



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
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In Reply Refer To:
9200 (MTB070)

April 2, 2014

Dear Reader:

The Bureau of Land Management (BLM) Butte Field Office has completed the Jefferson County Southeast Environmental Assessment (JCSE EA) (EA #: DOI-BLM-MT-B070-2013-18-EA), which is available on the Butte Field Office website at: <http://blm.gov/11kd>. The JCSE EA fully analyzes four alternatives. Contained in this document are the Decision Record (DR), Finding of No Significant Impact Statement (FONSI), and Comments and Responses (Appendix A).

Background

The JCSE EA was developed to improve land health and enhance biodiversity while continuing to provide for livestock grazing and to address travel management needs.

The public was involved and interested throughout the development of this EA. Public comments helped to define issues and develop alternatives for accomplishing management goals and objectives. Public participation in this project started in January, 2013 with a public scoping notice mailed to approximately 48 individuals, organizations, and tribes, in addition to a press release requesting public input during scoping. BLM received 95 responses providing comments on the proposal. Comments were addressed by modifying and refining project design features, creating alternatives, incorporating the comments into analysis, or explaining why the comment did not warrant further agency response. The BLM reviewed the public comments received during scoping and used the comments to develop and refine the alternatives and design the agency preferred alternative to be responsive to public concerns.

An Environmental Assessment was released for public review and comment on June 10, 2013. An open house was held June 24, 2013 in Whitehall to collect comments on the EA and travel plan. BLM received 8 responses providing comments. In response to public comment, the EA was revised and the preferred alternative, alternatives, and environmental impacts were adjusted accordingly. Responses to substantive comments are located in Appendix A.

DECISION RECORD (DR)
Jefferson County South East Environmental Assessment
DOI-BLM-MT-B070-2013-18-EA

Decision and Summary of the Selected Alternative

It is my decision to implement Alternative C (Preferred Alternative) in the Jefferson County Southeast Planning Area Environmental Assessment, as described in the Environmental Assessment **DOI-BLM-MT-B070-2013-18-EA**.

Included in Alternative C are range permit renewals, range improvement projects, riparian treatments, fuels treatments, and a travel management plan which all have separate decisions that include protest and appeal provisions.

Rationale for the Decision

My decision is based on Land Health Evaluation and Assessment Reports, impacts disclosed in the Jefferson County Southeast Planning Area Environmental Assessment (DOI-BLM-MT-070-2013-18-EA), site specific monitoring and assessments in the related allotment files, other detailed resource reports, first-hand knowledge of my staff, and review of public comments. I have reviewed the alternatives analyzed in detail to determine if they were responsive to the purpose and need for this proposal and the issues relevant to it. I also reviewed the alternatives that were considered, but not analyzed in detail, to help me decide if the analysis had considered a range of reasonable alternatives. I find that the alternatives considered address the key issues and provide a reasonable range to consider.

Selecting Alternative C (Preferred Alternative), improves land health and enhances biodiversity while continuing to provide opportunities for livestock grazing and addresses travel management needs. The action outlined in this decision is in conformance with the Butte Field Office Resource Management Plan, the Federal Land Policy and Management Act, and BLM policies and Federal regulations.

The completed EA is available on the Butte Field Office website: <http://blm.gov/11kd>.

Appeal Process

The protest and appeal processes for the range permit renewals, range improvement projects, riparian treatments, fuels treatments, and a travel management plan are all described in detail within their representative decisions. Seventeen individual decisions and a separate decision record for the travel management plan will all be issued under this Environmental Assessment.

//SIGNED by Scott Haight
Authorized Officer

4/2/14
Date of Signature

FINDING OF NO SIGNIFICANT IMPACT (FONSI)
Jefferson County South East Environmental Assessment
DOI-BLM-MT-B070-2013-18-EA

I have reviewed the Jefferson County South East Environmental Assessment including the explanation and resolution of any potentially significant environmental impacts, and reviewed and thoroughly considered all public comments regarding the EA. I have reviewed the Council on Environmental Quality (CEQ) regulations at 40 CFR 1508.27, which define *significance* as used in NEPA, and have found that the actions analyzed in the Jefferson County Southeast Environmental Assessment (EA) (EA #: DOI-BLM-MT-B070-2013-18-EA) would not constitute a major Federal action that would significantly affect the quality of the human environment. Therefore, an Environmental Impact Statement (EIS) will not be prepared.

I base my finding on the following:

Implementing regulations for NEPA (40 CFR 1508.27) provide criteria for determining the significance of effects. Significance, as used in NEPA, requires consideration of both context and intensity. The disclosure of effects in the environmental assessment found the action is limited in context. Effects are local in nature and are not likely to significantly affect regional or national resources.

(1) *Impacts that may be both beneficial and/or adverse.*

The analysis documented in EA #: DOI-BLM-MT-B070-2013-18-EA did not identify any individually significant short- or long-term impacts.

(2) *The degree to which the preferred alternative affects public health or safety.*

The environmental analysis documented no major effects on public health and safety.

(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.*

The environmental analysis documented no major effects on unique geographic features of the area, cultural or historic resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

(4) *The degree to which the effects on the quality or the human environment are likely to be highly controversial.*

Based on public comment, internal discussion and the analysis of the actions, the effects on the human environment are not likely to be highly controversial by professionals, specialists, and scientists. While some of the public comments received indicate the selected alternative may be controversial, I do not believe that there is significant controversy over the effects 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 environmental analysis did not identify any effects on the human environment which are highly uncertain or involve unique or unknown risks. Grazing has occurred in this area prior to the Taylor Grazing Act, 1934, and is a compatible land use.

(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 preferred alternative neither establishes a precedent for future BLM actions with significant effects nor represents a decision in principle about a future consideration. Any other proposals for this area will be subject to full NEPA disclosure.

(7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

The environmental analysis documents the connected and cumulative impacts with the scope of the analysis area. The cumulative effects of past, present, and reasonably foreseeable actions are considered and disclosed in the impacts section of the analysis. The cumulative effects are not significant.

(8) *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed, or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.*

The preferred alternative has been considered and would not adversely affect districts, sites, highways, structures, or objects in or eligible for listing in the National Register of Historic Places. The preferred alternative is also not considered to cause loss or destruction of significant scientific, cultural, or historic 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.*

No effects are anticipated to species listed as Threatened or Endangered under the Endangered Species Act. Grizzly bears (Threatened), Canada lynx (Threatened), or wolverine (Proposed) may occasionally migrate or disperse through the area. However, favored habitat for these species does not occur and no Federally listed animal species are known to be permanent residents in the PA. There is no designated Critical Habitat in the planning area. No Threatened, Endangered, or Candidate plant species are known to occur in the project area.

(10) *Whether the action threatens a violation of Federal, state, or local law or requirements imposed for the protection of the environment.*

The environmental analysis documents that the preferred alternative is consistent with Federal, State, and local laws or requirements imposed for the protection of the environment.

I have also considered, as required in Executive Order 13212, whether any adverse impacts to the production of energy will result from this Decision, and have determined no adverse impacts will occur.

____//SIGNED//____ Date 4/2/2014
Butte Field Manager

Appendix A Comments and Responses

This appendix contains the substantive public comments received on the June 10, 2013, Jefferson County Southeast Planning Area Environmental Assessment (EA), including comments on the proposed Travel Plan, and the BLM responses to those comments. The BLM considered and responded to all substantive comments in preparing the complete April 2014 EA, Finding of No Significant Impact, and Decision Record. A substantive comment requests clarification or more discussion on a relevant topic, gives new information affecting the analysis, questions analytical techniques, or suggests new alternatives. BLM did not prepare responses to comments that simply expressed a preference for a particular alternative or action, but we did consider those comments when completing the analysis and preparing the Decision Record.

The responses to substantive comments are presented below and are also reflected by changes made to the initial environmental assessment. Comments have been grouped together by similar subject matter, edited for brevity or clarity, and combined with other similar comments; therefore comment statements may not be exact quotes of any one person or organization.

Table 1.1 is a list of commenters and their corresponding comment letter designation. The letter number is shown at the end of the comment statement in parenthesis to identify the individual(s) or group(s) who made the comment.

Table 1.1 – Log of Comment Letters

Letter No.	Name
1	Native Ecosystem Council & Alliance for the Wild Rockies
2	John and Susan Pullman
3	Grant Godbolt
4	Tom Harrington
5	Doug Salsbury
6	Don Drake
7	Justin Gibson
8	Capital Trail Vehicle Association

Renewal of Term Grazing Permits

1. **Comment:** Those 4 allotments contain riparian areas that are being degraded by livestock (static downward trend on 2.9 miles of streams within the allotments). None of these allotments are meeting the riparian wetland Land Health Standards. (1)

Response: Conifer encroachment and the presence of noxious weeds were also listed as causal factors for Standard #2 (Riparian-Wetland Health) not being met within Bull Mtn., Cottonwood Springs, South Doherty, and 3 East Pastures Allotments. As per 43 CFR Subpart 4180, Alternatives C and D modify grazing management to promote riparian improvement.

2. **Comment:** Bull Mountain, South Doherty, Three East Pastures developments will require extensive work. New water development in South Doherty and Three East Pastures will increase livestock distribution and increase impacts on wildlife. Seems like a lot of the problems cannot be fixed without a lot of money and increased impacts to wildlife will result. So what is the point of fixing the problem? (1)

Response: The Butte RMP authorizes livestock grazing use on approximately 270,000 acres of the Butte Field Office, including most of the BLM-administered lands in the JCSE Planning Area. No grazing (Alternative B) is not considered necessary except in specific, localized situations where livestock use may be incompatible with attainment of land health standards or with other management objectives. Please see JCSE EA Section 2.2, *Alternatives Considered but Eliminated from Further Analysis* for additional rationale. The effects analysis in Section 3.3 of the EA concludes that the proposed developments would reduce livestock impacts to riparian areas, provide the opportunity to make significant progress towards meeting the BLM's Standards for Rangeland Health, and increase the composition and cover of desirable riparian species. Increasing livestock distribution would be expected to decrease impacts to isolated areas, primarily in riparian areas.

3. **Comment:** If rest rotation grazing would work on this allotment, why hasn't it been done before? Season long grazing, as noted in the EA, is detrimental to plant health. Same goes for the other 3 allotments. (1)

Response: Under the existing livestock grazing plan on the Bull Mountain Allotment, all the pastures are grazed each year under a deferred rotation strategy. This was done to shorten time in certain riparian areas, most importantly the Middle Fork Riparian Reach BDLW-2. The Jefferson County South East Assessment Report, of March, 2013, found a portion of the Middle Fork Reach to be Functioning At Risk with a downward trend (1.02 miles). The report also found a portion of the reach to be in Proper Functioning Condition (0.90 miles). The existing grazing strategy (deferred rotation of each pasture) is showing riparian improvement on all reaches in the Bull Mountain Allotment, with the exception of this 1.02 mile portion of the Middle Fork Riparian Reach. The steep sidehills of the Middle Fork Riparian Reach push livestock to the drainage bottom each time this pasture is grazed. A rest rotation grazing plan is based upon scientific studies which have found rest to be beneficial to some riparian systems. All of the studies which have identified steps toward proper riparian grazing management stress the crucial need for adequate rest or at least a cessation of grazing in time to allow plant regrowth to occur. From *Successful Strategies for Grazing Cattle in Riparian Zones*. Riparian Bulletin No. 4 January, 1998. (Ehrhart and Hansen). The following reference has been added to the References section of the EA: 1998, *Successful Strategies for Grazing Cattle in Riparian Zones*, Robert C. Ehrhart and Paul L. Hansen.

4. **Comment:** In the Cottonwood Springs riparian areas, it appears that cottonwood trees are not able to reproduce, which is a serious biodiversity problem. (1)

Response: Alternatives B, C, and D would be expected to provide for the recruitment of cottonwood within JFLW-1, a stream reach in the Cottonwood Springs riparian areas.

5. **Comment:** Impacts of grazing on aspen in the various riparian areas is unknown, but likely severe. EA at 6 notes that aspen in the Bull Mountain and Three East Pastures is being damaged by grazing. (1)

Response: Aspen browsing by livestock was identified as an issue in Bull Mountain and the Three East Pastures Allotments. Aspen were not observed nor expected to be observed within the riparian areas in Cottonwood Springs and South Doherty Allotments.

6. **Comment:** The removal of juniper from the Cottonwood Springs Allotment is a grazing practice that is highly detrimental to wildlife. Juniper trees are highly valuable wildlife habitat, and they should not be destroyed to increase forage for livestock. (1)

Response: Removal of juniper in the Cottonwood Springs Allotment would lie within the Cottonwood Springs Enclosure Fence; juniper would not be cut down to increase forage for livestock. Removal of some of this juniper is proposed to increase the function of the Cottonwood Springs Riparian Reach and provide a greater opportunity for establishment and growth of riparian plant species. Removal of some juniper would also promote growth of wildlife forage for certain species.

7. **Comment:** Since past grazing management has not been able to avoid impacts such as riparian degradation, reduction in cottonwood reproduction, and grazing on aspen, it seems that to restore biological diversity, grazing on the Cottonwood Springs, Bull Mountain, Three East Pastures, and South Doherty Allotments should be terminated, as is proposed in Alt. B. Huller Springs Allotment should also be closed. Huller Springs is not meeting the riparian wetland Land Health Standards. Three of the four allotments have improved in recent years, but JFLW-8 is still functioning at risk. (1)

Response: The majority of the loss in biological diversity in these allotments has come from an increase in conifer encroachment and is not caused by livestock grazing. To restore biological diversity, vegetation and noxious weed treatments are part of the proposed action.

8. **Comment:** It appears there is inadequate forage for livestock on the Huller Springs Allotment, as the agency is proposing to burn 1200 acres of wildlife habitat to increase forage for livestock. This action requires an EIS. Commenter proposes the allotment be terminated since the vegetation is not capable of supporting the allotted livestock use. (1)

Response: The Huller Springs Allotment contains adequate forage for livestock and wildlife at present. However, increasing conifer encroachment and noxious weed infestations decrease the quality of habitat within the allotment. By treating noxious weeds and restoring habitats that are currently outside the natural range of variability, the quality of habitat for wildlife would be enhanced. No additional AUMs would be authorized above current levels for livestock.

9. **Comment:** It does not appear compatible with the Butte RMP that wildlife habitat needs to be removed in order to maintain livestock grazing. Livestock grazing is occurring during songbird nesting season, with the result of increased parasitism by cowbirds. Huller Springs also contains extensive big game winter range, and grazing will be detrimental to this use, including calving and fawning habitat. There is direct competition between livestock and big game for forage. The problem of fences could be addressed by removing them. (1)

Response: The Butte RMP allocated forage for livestock at levels that also leave adequate forage for wildlife. Songbird nesting occurs during most of the season when grass grows and is also the logical time to graze livestock. With proper grazing management there is adequate forage for livestock and wildlife.

10. **Comment:** Commenter is opposed to the construction of 7,445' of new fences on the Boulder River Allotment. Already too many fences that are detrimental to wildlife. The EA did not address the impacts of fences on wildlife, other than to note that fragmentation impacts exist. The agency has not taken a

"hard look" at the impact of construction of more fences. Other solutions to existing grazing problems should be considered, include reducing livestock use and shortening the season of grazing to where less impact results. (1)

Response: The Boulder River Allotment fence is proposed to provide for more efficient livestock management in the Ida Mine Pasture, in order to further enhance and maintain the healthy upland conditions present on the allotment, as was described in the JCSE Assessment report. The proposed fence would help to distribute livestock more evenly in the pasture. Design features are include in EA Section 2.3.3 and require that all fences would be constructed in a manner that would promote safe wildlife passage according to BLM Fencing Handbook (H-1741-1) and MT Fish, Wildlife and Parks wildlife fencing guide (Paige 2012).

11. **Comment:** The Wickham Field Allotment has the Boulder River that is FAR. This allotment has 7 cows. Why isn't the allotment removed to restore the riparian habitat? Grazing from 6/11 to 11/31 is a severe impact on vegetation. (1)

Response: Upland vegetation was found to be meeting standards. The current management has been in place for over 30 years and this has fostered the acceptable vegetation that was found on the allotment. Adjustment of cattle grazing would have no effect on the riparian habitat as the main reason for not meeting the standard was dewatering from upstream activities and the Boulder River being on the 303(d) list. Livestock grazing on BLM lands was not identified as a point source.

Prescribed Burning/Slashing of Conifers

12. **Comment:** The proposed burning of 1200 acres of sagebrush and conifers, including juniper, on the Huller Springs Allotment is one of these long-standing practices of removing wildlife habitat in order to create more forage for livestock. (1)

Response: The purpose of the proposed burning is to improve the quality of the habitat which has decreased due to conifer encroachment and weed infestations. No additional AUMs would be authorized on the Huller Springs Allotment under any alternative as shown in EA Section 2.3.7, Table 2.3, Summary and Comparison of Alternative.

13. **Comment:** There is no analysis in the EA as to how the burning of sagebrush and conifers to promote herbaceous species will impact wildlife, even though it was noted that many vulnerable songbirds occur in Montana. Many songbirds are benefited or require sagebrush habitat. The reason for burning is provided as to create a mosaic of sagebrush and openings (EA 28) or to create seral and structural diversity in sagebrush. However, no literature citations were provided as to why this is needed for wildlife, or what science recommends this for wildlife management. Burning will degrade winter range by burning sagebrush and conifers. The removal of wildlife habitat to benefit private cattle is clearly an adverse impact to wildlife. It is a long standing practice on BLM lands and needs to use a cumulative effects analysis to define why this has not significantly impacted wildlife. FS has also done projects like this (Mudd Springs and Black Canyon) and the BLM needs to demonstrate why an environmental impacts statement is not needed to implement this burning. (1)

Response: There is a great deal of literature on the subject and it is commonly accepted that fire-adapted landscapes in the western United States have dramatically departed from the natural or evolutionary environment over the past century because of fire suppression, logging, grazing, and other management

practices. The EA states that the objective of treatments, which may or may not include prescribed burning, is to reduce conifer colonization and move toward an open mosaic of sagebrush/grasslands. If a prescribed burn is implemented, it is expected that grass and sage in the burn area would be temporarily diminished but improve in the long-term and be a benefit to wildlife species inhabiting those areas. The following references have been added to the References section of the EA:

Arno, S.F, Gruell, G.E. 1983. Fire history at the forest-grassland ecotone in southwestern Montana. *J. Range Manage.* 36, 332-336.

Arno, S.F, Gruell, G.E. 1986. Douglas-fir encroachment into mountain grasslands in southwestern Montana. *J. Range Manage.* 39, 272-276.

Grove, A.J., Wambolt, C.L., Frisina, M.R. 2005. Douglas-fir's effect on mountain big sagebrush wildlife habitats. *Wildlife Society Bulletin* 33(1): 74-80.

Heyerdahl, E.K., Miller, R.F., Parsons, R.A. 2006. History of fire and Douglas-fir establishment in a savanna and sagebrush-grassland mosaic, southwestern Montana, USA. *Forest Ecol. and Management.* 230, 107-118.

Miller, R.F. et. al. 2005. Biology, ecology, and management of western juniper. Technical Bulletin 152. Oregon State University Agricultural Experiment Station.

Van Dyke, F., Darragh, J.A. 2007. Response of elk to changes in plant production and nutrition following prescribed burning. *J. Wildl. Manage.* 71(1): 23-29.

14. **Comment:** We would like to understand what science the BLM has used to define the "Upland Range Health" standards. Why are sagebrush and conifers, including junipers, or some of the most valuable wildlife plants on public lands, used as indicators of poor rangeland health? For example, the Huller Springs Allotment was given an unsatisfactory upland health rating due to sagebrush and conifer habitats. This methodology that define anything that can't be eaten by cows as indicators of poor range health is arbitrary and capricious, and a violation of the NEPA, the APA and FLPMA. At a minimum, big game winter range requires these plants, which would mean that all big game winter range needs to be eradicated to improve rangeland health for cows. (1)

Response: As referenced in the Jefferson County SE Assessment Report and the EA, the BLM follows the guidance provided in Interpreting Indicators of Rangeland Health, Technical Reference 1734-6 (DOI 2005), and the Montana/Dakotas Standards for Rangeland Health and Guidelines for Livestock Management (August, 1997). The BLM does not regard any sagebrush, conifers, or other plant species valuable to wildlife as indicators of poor range health. Rather, BLM looks at the overall species composition, distribution, and age class as indicators of ecosystem health. Where those metrics show the land is out of balance with natural conditions, vegetation management projects may be proposed to move the system towards its more natural state.

15. **Comment:** No specific information in the EA as to the data and analyses information that was used to provide the rating of "health" in Table 1.1. Needs to be provided. (1)

Response: As referenced in the Jefferson County SE Assessment Report and the EA, the BLM follows the guidance provided in Interpreting Indicators of Rangeland Health, Technical Reference 1734-6

(Pellant, 2005), and the Montana/Dakotas Standards for Rangeland Health and Guidelines for Livestock Management (USDI-BLM, 1997). This reference has been added to the EA.

16. **Comment:** The EA suggest that juniper, one of the most valuable wildlife trees in Montana, needs to be removed because it is competing with herbaceous plants, and taking sunlight, water, and nutrients from herbaceous plants (EA 62) that are needed by cows. (Cottonwood Springs, Three East, and Fitz Creek Allotments) These treatments require an analysis of cumulative impacts of the agency wide program for this destruction. (1)

Response: For Chokecherry Spring #2, water development only, the EA states "Cutting down the juniper would promote herbaceous plan recovery for grasses and forbs that were shaded and were out-competed by the juniper for water and other nutrients." The BLM acknowledges that juniper is a valuable habitat component for wildlife, and the purpose of the removal is to promote a water source that would also be available for wildlife in addition to livestock and increase ground cover on the erosive soils found at that location to prevent further erosion. Text has been added to EA Section 3.4.2 stating, "Juniper would be cut down and left on site along <0.10 miles of the dry drainage, which is the source for the Chokecherry Spring #2 water development. Leaving the cut juniper on site would reduce erosion in the drainage until herbaceous species begin to grow, which would reduce erosion and stabilize soils."

17. **Comment:** No information in the EA about the effect of burning on weeds, including cheatgrass. Cheatgrass is a problem and will increase by burning. (1)

Response: Design features for conifer treatments and construction of structural projects is expected to mitigate cheatgrass and noxious weed spread resulting from soil disturbance during treatment/project implementation. Information on cheatgrass is in EA sections 2.3.3, 3.5.1, and 3.5.2.

18. **Comment:** In general I support conifer removal along riparian areas and water development for livestock. I would like to see more conifer treatment in the Douglas-fir sagebrush and juniper types. Consider a joint BLM-FS conifer treatment in Conrow. (3)

Response: No joint BLM-FS treatments have been proposed at this time.

Commercial Logging

19. **Comment:** The separate logging project was tossed in. No map for where the logging would take place. No analysis of logging impacts on wildlife, past and planned. Project requires separate NEPA analysis. (1)

Response: The timber sale would only be conducted if the Golden Sunlight Mine proposes surface disturbance in the area north of their current operations. That logging project would be to salvage the value of forest products which would be lost to mine expansion anyway.

Fences

20. **Comment:** No analysis of current impacts of fences to wildlife, including barriers to antelope. (1)

Response: Countless miles of fence are scattered across the western US. Those miles of fence can block or hinder wildlife movements, seasonal migration, and access to forage or water. Wildlife may avoid areas with too many fences to negotiate, and antelope may choose seasonal ranges with lower fence densities. The JCSE plan area is within MT FWP Region 3. Overall, the Region 3 antelope population is stable. In 2012 there was a slight population rise and good production of young antelope occurred in Region 3. BLM land in the Planning Area comprises approximately 0.2% of Region 3, and specific problem areas with pronghorn related to fence on BLM land have not been documented.

21. **Comment:** The construction of fences (over a mile of new fence on the Boulder River Allotment) on big game winter range is an adverse impact to wildlife that was not addressed in the EA. How many such fences currently exist, and what is their impact? How does the agency know that the cumulative impact of these fences, mostly not "wildlife friendly," are? (1)

Response: As stated in EA Section 3.4.2 under Alternative B, "The Ida Mine pasture division fence would provide an additional pasture in the current rotation that benefits uplands in BLM and adjacent private lands that are fenced with BLM. Rotating livestock grazing through more pastures would improve the vigor of upland species by utilizing the plants at different growth stages each year. Plants in a given year of the rotation would be allowed to complete growth cycles prior to grazing, which would further improve reproduction and seedling establishment. Implementing these management changes would continue to allow the allotment to meet the Upland Standard and further enhance the already healthy upland conditions occurring throughout the majority of the Boulder River Allotment. These management changes would also improve the quality of habitat for wildlife."

More efficient management of livestock is generally good for habitat and wildlife. This fence would not contribute to cumulative impacts on wildlife as it would be built to wildlife-friendly specifications to allow passage and be marked for greater visibility.

22. **Comment:** How effective is the design claimed to be "wildlife friendly" with 3 strands of barbed wire and a final, lower smooth strand, in allowing wildlife movement, including antelope? (1)

Response: The wildlife friendly design is the most effective design currently known, when the objective is to keep livestock on one side of the fence with the minimum amount of hindrance to wildlife. With the bottom smooth strand 16-18" from the ground, antelope have room to crawl under. With the top wire no more than 42" high and 12" above the third wire and kept taught, the chances of a deer or elk getting their legs caught as they jump over is minimized. Installation of markers on the fence can increase visibility for wildlife. Please refer to: Paige, C. 2012. *A Landowner's Guide to Wildlife Friendly Fences*. Second Edition. Private Land Technical Assistance Program, Montana Fish, Wildlife, and Parks, Helena, MT. 56pp.

23. **Comment:** Fences fragment wildlife habitat and cause unmeasurable but potentially significant mortality to birds, particularly raptors, due to striking the fences. What is the impact of fences on raptors and other birds as per mortality? (1)

Response: No raptor or other bird mortality from fence collisions has been observed on BLM lands in the Butte Field Office during field visits. However, large, low-flying birds are vulnerable to fence

collisions. In particular, waterfowl are vulnerable to fences near or across waterways, and raptors may careen into fences when swooping in on prey.

Riparian/Aspen Communities

24. **Comment:** EA notes that aspen, cottonwood, and willow have been damaged by livestock grazing. There is no actual analysis of this impact. We need to know the cumulative damage to songbirds. Agency has not taken a "hard look". (1)

Response: During LHA's numerous factors such as livestock, encroachment, and wildlife browsing were all noted as causing damage to aspen, cottonwood, and willow along some riparian reaches. Under current management, Alt. A, recovery of the desired riparian species would not be expected to occur. As described in Alt. B, "Impacts from livestock grazing would no longer occur on these allotments; however, improvements to riparian conditions may not occur under this alternative, because livestock grazing was often not the only causal factor in riparian standards not being met." Under Alt. C and D, riparian treatments and changes in grazing management would be conducted to help the recovery of the desired riparian species such as aspen, cottonwood, and willow. By doing so, songbird habitat would be expected to increase over time.

25. **Comment:** EA at 50 claims that riparian areas can be improved with grazing. No references were provided to support this claim. This documentation needs to be provided. (1)

Response: A more accurate conclusion should be that cattle exclusion is an improvement over inappropriate grazing. Grazing can often be compatible with improving deteriorated riparian conditions and with maintaining those functioning properly. The key is appropriate grazing prescription, which must be site and situation specific, and adherence to that prescription (Borman et al. 1999)." The reference has been added to the EA: Borman, M.M., C.R. Massingill, and E.W. Elmore. 1999. Riparian Area Responses to Changes in Management. *Rangelands* 21 (3): 3-7.

26. **Comment:** BLM has no standards to limit the browsing use and trampling of three key riparian plants, aspen, willow, and cottonwoods (highly detrimental). The biodiversity provided by healthy aspen, willow and cottonwood was not measured in any way. Management without browsing restrictions clearly requires an EIS and extensive documentation of the reduction in wildlife carrying capacity that is created by habitat loss. (1)

Response: BLM does not set specific browsing or trampling limits. Instead, design features are included in EA Section 2.3.1 which state that resource monitoring would occur under all alternatives to measure progress toward meeting site specific objectives. Text has been added in EA Section 2.3.1: The methodologies used to monitor resource conditions include, but are not limited to the following DOI-BLM Technical References: 1734-4, 1734-3, 1730-1, and 1737-9, and USDA RMRS-GRT-47.

27. **Comment:** No analysis of livestock impacts on songbirds caused by parasitism of the brown-headed cowbird in riparian areas. Most of the allotments allow early spring grazing, or during the peak of the songbird nesting season. The reduction in songbird carrying capacity that this grazing is creating from cowbirds needs to be included in a NEPA analysis. (1)

Response: Cowbird range has expanded from the central plains due to human activities and fragmentation of forested habitat. Cowbirds show preference for open conifer forests, open grassland/shrubland, and riparian habitat types. Two studies have shown a cowbird parasitism rate of less than 3% in the north-central Rocky Mountains, and a less than 1% parasitism rate on yellow warblers along the Missouri and Madison River corridors. There is no data on cowbird parasitism rates within the Planning Area. However, cowbird parasitism does not appear to be a significant issue as some of the most commonly parasitized species such as yellow warbler, song sparrow, chipping sparrow, and rufous-sided towhee are noted during land health assessments and PFC surveys more frequently than brown-headed cowbirds. The following references have been added to the References section of the EA:

Hejl, S.J. et. al. 2002. Birds and Changing Landscape Patters in Conifer Forests of the North-Central Rocky Mountains. *Studies in Avian Biology* 25:113-129.

Fletcher, R. et. al. 2005. Distribution of Birds in Relation to Vegetation Structure and Land Use Along the Missouri and Madison River Corridors: Final Report. *Avian Science Center, Division of Biological Sciences, University of Montana, Missoula, MT* <http://avianscience.dbs.umt.edu/>

28. **Comment:** Summary of alternatives does not include felling of trees on Middle Fork (Bull Mtn.) Long term effectiveness of this strategy was not addressed. (1)

Response: Tree felling has been included in EA Table 2.3 Summary and Comparison of Alternative. If conifers of primarily 15" DBH are used, as the EA states, and placed so as to inhibit the access of cows to the riparian area, the barriers should be effective long enough to allow the riparian vegetation to recover from overuse by livestock. Often in riparian management, landowners create barriers of vegetation with trees small enough to be moved by hand. These barriers typically break down within a year or two and are not effective.

29. **Comment:** If the South Doherty riparian areas require fencing to repair the damage caused by livestock, why wouldn't it be cheaper to just close the allotment as in Alt B? (1)

Response: The BLM does not necessarily select its preferred alternative based solely upon cost. Even so, the riparian area in the South Doherty Allotment - Harris Pasture may not require fencing. Changing the season of grazing use, to the fall, would be implemented prior to any fencing or water development construction. The primary advantages of late season grazing are that soils are drier, which reduces the probability of compaction and bank trampling; most plants have completed their growth cycle, and grazing will not adversely affect plant development; and generally there is less impact on wildlife habitat. From *Successful Strategies for Grazing Cattle in Riparian Zones*. Riparian Bulletin No. 4 January, 1998. (Ehrhart and Hansen). This reference has been added to the EA: 1998 *Successful Strategies for Grazing Cattle in Riparian Zones*, Robert C. Ehrhart and Paul L. Hansen

30. **Comment:** There is no mitigation proposed for the Wickham Field Allotment, even though the Boulder River is FAR. How will this impact be addressed? It is also a 303(d) listed water body. How will this be corrected with the same management? (1)

Response: The primary reason for the FAR determination was the fact that the Boulder River is on the 303(d) list. As noted in the assessment report, livestock within the Wickham Field Allotment are not listed as causal factors for not meeting Riparian-Wetland and Water Quality Standards. The assessment

report also refers to the fact that BDLW-9 is 0.16% of the entire length of the Boulder River, and the issues are outside of BLM management control to correct.

31. **Comment:** There are no methods in place to determine if riparian management under the various alternatives will improve in the next 5 years, such as on the Boulder River Allotment with a reduced AUM allotment, and thus require further action. It is not clear what "further action" will be required, or how damage to willows, aspen, and cottonwood will be measured to determine if recovery is happening. (1)

Response: The Boulder River Allotment met all BLM Standards for Rangeland Health, and no changes to the current stocking rate (AUMs) have been proposed by BLM (EA Table 1.1). No riparian reaches are present on the allotment (EA Appendix A, Map 3).

32. **Comment:** There is no information as to the impact of water developments on the various springs that have been developed. Please define what the impact of spring development is on these wet areas, and how the hydrology has been affected over the years. (1)

Response: Page 24 of the JSCE assessment reports states the following; "Federal protection of wetlands and riparian systems became official policy under the authority of two Executive Orders issued in 1977. The majority of developed springs in the JCSE PA were developed prior to the issuance of these orders, other federal laws, directives, or regulations for the management and protection of wetlands (Mitch 1986). Current management direction requires minimization of wetland loss or degradation as well as preservation and enhancement of natural and beneficial values. This includes maintenance of hydrology. Alternatives analyses are conducted to determine whether it is feasible to develop springs and where spring boxes might be best located to maintain resource values. Management, restoration, and conservation of springs are resource management objectives for the BLM. The developed springs within the JCSE PA work to various degrees of efficiency and success. Much of this depends upon the amount of water the spring supplies that particular year, which is often directly related to the amount of annual precipitation that is received. Developed spring sources typically improve livestock management. In most cases, livestock will use developed water and stock tanks over undeveloped water such as streams, springs, or seeps. Well managed springs have the potential to support rare plants, macro invertebrates, insects, fish, springsnails, amphibians and migratory birds as well as to provide water for wildlife and livestock. However, when spring sources are not properly developed or regularly maintained, they can result in reduced wetland function due to soil compaction, the loss of desirable vegetation, and the loss of the potential for diversity of life forms."

33. **Comment:** There is no analysis of how songbirds and other wildlife are being impacted by water developments, or stock tanks used for cattle. How many birds are being killed annually from these stock tanks? (1)

Response: The purpose of many of the water developments is to draw cattle away from more prime habitat areas such as willow and cottonwood. All stock tanks on BLM land are required to be equipped with escape ramps. We have no records of bird mortality in stock tanks equipped with ramps.

34. **Comment:** There are no methods in place to measure livestock impacts on the most important wildlife habitat on these allotments, or aspen, willow, or cottonwood on the allotments. Severe environmental impacts of livestock grazing cannot therefore be measured or managed. The EA at 51-52 notes that

control of utilization levels in riparian areas is key to management and is needed to facilitate the goals of adaptive management; if utilization levels at the end of the growing season indicate that grazing management is not achieving use levels compatible with the desired riparian resource objectives, then the appropriate action should be identified and implemented. However, what action is needed is never identified. If there are no corrective measures identified, what are the chances that these corrections will actually occur? (1)

Response: In EA Section 2.3.5, on the South Doherty Allotment if changes in grazing management do not facilitate riparian improvement an enclosure would be built to exclude grazing and an alternative water source would also be developed. In EA Section 2.3.5, on the Bull Mountain Allotment, if grazing management described under the preferred alternative C does not facilitate progress towards meeting standards a combination of reduced season of use and/or livestock numbers would be implemented. Design features included in EA Section 2.3.1 state that resource monitoring would occur under all alternatives to measure progress toward meeting site specific objectives. The following text has been added in EA Section 2.3.1: The methodologies used to monitor resource conditions include, but are not limited to the following DOI-BLM Technical References: 1734-4, 1734-3, 1730-1, and 1737-9, and USDA RMRS-GRT-47.

35. **Comment:** The EA noted that a 4 inch stubble height in riparian areas will protect woody species as willow from livestock browsing. No literature citations were cited by this claim. (1)

Response: Based on limited specific research of riparian system response and on the knowledge of how cattle graze, a residual stubble height of 10 cm (approx. 4”) is recommended as a starting point for improved riparian grazing management (Clary et al. 2000). The Citation has been added to the EA: Clary, W.P. and W.C. Leininger. 2000. Invited Paper. Stubble height as a tool for management of riparian areas. J. Range Management. 53(6): 562-573.

Weeds

36. **Comment:** How does the agency know that weeds are not increasing year to year, with severe impacts on "biodiversity" and wildlife? (1)

Response: The Land Health Standards are used to show if there are impacts to biodiversity and wildlife. Inventory, monitoring and spraying in known weed locations are done yearly by BLM staff.

37. **Comment:** The commenters are interested in the spread of cheatgrass. EA provided no information on the existing distribution of cheatgrass. Also, the EA did not say how cheatgrass can be controlled. (1)

Response: Cheatgrass is currently considered a Priority 3: Regulated Plant on the Montana Noxious Weed List (2010) which states that regulated plants are not Montana listed noxious weeds. Since cheatgrass is not a listed Montana noxious weed it has never been inventoried, but has not had a significant impact on the habitat to the area. The JCSE EA is tiered to the Butte Field Office Weed Plan Revision, which in turn is tiered to the Vegetation Treatments Using Herbicide on Bureau Land Management Lands in 17 Western States Programmatic Environmental Impact Statement which specifically approves of the chemical imazapic which is used to control cheatgrass.

38. **Comment:** There was no discussion in the EA as to the role that livestock are playing in the noxious weed problem. How can the public know if livestock use is not significantly affecting the environment? (1)

Response: Some weed species could be transported in either dung or fur, but many of the weed species found in the JCSE PA are of poor forage quality and have low palatability due to toxins, spines, and distasteful compounds, which would cause domestic animals to avoid them in favor of native plant species. Under Alternative B, by not allowing livestock grazing under this alternative, one of the vectors for transporting weed seeds would be removed; however wildlife would still remain a vector for seed transport in addition to human-related vectors.

39. **Comment:** What is the trend of noxious weeds on these allotments? (1)

Response: The Bull Mountain, Cottonwood Springs, and Huller Springs Allotments did not meet land health standards partially the result of noxious weed expansion (JSCE Assessment Report). Additional herbicide treatments would be implemented to reduce the spread of weeds within these allotments. Over time, treatments would reduce or eliminate weeds within these allotments and allow significant progress to be made towards meeting standards (See also, EA Section 3.5.2).

40. **Comment:** The EA notes at 51 that noxious weeds are a significant problem on the Huller Springs Allotment. This is another reason the allotment should be closed. (1)

Response: Livestock grazing was not the causal factor for weeds in the allotment, rather a wildfire that occurred in years past as indicated in the JSCE Assessment Report.

41. **Comment:** It is not clear how pipeline replacement (over 6000 feet) on the Black Sage Allotment will impact weed infestations. If this reconstruction exacerbates any existing weed problems, why will this reconstruction be done? (1)

Response: There are no known weed infestations located along the pipeline; therefore, reconstruction would not exacerbate weed problems. Since it is a ground disturbance it would be pretreated, post treated and reseeded with native vegetation. Text has been added to EA Section 2.3.3 indicating that weeds would be treated prior to and after project implementation.

Economics

42. **Comment:** There is no analysis of the costs and benefits of any of the existing grazing allotments (Alternative A), or of any of the proposed improvements, including water developments/improvements, prescribed burning, slashing of junipers, new fences, etc. NEC and AWR requested this information in our scoping comments. The public needs to know the costs involved, and the agency needs to define how costs were considered in the development of alternatives. For example, what will be the costs of each alternative for the Huller Springs allotment for all the repairs of water developments? What will be the cost of new fencing in the Black Sage Allotment? What will be the cost of a new well being drilled? What will be the cost of the 1200 acres of prescribed burning on the Huller Springs Allotment? What is the annual cost of weed treatments on these allotments? Overall, the agency should define all costs of management of livestock on these allotments. (1)

Response: No water developments are proposed on the Huller Springs Allotment and no new fences are proposed in the Black Sage Allotment in any of the alternatives. Alternatives were designed to meet applicable laws and regulations to meet multiple use objectives. Text has been added in EA Chapter 3: A variety of projects are proposed on BLM lands to improve land health. Table 2.4 summarizes the proposed projects on all BLM grazing allotments by alternative. Alternative B proposed projects on 4 different grazing allotments, while alternatives D and C proposes projects on 8 allotments. The actual costs of implementing these projects are not presented, due to fluctuating prices of materials and labor and the contribution of materials and labor provided by the permittee/lessee, which can vary from one project to another. For grazing related projects, the BLM generally provides the materials and the permittee/lessee would construct (i.e. provide labor) the project to BLM specifications. Some water developments are constructed by the BLM, for which BLM receives a monetary contribution from the permittees/lessee. Many projects are paid for, in whole or in part, with funds from grazing receipts. The permittee/lessee would also incur long-term costs associated with maintenance of the grazing related projects. See also: <http://www.blm.gov/wo/st/en/prog/grazing.html> for current statistics on BLM grazing administration program.

Livestock Management

43. **Comment:** We have run cattle on the Bull Mountain Allotment for 24 years. The steep terrain and lack of water make this a challenge for all of us. Yet, we have managed to make it work for many years without criticism from the BLM. We have asked for mitigation repeatedly in terms of watering access to relieve riparian pressure (especially in regards to the Tebay pipeline as well as the deteriorating infrastructure of all the troughs) only to be told that it "isn't in this year's budget". So now, after two of the driest years in recent memory, we feel we are being penalized. (2)

Response: We agree that the allotment's steep terrain and lack of water creates many challenges to successful livestock management. Budgets fluctuate annually, and the Butte Field Office maintains range improvement project lists where we prioritize and fund as many projects as possible in addition to permittee contributions towards projects. The Jefferson County South East Environmental Assessment (JCSE EA) contains proposals to improve the existing stock water infrastructure on the Bull Mountain Allotment. See EA Section 2.3.5 Alternative C. Improvement work has been completed to the Tebay Spring Headbox and some of the pipeline's stock tanks in the recent years, to improve the pipeline's function.

44. **Comment:** We have voluntarily reduced our AUM's, both by moving the start date back and reducing the numbers, but we don't want to have our full AUM's reduced by the BLM, and thus forever reducing our options. We have been good stewards of the land, and then we get punished by having our AUM's reduced. (2)

Response: Animal Unit Months (AUMs) are not proposed to be reduced for authorizations 2507859 and 2507981 on the Bull Mountain Allotment under Alternative C, the preferred alternative in the EA. The AUMs for the allotment are being corrected in this EA. An error occurred to the grazing permits in 2003 for the Bull Mountain Allotment during a transfer of grazing preference. The carrying capacity or AUM levels were not accurately portrayed on each grazing permit. Please see EA Section 2.3.5 Alternative C, and Section 2.3.6 Alternative D.

45. **Comment:** We talked about the riparian area up by Mud Springs with John Sanford and Tanya Thrift. We all agreed that if a trough was brought in and the overflow from the Forest Service was utilized, we

could fence off the creek where the cows crowd in. If the water resource on the boundary fence between the Conrow and Sheep Rock pasture was developed with new troughs was brought in, this would draw the cows down away from the area that John Sandford was worried about. Also, by creating limited access to this area to replace the downstream deteriorated troughs water trough, you could also spray weeds. This area is inundated with White Top and has a reported by unaddressed spurge infestation as well. Currently, the access is by horseback only. (2)

Response: Redevelopment of the Mud Springs stockwater development (BLM), including the Mud Spring Enclosure Fence, is proposed under Alternatives C and D, in the JCSE EA. Stock water would be delivered to the Mud Spring Tank (BLM) from the overflow of the nearby Mud Spring water development (USFS). In addition to the proposed improvement work on Mud Springs (BLM), directional tree falling is proposed to occur in the Middle Fork Riparian Reach BDLW-2, to restrict livestock congregation in certain areas of this riparian reach. The riparian resource of the Middle Fork Reach will be monitored for change in condition. The deteriorated Middle Fork Stock Tank is also proposed to be replaced. The area containing the White Top infestation (near the Middle Fork Tank) has been identified for future weed treatment.

46. **Comment:** For years, the Tebay Springs pipeline has been a topic of conversation. That pipeline has to run to make the west side of the grazing permit viable. It is getting increasingly hard to get water to the St. Paul Pasture. We have asked time and time again for help, but the years go by and nothing happens due to "this year's budget". We cannot get the cows to range across the St Paul Pasture when the single water source is right on the boundary with the Pipeline Pasture. (2)

Response: The Tebay Pipeline is getting older and experiencing friction problems in delivering water to the St. Paul Pasture. It has been authorized to splice pipe into the existing pipeline as an experiment to see if this could help to push stock water farther into the St Paul Pasture. The Tebay Spring Headbox, air release valves and a number of stock tanks have been improved in the recent years to improve stock water delivery for the pipeline. Environmental documentation is in place to complete improvement work on the Tebay Pipeline; Determination of NEPA Adequacy #DOI-BLM-MT-B070-2009-0003-DNA.

47. **Comment:** In summary, we hope that the BLM will choose to help us, the permittees, develop more reliable areas in a more thorough and lasting manner. Drastically reducing the AUM's is not something with which we can agree. (2)

Response: The JCSE EA identifies problems to the Bull Mountain Allotment, and also proposes possible solutions. Refer to the JCSE EA Alternative C and D. These are written to assist in improvement of the allotment.

Travel Management

48. **Comment:** In the areas that have high road densities, I recommend that you make some routes through the areas rather than having numerous routes with dead ends. My experience is that people will try to connect the open routes on their own and create routes that cause a lot of resource damage and conflict with other uses. (3)

Response: Travel route densities were reduced in each of the action alternatives. The proposed action (Alternative C) attempts to reduce route redundancy and dead-end routes, while balancing the needs for access, including recreational opportunities.

49. **Comment:** I think that some minor roads that dead end and/or don't serve an immediate purpose should be closed. (3)

Response: The proposed action (Alternative C) attempts to reduce redundant and dead end routes that do not provide access to destination or general access points.

50. **Comment:** I have mixed feelings on opening the route to Tebay Springs. Once the route is open it will be hard to close if the agency ever wants to close it. (3)

Response: The proposed action (Alternative C) attempts to balance access needs and recreational opportunities with resource concerns. Under this alternative, Route J1002 would be open motorized uses, including ATVs, because it provides general access for a variety of users with minimal effects to documented resources.

51. **Comment:** I have mixed feelings about having road J1002 open through Sec 12. If it is open have it open for only ATV's during hunting season. (3)

Response: The proposed action (Alternative C) attempts to balance access needs and recreational opportunities with resource concerns. Under this alternative, Route J1002 would be open to motorized uses. Designating the route as only open to motorized vehicles 50" or less was considered, but because the route provides administrative, permitted, commercial, private, and public recreational access, keeping the route open to all forms of motorized (and non-motorized) access was considered to be the best option.

52. **Comment:** Recommend having most roads closed to public use. No problems leaving some roads open to admin use. For example Road J1208, J1024, J1026, J1033. Could make hiking loop trail from Junction J1000 and J1002. (3)

Response: The proposed action (Alternative C) attempts to balance access needs and recreational opportunities with resource concerns. Under this alternative, Route J1028 would be closed to unauthorized motorized uses, including general public access; Route J1024 would be closed seasonally (December 1 to May 30) to wheeled motorized uses each year to provide for mule deer seasonal range; Route J1026 would be closed yearlong to unauthorized motorized uses, including general public access; and, Route J1033 would be closed yearlong to all wheeled motorized uses.

53. **Comment:** Gun Range in Section 25 Gun Range has been in existence for over 25 years. The multiple roads in section 26 increases traffic in the vicinity of the gun range to the south. I would like to see the spur roads in north east corner of Section 26 closed due to safety reasons from shooting range. Limit Travel in Sections 25 to the East. Currently ATV/Motorcycles enter the gun range from the East and there is a public safety concern. For public safety reducing roads leading toward the shooting range would be appreciated. Close roads at rifle range if you can. (3,4, 5, 6)

Response: The majority of travel routes in the area surrounding the shooting range are located on private property where BLM has no jurisdiction. BLM Route J1072 leads into the NE corner of the shooting range, and would be closed under the proposed action (Alternative C). Other travel routes leading into

the area from BLM lands would be managed as open to motorized uses, but would receive additional monitoring and management, as described on page 56 in EA Appendix B, if conditions warrant.

54. **Comment:** The road that ties in with Doug Salsburys' needs to be left open to allow access to a large piece of land which includes private, BLM, and FS ground. It is important to keep access because the Bull Mountain Grazing Association is involved with the Block Management Program and funding from this helps ensure hunters have access. (7)

Response: Under the proposed action (Alternative C), travel route J1004 would remain open to motorized uses. Route J1076 would be managed as open to motorized uses, but would receive additional monitoring and management, as described on page 56 in EA Appendix B, if conditions warrant.

55. **Comment:** Elk numbers on the Bull Mountain range are above objective and limited access is one reason for population increase. Access through BLM would assist in the management of the wildlife in the area. (7)

Response: The proposed action (Alternative C) attempts to balance access needs and recreational opportunities with resource concerns. Under this alternative, many travel routes in the area would remain open, and thus could assist in the management of wildlife in the area.

56. **Comment:** Adequate recreational opportunity for all visitors is the supreme issue that must be addressed by the action. (8)

Response: During the route evaluation process, BLM tried to create alternatives that provide for varying levels and types of motorized and non-motorized recreational opportunities for members of the public.

57. **Comment:** Clearly, the public wants and needs adequate recreational opportunity and this should be the over-arching theme of this evaluation and decision. (8)

Response: Those statutes that govern which factors need to be taken into consideration when evaluating and designating travel routes served as the basis for this planning effort. Public recreational access was one of many issues considered during the route evaluation process. Data was collected for a number of factors, including modes of transportation and public activities being conducted on each route. A full list of the criteria considered during route evaluation is shown on page 40 of EA Appendix B.

58. **Comment:** Multiple uses of the forest are marginalized every time a forest plan or travel management plan comes up for action. (8)

Response: Application of the multiple use mandate found under BLM's FLPMA, along with other statutory requirements, were considered as part of the route evaluation and designation process.

59. **Comment:** Reasonable alternatives to motorized closures must be pursued. (8)

Response: Alternatives to motorized closures were considered during route evaluation. For example, limiting routes to seasonal uses and limiting routes by vehicle type were also considered. See EA Appendix B for more information.

60. **Comment:** There is a continual loss of motorized recreational opportunities and because of the significant cumulative effect of motorized closures at this point in time, we feel strongly that there can be "no net loss" of motorized recreational opportunities with the JCSE EA project. (8)

Response: The effects of route closures on public recreational access and use was considered during route evaluation as part of the need to consider FLPMA's multiple use mandate. However, as mentioned above other statutes also had to be considered as part of the route evaluation and designation process. Adequate consideration of all those statutes that have some bearing on travel management decisions will affect whether routes are recommended to be closed, limited or open. Given the multiple statutes that have to be applied to this type of process, no matter how much it might be desired, it may not be possible to set and keep as a goal to have "no net loss" of motorized recreational opportunities. In some cases the need to protect the other resources outweighed public motorized recreational uses.

61. **Comment:** Asks that management for sharing of the JCSE land for multiple-use be selected as the preferred alternative. Sharing would include a 50/50 sharing and equal opportunity of non-motorized to motorized trails. (8)

Response: The proposed action (Alternative C) provides opportunities for multiple-uses, including motorized and non-motorized recreational uses. During the route evaluation process, commercial, administrative, private property, economic, and public recreational uses were considered and provided for. Under the proposed action (Alternative C), opportunities for motorized routes exceed the 50/50 mix that is mentioned as a minimum for motorized recreational trail opportunities.

62. **Comment:** Alternative A proposes to close nearly 100% of the existing motorcycle routes. Our comments document that the current management trends towards massive motorized closures such as this is not responsible to the public's needs for motorized access and recreation and is contrary to the multiple-use management directives specified by congress. (8)

Response: No motorcycle routes were found in the JCSE PA during the comprehensive travel route inventory, which was completed in 2011. This inventory served as the baseline for route evaluation and subsequent designation. As a result, no motorcycle routes were recommended for closure.

63. **Comment:** The current management trend towards massive motorized closures such as this is not responsible to the public's needs for motorized access and recreation and is contrary to the multiple-use management directives specified by congress. The agency can no longer ignore that motorized access and recreation are the largest (over 50 million) and fastest growing group of visitors and at the same time other outdoor activities have declined 18 to 25% (Journal of Environmental Management 80 (2006) 387–393, <http://www.redrockinstitute.org/uploads/PNAS.pdf> and <http://www.msnbc.msn.com/id/22998037/>). The agency can no longer ignore the needs of motorized recreationists and act irresponsibly by continuing to close a large percentage of existing motorized access and recreation opportunities. (8)

Response: "Massive motorized closures" are not an outcome of this EA or TMP. Balancing the needs of the public (motorized and non-motorized access) in accordance with the multiple use mandate of

FLPMA, along with the other required statutes, guided the decision-making as it related to route designations. As a result of the need to consider all the statutes related to this type of decision-making, some routes were necessarily closed. Closing routes wasn't the goal of the route evaluation process - there were not a targeted number of route closures. Routes were evaluated on their commercial, administrative, property, economic, public, and recreational uses, as well as their potential environmental impacts, to develop a range of reasonable alternatives.

64. **Comment:** The agency can no longer ignore the need for new motorized recreational opportunities. The agency can no longer ignore the significant cumulative effect that all of the motorized closures over the past 30 years have had on motorized recreationists. (8)

Response: Opportunities for public/recreational motorized uses (both existing and new) were considered during the route evaluation process. The cumulative effects of this planning effort, including route designations, are considered in the cumulative effects analysis, Section 3.8 of the EA. The cumulative effect of past, as well as the current proposed, closures of motorized recreational opportunities was carefully considered by the BLM as each travel route was evaluated.

65. **Comment:** In all of the hundreds of federal actions in the past 7 years, we have yet to see a meaningful evaluation of this cumulative effect. (8)

Response: Cumulative effects were analyzed in Section 3.8 of the EA. This analysis does acknowledge that motorized OHV use and other forms of outdoor recreation are expected to continue increasing as the population increases.

66. **Comment:** It seems that both the BLM and Forest Service are using forest planning and travel management planning as an opportunity to close as many motorized recreational opportunities as fast as possible. (8)

Response: Closing travel routes to motorized uses is not the goal of travel management or this TMP. Some routes were closed in this planning effort as a result of the need to consider statutes other than FLPMA's multiple use mandate. Public recreational access and use as well as commercial and administrative uses were considered during route evaluation. However, other factors such as potential impacts to other sensitive resources were also considered as required by statute. In some cases, the need to protect the other resources was determined by the BLM to outweigh the need for motorized public recreational use under some travel plan alternatives.

67. **Comment:** There is nothing radically wrong with the existing condition except that it does not meet all of the needs of motorized recreationists, does not provide equal opportunity, and does not adequately address the growing needs of motorized recreationists. (8)

Response: The proposed action (Alternative C) considered and attempted to meet all the needs of the motorized recreational public, but also considered and addressed other required statutes that might have the net effect of limiting such use. As a result of the mandates of the various statutes required as part this type of planning, opportunities for all uses of the public land may not be equal. Forecasted increase of uses, including motorized recreation, was considered as part of the route designation process. The cumulative effects analysis (Section 3.8 of the EA), acknowledges that motorized OHV use and other forms of outdoor recreation are expected to continue increasing as the population increases.

68. **Comment:** The proposed action must meet the needs of motorized recreationists both today and tomorrow. We respectfully request that the evaluation and proposal be directed to adequately address these issues and goals. (8)

Response: Forecasted increased use by motorized recreationists was considered in accordance with the multiple use mandate of FLPMA. However, in accordance with other statutory requirements beyond those of FLPMA, other factors were also a part of the evaluation and designation of travel routes. Consideration of these other statutes may adversely affect the ability of this area to meet the current and future needs of motorized recreationists. The cumulative effects analysis (Section 3.8 of the EA), acknowledges that motorized OHV use and other forms of outdoor recreation are expected to continue increasing as the population increases.

69. **Comment:** The needs of motorized recreationists and the cumulative impacts of motorized closures need to be considered in the selected alternative. (8)

Response: Public recreational access was considered during route evaluation. Data was collected about the modes of transportation and the public activities being conducted on each route. A full list of the criteria considered during route evaluation is shown on page 40 of EA Appendix B. Cumulative effects were analyzed in Section 3.8 of the EA. This analysis tiers to the cumulative impacts described in the Off-Highway Vehicle EIS and Plan Amendment for Montana, North Dakota and Portions of South Dakota (2003). It also tiers to the Butte RMP and EIS (2009). Each of the documents acknowledged that motorized OHV use and other forms of outdoor recreation are expected to continue increasing as the population increases.

70. **Comment:** Include all existing routes including those meeting National OHV Rule guidelines and currently closed routes. (8)

Response: All routes inventoried during the comprehensive travel route inventory for the JCSE PA completed in 2011 and any routes brought forward by the public were evaluated and designated in the Travel Plan.

71. **Comment:** The current imbalance of non-motorized to motorized trails needs to be addressed (8)

Response: No exclusive non-motorized routes were found during the comprehensive travel route inventory for the JCSE PA, which was completed in 2011. The only non-motorized routes in this area were those proposed for the Doherty Mountain area, which were not carried forward.

72. **Comment:** At least one pro-recreation alternative should be included in the analysis. (8)

Response: A range of alternatives were considered - from the no action alternative (A) to an alternative emphasizing motorized public access (D), to an alternative emphasizing environmental protection (B). The proposed action (Alternative C) attempts to balance access and resource needs.

73. **Comment:** Under the existing condition, too much of the Billings Field District area is set-aside for segregated exclusive non-motorized use for 1% of the visitors to the area. We do not agree with all of the effort that the agency is going through to segregate users. (8)

Response: The JCSE SE EA and TMP only apply to lands managed by the BLM - Butte Field Office, and therefore this comment is outside of the scope of analysis for this plan.

74. **Comment:** Multiple use lands are public places. Segregation in public places has not been acceptable since the Civil Rights Act of 1964 (<http://www.ourdocuments.gov/doc.php?flash=true&doc=97&page=transcript>). In order to reasonably meet the requirements of integration a reasonable management goal for 99% of the BLM land would be for shared multiple-use that would produce a 50/50 sharing and equal opportunity of non-motorized/motorized trail opportunities. (8)

Response: Under the proposed action (Alternative C) no routes were specifically designated as non-motorized trails and the uses have not been segregated.

75. **Comment:** The Jefferson County Southeast Environmental Assessment must include adequate evaluation of cumulative effects so that motorized recreation will not be removed from our public lands. (8)

Response: A cumulative analysis of the type of route designations across the planning area is included in the EA. Cumulative effects were analyzed in section 3.8 of the JCSE PA EA. This analysis does acknowledge that motorized OHV use and other forms of outdoor recreation are expected to continue increasing as the population increases.

76. **Comment:** An adequate evaluation of cumulative effects would include all past, current, and reasonably foreseeable actions that have or will produce motorized closures in the State. (8)

Response: A regional EIS was prepared in 2003 which analyzed OHV use on BLM and Forest Service lands across Montana. The subsequent Record of Decision and Plan Amendment designated OHV use on all lands restricted to existing roads and trails except or until a local travel plan was developed (Record of Decision Off-Highway Vehicle Plan Amendment for Montana, North Dakota and South Dakota, BLM 2003). Development of travel plans at a local level, such as the current JCSE Travel Plan, was determined to be the best approach to managing OHV use. Local travel plan analysis includes consideration of past, present and reasonably foreseeable travel routes and uses levels across the planning area and in the region. For example, the number of routes and uses at the nearby Pipestone OHV area were considered when developing the JCSE Travel Plan alternatives.

77. **Comment:** The environmental analysis must adequately address the human environmental including issues, needs, alternatives, and impacts on the public associated with the reduction or lack of adequate motorized recreation. An adequate analysis would include evaluation of significant social, cultural, historical use, current use, future needs, economic impact, and quality of the human environment issues from the perspective of motorized recreationists. (8)

Response: Many factors were considered during route evaluation and designation as required by various statutes. Issues, needs, alternatives, and potential effects to various resources (including the human

environment) were brought forward by the public, BLM staff, and cooperating agencies before and during the planning process. Additional Information about public recreational access, including data about the modes of transportation and the public activities being conducted on each route, was considered. As a result of that input, consideration of these factors was carried forward in the environmental analysis. A full list of the criteria considered during route evaluation is shown on page 40 of EA Appendix B.

78. **Comment:** The Jefferson County Southeast Environmental Assessment must include the evaluation of a pro-recreation alternative so that motorized recreationists do not end up losing before the process begins. A true pro-recreation alternative should be based on the actual usage of the area which is 99% motorized multiple-use in the case of the Jefferson County Southeast Environmental Assessment. (8)

Response: A full range of alternatives was considered during this planning process - Alternatives A and D emphasize public access (including motorized); Alternative B emphasizes environmental protection; and, Alternative C which attempts to provide access (motorized and non-motorized) while taking the needs of various resources into consideration. Alternative D did not close any routes that aren't already closed under the current conditions and this alternative provided public access to 87.7% of the miles of routes that are currently open to the public.

79. **Comment:** A reasonable alternative should address sharing non-motorized trails with mountain bikes and motorcycles. (8)

Response: No non-motorized routes were found for the JCSE PA during the comprehensive travel route inventory, which was completed in 2011. The only non-motorized routes in this area were those proposed for the Doherty Mountain area. This proposal was not carried forward for analysis. No non-motorized trails are proposed to be designated under any of the alternatives.

80. **Comment:** The plan should create new mountain bike and motorcycle trails. (8)

Response: Consideration was given to a proposal for the creation of new mountain bike trails, but was not carried forward for analysis due to a lack of local support. No new motorcycle trails were proposed, and thus were not evaluated. Some alternatives, including the proposed action (Alternative C), did propose opening some routes to vehicles 50" or less.

81. **Comment:** The plan should create ATV trails from roadbeds that both currently open and closed, (8)

Response: The proposed action (Alternative C) would designate 2 routes as open to wheeled motorized vehicles 50" wide or less, as depicted on Table 5 in Appendix B of the EA.

82. **Comment:** The plan should include the establishment of 4x4 challenge routes using roadbeds that are both currently open and closed including historic mining routes. (8)

Response: No proposals were received for the establishment of challenge routes, and thus were not evaluated as part of this plan

83. **Comment:** The Miles City RMP (BPPRMP), which includes travel management planning, is voluminous. The four RMP volumes are 5.5 inches thick and do not include the 2,549 on-line pages of

Background & Supporting Material for Travel Plan, nor all necessary travel mapping. 40CFR part 1500.4 states “Agencies shall reduce excessive paperwork by: Reducing the length of environmental impact statements (1502.2), by means such as appropriate page limits (1501.7(b) (1) and 1502.7). The BPPRMP must fall into the excessive paperwork category. I’ve had trouble going through the material, the BLM staff had troubles finding things in the RMP when asked questions, and the average person has very little chance of making sense of the material. The time spent reviewing the material has been beyond ridiculous. The spirit or intent of 40 CFR 1500.4 has not been followed. (8)

Response: This comment is outside the scope of analysis as it does not relate to the lands included in the JCSE EA or associated TMP.

84. **Comment:** The maps do not provide adequate disclosure because of the lack of route numbers on maps or the background and supporting material available for review purposes. (8)

Response: The JCSE EA and TMP include maps with route numbers and supporting documentation for review purposes.

85. **Comment:** 40CFR 1502.22 talks about foreseeable significant adverse effects on the human environment in an EIS and there are incomplete or unavailable information, the agency shall make clear such information is lacking. Habitat fragmentation, sage grouse habitat and cultural resources were factors in the BLM Background & Supporting Material for Travel Plan which was not available until after half of the comment period had expired. The documentation and references to habitat and cultural issues lead one to believe travel management decisions fall in the adverse effects on the human environment discussion. A review period and comment extension must be granted since the DEIS RMP had incomplete information. (8)

Response: This comment does not relate to this plan and therefore is outside the scope of analysis for the JCSE EA and TMP.

86. **Comment:** 40CFR 1508.14 states: “Human environment shall be interpreted comprehensively to include the natural and physical environment and the relationship of people with that environment. This means that economic or social effects are not intended by themselves to require preparation of an environmental impact statement. When an environmental impact statement is prepared and economic or social and natural or physical environmental effects are interrelated, then the environmental impact statement will discuss all of these effects on the human environment.” The evaluation of social and economic impact is not adequate. (8)

Response: This comment does not relate to this plan and therefore is outside the scope of analysis for the JCSE EA and TMP.

87. **Comment:** Prominently displayed on the front cover of Chapter 1 entitled Purpose and Need for Action is a large picture of a greater sage-grouse. Considering what has been going on the last few years and the dominance of sage-grouse in the western states RMPs being issued, it would be appropriate to change RMPs to Sage-Grouse Habitat Management Plans (SGHMP). Looking back in 2008 and 2009, I see normal RMP information coming out of the BLM and a schedule which showed a distribution of a final FEIS in the spring of 2011. The newest time estimate shows the FEIS coming out in 2014, just in time to meet the 2015 sage-grouse deadline. What started out as good planning and public participation took an

abrupt turn somewhere between 2010 and 2012. We had very good public meetings early on, but the most recent ones between April 30th and May 8th were unproductive, particularly when it comes to travel management. BLM staff listened, but with missing information, attendees were not able to make written comments. Unfortunately, several people have told me they didn't think their comments would mean anything and that the sage-grouse issue would override everything else. (8)

Response: This comment does not relate to this plan and therefore is outside the scope of analysis for the JCSE EA and TMP.

88. **Comment:** Trying to evaluate and comment on the sage-grouse issue is a challenge. Habitat is apparently trumping any level of sage-grouse population. This blanket approach severely hampers the economy of a third of Montana. How will this affect Montana and its economy in the future; that is the main issue and it is not adequately disclosed nor addressed. (8)

Response: This comment does not relate to this plan and is therefore outside the scope of analysis. There are no known populations of sage grouse in the JCSE PA.

89. **Comment:** Hunting would have a far greater positive impact on sage grouse populations and is a reasonable alternative to massive closure of public lands to all of the multiple-uses that they were intended to provide. This reasonable alternative must be adequately evaluated. (8)

Response: This comment does not relate to this plan and is therefore outside the scope of analysis. There are no known populations of sage grouse in the JCSE PA.

90. **Comment:** The table entitled Estimated Number of Vehicles Used Off-Highway in Montana (1990-1998), which was used to project regional recreational use to 2015. The data is not only out of date but also makes some flawed conclusions. For instance, how many of the motorcycles used in the table weren't built for off-highway usage? (8)

Response: This comment does not relate to this plan and therefore is outside the scope of analysis for the JCSE EA and TMP.