

I. BACKGROUND INFORMATION

The *Forest-wide Travel Management Environmental Assessment* (EA) documents the environmental and social effects of implementing changes to existing travel management regulations on roughly 762,670 acres, or 70 percent of the Medicine Bow National Forest (MBNF), in southeast Wyoming. The 762,670 acres being analyzed are currently open to off-road, i.e., cross-country, motorized travel. The remaining 30 percent of the Forest, or 320,363 acres, currently have travel restrictions in place. The EA also describes alternative ways of implementing the proposed regulation changes and the potential effects they could have on the environment. The alternatives were designed to address issues raised during the Scoping process for this analysis and to help achieve the goals and objectives of the Medicine Bow National Forest Land and Resource Management Plan (Forest Plan). Snowmobile regulations would not change under any of the proposed alternatives.

This Decision Notice (DN) and Finding of No Significant Impact (FONSI) fulfills the requirements of 36 Code of Federal Regulation (CFR), Parts 215.1(a) and (b). The DN/FONSI states my decision, applicable to National Forest System lands, for the proposed Forest-wide Travel Management EA. It also includes a discussion of the authorities and requirements that are a part of my decision, and it outlines the rationale used to make the decision. Finally, the DN/FONSI outlines the factors that were considered in my decision, and it provides information related to appeal opportunities available to the public.

The decision documented in this DN/FONSI applies only to lands administered by the Forest Service. Any subsequent decisions by other agencies or jurisdictions whether to issue approvals for activities related to this analysis may be aided by the disclosure of impacts that are identified in the EA.

II. DECISION - The Proposed Action With One Exception

It is my decision to implement the Proposed Action, as described on pages 6 through 10 of the EA, with one exception. In addition to committing to two phases of travel management policy and analysis for the Medicine Bow National Forest, I will also allow individuals possessing a valid Permit for Hunters with Qualifying Disabilities to use an ATV to retrieve downed big game, providing resource damage does not occur.

- Phase I of my decision will change existing travel regulations to restrict all forms of motorized vehicles, with the exception of snowmobiles, to designated routes¹ on 762,670 acres, or 70 percent, of the Medicine Bow National Forest. Phase I will also result in the immediate closure of any user-created route that is causing considerable adverse off-road effects to the environment, as required by 36 CFR 295.5². The remaining user-created routes will remain open, temporarily, to motorized use until the Phase II, site-specific analyses are completed to determine their fate. No user-created

¹ Designated routes include all Forest Development Roads and Trails, as well as user-created roads and trails, marked with a numbered route marker.

² The Forest Service routinely uses the 36 CFR 295.5 authority to close roads and trails that are causing unacceptable adverse off-road vehicle impacts to the environment. For example, in 1999 1 ½ miles of road were closed in the Devil's Playground area on Pole Mountain and another 2 miles were closed around Lake Owen in 1998 using 36 CFR 295.5 closure authority. In the late 1980's, 45 miles of user-created roads were closed in the Deep Jack area of the Brush Creek-Hayden District and another 2 miles were closed in the Cedar Pass area around 1996.

routes will be added to the Forest Transportation System (FTS) until after the completion of the Phase II analyses.

- Phase II of my decision will require the completion of site-specific travel management analyses to decide the future status of the FTS. The Phase II analyses, which will be completed over the next five to seven years, will determine whether or not unplanned and unmanaged user-created roads and trails should be added to the FTS. They will also determine whether or not additional motorized opportunities should be developed or if existing FTS routes should be opened or closed. The Phase II analyses will incorporate the requirements of the anticipated National Roads Policy and will provide further opportunities for public involvement. Although site-specific, Phase II analyses will be completed in all areas of the Forest that have historically been “open” to off-route motorized use, EA page 30 contains a list of areas wherein the analyses will be completed first.

In reaching this decision, I have carefully considered the analyses developed for each alternative described in the EA, the issues raised during the public comment periods for this analysis, the requirements set forth in the Land and Resource Management Plan for the Medicine Bow National Forest (Forest Plan), and the requirements set forth in other applicable laws, regulations, and policies.

A. Activities Associated With Phase I of This Decision

- A Supervisor’s Order will be issued to revise the 1985 Travel Management Map as provided for on pages II-59 and II-60 of the Forest Plan. The Supervisor’s Order will restrict motorized vehicles, with the exception of snowmobiles, to designated roads and trails on the roughly 762,670 acres (the remaining 70 percent of the Forest) that are not currently subject to travel restrictions. EA maps 3 and 3a (EA pages 7 and 8) show the areas of the Forest that will be affected by the Supervisor’s Order;
- All user-created routes causing unacceptable adverse off-road vehicle impacts to the environment will be closed immediately, as required by 36 CFR 295.5.
- User-created routes not causing unacceptable adverse off-road vehicle impacts will remain open, temporarily, to motorized use and will be labeled as “unclassified³” in the transportation database for inventory and tracking purposes only. Although temporary uses will be allowed, these routes are not being added to the FTS. Addition of user-created routes to the FTS may occur only after the completion of the Phase II, site-specific analyses;
- Fiberglass posts with route markers attached to them will be used to identify user-created routes that are temporarily open to motorized use. All FTS routes open to motorized use will be signed according to national standards. Fiberglass posts will also be installed at the terminus of each user-created and FTS route to identify where the route ends. Finally new portal signs explaining the travel regulation changes will be installed at Forest

³ An unclassified route is one that is not constructed, maintained, or intended for long-term vehicle use. They are not on the Forest Service maintenance schedule and are subject to future decisions regarding continued use or decommissioning.

entrances and along major Forest Development Roads; and

- Individuals possessing a valid Permit for Hunters with Qualifying Disabilities, as issued by the Wyoming Game and Fish Department, will be allowed to use an ATV to retrieve downed big game, providing that resource damage does not occur. Game retrieval will be subject to the constraints associated with Alternative 2 (see DN, pages 10 and 11). The effects of allowing such use will be monitored (see DN page 3) to ensure that the environment is not being adversely affected by such use.

B. Activities Associated With Phase II of This Decision

- Beginning immediately, and for the next 5 to 7 years, site-specific travel management analyses will be completed to determine whether or not unplanned and unmanaged user-created roads and trails should be added to the FTS. They will also determine whether or not additional motorized opportunities should be developed or if existing FTS routes should be opened or closed. Decisions pertaining to specific user-created or FTS road/trail closures or retention and additional motorized opportunities will occur only after further public discussion and disclosure through the National Environmental Policy Act process. The site-specific analyses will be completed in conjunction with other resource management projects (e.g., timber sales) or they will be specific to areas wherein user-created roads and trails are causing unacceptable resource damage. The analyses will incorporate the requirements of the anticipated National Roads Policy; and
- Following completion of each site-specific travel management analysis: 1) Fiberglass posts with route markers will be used to identify user-created routes that have been added to the FTS and that are open to motorized use. All FTS routes open to motorized use will be signed according to national standards. Fiberglass posts will be installed at the terminus of each user-created and FTS route to identify where the route ends; and 2) Fiberglass posts will be removed from user-created routes that will not be added to the FTS. National standard signs will also be removed from Forest Development Roads and Trails if, through analysis, it is determined that they no longer are needed as part of the FTS. Removal of the signage will indicate that the routes are no longer open to motorized use.

C. Activities Associated With Both Phases of This Decision

- Motorized travel up to 300 feet off of designated routes will continue to be allowed for such activities as firewood gathering, picnicking, dispersed camping, game retrieval, etc. providing that resource damage does not occur;
- All Federal and Wyoming State laws applying to motorized vehicle use are subject to enforcement. To legally operate an OHV on any designated Forest Service road, the operator must be a licensed driver with a motorcycle endorsement on their license, and the OHV must be legal by State definition of a motor vehicle, (i.e., it must have a valid license plate attached to the vehicle, the vehicle operator must have proof of insurance, and the OHV must have a head light, tail and brake lights, a muffler, a rear view mirror, and a horn);

- Forest Service education and ethics programs and law enforcement efforts pertaining to travel on the National Forest will be increased;
- Mitigation measures 1 through 4, as identified on pages 27 and 28 of the EA, will be implemented.

B. Monitoring Items Associated With this Decision:

Table 1 contains monitoring items that will be implemented under this Decision. These items were developed to determine resource changes brought about by revised travel management regulations.

Table 1. Monitoring Items.

Monitoring Item	When	Who
Creation of new, user-created roads and trails	During future site-specific travel management analyses and during normal law enforcement patrols	Forest engineers, field going personnel, and Forest Protection Officers
Trends in violation notices and reported incidents	Year-round	Forest Protection Officers
Effects on game and non-game wildlife species	During future site-specific travel management analyses	Forest wildlife biologists
User conflicts (e.g. complaints)	Year-round	Forest personnel
Resource damage	Year-round	Forest engineers, field going personnel, and Forest Protection Officers
Conflicts with private landowners	Year-round	Forest personnel
Effects of allowing holders of a valid Permit for Hunters with Qualifying Disabilities to retrieve downed big game	During the big game hunting seasons	Forest personnel

III. DECISION RATIONALE

As discussed below, issues, concerns, comment letters, and public involvement at open house meetings produced a broad spectrum of public preference concerning what the Forest-wide Travel Management decision should be. As the Responsible Official, my decision must show that the Proposed Action meets the purpose of and need for the proposal (pages 7 and 8), that I have considered the comments received and the issues raised, and that the decision is consistent with the Forest Service mission and Land Management Plans, as well as all relevant laws, regulations, and policies. I must also determine how the overall public interest will best be served by selecting the Proposed Action.

Before making my decision, I considered the following questions:

1) How has unrestricted OHV use affected watersheds and ecosystems?

The Forest Plan allows unrestricted OHV use on the majority of the Forest, providing that resource damage does not occur. Unfortunately this has not been the case. Over the years, we have witnessed an increase in resource impacts associated with off-route vehicle use. User-

created trails have been developed, and trees have been cut illegally. If unrestricted OHV use is allowed to continue, cumulative impacts to the watershed will eventually become unacceptable in some areas of the Forest, particularly where highly erodible soils exist, where trails are being shortcut and hill climbs are being developed, and where user-created trails/roads are being developed in inappropriate locations, such as riparian areas. The increasing proliferation of these effects led us to analyze the proposal to restrict off-route vehicle use across the entire Medicine Bow Forest now before the effects of such use becomes unacceptable.

As disclosed on page 73 of the EA, 75 percent of the Forest is currently within ½ mile of over 2,800 miles of roads and trails open to motorized use. This transportation system provides ample access and motorized opportunities on the Forest. However, continued unrestricted motorized use is resulting in additional unplanned and unmanaged roads and trails thereby expanding this network. Motorized use on these routes will ultimately result in unacceptable cumulative effects to the watersheds and ecosystems described above.

Phase I of the Proposed Action includes a positive combination of activities designed to reverse the adverse effects associated with unrestricted off-route vehicular use. For example, eliminating the potential for future user-created routes and immediately closing those user-created routes that are causing considerable adverse impacts to the environment will benefit wildlife by reducing habitat fragmentation associated with roads and trails. Impacts to fisheries, visuals, and soil and water resources, as well as conflicts between motorized and non-motorized Forest users, will also be minimized over time. These actions also have the potential to reduce future infestations of noxious weeds and will preserve the remaining semi-primitive non-motorized (SPNM) areas on the Forest. Phase I of the Proposed Action will also improve consistency with Forest Plan Direction and Standards and Guidelines in areas emphasizing non-motorized recreation, wildlife habitat, and riparian ecosystems, and it will be consistent with travel management direction set forth in the Rocky Mountain Regional Guide. Finally, it will reduce the current level of confusion Forest users have with our existing travel regulations

Phase II of the Proposed Action will also contribute to improved ecosystem and watershed health through analyses and decisions that will close or decommission user-created and FTS routes that have the potential, through continued use, to create resource damage.

For the reasons stated above, I believe the Proposed Action fully achieves the identified purpose and need for this proposal and will improve watershed and ecosystem health.

2) Should this decision be used to close specific user-created routes now instead of waiting until the site-specific travel management analyses are completed?

The intent of this analysis and decision is to stem the growth of resource impacts resulting from the existing, unrestricted cross-country motorized travel policy. I believe that intensive and thorough travel management (road and trail) analyses are needed to ensure that the mixture of roads, trails, and motorized and non-motorized opportunities fit with the available resources and needs of Forest users. However, analyzing each road and trail on a site-specific basis is too big and complex a job to attempt for the entire Forest in one Environmental Assessment, particularly when considering the fact that the Forest contains over 2,800 miles of roads and trails open to motorized use. Discussions with other National Forests, who have attempted to combine a programmatic decision to eliminate off-route travel Forest-wide with site-specific decisions on every route, verified that the Two Phase approach, as outlined in this decision, is the best

approach to take.

Phase I of the Two Phase process was analyzed in the Forest-wide Travel Management EA. It is a long-term travel management strategy that will eliminate further development of user-created routes by restricting cross-country travel to designated routes. It will also result in the immediate closure of user-created routes that are causing considerable adverse off-road vehicle effects. These actions, in and of themselves, will immediately improve resource conditions across the entire Forest while continuing to provide opportunities for primitive motorized recreation.

On the other hand, closing all user-created routes through this decision would completely eliminate any type of motorized trail opportunities on a significant portion of the Forest. The MBNF contains only 100 miles of motorized trails, none of which are located on the Laramie District. Further, immediately closing all user-created routes ignores the reality that they may meet a real need. A systematic approach to inventory them and specific decisions regarding their status makes better management sense. Prompt action to close or revegetate these routes may sound appealing, but it carries the potential for the unwise expenditure of monies in the event that some of these travelways are useful or desirable. Finally, closing all user-created routes now, rather than waiting until the Phase II analyses are completed, could also create a public safety hazard by forcing ORVs to share FTS routes that were designed primarily for passenger vehicles.

Phase II of the Two Phase process is intended to address the site-specific questions about which routes are appropriate to keep open, which ones to close or decommission, and what types of uses are appropriate on remaining routes. Consequently, I am scheduling site-specific project analyses over the next 5 to 7 years which will thoroughly examine the entire transportation network, not just user-created routes. The result will be a system designed to meet the needs of the Forest and its users. These site-specific analyses will be completed in conjunction with analyses for other resource management projects (e.g., timber sales) or will be specific to areas wherein user-created routes are causing unacceptable resource damage.

For the reasons stated above, I have decided to make the programmatic decision to restrict cross-country travel now and schedule the site-specific analyses over the next 5 to 7 years. Using this Two Phase process, we can incorporate the requirements of the anticipated National Road Policy and do a better job of analyzing the transportation network in its entirety rather than focusing solely on user-created routes.

3) How will people who enjoy motorized recreation be affected by this decision?

This decision will have no effect on people who enjoy motorized travel on established routes only. On the other hand, people who enjoy off-route motorized travel (i.e., cross-country travel) could perceive this decision as restricting their personal freedom since off-route motorized travel would be restricted to within 300 feet of designated routes across the entire MBNF. However, given the existing transportation system, and the fact that existing user-created routes will be available for motorized use pending site-specific travel management analyses, most people should be able to continue to access most areas of the Forest and continue to enjoy the experiences they obtain there.

For these reasons, I feel the decision to restrict motorized travel to designated routes is necessary to reduce future impacts to watersheds and ecosystems and to maintain an adequate balance between motorized and non-motorized recreation opportunities.

4) How does this decision compare to the 1997 Routt National Forest travel management decision?

The October 10, 1997 travel management decision issued on the Parks and Yampa Districts of the Routt National Forest restricted motorized use to designated routes on 217,184 acres of the Forest. The decision also closed user-created routes within the 217,184 acre area to motorized use until site-specific travel management analyses are completed to determine whether or not the routes should be added to the Forest Transportation System. This decision affected roughly 17 percent of the Routt National Forest. The Medicine Bow decision, on the other hand, implements a somewhat different management strategy, which affects roughly 70 percent (762,670 acres) of the Forest. Although the Medicine Bow travel management decision restricts motorized use to designated routes, as does the Routt decision, the Medicine Bow decision allows temporary, continued use of user-created routes that are marked open to motorized use until site-specific travel management analyses are completed. The differences between the two decisions are primarily due to variations in the conditions I see between the forests. For example:

- The Routt decision affected a relatively small area that contains a high concentration of single-track motorcycle trails created by Forest users. The type and density of this unmanaged network resulted in impacts that were particularly damaging to Forest resources and ecosystem functions. Because user-created routes on the MBNF are more widely dispersed and less prolific, their effects are less environmentally damaging.
- The majority of user-created routes that were closed were associated with the Calamity Pass Enduro event. These routes are narrow, single-track motorcycle trails that were specifically located to provide a challenge to expert riders entering enduro events (i.e., steep terrain, stream crossings). Although these routes were to be closed to motorized use and rehabilitated at the end of each enduro event, use continued by riders who knew of their existence. Continued use of a user-created trail system that received little maintenance resulted in unacceptable resource effects and led me to the conclusion that they needed to be closed to protect Forest resources.
- The Routt NF contains approximately 300 miles of designated motorized trails as compared to only 100 on the MBNF. Further, motorized trail opportunities on the MBNF are limited to only two of the three Districts. Consequently, closing user-created routes to motorized travel on the MBNF would completely eliminate any type of motorized trail opportunities on a significant portion of the Forest. Conversely, motorized OHV opportunities remain plentiful on the Routt despite the closure of user-created routes on the Parks and Yampa Districts.

The decision to immediately restrict motorized use of user-created routes on the Routt NF was to curtail the particularly damaging effects to Forest resources and ecosystem functions. While we anticipate that similar types of effects will occur on parts of the MBNF if cross-country travel continues, the Forest is not currently experiencing the same level of impacts from use of existing user-created routes that the Parks and Yampa Districts of the Routt was in 1997.

5) Will this decision discriminate against people with disabilities?

We received numerous comments indicating a perception that the Proposed Action would not be consistent with the Americans with Disabilities Act (ADA). However, the ADA applies specifically to providing access to Forest Service facilities rather than to all areas of National Forest System lands. Therefore, a decision to restrict motorized use to designated routes will not violate the ADA.

Although this decision will not violate the ADA, I am particularly sensitive to the needs of people with disabilities. Therefore, I have decided to allow individuals who possess a valid Permit for Hunters with Qualifying Disabilities, as issued by the Wyoming Game and Fish Department, to retrieve downed big game using a motorized vehicle subject to the constraints associated with Alternative 2 (See DN pages 10 and 11). Our research indicates that, over the last nine years, roughly 1,000 such permits have been issued Statewide. Due to the minimal number of permits issued in this timeframe, I do not believe that allowing valid permit holders to travel cross-country to retrieve downed big game will adversely affect the environment. The effects of allowing valid permit holders to retrieve downed big game using a motorized vehicle will, however, be monitored (see DN page 3) to ensure that the environment is not being adversely affected by such use.

Based on the reasons described above, this decision does not discriminate against people with disabilities nor does it violate the ADA.

6) How will big game retrieval be affected by this decision?

Under this decision, non-disabled hunters will not be able to use a motorized vehicle beyond 300 feet of designated roads and trails to retrieve downed big game. However, given our current motorized road and trail system, there are very few areas on the Forest that are farther than 1/2 mile from a road or trail open to motorized use. Thus, unless an animal was downed in a wilderness area, cases in which a hunter had to retrieve a downed animal that was more than 1/2 mile from a road would be relatively few. Moreover, although the existing transportation system allows relatively easy access to most of the Forest, some areas of the Forest do have more roads and trails than other areas. The density of roads and trails in a particular area is based on the area's Management emphasis, as outlined in the Forest Plan. Areas with higher road/trail densities will obviously provide greater access to specific areas on the Forest and increase the ease with which downed big game can be retrieved than will areas with a lower road/trail density. Consequently, hunters who are concerned about ease of retrieving big game could plan to hunt in areas with higher road/trail densities.

This decision allows those who possess a valid Permit for Hunters with Qualifying Disabilities to retrieve downed big game using a motorized vehicle. It also allows big game retrieval up to 300 feet from roads, provided no resource damage occurs. Therefore, I find that additional provisions for big game retrieval are not necessary. Further, even though the effects of allowing off-road travel for big game retrieval were analyzed by mountain range and hunt area in the EA, for the reasons outlined in the paragraphs above, I also find that a Forest-wide restriction for big game retrieval using a motorized vehicle is necessary.

7) Should Laramie Peak be included in this decision?

Although it is recognized that Laramie Peak is not currently experiencing the same level of impact from unrestricted off-route use as the rest of the forest, I have decided to apply this decision Forest-wide for the following reasons:

- It is desirable to provide the same level of resource protection across the entire forest;
- Implementing the same restrictions across the Forest will improve understanding of the regulation by both forest users and Forest Service personnel to the ultimate benefit of the resources;
- Historically, when environmentally oriented restrictions are applied to only that part of the forest experiencing damage; the impacts simply move to areas where the restrictions do not apply – thereby causing the same problem in a different location;
- Applying this decision Forest-wide would result in consistency with the Regional Guide and other, adjacent Forests.

In conclusion, implementing this decision Forest-wide - including the Laramie Peak unit - would reduce the potential for misunderstanding and improve resource conditions over the long term.

IV. PURPOSE OF AND NEED FOR THE DECISION

The *purpose* of this decision is to:

- Reduce resource impacts by: 1) stopping off-route travel; 2) eliminating the proliferation of user-created routes; and 3) closing user-created routes that are causing considerable adverse impacts;
- Protect the environment while providing opportunities for resource management (e.g. livestock grazing, timber harvest, mineral exploration, etc.);
- Provide a variety of recreation opportunities for Forest users;
- Minimize user conflicts; and
- Reduce confusion occurring as a result of existing MBNF travel regulations.

The decision is *needed* to:

- Reduce adverse resource impacts caused by unrestricted vehicular use in order to maintain and restore the health of ecosystems and watersheds;
- Improve wildlife habitat effectiveness;
- Minimize increasing conflicts between motorized and non-motorized Forest users;
- Minimize conflicts with private landowners;
- Improve consistency across the Forest; and
- Maintain consistency with Forest Plan Direction, Standards and Guidelines and to follow the Rocky Mountain Regional Guide (Amended May 1992; Technical Corrections, June 1995).

A more detailed description of the Purpose and Need is contained on EA pages 10 and 11.

V. ISSUES AND ALTERNATIVES CONSIDERED IN DETAIL

Alternatives were developed by the ID Team to address the issues related to the *Forest-wide Travel Management Environmental Assessment*. Issues generated during the analysis process include:

Key Issues Leading to the Development of the Proposed Action

Key issues that led to the development of the Proposed Action are described in section IV of this decision. Please refer to that section for a more in-depth discussion of the key issues.

Key Issues Used to Develop Alternatives to the Proposed Action

The issues outlined below were generated using information contained in public comment letters received during the January 28, 1998 scoping effort and the 45-day comment period for the Forest-wide Travel Management EA (beginning April 15, 1999). More detailed information related to these issues is contained on pages 15 and 16 of the EA.

- **The Proposed Action is too restrictive and limits personal freedom**
- **The Proposed Action reduces game retrieval opportunities**
- **The Proposed Action discriminates against the elderly and people with disabilities**
- **Distance allowed for off-route travel is too great**
- **Laramie Peak should be excluded from the proposal**

Alternatives Analyzed in Detail in the EA

PROPOSED ACTION: Restrict Motorized Vehicle Use to Designated Routes

The Proposed Action was designed to address issues related to: a) Wildlife habitat effectiveness; b) Conflicts with private landowners; c) Adverse resource impacts caused by unrestricted off-route vehicular use; d) Conflicts between motorized and non-motorized Forest users; e) Inconsistent regulations and lack of consistent signing and law enforcement; and f) Maintaining consistency with the Forest Plan and following the Rocky Mountain Regional Guide.

Under Phase I of the Proposed Action, existing travel regulations would be changed to restrict all forms of motorized vehicles, with the exception of snowmobiles, to designated routes (see Glossary). The travel regulation changes would apply to all areas of the Forest where motorized travel is not already restricted (762,666 acres or 70 percent of the Forest). The changes would also apply to seasonal closure areas (e.g. Battle Mountain, Beaver/Etna Creek, and Bear Mountain) and to all areas currently designated as “6” and “7” on the 1985 Travel Map. Finally, the changes would apply to areas designated as “4” on the 1985 Travel Map during the summer months only. Maps 3 and 3a (pages 7 and 8) show the areas where the proposed travel regulation changes would be implemented. Phase I would also result in the immediate closure of all user-created routes that are causing unacceptable resource impacts to the environment.

Under Phase II, site-specific travel management analyses would be completed to determine whether or not to add unplanned and unmanaged user-created roads and trails to the Forest Transportation System (FTS) or to decommission them. The analyses would also determine whether or not additional motorized opportunities should be developed or if existing FTS routes should be opened or closed. The analyses would be completed over the next five to seven years

and would incorporate the requirements of the anticipated National Roads Policy. Decisions pertaining to the Phase II analyses would be made only after further public discussion and disclosure. EA page 29 contains a prioritized list of areas wherein future site-specific travel management analyses would be conducted.

The following information provides a more detailed description of the proposed travel regulation changes:

Areas currently classified as:

- a) **“Areas closed to motorized travel on and off Forest roads and trails, except on designated routes with a white arrow, during the period December 1 to April 30.** This regulation applies to all areas designated as “4” on the 1985 Travel Map.
- b) **“Areas (are) currently open yearlong to the use of motorized travel off of Forest Development roads and trails providing resource damage does not occur.”** This regulation applies to all areas designated as “6” on the 1985 Travel Map.
- c) **“Areas (are) closed to motorized travel on and off Forest roads and trails (except on designated routes with a white arrow) except for low pressure tire vehicles, motorcycles, bicycles, ground-effect or air-cushion vehicles, and low pressure tracked vehicles. Areas is closed to all motorized travel on and off roads and trails during the period December 1 to April 30.”** This regulation applies to all areas designated as “7” on the 1985 Travel Map.
- d) **“Areas (are) closed September 1 to November 15 to motorized travel on and off Forest roads and trails.”** This regulation applies to seasonal closure areas, including Battle Mountain, Beaver/Etna Creeks, and Bear Mountain. Appendix A provides a listing of all existing area closures and travel restrictions.

Would be changed to:

“Motorized vehicles are restricted yearlong to designated roads and trails in all areas of the Forest. Off-route motorized travel is not allowed. Motorized travel up to 300 feet off of designated routes could occur for such activities as firewood gathering, dispersed camping, game retrieval, picnicking, etc. providing that resource damage does not occur.”

For reasons articulated on pages 4 through 9 of this Decision Notice, this is the alternative I have selected for implementation.

ALTERNATIVE 1: No Action - Existing Travel Regulations Would Remain Unchanged

The No Action alternative was designed to address issues related to: a) The restrictive nature of the Proposed Action and limitations on personal freedom; b) Game retrieval; c) Discrimination

against the elderly and people with disabilities; and d) The need to exclude the Laramie Peak area of the Douglas Ranger District from the Proposed Action.

Under the No Action alternative, MBNF travel regulations would not be revised. All existing travel restrictions would remain in place in areas currently restricted to off-route motorized travel. All areas open to off-route motorized travel would also remain open. Maps 2 and 2a (pages 4 and 5) display open areas and areas where travel restrictions are currently in place.

I did not select the No Action alternative primarily because I believe the proliferation of future user-created roads and trails will become unacceptable in terms of effects to resources. The effects seen on the ground today were not anticipated when cross-country travel was initially allowed in the 1985 Forest Plan. The large increase in Forest visitors and advances in technology were also not anticipated in the 1985 Forest Plan. Further, the No Action alternative would not improve conflicts between motorized and non-motorized Forest users, and it would not reduce confusion resulting from varying travel regulations from point to point on the Forest.

ALTERNATIVE 2: Allow Use of Off-road Vehicles for Big Game Retrieval

Alternative 2 was designed to address issues related to: a) Game retrieval; and b) Discrimination against the elderly and people with disabilities.

All aspects of the Proposed Action would apply to Alternative 2. The only difference between the Proposed Action and Alternative 2 is that, under Alternative 2, off-route motorized vehicles 48 inches in width or less would be allowed to travel off of designated roads and trails during the big game hunting season. They would also be allowed to travel behind Forest Service gated roads. Off-route motorized travel would be allowed for big game retrieval only, providing resource damage does not occur. For the purposes of this analysis, big game is defined as elk, deer, antelope, moose, and bighorn sheep.

Other aspects of Alternative 2 include:

- 1) Game retrieval would not be allowed in areas of the Forest where motorized travel is currently restricted.
- 2) Restricted areas include Ashenfelder, Bear Mountain, the Sandstone area, Beaver/Etna Creeks, Battle Mountain, South Brush Creek, Cedar, Rob Roy Reservoir area, Hog Park Reservoir area, Jack Creek Campground area, and all areas designated as 1, 2, 3, and 5 on the 1985 Travel Map. Restricted areas also include non-motorized trails.
- 3) Motorized vehicles would not be allowed more than 300 feet off of designated roads and trails in the Pennock Mountain area of the Brush Creek/Hayden Ranger District.
- 4) Motorized vehicles 48 inches in width or less would be allowed behind all closed roads regardless of closure type (e.g. gates, tank traps, etc.) in areas where motorized travel is not currently restricted.

- 5) Game retrieval would be allowed from 10:00 a.m. until 3:00 p.m. and from 1/2 hour after sunset until midnight.
- 6) One vehicle per downed animal could be used for game retrieval.
- 7) A validated carcass tag must be attached to the downed animal or in the possession of the person(s) using a motorized vehicle to travel off of designated routes while transporting game from the field.

I did not select Alternative 2 for the following reasons: 1) The proliferation of user-created routes would have continued, albeit at a slower rate; 2) Most of the user conflicts and resource damage associated with unrestricted off-route vehicular use occur during the hunting season; therefore, it would be counter-intuitive to allow motorized game retrieval off-route during the hunting season; 3) Allowing game retrieval on closed Forest roads, although only for a short period of time and only by a limited number of users, could negate any rehabilitation efforts that may have been undertaken to slow or stop erosion; and 4) It would be counter productive to allow motorized traffic on roads currently closed for wildlife habitat protection.

ALTERNATIVE 3: Reduce Off-route Travel Restriction from 300 Feet to 100 Feet

Alternative 3 was designed to address issues related to: a) Wildlife habitat effectiveness; b) Conflicts with private landowners; c) Adverse resource impacts caused by unrestricted off-route vehicular use; d) Conflicts between motorized and non-motorized Forest users; e) Inconsistent regulations and lack of consistent signing and law enforcement; f) Conflicts with the Forest Plan and the Rocky Mountain Regional Guide; and g) Distance allowed for off-route travel is too great.

All aspects of the Proposed Action would apply to Alternative 3. The only difference between the alternatives is that, under Alternative 3, motorized travel off of designated routes would be reduced from 300 feet to 100 feet, providing that resource damage does not occur. The ability to travel 100 feet off-route would allow for such activities as firewood gathering, camping, game retrieval, picnicking, etc.

I did not select Alternative 3 because I did not feel that the benefits of the additional restriction were warranted. Our experience with the 300 foot off-route limit appears reasonable since some off-route travel is needed for such activities as camping, parking, and firewood gathering. Furthermore, the 300 foot off-route provision does not authorize cross-country travel, and it is consistent with what is allowed throughout Region 2.

ALTERNATIVE 4: Travel Restrictions in the Snowy Range, Sierra Madre, and in Defined Blocks of Land on Laramie Peak

Alternative 4 was designed to address issues related to: a) Wildlife habitat effectiveness; b) Conflicts with private landowners; c) Adverse resource impacts caused by unrestricted off-route vehicular use; d) Conflicts between motorized and non-motorized Forest users; e) Inconsistent regulations and lack of consistent signing and law enforcement; and f) Conflicts with the Forest Plan and the Rocky Mountain Regional Guide. It was also designed to address, in part,

significant issues related to excluding the Laramie Peak area of the Douglas Ranger District from the Proposed Action.

Under Alternative 4, all aspects of the Proposed Action would apply to defined blocks of land on the Laramie Peak area of the Douglas Ranger District. All aspects of the Proposed Action would also apply to the entire Sierra Madre and Snowy Range areas of the Forest.

Defined blocks of land wherein the Proposed Action would apply to the Laramie Peak area were selected for the following reasons:

- 1) The blocks can be easily managed;
- 2) The blocks have legal public access (easements);
- 3) Private lands within the defined blocks have the potential to be included in the National Forest System through land exchanges;
- 4) These areas are experiencing resource damage and conflicts between Forest users and private landowners as a result of off-route motorized vehicle use; and
- 5) Travel regulations can more easily be enforced in these areas.

I did not select Alternative 4 because it would maintain a complex mixture of travel regulations; it would not protect resources in areas outside of the defined blocks; it would not be consistent with direction contained in the Regional Guide and other, adjacent forests; and it could shift impacts from one area of the Forest to another.

VI. ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED STUDY

ALTERNATIVE 5: Close User-created Routes, but Allow Travel on Forest Service Routes

This alternative would have continued to allow motorized travel on Forest Service routes, but user-created routes would have been closed.

The Interdisciplinary Team initially considered this approach, but eventually eliminated it from detailed study. The reasons why Alternative 5 was eliminated from detailed study are outlined on pages 5 and 6 of this Decision Notice and in more detail on pages 26 and 28 of the EA.

ALTERNATIVE 6: Allow Off-route Motorized Travel in “Specified Areas” Only

This alternative would have restricted motorized travel to designated routes across part of the Forest and would have allowed for off-route travel in specified areas.

Under this alternative, motorized use would have been concentrated in specified areas (e.g. specific Mountain Ranges or elk hunt areas). To allow flexibility in decision making, the effects of the alternatives analyzed in this EA are displayed by Mountain Range (Snowy Range, Sierra Madre, and Laramie Peak) or, in the case of Alternative 2, by Wyoming Game and Fish Department elk hunt area (see Chapter IV). By displaying the effects in this manner, the decision maker would have been able to apply features associated with the selected alternative to the entire Forest or to specific portions of it. Consequently, Alternative 6 falls within the range of alternatives already analyzed in this EA.

ALTERNATIVE 7: Exclude the Laramie Peak Area from the Proposed Action

This alternative would have excluded the entire Laramie Peak mountain range from the Proposed Action.

This alternative was eliminated from detailed study because exclusion of Laramie Peak is addressed by the No Action alternative.

ALTERNATIVE 8: Restrict the Use of Motorized Vehicles Off of Designated Routes During the Big Game Hunting Season.

This alternative would restrict the use of motorized vehicles off of designated routes during the big game hunting season, but would allow such use during the remainder of the year.

Typically the Forest Service develops alternatives in response to public comments received on a Proposed Action. We did not receive comments indicating that motorized vehicle use off of designated routes during the big game hunting season should be restricted but allowed during the remainder of the year. Therefore, we neither developed nor analyzed in detail an alternative that would address this scenario.

VII. PUBLIC INVOLVEMENT AND SCOPING

Scoping (40 CFR 1501.7) was an integral part of the environmental analysis process for determining the scope of issues to be addressed and for identifying the environmental issues related to the Proposed Action and the alternatives. Scoping and public participation activities associated with this analysis and decision are described on EA pages 13 and 14. Issues that were identified as part of the scoping and public participation process are described on pages 8 and 9 of this Decision.

VIII. FOREST PLAN CONSISTENCY AND FINDINGS REQUIRED BY OTHER LAWS

My decision complies with the procedural requirements of NEPA. It is entirely consistent with the Forest Plan, as required by 36 CFR 219.10(e). It also complies with other laws and regulations, such as the Clean Water Act, the Endangered Species Act, the National Historic Preservation Act, and Executive Orders 11988 and 11990 (Wetlands and Floodplains).

I find that this decision is also consistent with all other laws and regulations that affect the management of the National Forest System lands.

Floodplains, wetlands, prime lands, threatened and endangered species, cultural resources, minerals, civil rights, consumers, women, minority groups, and other environmental factors have been considered and I have determined that they would not be adversely affected by project implementation.

IX. FINDING OF NO SIGNIFICANT IMPACT

After reviewing the Environmental Assessment, I have determined that this decision will not cause significant environmental effects, as defined in 40 CFR 1508.27. In addition, this decision is not a major Federal action that would significantly affect the quality of the human

environment either individually or cumulatively. Therefore, an Environmental Impact Statement is not needed. This determination is based on the following factors:

- Effects of this decision will be limited to 70 percent of the MBNF where year-round travel restrictions are not already in place. This decision will immediately close all user-created routes that are causing unacceptable adverse impacts to the environment, as required by 36 CFR 295.5. This decision will also apply consistent travel regulation restrictions to the entire Forest. Finally, the effects of this decision are expected to be beneficial to the environment in both the short and long-term.
- Anticipated effects associated with the alternatives are discussed in Chapters II and IV of the EA. As articulated in EA Chapter IV, the effects of the Proposed Action (Decision) are not significant in the context of direct, indirect, and cumulative effects and are expected to be beneficial to the environment in both the short and long-term.
- This decision does not affect public health and will improve public safety since actions will be taken to ensure licensing of drivers, and ATVs will be required to meet Federal and State requirements for safety devices (e.g., headlights, horns, etc.). The Proposed Action will not violate Federal, State, or local law; rather it will result in more active enforcement of Federal and State laws (see EA pages 80 – 83).
- This decision will not adversely affect parklands, prime farmlands, wild and scenic rivers, or ecologically critical areas. An effect of restricting cross-country travel to designated routes will reduce adverse resource damage that is currently occurring to wetland areas (see EA pages 104 – 107).
- A review of literature and existing records, as well as surveys in the field, indicated that this decision will not cause the loss or destruction of significant scientific, cultural, or historical resources (see EA pages 107 – 109).
- This decision will not adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places (see EA pages 107 – 109).
- The effects of restricting motorized use to designated routes on public lands are articulated in Chapter IV of the EA. There are no known areas of scientific controversy surrounding the effects of such restrictions.
- There will be no uncertain, unique, or unknown risks to the human environment as a result of implementing this decision.
- This decision is limited to restricting motorized travel to designated routes Forest-wide and does not set a precedent for future site-specific decisions. While future decisions may tier to this decision and analysis, they will be based on their own unique, site-specific analyses.
- A Biological Evaluation (BE) and a Biological Assessment (BA) were prepared for this project. Determinations listed on pages 12 through 14 of the BE and BA indicate that the

Proposed Action would have no effect on any Federally listed or Proposed species or on any Forest Service Region 2 Sensitive species.

In accordance with 50 CFR 402.12 (c), informal consultation was conducted with the U.S. Fish and Wildlife Service (USFWS) in Cheyenne, Wyoming (Letter dated March 11, 1999). Further consultation with the USFWS was not necessary because the proposed project is not a major construction project (50 CFR 404.02); it will not result in significant impacts; and it did not require the preparation of an Environmental Impact Statement (FSM 2671.45b).

The determination of this Finding of No Significant Impact is "Tiered" to the Environmental Impact Statement for the Forest Plan (40 CFR 1502.20).

X. IMPLEMENTATION DATE

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

XI. CONTACT PERSON

For further information, contact Melissa Martin, Laramie Ranger District, 2468 Jackson Street, Laramie, Wyoming 82070.

XII. APPEAL OPPORTUNITY

This decision is subject to appeal pursuant to 36 CFR 215.7. A written Notice of Appeal must be submitted within 45 days of the day after notice of this decision is published in the Laramie Daily Boomerang, Laramie, Wyoming. The appeal must be submitted to:

USDA, Forest Service, Region 2
ATTN: Appeals Deciding Officer
P.O. Box 25127
Lakewood, CO 80225-0127

Appeals must meet content requirements of 36 CFR 215.14. A copy of the environmental analysis is available for public review at the Laramie Ranger District, 2468 Jackson Street, Laramie, Wyoming 82070.

For further information on this decision, contact Melissa Martin at the Laramie District office. Telephone (307) 745-2371.

/s/ Jerry E. Schmidt

October 16, 2000

JERRY E. SCHMIDT
Forest Supervisor

Date