UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8, MONTANA OFFICE
FEDERAL BUILDING, 301 S. PARK, DRAWER 10096
HELENA. MONTANA 59626-0096

Ref: 8MO

June 25, 2008

Mr. Steve E. Williams, Forest Supervisor
Attn: Doug Epperly, Project Coordinator
Custer National Forest
1310 Main Street
Billings, MT 59105

Re: CEQ 20080223; Beartooth Travel Management Plan FEIS and ROD

Dear Mr. Williams:

The Environmental Protection Agency (EPA) Region VIII Montana Office has reviewed the Beartooth Travel Management Plan and Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) in accordance with EPA responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

We recognize the difficulties and challenges involved in evaluating many factors and balancing many interests and trade-offs in making travel management decisions, and we appreciate the Custer National Forest's and Beartooth Ranger District's effort in preparing a Travel Management Plan and associated NEPA documents for this project.

We are pleased that the preferred alternative, Alternative B Modified, includes more actions to address site specific water quality, fisheries, wildlife, and soils concerns than the other alternatives (i.e. more seasonal restrictions during spring thaw and to reduce wildlife disturbance, and specific route non-designation and contingent designations to mitigate resource concerns). We particularly appreciate the closure of some routes to motorized travel in order to protect water quality and fisheries (e.g., #21401A , #21401B, #241412), and the identification of additional opportunities to address water quality and fisheries concerns in Appendix E.

The EPA still has some concerns, however, that the preferred alternative may not provide full protection to water quality, fisheries and wildlife. We consider Alternative C to be environmentally preferred. We are concerned that the preferred alternative includes 5 more miles of motorized roads and trails in the Beartooth Unit than the no action alternative, and these additional motorized roads/strails are stated to be in high risk areas (Table ES-8). We also have concerns regarding poor conditions on some roads and trails that cause adverse impacts to water quality and fisheries. Roads are often a primary source of human-caused sediment increases, and sediment yields are generally higher from motorized routes than from non-motorized routes.

We are particularly concerned that some roads will remain open to more damaging motorized uses even though those routes cannot be properly maintained. The FEIS indicates that some roads are located on high erosion hazard soils with greater maintenance needs, but does not commit to properly maintaining such roads. The FEIS states that all routes have a maintenance class assigned to them and are maintained at different levels depending on the resource need. However, it is stated that funding for maintenance of roads and trails is not anticipated to change significantly in the next 10 years, and there is large road maintenance backlog, and the Forest is unlikely to have sufficient funding to maintain all of the routes necessary for the administration, utilization, and protection of the District for the foreseeable future. Roads/trails often tend to become wider and rutted with heavy motorized use, creating a greater need for monitoring of road/trail conditions, and for road and trail maintenance for repair and erosion control. Motorized uses on road and trails accelerate erosional processes, which increase stream sedimentation and degradation of fisheries habitat.

We believe it is appropriate to provide proper road maintenance/road BMP implementation for routes open to more damaging motorized travel, and if there are inadequate funds to properly maintain roads and trails, the inadequately maintained routes should be closed to motorized travel. We believe road networks should be limited to those that can be adequately maintained within agency budgets and capabilities, and if roads cannot be cannot be properly maintained we believe they should be decommissioned. This is the only way to protect and sustain resources and ecosystems for use by future generations given a situation with inadequate funding to maintain the road/trail system.

Enforcement is also a critical element in travel management. We are pleased that publication of a Motor Vehicle Use Map (MVUM) is expected to greatly enhance the ability to enforce travel management decisions, and that Law Enforcement Officers and Forest Protection Officers will have clear authority for issuing citations for violations of motorized travel management decisions. We remain concerned, however, about the adequacy of personnel and resources to enforce travel restrictions needed for resource protection. The FEIS states that there is no additional funding for implementation of this decision, although that is stated to be one of the Forest Service's national priorities. We believe agency priorities are demonstrated by resource allocations, and lack of additional enforcement funding suggests that travel management enforcement may not be as high a priority as suggested in the FEIS. We believe it is important that adequate resources be devoted to assuring compliance with travel management rules.

Finally, while we were pleased that the FEIS responses indicated that fish passage at culverts had been evaluated, we noticed that it stated that, "very few culverts were blocking <u>adult</u> fish passage." We were curious about the limitation of this statement to <u>adult</u> fish, since it could suggest that culverts may be blocking fish passage at other life stages (e.g., juvenile and fry stages of life). We believe culverts should provide fish passage for all life stages and during all seasons, unless there is a resource need to limit fish passage. We suggest that the Forest and District evaluate culvert fish passage for all life stages, and if necessary consider adding additional opportunities to Appendix E regarding realigning or replacing culverts which may block fish passage at any life stage or during any season of the year.

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We appreciate the opportunity to review and provide comments on the Travel Management Plan during the NEPA process. If you have any questions you may contact Mr. Steve Potts of my staff in Helena at (406) 447-5022 or in Missoula at (406) 329-3313, or via e-mail at potts.stephen@epa.gov . Thank you for your consideration.

Sincerely,

/s/ John F. Wardell
Director
Montana Office

cc: Larry Svoboda/Julia Johnson, EPA, 8EPR-N, Denver
Mark Kelley/Robert Ray, MDEQ, Helena