

**United States Department of the Interior  
Bureau of Land Management, Owyhee Field Office**

**Murphy Subregion Travel Management Plan  
Environmental Assessment #ID-130-2007-EA-3431**

**Decision Record**

**Decision**

After carefully considering the analysis of EA ID-130-2007-EA-3431, my decision is to implement Alternative D. This alternative was developed to incorporate information the BLM received during the comment period subsequent to the Draft Environmental Assessment (EA). This alternative also represents cooperative planning and consultation between the Owyhee County Commissioners, the Owyhee County Recreation Task Force and the BLM. In a series of meetings, these separate entities, while not able to reach total concurrence, were able to reach a general consensus represented by Alternative D.

The Proposed Action (Alternative D) consists of the following changes from Alternative B in the Draft EA:

- Designated route mileage increases from 834 miles in Alternative B to 840 miles in the Proposed Action (Alternative D). This is due to the addition of Rights of Ways and routes important to ranching operations, communication tower maintenance, and providing for connectivity. These routes were previously designated as closed in Alternative B and have been designated as open in Alternative D.
- Alternative D would retain the "45" parking area and fence its perimeter to prevent further expansion.
- Construction of approximately two miles of fence from the "45" parking area, running directly west, then north connecting with the existing Mulford Milkvetch exclosure fence (Map 20). This fence would be constructed to protect special status plant populations and eliminate access to play areas being created adjacent to the "45" and surrounding area. Play areas are inconsistent with the RMP.
- Construction of approximately 1.75 miles of fence adjacent to highway 78 south of Noble Island. The fence will protect special status plant populations and will eliminate user created parking areas and play areas that are being created. This fence will also be tied into the existing Mulford Milkvetch exclosure fence eliminating motorized access to roughly 600 acres (Map 20).
- Additional closure miles and monitoring language was added for the protection of Golden Eagles.

- Seasonal closure miles for sage grouse increased from 12 miles in Alternative B to 68 miles in Alternative D (Map 6).
- Seasonal closure dates were extended from March 1 thru May 31 in Alternative B to March 1 thru June 15 in Alternative D.
- A provision was added allowing for temporary closures prohibiting motorized use throughout the Murphy Subregion based on adverse environmental conditions (ex. wet spring) in order to prevent damage to soil resources and road surfaces. This would be in accordance with Executive Order 11989 (1977).
- Signing language was also added to Alternative D stating that: all spur roads (not otherwise restricted) ending on BLM land would be signed to indicate they are dead end routes; all routes that dead end at a private land boundary would be signed to indicate that they are not through routes; and all routes that physically continue onto private lands would be signed to indicate that there are private lands ahead and permission to cross would be required. Where it is appropriate, signs and boulders, fencing, or other barriers would be installed at the end of a spur route to prevent further expansion.

### **Summary of the Decision – Alternative D**

The Proposed Action (Section 2.5.4) would designate a system of 840 miles of roads and trails and 430 miles of roads or trails would be closed to motorized and mechanized uses and rehabilitated. Eighty-five miles of existing non-maintained ATV trails would be added to the current maintained ATV trail system for a total of 185 miles. Maintained ATV trails would be managed for and limited to machines 50” or less in width, which is in accordance with the Idaho Statute definition for ATV’s. One hundred and fifty-two miles of single track trail would be designated and maintained for motorized (motorcycle) or non-motorized uses (none are presently designated or maintained). Competitive uses (motorcycle or mountain bike) would be allowed on 471 miles (90%) of the previously utilized roads and trails and an additional 27 miles of designated single track and ATV routes would be added and available.

Approximately 68 miles of routes would be closed seasonally to create large contiguous tracts of sage grouse nesting habitat that would be free from disturbance from March 1 through June 15. In addition to the 68 miles of seasonal closures, approximately 17 miles of routes would be closed permanently for the protection of sage grouse leks. Approximately 48 miles of routes would be closed to reduce disturbance to Golden Eagles year-long. Approximately 86 miles of routes would be closed in areas identified in the Owyhee RMP as habitat for Bighorn Sheep.

The Fossil Creek Trailhead would be enclosed by perimeter fencing to prevent any increase in trailhead size. The user created parking area at the “45” would be retained as a parking area and enclosed by perimeter fencing to prevent any increase in size. Approximately two miles of fence would be installed in order to prohibit access to the user created defacto play areas adjacent to the “45”. Parking areas would be formalized at the Silver City/Old Stage Road junction and at a location approximately one mile further south on the Silver City Road. The Windy Point

pipeline route would be re-opened to motorized uses as necessary repairs and pipeline hardening have been completed. Vehicle travel in Sinker Creek would be prohibited.

### **Rationale**

The Proposed Action (Alternative D) is in conformance with the Owyhee Resource Management Plan (RMP) issued in December 1999. The RMP identified all public lands within the Owyhee Field Office as either “open”, “limited”, or “closed” to off-highway motor vehicle use. The entire 261,000 acre Owyhee Front Special Recreation Management Area (SRMA), including the 233,000-acre Murphy Subregion, is designated as “limited to designated roads and trails,” but is currently managed as “limited to existing roads and trails” until the route designation process is completed.

Adoption of the Proposed Action effectively addresses the Purpose and Need (Section 1.1) of the Travel Management Plan and meets the objectives of the Owyhee RMP in that it would:

- Limit Off-highway vehicle use on the Owyhee Front SRMA.
- Implement Owyhee RMP OHV decision Objective RECT 1 by designating roads and trails (routes) for use by motorized vehicles while protecting sensitive resource values.
- Implement Owyhee RMP OHV decision Objective RECT 2 by providing special management attention to areas of public land with identified special recreational, scenic, and cultural values where current and projected recreational demand warrants intensive management.
- Implement the Owyhee RMP decision Objective RECT 4 by providing high quality recreation opportunities and experiences in the Owyhee Front at developed and undeveloped recreation sites by maintaining existing amenities and by providing new recreation sites as appropriate for resource protection.
- Implement the Owyhee RMP decision Objective RECT 5 by developing a trail system that provides a range of motorized and non-motorized recreation opportunities for the public’s enjoyment of primitive, semi-primitive non-motorized, semi-primitive motorized, and roaded natural settings.
- Provide a 233,000 acre area of the 261,000 acre Owyhee Front Special Recreation Management Area (SRMA) that emphasizes motorized recreational opportunities.
- Provide a motorized transportation system that meets the needs of motorized recreationists, grazing permittees, and local communities that depend on and regularly use public lands.
- Provide for the allowance of up to six permitted competitive motorcycle events annually within the Competitive Use area on existing historically used routes.

- Implement a management program that discourages the creation of new routes and reduces the number of duplicate and redundant routes.
- Manage for recreational opportunities and experiences within wild horse herd management areas while protecting wild and free-roaming horses and their habitat.
- Confine motorized use to designated routes in environmentally sensitive locations.
  - Reduce the number of miles of routes within or immediately adjacent to riparian areas.
  - Designate routes using criteria from the Statewide Sage-grouse Strategy to provide separation between OHV use and key sage grouse habitat.
  - Designate routes to avoid or minimize OHV use in occupied special status plant habitat.
  - Designate routes to reduce and limit OHV use within areas with highly erosive soils.

### **Authority**

The authority for the Travel Management Plan (TMP) designations is located in the Code of Federal Regulations (CFR). Designations of areas and trails as open, closed or limited to motorized use is required and authorized under 43 CFR 8342 Designation of Areas and Trails. These designations would be effective upon issuance of the Decision Record. Designation of areas open, closed or limited for motorized and other uses, or conditions of use, is authorized under 43 CFR 8364.1

The Decision is in conformance with the current Owyhee Resource Management Plan (1999).

The Murphy Subregion TMP would be in compliance with Executive Order 11644 (1972), which directed federal agencies “to establish policies and procedures that will ensure the use of off-road vehicles on public lands will be controlled and directed to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize the conflict among various users of those lands and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors.”

The Order also requires Federal agencies to designate specific areas where the use of off-road vehicles may or may not be permitted, and “to monitor the effects of off-road vehicles on public lands and amend or rescind management decisions in order to further the policy of this order.”

This TMP would be in compliance with Executive Order 11989 (1977), which directs federal land managers to immediately close areas or trails to off-road vehicles whenever the land manager determines that “the use of the off-road vehicle will cause or is causing considerable adverse effects on the soil, vegetation, wildlife, wildlife habitats or cultural or historic resources of particular areas or trails until such adverse effects have been eliminated and that measures have been implemented to prevent further recurrence.”

The Decision is also in compliance with Appendix C of BLM’s H-1601-1, *Land Use Planning Handbook*, which advises, “Comprehensive travel management planning should address all resource user aspects (such as recreational, traditional, casual, agricultural, commercial, and

educational) and accompanying modes and conditions of travel on public lands, not just motorized or off-highway vehicle activities.” The handbook further advises that. “...for areas classified as limited, consider a full range of possibilities, including travel that will be limited to types of modes of travel, such as foot, equestrian, bicycle, motorized, etc.; limited to time or season of use; limited to certain types of vehicles (OHVs, motorcycles, all-terrain vehicles, high clearance, etc.) The handbook also requires that BLM, “...establish a process to identify specific areas, roads and/or trails that will be available for public use, and specify limitations placed on use. Travel Management Plans are to include:

- A map of routes for all travel modes.
- Criteria to select or reject specific roads and trails in the final management network.
- Guidelines for managing, monitoring, and maintaining the system.

### **Public Involvement**

The BLM conducted extensive scoping throughout the entire process of this environmental assessment to determine the desires, perspectives and concerns of the public and local government. In developing the Murphy Subregion TMP, the BLM met more than 20 times with a wide range of individuals, organizations and interest groups, including motorcycle, ATV, 4x4, environmental groups, private land owners, and rock collectors. The BLM also met and consulted multiple times with the Owyhee County Government, Owyhee County Recreation Task Force, Shoshone-Paiute Tribes, State Agencies, the Resource Advisory Council (RAC), and grazing permittees.

In addition, the BLM held two public meetings (in Marsing and Nampa, Idaho) to discuss key issues with the interested public. The public meetings were advertised via the internet, newspapers, and through BLM mailing lists. This dialogue helped to identify the key management issues to be addressed in the Murphy Subregion TMP.

Once the draft EA was completed, the BLM made the document available on the internet, mailed it to interested publics on the current mailing lists, and initiated a 30 day public comment period. The BLM then held two more public scoping meetings located in Murphy ID and Boise ID. These meetings were advertised via the internet, newspapers, BLM mailing lists, and flyers were posted at parking areas, trailheads, and within subdivisions throughout the area. During this period the BLM received, and has responded to, numerous comments regarding the Draft EA (see appendix 2).

### **How to Appeal this Decision**

The decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Public notification of this decision will be considered to have occurred on April 17, 2009. Within 30 days of this decision notification, a notice of appeal must be filed in the office of the authorized officer at Bureau of Land Management, Boise District Office, 3948 Development Ave., Boise ID 83705. If a

statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the authorized officer.

If you wish to file a petition for stay pursuant to 43 CFR Part 4.21(b), the petition for stay should accompany your notice of appeal and shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of irreparable harm to the appellant or resources if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the authorized officer.

A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken and on the Boise Field Solicitors Office, U.S. Department of the Interior, University Plaza, 960 Broadway Avenue Suite 400, Boise, Idaho 83706 not later than 15 days after filing the document with the authorized officer and/or IBLA.

**Signatures**

**Approved by:**  \_\_\_\_\_  
**Buddy Green, Owyhee Field Office Manager**

**Date:** 4/17/09