, and extent of access that will be granted across Federal land, consistent with the provisions of ANILCA (36 Code of Federal Regulations [CFR] 251, Subpart D). Pursuant to 36 CFR 251.57 and 36 CFR 251.58, this authorization would be subject to cost recovery regulations and annual land use fees.

Currently, the private landowner does not have access authorized under a special use permit. All action alternatives would include the issuance of a special use permit to secure access. Alternatives 2 and 3 would provide access to private property through a special use authorization for approximately 10.9 miles of FSRs 1013 and 2546, beginning at the gate near Continental Creek. This authorization would be conditioned to meet the limitations of the alternative. The holder would not be required to limit the number of administrative motorized trips under these alternatives along these roads. Alternative 4 and Alternative 4 Modified would require a special use authorization for approximately 5.5 miles of FSR 2546, beginning at the intersection with FSR 1011. This authorization would be conditioned to meet the limitations of the alternative. The holder would not be required to limit the number of trips under Alternative 4.

The Selected Alternative will provide access to the private property through Bog Creek Road between the existing gate on FSR 1013 and 2546. A special use permit will be authorized in conjunction with this decision and will be structured to allow for unlimited trips from the west side on the Bog Creek Road and will require compliance of trip

counts from the east side (within the seasonally restricted use designation criteria in coordination with the Forest Service). Terms of the special use permit will require that access and egress to the mine property is direct and will not allow for use of public lands along the road corridor at any time.

Given the needs of the CBP to meet its mission and the needs of the grizzly bear under the Recovery Plan, the Selected Alternative with the special use configuration described above best facilitates the access to private land while providing for grizzly bear recovery. It is my determination that this constitutes reasonable access to the private property in compliance with the requirements of 36 CFR § 251, Subpart D.

### **Grazing Permittee Access**

There are active grazing allotments in the Blue-Grass BMU. Access to the allotments for various grazing activities, including routine cattle checks, moving cattle, and monthly salting operations, occurs via FSRs 2464 Upper, 2464 Lower, 2253, 636, and 1009. The grazing permittee access is permitted on seasonally restricted roads as an administrative use.

Under the No-Action Alternative, grazing permittee access and the ability for the permittee to administer grazing activities would remain unchanged from existing conditions. Alternative 2 would have limited detrimental impacts to the grazing permittee's access by limiting access to certain salting locations on FSRs 2464 Upper and 2464 Lower and the ability for the permittee to administer grazing activities in the allotment. Grazing permittees could continue accessing this area of the allotment using non-motorized methods; however, over time, the reestablishment of vegetation on the closed roads would render non-motorized allotment access difficult.

Impacts to grazing permittee motorized access and the ability to administer grazing activities in the allotment would be greater under Alternative 3 due to motorized closure on FSRs 2464 Upper, 2464 Lower, 636, and 2253. Salting operations would be detrimentally impacted by removing motorized access to portions of the allotment, which would result in reduced livestock dispersal, which may indirectly result in increased impact on other resources (e.g., riparian areas and sensitive vegetation) from concentrated cattle grazing in areas of the allotment. Grazing permittees could continue accessing these roads via non-motorized methods; however, over time, the reestablishment of vegetation on the closed roads would render non-motorized grazing access very difficult.

Alternative 4 and Alternative 4 Modified may result in beneficial and detrimental impacts to the grazing permittee motorized access and the ability to administer grazing activities in the allotment. A change in designation to open year-round motorized use of Bog Creek Road and portions of FSRs 2546, 1011, 636, and 1009 would have a beneficial impact on grazing permittee access to areas of the Blue-Grass BMU by eliminating administrative trip count requirements for grazing permittee access. However, year-round or seasonal public motorized use on these roads may increase the potential for cattle and public motorized vehicle conflicts in the allotment and detrimentally impact the permittees' ability to adequately administer the allotment and manage livestock dispersal.

I believe the Selected Alternative best balances the needs of the grizzly bear and the livestock permittee by allowing limited seasonally restricted access on FSR 636 to continue with salting operations and dispersal of cattle.

## **Changes in access for border security in the Blue-Grass BMU**

The current risk environment in which CBP operates is characterized by a variety of constantly evolving terrorist and transnational criminal threats that are both complex and varying. Although firearms, bulk cash, human smuggling, and illegal immigration are some of the cross-border threats in this area, the most persistent threat is the bi-directional flow of illicit drugs across the international boundary. In order to mitigate these threats and achieve operational control of the border area, CBP requires unimpeded access and mobility for the purposes of patrolling the border, technology deployment, and the maintenance of strategically placed roads and tactical infrastructure.

Reliable access to areas north of Continental Mountain is needed for CBP to meet its mission requirements. CBP agents must be able to access the U.S.–Canada border to prevent illegal activities before perpetrators can reach areas where they can blend into legitimate activities and elude apprehension. CBP requires unimpeded access and mobility for the purposes of response to emergency and exigent circumstances, patrol along the border, technology deployment, and the maintenance of strategically placed roads and tactical infrastructure.

Alternative 1 does not respond to this element of the purpose and need. All action alternatives would provide for the repair and maintenance of Bog Creek Road and provide CBP with reliable access to areas north of Continental Mountain. However, each provides tradeoffs in CBP's capability to control the border effectively as described in the FEIS (Chapter 3, Section 3.8, Recreation and Access).

I believe the Selected Alternative provides the most advantageous balance among these alternatives by providing CBP agents with unimpeded west–east access to and along the border north of Continental Mountain from both directions in the event of emergency or exigent circumstances, providing reliable and as-needed access from the west for routine patrol and other purposes, and limiting the detrimental effects to situational awareness and threat identification of the general public traversing the immediate border area.

I believe my decision best addresses the purpose and need, public comments, and major issues.

## **2.8 Mitigation**

Mitigation measures are additional site-specific actions developed to avoid or reduce effects to resources that may occur despite the implementation of design features. After analyzing the potential effects of proposed activities, the Forest Service determined that most effects were eliminated or reduced through the implementation of design features and therefore do not require additional mitigation. Design features will be incorporated into different phases of the project, as described in Appendix B of the FEIS.

To minimize the risk of grizzly bear mortality related to repair activities on Bog Creek Road and the presence of repair personnel in the Blue Grass BMU, CBP will require personnel to implement measures that limit the attraction of the job site and camp to grizzly bears. Personnel will keep the job site and camp clean and free of food and other waste that could attract grizzly bears. The camp will be enclosed by an electric fence. Personnel will be prohibited from carrying firearms beyond Forest Service gates, but for one exception described below. Furthermore, a bear safety plan and a full-time bear safety monitor will be required. The bear safety monitor may be armed and will be



responsible for educating other personnel on bear safety; ensuring that the electric fence is maintained, that the job site is clean, and that all other design features and project conditions related to grizzly bear safety are implemented; and documenting and reporting to the Forest Service and USFWS grizzly bear observations.

Under the Selected Alternative, the roads along the eastern approach to Bog Creek Road will retain their current seasonally restricted road classification. This administrative use is limited to 57 vehicle round trips per active bear year, apportioned as follows:  $\leq 19$  round trips in spring (April 1 through June 15);  $\leq 23$  round trips in summer (June 16 through September 15); and  $\leq 15$  round trips in fall (September 16 through November 15). Administrative vehicle trips to Bog Creek Road from the east or trips from the west that continue past Bog Creek Road's eastern gate will therefore be limited under these terms.

The Selected Alternative provides offsets for habitat and genetic connectivity loss and mortality risk increase at Bog Creek with habitat and genetic connectivity gain and mortality risk decrease at Grass Creek. In order to demonstrate that these offsets occur, CBP commits to provide funds to the USFWS (CBP draft ROD) or another party for a period of up to 10 years to survey, monitor, and research grizzly bear movement and activity in the SRZ, primarily in the Blue-Grass BMU, on the U.S.–Canada international border where grizzly bear are most likely to cross, and along potential, historic, and known grizzly bear travel corridors. Funds could be used to acquire physical assets, such as camera traps and tracking collars, or pay for research personnel, transportation expenses, and other related services.

To minimize the risk of grizzly bear mortality related to as-needed motorized use of Bog Creek Road and Blue Joe Creek Road, CBP will assist in funding an Idaho Department of Fish and Game (IDFG) Conservation Officer or provide funds to another party for a period of up to 10 years to work with CBP, the Forest Service, USFWS, IDFG, local governments, communities, and individuals to collect information on grizzly bear sightings, develop infrastructure for reporting grizzly bear sightings, develop grizzly bear conservation training and capacity building where grizzly bear knowledge is lacking, and conduct educational programs focused on the importance of grizzly bear conservation (CBP draft ROD).

## **2.9 Monitoring Activities**

Monitoring must be summarized in the ROD “where applicable for any mitigation” (40 CFR 1505.2). As described in Section 2.8, a full-time bear safety monitor will be responsible for ensuring avoidance and minimization of grizzly bear mortality during construction of Bog Creek Road. CBP will prepare a summary construction monitoring report to be made available after the completion of construction (CBP draft ROD). Annual reports will be developed by USFWS, IDFG, or other funded parties to document progress and results from grizzly bear movement and activity research and the development of educational and outreach programs. Where appropriate, reports and papers resulting from these projects will be peer reviewed and made available to the public.

For all other affected resources, the Forest Service will continually evaluate the project to ensure that design features and IPNF Forest Plan standards and guidelines are being

followed. Design features will be incorporated into different phases of the project, as described in Appendix B of the FEIS.

### **3 ALTERNATIVES CONSIDERED**

#### **3.1 No-Action Alternative (Alternative 1)**

For this project, the No-Action Alternative (Alternative 1) represents the effects of not implementing the proposed repair and maintenance of Bog Creek Road and motorized closure of seasonally restricted Forest Service roads, while taking into account the effects of other past, ongoing, and reasonably foreseeable activities occurring in the area. This alternative proposes that no repair and maintenance activities would occur on the 5.6-mile section of Bog Creek Road and that the 26 miles of seasonally restricted Forest Service roads would continue to be available for motorized use in accordance with seasonal access restrictions. There would be no change in Forest Service management of the roads and CBP activities in the Blue-Grass BMU.

Under the No-Action Alternative, the Forest Service would continue to work toward meeting the Access Amendment standards. However, it is unknown exactly which roads would be closed to motorized use to meet the standards. Therefore, future motorized closure actions are not analyzed as part of the No-Action Alternative.

#### **3.2 Proposed Action (Alternative 2)**

The Proposed Action was developed through the collaborative efforts between CBP, the Forest Service, and the public. It was designed to meet the goals and objectives established for the project while meeting as many of the other resource needs as possible. The Proposed Action would consist of three components: 1) road repair and maintenance of Bog Creek Road and change in motorized use designation; 2) change in motorized use designation for Blue Joe Creek Road; and 3) motorized closure of selected seasonally restricted Forest Service roads.

##### **Repair and Maintenance of Bog Creek Road**

Repair and maintenance of Bog Creek Road (FSR 1013) would be conducted to allow the road to meet Forest Service road maintenance level 2 standards, which generally allow access for high-clearance vehicles. Bog Creek Road is currently designated as a seasonally restricted road (motorized use is permitted between April 1 and November 15 only for administrative purposes such as Forest Service, CBP, and law enforcement); after road repair activities, the road would change to an *administrative open* designation (as-needed administrative motorized access). Repair and maintenance would consist of grading and resurfacing areas of the road that have been heavily eroded by surface water flows, filling potholes, and removing protruding boulders. Repair would also include installation of six new culverts and replacement of six of the existing 67 corrugated metal pipe culverts located along the length of the roadway because they have partially rusted through, otherwise exceeded their usable life, or do not meet current design standards for width and capacity. Trees and other vegetation within the roadway and to either side would be grubbed or cut back to facilitate safe vehicle passage.

## Open Administrative Use Designation for Blue Joe Creek Road

Blue Joe Creek Road (FSR 2546) extends from the eastern terminus of the Bog Creek Road, running 5.5 miles alongside Blue Joe Creek, to the Continental Mine property. This section of road is currently designated as seasonally restricted, and motorized access is limited to 57 vehicle round trips per active bear year. The current seasonal restrictions that limit the number of motorized administrative trips along Blue Joe Creek Road would be removed. The road would be designated as *administrative open*, which would allow for as-needed administrative motorized trips. This change in designation, when combined with the Bog Creek Road designation change, allows for administrative trips by private property owners to access their property within the Blue-Grass BMU.

## Motorized Road Closure of Selected Seasonally Restricted Forest Service Roads

Approximately 26 miles of seasonally restricted Forest Service roads would be closed to all wheeled motorized use within the Blue-Grass BMU, which is part of the SRZ. Closing the roads would allow the Forest Service to meet the requirements of at least 55 percent of the BMU as core habitat, and no more than 26 percent of the BMU having a TMRD greater than 2 miles per square mile, as specified in the Access Amendment.<sup>25</sup> The means by which motorized road closure would take place would vary by site and would include both decommissioning and long-term storage. Decommissioning involves permanently removing a road from the Forest Service transportation system. Roads that are placed into long-term (e.g., a minimum of 10 years) storage remain on the system, but are rendered undrivable. On-the-ground road work may be very similar between decommissioning and long-term storage, as both are intended to prevent future failures and erosion hazards. Both methods may involve one or a combination of the following treatments: fully or partially recontouring the road prism, ripping the road surface, removing culverts and recontouring stream crossings, planting and seeding, mulching, or slashing disturbed areas.

All roads proposed for motorized closure under the Proposed Action are classified as seasonally restricted Forest Service roads. Motorized public access on these roads is only permitted to occur between November 16 and March 31. Non-motorized public access on these roads is permitted year-round.

### 3.3 Alternative 3 – Modified Proposed Action (Preferred Alternative)

Alternative 3 was the agencies' Preferred Alternative in the FEIS. It is a modified version of the Proposed Action that would close a different set of seasonally restricted Forest Service roads to motorized access. The repair and maintenance activities proposed for Bog Creek Road and the *administrative open* designation for Bog Creek Road and Blue Joe Creek Road are the same as described under the Proposed Action.

Under Alternative 3, approximately 25 miles of NFS roads would be closed to all motorized use by the Forest Service within the Blue-Grass BMU. This would allow the

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<sup>25</sup> Forest Service, 2011.

Forest Service to meet the Access Amendment grizzly bear core habitat requirement of 55 percent and the TMRD requirement of 26 percent.

Two of the nine roads proposed for motorized road closure under Alternative 3 would be different from the roads proposed for closure under the Proposed Action. These roads were selected to be included in this alternative because closing these roads would create more core grizzly bear habitat in upper Grass Creek, a place that has been heavily and continuously used by grizzly bears since at least the 1980s.

All roads proposed for motorized closure under Alternative 3 are classified as seasonally restricted NFS roads. Motorized public access on these roads is only permitted to occur between November 16 and March 31. Non-motorized public access on these roads is permitted year-round.

### **3.4 Alternative 4 – Blue-Grass BMU West–East Open Access**

Alternative 4 is a modified version of the Proposed Action that would open Bog Creek Road and roads along the eastern approach to Bog Creek Road to unlimited public motorized access year-round. Under Alternative 4, Bog Creek Road repair and maintenance and the motorized closure of seasonally restricted Forest Service roads would be identical to the Proposed Action. After repair of Bog Creek Road is completed, Alternative 4 would designate the 5.6 miles of the repaired Bog Creek Road as open for unlimited public motorized access year-round. However, winter motorized snowmobile use by the public is currently not allowed on Bog Creek Road as a result of the court orders of November 7, 2006, and February 27, 2007, relating to recovery of woodland caribou and the potential impacts of snowmobile use within the recovery area.

Approximately 4.5 miles of Blue Joe Creek Road would change to an administrative open designation (as-needed administrative motorized access). Additionally, the designation of roads along the eastern approach to Bog Creek Road (FSRs 2546, 1011, 636, and 1009) would also change from the current seasonally restricted designation (limited motorized access) to an open road designation (unlimited motorized access) to allow for continuous unrestricted public motorized travel around Continental Mountain.

### **3.5 Alternative 4 Modified**

Alternative 4 Modified was developed for inclusion in the FEIS in response to stakeholder alternative suggestions during the DEIS public comment period. Alternative 4 Modified allows for similar east–west public access as Alternative 4, but limits it to 1 month, from July 15 through August 15. It also includes a different combination of roads proposed for motorized closure, compared with the alternatives analyzed in the DEIS. All other proposed project components are the same as under Alternative 4.

## **4 ALTERNATIVES NOT CONSIDERED IN DETAIL**

Multiple public comments received during the review of the DEIS requested that the Forest Service provide unrestricted motorized access to some roads in the Blue-Grass

BMU. The Forest Service reviewed the BMU’s road system to determine whether other roads, beyond those analyzed in the DEIS (i.e., roads located in the Italian Peaks area), could be opened to unrestricted public access through this EIS process. After review of grizzly bear habitat models and consultation with the USFWS, it was determined that by opening these roads, the Forest Service would not be in compliance with MS1 requirements as directed by the Access Amendment and the Forest Plan (see Section 3.2.3.1 of the FEIS for further discussion on MS1 requirements). This does not preclude future changes to road designations in the BMU outside of this project and associated analysis. Under the Access Amendment, the Forest Service can, in coordination with the USFWS, review and revise road designations within the BMU.

Some of the alternatives proposed during the public scoping period and DEIS comment period were found to be outside the scope of the project and/or did not meet the purpose and need, or were generally similar to the alternatives analyzed. Table 1.2 identifies the alternatives that were proposed during public scoping and the rationale for eliminating those alternatives from detailed study in this FEIS.

**Table 1.2.** Proposed Alternatives and Rationale for Eliminating from Detailed Study

Recommended Alternative from Public Scoping	Rationale for Eliminating Recommended Alternative from Detailed Study
Build a tunnel instead of repairing the Bog Creek Road corridor.	A tunnel would not enable CBP to access this segment of the international border; therefore, this alternative would not meet the project purpose and need.
Instead of driving back and forth multiple times between Bonners Ferry and Priest Lake, agents could spend several nights camping out when they are on missions. While at their camps they could 'clock out' but still be on call for immediate action should the border be breached.	CBP agents currently camp as part of their missions and would continue to do so. However, this approach to mission execution does not alleviate the need for CBP agents to have motorized access to this portion of the international border.
One possible way CBP could compensate for the inevitable detrimental impacts of the Proposed Action on threatened wildlife species is to purchase the Continental Mine property and transfer it back to the IPNF. If this were to occur, opportunities for managing (closing) roads that access the private property would open up, giving the Forest Service several options for increasing secure wildlife habitat for both grizzlies and caribou in the Blue-Grass BMU.	Purchasing the Continental Mine would not enable CBP to access this segment of the international border; therefore, this alternative would not meet the project purpose and need. The privately owned Continental Mine is not for sale; therefore, the purchase of the mine is not a logistically feasible alternative.
The SRZ extends into Canada, but those roads are not being considered for closure. By closing those roads, both national security and percent core area habitat would be positively impacted.	Closing roads in Canada would not meet the project purpose and need because road closures would still need to occur within the Blue-Grass BMU to meet Access Amendment standards. Furthermore, closing roads in Canada would not enable CBP to access this segment of the international border. Additionally, roads in Canada are outside the jurisdiction of the Forest Service and CBP; therefore, this alternative is not logistically feasible.
Conduct an independent study on the number of grizzly bears within the Blue-Grass BMU and SRZ. If an agreed-upon number of bears are found, authorize additional motorized access within the Blue-Grass BMU.	The Access Amendment standards are based upon best available science and were developed for the Blue-Grass BMU and the SRZ to aid in grizzly bear recovery. The purpose and need of the Proposed Action is to meet these standards, not to modify them. The FEIS does analyze a range of motorized access options, including additional motorized access beyond existing conditions.
Implement an area closure to trapping to protect wolverine, lynx, and fisher from incidental trapping and allow populations of martin and beaver to rebound.	Implementing an area closure to trapping wolverine, lynx, and fisher does not meet the project purpose and need because it does not address the need for the IPNF to meet the legally required standards for grizzly bear core habitat and motorized route density in the Blue-Grass BMU.

**Table 1.2. Proposed Alternatives and Rationale for Eliminating from Detailed Study (Continued)**

<b>Recommended Alternative from Public Scoping</b>	<b>Rationale for Eliminating Recommended Alternative from Detailed Study</b>
Reduce existing motorized access in the Upper Priest River area to provide a continuous core habitat condition between the Salmo-Priest Wilderness on the west side of the Selkirks to Long Canyon and the Selkirk Crest to the south and east.	One of the purposes of the proposed project is to meet the legally required standards for grizzly bear core habitat and motorized route density in the Blue-Grass BMU. Reduction of motorized access in the Upper Priest River area outside the Blue-Grass BMU does not meet the project purpose and need.
Eliminate grazing from the Blue-Grass BMU.	Eliminating grazing from the Blue-Grass BMU does not meet the project purpose and need because it would not contribute to the IPNF meeting the legally required IPNF Forest Plan standards for motorized route density in grizzly bear core habitat in the Blue-Grass BMU.
Recontour FR 1662 (to Hughes Meadows) and remove the two bridges crossing Hughes Fork. Rebuild the horse access trailhead at the junction of roads and FR 1013. Hughes Meadows is high-quality year-round grizzly bear habitat.	Hughes Meadow is outside the Blue-Grass BMU and therefore is outside the scope of this proposed project.
Exclusive use of remote, real-time monitoring/surveillance, including drones (unmanned aerial vehicles [UAVs]). Include in the EIS a cost-comparison between drone expense vs. improvement and use of the Bog Creek Road.	Technology is an important enforcement tool, one that may reduce the need for regular patrols. However, as discussed above, the exclusive use of technology for remote surveillance would not preclude an active law enforcement response to the issue. Therefore, the use of technology as an alternative to the Proposed Action does not meet the project purpose and need.
The agencies should analyze full obliteration and road decommissioning [of the Bog Creek Road] as part of the action alternatives.	Full road decommissioning and obliteration of the Bog Creek Road does not meet the project purpose and need because it does not meet the need for CBP agents to have motorized access to this portion of the international border.
Modified version of the Proposed Action: The amount of core habitat (50%) in the Blue-Grass BMU is below the minimum standard of 55%. Similarly, the TMRD (28%) exceeds the maximum allowable density of 26%. A modified version of the Proposed Action should be developed that results in more than 55% core habitat and a TMRD of less than 26%. In other words, the approved action should result in compliance with the Access Amendment's standards for the Blue-Grass BMU and result in a net gain of the total amount of effective core grizzly bear habitat.	One of the purposes of the proposed project is to meet the legally required standards for grizzly bear core habitat and motorized route density in the Blue-Grass BMU. The action alternatives analyzed in this FEIS will be required to meet these standards, but are not required to exceed these standards by any defined percentage.
Modified version of the Proposed Action: The Forest Service should perform a habitat analysis of the Blue-Grass BMU to determine which roads, if decommissioned or stored, would result in the maximum benefit to grizzly bears. If possible, core habitats should represent the full range of seasonal habitats that are available in the Blue-Grass BMU. Moreover, the comment recommended minimum core habitat blocks of 2 to 8 square miles.	As described in Section 1.2, Background, in Chapter 1, the Access Amendment standards were developed to meet the Forest Service's responsibilities under the ESA to conserve and contribute to the recovery of grizzly bears. One of the purposes of the proposed project is to meet the legally required standards for grizzly bear core habitat and motorized route density in the Blue-Grass BMU. The action alternatives analyzed in this FEIS meet these standards. Alternative 3 presents a modified version of the Proposed Action that accounts for contiguous core habitat. Additionally the BMU boundaries established in the Recovery Plan were designed to support one female grizzly bear with cubs (USFWS 1993a).
Modified version of the Proposed Action: Roads above 5,000 feet in elevation should also be given special attention. According to the caribou telemetry data collected by Kinley and Apps (2007), caribou tend to use habitats above 5,000 feet more than 90% of the time. Reducing motorized access in areas above 5,000 feet would benefit caribou. Wakkinen and Slone's (2010) caribou movement corridor analysis is also informative.	As summarized in Table 2.4.4, the action alternatives would have temporary detrimental impacts to caribou. Long-term detrimental impacts to caribou would be limited by the area's current snowmobile closure. No significant impacts to caribou are anticipated under the action alternatives. Some roads or segments of roads that are above 5,000 feet are being considered for motorized closure.

**Table 1.2.** Proposed Alternatives and Rationale for Eliminating from Detailed Study (Continued)

Recommended Alternative from Public Scoping	Rationale for Eliminating Recommended Alternative from Detailed Study
Modified version of the Proposed Action: Snowmobile and other “over-snow” vehicles should be prohibited due to concerns about caribou and other wildlife that are sensitive to motorized access during the winter months.	Prohibiting snowmobile access and other “over snow” vehicles is outside the scope of this project and would not meet the project purpose and need.

## 4.1 Environmentally Preferred Alternative

It is required by law that one or more environmentally preferred alternatives be disclosed. The environmentally preferable alternative is not necessarily the alternative that will be implemented and it does not have to meet the underlying need of the project. However, the environmentally preferred alternative must cause the least harm to the biological and physical environment while best protecting and preserving historic, cultural, and natural resources (36 CFR 220.3). The environmentally preferred alternative must also “encourage productive and enjoyable harmony between man and his environment,” “promote efforts which will prevent or eliminate damage to the environment and biosphere,” and “stimulate the health and welfare of man” (42 United States Code [U.S.C.] 4321).

In the short term, Alternative 1 would seem to be the environmentally preferred alternative because it would not result in new disturbances to the biological and physical environment. However, Alternative 1 fails to address several existing environmental concerns present in the project area, including failure to meet the Access Amendment standards for core area habitat and TMRD in the Blue-Grass BMU, and continued sedimentation to area streams from erosion along Bog Creek Road and public and administrative use of motorized roads.

Alternative 3 is identified as the environmentally preferred alternative because it would achieve the Access Amendment standards for TMRD and core area habitat (see FEIS Chapter 2, Table 2.4.2) and is most compatible with the needs of the grizzly bear with regard to MS1. Although Alternative 3 would result in short- and long-term impacts, which are described in Chapter 3 of the FEIS and Section 2.7 of this ROD, these impacts would be outweighed in the long term by the actions benefiting grizzly bear recovery in the Blue-Grass BMU.

## 4.2 Forest Plan Consistency

Proposed activities under the Selected Alternative are consistent with the IPNF Forest Plan because they help meet objectives of the purpose and need for this area. All management activities will be consistent with Management Area (MA) direction, including goals and objectives, as described in the FEIS (Chapter 3, by resource) and summarized below.

### Threatened, Endangered, and Proposed Species

#### *Grizzly bear*

The Selected Alternative would adhere to the grizzly bear threatened species requirements of the Forest Plan (see Table 3.2.10 of the FEIS) and be in compliance with

the ESA and the National Forest Management Act (NFMA). As stated in Section 3.2.3.1 of the FEIS, the Blue-Grass BMU is MS1, meaning that it is managed for grizzly bear habitat maintenance and improvement and the minimization of grizzly–human conflict and that management decisions favor the needs of the grizzly bears when grizzly bear habitat and other land use values compete.<sup>26,27</sup> I believe the Selected Alternative is compatible with the needs of the grizzly bear under the Recovery Plan because it fully meets Forest Plan Access Amendment requirements for grizzly bear habitat, manages human access in the BMU consistent with recovery objectives, provides for quality core habitat to offset the loss of habitat with the reconstruction of the Bog Creek Road and associated activities, and offsets the increased potential for grizzly–human conflict and related mortality risk. The potential for genetic connectivity loss on the west side of the BMU (Bog Creek) would be partially offset through minimizing activity in the center of the BMU (Grass Creek).

### ***Selkirk Mountain woodland caribou, Canada lynx, bull trout, and bull trout designated critical habitat***

The Selected Alternative will adhere to the threatened and endangered species requirements of the Forest Plan (see Table 3.2.10 of the FEIS) and be in compliance with the ESA and the NFMA under the 2012 Forest Service planning rule.<sup>28</sup> The Selected Alternative proposes motorized road closures, so that the Blue-Grass BMU will be in compliance with its TMRD, OMRD, and core area habitat Access Amendment standards. Specific design features implemented to reduce effects on bull trout (Features Designed to Protect Fish Species and Habitat, Features Designed to Protect Waters of the U.S.) are discussed in Appendix B of the FEIS.

### ***North American wolverine***

The analyses presented in Section 3.2 of the FEIS meet the requirements for a biological evaluation (BE) for the North American wolverine, as outlined in Forest Service Manual (FSM) 2672.42.<sup>29</sup> The Selected Alternative is consistent with the Forest Plan and policy direction to “ensure that these species do not trend toward federal listing as a result of management actions.” The Selected Alternative will not result in a threat to the North American wolverine.<sup>30</sup> Design features implemented to reduce effects on wolverine are discussed in Appendix B of the FEIS.

## **Wildlife**

The Selected Alternative is consistent with the Forest Plan and policy direction to “ensure that these species do not trend toward Federal listing as a result of management actions.” The Selected Alternative will not affect more than 1 percent of potentially suitable sensitive species habitat in the project-scale wildlife analysis area, and the Selected Alternative will affect a lower percentage of habitat available within the landscape-scale

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<sup>26</sup> IGBC, 1986.

<sup>27</sup> USFWS, 1993.

<sup>28</sup> Forest Service, 2012a.

<sup>29</sup> U.S. Department of Agriculture Forest Service. 2005. Forest Service Manual 2600 – *Wildlife, Fish, and Sensitive Plant Habitat Management*, 2670. Washington, D.C.: U.S. Forest Service National Headquarters.

<sup>30</sup> U.S. Department of Agriculture Forest Service. 2014. *Programmatic Biological Assessment for North American Wolverine*. Missoula, Montana: Northern Region.



analysis area. Therefore, the Selected Alternative will also be consistent with the NFMA requirements under the 2012 Forest Service planning rule to “support the diversity and persistence of native plant and animal species.”<sup>31</sup> As a result, the project will also be in compliance with the Migratory Bird Treaty Act and Executive Order (EO) 13186.

The sensitive species analyses in the FEIS (Chapter 3) serve as a BE as outlined in FSM 2672.42<sup>32</sup> and find for the species analyzed that the Selected Alternative may impact individuals or habitat but will not likely contribute to a trend toward Federal listing or cause a loss of viability to the population or species.

## Fish

The Selected Alternative will adhere to the aquatic resources requirements of the Forest Plan, as amended by *Inland Native Fish Strategy: Interim Strategies for Managing Fish-Producing Watersheds in Eastern Oregon and Washington, Idaho, Western Montana and Portions of Nevada* (INFISH),<sup>33</sup> and in compliance with the State of Idaho’s implementation of the Clean Water Act (CWA). Vegetation clearing in the Riparian Habitat Conservation Areas for road repair and maintenance is consistent with the CWA and the Forest Plan, including INFISH. The loss of large woody debris input within the vicinity of the road–stream crossing removals and replacements will be a long-term minimal impact, with less than 1 percent of the Riparian Habitat Conservation Areas affected under the Selected Alternative.

The diversity and persistence of native fish species in the fish-bearing streams in the analysis area will continue to be supported, as directed by the NFMA under the 2012 Forest Service planning rule.<sup>34</sup>

In accordance with FSM 2670,<sup>35</sup> the FEIS analysis serves as a BE for the westslope cutthroat trout and interior redband trout and finds for both species that the Selected Alternative may impact individuals or habitat but will not likely contribute to a trend toward Federal listing or cause a loss of viability to the population or species.

## Special Status Plants

The Selected Alternative will be consistent with the Forest Plan and other applicable standards because project implementation will not exceed regional or forest standards for the protection of special status plants and associated rare plant habitats. Implemented design features (see FEIS, Appendix B) will ensure that project actions minimize soil disturbance, erosion, and downstream sedimentation from disturbed areas.

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<sup>31</sup> Forest Service, 2012a, page 21216.

<sup>32</sup> Forest Service, 2005.

<sup>33</sup> U.S. Department of Agriculture Forest Service. 1995. *Inland Native Fish Strategy: Interim Strategies for Managing Fish-Producing Watersheds in Eastern Oregon and Washington, Idaho, Western Montana and Portions of Nevada*.

<sup>34</sup> Forest Service, 2012a.

<sup>35</sup> Forest Service, 2005.

## Water Resources

The Selected Alternative will meet the standards of the Forest Plan and specific riparian management objectives identified by INFISH (see RF-2d, RF-2e, and RF-2f).<sup>36</sup> Because design features (see FEIS, Appendix B) will be implemented to specifically minimize impacts to water resources, the effects on shade, temperature, or sediment yield will be minimal. The estimated effects from the proposed activities will be consistent with watershed-scale efforts to improve water quality. As indicated by the analysis, after application of design features, the expected sediment impacts from culvert replacement/removal will be short term, both spatially and temporally, and quickly return to background levels. In addition, removal of vegetation will be limited to minimize impact to water temperature. With regard to wetlands and other waters of the U.S., the project will be in compliance with the CWA and consistent with the Forest Plan, with the inclusion of INFISH standards.<sup>37,38</sup>

## Soil Resources

The Selected Alternative will be consistent with the Forest Plan standards because project implementation will not result in an exceedance of regional soil quality standards. Implemented design features (see FEIS, Appendix B) will ensure that project actions minimize soil disturbance and erosion from disturbed areas.

## Recreation and Access

The Selected Alternative is consistent with the Forest Plan because it continues to provide access for recreation uses and administrative activities in the Blue-Grass BMU while meeting the Access Amendment standards as required in the Forest Plan. Administrative activities include Forest Service management activities, CBP border security activities, tribal treaty access, Centennial mine owner private land access, and grazing permittee access.

## Heritage and Tribal Resources

The Selected Alternative will be consistent with the Forest Plan standards for heritage and tribal resources. No adverse effects on heritage resources are anticipated. The Forest Service received State Historic Preservation Office (SHPO) concurrence that no adverse effects on historic properties will occur. However, there is no assurance that every heritage resource site has been located. Any discovery found during repair and maintenance activities or during motorized road closure activities will be subject to Forest Service discovery procedures.

The Forest Service consulted with the Kootenai Tribe of Idaho regarding tribal access in the Blue-Grass BMU and continues to provide for access to treaty areas in the BMU.

The Selected Alternative will reduce the total miles of roads available for motorized access in the Blue-Grass BMU. A reduction in motorized access will impact the Kootenai Tribe's ability to access areas of sacred concern and familiarly defined use areas and will

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<sup>36</sup> Forest Service, 1995.

<sup>37</sup> Forest Service, 1995.

<sup>38</sup> Forest Service, 2015.

impact their ability to exercise reserved treaty rights in the analysis area. Non-motorized access will still be allowed on the closed roads; however, motorized road closure activities and the resultant vegetation reestablishment within the road will make non-motorized access increasingly difficult. The Forest Service is allowing access to the BMU by other means and therefore the Selected Alternative is consistent with Forest Plan standards.

## **5 PUBLIC INVOLVEMENT AND COLLABORATION**

### **5.1 Regulatory Guidance**

The Forest Service conducted public involvement activities related to the Bog Creek Road Project in accordance with regulations and guidelines of the NFMA, National Environmental Policy Act (NEPA), the Council on Environmental Quality regulations (40 CFR 1500–1509), Forest Service NEPA Procedures (36 CFR 220), Chapter 10 of the Forest Service NEPA Handbook 1909.15, and Project-Level Pre-decisional Administrative Review Process (36 CFR 218).

### **5.2 Objectives of the Public Involvement and Collaboration Process**

The Forest Service and CBP designed and implemented public involvement and collaborative activities to ensure open communication with a wide range of potentially affected or interested parties, in ways that allowed them to effectively participate in the process of developing the proposal and evaluating the consequences of implementing or not implementing the proposed activities (see Chapter 1 of the FEIS and Bog Creek Road Project Scoping Report<sup>39,40</sup>).

### **5.3 Public Outreach**

Members of the general public were informed about the proposal early in the process and were encouraged to participate in project development. Use of the IPNF website for the quarterly Schedule of Proposed Actions and the project website (<https://www.cbp.gov/document/environmental-assessments/bog-creek-road-project-environmental-impact-statement>) made information widely available to the public and provided links to project documents and maps.

The Forest Service provided information to the public in letters sent through postal mail or electronic mail to over 100 specific agencies, governments, businesses, organizations, communities, and citizens who are known or believed to have an interest in participating

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<sup>39</sup> U.S. Department of Homeland Security, Customs and Border Protection (CBP). 2013. *East West Access around Continental Mountain Scoping Report*. May. Prepared for U.S. Department of Homeland Security, Customs and Border Protection, Spokane Sector. Spokane, Washington.

<sup>40</sup> U.S. Department of Homeland Security, Customs and Border Protection (CBP). 2016. *Bog Creek Road Environmental Impact Statement Scoping Report*. June. Prepared for U.S. Department of Homeland Security, Customs and Border Protection, Spokane Sector, and U.S. Forest Service. February. Spokane, Washington.

in forest planning. The initial mailing list for the project was developed by identifying those groups potentially interested in or affected by the proposal, as well as adjacent landowners and special use permit holders in the area. Additions were made as requested, and addresses were deleted if mailings were returned unopened.

## **5.4 The Role of the Public in Issues Identification and Alternatives Development**

Every effort was made to notify and encourage as many people as possible to become involved in development of the Bog Creek Road Project through scoping. Scoping is an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action (40 CFR 1501.7).

Public scoping for the Bog Creek Road repair and maintenance proposal was initially conducted by CBP in February and March 2013. The project has been listed on the IPNF Schedule of Proposed Actions since February 2013. The initial 30-day scoping period was held from February 6 to March 8, 2013. Scoping activities included mailing a scoping notice to interested parties that announced the proposed project and public meetings, and asking the public to provide their comments on the proposed project. CBP and the Forest Service hosted two public meetings in February 2013. At the meetings, the project leaders provided brief summaries about the proposed project. The open-house format was designed to allow attendees to view informational displays, ask specialists about the proposed project and NEPA process, and submit written comments on-site. Members of the public were provided with comment forms, fact sheets, and visual displays to learn about the proposed project details. Participants were also encouraged to join the mailing list. In total, 25 comment letters were received during the initial scoping period.

The initial scoping information primarily included the proposed repair and maintenance of Bog Creek Road. It also included the possibility that road closures may be part of the Proposed Action, but did not include specific motorized road closure information.

Information gathered from agencies and the public during the initial scoping effort was used, among other things, to inform CBP and the Forest Service regarding the level of NEPA analysis to evaluate the proposed project. Based upon agency (internal) and public (external) scoping comments, CBP and the Forest Service determined that an EIS-level NEPA analysis would be necessary.

The Notice of Intent (NOI) that CBP and the Forest Service planned to conduct an EIS for the Bog Creek Road Project was published in the Federal Register on April 27, 2016. The NOI asked for public comment on the proposal from April 27 to May 27, 2016. The Proposed Action described in the NOI included both repair and maintenance of Bog Creek Road and motorized road closures of specific road segments in the Blue-Grass BMU. In total, 17 comment letters were received during the NOI scoping period.

More detailed project scoping information is included in the Bog Creek Road Project Scoping Report.<sup>41,42</sup>

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<sup>41</sup> CBP, 2013.

<sup>42</sup> CBP, 2016.

Using the comments from the public, other agencies, and tribes, the interdisciplinary team developed a list of issues to address. Based upon project scoping, major issues include effects of the proposed project on:

- threatened grizzly bear, and
- motorized access to the national forest, both public and administrative.

The major issues were used to define the scope of the environmental analysis and documentation.

## **5.5 Public Review of the Draft Environmental Impact Statement**

### **Circulation of the DEIS**

Consistent with objection process regulations (36 CFR 218.25(a)(1) and (2)), the DEIS publication was announced in the Federal Register on June 1, 2018. The 45-day public comment period started the day following publication and was extended 15 additional days. Interested parties and other agencies were notified of the DEIS availability and comment period via official correspondence letters and legal advertisement, which provided the link to the DEIS on the project webpage. A hard copy of the DEIS was provided to the U.S. Environmental Protection Agency as required and provided options for requesting compact discs or hard copies of the DEIS for all other agencies and interested parties. The agencies held public meetings in Bonners Ferry, Priest Lake, and Sandpoint, Idaho.

### **Comments on the DEIS**

Interested parties submitted specific written comments by email, in person, and by U.S. Postal Service mail. In all, 107 non-duplicate comment letters were received from individuals, environmental organizations, and federal, state, and county agencies. In accordance with 40 CFR 1503.4 (Response to Comments), comments were considered individually and collectively in order to determine the appropriate response. More information on the public comment process and DEIS public comments agency responses are presented in Appendix C of the FEIS.

I identified the Selected Alternative for implementation based on EIS findings and public comment. For example, during the DEIS comment period, the Forest Service received project-specific comments such as:

- striking a balance between public and administrative motorized use and protection of grizzly bear habitat
- private property owners' and grazing permittees' requests to maintain access for their respective uses
- tribal treaty access needs
- maintain permeable boundaries in the SRZ to enable movement of species which provides for connectivity to other populations
- consider the settlement agreement with Boundary County in the decision process

- support for greater public access throughout the BMU
- support for reduced public access for increased bear recovery

The Forest Service also used comments to include a new alternative for analysis (Alternative 4 Modified) and make factual corrections and clarifications to the DEIS, as detailed in the FEIS, Appendix C, Response to Comments on the Draft Environmental Impact Statement. Where appropriate, the Forest Service provided an explanation of why comments did not warrant further agency response, citing the sources, authorities, or reasons supporting the agency's position.

## 5.6 Findings Required by Other Laws, Regulations, and Policy

### National Forest Management Act

The NFMA requires that all projects must be consistent with the governing Forest Plan (or Plans) (16 U.S.C. 1604(i)). The FEIS (Chapter 3) addresses consistency of the alternatives with the IPNF Forest Plan standards and other legal requirements, as do Sections 4.1 and 6.6 of this ROD for the Selected Alternative. Potential physical, biological, cultural, and engineering impacts of the Selected Alternative have been assessed and are disclosed in the FEIS (Chapter 3) with supporting information in the administrative record. Based on the conclusions presented in the FEIS and Section 6.5 that proposed activities are within Forest Plan standards, this decision is consistent with Forest Plan direction. No IPNF Forest Plan amendment is required.

### Clean Water Act

The Federal CWA governs forest management practices and development that have the potential to affect water quality, through control of point and non-point sources. The U.S. Environmental Protection Agency is charged with administration of the CWA, which has been delegated to the Idaho Department of Environmental Quality (IDEQ).

The IPNF upholds the Federal CWA through the application and enactment of appropriate Federal and state water quality protection permits; the application of design features and monitoring for effectiveness; and by participating with the State of Idaho in design feature forestry audits, water quality data collection, and implementation of total maximum daily loads (TMDLs) and water quality research programs. Project activities will need to be consistent with these strategies and the *National Best Management Practices for Water Quality Management on National Forest System Lands*.<sup>43</sup>

With respect to specific project impacts, the Selected Alternative will be required to comply with Sections 402 and 404 of the CWA. Section 402 limits point source discharge of stormwater runoff and requires preparation of a Stormwater Pollution

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<sup>43</sup> U.S. Department of Agriculture Forest Service (Forest Service). 2012b. *National Best Management Practices for Water Quality Management on National Forest System Lands*. Vol. 1: *National Core BMP Technical Guide*. FS-990a. Available at: [http://www.fs.fed.us/biology/resources/pubs/watershed/FS\\_National\\_Core\\_BMPs\\_April2012.pdf](http://www.fs.fed.us/biology/resources/pubs/watershed/FS_National_Core_BMPs_April2012.pdf). Accessed September 3, 2015.

Prevention Plan. Section 404 limits “dredge and fill” within waters of the U.S. (including wetlands) and requires permitting by the U.S. Army Corps of Engineers (USACE).

The stream-crossing culvert removals and replacements will be permitted under the USACE Nationwide Permit 14 (Linear Transportation Projects), and providing the USACE with a preconstruction notification will not be necessary. It may be necessary, however, to coordinate with the IDEQ to obtain IDEQ’s 401 certifications for the culvert replacements and their associated fill material.

With regard to floodplains, the project will be consistent with EO 11988. Though there are no mapped Federal Emergency Management Agency floodplains within the analysis area, impacts to the stream’s floodplains will occur under the Selected Alternative. However, because floodplain hydrologic connectivity will still be maintained, and because the INFISH criteria and standards incorporate specific protections for these areas, development of the Selected Alternative will not increase or alter the risk of floods.

## Endangered Species Act

Consultation with the USFWS pursuant to Section 7 of the ESA is currently underway. The Forest Service has submitted a biological assessment to the USFWS. The USFWS’s Biological Opinion will be provided as further supporting documentation in the final ROD. The following threatened, endangered, and proposed species will be affected at a level that does not increase risk to the species, with effects adequately mitigated through project design (see Appendix B of the FEIS) and mitigation measures.

- Grizzly bear: The Selected Alternative may affect, is likely to adversely affect, grizzly bear.
- Selkirk Mountain woodland caribou: Because of temporary human noise and activity during repair and motorized closures and minor habitat impacts (less than 1 percent), the Selected Alternative may affect, is likely to adversely affect, Selkirk Mountain woodland caribou.
- Canada lynx: Because of temporary human noise and activity during repair and motorized closures and minor habitat impacts (less than 1 percent), the Selected Alternative may affect, but is not likely to adversely affect, Canada lynx.
- North American wolverine: Because of conservation measures protecting denning individuals, and concurrence from USFWS that human use and disturbance are not a threat to the species,<sup>44</sup> the Selected Alternative will not jeopardize the continued existence of the North American wolverine.
- Bull trout are listed as threatened under the ESA. Although bull trout could be present downstream of the project area, the Selected Alternative may affect, but is not likely to adversely affect bull trout or bull trout designated critical habitat because of the following factors:

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<sup>44</sup> U.S. Fish and Wildlife Service. 2013. Endangered and threatened wildlife and plants; Threatened status for the distinct population segment of the North American wolverine occurring in the contiguous United States; Establishment of a nonessential experimental population of the North American wolverine in Colorado, Wyoming, and New Mexico; Proposed Rules. 50 CFR Part 17. Federal Register 78(23):7864–7890. February 4. Available at: <https://www.gpo.gov/fdsys/pkg/FR-2013-02-04/pdf/2013-01478.pdf>. Accessed August 22, 2016.

- Under the Proposed Action, no in-stream work will occur in stream segments occupied by bull trout or bull trout designated critical habitat. Bull trout distribution and migratory corridors will not be affected by the Selected Alternative.
- Best management practice (BMP) implementation required by INFISH will ensure that no sedimentation occurs in downstream reaches occupied by bull trout.
- Sedimentation from culvert replacement could be measurable to 800 feet downstream,<sup>45</sup> and 3,000 feet downstream of culvert removals.<sup>46</sup> These effects will be temporary, with 95 percent of sediment released within several hours to 24 hours of completing the culvert replacement or removal.<sup>47</sup> It is likely that bull trout are located over 4,000 feet downstream of this in-stream work (downstream of the Malcom Creek migratory barrier).

Whitebark pine (*Pinus albicaulis*), an ESA candidate species, has the potential to occur in the vicinity of the project, but it was not observed during the 2014 field survey and is not likely to occur within the area likely to incur effects. Thus, no impacts to whitebark pine from the Selected Alternative are anticipated.

## National Historic Preservation Act

The Forest Service has conducted heritage resources surveys of the analysis area to identify any historic properties that may be eligible for the National Register of Historic Places. No adverse effects on heritage resources are anticipated. The Forest Service received SHPO concurrence that no adverse effects on historic properties will occur. However, there is no assurance that every heritage resource site has been located. Terrain disturbance could expose previously undiscovered historic or prehistoric sites. Sites discovered in this manner will be immediately protected from further disturbances (see FEIS, Appendix B).

## 5.7 Other Disclosures

NEPA at 40 CFR 1502.25(a) directs that, “to the fullest extent possible, agencies shall prepare draft environmental impact statements concurrently with and integrated with . . . other environmental review laws and executive orders.”

## Idaho Forest Practices Act

The Idaho Forest Practices Act (Title 38, Chapter 13, Idaho Code 2000) regulates forest management on all ownerships in Idaho, including NFS lands. The Forest Service has agreements with the State to implement BMPs for all management activities. All

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<sup>45</sup> U.S. Department of Agriculture Forest Service. 2013. *Forest Plan Monitoring and Evaluation Report, Fiscal Years 2010-2013, Bitterroot National Forest*, pp. 90–242. Available at: <http://www.fs.usda.gov/detail/bitterroot/landmanagement/planning/?cid=fseprd490792>. Accessed October 28, 2016.

<sup>46</sup> Foltz, R.B., K.A. Yanosek, and T.M. Brown. 2008. Sediment concentration and turbidity changes during culvert removals. *Journal of Environmental Management* 87:329–340.

<sup>47</sup> Foltz et al., 2008.



activities will meet or exceed guidelines described in the Soil and Water Conservation Handbook (FSM 2509.22). Following the implementation of design features (see FEIS, Appendix B), including incorporation of the *National Best Management Practices for Water Quality Management on National Forest System Lands*,<sup>48</sup> will meet the water quality protection elements of the Idaho Forest Practices Act.

## **Idaho Roadless Rule, Roadless Area Conservation Rule, and Wilderness Act of 1964**

No lands impacted by the Bog Creek Road Project are designated as wilderness, wilderness study areas, or roadless areas.

## **Environmental Justice Executive Order**

EO 12898, issued in 1994, ordered Federal agencies to identify and address the issue of environmental justice, i.e., adverse human health and environmental effects that disproportionately impact minority or low-income populations. Environmental justice was not analyzed in detail in the FEIS because impacts to this resource are either minimal or not anticipated from the action alternatives and because it did not arise as an issue during internal and public scoping. Based on the remote project location and minor resource impacts, the Selected Alternative will have no adverse effects to human health and safety or environmental effects to minority, low-income, or any other segments of the population.

## **Role of Science**

The development of the FEIS and draft ROD has been based on consideration of the best available science. This has occurred by carefully reviewing available scientific research and other information relevant to the Bog Creek Road Project. Scientific conclusions are drawn from well-supported data sources, and data availability is disclosed. Scientific sources relied upon were cited, responsible opposing views were discussed, incomplete and unavailable information was acknowledged, and scientific uncertainty and risk were addressed in relevant portions of the FEIS or administrative records. In addition, the specific modeling and analysis methods used were documented, as appropriate.

# **6 PRE-DECISIONAL ADMINISTRATIVE REVIEW (OBJECTION) PROCESS**

This project is subject to review and objection pursuant to 36 CFR 218 regulations (Subparts A and B). A written objection, including attachments, must be submitted to the reviewing officer within 45 calendar days following publication of the legal notice of the objection period in the *Coeur d'Alene Press*, which is the newspaper of record.

It is the responsibility of objectors to ensure their objections are received in a timely manner (36 CFR 218.9(a)). The publication date in the newspaper of record is the

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<sup>48</sup> Forest Service, 2012b.

exclusive means for calculating the time to file an objection. Objectors should not rely upon time requirements provided by any other source.

Objections will only be accepted from those who have previously submitted specific written comments regarding the project during scoping or other designated opportunity for public comment in accordance with 36 CFR 218.5(a). Issues raised in objections must be based on previously submitted timely, specific written comments regarding the proposed project unless based on new information arising after the designated comment opportunities.

The objection must contain the minimum content requirements specified in 36 CFR 218.8(d), and incorporation of documents by reference is permitted only as provided in 36 CFR 218.8(b). It is the objector's responsibility to ensure timely filing of a written objection with the reviewing officer pursuant to 36 CFR 218.9. All objections are available for public inspection during and after the objection process.

The objection must meet the content requirements of 36 CFR 218.8(d), and include the following information:

- The objector's name and address, with a telephone number or email address, if available.
- A signature or other verification of authorship upon request (a scanned signature for email may be filed with the objection).
- When multiple names are listed on an objection, identification of the lead objector as defined in 36 CFR 218.2 (verification of the identity of the lead objector shall be provided upon request).
- The name of the project being objected to, the name and title of the responsible official, and the name of the national forest and ranger district on which the project will be implemented.
- A description of those aspects of the project addressed by the objection, including specific issues related to the project and, if applicable, how the objector believes the environmental analysis or draft decision specifically violates law, regulation, or policy; suggested remedies that would resolve the objection; and supporting reasons for the reviewing officer to consider.
- A statement that demonstrates the connection between prior specific written comments on the particular project or activity and the content of the objection, unless the objection concerns an issue that arose after the designated opportunity for formal comment.

Incomplete responses to these requirements make review of an objection difficult and are conditions under which the reviewing officer may set aside an objection pursuant to 36 CFR 218.10.

The following address should be used for objections sent by regular mail, private carrier, or hand delivery:

Objection Reviewing Officer  
USDA Forest Service, Northern Region  
Building 26 Fort Missoula Road  
Missoula, Montana 59804

Office hours are Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding holidays.

Electronic objections must be submitted by email to [appeals-northern-regional-office@fs.fed.us](mailto:appeals-northern-regional-office@fs.fed.us), with “Bog Creek Road Project” typed in the subject line. Electronic objections must be submitted in Microsoft Word (.doc or .docx) or rich text format (.rtf).

The telephone number for faxed objections is (406) 329-3411.

## **7 IMPLEMENTATION**

If no objections are filed within the 45-day time period, implementation of the decision may occur on, but not before, the fifth business day following the end of the objection filing period, depending upon the availability of funding.

When objections are filed, approval of project activities will not occur until the pre-decisional review process is complete and a final ROD is issued. The responsible official may not sign a decision until the reviewing officer has responded in writing to all pending objections, and all concerns and instructions identified by the reviewing officer in the objection response have been addressed.

## 8 CONTACT INFORMATION

For more information concerning the Bog Creek Road Project, please contact Kim Pierson at [kim.pierson@usda.gov](mailto:kim.pierson@usda.gov) or 208-765-7220.

### Approved by:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

**APPENDIX A**  
**SUMMARY OF ACTIVITIES UNDER THE SELECTED**  
**ALTERNATIVE** \_\_\_\_\_



## Repair and Maintenance of Bog Creek Road

Repair and maintenance of 5.6 miles of Bog Creek Road (Forest Service Road [FSR] 1013 gate to intersection with FSR 2546) will be conducted to allow the road to meet U.S. Department of Agriculture Forest Service (Forest Service) road maintenance level 2 standards, which generally allow access for high-clearance vehicles. Maintenance level 2 roads are described in Forest Service Handbook 7709.58<sup>1</sup> as:

Assigned to roads open for use by high-clearance vehicles. Passenger car traffic is not a consideration. Traffic is normally minor, usually consisting of one or a combination of administrative, permitted, dispersed recreation, or other specialized uses. Log haul may occur at this level. Appropriate traffic management strategies are either to (1) discourage or prohibit passenger cars or (2) accept or discourage high-clearance vehicles.

Repair and maintenance will consist of grading and resurfacing areas of the road that have been heavily eroded by surface water flows, filling potholes, and removing protruding boulders. Repair will also include installation of six new culverts and replacement of six of the existing 67 corrugated metal pipe culverts located along the length of the roadway because they have partially rusted through, otherwise exceeded their usable life, or do not meet current design standards for width and capacity. The road will not be widened, but limited areas that no longer meet minimum width requirements may require cut-and-fill work to achieve the desired road operating and safety standards. Trees and other vegetation within the roadway and to either side will be grubbed or cut back to facilitate safe vehicle passage.

The most intensive repair will occur at Spread Creek, where a culvert failure and road washout has made the road completely impassable. New culverts will be placed, and the road will be rebuilt to a Forest Service maintenance level 2 standard.

Implementation of the decision will include gathering and transporting of fill materials (riprap, mixed soil/rock, and crushed aggregate) from two existing “borrow” pits to use in general resurfacing/fill and in installation of the culvert replacements. One proposed borrow pit is an existing pit located near Milepost (MP) 18.89 on FSR 1013. The other is located near the east end of Bog Creek Road.

The equipment that will be used in road repair includes dozer, grader, hydraulic excavator, and dump truck. In addition, several pickup trucks or sport-utility vehicles will transport construction personnel to and from the area. Construction will occur between July 16 and November 15, and could last up to three seasons. Upon completion, locking gates that minimize potential destruction, dismantling, or breaching will be installed at either end of the 5.6-mile route and remain closed year-round. The road will be signed PUBLIC MOTORIZED ENTRY PROHIBITED – THIS ROAD IS UNDER SURVEILLANCE – VIOLATORS WILL BE PROSECUTED by the Forest Service. The U.S. Department of Homeland Security, Customs and Border Protection (CBP) will regularly monitor road access and gates to ensure that no illegal motorized access is occurring along the road. Repair and maintenance of Bog Creek Road will allow for as-needed administrative motorized access from the west. The current seasonal restrictions, which limit the number of motorized administrative trips

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<sup>1</sup> U.S. Department of Agriculture Forest Service. 1995. Chapter 10. Forest Service Handbook 7709.58. *Transportation System Maintenance Handbook* Amendment No. 7709.58. Effective July 28, 1995.

along Bog Creek Road, will be removed. Motorized administrative trips will be used by CBP, the Forest Service, other State and Federal administrative agencies, and Continental Mine private property owners.

The western approach road to Bog Creek Road, FSR 1013, which leads out of the Blue-Grass Bear Management Unit (Blue-Grass BMU), will remain as it is currently designated, as open to the public for unlimited motorized travel. The roads along the eastern approach to Bog Creek Road will retain their current seasonally restricted road classification. This administrative use is limited to 57 vehicle round trips per active bear year, apportioned as follows:  $\leq 19$  round trips in spring (April 1 through June 15);  $\leq 23$  round trips in summer (June 16 through September 15); and  $\leq 15$  round trips in fall (September 16 through November 15). Administrative vehicle trips to Bog Creek Road from the east or trips from the west that continue past Bog Creek Road's eastern gate will therefore be limited under these terms.

The administrative agencies will coordinate trips to ensure that allowed motorized use is not exceeded. Consistent with the "Memorandum of Understanding Among U.S. Department of Homeland Security and U.S. Department of the Interior and U.S. Department of Agriculture Regarding Cooperative National Security and Counterterrorism Efforts on Federal Lands along the United States' Borders," dated March 31, 2006, the limitation on access does not apply to exigent/emergency access as described in the memorandum of understanding.<sup>2</sup> CBP does not anticipate that this authority will be used frequently but cannot predict the threats to human life, health, or safety or to national security that may arise in the future.

Winter motorized snowmobile use by the public is currently not allowed on Bog Creek Road as a result of the legal rulings of November 7, 2006, and February 27, 2007, relating to recovery of woodland caribou and the potential impacts of snowmobile use within the recovery area. Law enforcement members are currently exempt from the snowmobile closure. Long-term future actions for Bog Creek Road maintenance will include grubbing or trimming vegetation along the roadside, cleaning culverts, and periodic grading.

## **Open Administrative Use Designation for Blue Joe Creek Road**

Blue Joe Creek Road (FSR 2546) extends from the eastern terminus of Bog Creek Road, 5.5 miles up Blue Joe Creek, to the Continental Mine property. This section of road is currently designated as seasonally restricted, and motorized access is limited to 57 vehicle round trips per active bear year. The current seasonal restrictions, which limit the number of motorized administrative trips along Blue Joe Creek Road, will be removed. The road will be designated as administrative open and will allow for as-needed administrative motorized trips. This change in designation, when combined with the Bog Creek Road designation change, allows for private property owners to access their property within the Blue-Grass BMU. The terms of the special use permit will require that the mine owners

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<sup>2</sup> U.S. Department of Homeland Security, U.S. Department of the Interior, and U.S. Department of Agriculture. 2006. Memorandum of Understanding Among U.S. Department of Homeland Security and U.S. Department of the Interior and U.S. Department of Agriculture Regarding Cooperative National Security and Counterterrorism Efforts on Federal Lands along the United States' Borders. March 31. Available at: <https://cis.org/sites/cis.org/files/articles/2010/mou.pdf>.



will have direct access and egress to the mine site and will not permit use of the public lands along the road corridors.

## Motorized Road Closure of Selected Seasonally Restricted Forest Service Roads

Approximately 26 miles of NFS roads will be closed to all motorized use by the Forest Service within the Blue-Grass BMU (Table A.1). This will allow the Forest Service to meet the Access Amendment grizzly bear core area habitat requirement of at least 55 percent and the total motorized route density (TMRD) (> 2 miles per square mile) requirement of no more than 26 percent.

**Table A.1.** Selected Alternative Roads Proposed for Motorized Road Closure

FSR	Current Driving Condition	Motorized Road Closure Length (miles)
2464 (Lower)	Full-size vehicle for 0.25 mile, then undrivable (heavily brushed in)	2.9
2464 (Upper)	All-terrain vehicle only for 0.5 mile, then undrivable (heavily brushed in)	3.5
1322	Undrivable, heavily brushed in	4.2
1322A	Undrivable, heavily brushed in	1.4
1013D	Undrivable, heavily brushed in	2.8*
1013C	Undrivable, heavily brushed in	2.7
1388A	Undrivable, heavily brushed in	0.8
1388	All-terrain vehicle only	5.2
End Portion of 2253	Undrivable, heavily brushed in	2.7
<b>Total</b>		<b>26.2</b>

\* Includes 2.1 miles of 1013D and 0.7 mile of connected 1388UC

The means by which motorized road closure will take place will vary by site and will include both decommissioning and long-term storage. Decommissioning involves permanently removing a road from the Forest Service transportation system. Roads that are placed into long-term (e.g., a minimum of 10 years) storage remain on the system, but are rendered undrivable. While these roads will not be accessible during the “stored” period, they will remain available if needed for emergency purposes. Both decommissioning and long-term storage are designed to make roads hydrologically inert by installing water bars along the full length of affected segments, removing high-risk drainage structures (culverts), and fully recontouring specific sections. On-the-ground road work may be very similar between decommissioning and long-term storage, as both are intended to prevent future failures and erosion hazards. Both methods may involve one or a combination of the following treatments: fully or partially recontouring the road prism, ripping the road surface, removing culverts and recontouring stream crossings, planting and seeding, mulching, or slashing disturbed areas. Equipment that will be used in road repair includes a dozer, grader, hydraulic excavator, and dump truck. In addition, several pickup trucks or sport-utility vehicles will transport construction personnel to and from the area.

If no hydrologic problems or risks of mass failure are present, and/or the road is grown in to the point that motorized use is not possible, motorized road closure may include merely leaving the road as is (or barricading the front end) and making the change administratively. The decision to either decommission roads or place them into long-term storage will depend on several factors, including anticipated future need, location in relation to other roads, and, to a lesser extent, the current condition of the road.

Both decommissioned and stored roads will no longer be counted toward motorized route densities (TMRD and open motorized route density [OMRD]) or against core area habitat, as directed by the Interagency Grizzly Bear Committee<sup>3,4</sup> and U.S. Fish and Wildlife Service.<sup>5</sup> Motorized road closure activities will occur between June 16 and November 15 and could last up to three seasons.

Upon completion of motorized road closures, the Forest Service will establish approximately 7.2 percentage points of additional grizzly bear core habitat in the Blue-Grass BMU in accordance with the Access Amendment (Table A.2). The establishment of grizzly bear core habitat will restrict future motorized activity within the area. Upon establishing the additional grizzly bear core habitat, the Blue-Grass BMU will contain approximately 55.5 percent grizzly bear core habitat and will comply with the Access Amendment Blue-Grass BMU requirements. TMRD will be 19.3 percent (in compliance with the standard of 26 percent maximum).

**Table A.2.** Selected Alternative Access Amendment Conditions

BMU	BMU Priorities (1, 2, or 3)	OMRD > 1 mile per square mile (%)		TMRD > 2 miles per square mile (%)		Core Area Habitat (%)		% NFS Land
		Selected Alternative	Selected Standard (maximum)	Selected Alternative	Selected Standard (maximum)	Selected Alternative	Selected Standard (minimum)	
Blue-Grass	1	23.3%	33%	19.3%	26%	55.5%	55%	96%

<sup>3</sup> Interagency Grizzly Bear Committee. 1986. *Interagency Grizzly Bear Guidelines*. Wyoming Fish and Game, Bureau of Land Management, U.S. Fish and Wildlife Service, National Park Service, Idaho Department of Fish and Game, Montana Fish Wildlife and Parks, and Washington Game Department.

<sup>4</sup> Interagency Grizzly Bear Committee. 1998. *Revised Interagency Grizzly Bear Taskforce Report: Grizzly Bear/Motorized Access Management*. Missoula, Montana: U.S. Forest Service.

<sup>5</sup> U.S. Fish and Wildlife Service. 2011. *Biological Opinion on the Forest Plan Amendments for Motorized Access Management within the Selkirk and Cabinet-Yaak Grizzly Bear Recovery Zones on the Kootenai, Idaho Panhandle, and Lolo National Forests*. Kalispell, Montana: U.S. Fish and Wildlife Service Montana Field Office; and Spokane, Washington: U.S. Fish and Wildlife Service Northern Idaho Field Office.