

Planning Files

# **RECORD OF DECISION**

## **CLANCY-UNIONVILLE TRAVEL MANAGEMENT PLAN PROJECT**

MT-075-01-03

**United States Department of the Interior**

**BUREAU OF LAND MANAGEMENT  
Butte Field Office**

**November 1, 2000**

## **I. INTRODUCTION**

This Final Decision Notice represents the culmination of joint planning and analysis conducted by both the Bureau of Land Management and the Forest Service. BLM and the FS have worked closely with the interested public, and local, state and other Federal agencies throughout this planning process to develop this comprehensive Environmental Impact Statement(EIS) for the Clancy-Unionville Vegetative and Travel Management Project. Although the travel management planning portion of this EIS analysis was jointly developed by BLM and the FS, this Record of Decision(ROD) notice is specific to only BLM actions. This BLM decision will implement the Clancy-Unionville Travel Management Plan and amendment to the Headwaters Resource Management Plan(RMP) signed by the Montana State director on November 1, 2000; meet the Purpose and Need aspects of this plan and provide a system of designated roads and trails to ensure a wide variety of motorized and non-motorized recreation opportunities while protecting important resource values.

## **II. DECISION**

The BLM Preferred Alternative decision for motorized travel management within the Clancy/Unionville area is to implement Alternative D with some minor modifications. Alternative D is described on pages II-26 to II-28 of the Clancy/Unionville Travel Management Final Environmental Impact Statement (FEIS) and depicted on the corresponding travel map at the end of Chapter II. The preferred alternative establishes an area wide closure to wheeled motorized vehicles limiting uses to designated roads and trails during specific time periods to protect vegetation, soils, water quality and wildlife values. Snowmobiles will be allowed across BLM lands south of Jackson Creek from December 2<sup>nd</sup> to May 15<sup>th</sup> as snow conditions allow. The decision incorporates the travel management features common to all action alternatives presented on pages II-7 to II-10 in the FEIS.

Alternative D was specifically developed in response to issues centering around wildlife and wildlife habitat with emphasis given to big game security and winter range. In addition, efforts were made to provide for a system of roads and trails to serve the needs of a wide variety of area users, both motorized and non-motorized, while protecting important natural resources as identified under the Purpose and Need section of the FEIS on page I-8.

### **A. Modifications to Alternative D**

1. Three miles of road including the upper extremity of Sheep Mountain(.5 mi.), the Power line Access road(2.0 mi.) and the Ohio Gulch Road(.5 mi.) will continue to be managed as roads and not converted to trail use only. This change will improve access opportunities for all motorized users for pleasure riding, power line maintenance, firewood collection where authorized, fire suppression, livestock management and vegetative treatment projects.

2. Trails within the Ohio Gulch area will remain open year long. Under this decision, BLM may temporarily close this trail system to motorized uses at all entrance points should excessive moisture situations create conditions for undue impacts to soils during the spring season. This area is well suited to motorized trail riding given its irregular terrain, forested cover, low annual precipitation, absence of perennial streams, low riparian and wildlife values.

3. The 2 miles of trails in the Sheep Mountain East area south of Jackson Creek will be open year long and not be seasonally closed from 12/2 to 05/15. Given the low potential for big game conflicts, it will be advantageous to manage these trails similar to the Ohio Gulch trails as they are interconnected. As with the Ohio Gulch system, BLM may temporarily close these trails should high moisture situations create conditions for undue impacts to soils during the spring season.

4. All BLM lands south of the Jackson Creek County Road will be open to snowmobile travel from 12/02 to 05/15 in addition to the Sheep Mountain/Ohio Gulch area. Lands open to snowmobile riding were expanded to provide greater opportunities and better distribute use in areas where the potential for important wildlife conflicts are low.

Since all of these modifications have been analyzed under one or more of the FEIS alternatives no further impact analysis is needed. The environmental consequences section for all alternatives exists on pages III-1 to III-327 in the FEIS.

## **B. Applicable Laws, Regulations and Policy**

The Headwaters Resource Management Plan. All aspects of this travel management decision are consistent with the above plan with the exception of the amendment described above for which a protest period was provided for and all protests received were resolved.

The National Environment Policy Act. The NEPA provisions have been followed as required under 40 CFR 1500. Both the FEIS and the ROD comply with the intent and requirements of the NEPA. The EIS analyzes an acceptable range of alternatives, including a "No Action" alternative. It also discloses the impacts of each alternative, and presents the identified issues and concerns. This ROD describes the decisions I have made and the rationale for making the final decisions. Governor consistency briefings and review periods were provided.

Council on Environmental Quality. The CEQ regulations were followed as specified. BLM believes that the Preferred Alternative as analyzed in the EIS and described in this ROD to be the Environmentally Preferred Alternative given that it provides for a wide range of beneficial uses and emphasizes protection of the environment. In addition this decision maintains a good distribution of access routes for wildfire suppression activities in the future.

The Critical Elements of the Human Environment. All critical elements or resources were evaluated in the EIS and no adverse effects were determined to exist from this preferred alternative decision. Critical elements addressed were Air Quality, Areas of Critical Environmental Concern, Cultural Resources, Environmental Justice, Farm Lands, Flood Plains, Native American Religious Concerns, Threatened or Endangered Species, Hazardous or Solid Wastes, Water Quality, Wetlands/Riparian Zones, Wild and Scenic Rivers and Wilderness.

### **C. Major Issues and Rationale for Decision**

The primary issues identified through public and internal scoping used in this EIS with regard to Travel Planning were as follows:

#### **1. Impacts on water quality and recreation experiences relating to roads and trails.**

Comments relating to this issue were highly variable ranging from a total area closure with no open roads and trails to keeping everything open for motorized uses.

BLM's decision to limit motorized vehicle uses with the exception of snowmobiles to designated routes totaling 12 miles of open roads and 11 miles of open trails allows adequate motorized opportunities while protecting water quality and minimizing soil erosion. The curtailment of existing off-road vehicle uses will greatly enhance the protection of natural resources in that user created roads and trails will be stopped. In addition the most poorly designed or located routes where erosion concerns were of high concern have now been closed.

#### **2. Impacts of the proposed activities on wildlife and wildlife habitat.**

Concerns about the possible loss of wildlife numbers and their habitat, especially for elk and mule deer were expressed frequently during public comment periods. The degree to which roads and trails disrupt wildlife was also a prevalent issue raised.

BLM's decision to limit motorized wheeled vehicles to seasonally designated routes and close roads and trails in sensitive wildlife areas will enhance wildlife populations and habitat conditions.

#### **3. Effects of the proposed activities on noxious weed populations.**

Concerns were raised by numerous people regarding the use of motorized vehicles within the area and their potential for spreading weeds.

BLM's decision to limit motorized vehicle uses to designated routes will greatly reduce the spread of noxious weeds and allow control efforts to be focused primarily along open routes.

#### **4. Prescribed fires and the risk of wildfires.**

This issue related more with vegetative treatments than travel management.

BLM's decision to disallow off-road motorized uses will reduce the chances for vehicle caused fires. In addition the availability of designated routes will help during fire suppression incidents and reduce the cost of prescribed burning treatments.

#### **5. Additional issues considered.**

Other issues which influenced BLM's final travel management decision were Recreation Opportunity Spectrums, Primary Recreation Attractions, Public Safety, Economics, Manageability, Quality and Balance between Non-Motorized and Motorized Opportunities, Access and Impacts on Private Landowners.

In summary, this decision provides for sustained natural resource health while balancing the needs of the public wishing to use the area. This decision protects important big-game populations and habitat in the northern and southern extremities while providing for quality motorized riding opportunities in the central portion of the area. In addition rock climbing experiences are improved by restricting motorized uses in the immediate area. Finally, limiting motorized uses to designated routes will ensure equitable long-term opportunities for both motorized and non-motorized visitors.

### **III. ALTERNATIVES CONSIDERED**

Issues identified through public and internal scoping were used by the joint BLM and FS Interdisciplinary Team to identify three action alternatives(A,C,D) including the Proposed Action(A). These and the two other alternatives, No Action(B) and Alternative E(proposed by the Clancy-Unionville Citizen's Task Force), are described and presented in detail in the FEIS.

**A. Comparison of motorized opportunities between All Alternatives:**

Alternative	A	B	C	D	E	Preferred Decision
Roads Open-Summer	12 mi.	14 mi.	11 mi.	9 mi.	1.5 mi	12 mi.
Roads Open-Fall	12 mi.	14 mi.	8 mi.	9 mi.	1.5 mi.	12 mi.
Roads Open-Winter	12 mi.	14 mi.	11 mi.	5 mi.	0 mi.	7.5 mi.
Roads Open-Spring	12 mi.	14 mi.	11 mi.	5 mi.	1.5 mi.	7.5 mi.
Mot. Trails Open-Summer	0 mi.	15 mi.	18 mi.	14 mi.	0 mi.	11 mi.
Mot. Trails Open-Fall	0 mi.	15 mi.	18 mi.	14 mi.	0 mi.	11 mi.
Mot. Trails Open-Winter	0 mi.	15 mi.	18 mi.	11 mi.	0 mi.	11 mi.
Mot. Trails Open-Spring	0 mi.	15 mi.	15 mi.	0 mi.	0 mi.	11 mi.
Area Open to Motorized Wheeled Vehicles	0 A.	5,590 A.	0 A.	0 A.	0 A.	0 A.
Area Open to Snowmobiles 12/2 - 5/15	5,590 A.	5,590 A.	5,590 A.	1,350 A.	0 A.	4,110 A.

**IV. Primary Management Actions of this Decision: (See Attached Map)**

**A. Limited Area Use:**

All motorized wheeled vehicles will be restricted to established routes with no off-road travel.

**B. Snowmobile Use:**

Area snowmobiles use will be permitted south of the Jackson Creek County Road from 12/02 to 05/15 as snow conditions allow.

**C. Road Availability:**

All county and state public roads that currently provide motorized access to BLM lands in the area will remain open year long. These roads are Clancy Creek, Lump Gulch, Jackson Creek and Highway 282 west of I-15 and south of Montana City.

The Sheep Mountain Road, a primary access route located in Sections 31 and 32, T9N, R3W, will be upgraded for the first 2 miles to an identified trail head for year long motorized access to meet public safety standards, reduce soil erosion and improve water quality issues. This major access route will be closed year long to off-highway vehicles(OHVs) to the trail head parking lot. All secondary roads beyond this point will remain open to all types of motorized vehicles. A short spur road will also be designated to provide motorized access for rock climbers to the rock spires. This dead end spur and small trail head will be closed to off-road vehicles.

The Squaw Creek Road(.25 miles) in Section 36, T10N, R4W, will be closed year long to protect soils and non-motorized recreation opportunities.

The Holmes Gulch Road segments(2.0 miles) in Sections 17, and 18, T9N, R3W, will be seasonally open to motorized vehicles from 05/16 to 12/01 with the exception of the most eastern .25 mile segment used to access private homes which will be open year long to protect wildlife winter range.

The Jackson Power Line Spur (.25 miles) in Section 29, T9N, R3W will remain open year long to provide needed access for maintenance

The Jackson/Lump Gulch Connector(1.5 miles) in Sections 29 and 33, T9N, R3W, will remain open year long to provide private access.

The Lower Jackson Creek Road(.5 miles) located off Highway 282 in the NW1/4 of Section 26, T9N, R3W will remain open year long to provide needed access to private homeowners. This road is not shown on the Preferred Alternative Map.

The Power Line Access Road(2 miles) in Sections 29, 31 and 32, T9N, R3W will remain open year long to provide maintenance access and enhance motorized travel opportunities. The lower dead end extremity will be closed due to public safety and soil erosion concerns.

The Ohio Gulch Road(.5 miles) in Section 32, T9N, R3W, will remain open year long to provide needed access and enhance motorized travel opportunities.

The Lump Gulch Spurs(2.5 miles) in Sections 1, T8N, R4W and Section 6, T8N, R3W, will be seasonally open from 05/16 to 12/01.

The Clancy West Spurs(1.5 miles) in Sections 5 and 8, T8N, R3W, will be closed year long to promote non-motorized recreation, limit the spread of noxious weeds and protect wildlife.

Southern Extremity Spurs(.5 miles) located in Section 7, T8N, R3W and Section 10, T8N, R4W, will be open from 05/16 to 12/01 to protect wildlife and minimize soil erosion.

All BLM roads with the exception of the first 2 miles of the Sheep Mountain Road will remain open to all types of motorized vehicles provided safety concerns remain minimal. Should traffic volumes or user

conflicts become prevalent and warrant restrictions then priority use will be given to vehicles legally equipped and registered to travel on public roads and highways.

#### **D. Trail Availability:**

The Davis Gulch Trail(.3 miles) in Section 36, T10N, R4W, will remain closed to motorized vehicles and open year long for non-motorized uses.

The Jack Mountain Trail(3.25 miles) in Sections 18, 19 and 30, T9N, R3W, will be closed to motorized vehicles and open to non-motorized uses year long to protect important wildlife habitat and enhance non-motorized recreation.

The Prickly Pear Trail(.75 miles) in 23 and 26, T9N, R3W, will be closed to motorized vehicles and open to non-motorized uses year long to minimize conflicts with surrounding private landowners and enhance non-motorized recreation. This old railroad bed, trail is not shown on the map.

The Ohio Gulch Trails(8 miles) in Sections 32 and 33, T9N, R3W, will remain open to off-road vehicles with widths less than 50 inches year long subject to periodic spring closures to minimize soil erosion and trail bed degradation. Approximately, 1 mile of new trail connectors will be created to improve loop riding opportunities. Some short, dead-end, trail segments totaling about 1 mile that lead to private land and residences will be closed to motorized travel to minimize trespass violations and intrusions on landowners. Adjacent homeowners desiring to access this trail system by off-road vehicles via closed trail segments will be given considerations for variances.

Two miles of the Sheep Mountain East Trails(3 miles) in Sections 29, 30 and 32, T8N, R3W, will remain open year long to off-road vehicles and the remaining 1 mile (2-dead end segments) will be closed year long to enhance motorized recreation and protect soils and water quality

The open trail system between Jackson Creek and Lump Gulch will be improved and maintained under challenge cost sharing agreements with interested riding organizations. Educational information about proper riding techniques will be displayed at the upper Sheep Mountain Road Trail Head. Designated trails will be signed and monitored to ensure compliance. Project work will be scheduled after all vegetative treatments in the area are completed. Some portions of these trails may be temporarily closed during active treatment periods.

#### **E. Features Common to all Action Alternatives:**

No unauthorized roads or trails will be created. BLM will install closure signs and rehabilitate closed roads and trails that serve no future access needs in a manner that naturally blends with the surrounding area.. Physical barriers will only be installed where trespass violations become problematic.

BLM will coordinate implementation of this travel plan with the FS to enhance public awareness, management efficiency and cost savings. Coordination efforts planned include signing, travel maps, enforcement, noxious weed control and where appropriate, road maintenance.

Some roads and trails available for public use necessitate crossing private lands where easements do not exist. BLM will initiate efforts to obtain desired access easements for needed segments of designated routes. Should negotiations with private landowners to acquire easements prove unsuccessful and/or private route segments become closed, minor adjustments in designated routes will be made where feasible to offset closures and provide alternative access to public lands.

In areas where BLM has established designated routes that require private landowner consent to be accessed, the agency would implement an "All or None" road/trail use policy. Under this policy, if the adjacent landowner refuses public entry to BLM lands and no other routes are feasible, then BLM would reciprocate by closing its routes to the adjacent landowner's use as well.

Under the designated route policy, cross country travel with motorized wheeled vehicles will be prohibited unless authorized for a specific purpose under an approved variance. One general exception to this is that off-road travel up to 300 feet from any road will be allowed for temporary dispersed camping.

## **V. PUBLIC INVOLVEMENT**

Public involvement opportunities were extensive throughout the planning process involving numerous individuals, special interest groups, and local, state and federal government agencies. Key public involvement efforts are summarized below.

Initial public scoping began in early 1997 with a direct mailing of the project proposal to over 300 entities. Two public meetings were held in late January 1997 in Clancy and Helena to introduce the project and receive comments. A 30-day comment period was established and 78 comments were received. A formal content analysis of these comments was completed in late February 1997, revealing concerns primarily about wildlife habitat, fire risk, noxious weeds, roads and OHV uses.

A formal communications plan was completed in May 1997. Another direct mailing and news release was sent out on June 26, 1997 describing the refined Clancy-Unionville proposal and a 30-day comment period was provided. An article appeared in the Helena Independent Record newspaper describing the proposal on July 1, 1997.

A second article was released in the Helena Independent Record on July 6, 1997 announcing two upcoming public meetings which were held in Montana City and Helena on July 8<sup>th</sup> and 10<sup>th</sup> respectively. Press coverage continued with an editorial in the Helena Independent Record on July 13, 1997.

Field trips were advertised and conducted in mid August 1997. Two more articles about the project appeared in the Helena Independent Record during the same month. A second content analysis was performed in early September to analyze 84 additional comments. Concerns about roads, wildlife,

weeds, and timber harvesting led the list of issues.

In early September, another direct mailing and news release specific to the travel plan portion of the project was conducted. Two related articles appeared in the Helena Independent Record and a public meeting on the travel plan proposal was conducted on September 9<sup>th</sup>.

A Notice of Intent to produce an EIS/Plan Amendment for the project was published in the Federal Register on October 10, 1997. A 45-day comment period was provided to gather additional public comments. Another project list mailing was conducted on October 14, 1997 with information about the decision to prepare an EIS/Plan Amendment, provide project updates and refine the purpose and need statements.

From the comments received during the summer and fall comment periods, the interdisciplinary team developed the project plan alternatives that were introduced in an open house meeting held in Helena on February 19, 1998. Two field trips were later conducted during August, 1998, giving interested individuals an opportunity to view and ask questions about the project proposal.

The DEIS was completed on October 6, 1998 and a Notice of Availability (NOA) was published in the Federal Register on November 16, 1998 and a 90-day comment period was provided for the BLM Travel Management/Plan Amendment portion of the Draft EIS ending on February 13, 1999. A summary of the DEIS was sent to all parties on the mailing list and complete DEIS copies were made available upon request. Public meetings on the DEIS were conducted in Clancy and Helena on December 1 and December 3, 1998, respectively.

Two field trips were held during the summer of 1999 to look at and discuss concerns about weeds, timber harvest, prescribed fire and travel management issues.

The public comments received on the DEIS resulted in a re-examination of the proposal and analysis by the interdisciplinary team. The team updated their analysis based on these 177 comments and made substantial changes in the FEIS. One important adjustment was the addition of a new alternative (E) and analysis, proposed by the Clancy-Unionville Citizen's Task Force. Chapter 4 of the FEIS contains a complete list of all respondents, an index to the comments and responses by topic, responses to comments with BLM responses beginning on page 159 of Section 3 and finally copies of all letters received from agencies.

The FEIS was completed in February, 2000, and a NOA on the FEIS/Plan Amendment was filed with the Environmental Protection Agency and published in the Federal Register on March 17, 2000. This notice provided for a 30-day protest period from March 17<sup>th</sup> to April 17<sup>th</sup> for the Headwaters Resource Management Plan Amendment resulting from the Preferred Alternative presented in the FEIS. BLM received 6 protests for which specific responses were prepared and all have now been resolved. BLM has also briefed the Montana Governor on the proposed plan amendment and provided for the 60-day Governor's Consistency Review Period.

The FS and BLM sent a summary of the Final EIS to all parties on the mailing list with complete copies available upon request. A news article announcing the availability of the FEIS appeared in the Helena Independent Record on March 15, 2000. An open house meeting was conducted in Helena on March 15, 2000. In addition to these public involvement efforts BLM has also included this project in its Quarterly NEPA Project Listings from July, 1997 through October, 2000.

## **VI. IMPLEMENTATION, MONITORING AND MITIGATION**

### **A. Implementation**

Implementation of the new travel plan is scheduled to begin during the Spring of 2001 with priority given to an area travel plan map and area signing. The process of pursuing needed access easements will begin in the fall of 2001. Road and trail upgrading and maintenance as well as the proposed trail heads will begin in the summer of 2002 where vegetative treatments are not scheduled. In treatment areas, road and trail work will not be undertaken until the vegetation projects are completed(4-5 years).

In addition some of the roads and trails within active treatment areas may be periodically closed for safety reasons.

### **B. Monitoring**

BLM will conduct routine compliance checks on a bi-weekly basis at a minimum for the primary use areas during the high use periods of late spring, early summer and late fall. If violations are evident, law enforcement personnel will conduct field patrols in identified problem areas. Additionally, BLM will post travel plan maps and educational information at trail heads and area travel signs along designated routes to encourage voluntary compliance. Finally, BLM will work closely with organized groups to assist in area monitoring and sign maintenance.

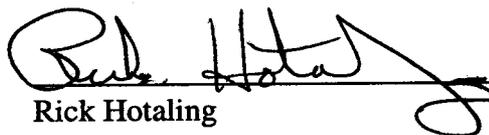
### **C. Mitigation**

- 1. Any disturbed out-slopes created during any trail or road work will be immediately seeded.**
- 2. All routes will be annually patrolled and treated where needed to control noxious weeds.**
- 3. Off-road and trail travel by wheeled vehicles will only be allowed for dispersed camping up to 300 feet or by approved variances.**
- 4. Roads closed to the public will be signed. Should violations become problematic then metal gates with locks will be installed. Closed roads no longer needed for specific authorized uses will be rehabilitated back to a condition that naturally blends in with the surrounding area.**
- 5. A multi-agency travel plan map will be made for the area to improve public awareness and compliance.**
- 6. Travel management signs will be installed along routes throughout the area.**
- 7. Educational information will be posted at the primary trail heads.**

## VII. APPEAL OPPORTUNITIES

This travel plan decision is subject to public appeal. You have the right to appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations of 43 CFR, Part 4. In order for your appeal to be considered timely, it must be received by December 13, 2000, which is 30 days from the date that the NOA of the ROD is published in the Federal Register. If an appeal is taken, you must follow the procedures outlined in the attached Form 1842-1, Information on Taking Appeals to the Board of Lands Appeals. The appellant has the burden of showing that the Decision appealed from is in error.

This Decision will become effective at the expiration of the time for filing a Notice of Appeal unless a petition for a stay of the Decision is timely filed together with a Notice of Appeal. See 43 CFR 4.21(a). The provisions of 43 CFR 4.21(b) define the standards and procedures for filing a petition to obtain a stay pending appeal.

A handwritten signature in black ink, appearing to read "Rick Hotaling", written over a horizontal line.

Rick Hotaling  
Butte Field Manager  
Bureau of Land Management