

## 3.4 SPECIAL DESIGNATIONS

### 3.4.1 AREAS OF CRITICAL ENVIRONMENTAL CONCERN

#### Laws, Regulations, and Policies

- The Federal Land Policy and Management Act (FLPMA) (43 U.S.C. 1701 *et seq.*)

Section 202 (c)(3) of FLPMA mandates the BLM to give priority to the designation and protection of ACECs in the development and revision of land use plans. BLM Manual 1613 describes the process followed to nominate ACECs and screen areas for their suitability for ACEC designation. The BLM's planning regulations (43 CFR 1610.7-2) establish the process and procedural requirements for designating ACECs in RMPs and RMP amendments.

#### Affected Environment

##### *Background*

Areas of Critical Environmental Concern (ACECs) are unique to the BLM. BLM regulations (43 CFR Part 1610) define an ACEC as an area "within the public lands where special management attention is required (when such areas are developed or used or where no development is required) to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources, or other natural systems or processes, or to protect life and safety from natural hazards." While an ACEC may emphasize one or more unique resources, other existing multiple-use management can continue within an ACEC so long as the uses do not impair the values for which the ACEC was designated.

##### *Nominated Areas*

Currently, there are no designated ACECs in the planning area. When finalized in 1979, the Dillon MFP contained recommendations that 15 areas be considered further for ACEC designation once guidance was available to conduct the evaluations. A plan amendment for the MFP was never completed for these nominations after BLM manual guidance finalized the process for identification and evaluation of ACECs in the 1980s. This guidance outlined criteria for "relevance" and "importance" to be applied to nominated areas to determine if it should move forward for additional analysis. **Appendix F** describes the relevance and importance criteria as applied to ACEC nominations.

During scoping for the Dillon RMP, the DFO actively solicited nominations and comments from the public on areas that should receive consideration as ACECs. Nominators were asked to include a boundary of the area, preferably at a 1:24,000 map scale and information and rationale as to why the area met the relevance and importance criteria. As a result of these efforts, a total of 63 nominations, including the MFP nominations, were identified for review in this planning process. **Appendix G** provides additional information on each of the 63 nominations reviewed in this process.

##### *Potential ACECs*

As a result of work completed by a subgroup convened by the Western Montana RAC and a BLM review team, 14 of the 63 nominations reviewed met both the relevance and importance criteria and will move forward for additional consideration as alternatives for the RMP are developed and analyzed. These 14 ACECs are summarized in **Table 35**. Additional information on all nominations is included in the report released by BLM in November 2002 on the ACEC evaluation process (USDI-BLM 2002b) and summarized in **Appendix G**.

**Table 35. Potential Areas of Critical Environmental Concern**

<b>Area Name</b>	<b>Values of Concern</b>	<b>Acres/Miles</b>
Beaverhead Rock	Historic resources	120 acres
Big Sheep Creek Basin	Wetland habitats and associated sensitive plant species	1,000 acres within 25,990 acres
Block Mountain	Geologic features	8,661 acres
Blue Lake	Axolotl habitat	430 acres
Centennial Mountains	Scenic values, grizzly bear, lynx, wolf habitats, wildlife migration, Whipple's beardtongue, avalanche ecology	40,715 acres
Centennial Sandhills	Sand dune complex and associated plant species of special concern	1,040 acres
Centennial Valley Wetlands	Wetland habitats, peregrine falcon, trumpeter swan, and other migratory bird habitat, paleontological resources	17,335 acres
Everson Creek	Cultural resources	8,608 acres
Ferruginous Hawk Nesting Area	Ferruginous hawk nests/habitat	114,300 acres
Lewis & Clark Trail	Historic resources	16 miles
Muddy Creek/Big Sheep Creek	Scenic values, cultural resources	22,829 acres
Thorium City Site	Radioactivity as a natural hazard	82 acres
Virginia City Historic District	Historic resources	340 acres
Westslope Cutthroat Trout Habitats	Westslope cutthroat trout populations with greater than 99% purity	84 miles

### **3.4.2 BACK COUNTRY BYWAYS**

#### **Laws, Regulations, and Policies**

- BLM Handbook H-8357-1 (Byways)

#### **Affected Environment**

The BLM Dillon Field Office manages the 55-mile Big Sheep Creek Back Country Byway, which runs from near the town of Dell through the Big Sheep Creek Canyon, then turns north through Horse Prairie to the intersection with Highway 324 just west of Clark Canyon Reservoir. The Back Country Byway was designated in 1989 as part of a BLM/American

Recreation Coalition initiative to provide for increased opportunities for pleasure driving. There is no development associated with this route except for the Back Country Byway portal sign on the Dell end. One primitive campground is along the Byway at Deadwood Gulch, but is incidental to the Byway. Outstanding scenery, wildlife viewing opportunities, solitude, and cultural and historic resources are highlights of the byway.

### **3.4.3 NATIONAL RECREATION AREAS**

There are no National Recreation Areas in the Dillon Field Office.

## 3.4.4 NATIONAL TRAILS

### Laws, Regulations, and Policies

- National Trails System Act (16 U.S.C. 1241-1249).

### Affected Environment

The Dillon Field Office currently has management responsibility for one National Recreation Trail (Bear Trap Canyon NRT), and portions of one National Scenic Trail (Continental Divide NST) and two National Historic Trails (Lewis & Clark NHT and Nez Perce NHT).

#### *Bear Trap Canyon National Recreation Trail*

Bear Trap Canyon National Recreation Trail is a nine-mile segment of hiking trail within the Bear Trap Canyon Wilderness. The trail is a one-way trail that goes from a trailhead at the north end of the canyon to the point where it terminates at the Madison Dam Powerhouse and is fenced to prevent passage across an emergency spillway. The trail is open only to foot traffic through most of the year, but is also open to pack and saddle stock from October 15 through December 15 to better accommodate big game hunting use in the wilderness area. The trail is maintained annually to the extent staffing and funding allows.

#### **Continental Divide National Scenic Trail**

The Dillon Field Office assumes responsibility for management and maintenance of approximately 21 miles of the Continental Divide NST from Red Rock Pass to the divide between Ching and Odell Creeks in the Centennial Mountains on the Idaho/Montana border. This includes approximately 3 miles

across lands managed by the Beaverhead-Deerlodge National Forest in the vicinity of Red Rock Pass, and approximately 14 miles of trail that crosses back and forth across lands managed by the USDA Agricultural Research Service (Sheep Experiment Station) and the Targhee National Forest in Idaho. Only roughly 3½ miles of the CDNST is actually located on BLM public lands.

#### **Lewis & Clark National Historic Trail**

There are approximately 244 miles of the Lewis & Clark NHT within the boundaries of Madison and Beaverhead Counties. Only approximately 16 miles of that trail cross through BLM public lands. The majority of those trail miles are along the return route from the upper Big Hole Valley back to Clark Canyon Reservoir. The BLM recreation program has provided an interpretive site along the return route on the Grant-to-Bannack road. In cooperation with the USFS, BLM has provided a staging area along Highway 324 prior to the turn-off to Lemhi Pass in order to accommodate visitors with vehicles too long to make the drive over the winding route through the pass. Some interpretive signs, toilet facilities, and picnic tables are provided at this site as well. BLM has also provided an interpretive sign, which is installed at the FWP fishing access site at Notch Bottom along the Big Hole River.

#### **Nez Perce National Historic Trail**

The Nez Perce NHT crosses the through the western portion of the planning area in a north-south direction along the eastern base of the Bitterroot Mountains. Only approximately 6¾ miles of the trail is located across public lands managed by the BLM. There are no recreational or interpretive facilities on BLM lands associated with this trail, and there is no physical evidence of a “trail” on the ground. The location of the trail has been approximated on maps based on historical records of the Nez Perce people fleeing for their lives.

### 3.4.5 WILD AND SCENIC RIVERS

#### Laws, Regulations, and Policies

The BLM's Wild and Scenic Rivers program is authorized under the following laws and policies.

- Wild and Scenic Rivers Act of 1968
- Federal Land Policy and Management Act of 1976
- National Environmental Policy Act of 1969
- Land and Water Conservation Fund Act of 1965
- BLM Manual 8351 (Wild and Scenic Rivers)

#### Affected Environment

There are currently no Wild and Scenic Rivers or congressionally designated study rivers within the planning area.

In an effort to assure that no potentially eligible rivers were inadvertently missed, an interdisciplinary team comprised of BLM staff specialists conducted a systematic inventory and assessment of all rivers in the planning area as defined in the WSR Act. As a result, fifty-two (52) rivers or river segments were assessed in coordination with federal and state river-administering agencies. Applicable source lists, such as the NPS Nationwide Rivers Inventory and the American Rivers Outstanding Rivers List were also consulted. Following the inventory, resource specialists assessed each river segment under the eligibility criteria of free-flowing and possessing one or more outstandingly remarkable values (ORVs). The team reviewed this information and determined ten (10) rivers or river segments were eligible for further evaluation.

In March 2002 the Draft Wild and Scenic Rivers Eligibility Report (USDI-BLM 2002c) was prepared and released for public review. This report identified those eligible rivers or river

segments needing study and assessment for suitability or nonsuitability as potential wild and scenic rivers. Based on additional field work and public comments, several changes were made to that report and the final report (USDI-BLM 2002d) was released in July 2002. The final report dropped three of the ten segments from consideration due to new information on ORVs and resegmented one of the rivers into two segments based on field review to conclude that eight (8) river segments were eligible for further suitability assessment. **Table 36** details the eight (8) river segments moving forward for additional study.

Eligible rivers identified for further study through agency planning processes are protected under BLM's discretionary authority. Existing uses occurring at the time of the evaluation may continue in the same manner and degree on rivers determined eligible for further study. New uses or changes in use will be assessed on a case-by-case basis in an environmental analysis to determine whether the identified river values, the free flow, or the tentative classification could be degraded with new or changed use.

### 3.4.6 WILDERNESS

#### Laws, Regulations, and Policies

- Federal Land Policy and Management Act of 1976
- The Wilderness Act of 1964
- Public Law 98-140, An Act to establish the Lee Metcalf Wilderness and Management Area in the State of Montana, and for other purposes
- Wilderness Management Plan for Bear Trap Canyon Unit of Lee Metcalf Wilderness (USDI-BLM 1984b)
- BLM Management of Designated Wilderness Areas H-8560-1 (USDI-BLM 1988)
- BLM Wilderness Management Policy, September 1981
- BLM Wilderness Inventory and Study Procedures, H6310 (USDI-BLM 2001c)

**Table 36. Eligible Rivers and River Segments in the Planning Area**

River Name	River Segment	Outstandingly Remarkable Values									Tentative Classification			Total Segment Length (Miles)*	BLM Segment Length (Miles)*
		Scenic	Recreation	Geological	Fish	Wildlife	Historic	Cultural	Other Values	Wild	Scenic	Recreational			
Bear Creek	Beginning at the headwaters of Bear Creek in the SW¼ of Section 8, T.15S, R.3W near the Continental Divide and ending where the river leaves the Centennial Wilderness Study Area in the SW¼ of Section 32, T.14S, R.3W.				X							X		2.27	2.27
Beaverhead River	Beginning at the I-15 bridge in the SW¼ of Section 11, T.9S, R.10W and ending where the river leaves BLM lands near Dalys exit in the NW¼ of Section 1, T.9S, R.10W.		X		X		X						X	3.22	2.95
Big Hole River–Divide to Melrose	Beginning at the Hwy 43 bridge near Divide in the NE¼ of Section 13, T.1S, R.9W and ending at the Melrose Bridge in the NW¼ of Section 35, T.2S, R.9W.		X		X								X	13.40	5.27
Big Hole River–Melrose to Notch Bottom	Beginning at the Melrose Bridge in the NW¼ of Section 35, T.2S, R.9W, and ending where the river leaves BLM land at the Notch Bottom in the NW¼ of Section 2, T.5S, R.8W.		X		X		X						X	20.01	4.27
Big Sheep Creek	Beginning in the SE¼ of Section 4, T.15S, R.10W, at the confluence with Rock Creek and ending at the mouth of the canyon in the NW¼ of Section 20, T.13S, R.9W.	X	X						X	X			X	15.47	8.62
Madison River–Cliff Lake to Varney Bridge	Beginning at the bridge in the SW¼ of Section 32, T.11S, R.2E near old townsite of Cliff Lake and ending at Varney Bridge in the SW¼ of Section 8, T.7S, R.1W.	X	X	X		X	X						X	33.57	13.33
Madison River–Powerhouse to N. Wilderness Boundary	Beginning where river enters Bear Trap Unit of the Lee Metcalf Wilderness in the NW¼ of Section 17, T.4S, R.1E and ending where river leaves Bear Trap Unit of the Lee Metcalf Wilderness boundary in the SW¼ of Section 10, T.3 S, R.1E.	X	X									X		7.67	7.67
Madison River–N. Wilderness Boundary to Greycliff	Beginning where river leaves the Bear Trap Unit of the Lee Metcalf Wilderness in the SW¼ of Section 10, T.3S, R.1E, and ending where river leaves public land at Greycliff in the NE¼ of Section 6, T.2S, R.2E.		X				X	X					X	11.06	5.87

\*All lengths were measured from a 1:24,000 topographic map using a hand planimeter.

## **Affected Environment**

The Dillon Field Office is responsible for management of the Bear Trap Canyon Wilderness, the first BLM managed lands to become part of the National Wilderness Preservation System. The Bear Trap Canyon Wilderness was designated as part of the 259,000-acre Lee Metcalf Wilderness (managed mostly by the USFS) on October 31, 1983, and is still the only designated wilderness managed by BLM in Montana. A management plan completed for the wilderness area in 1984 was intended to provide management direction for the area for a 10-year period. The plan has not been revised since, but a request for funding to review the plan was made for fiscal year 2003, and a plan update or revision should be completed by no later than FY 2005.

Current use of the wilderness has increased dramatically since its designation. Primary recreational activities in the wilderness include; camping, fishing, hiking, backpacking, whitewater rafting and kayaking. Important wildlife values include bald eagles, mountain goats, moose, and mule deer. Infestations of noxious weeds, especially knapweed and leafy spurge, have become a major management concern in recent years, and control efforts begun in 2001 have met with some initial success. Weed control efforts are ongoing.

### **3.4.7 WILDERNESS STUDY AREAS**

#### **Laws, Regulations, and Policies**

- Federal Land Policy and Management Act (43 U.S.C. 1701-1782).
- BLM Interim Management Policy and Guidelines for Lands under Wilderness Review

## **Affected Environment**

## **Background**

The BLM Interim Management Policy and Guidelines for Lands under Wilderness Review (USDI-BLM 1995:2) states:

“Under FLPMA, wilderness preservation is part of BLM’s multiple-use mandate, and wilderness values are recognized as part of the spectrum of resource values considered in the land-use planning process. Section 603 of FLPMA specifically directed the BLM, for the first time, to carry out a wilderness review of the public lands.”

It further states (USDI-BLM 1995:3):

“The wilderness review required by Section 603 of FLPMA focused on roadless areas of 5,000 acres or more and on roadless islands. The BLM as a matter of policy used its general management authority under Sections 302 and 202 of FLPMA to include in the wilderness review certain other roadless areas. These included: (1) areas smaller than 5,000 acres that were not islands, (2) areas less than 5,000 acres that had wilderness characteristics in association with contiguous roadless lands managed by another agency, and (3) lands placed under BLM administration after the wilderness inventory was conducted in 1978-80.”

FLPMA mandated that within 15 years the BLM would inventory and study its lands for their wilderness suitability, and that based on this review, the Secretary of Interior would forward his wilderness recommendations to the President. Recommendations for those areas within the Dillon Field Office were included in the Montana Statewide Wilderness Study Report released in September 1991 (USDI-BLM 1991b). Recommendations were signed by the Secretary of Interior and by the President, and forwarded to Congress before the end of that year. As a result of the inventory and study conducted on lands within the Dillon Field Office, eight WSAs were identified under Section 603 and two WSAs were identified

under Section 202 where those lands were contiguous with USFS roadless lands.

FLPMA Section 603 (c) states:

“During the period of review of such areas and **until Congress has determined otherwise** (emphasis added), the Secretary shall continue to manage such lands according to his authority under this Act and other applicable law in a manner so as not to impair the suitability of such areas for preservation as wilderness...”

This language is intended to ensure that the option to either designate lands as wilderness or release them from further consideration as wilderness rests with Congress. It also makes it clear that BLM’s responsibility is to ensure that wilderness values on those lands are not degraded until Congress can make a final determination as to the suitability of those lands for inclusion in the National Wilderness Preservation System. BLM’s actions may not preempt Congress’ authority to make a final decision on those lands that were studied, regardless of whether they were recommended by the BLM as suitable for wilderness designation. Even through the land use planning process, BLM may not assert any further authority over the designation – or release -- of lands studied under Section 603 of FLPMA.

Lands identified as WSAs under the authority of Section 202 are treated differently. “Those WSAs studied under Section 202 of FLPMA and subsequently found to be nonsuitable for wilderness designation may be released from interim management by the BLM State Director 30 days after approval of the land-use plan. Suitable WSAs studied under Section 202 of FLPMA will be studied using the Bureau’s procedures for such areas, remaining under IMP protection until Congress acts. In the interest of consistency with related land-use plans, the State Director also has the option of keeping such areas in wilderness study status, and under interim management, until final decisions have been made on adjacent areas under wilderness review (USDI-BLM 1995:7).”

### ***Wilderness Study Areas in the Dillon Planning Area***

The Dillon Field Office manages ten wilderness study areas totaling approximately 123,000 acres. Eight of those areas were studied under the authority of Section 603, and two were studied under Section 202. Recommendations on nine of those WSAs were included in the Montana Statewide Wilderness Study Report (USDI-BLM 1991b), and those recommendations are shown in **Table 37**.

There was no recommendation in the Montana Statewide Wilderness Study Report on the Tobacco Root Tack-on WSA (MT-076-063). This WSA was studied under FLPMA Section 202 authority, and consists of approximately 860 acres within two separate tracts bordering USFS lands on the west side of the Tobacco Root Mountains near Whitehall, Montana. The Tobacco Root Tack-ons were to be studied in conjunction with the Forest Service’s further planning area, Middle Mountain-Tobacco Roots, as part of the Deerlodge National Forest management plan. The Deerlodge National Forest completed their Forest Plan in September 1987, but did not specifically address the adjacent BLM’s Tobacco Roots Tack-on WSA. The goals identified in the Forest Plan for USFS lands adjacent to the WSA included, “To provide high quality motorized recreation opportunities.” The lands are not being considered for wilderness. As a Section 202 WSA, the BLM should consider disposition of this WSA during the RMP process.

**Table 37. Recommendations on WSAs in the Dillon Field Office**

<b>WSA Name</b>	<b>WSA Number</b>	<b>Total Acreage</b>	<b>Acres Recommended for Wilderness</b>	<b>Acres Recommended for Non-Wilderness</b>
Ruby Mountains	MT-076-001	26,611	15,615	10,996
Blacktail Mountains	MT-076-002	17,479	10,586	6,893
East Fork Blacktail Deer Creek	MT-076-007	6,230	0	6,230
Hidden Pasture Creek	MT-076-022	15,509	0	15,509
Bell/Limekiln Canyons	MT-076-026	9,650	0	9,650
Henneberry Ridge	MT-076-028	9,806	0	9,806
Axolotl Lakes	MT-076-069	7,804	0	7,804
Centennial Mountains	MT-ISA-002	27,691	23,054	4,637
Farlin Creek (Section 202)	MT-076-034	1,139	610	529
Total (Percent Total)		121,919	49,865 (40.9%)	72,054 (59.1%)