

**U.S. Department of the Interior
Bureau of Land Management**

October 2011

**Decision Record
and
Finding of No Significant Impact**

Bear Lake Travel Management Plan

DOI-BLM-ID-I020-2011-0013-EA

U.S. Department of the Interior
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NOTICE OF FIELD MANAGER'S DECISION

Decision

After careful consideration of the comparative Environmental Analysis (EA) presented in DOI-BLM-ID-I020-2011-0013-EA it is my decision to implement the Bear Lake Travel Management Plan (BLTMP), Alternative B as modified, for the Bear Lake County planning area. A proposed Decision Record, implementing Alternative B for the EA was issued on July 22. Comment period for the decision was extended until August 22, 2011. Public comments received for implementing Alternative B during the commenting period included: 1) the need to implement seasonal closure restrictions to all motorized vehicles to protect wildlife resources, 2) add routes that were missed in the inventory process, 3) exchange routes that were identified for designation for more preferential routes that were not identified for designation, 4) designate routes that paralleled power lines which were not identified for designation, 5) proposals to designate a route that was historically closed to motorized travel to gain access for a private residential development to connect to Fish Haven Canyon, and 6) requests to maintain the existing closure on the route north of Fish Haven Canyon due to conflicts with home owners living adjacent to the closed route.

The BLM met with grazing permittees, local user groups, concerned individuals, and other governmental organizations at the office and in the field to look at specific areas, routes, and issues brought forward during the commenting period. After reviewing comments and conducting field visits to provide thorough considerations, the BLM made specific modifications to Alternative B. Modifications made included: 1) adding Seasonal Closure restrictions (Nov. 16 – May 15) to all motorized vehicles on 11 miles of designated routes adjacent to Bear Lake on the east side to protect wildlife resources, 2) adding the routes missed in the inventory process, and 3) adding (designating) and dropping (not designating) specific routes which were more preferential for travel and access as suggested by local user groups, 4) and add a few segments of routes paralleling power lines.

After conducting field visits to the travel planning area, the BLM made other modifications to Alternative B. Some of the designated routes had significant vegetation regrowth, showed signs of no use, faded away, were extremely difficult to follow, and ended on private lands posted as "No Trespassing." These types of routes were modified from designated to non-designated in Alternative B. Under this travel plan, 139 miles of routes would be designated for motorized travel.

The overall mileage of designated routes decreased in the modified Alternative B plan to 139 miles compared to the original 142 miles, which includes adding the 11 miles identified for Seasonal Closures. Seasonal Closures will restrict motorized vehicles, including over snow machines, from traveling on the designated routes from Nov. 16 – May 15 annually. No cross country travel would be authorized for wheeled motorized vehicles. Over snow machines within big game winter range are authorized for travel on designated routes only and no cross country travel is allowed. Over snow machines would be allowed to cross country travel outside big game winter range.

The following actions and conditions also apply to this alternative:

- ***Change in Designations:*** The OHV Designations: “(3), (4), (6), and (8)”, including the “*Un-numbered Areas that are open to all Vehicle Use*” under the current management situation identified in the 1988 Pocatello RMP will be changed to “*Wheeled Vehicles limited to designated routes, snowmobiles limited to designated routes within Big Game Winter Range, not restricted outside of Big Game Winter Range.*” The “*Closed to all Vehicles*” designation under the current management will remain in effect for the Pine Gap and Dairy Hollow Research Natural Areas and the Worm Creek Wilderness Study Area.
- ***Road-Side Use Limitation:*** Pulling a motorized vehicle off a designated route (e.g., for parking, camping, and other dispersed recreational activities) would be limited to a single perpendicular distance of 300 feet from the edge of the route (no travel parallel to a route).
- ***Proposed Parking Areas:*** The proposed parking area where Loveland Lane ends on public lands administered by the BLM, associated with the section of trail just to the south of Fish Haven Creek, will be improved to accommodate multiple vehicles with trailers. The existing parking area was created over time by users to access two existing designated trails for motorized use 60 inches or less in width. The trail leading west out of the small parking area connects to other trails located on U.S. Forest Service public lands.

The parking area will be approximately 2 acres in size and will be constructed by leveling the site and hardening it with gravel or other hardening materials. Kiosks will be installed for informational purposes, such as the posting of rules and regulations and the displaying of maps and interpretive materials. Signs, barricades, and other parking area devices will be installed to direct and control the flow of traffic.

In addition, a parking area similar in size and construction will be developed at the entrance to Maple Canyon located on public lands managed by the BLM. The proposed parking area/trail head would be developed to serve as a staging area for the non-motorized trail in Maple Canyon, which is located on lands managed by the U.S. Forest Service.

- ***Game Retrieval:*** Motorized use off of designated motorized routes (cross country travel), including game retrieval, will not be permitted.
- ***Emergency Use:*** Any fire, emergency, or law enforcement vehicle while being used for emergency purposes is excluded from traveling on designated routes only (i.e., in accordance with 43 CFR 8340.0-5) throughout the planning area regardless of the area or route designation. When possible, emergency vehicles will attempt to utilize existing routes; however, there may be instances where traveling off-route would be necessary.
- ***Methods of Route Closure:*** A variety of closure methods would be considered depending on site specific circumstances. In general, minimum closure techniques supporting resource needs would be used. Methods of closure may include one or more of the following activities: signing, natural rehabilitation, obscuring the road entrance, blocking the road entrance, and/or scarifying, seeding and/or planting the road surface. A BLM approved seed mix would be used when disturbances from route closures or rehabilitation

are planted and seeded. Regardless of the method employed, closed roads would be monitored for the presence of weeds on a periodic basis and treated as needed to prevent their spread.

- **Route Maintenance:** Motorized route segments could receive periodic maintenance including smoothing of tread, removal of rocks or other obstacles, installation of rolling dips or water bars, cleanout of water bars, and repair of gullies and rills on the route surfaces. Maintenance of motorized routes may require mechanized equipment, whereas maintenance of single track trails could be carried out with the use of hand tools.
- **Permanent Closure:** In order to prevent adverse impacts to Bonneville Cutthroat trout habitat associated with user-defined crossings of Fish Haven Creek, a temporary closure to motorized vehicles, not to exceed 24 months, was instituted at these crossing areas in August 2010 under the emergency closure authorities provided under 43 CFR §8364 (Closures and Restrictions). Under Alternative B, the closure of these areas will become permanent.
- **Mapping Errors:** Despite the efforts of personnel to “ground truth” existing routes within the planning area in the 2010 inventory, some errors may still be identified on the maps and they will be corrected as they are found. Correction of mapping errors would not change the effects of any of the alternatives and additional routes will not be added to the alternatives. Maps will be corrected as necessary to accurately reflect the routes on the landscape.
- **Future closures or restrictions:** Future closures and restrictions on existing motorized routes to prevent resource damage or user conflicts will be evaluated and implemented as needed through separate individual environmental assessments or per emergency closure authorities provided under 43 CFR §8340 - Off-Road Vehicles. Future development of new routes will also be evaluated and implemented through individual environmental analysis.
- **Cultural Resource Inventories:** Prior to the implementation of any ground-disturbing activities associated with the improvement of the Loveland Lane and Fish Haven Creek parking areas or connected with the closure and rehabilitation of closed routes, a Class III cultural resource inventory will be conducted within a defined Area of Potential Effects (APE) in consultation with the Idaho SHPO and Shoshone-Bannock Tribes, as appropriate.
- **Travel Variance/Authorization:** Any vehicle whose use is expressly authorized by the authorized officer (i.e., in accordance with 43 CFR 8340.0-5) in writing that is not consistent with designated routes.

The development and approval of this travel management plan constitutes a federal action subject to the provisions of the National Environmental Policy Act (NEPA). In the preparation of the Environmental Assessment (EA), the potential direct, indirect and cumulative impacts associated with the Proposed Action and alternatives were analyzed. Preparation of the document has been in accordance with the Council on Environmental Quality (CEQ) regulations implementing NEPA

(40 Code of Federal Regulations [CFR] § 1500 et. seq.), BLM guidelines for land use planning in BLM Handbook H-1601-1, BLM guidelines for implementing NEPA in BLM Handbook H-1790-1, and the Idaho Falls District Guide for Implementing NEPA (IM-ID-300-09-004).

Rationale

The implementation of the BLTMP will provide for quality motorized recreational access while improving the health and condition of vegetation, soils, wildlife habitat, and water quality in the Bear Lake planning area by closing redundant and unnecessary routes. In the long-term, the implementation of the BLTMP will provide the foundation to prevent unnecessary closures or restrictions stemming from preventable resource damage or user conflicts and will, therefore, protect rather than inhibit motorized travel in the Bear Lake planning area.

Public Involvement

The PFO initiated the travel management planning process by issuing a press release on November 5, 2009 to local newspapers inviting the public to participate in the development of the EA by providing written comments. In conjunction with the press release, a mailing list was developed that included grazing permittees, cooperating agencies, and organizations that might have a vested interest in the BLTMP. A scoping letter was sent to these interested publics on November 9, 2009.

The press release and scoping letter offered the public two ways to participate. They could attend one of three public scoping meetings or provide input online at http://www.blm.gov/id/st/en/fo/pocatello/travel_management.html. The 30-day scoping period started on November 11, 2009.

The three meetings were held at the Logan Library, Northeast Conference Room, Logan, Utah on November 17, 2009; the Lodge at the Reserve, Fish Haven, Idaho on November 18, 2009; and the National Oregon/California Trail Center, Forest Service Conference Room, Montpelier, Idaho on November 19, 2009.

At the meetings, the PFO presented motorized travel route maps derived from 2004 National Agricultural Imagery Program (NAIP) aerial imagery. Line features on the aerial image that appeared as motorized travel routes were digitized using Geographic Information System (GIS) software. The PFO also provided forms for written comments.

Also, at the meetings, the PFO asked participants to consider the following criteria when making written comments: 1) preliminary resource concerns such as impacts to visual resources, vegetation, soils, range, wildlife, etc., 2) access issues across private land, 3) redundant roads and trails, 4) areas that require additional protection to help preserve natural resources, 5) areas that could be further developed to increase recreational opportunities, 6) routes that are missing from the data, and 7) existing roads where public safety is a concern. The public were given the option of either presenting written comments at the meetings or mailing comments prior to the conclusion of the comment period.

The website provided an opportunity for the public to comment if they could not attend the meetings. The same commenting opportunities available at the meetings were available through the website.

In January 2010, the PFO compiled and reviewed the public scoping comments. The PFO received numerous comments from individuals, permittees, cooperating agencies, and organizations. The public expressed confusion over where the existing routes were since many of the assumed routes were actually game trails, cow trails, or river beds and washes. Based on this input, the PFO determined that the NAIP aerial images were an inadequate means of defining existing routes and a complete on-the-ground route inventory was needed. An inventory was initiated in June 2010 and completed in Nov. 2010.

In Decemebr 2010, a BLM Interdisciplinary Team (IDT) was assembled to examine the route inventory. Because all existing routes were currently open for motorized travel under the current land use plan, this completed inventory represented the No Action Alternative for the purposes of the BLTMP. If the BLM took no steps to change current management as described in the plan, this situation would not change. The definition of a No Action alternative is important because it provides a comparative baseline from which to evaluate the consequences of taking alternative courses of action.

In January and February 2011, the IDT began developing alternatives to No Action for the BLTMP. As discussed, management alternatives that alter the current status of existing routes are needed to reduce or minimize natural and cultural resource impacts that are known to be occurring within the planning area. By altering the degree of management emphasis between resource protection and the need for public access, two alternative alternatives to the No Action alternative were developed.

After the development of the alternatives (Alt. A – No Action, Alt. B – Proposed Action, Alt C – Conservative Action), the PFO issued a press release on February 14, 2011 to local newspapers for the notification of a public scoping meeting being held at the National Oregon/California Trail Center, Forest Service Conference Room, Montpelier, Idaho on February 24, 2011 from 5 p.m. to 7 p.m. The purpose of the meeting was to solicit and acquire public comments and present the alternatives. On February 23, 2011 The News Examiner published an article detailing the scoping meeting. In addition to the news article, a scoping letter was also sent out on February 14, 2011 to all the individuals on the BLTMP mailing list. Both the newspaper article and scoping letter indicated that the public could either attend the meeting or visit the website located at http://www.blm.gov/id/st/en/fo/pocatello/travel_management.html to view maps of the various alternatives.

The official start of the 30-day public comment period for the alternatives began on February 24 and ended March 24, 2011. During the 30-day comment period, the BLM received numerous comments which asked the BLM to consider implementing seasonal closures to protect wildlife resources, re-open and not re-open the current closed route to the north side of Fish Haven Canyon, provide the criteria that was used to develop the alternatives concerning sage-grouse protection from motorized travel in the EA, implement either Alternatives A, B or C, maintain access for

permittees, and provide an additional opportunity to comment, snow free, due to snow covering ground to see the proposed designated routes.

Based on comments brought forth from the comment period and the request of an additional comment period, the BLM sent out a scoping letter, sent April 14, 2011, that stated the EA, The Finding of No Significant Impact (FONSI), and a Proposed Decision Record (PDR) was completed. In the scoping letter, the BLM stated that prior to making a final decision it would like to solicit comments on the proposed selection of Alternative B, snow free, for a 30-day comment period starting July 22 and ending August 22, 2011. Alternative B was selected as the proposed decision based on the belief that the alternative stroked a balance between the need to provide ample and varied recreational access with the necessity of reducing and eliminating on-going adverse impacts to important natural and cultural resources. The completed EA, FONSI, and PDR were placed on the http://www.blm.gov/id/st/en/fo/pocatello/travel_management.html website for review and hard copies were made available upon request.

Issues

Concluding the comment period, the IDT examined the responses to derive common threads that could be used to delineate issues to further refine the range of alternatives. A wide range of comments and concerns were expressed. Several respondents expressed support for an alternative that would not reduce the present level of access. Other respondents were concerned about keeping specific routes designated or not designating individual routes or route segments for which they had a personal interest.

An internal scoping process was conducted by a BLM Interdisciplinary Team (IDT). The primary issue derived from this process was the observation that a large number of redundant routes, short cuts, and dead ends were located in areas of resource concern, such as big game winter range, key sage-grouse habitat, on erodible soils, and crossing fish-bearing streams.

One group expressed a strong interest in the conservation of sage-grouse and their habitat, while other respondents did not feel that there was sufficient information presented to provide an informed commentary. The BLM sent data that was used to analyze the impacts of sage-grouse from motorized use and provided the rationale used in developing the alternatives, as requested.

Comments gathered suggested that the BLM establish through routes and work with Bear Lake County to ensure public access to major travel corridors. The BLM received route data from Bear Lake County officials which showed county claimed routes. All public county access was kept open to ensure access to major travel corridors.

Other comments asked the BLM to maintain scenic observation points, hunting access points, and maintain access to these key areas. The BLM kept some scenic observation points, access points, and maintained access to key areas.

Individuals requested the BLM re-open a current closed route for motorized travel north of Fish Haven Canyon leading to add on a newly constructed route to Sam's Hollow Drainage to provide access for a private residential community to Fish Haven Canyon. In conjunction with individuals requesting access, other individuals requested that the BLM not re-open the closed

route or develop a trail from the north side of Fish Haven Canon to the private residential community. The BLM took into consideration the public's comments arguing for and against the requested to re-open the closed route and develop a new constructed route to tie together to provide access from Fish Haven Canyon to the private residential community.

The BLM analysis determined there was adequate public access for all residents in the Bear Lake region to access Fish Haven Canyon via the BLM access point located at the end of Loveland Lane. This access point had a new ATV/UTV/Snowmobile route built recently to accommodate for all residents to gain access to Fish Haven Canyon to connect onto Forest Service Trails. A new bridge was also added to the route to cross safely over Fish Haven Creek verses having to negotiate through the creek. The bridge also provided fish passage which was being impeded by motorized vehicles driving through the creek. Also, Alternative B proposes a parking area/trail head to be developed at the public access point at the end of Loveland which will accommodate large vehicles with trailers for unloading/loading ATV/UTV/Snowmobiles.

The BLM determined the request to re-open the closed route north of Fish Haven Canyon was controversial in nature based on the number of individuals stating they did not want it to be re-opened and a new route constructed. Home owners living in close proximity to the closed route commented that they opposed any motorized travel adjacent to their homes due to the creation of noise, dust, and exhaust fumes. Other home owners commented that they opposed motorized use behind their homes because it would disrupt the deer, elk, and moose they often see and look forward to seeing. The area behind their homes and where the closed route is located is important big game winter range. Finally, home owners adjacent to the closed route commented that they fear that re-opening the route would invite trespassers onto their property when their homes were vacant and the potential for access to, theft, and vandalism would take place. The BLM feels that only one public access to Fish Haven Canyon is needed and is provided.

A specific comment received requested that a trials bike area be developed near Indian Creek. The area could be constructed to offer competitive bike trials events. Along with the construction of a trails bike area, motorcycle single track routes were also requested to be constructed. The travel plan analyzed existing routes to be designated only and any construction for new trails will be analyzed in a separate environmental document.

Designation and Closure Criteria

In order to develop the alternatives, the IDT compared the distribution of existing routes with various natural resource data layers in GIS. These resource data layers included: sage-grouse key habitat, fisheries habitat, pigmy rabbit habitat, steep slopes, big game winter range, erodible soils, streams, riparian areas, and the distribution of sensitive plant species. Areas of overlap between existing routes and natural resource distributions provided the IDT with an idea of which routes were most likely to create adverse environmental impacts.

Environmental impacts associated with the use of individual routes were weighed against the perceived value of the route for transportation and access. By varying the perceived value of routes for transportation against the likelihood of environmental impacts, alternatives were created that designated different combinations of routes as either open or closed to motorized use across the planning area. For example, redundant and user-created routes, dead ends, and short cuts

(those having low transportation and access value) in areas of high natural or cultural resource values would likely be proposed for closure under one of the alternative travel management scenarios.

Similarly, user-defined routes (those resulting from ad-hoc cross country travel) on steep side slopes might be considered for closure due to public safety and soil erosion concerns. On the other hand, routes that provided access to recreational facilities (those having high transportation and access value) would not likely be considered for closure unless the route was redundant or represented a short cut regardless of the type of habitat in which it was located.

Land Use Plan Conformance

The modified Alternative B (the Proposed Action) was reviewed for conformance with the Pocatello Resource Management Plan and Environmental Impact Statement. The modified Alternative B is consistent with the RMP decision that:

“Public lands will be designated as open, limited, or closed to motorized vehicles. In making these determinations, BLM will consider the following:

1. Public safety.
2. Resolving conflicts between uses of public lands.
3. Resource Protection requirements.
4. Public access requirements for recreational use (BLM 1988:13)

Appeal Procedures

This travel plan decision is subject to a 30-day public appeal period. You have the right to appeal to the Interior 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 1, 2011. 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 Land Appeals. The appellant has the burden of showing that the Decision appealed 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 filed together with a Notice of Appeal (see 43 CFR 4.21(a)). The provisions of 43 CFR 4.21(b) defines the standards and procedures for filing a petition to obtain a stay pending appeal.

/s/ David A. Pacioretty

10/26/11

David A. Pacioretty
Field Manager

Date

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

I have reviewed the direct, indirect and cumulative effects of the alternatives documented in the EA (DOI-BLM-ID-I020-2011-0013-EA) for the Bear Lake Travel Management Plan. I have also reviewed the project record associated with this analysis and the effects of the Proposed Action and alternatives, as disclosed in the Affected Environment and Environmental Impacts and Cumulative Impacts sections of the EA. I have determined the Bear Lake Travel Management Plan designated as Alternative B (the Proposed Action), as modified, is in conformance with the 1988 Pocatello RMP relating to: Access, Existing and Potential Land Uses, Fisheries, Invasive, Non-Native Species, Migratory Birds, Range Resources, Recreational Use, Soils, Threatened, Endangered, and Sensitive Animals, Threatened, Endangered, and Sensitive Fish, Threatened, Endangered, and Sensitive Plants, Vegetation, Water Quality (Surface and Ground), Wetland and Riparian Zones, and Wildlife.

Implementing regulations for NEPA (40 CFR 1508.27) provide criteria for determining the significance of effects. Significant, as used in NEPA, requires consideration of both context and intensity.

(a) Context. This requirement means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short-and long-term effects are relevant (40 CFR 1508.27):

The disclosure of effects in the EA found the actions limited in context. Effects are local in nature and are not likely to significantly affect regional or national resources.

(b) Intensity. This requirement refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following are considered in evaluating intensity (40 CFR 1508.27):

1. *Impacts that may be both beneficial and adverse.*

The analysis documented in DOI-BLM-ID-I020-2011-0013-EA did not identify any individually significant short-or long-term impacts.

2. *The degree to which the proposed action affects public health or safety.*

No significant effects on public health and safety were identified in the EA.

3. *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*

No significant effects on unique characteristics of the geographic area, historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas were identified in the EA.

4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*
Public and tribal comments gathered through the process did not identify effects on the quality of the human environment that were likely to be highly controversial. The comments received were helpful in identifying relevant issues, desired routes and desired future conditions of the natural resources. No significant individual or cumulative impacts are anticipated as a result of this action.
5. *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*
The analysis did not identify any effects on the human environment which are highly uncertain or involve unique or unknown risks. The use of off-highway vehicles on public lands has been well-established for decades, and has been documented on roads and trails throughout the field office.
6. *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*
The analysis showed how the alternatives would implement direction in the Pocatello RMP, and would not establish precedent for any future actions.
7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*
The analysis did not identify any known significant cumulative effects
8. *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.*
Consultation under the National Historic Preservation Act (NHPA) of 1966 (as amended) has been conducted in accordance with the BLM National Programmatic Agreement and the implementing Protocol agreement between Idaho BLM and Idaho State Historic Preservation Office. The analysis showed that the alternatives would not result in adverse effects to cultural or historical resources.
9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.*
The analysis revealed that there are no threatened or endangered species or their habitat within the travel management planning area.
10. *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*
The analysis in the EA shows that the alternatives are consistent with Federal, State, and local laws or requirements imposed for protection of the environment.

I have reviewed the Council on Environmental Quality Regulations (CEQ) for significance (40 CFR 1508.27) and have determined the actions analyzed in the EA would not constitute a major Federal action that would significantly affect the quality of the human environment; therefore an Environmental Impact Statement is not required.

/s/ David A. Pacioretty

10/26/11

David A. Pacioretty
Field Manager

Date