



Greater Yellowstone Coalition

People protecting the lands, waters, and wildlife of the Greater Yellowstone Ecosystem, now and for future generations.

BOZEMAN + CODY + IDAHO FALLS + JACKSON

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August 10, 2012

Chuck Patterson
Bureau of Land Management
Pocatello Field Office
4350 Cliffs Drive
Pocatello, ID 83204

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US DEPT OF INTERIOR
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BUREAU OF LAND MGMT
POCATELLO FIELD OFFICE
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RE: Curlew/Deep Creek Travel Management Plan Scoping

Dear Mr. Patterson:

The following are the scoping comments of the Greater Yellowstone Coalition (“GYC”) on the Curlew/Deep Creek Travel Management Plan (“TMP”). GYC is a 501(c)(3) non-profit organization dedicated to protecting the wildlands, wildlife, and other outstanding natural resources of the Greater Yellowstone Ecosystem (“GYE”). GYC has offices in Idaho, Wyoming, and Montana with more than 27,000 members and supporters nationwide. GYC’s members regularly use and enjoy the lands and waters of southeast Idaho for a variety of activities such as fishing, hiking, hunting, wildlife viewing, spiritual renewal, biological and botanical research, photography, and other pursuits. The proposed TMP has the potential to enhance our members’ enjoyment of the public lands within the TMP boundary or negatively affect GYC members’ opportunities to use and enjoy these lands, depending on decision(s) made in the final plan.

We are pleased to see that the BLM is developing a travel management plan for the lands it manages in the Curlew/Deep Creek area. GYC has been involved with travel management on public lands, including the lands managed by the Pocatello Field Office of the BLM, for the past twenty years. GYC has witnessed first-hand the exponential increase of motorized vehicle use on public lands in the GYE and the associated negative impacts to wildlife, water quality, soil health, and non-motorized recreational users. As motorized use increases, so unfortunately do the negative effects associated with this use.

Motorized recreation on our public lands has grown significantly over the past two decades. Unfortunately that growth and impacts related to it are the results of the BLM’s previous “laissez faire” approach to travel management – i.e., you can go anywhere you want, whenever you want. We believe that motorized access and recreation must be managed within the capability of the

land. Access management is one of the most critical issues facing public land managers today. Given the increase in motorized recreation, combined with the technological advances in motorized recreational vehicles, it is critical that the BLM address this issue. Hence, we urge the BLM to use this opportunity to protect the resources in the planning area, rather than accepting the existing network of motorized routes as a fait accompli.

Recreational use of public lands in the Curlew/Deep Creek area has environmental impacts, and these impacts can be severe depending on the use and on the habitat type. Numerous studies, reports, and other publications have documented, in significant detail, these impacts. Access should be managed within the capability of the land. Managing within the capability of the land means, among other things, restricting use on motorized routes if the use of the motorized routes or the motorized routes themselves are impairing the viability and/or long-term sustainability of plant or wildlife species. Restrictions can take the form of seasonal closures, complete closures, or changes in use types or intensities. Indeed, healthy habitats and ecosystems provide for a better recreational experience for everyone.

Our public lands are becoming littered with hundreds of user-created motorized routes. These routes are created when recreationists carve their own routes across the landscape. The routes are created without appropriate public process or environmental review and most certainly are not built or sited based on any standard. This problem has been exacerbated for the lands covered by this TMP since there are currently no travel restrictions of any kind within the 361,530 acres covered by the Malad Management Framework Plan. User-created routes as a matter of policy should not be officially incorporated into the travel system unless compelling circumstances exist. Doing so would encourage future motorists to create even more user-created routes in the hopes that they may be incorporated into future management plans. If compelling circumstances exist, they should be clearly defined in the NEPA analysis.

The BLM should establish an ecological basis for recreation and travel planning. Specifically, the BLM should map the lands they manage according to habitat type and then determine the relative sensitivity (e.g., resistance and resilience) of each habitat type and the sensitivity of resident wildlife species to human activities and disturbance. The BLM should map slopes, lithologies, and slope characteristics (e.g., steepness, soil type) such that this information can be overlain with habitat types. In addition, the BLM should discuss and analyze each type of recreation that has previously or currently occurs on the BLM land including an analysis of the following:

- the ecological and social impacts that result from each type of recreation; the landscape locations and habitat types most suitable and appropriate for each type of recreation (for instance, OHV recreation is not appropriate in wetlands or riparian areas but may reasonably be permitted in habitats and in lithologies that are highly resistant to OHV impacts); and
- landscape locations and habitats in which particular types of recreation should not be permitted (for instance, it is clearly inappropriate to allow motorized use in wetlands, riparian areas, or in critical wildlife corridors).

Such an analysis will provide BLM staff with a means to determine where, when, and how much recreation may be appropriate on public lands. It will also facilitate the development of

appropriate travel route densities for the various habitat types, and scientifically determine where motorized routes are least likely to impact waterways and wildlife habitat.

The analysis should include a map that overlays travel with habitat and species information (aquatic and terrestrial). It is extremely difficult to analyze adequately the impacts of travel and recreation on a landscape scale without this type of analysis.

Once the BLM has established an ecological framework within which it can allocate recreation, the agency should then consider social factors such as user conflict potential, traditional uses, and user desires to further refine the recreation and travel system.

Recreation and travel should be planned so that motorized users are not tempted to travel off-trail and possibly cause ecological impacts. The BLM should carefully examine the routes that are designated for motorized use and minimize or eliminate situations that will entice users to pioneer new routes through sensitive sites, such as wet meadows and riparian areas. Similarly, the BLM should ensure that it is designating uses on roads and trails that are compatible with designated uses on adjacent public land.

We recognize that OHV use is a significant management challenge. OHV use can and does have negative effects to resources, including off-trail vegetation and soil damage, erosion, damage to riparian areas and watersheds, spread of noxious weeds, and disturbance to wildlife. The technological capability of these machines allows them to travel virtually anywhere.

We recommend that the BLM adopt the following provisions in its TMP:

- Restrict OHV use to designated routes under a closed unless posted open policy, and prohibit cross-country travel by OHVs;
- Only allow the designation of OHV routes where the BLM demonstrates that existing or proposed OHV use does not and will not result in adverse environmental impacts;
- Permit OHV use only to the extent that monitoring and enforcement are funded and implemented; and
- Adopt a policy that only OHVs 50" wide or less may travel on OHV routes in the planning area.

The NEPA analysis for the TMP should also include the following:

- Appropriate densities for motorized and non-motorized routes based on ecological parameters;
- Clearly articulated recreation capacities for each management area (for each major type of recreational use – e.g., motorized), designed to ensure, fundamentally, that the land and its inhabitant species and ecosystems are not harmed by the recreational use. These capacities should account for ecological considerations, including a recognition of existing knowledge gaps regarding the environmental impacts of recreation (e.g., the agency should err on the side of caution); and
- Clearly articulated recreation capacities that secondarily (after ensuring that recreational impacts fall within acceptable ecological constraints) address social desires (e.g., the effects of OHV recreation on hunting opportunities and other primitive forms of recreation).

Obviously, sharing routes when possible is preferable to separating uses. However, it is clear that certain types of uses are incompatible and must be separated so that user conflict is minimized. For instance, motorized use and hiking are generally incompatible. Separation of uses does not mean, though, creating redundant routes. It means allocating one part of the travel system for one type of use and another for another type of use. We recommend that the BLM not create additional, separate, and vehicle-specific trail systems as there will be no end to the demand for each new vehicle (e.g., UTVs) to have its own trail network or trails built to their standards and desires.

We recommend that special care be given to managing recreation and travel within wildlife migration corridors. As you know, these corridors are key ecological tracts on which certain types of wildlife are dependent. We recommend that motorized recreation be minimized or, preferably, eliminated in these areas. Minimally, seasonal closures to protect migrating wildlife should be strictly enforced.

Although the creation of loop trails by constructing connector loops, upgrading connecting trail sections, building bridges, or changing the uses on existing trails is, on the face of it, an attractive proposal, we are concerned with the ecological and social consequences of new loop opportunities. First, the creation of loop trails can result in the opening of large acreages to recreational uses that were once relatively remote. Second, loop trails are often proposed where users have carved routes to connect previously unconnected trail systems. Third, ecologists are concerned with looped trail systems because the habitat inside the loop becomes isolated and, depending on the acreage and depth of edge effects, interior habitat values may be lost.

It is easy to anticipate that increased population and use will bring increased pressure for the BLM to expand facilities. We encourage the BLM to operate from the frame of reference that demand will grow virtually infinitely yet the land will always remain finite. All management activities must operate within strict biological parameters in order to keep the ecosystem healthy and to continue providing a stream of benefits to local communities and visitors alike. Given that infinite demand for a finite supply can never be satisfied without compromising the ability to continue meeting any future demands, the BLM must not be drawn into scenarios that continually escalate the need for more outputs.

The best available scientific information clearly demonstrates that recreational activities have environmental impacts, that these impacts are related to levels of use, and that motorized recreation generally has substantially greater environmental impacts than non-motorized recreation. Given the dramatic increases in recreational use levels on all public lands in recent years, these concerns cannot be overlooked. The only prudent and responsible course of action is for the BLM to manage recreation conservatively and cautiously. Any amount of natural diversity lost as a consequence of irresponsible management of recreation will be lost forever. Any damage done to ecosystem integrity will likewise be exceedingly difficult and often impossible to repair. This principle is the basis of responsible and ethical land management.

Need for an EIS

Agencies must prepare an Environmental Impact Statement (“EIS”) for all major federal actions significantly affecting the quality of the human environment. 42 U.S.C. § 4332(2)(C). Through this proposed TMP the BLM will make a decision that will affect more than 361,000 acres of public lands, and all the public resources associated with those lands. At this point, however, the agency has only committed to preparing an EA for this project.¹ It is well recognized that motorized recreational use of the public lands has significant environmental impacts to both terrestrial and aquatic resources. These impacts can be severe depending on the use and on the habitat type. Numerous studies, reports, and other publications have documented, in significant detail, these impacts. For example, vehicular activities cause increased sedimentation and thereby impact waterbodies at the smallest HUC levels.² Generally speaking, roads degrade and simplify fish habitat by destabilizing banks, increasing sediment loads, elevating water temperatures, and diminishing the recruitment of large woody debris into the stream channel.³ Research has shown that habitat damage from sedimentation tends to benefit non-native species at the expense of native fish.⁴

Motorized travel does not just affect aquatic systems. The Curlew/Deep Creek area provides significant habitat for sage-grouse, a species which the U.S. Fish and Wildlife Service determined warrants listing under the Endangered Species Act due to past destruction and degradation of habitat, as well as ongoing threats to their remaining habitat. Research over the past decade reveals that approximately 95 percent of all sage-grouse habitat is within 1.5 miles of a mapped road.

Because of negative impacts associated with roads, sage-grouse tend to avoid roadways and areas close to roads. This behavior can severely fragment their habitat and limit their willingness to travel to different habitats required for year-round survival, or alternatively may require them to travel long distances to find secure habitat for breeding, nesting, brood-rearing, and wintering. In fact, studies have revealed that areas now extirpated have a 25 percent higher density of roads than currently occupied areas.

Recreational use, particularly the use of OHVs, has led directly to sage-grouse habitat loss and fragmentation. It also poses a threat to vegetation, an increase in noise causing stress, and can possibly lead to extirpation. Indeed, recreational use of OHVs is one of the fastest-growing outdoor activities. As an example of how this form of recreation has been affecting wildlife, the Fish and Wildlife Service states that use of OHVs has been a primary factor of concern in 13 percent of species listed or proposed for listing under the Endangered Species Act.

Indirect effects of OHV use include facilitating the spread of invasive species. Additionally, all recreational use of sagebrush lands leads to an increase in human presence, which can lead to

¹ See Curlew/Deep Creek TMP scoping notice (hereinafter Scoping Notice) at 1. “Under the travel management planning process, the BLM has prepared a Preliminary Proposed Action for the Environmental Assessment.” May 21, 2012.

² Furniss et al., 1991.

³ Ralph et al., 1994; Young et al., 1994; Fausch et al., 1995

⁴ Duff 1996.

stress, avoidance, and impacts on sage-grouse populations and overall survival rates. Additionally, although OHV use is legally limited to roads or trails on some public lands, illegal cross-country use is a reasonably foreseeable impact of considerable concern.

Mule deer are another species of great importance to Idahoans, and for the past decade or more mule deer populations have been declining across their range in Idaho, including the TMP project area. This decline is of such importance that the Idaho Department of Fish and Game recently implemented a new program to increase mule deer numbers.⁵ Research shows that motorized access significantly affects how and where mule deer use the landscape.⁶

Relevant case law demonstrates that an EIS “must be prepared if substantial questions are raised as to whether a project may cause significant degradation of some human environmental factor.” Idaho Sporting Congress v. Thomas, 137 F.3d 1146, 1149 (9th Cir. 1998). The interested party “need not show that significant effects *will in fact occur*, but if the plaintiff raises substantial questions whether a project may have a significant effect, an EIS must be prepared.” Id. at 1150 (emphasis in original). “This is a low standard.” Klamath Siskiyou Wildlands Center v. Boody, 468 F.3d 549, 562 (9th Cir. 2006).

The relevant regulations also list some factors to be considered in determining whether impacts from a project are significant, and thus require preparation of an EIS, which can be found at 40 C.F.R. § 1508.27. This list, for example, suggests that an EIS may be required when the effects of a project are likely to be highly controversial. 40 C.F.R. § 1508.27(b)(4). Due to the large number and variety of recreational interests at stake here, there is no doubt that controversy is already surrounding and will continue to surround this proposal. Because non-motorized recreational users generally prefer to use trails restricted from motorized use, user-conflicts are inevitable and create controversial opinions as to how the planning area should be managed.

Additionally, the regulations suggest that impacts may be significant and an EIS may be required when cumulative impacts exist. 40 C.F.R. § 1508.27(b)(7). There would appear to be numerous cumulative effects from other land management activities, including livestock grazing, timber harvesting, and other agricultural related activities occurring on adjacent private and public lands. Additionally, there are also likely to be cumulative effects to wildlife, including effects from habitat fragmentation and wildlife security.

Further, when a project may adversely affect an endangered or threatened species or its habitat, an EIS may be required. 40 C.F.R. § 1508.27(b)(9). As the BLM is aware, and as we point out above, the TMP may negatively affect sage-grouse, a species that the Fish and Wildlife Service determined warrants listing and is a Candidate Species for listing under the ESA.

⁵ See: The Mule Deer Initiative at <http://fishandgame.idaho.gov/public/wildlife/muleDeerInitiative/> last visited July 11, 2012.

⁶ Wisdom, M. J., A. A. Ager, H. K. Preisler, N. J. Cimon, and B. K. Johnson 2005. Effects of off-road recreation on mule deer and elk. March 20, 2004. Transactions of the North American Wildlife and Natural Resource Conferences.

Given the geographic scope of the TMP, and the almost certain significant effects to important wildlife and aquatic resources within the TMP caused by motorized travel, GYC believes that an EIS is the appropriate level of analysis for this project.

Alternatives

NEPA requires that an environmental analysis must “study, develop, and describe” reasonable alternatives to the proposed federal action. 42 U.S.C. § 4332(2)(E). This alternatives analysis is “the heart of” the environmental analysis, 40 C.F.R. § 1502.14, and NEPA’s implementing regulations emphasize that an environmental analysis must “[r]igorously explore and objectively evaluate all reasonable alternatives.” 40 C.F.R. § 1502.14(a) (emphasis added).

The agency must consider a reasonable range of alternatives that would satisfy the stated “purpose and need” for a given project. See, e.g., *Idaho Conservation League v. Mumma*, 956 F.2d 1508, 1520 (9th Cir. 1992) (“nature and scope of proposed action” determines the range of reasonable alternatives agency must consider). The “purpose and need” of the TMP, as noted in the scoping statement:

[I]s to designate an appropriate system of routes for motorized travel associated with public lands within the Curlew/Deep Creeks TMP area. There is currently no travel management direction provided on a majority of the public lands within the TMP area. A TMP is needed that complies with the agency's national direction in light of increasing motorized use and demand while (a) protecting wildlife resources such as sage-grouse habitat and wintering big game, (b) reducing impacts to soils, water, vegetation, or other resource values, (c) satisfying the public need for recreation, access, and safety, and (d) facilitating the multiple-use management of BLM resources and programs.⁷

Clearly, there is nothing in this purpose and need statement that prevents the BLM from closing many of the user-created motorized routes in the planning area. In fact, the BLM’s strategy for OHV management in Idaho encourages such action.

In many areas, route density can be reduced while improving or maintaining access and enhancing the recreational experience.⁸

Unfortunately the scoping notice indicates that the existing system of motorized routes within the planning area is the “baseline” or starting point for the TMP and that all of the trails mapped via GIS in 2011 would be included in the TMP.⁹ While this may be the baseline for this analysis the BLM must still consider a full range of reasonable alternatives, including alternatives that decreases the miles of motorized routes. Other alternatives that should be included would be an alternative that emphasizes non-motorized values, an environmentally-protective alternative that

⁷ Scoping Notice at 2.

⁸ Idaho BLM Off-Highway Vehicle Travel and Access Management Strategy at I-13. Prepared by: Bureau of Land Management, Idaho State Office, January 24, 2005. Is this the scoping notice? If not, you should cite that as well.

⁹ *Id.*

does not focus solely on motorized recreation, and an alternative that proposes to close and rehabilitate all resource-damaging motorized trails in the area, and so forth.

Cumulative Effects

A cumulative impact is defined as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonable foreseeable future action regardless of what agency (Federal or nonfederal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time." 40 C.F.R. § 1508.7. NEPA is quite specific in requiring agencies to consider the cumulative effects of each alternative under consideration See 40 C.F.R. §§ 1502.16, 1508.8, and 1508.25(a)(2) and (c).

The EIS should include a thorough analysis of the indirect and cumulative effects of the TMP with other activities on other public and private lands adjacent to the project area. In particular, but not exclusively, this analysis should include activities that can affect sage-grouse and sage-grouse habitat, such as livestock grazing, agricultural practices, water developments, motorized use, and infrastructure such as roads, powerlines (Gateway West, Northern Lights), and wind energy projects.

BLM Special Status Species Management

As noted above, the TMP area provides habitat for sage-grouse, a candidate species for listing under the ESA which is also listed as a sensitive species in several states, including Idaho. In addition, according to the 2010 revised Pocatello Field Office Resource Management Plan there are two listed BLM sensitive wildlife species (ferruginous hawk and Columbian sharp-tailed grouse) and two BLM sensitive plant species (Cooper's Hymenoxys and Iodinebush) that occur in the Curlew/Deep Creek TMP area. Due to the presence of these plant and animal species in the planning area, the decision on the TMP must be in compliance with the BLM's Special Status Species Management policy. See United States Department of the Interior, Bureau of Land Management, 6840 – Special Status Species Management (12-12-2008) (establishing policy for management of species listed or proposed for listing and Bureau sensitive species).

The overall goal of the policy is to improve conditions of the species' habitat and increase population levels so that listing under the ESA and designation under BLM's sensitive species list is no longer necessary. See id. § .02; § .2B. Thus, "[i]mplementation-level planning should consider all site-specific methods and procedures needed to bring species and their habitats to the condition under which management under the Bureau sensitive species policies would no longer be necessary." Id. § .2B.

Specifically, "the BLM shall manage Bureau sensitive species and their habitats to minimize or eliminate threats affecting the status of the species or to improve the condition of the species habitat, by," among other things, "[e]nsuring that BLM activities affecting Bureau sensitive species are carried out in a way that is consistent with its objectives for managing those species and their habitats," "[w]orking with partners and stakeholders to develop species-specific or ecosystem-based conservation strategies," "[p]rioritizing Bureau sensitive species and their

habitats for conservation action,” “acquire habitats for Bureau sensitive species,” and “consider[] ecosystem management and the conservation of native biodiversity.” *Id.* § .2C. All decisions must be made with the best available scientific information. *See id.* § .2 (“When administering the Bureau sensitive species program, all information shall conform to the standards and guidelines established under the Information Quality Act.”). And in order to accomplish the agency’s conservation and recovery objectives, it must ensure that land use plans “describe in sufficient detail management objectives, treatments, and means for assessing accomplishment.” *Id.* § .2D6.

Current Trail Conditions

In order to make an informed decision, the public must be able to assess the current conditions of existing trails, including trails for which no changes are proposed. Even if no alternatives propose changes to any existing trails—which may violate NEPA’s alternatives requirement—the decision not to propose changes is still within the scope of the TMP, and thus the public should have all of the necessary information available to assess such decisions. For all trails considered within the scope of the TMP, the BLM should identify the location of the trail, identify all current impacts to public land resources from use of the trail (including soil stability issues, if any), identify what, if any, changes are proposed for the trail under each alternative, and explain why changes are or are not proposed.

Prohibit OHVs Over 50 Inches Wide on Trails

In order to better protect public land resources such as wildlife, soils, and native vegetation, the BLM should prohibit the use of OHVs wider than 50 inches on trails open to motorized use. In particular the TMP should prohibit the use of the OHVs commonly referred to as UTVs on trails within the TMP area. There are approximately 60 models of UTVs on the market in the United States today, only one of which is 50 inches or less in width. Most models are over 60 inches wide, with some models up to 72 inches wide and 110 inches long. Most concerning is that there has been virtually no research or analysis of the effects of these types of OHVs on land, water, or wildlife resources. This would include the one 50-inchwide UTV model, which is very different than an ATV. That model carries two people side by side, has a longer wheel base, and includes a large capacity cargo box, adding to the overall weight of the vehicle, which in turn translates into potentially more harmful effects on resources than those caused by ATV use. Without including such analysis of the effects of UTVs on public land resources, based on research, the BLM would be remiss in its responsibility to fully disclose the effects of a decision if it were to permit use of UTVs on trails in the planning area.

Water Quality and Aquatic Habitats

Water Quality

Congress enacted the Clean Water Act to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” 33 U.S.C. § 1251(a). To achieve this objective, Congress declared the national goal of eliminating the “discharge of [all] pollutants into navigable waters” by 1985, and of attaining “water quality which provides for the protection and propagation of fish, shellfish, and wildlife” by July 1, 1983.

The BLM must ensure the TMP does not lead to violations of the Clean Water Act (“CWA”). The “federal facilities” provision of the CWA reads:

Each department, agency, or instrumentality of the executive [branch]...shall be subject to, and comply with, all Federal, State, interstate, and local requirements, administrative authority, and process and sanctions respecting the control and abatement of water pollution.

33 U.S.C. § 1323(a).

In other words, the BLM must demonstrate compliance with water quality standards before approving a project or proposal, such as the Curlew/Deep Creek TMP. See, e.g., Northwest Indian Cemetery Protective Association v. Peterson, 795 F.2d 688, 697 (9th Cir. 1985) (enjoining a Forest Service project because the CWA would be violated if the project was implemented as described in the EISs).

State of Idaho water quality standards provide that “existing beneficial uses of the waters of the state will be protected.” IDAPA 16.01.02050.02.c. Therefore, any plan the BLM decides on must protect existing beneficial uses and comply with the state’s antidegradation laws.

Vehicular activities on both roads and trails cause increased sedimentation and thereby impact waterbodies at the smallest HUC levels. The BLM should insure that, in addition to anti-degradation analysis for permitting and planning, that travel use does not degrade water quality. Much road and trail-caused water pollution is considered nonpoint sources of pollution. Therefore, the BLM should specifically consider in the environmental analysis for the TMP how travel-related nonpoint source pollution will be controlled. Pursuant to the Clean Water Act’s protection and restoration rubric, the BLM must consider water quality that is above water quality standards and water quality that is below water quality standards. Water that is above water quality standards comes under the anti-degradation rubric, and water that is below standards comes under the impaired waters rubric.

Aquatic Habitats

Roads and motorized trails that pose unacceptably high threats to aquatic resources and are not absolutely vital for ecological management activities should be considered for decommissioning. While decommissioning roads and trails is not cheap, it is often far less expensive than maintaining highly erosion-prone roads or replacing impassable culverts.

The NEPA analysis and promulgation of the TMP offers the BLM a prime opportunity to address the adverse impacts of motorized trails, roads and motorized use on aquatic resources. Management standards can ensure that motorized vehicle use does not degrade resources (as measured by such indicators as water quality and aquatic habitat), and that travel does not degrade the watershed’s riparian area or the surrounding landscape in neighboring watersheds (as measured by such indicators as soil erosion or the exportation of chemical contaminants to off-site areas).

Executive Orders 11644 and 11989

The TMP must comply with Executive Orders 11644 and Executive Order 11989. In response to excessive OHV use/impacts on federal lands, President Nixon signed Executive Order (“E.O.”) 11644 in 1972. That E.O. provided a unified federal policy to control OHV use on federal lands. The primary purpose of the E.O. was to establish policies and provide for procedures to control and direct the use of OHVs on Federal lands. More specifically the E.O. established “procedures that would ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, and to *minimize* conflicts among the various uses of those lands.” Exec. Order No. 11,644, 37 Fed. Reg. 2877 (Feb. 8, 1972). This E.O. directed federal land management agencies, such as the BLM, to “develop and issue regulations and administrative instructions . . . to provide for administrative designation of the specific areas and trails on public lands on which the use of off-road vehicles may be permitted, and areas in which the use of off-road vehicles may not be permitted, . . .” *Id.* §3. The E.O. requires that OHV use on public lands: (1) “be based upon the protection of the resources of the public lands, promotion of the safety of all users of those lands, and minimization of conflicts among the various uses of those lands”; and (2) be located in such a way as to (a) “minimize damage to soil, watershed, vegetation, or other resources of the public lands”; (b) “minimize harassment of wildlife or significant disruption of wildlife habitats”; (c) “minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands”; and (d) “ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors.” *Id.* § 3(a). The E.O. also requires the agencies to “monitor the effects” of OHV use on the public lands and “[o]n the basis of the information gathered, they shall from time to time amend or rescind designations of areas or other actions taken pursuant to this order as necessary to further the policy of this order.” *Id.* § 8.

Executive Order 11989 was issued in May 1977 by President Carter. It contains three amendments to E.O. 11644. While these amendments lifted restrictions on the use of military and emergency vehicles on public lands during emergencies, they otherwise strengthened protection of the lands by authorizing agency heads to: 1) close areas or trails to OHVs causing considerable adverse effects; and 2) designate lands as closed to OHVs unless the lands are specifically designated as open to them.

Fire

Fire has already caused widespread negative effects to native vegetation in large areas of the planning unit. In particular, fire has impacted tens of thousands of acres of sagebrush habitat, converting it to annual grasses, or in a number of areas burned landscapes have been seeded with non-native grass species. The consequences of fire on sagebrush habitat-dependent species, such as sage-grouse, have already been significant. Motorized access can and does lead to the higher potential for human-caused fire ignition, thus exacerbating the already severe effects of fire in native habitats. The NEPA analysis should thoroughly explore how motorized travel within the Curlew/Deep Creek planning area may exacerbate fire-caused loss or modification of native habitats and the wildlife species dependent upon those habitats.

Invasive Species

OHV use provides opportunities for the spreading and introduction of noxious weed infestations which can have detrimental effects on native flora and fauna. The environmental analysis should disclose the potential effects from noxious weed infestation from increased OHV use based on the proposal to increase the OHV trail system. Additionally, the environmental analysis should discuss what funding is necessary to implement weed monitoring and whether it is adequate.

The NEPA analysis should also analyze the potential for other permitted actions to spread noxious weeds, as well as propose measures that will minimize the spread of weeds. Section [2] of Executive Order 13112 (addressing invasive species), signed on February 3, 1999, directs each federal agency whose action may affect the status of invasive species identify actions to abate the spread of those species:

(2) subject to the availability of appropriations, and within Administration budgetary limits, use relevant programs and authorities to: (i) prevent the introduction of invasive species; (ii) detect and respond rapidly to and control populations of such species in a cost-effective and environmentally sound manner; (iii) monitor invasive species populations accurately and reliably; (iv) provide for restoration of native species and habitat conditions in ecosystems that have been invaded; (v) conduct research on invasive species and develop technologies to prevent introduction and provide for environmentally sound control of invasive species; and (vi) promote public education on invasive species and the means to address them; and

(3) not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere unless, pursuant to guidelines that it has prescribed, the agency has determined and made public its determination that the benefits of such actions clearly outweigh the potential harm caused by invasive species; and that all feasible and prudent measures to minimize risk of harm will be taken in conjunction with the actions.

The ground-disturbing activities associated especially with motorized travel in the Curlew/Deep Creek analysis area create opportunities for the spread of invasive species, primarily noxious weeds. The NEPA document should address the methods used to control noxious weed infestations and techniques to discourage any new weed establishment. The funding necessary to implement weed monitoring, protection and treatment if it is necessary and whether it is adequate should be in the documentation. Furthermore, the NEPA document should make it clear how the proposal complies with the E.O.

Other Issues to be Analyzed

- Soils
- Wildlife and wildlife habitat in general
- Status of aquatic resources in the area, including water quality status of all surface waters

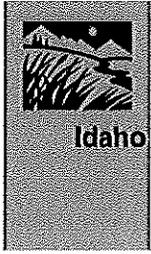
- Cultural resources
- Pollution from noise, fumes, gasoline and oil

Thanks for the opportunity to comment on this proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "Marv Hoyt", with a stylized flourish at the end.

Marv Hoyt
Idaho Director



www.wildidaho.org

Idaho Conservation League

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AUG 31 2012

POCATELLO FIELD OFFICE
BUREAU OF LAND MANAGEMENT

Chuck Patterson
Bureau of Land Management
4350 Cliffs Drive
Pocatello, ID 83204

EMAIL: cpatterson@blm.gov

August 31, 2012

RE: Curlew/Deep Creeks Travel Management Plan Scoping

Thank you for considering our scoping comments on the Curlew/Deep Creeks Travel Management Plan. Since 1973, the Idaho Conservation League has worked to protect Idaho's clean water, wilderness, and quality of life through citizen action, public education, and professional advocacy. As Idaho's largest state-based conservation organization we represent over 20,000 supporters who want to make sure that recreation is managed appropriately and does not degrade natural resources such as water quality, wildlands, and wildlife.

We support a diversity of recreational opportunities on public lands. Properly managed recreation requires limiting motorized and mechanized use to designated routes and the Idaho Conservation League is fully supportive of this effort. We appreciate that the BLM has proposed to close trails marked "not designated" in the scoping notice. These closures will reduce recreational impacts on wildlife and the environment.

Our comments focus on three main topics. First, we are including a set of criteria for the BLM to consider when deciding if routes should be designated as open, closed, relocated, or opened seasonally. We encourage the BLM to see if there are additional opportunities to eliminate redundant routes or routes that are creating significant resource concerns. A complete travel analysis of the project area should be completed and given time for public commenting.

Second, a significant amount of the Southern section of the project area is known sage-grouse habitat. Sage-grouse are considered as a "warranted but precluded" species under the Endangered Species Act. Evidence suggests that habitat fragmentation and destruction across much of the species' habitat has led to its decline. Human activities, including recreational use, can have adverse impacts on sage-grouse and sage-grouse habitat. We recommend that the BLM consult Idaho's 2006 Sage-grouse Conservation Plan, the Idaho Sage Grouse Task Force's 2012 recommendations, and other recent guidances for activities in sage-grouse habitat. The BLM should utilize Best Management Practices from these reports.

Finally, our comments also include a set of general recommendations for sustainable travel management. We raise these because we are concerned that the proposed action is not sufficiently protective of water

quality, wildlife resources and quiet recreation opportunities. Of particular concern are sediment pollution to streams from trail erosion, displacement of wildlife such as mule deer from recreational use, degradation of wildlife habitat and native plant communities from noxious weeds, and loss of quiet recreation opportunities.

Once again we thank you for the opportunity to submit comments on this project. We encourage the BLM to continue to work with all interested individuals and organizations to design a sustainable trail system that provides recreational opportunities while protecting and enhancing natural resources. Please send us any subsequent documents for this project. We look forward to continuing to work with the Pocatello Field Office on this project and others in the future.

Sincerely,

John Robison
Public Lands Director
jrobison@idahoconservation.org
(208) 345-6942 x 13

Idaho Conservation League scoping comments on the Curlew/Deep Creeks Travel Management Plan

Criteria to be considered when evaluating trail use and impacts

Below a set of questions or criteria to help the BLM assess which routes can be more easily adopted into the Curlew/Deep Creeks Travel Management Plan and which ones need additional analysis. The basis for these recommendations are the Owyhee Initiative's scoping comments on the Owyhee Travel Plan, the Snake River Birds of Prey National Conservation Area Travel Management Plan criteria and the Murphy Subregion Travel Management Plan criteria. We are forwarding these criteria on to the BLM for your consideration as part of the public scoping process.

It is our hope that these criteria will be used to assess each route in terms of importance to users as well as impacts to resources. The importance of the route to users should be assessed for both the destination as well as the experience of the route. Likewise, the BLM should analyze the impacts of both the location of the route location as well as the types of uses. The impacts analysis should include both direct and indirect impacts. The outcome should be a ranking of each route on a relative scale of low to high importance and low to high impacts. The future management of this route should be based on this outcome.

For example, routes with high importance and low impacts could be prioritized for designation without considering significant mitigation or analysis about rerouting. Routes with low importance and high impacts should be prioritized for closure and rehabilitation. Routes with high importance and high impacts should undergo additional analysis and may require additional design features and mitigation measures. Potential solutions in these cases could include incorporating an education component, managing public expectations, changing the route location, type of use, or season of use; closing the route entirely; or keeping the route open and mitigating for impacts in other ways. The Idaho Conservation League is interested in working with the BLM to develop a series of solutions for consideration.

While these decisions are focused on motorized and mechanized route use within the county, it is important to note that decisions made regarding motorized trails may affect which areas are available for recreationists seeking a non-motorized or non-mechanized experience.

The main questions (numbered) below should be used for scoring a route in terms of either importance or impacts. The sub-questions (lettered) should be used for the purpose of clarifying details related to the main question so each question is given full consideration.

ROUTE-RELATED

1. Does this route allow access to private properties or some other unique destination, such as an overlook or campsite?
 - a. What specific destination does the route access?
 - b. Are there other routes leading to this destination?
 - c. Is this a primary access route?
 - d. What type of public and/or private use occurs?
 - e. Does the route provide a principal transportation corridor?

2. Does the experience of traveling this route provide a unique opportunity?
 - a. Is there a unique recreational opportunity that is rare or not available at other locations within the planning area?

- b. What type of use occurs?
 - c. Does the route contribute to public safety in terms of importance for search and rescue efforts or as a strategic firebreak?
3. Are there parallel routes to the same destination?
- a. What is the desired destination of the route?
 - b. What is the desired experience of each route?
 - c. Do the parallel routes create a loop opportunity?
 - d. Do the parallel routes create a diversity of experiences?
 - e. If one or more of the parallel routes is redundant, would closure retain the desired experience?
 - f. If one or more of the parallel routes is redundant, would conversion to another type of use improve desired experience for other users?
4. Are there access issues (barriers on private land or other)?
- a. Can the access issue be mitigated through reroutes on public land?
 - b. Can the access issue be mitigated through other methods?
 - c. Is there a desired destination or is the route itself the desired experience?
 - d. Would an alternative access route around or through these barriers lead to adverse impacts on resources (erosion, noxious weed expansion)?
 - e. Would increased use around or through these barriers lead to adverse impacts on resources (noxious weed introduction, wildlife harassment)?
5. Does the route provide access to Wilderness Study Areas or eligible wild and scenic rivers?
- a. Is this a useful or important access to Wilderness Study Areas or eligible wild and scenic rivers?
 - b. Does the route encourage illegal encroachments in Wilderness Study Areas or eligible wild and scenic rivers?
 - c. Can Wilderness Study Areas or eligible wild and scenic rivers encroachment concerns be mitigated effectively to protect against intrusion?
6. Are there user conflicts?
- a. What kinds of user conflicts are considered?
 - b. What are historic uses of these trails?
 - c. Can conflicts be mitigated on this route?
 - d. How does use of this route affect recreationists seeking non-motorized experiences?

RESOURCE-RELATED

7. Are there parallel routes to the same destination?
- a. How many parallel routes exist within the area?
 - b. What is the overall route density?

* For the initial purposes of this analysis, routes within ½ mile are considered duplicate, but this distance

* For the initial purposes of this analysis, routes within ½ mile are considered duplicate, but this distance is only a guideline; the acceptable distance should be customized per resource issue. For example, a route in a wash and a parallel route high above on the canyon rim above may not be considered duplicate.

- c. What are the impacts of this route density on resources?
 - d. Would closure of one or more of the parallel routes improve resource conditions? To what extent?
 - e. Could impacts to resources be mitigated by means other than closure (seasonal openings, change in type of use, improved maintenance, etc.)?
8. Does the route impact wetlands or riparian areas (is erosion observed flowing into a stream or wetland)?
- a. What type of stream?
 - i. Seasonal stream or perennial stream?
 - ii. Fish-bearing or not?
 - b. What are the important resource values in this stream corridor that warrant protection?
 - c. Does the route itself cause an impact to resources?
 - d. Does the use of the route cause an impact to resources?
9. Does the route impact wildlife or wildlife habitat beyond acceptable limits?
- a. Does the route increase big game vulnerability?
 - b. Does the route impact wildlife during critical times of the year (calving, nesting, or winter range)?
 - c. Does the route itself increase or create a disturbance to wildlife and/or reduce habitat effectiveness?
 - d. Does the use of the route cause an impact to the resource?
10. Does the route impact sage-grouse or sage-grouse habitat?
- a. Does the route increase sage-grouse vulnerability?
 - b. Does the route impact sage-grouse during critical times of the year (lekking, brood-rearing or winter use)?
 - c. Does the route itself increase or create a disturbance to sage-grouse and/or reduce sage-grouse habitat quality or quantity? For example, does route use increase spread of noxious weeds?
 - d. Does the use of the route cause an impact to the sage-grouse?
11. Does the route impact native plant habitat beyond acceptable limits?*
- a. Does the route impact plants during critical times of the year?
 - b. Does the route increase or create a disturbance to plants and/or reduce habitat effectiveness?
 - c. Does the use of the route cause an impact to the resource?
 - d. Does the route increase vulnerability to native plant species or exacerbate weed/invasive species issues?
 - e. Is there potential for the route to spread invasive species in a predominantly native plant area?
12. Does the route cause soil erosion that impacts a resource of concern?
- a. Is the soil erosion within acceptable limits for the soil type?
 - b. Can this erosion be mitigated through proper maintenance or route design?
 - c. Can this route be relocated or designed to improve drainage?
13. Is the continued use of the route likely to impact a cultural or other specially protected resource, or any specially designated area?

Sage grouse

It is worth noting the majority of the Sothern section of the project area is considered Priority or General Habitat for the greater sage-grouse by the BLM. While the scoping materials mentioned the need to protect resources such as sage-grouse habitat, it failed to mention that in March 2010, the U.S. Fish and Wildlife Service (USFWS) determined that greater sage-grouse warranted protection under the Endangered Species Act. Although the USFWS ultimately determined that listing the species was precluded by the need to address higher priority species first, the agency has stated it intends to issue a determination whether to list greater sage-grouse as threatened or endangered by 2015. The USFWS cited increasingly fragmented sage-grouse habitat with diminished connectivity as a primary reason for concluding the species warranted listing. Travel planning in this area, including road and trail development, needs to consider and be protective of sage-grouse habitat and migratory corridors.

Sage grouse are a “warranted but precluded” species under the Endangered Species Act. The U.S. Fish & Wildlife Service (USFWS) “Endangered Species” page summary of the 2010 “warranted but precluded” finding summarizes the status of this species:

“Evidence suggests that habitat fragmentation and destruction across much of the species’ range has contributed to significant population declines over the past century. If current trends persist, many local populations may disappear in the next several decades, with the remaining fragmented population vulnerable to extinction.” Exhibit 8.

We recommend that the BLM utilize the Idaho Sage Grouse Task Force 2012 recommendations and Best Management Practices when designing the Curlew/Deep Creeks TMP. Specifically we recommend a 5-mile buffer seasonal buffer around sage-grouse leks during mating and nesting season to protect lekking and nesting activities. The exact buffers to be used may depend on factors such as sight distance, background noise, topography and habituation. We also recommend avoidance of late summer brood rearing and prime winter habitat.

The BLM should recognize that sage-grouse can require movements of several miles between required habitats. Thus, a significant challenge in managing and conserving sage-grouse populations is the fact that they depend upon different types of habitat for each stage of their annual cycle (Connelly et al. 2009), and upon the ability to move between the different habitats throughout the year. Each seasonal habitat must provide the necessary protection from predators, required food resources, and thermal needs for the specific stage of the annual cycle. Breeding-related events and habitat needs during the proposed management activities from summer 2011 through December 2012 will include:

- 1) Late brood-rearing period in July through September. Late brood-rearing is focused in wetter areas, especially riparian and spring-associated meadows closely associated with nearby sagebrush.
- 2) Movement to winter habitat.
- 3) Occupation of winter habitat from November through February. The primary requirement of winter habitat is sagebrush exposure above the snow, and is generally characterized by dense sagebrush, often including areas of wind-swept ridges.
- 4) Lekking, which may begin as early as late February, and may extend into May. Lekking requires open expanses of sagebrush within a large area of sagebrush cover. Lek persistence has been affected by disturbance activities within 3.1, 11.2, and 33.5 mile radii (Swenson et al. 1987, Johnson et al. 2009, Knick and Hanser 2009).
- 5) Female movement to nesting sites and nesting between March and June. Nesting females commonly move 3-5 miles or farther from the lekking site. Females select areas with more

sagebrush canopy than is generally available in the surrounding landscape (Holloran et al 2005, Hagen et al. 2007)

- 6) Hatching and early brood-rearing in May and June. Females continue to use relatively dense stands of sagebrush for earliest brood-rearing habitat if native forbs and insects are available. When vegetation desiccates, females and broods move to wetter areas in search of the native forbs and insects required by chicks.

Knick and Hansen (2009) analyzed factors in lek persistence of over 5,000 leks. They used three radii to test for landscape disturbance effects on lek persistence – radii of 3.1 miles, 11.2 miles, and 33.5 miles. Previous studies had shown behavioral effects on sage-grouse related to sagebrush disturbance at the 33.5 mile radius (Swenson et al. 1987, Leonard et al. 2000). Knick and Hansen’s study showed adverse effects on lek persistence from wildfire at the 33.5 mile radius.

Avoiding and minimizing human footprint at a 3.1 mile radius from leks is an important first step in protecting sage-grouse populations, but sage-grouse will be engaged in nesting and brood-rearing, rather than lekking, for most of the planned activity period. Recent studies have shown that only 64% of nesting sites occur within 3.1 miles of leks, but 80% of nests are found within five miles, and 20% of nests occur at distances greater than five miles from leks. Nest success is also greater the farther a nest occurs from a lek, indicating a disproportionate potential importance of these more important nests for population recruitment. Aldridge and Boyce (2007) and Doherty et al. (2010) identify a buffer of 6.2 miles to protect important nesting and brood-rearing habitats.

Given the considerations of year-round habitat use and known impacts of human activity on sage-grouse populations, mitigation will be needed for disturbance to sagebrush near lekking areas; disturbance and loss of sagebrush and native forbs used for early brood-rearing; and disturbance and impacts to hydrologic function of wet areas used for early to late brood-rearing. A conservative estimate for the nesting and brood rearing area affected will include buffers with radii of 6.2 miles around known leks. Mitigation specifics could be based on a mitigation template recently created for the Lesser Prairie Chicken, a ground-nesting species facing similar threats (Horton et al. 2010).

General comments on travel planning

BLM Management Framework Plan Amendments

We support any amendments that provide additional protections to natural resources and oppose amendments that weaken protections.

Water quality impacts

Stream and wetland crossings should be minimized to the extent practicable to reduce soil erosion and sediment delivery. Stream crossings should not occur at all where 100-year flood events cannot be accommodated, where “fording” cannot be appropriately designed, or where fish passage would or is being impaired. We also recommend moving trails out of the Riparian Conservation Habitat Area when needed to protect stream resources. This requirement is necessary to minimize damage to soil, water quality, and wildlife habitat, as well as the Clean Water Act and INFISH. Seasonal restriction on motor vehicle use of these trails may also be necessary during wet periods or run off.

Big game

We recommend utilizing additional closures or seasonal restrictions to protect big game. Elk in particular are vulnerable to displacement in areas with high densities of motorized trails. The exact buffers to be used may depend on factors such as sight distance, background noise, topography and habituation.

Lynx and wolverine

Wolverine may be sensitive to disturbance by recreationists. We recommend closing known and likely denning areas during sensitive times of the year. Lynx may be affected by coyotes and other competing predators accessing snowshoe hare habitat on snowmobile trails. We recommend limiting the density of such routes in any lynx habitat.

Closed areas, Areas of Critical Environmental Concerns and Wilderness Study Areas

We support expanding areas closed to motorized use if necessary to protect wildlife resources and sensitive soils. We recommend that there be no motorized use in Areas of Critical Environmental Concern or Wilderness Study Areas unless these uses do not degrade the identified special qualities of these areas.

Existing Seasonal Restrictions

We support seasonal restrictions and recommend expanding the existing seasonal restrictions or modifying the boundaries if necessary to protect wildlife resources and sensitive soils. We do not support reducing the acreage of seasonal restrictions.

Trail closures

We support all the proposed trail closures listed as “not designated.” For routes that are to be closed, the BLM should also determine what amount of rehabilitation, signage and enforcement is necessary to ensure the area is returned to an ecologically productive state. We feel that additional closures may be needed to protect resources.

General closures to all recreationists

The Idaho Conservation League also supports closing sensitive areas to all uses, including non-motorized recreationists, if needed to protect natural resources. Such examples may include seasonal closures to protect big game or sage-grouse.

Trail reroutes

We believe there may be opportunities to relocate problematic trails outside of sensitive areas, but new opportunities for trails should be carefully weighed against new resource concerns.

Trail designation

We appreciate the BLM’s attempt to provide unique trail experiences for specific user groups, including ATV trails, motorcycle trails, mechanized trails and non-mechanized trails. We recommend increasing the overall percent of non-mechanized trails where suitable within the proposed trail system. These forms of recreation still far exceed the use of motorized vehicles for the purpose of recreation. Such opportunities are declining throughout the National Forest System as more and more trails are constructed for ATV and motorcycle use. The BLM should analyze the impacts to opportunities for quiet recreation and solitude from new motorized trails. We also encourage some degree of zoning for different uses on a watershed or soundshed basis so that recreationists can have a non-motorized experience if they choose to do so.

Trail development

Trail redundancy, whether for motorized or nonmotorized use should always be avoided.

We also question the practice of constructing additional trails when the agency does not have the capacity to enforce the *existing* system. The BLM should apply for additional funds to increase enforcement and enhance public outreach and information sharing on proper riding etiquette. The Idaho Department of Parks and Recreation (IDPR) is one potential source of funds available for such projects.

Some grants for recreation activities come with restrictions that require the BLM never to close trails maintained or constructed with these funds, regardless of changing conditions or future management needs. Because the BLM has a multiple-use mandate and practice adaptive management, the BLM should not agree to any such grant restrictions for this project or other similar projects. The BLM must be able to adapt to changing resource concerns and close trails should resource degradation warrant trail closure.

Private property

Where there is a compelling public interest for a trail that currently goes through private property, we support working with the private property owner on securing an easement for the public to travel through the private property. Where this is not possible, the BLM should examine the possibility of relocating the trail to public lands and analyze the benefits of access with potential environmental concerns.

Infrastructure

We support the development of trailheads, kiosks, rest rooms and parking areas in strategic areas as long as environmental concerns are addressed. Such developed areas need to be able to support intensive recreational pressure and be located outside of sensitive areas.

Dead end trails

We do not support the designation of short, dead end trails or “crow’s feet” unless there is a specific destination and a physical feature that prevents trail pioneering. Short, dead end trails, of which many are found in this project area, simply encourage cross-country travel. Instead, the BLM should investigate linking trails to form loop opportunities as long as resource concerns are addressed.

Trail maintenance

We recommend identifying certain trail sections for enhanced maintenance. We also recommend developing partnerships with user groups who can help with maintenance, education and outreach. For snowmobile routes and open areas, we recommend establishing a minimal snow depth and density standard needed to open the season to ensure that snowmobile use doesn’t impact vegetation.

User-created Routes

All user-created routes should be inventoried and many may need to be closed as part of this action. Given the fact that many of these trails may not have been properly engineered or located, the BLM should consider reengineering, relocating, or closing these routes as needed.

Connecting trails to Forest Service and IDL trail systems

We understand that a number of trails connect with existing Forest Service trails and that the BLM may have a responsibility to continue to provide access to these areas. We recommend that the type of trail use be the same on both the BLM and Forest Service trails as long as resource issues can be addressed. While the BLM may not be able to close access to the Forest Service trails, the BLM can and should use this travel planning process to address resource concerns along the BLM trails. For example, trail rerouting may be needed to protect natural resources. Where there are resource concerns on BLM land, we encourage the BLM to coordinate with the Forest Service and Department of Lands to see if a long term solution can be found by placing trailheads and trails on less sensitive areas on properties managed by these other agencies.

Noxious Weeds

OHVs are a significant vector in the spread of noxious weeds. Seeds and plant material from invasive plants can be dispersed by OHVs along trails and roadways where they germinate, out compete native vegetation and increase the risk of fire.

Motorized vehicles also facilitate the spread of noxious weeds by creating seed beds for these species by exposing mineral soil. User-created routes are particularly problematic in terms of their contribution to the spread of noxious weeds because significant soil disturbance from non-engineered trail systems.

As part of this project the BLM should survey the project area for noxious weeds and analyze the extent to which motorized vehicles are contributing to their spread. Where the spread of noxious weeds extends well beyond the roadways or trails, closures should be considered to recover native species, improve wildlife habitat, and reduce the potential for human-caused fire starts.

Education and enforcement

We recommend partnering with user groups to help educate users on regulations. Signs and informational kiosks should be placed at all trailheads and staging areas that communicate the BLM's policies and regulations regarding the use of motor vehicles on public lands. These resources should also be available online. Namely, riders need to know that cross-country travel is prohibited. The agency should not assume that all riders are cognizant of policies and regulations regarding the use of motor vehicles.

It should be indicated that the agency reserves the right to close the area if riders do not follow the policies and regulations or practice destructive riding practices on public lands. Phone numbers should be provided indicating who users may contact to report violations, thus increasing the capacity of the user group to self patrol its riders and encourage responsible use of public lands.

We also recommend that all signs and trail markers should include an emblem of an American flag or a transparent background with an American flag to discourage theft and vandalism to help ensure that information remains readable and available.

The public should also be aware if any areas are subject to the Idaho Department of Fish and Game's Motorized Rule regarding the use of ATVs as a hunting aid.

If the BLM is planning to use funds from the Idaho Department of Parks and Recreation to expand and improve opportunities for OHV users in the area, the BLM should also seek funds from the department for enforcement activities.

Alternative Development

Instead of simply basing the alternatives on a scale of increasing/decreasing number of trails, we recommend a different approach. The BLM should start by examining critical resources of concern such as water quality and wildlife and ensuring that these resources are protected by closing these areas. There are many circumstances in which no amount of engineering or design will compensate for a trail's impacts in sensitive areas. Such unsustainable trails should not be continued forward in any alternative except for the no action.

For the remaining areas where resource issues can be addressed, the BLM should develop a series of alternatives focused on different levels of mitigation. Where trail densities are an issue, the BLM should develop alternatives that consider keeping retaining the core trails and eliminating redundant routes. For trails with manageable resource issues, the BLM should develop alternatives that include emphasizing trail maintenance, reengineering trails on site, relocating trails to a different location in the general

vicinity, using seasonal closures to address these concerns, designating specific uses to certain trails, or designating patterns of use in certain trails.

To elaborate on the last example, on the Tsali trail system on the Nantahala National Forest in North Carolina, equestrians and mountain bikers alternate using two different loops depending on the day of the week. In addition, mountain bikers are encouraged to ride the loop in a certain direction (i.e. clockwise) to minimize user conflicts.

Using this approach, a range of alternatives can be developed and customized for each trail system.

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2012 DEC 13 PM 2:02 Scoping Comment Form

BUREAU OF LAND MANAGEMENT
POCATELLO FIELD OFFICE
POCATELLO ID BLM - Curlew/Deep Creeks TMP
Environmental Assessment

Please provide your comments and/or concerns related to the route data shown on the maps in the space provided below and return this form by August 31, 2012, to the **Bureau of Land Management (BLM), Pocatello Field Office, Attention Chuck Patterson, at 4350 Cliffs Drive, Pocatello, Idaho 83204.** You may attach additional pages if needed. When submitting comments, please include your name, address, e-mail (if applicable), telephone number, and the organization you represent (if any) on the form.

Comments on issues that you feel should be evaluated as part of this analysis is essential to this process and should be submitted as formal scoping comments. The BLM is asking for written public comments no later than August 31, 2012. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Thank you again for your interest in the planning effort.

Name: Marsh Valley Cattleman Corp. Address: 1451 W. Hawkins Rd.
Phone: 897-5527 Email: _____ Organization: Dugong Corp. ^{Benjamin}

Comment/Concern: In regards to roads accessing Marsh Valley Cattleman Corp.

1. Dead Wood Road
 - a. Jan 1 to April 15th - Snowmobiles Only
 - b. April 16 to Oct. 1 - Closed to the Public
 - c. Oct. to Dec 31st - Horseback and foot traffic only
 2. Arbon Valley Entrance
 - a. Same as above.
 3. Exceptions or Variances will be issued by MOCC President.
 4. BLM Can issue Variances or exceptions on public land in conjunction with Marsh Valley Cattleman Corp.
- Activities Allowed - Horseback, foot only, Snowmobiles
Not allowed - 4 wheelers and tracks.

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2012 SEP -7 PM 3:01

BUREAU OF LAND MGMT.
POCATELLO FIELD OFFICE
POCATELLO ID

Bureau of Land Management
4350 Cliffs Drive
Pocatello, Idaho 83201
August 31, 2012

Subject: Curlew National Grasslands/Deep Creek Mountains Travel Management Plan

The Portneuf Valley Audubon Society wants the Bureau of Land Management immediately to remove all the roads marked in red from its travel plan maps, including hard and electronic copies.

These roads, by the BLM's own definition, are illegal. Therefore they should not be formally acknowledged in a federal government publication nor should the public be informed of how to further violate the law by being shown where illegal behavior is taking place. Putting these roads on a public map encourages more abuse and illegal activity.

The Curlew National Grasslands is well-known and important Sage Grouse habitat and for this reason alone should not be further disturbed or encouraged by more roads.

Thank you for your continued abidance with the letter and spirit of the law.



Jackie Johnson Maughan, conservation cochair
c/o Barbara North, president
Portneuf Valley Audubon Society
3824 Jason Ave.
Pocatello, Idaho 83204

Ex. 6

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JUL 30 2012

POCAHONTO FIELD OFFICE
BUREAU OF LAND MANAGEMENT

Patterson, Charles S

From: Beck, Jason <jason.beck@idfg.idaho.gov>
Sent: Monday, July 30, 2012 3:05 PM
To: Patterson, Charles S
Subject: travel management plan

Mr. Patterson,

I work to resolve conflicts between private landowners, wildlife, and sportsmen. For the past 6 years I have worked with several landowners that own property adjacent to BLM parcels that will be affected by the Curlew/Deep Creek Travel Management Plan.

1. Big Onion. The area known as the Big Onion is owned by a shareholder group, Marsh Valley Cattlemen. The Big Onion comprises approximately 10,000 acres of private land that surrounds approximately 6,000 acres of BLM. That BLM property is nearly 100% landlocked by the private holdings. Access to the area had been contentious for as long as anyone remembers. In 2008 I negotiated an agreement with the MVC shareholders that has worked very well for the majority of users and continues to be agreeable for the shareholders. The Big Onion is now open to public walk-in access October 1 to March 1 (outside of the livestock grazing season). Hunters that harvest a big game animal are given permission to drive in to retrieve downed game (phone numbers are posted at the gate and IDFG staff has the option to authorize access when landowners cannot be reached). During the past 4 years, all of the motorized access that I am aware of has occurred on private land – not due to BLM restrictions, but simply due to the lay of the land and roads. That said, there are a few roads through the Big Onion that could prove problematic if closed completely. On the other hand, opening the roads to all travel would likely appear as an invitation to some members of the public as a right to cross the private lands without consideration for the agreement that is currently in place.
 - a. I recommend closure of most of the roads within the Big Onion allotment(s), except for administrative use in compliance with the grazing permit.
 - b. There are two roads that should be considered for some kind of restrictive motorized travel. Both routes are landlocked and travel planning will require private landowner buy-in. Permitting unrestricted access would erode the current access agreement that is providing public access to this area. Both routes are declared public roads by Bannock County, however, the county declaration does not specify where the roads actually end. It is generally accepted that the ends of the public portions of both roads fall well short of public land. In both cases any BLM parcels that include portions of these roads are located in neighboring Power County, which has no such declaration.
 - i. Yellow Dog Road. Yellow Dog Road is blocked with a locked gate some 3 miles before it enters BLM parcels. In addition, the road is not maintained and permitting full size traffic would not be wise. It is, however, the only route that would be possible for disabled access or retrieval of downed game for the BLM parcels on Bradley Mountain. Permitting ATV use of this route between October 1-March 1 may be a reasonable option, but any ATV abuse would quickly reduce landowner cooperation.
 - ii. Deadwood to Bowen Road. The current agreement with the private landowners allows the public to park at the corrals (known as Cow Camp) on the west end of Deadwood Road. There is a privately maintained 2-track that continues westerly (after driving through the corrals), to Bowen Road in the Arbon Valley on the other side of the mountain range. This route is the only means of motorized access to the BLM parcels in the Mine Canyon area. There is little need for public motorized travel through the BLM, however, this is the only route that traverses the mountain range in this area and it is used by IDFG staff and the private landowners to investigate and monitor motorized trespass. The landowners would permit motorized access for the disabled and for game retrieval, however, I do not know of any cases in the past 4 years where such permission has been requested. Posting this landlocked route as a public

thoroughfare would cause immediate problems with the public trying to cross the private lands to get to it, however, a complete closure would impede management of responsible public access to the private lands.

2. Dry Canyon/Green Canyon (Arbon Valley). IDFG has established a walk-in Access Yes agreement with Jerre Evans for the private property in Dry Canyon. The recommended closures of roads on BLM in this area, as well as the one open road to the ridge on the south side of Green Canyon will be beneficial to maintaining this public access agreement. Currently, motorized access on pioneered trails (including some not shown on the map) through the BLM in this area are facilitating trespass conflicts with neighboring private landowners. While Jerre has agreed to a public access agreement, some of his neighbors have cited excessive abuse as a reason for keeping the public off of their properties. Nearly every year, the landowners complain of a newly pioneered route that creates a new trespass issue. The Green Canyon Road and Knox Canyon Road (to the south) provide an appropriate amount of public motorized access to this area.

One Note: The TMP map shows the Green Canyon Road turning south and meeting Knox Canyon Road. There is a locked gate on a sliver of private land where these two roads meet, so it is not currently possible for the public to travel the entire loop.

I will send additional emails if/when I have an opportunity to review other areas involved in the TMP.

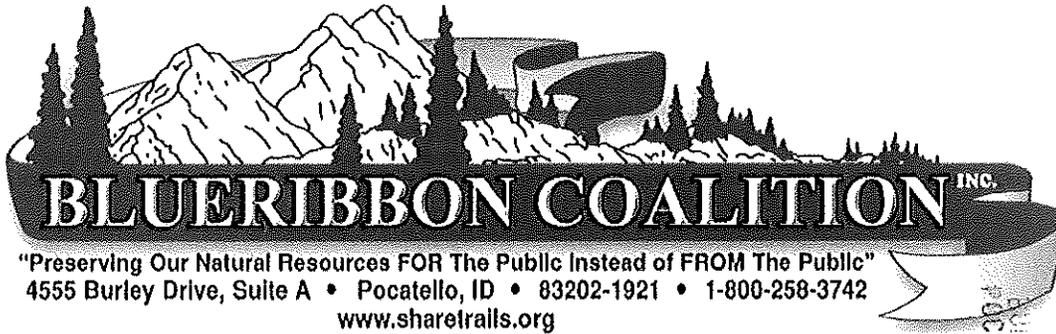
Jason Beck
Landowner/Sportsman Coordinator
Southeast Region
Idaho Fish and Game
1345 Barton Road
Pocatello, ID 83204
208-232-4703

When land does well for its owner, and the owner does well by his land; when both end up better by the reason of their partnership, we have conservation. When one or the other grows poorer, we do not. -- Aldo Leopold

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JUL 30 2012

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POCATELLO ID

Bureau of Land Management
Pocatello Field Office
Attn: Chuck Patterson
4350 Cliffs Drive
Pocatello, Idaho 83204
cpatterson@blm.gov

SENT VIA U.S. AND ELECTRONIC MAIL

August 31, 2012

RE: Scoping Comments on Curlew/Deep Creeks Travel Management Plan Environmental Assessment (EA)

Greetings Pocatello BLM'ers!

The BlueRibbon Coalition (BRC) is a national recreation group that champions responsible recreation and encourages individual environmental stewardship. With members in all 50 states, BRC is focused on building enthusiast involvement with organizational efforts through membership, outreach, education and collaboration among recreationists. We work with land managers to provide recreation opportunities, preserve resources and promote cooperation with other public land users.

BlueRibbon Coalition members use motorized and non-motorized means, including Off-Highway Vehicles (OHV), snowmobiles, equestrian, mountain bikes, and hiking to access and enjoy recreating upon state and federally-managed lands throughout the United States, including those of the National Forest System and Bureau of Land Management (BLM).

Many of our members and supporters live in and/or recreate in Idaho and use motorized vehicles, including off highway vehicles, to access lands managed by the Bureau of Land Management's Pocatello Field Office. In addition to access travel itself, BRC members visit the lands mentioned herein for motorized recreation, sightseeing, photography, rockhounding, hunting, wildlife and nature study, camping and other similar pursuits. BlueRibbon's members and supporters have concrete, definite and immediate plans to continue such activities in the future.

Our members and supporters are interested in, and **will be directly affected by, the Proposed Action.** Please incorporate these suggestions into the record and carefully consider our suggestions.

A. Kudos

It sometimes seems that successful travel and recreation planning is more about elbow grease and a willingness to meet with users than anything else. We want to sincerely thank the BLM staff in the Pocatello Field office for their willingness to spend the time to discuss this project and also to develop useful maps.

B. Regarding Alternatives

One of BRC's key concern is that the agency develop a reasonable range of Alternatives.

We do not expect the agency to develop an alternative that dramatically expands the existing route network. However, we do not want to see a range of alternatives where all represent a significant reduction in recreational opportunity. At least one Alternative should take a "pro recreation and access" mindset and apply mitigation over closure to address any potential impacts to natural resources.

We'll stray a bit here to quickly discuss the distinction between quantity of opportunity and quality of opportunity. Savvy recreation planners understand that providing quality recreational opportunity is more important than quantity. In addition, proper recreation management can increase the carrying capacity of an area, while at the same time reducing impacts to natural resources. A "pro recreation" alternative may close existing routes, but it will also connect loops, provide a range of difficulty for a range of vehicles and look to mitigate impacts instead of closing routes. The result is an enjoyable travel system that reduces/minimizes impacts.

The planning team must not make the mistake of assuming the "no-action alternative" serves as a "pro recreation" alternative. The agency can not legitimately claim that maintaining the current allowances and restrictions for OHV use and motorized travel, as described in the Resource Management Plan and travel plan is a viable "action alternative." There are numerous and obvious reasons why this is so.

The "no-action alternative" in this case properly serves as a baseline to understand the current condition and the need for change and then compare and contrast how each alternatives address the issues.

NEPA imposes a mandatory procedural duty on federal agencies to consider a reasonable range of alternatives to Preliminary Proposals or preferred alternatives analyzed during a NEPA process. 40 C.F.R. § 1502.14; 40 C.F.R. § 1508.9. "[A]gencies shall rigorously explore and objectively evaluate all reasonable alternatives." 40 C.F.R. § 1502.14. The alternatives section is considered the "heart" of the NEPA document. 40 C.F.R. § 1502-14 (discussing requirement in EIS context).

The legal duty to consider a reasonable range of alternatives applies to both EIS and EA processes. *Surfrider Foundation v. Dalton*, 989 F. Supp. 1309, 1325 (S.D. Cal. 1998) (citing *Bob Marshall Alliance v. Hodel*, 852 F.2d 1223, 1229 (9th Cir. 1988) ("Alternatives analysis is both independent of, and broader than, the EIS requirement.")).

A NEPA analysis must "explore and objectively evaluate all reasonable alternatives." 40 C.F.R. § 1502.14 (EIS); *Id.* at § 1508.9 (EA); *Bob Marshall Alliance*, 852 F.2d at 1225 (applying reasonable range of alternatives requirement to EA). A NEPA analysis is invalidated by "[t]he existence of a viable but unexamined alternative." *Resources, Ltd. v. Robertson*, 35 F.3d 1300, 1307 (9th Cir. 1993).

The agency is entitled to "identify some parameters and criteria—related to Plan standards—for generating alternatives...." *Idaho Conservation League v. Mumma*, 956 F.2d 1508, 1522 (9th Cir. 1992) (italics in original). However, in defining the project limits the agency must evaluate "alternative means to accomplish the general goal of an action" and cannot "rig" "the purpose and need section" of a NEPA process to limit the range of alternatives. *Simmons v. U.S. Army Corps of Engineers*, 120 F.3d 664, 669 (7th Cir. 1997).

C. Brief discussion about “niche” and “need”

In 2004, a survey conducted by Idaho Department of Parks and Recreation (IDP&R) found that 52.4% of Idahoans participated in OHV recreation. Statewide registrations of trail motorcycles and ATVs have increased 75% in the last five years, from 59,395 in 2001 to 104,127 in 2005. These statistics demonstrate that OHV recreation is very important to Idahoans, and OHV use is growing fast.

According to the study, Off-Highway Vehicle Recreation in the United States, Regions and States: A National Report from the National Survey on Recreation and the Environment (NSRE), from 1982 to 2001 OHV use became one of the fastest growing activities in the country. Between an earlier NSRE conducted in 1994-1995 and the time when the next round of NSRE data was collected, between fall 1999 and summer 2000, it showed a 32-percent increase. This represented a growth from about 27.3 million OHV users in 1994-1995 to about 36.0 million in 1999-2000. NSRE estimates approximately 34% of Idaho residents participate in OHV related recreation.

This increase in the popularity of OHV recreation coincided the reduction of available opportunity. We have already noted several recent travel plans have closed a significant percentage of available OHV routes. Clearly, there is a need to provide a robust OHV travel system.

The “niche” of the planning area also lends itself to an emphasis on OHV related recreational pursuits. The area is valued for a wide range of recreational uses, especially OHV recreation and hunting.

D. Planning Issues

We would like to suggest two issues that should be considered by the planning team and, if appropriate, be incorporated into the process as “significant planning issues.”

Issue 1: The cumulative loss of OHV related recreational opportunity

The cumulative loss of OHV related recreation opportunity is a significant issue that should be incorporated into the analysis and into the decision making process.

As stated above, motorized recreational opportunity has been drastically reduced throughout the region. Travel management plans on adjacent BLM lands and National Forest lands have reduced opportunity for motorized recreationists, while at the same time provided additional opportunity for those who prefer a non-motorized experience.

The amount of motorized route and area closures has reached a critical mass. Every single mile of motorized route that is open today is more important and valuable than in previous planning efforts. Further closures such as those proposed by the BLM in this process will have a larger impact than past closures.

The agency should address this issue by formulating an alternative that seeks to enhance recreational opportunities by focusing on mitigation over closures, providing looping opportunities, connecting to routes on adjacent USFS lands and providing a full range of challenge or difficulty in the final travel plan.

Issue 2: Trail-based recreational experience

We are uncertain how the effects on recreation experiences will be considered in the decision making process. Naturally, BRC’s members and supporters are interested in a quality OHV trail system. Insofar as that can be reflected as a planning Issue, we would suggest “trail-based recreational experience” be considered.

While a well maintained road may provide public access to an area, it may not provide the recreational experience folks desire. In order to address this issue we encourage the agency to consider significance criteria such as "loops," "level or range of difficulty," "scenic quality," "destinations" "connector routes," "point-to-point routes," or other similar qualities.

E. Regarding special status species

The BLM must support any claim that various recreational activities (e.g., off-highway vehicle use, camping, equestrian use, hunting etc.,) pose significant threats to any sensitive, threatened, endangered or other species of concern. Claims that are highly speculative and based on little or no reliable data should be excluded from the environmental analysis.

F. Specific route information

We understand the importance of route specific comments to BLM planners as you develop alternatives and ultimately develop a good travel plan. To date, encouraging folks who regularly visit the area to providing route specific comments has been difficult. The small maps are difficult to understand and the hot summer has not helped us convince OHV enthusiasts to venture out and look at the routes proposed for closure!

Still, the agency's efforts to provide better maps has helped and we expect folks will contact the agency with specific route information within the next 30 days. Please incorporate this info into your alternatives.

Two (perhaps more) route segments proposed for closure on the west side of I-15 just north of the McCammon exit were identified as "red flags." Several folks we contacted were extremely concerned about those specific routes. The area (on both sides of the freeway) provides a very valuable opportunity to local residents for a variety of purposes. At least one Alternative should keep all of the routes on both sides of the highway open.

G. Conclusion

As always, BRC is eager to assist land managers to formulate balanced and enforceable land use plans. We hope to provide more route specific information in the near future. Please do not hesitate to contact BRC if you have any questions or require clarification regarding these comments.



Brian Hawthorne
Public Lands Policy Director
BlueRibbon Coalition
208-237-1008 ext 102



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US DEPT OF INTERIOR
2012 AUG 29 PM 1:46

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POCATELLO ID

OFFICE OF THE BOARD OF COUNTY COMMISSIONERS
C O U N T Y O F C A S S I A

Dennis D. Crane, Chairman
Paul Christensen, Commissioner
Bob Kunau, Commissioner

COURTHOUSE
1459 Overland Avenue
BURLEY, IDAHO 83318

Phone: 208-878-7302
Fax: 208-878-9109
www.cassiacounty.org

August 27, 2012

Bureau of Land Management
Attn: Chuck Patterson
Curlew/Deep Creeks South

Re: Scoping Comment

Dear Mr. Patterson,

Cassia County Board of Commissioners became aware of the scoping process by being advised of a community open house in Rockland. This open house was held on Monday, August 20, 2012. Two of our commissioners and our County Administrator attended the Rockland open house; we have garnered a small amount of "on-the-ground" information, and had a presentation at our regular meeting on Monday, August 27, 2012, led by David Pacioretty, Pocatello Field Office Manager.

Our base position as a county is that public lands should maintain a multiple-use character, serving the needs of ranchers, recreationalists and the general public at large. Central to this is the notion of "use". Shutting down or limiting access is contrary to use. If there is something occurring on public land that is proven deleterious, then that should be managed to remove the deleterious nature.

We strongly feel that the travel management process runs counter to established due process. The status of the travel structure that exists should not be either reduced nor expanded without adequate notice to all stakeholders and a local hearing process to determine if a road, trail or otherwise should be developed or removed. Any other process is not appropriate.

It has further been indicated to the Board by BLM officials that comments will be accepted even after August 31, 2012 deadline. We appreciate and accept this offer as we will gather more information on the ground and offer trail-by-trail comments.

Finally, much concern is raised, and much effort directed toward resolving and reducing density. The facts are that more people are using public lands. By reducing roads and trails to take the burden of that access, density is increasing and will only produce negative impacts. We strongly urge that roads and trails be and remain open to soak up "density" issues. Much is done with grazing, spreading animals out to reduce

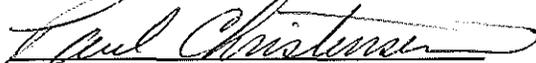
negative impacts of density, the same concept should be applied to travel management planning – keeping roads and trails open to allow travel to spread out. This will reduce erosion, wear and tear, as well as conflicts between persons. This is a much better approach to good stewardship of our public lands.

With best regards,

Board of Commissioners,
Cassia County, Idaho



Dennis D. Crane, Chairman



Paul Christensen, Commissioner



Bob Kunau, Commissioner

Bureau of Land Management Curlew/Deep Creeks TMP, COMMENTS

In going through the plan there are several concerns I have. It hits closer to home when I live in the resource area, run cattle on the BLM, and have private property co-mingled in the area. I am going to restrict my comments to the areas I know and have traveled or have worked on in my lifetime.

The west hills of Arbon from West Fork Canyon to Knox to the south. First it seems strange to send BLM staff out and if on a given day the access route is blocked or restricted decide rather the BLM roads behind them are open or closed. I don't think any of the roads on the West side of Arbon should be permanently closed. Perhaps there should be a third category maybe colored yellow that is called public access being negotiated or being worked on. That would give the opportunity for BLM to work on some type of an easement to those properties. If the BLM can give the private landowners some type of protection for their properties there may be a way to work through and easement.

The west hills of Arbon will never be a big play area for recreationalists as most of the canyons are very steep and there is no water available of any kind except for given years in Knox canyon. Actually this part of the resource area has very limited use other than some wood cutting and then quite a spurge during hunting season

Rather than rambling I will close hoping you will consider the third category of [easement in negotiation rather than closure.] If you put the private land owners back against the wall with no protection for their private lands I fear there will be more gates put up and locks go on the gates.

Respectfully submitted,
Ken Estep
PO Box 49

Ex. 6

Arbon, Idaho
83212

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AUG 1 2012

POCATELLO FIELD OFFICE
BUREAU OF LAND MANAGEMENT

Public Lands—hearing, Arbon,
July 25, 2012

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Where-as I can not attend, I have ask this be read into the federal register:

AUG 31 2012

Hans Hayden

Ex. 6

Arbon, Idaho 83212

Ex. 6

POCATELLO FIELD OFFICE
BUREAU OF LAND MANAGEMENT

As to closing roads on ANY public lands,

1) These are “public land”—Not land owned by the federal government! They are not owned by the United States, although some would lay that claim, as if they were the USSR. **THEY ARE OWNED BY THE CITIZENS OF THE UNITED STATES OF AMERICA.** All of us, not just a part, not just environmental activists, not ranchers, not hikers, not BLM.

Thus they are for ALL to use and no one to abuse. That is why they are called ‘multiple use’ lands. They are NOT wilderness areas...a totally different type of land.

2) If you close the roads, you remove about 90% of those that would like to used these lands, including those with disabilities. (I have an 80 year old man on clutches that hunts on a 4 wheeler, what is he to do?) You would soon allow only a few hikers access. All day events, not just a little travel to see the wonderful nature that exist in SE Idaho.

3) If abuse is the problem, fix it. **There should be variable access to every use. Some for hiking, some for horses, some for 4 wheelers, some for lumber, cattle grazing, etc. It is a cop out to just close it because you can not control a few problems.**

There can be all kind of discussions on problems, have them and fix them—don’t just close the United States.

4) **If erosion is the problem, fix that.** I have seen a very innovative control on roads with a piece of belting bolted to a board, it diverted the water and can be driven over. Get others that use the area to help place these on hills. Etc etc.

5) If funding is the problem, fire ONE person in DC that works for BLM. I could repair all the roads myself with that funding in 10 years! And we would have one less person trying to justify his job without being here. If those at this hearing can not find a solution, fire them and use the money.

6) Nice to have a hearing when everyone is harvesting so they can not come. And at 5 oclock so those that work in town can not arrive until 6:30.

7) **MULTIPLE USE PUBLIC LAND REQUIRES PUBLIC ACCESS**—or it is not public any more. Now it is private.

I only wish I could have delivered this myself—it would have been more animated.

Thank you—

8/22/2012

Scoping Comment Form

BLM – Curlew/Deep Creeks TMP Environmental Assessment

Please provide your comments and/or concerns related to the route data shown on the maps in the space provided below and return this form by August 31, 2012, to the **Bureau of Land Management (BLM), Pocatello Field Office, Attention Chuck Patterson, at 4350 Cliffs Drive, Pocatello, Idaho 83204.** You may attach additional pages if needed. When submitting comments, please include your name, address, e-mail (if applicable), telephone number, and the organization you represent (if any) on the form.

Comments on issues that you feel should be evaluated as part of this analysis is essential to this process and should be submitted as formal scoping comments. The BLM is asking for written public comments no later than August 31, 2012. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Thank you again for your interest in the planning effort.

Name: Bill Hubbard Address: [Redacted]
Phone: _____ Email: _____ Organization: Hollbrook, ID 83243

Comment/Concern: Attached are comments

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AUG 22 2012

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BUREAU OF LAND MANAGEMENT

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AUG 9 2012

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BUREAU OF LAND MANAGEMENT

Map: Curlew/Deep Creeks South

8/22/2012
11:47 AM.
Bill Hubbard
Comments from
field trip w/
Baine Newman &
Chuck Patterson

This road is important to me personally for access to farmland I lease and I have been using this road for the past 50 years. Publicly this road is important to sportsmen & women as they have access to the road from the west. Roy
If it is closed they likely the private access will go away once the landowner knows BLM has closed the road. Then only a very few will use the land who would be regretful for the public.
Bill Hubbard

P.S.
Currently the public is never restricted to the road in question from the west.
Bill

This is adopted line from the 1971 fire study
Bill

Curlew/Deep Creeks Travel Map - Comment Map Preliminary Proposed Action

0 0.3 0.6 1.2 1.8 Miles

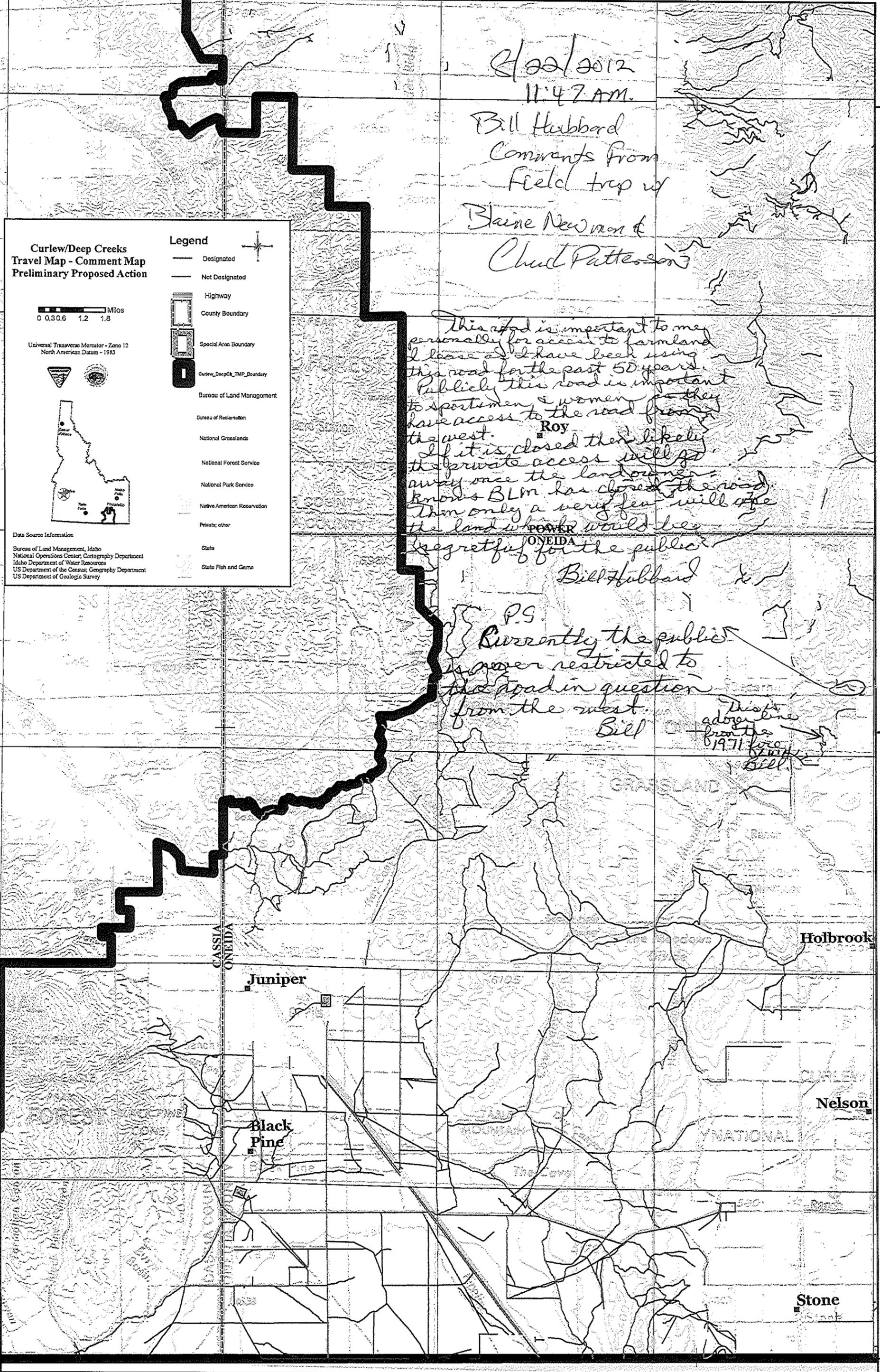
Universal Transverse Mercator - Zone 12
North American Datum - 1983

Legend

- Designated
- Not Designated
- Highway
- County Boundary
- Special Area Boundary
- Curlew_DeepCR_TMP_Boundary
- Bureau of Land Management
- Bureau of Reclamation
- National Grasslands
- National Forest Service
- National Park Service
- Native American Reservation
- Private; other
- State
- State Fish and Game

Data Source Information

Bureau of Land Management, Idaho
National Operations Center, Cartography Department
Idaho Department of Water Resources
US Department of the Census, Geography Department
US Department of Geologic Survey



Chuck Patterson



C. L. "Butch" Otter
governor

Nancy C. Merrill
director

Tamara Humiston
deputy director

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www.parksandrecreation.idaho.gov

August 20, 2012

Chuck Patterson, Outdoor Recreation Planner
Pocatello Field Office, BLM
4350 Cliffs Drive
Pocatello, ID 83204

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AUG 31 2012

POCATELLO FIELD OFFICE
BUREAU OF LAND MANAGEMENT

RE: Curlew/Deep Creek Travel Management Plan

Dear Mr. Patterson:

The Idaho Department of Parks and Recreation (IDPR) staff reviewed the Curlew/Deep Creek Travel Management Plan proposed action document. The Pocatello Field Office proposes to designate routes in the Curlew/Deep Creek Area using the Comprehensive Trails and Travel Management Planning (CTTMP) Process.

The Curlew/Deep Creek Planning area is the last management area in the Pocatello Field Office that has not undergone the Travel Management Planning Process. This area is the largest of the travel planning areas since the designation process has started on the Pocatello Field Office.

Our staff has experience with the CTTMP Process and Travel Planning. We have participated in a variety of travel plans across Idaho and have provided input to improve the Travel Planning Process. We have conducted route inventories and provided route specific recommendations to BLM staff.

The IDPR is interested in being a cooperating agency in this planning process. We believe that our planning experience and information can strengthen the CTTTP planning process for the Curlew/Deep Creek Planning area.

From a planning perspective, the Pocatello Field Office should keep three planning components in mind when designating routes. These key components to a successful Travel Management System are as follows:

- 1) Lots of Routes: Miles equal smiles
- 2) Loops, Loops and More Loops: Lots of Decision Points
- 3) Variety of Topography and Difficulty Levels

The 2012 Pocatello Resource Management Plan has guidance for conducting route inventory. One of those components refers to using GPS and Aerial Imagery conduct inventory routes.

Both of these items need to be used. In our experience, aerial imagery can only be used to identify if a route might exist. When we inventoried routes in the Owyhee Management Area, aerial imagery often showed dry drainages, fences and other features that appeared to be a route. **Route verification must be done in the field with a GPS unit to show whether the route is there or not and what type of route it is.**

The 2012 Pocatello Resource Management Plan identified using 2004 NAIP Aerial Imagery as a baseline for route identification. This imagery was completed with a 1 meter resolution. In 2011, Bing Maps completed a 1 foot resolution imagery of the entire state. The 1 foot imagery offers much greater detail than the 2004 NAIP Aerial Imagery.

The proposed action map shows many routes not being designated. The Pocatello Field Office should document **each and every existing route on the reasoning behind why a route is being designated or not designated.**

In some case, non-designation may result from a lack of access to BLM Land. The Idaho Local Technical Highway Assistance Council (LHTAC)¹ maintains a database of all county maintained routes. The BLM should get this data to make sure access to BLM land is available. This data will also let BLM avoid designating county routes and right of ways.

The Pocatello Field Office also needs to **coordinate route designations with the Caribou-Targhee National Forest and Sawtooth National Forest.** Several the routes in the planning area are adjacent or go through USFS land. Our staff maintains route specific information on the Idaho Trails Web Application².

The Idaho Trails Web Application also shows route designations on BLM Lands. We need to work together on this process so the proper designations can be show on the web application.

We appreciate the opportunity to comment on this proposal and look forward to working with the Pocatello Field Office in this planning process. If you have any questions about our comments, please contact me at (208) 514-2483.

Sincerely,



Jeff Cook, Outdoor Recreation Analyst
Recreation Bureau

¹ <http://lhtac.org/>

² <http://www.trails.idaho.gov/>



IDAHO DEPARTMENT OF FISH AND GAME
SOUTHEAST REGION
1345 Barton Road
Pocatello, Idaho 83204

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AUG 31 2012

POCATELLO FIELD OFFICE
BUREAU OF LAND MANAGEMENT
C.L. Bunch / Governor
Virgil Moore / Director

August 31, 2012

Bureau of Land Management
Pocatello Field Office
Attention: Chuck Patterson, Outdoor Recreation Planner
4350 Cliffs Drive
Pocatello, Idaho 83204

RE: Curlew/Deep Creek's Travel Management Plan Environmental Assessment

Dear Chuck,

The Idaho Department of Fish and Game (IDFG) appreciates the opportunity to offer technical comments to assist BLM travel planning. IDFG does not support or oppose this proposal. The purpose of these comments is to assist the decision-making authority of BLM by providing technical information addressing potential effects on wildlife and wildlife habitat on how adverse effects might be mitigated.

IDFG acting under the supervision of the Idaho Fish and Game Commission is charged with carrying out statutory policy to preserve, protect, perpetuate, and manage all fish and wildlife. We ask that and wildlife receive equal considerations with all other resources in land and water management decisions (Idaho Code 36 103 (a)). Magic Valley and Southeast region personnel have reviewed the Curlew/Deep Creek's Travel Management Plan Environmental Assessment information to develop the following scoping comments.

We believe the routes identified as non-designated under the Preliminary Proposed Action for the Environmental Assessment generally strike a balance in protecting wildlife resources such as sage-grouse habitat and wintering big-game while providing access to public lands controlled by the BLM. We have provided a few additional comments on particular routes that involve issues of wildlife security and the conservation of sage- and sharp-tailed grouse habitats.

IDFG's analysis of travel management planning is generally based on two primary considerations:

1. **Disturbance and displacement effects**

Many species of wildlife are displaced from habitats adjacent to motorized roads and trails (Schultz and Bailey 1978, Rost and Bailey 1979, Forman and Alexander 1998, Canfield et al. 1999, Gaines et al. 2003, Wisdom et al. 2004, Shively et al. 2005, Wisdom et al. 2005, Barton and Holmes 2006, Naylor et al. 2009). These effects are species-specific and vary considerably. In highly motorized areas the ability of many species to make efficient use of otherwise suitable habitat near motorized roads and trails is compromised.

Keeping Idaho's Wildlife Heritage

2. Big game vulnerability during hunting seasons

The planning area encompasses portions of four IDFG management units including 56, 57, 70 and 73. The planning area has a long history of providing hunting opportunity for mule deer under a general and controlled season framework. The department's Motorized Hunting Rule (MHR) is applied to Units 56 and 73 to limit big game harvest vulnerability but other recreational motorized use is not affected by MHR.

Managements units 56 and 57 are particularly important for the Magic Valley's mule deer management program because unit 56 offers a substantial portion of the region's general deer hunting opportunity south of the Snake River and unit 57 offers a highly sought-after controlled hunt tag for mature bucks. Management of elk and pronghorn harvest is under a controlled hunt framework.

In the Southeast Region management units 70 and 73 comprise some 25% of the regional mule deer population. Unit 73 has open terrain and numerous routes of motorized access; hunting using motorized vehicles is limited by the MHR but other motorized use is not restricted and can affect wildlife through disturbance.

High road and trail densities and increased motorized use reduce the ability of an area to provide hunting season security habitat for big game (Unsworth et al. 1993, Gratson and Whitman 2000, Rowland et al. 2005).

3. Wildlife-related recreational opportunities

Travel management should strive to provide a balance of motorized and non-motorized opportunities for all users, including hunters and other wildlife enthusiasts, to recreate. Our surveys show the majority of Idaho hunters prefer to hunt in areas where they encounter few other hunters and few motorized vehicles. From 1993-2011, the department conducted several different hunter surveys to learn their opinions about the use of motorized vehicles for hunting. While the questions varied from survey to survey, hunters were generally supportive of improvements in OHV management or restrictions in OHV use for the purpose of benefitting wildlife and hunting (IDFG files, Jerome and Pocatello).

Issues for consideration during the travel management planning process:

Issue: Road Redundancy

Roads in the planning area that provide access to the same areas and are unnecessary for administration, management, or recreation may be re-designated for non-motorized use. We suggest the development of a strategy to evaluate road redundancy. The elimination of unnecessary roads would reduce negative impacts to wildlife.

Issue: Seasonal Motorized Restrictions

Seasonal use restrictions can be an effective tool to protect fish and wildlife resources at crucial times during their life-cycle and to reduce the vulnerability of big game during hunting seasons (thus the Department implementation of the MHR in certain hunts in Units 56 and 73). Examples include protection of breeding and nesting sage- and sharp-tailed grouse, pronghorn fawning habitats, wintering big game, and active raptor nesting territories. We recommend that any seasonal road restrictions should apply to all motorized vehicles.

Issue: Dead-End Spur Roads

Short spur roads have developed throughout the planning area. Many of these roads are not necessary for management activities and provide little recreational opportunity. Reduction of some of these spurs would have substantial benefits to wildlife by reducing disturbance effects, expanding source habitats, and increasing big game security habitat. We recommend evaluating the effects of reducing the number of spur roads.

Issue: User Expansion of System Roads and Trails

We are aware that some roads may have also been lengthened by users past their original intended destination. The user-created portions of these roads should be carefully scrutinized.

Issue: Hunter Opinions

IDFG conducts periodic surveys to sample hunter opinions on various issues that affect their experience. From 1993-2011, the opinions of more than 3,285 hunters were sampled on many issues relating to motorized travel. These opinions were drawn from random samples of hunters from management units that encompass the planning area. The following is a brief bullet summary of the results of these surveys for consideration in the travel plan analysis. Further details can be provided on request.

- The mule deer hunter use of ATVs and motorcycles is increasing - 11% in 1998, 17% in 2004, 38% in 2006, 39% in 2010.
- Approximately 75% of big game hunters support or would accept temporary road restrictions to improve big game hunting.
- More than 70% of hunters support or accept the IDFG's motorized rule that restricts motorized use to roads capable of travel by full-sized automobiles.
- More than 55% of hunters surveyed use foot travel or horses as their primary mode of transportation while hunting.
- More than 85% of hunters feel the number of roads and trails in their hunting areas are excessive or adequate. Less than 15% felt there were not enough roads and trails.
- In 2012, the department conducted another survey that reflected that hunters who do not identify themselves as an OHV-equipped hunter continue to support OHV restrictions but also demonstrated that OHV-equipped hunters have complex use patterns that include not only hunting activity but also additional recreational travel while on a hunting trip. The majority of all hunters in the survey hunted big game in units and hunts with the Motorized Hunting Rule. A copy of the draft report of survey findings (Sanyal 2012) is enclosed for further information.

Issue: IDFG Management Objectives

IDFG manages the wildlife within the planning area boundary. Although specific information on certain wildlife populations within the planning area is limited, we do have broad management plans for the management units encompassing the planning area. We request consideration be given to our species management plans and goals for the management units found within the planning area boundaries. Species management plans covering this area are available for mule deer, elk, pronghorn, and sage-grouse. Plans can be found on IDFG's website or provided by the Southeast or Magic Valley regional offices.

Issue: Species of Greatest Conservation Need

A number of species of special conservation concern are found in the planning area. In 2005, IDFG completed the Idaho Comprehensive Wildlife Conservation Strategy. The strategy identifies 229 species of greatest conservation need (SGCN) in Idaho and establishes an ecological, habitat-based framework to aid in the conservation and management of these species. The strategy provides recommendations for actions to improve the population status and habitat conditions of SGCN, and describes an approach for

long-term monitoring. The strategy identified **habitat loss, degradation, and fragmentation as major factors contributing to the status of these species.**

Specific Comments about Routes:

We have identified the following series of short, dead-end, and in some cases redundant, routes during our review of the proposed travel management map that we believe merit further evaluation regarding travel planning objectives.

Magic Valley Region

Black Pine area west of Interstate 84:

- According to the Sawtooth National Forest Travel Plan Map, route 1963 dead-ends at the Forest boundary. This route is redundant to route 1903, which also provides access to the East Dry Canyon area.

Juniper area east of Interstate 84:

- **Important mule deer winter and transition habitat occurs in the Cow Canyon and North Canyon areas. Routes 2105 and 2121 bisect winter habitat and dead-end on BLM land. In addition, each route is bounded by routes that provide access to the same general areas. Additional protection of wintering mule deer would be provided by reducing motorized access to these areas.**
- **Routes 1430, 1540, and 1837 in the Saddle Horse Basin area and routes 1433, 1437, 1438, and 1445 in the Radio Facility and Glen Canyon areas dead-end on BLM land. With the exception of routes 1540 (4.25 miles) and 1430 (1.2 miles), none of the routes exceed 0.75 miles in length. Reducing motorized access in these areas would help provide additional security habitat for mule deer and elk and protect breeding and wintering sage- and sharp-tailed grouse.**

Sublett Range:

- **Routes 1332, 1333, and 1334 in the Crazy Canyon area are short (< 1-mile) and dead-end on BLM land.**
- **The southwest arm of route 1525 in the Crazy Canyon area dead-ends on BLM land while the northwest arm dead-ends at a State section. The routes are redundant; bordered by routes that provide access to the same areas. Reducing motorized route densities in the Crazy Canyon area would provide additional security habitat for mule deer and elk.**
- **Routes 1322 and 1324 in the Quaking Aspen Spring area dead-end on BLM land.**
- **Route 1451 in the Holloway Canyon area dead-ends on BLM land.**
- **The southern end of route 1458 south of Sager Canyon bisects important sharp-tailed grouse winter habitat and big game calving/fawning habitat. The route dead-ends on BLM land. Additional wildlife security habitat would be provided by eliminating motorized access to this sensitive area particularly during these key periods.**
- **According to the Sawtooth National Forest Travel Plan Map, route 1458 between Heydlauff and Sager canyons dead-ends at the Forest boundary.**

Southeast Region

Keeping Idaho's Wildlife Heritage

Deep Creek Mountains:

- The southern section of route 626 in the Green Canyon area dead-ends on BLM land. This area is important big game transition and winter range. Due to the area's proximity to Pocatello, it is used by significant numbers of local hunters and other recreationists. Additional security for the various big game populations would be provided by reducing motorized access to this area.

Pleasantview Mountains:

- Route 997 north of White Hollow leads a short distance to two side roads that dead-end on BLM land. This route bisects a narrowed section (~2 miles) of the Pleasantview Mountains. Reducing motorized access to this area would provide additional security habitat for mule elk and conserve Key (K) sage-grouse habitat. We recognize that sage-grouse conservation planning by the BLM and the State of Idaho may result in additional elements of definition for habitat currently designated as Key habitat.
- Routes 1820, 1822, and 1824 are approximately 1-mile northwest of Pettit Springs in sections 10, 11, 12, and 14. They provide limited access across isolated sections of BLM lands. Security habitat for mule deer and conservation of Key (K) sage-grouse habitat would be enhanced by reducing motorized recreational access to this area.
- Routes 1107 and 986 near Pettit Spring; Routes 1105, 982 & 1282 near Taylor Spring provide limited access across the isolated sections of BLM lands. Additional security habitat for mule deer and the conservation of Key (K) sage-grouse habitat would be provided by reducing motorized recreational access to this area.
- Route 1143 west of Morgan Jones Canyon appears redundant because route 1115 provides access to the same areas.
- Routes 1149 and 1150 west of the North Fork of John Evans Canyon road dead-end on BLM land. It appears that these roads access a water tank; the recreational purpose is unclear.
- Routes 1107 and 1008 south of Elkhorn Canyon Road dead-end on BLM land. Additional security habitat for mule deer, protection of breeding sharp-tailed grouse and conservation of Type 1 restoration habitat for sage-grouse would be provided by reducing motorized access in this area.
- Routes 1003, 1051, and 1800 north of North Canyon Road appear to access two separate radio facilities and dead-end on BLM lands so it is unclear if these serve a recreational purpose compared to an administrative purpose. To improve security habitat for mule deer, protection of breeding sharp-tailed grouse, and conservation of Type 1 restoration habitat for sage-grouse, we suggest consideration of an Administrative Use Only designation if these do not serve an important recreational purpose.
- Routes 1042 and 1043 seem redundant because route 1052 provides access to the same areas. Additional mule deer security habitat would be provided by reducing motorized access to this area.

Samaria Mountains:

- Routes 1175 and 1176 northeast of Wet Water Canyon road dead-end on BLM land. Additional security habitat for mule deer and conservation of Type 1 restoration habitat for sage-grouse would be provided by reducing motorized access in this area.

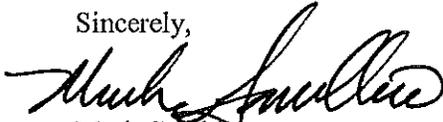
Keeping Idaho's Wildlife Heritage

North Hansel Mountains:

- Routes 909, 936, and 939 bisect mule deer winter habitat and dead-end on BLM land. The ability to manage use on the eastern slope routes (1873, 2435, 885, and 909) would seem difficult if this series of routes on the ridge top remain accessible year-round.

We look forward to participating in the continuing dialogue as this travel planning process moves forward. Please contact Jim Mende (208-232-4703) or Mike McDonald (208-324-4359) if we can provide further information regarding our scoping comments.

Sincerely,



Mark Gamblin

Southeast Regional Supervisor

Sincerely,



H. Jerome Hansen

Magic Valley Regional Supervisor

MG/jjm

Email: MV Region Staff
SE Region Staff

Literature Cited:

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Keeping Idaho's Wildlife Heritage

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2012 AUG 30 PM 1:48

Scoping Comment Form

BLM – Curlew/Deep Creeks TMP
Environmental Assessment
BUREAU OF LAND MGMT.
POCATELLO FIELD OFFICE
POCATELLO ID

Please provide your comments and/or concerns related to the route data shown on the maps in the space provided below and return this form by August 31, 2012, to the Bureau of Land Management (BLM), Pocatello Field Office, Attention Chuck Patterson, at 4350 Cliffs Drive, Pocatello, Idaho 83204. You may attach additional pages if needed. When submitting comments, please include your name, address, e-mail (if applicable), telephone number, and the organization you represent (if any) on the form.

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Name: Kade Lusk Address: [REDACTED] Ex. 6
Phone: [REDACTED] Ex. 6 Email: [REDACTED] Ex. 6 Organization: _____

Comment/Concern: _____

#1 MAP: ROCKLAND DEEP CREEKS NORTH -
THIS AREA IN KNOX CANYON PROVIDES BOTH RECREATION AND ACCESS FOR FIREWOOD. THERE IS QUITE A BIT OF BLOWN DOWN TREES AND SOME BARK BEETLE KILL. THIS SECTION OF ROADS SHOULD BE LEFT OPEN FOR PROPER MANAGEMENT OF THE LAND.

#2 MAP: ROCKLAND DEEP CREEKS NORTH -
THIS AREA IN GREEN DRY CANYON PROVIDES GREAT DEER HUNTING. ALL TRAILS CAN BE ACCESSED BY ATV, AND SOME WITH LANDOWNER APPROVAL. ALSO CONSIDER LOWERING THE WINTER RANGE; THE RIDGE LINE SEEMS A BIT HIGH FOR THE DEER I HAVE SEEN IN THE WINTER.

#3 MAP: ARBON/MARSH VALLEY -
THIS BIG ONION AREA HAS BOTH DEER/ELK HUNTING. BLM SHOULD WORK WITH LANDOWNERS TO ENSURE THIS AREA IS OPEN TO PUBLIC ACCESS BY MOTORIZED TRAVEL. FOOT TRAFFIC IS NOT FEASIBLE.

Scoping Comment Form

BLM – Curlew/Deep Creeks TMP Environmental Assessment

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Name: _____ Address: _____

Phone: _____ Email: _____ Organization: _____

Comment/Concern: HOIBROOK BURN ALLOTMENT

①

Need Access to JOSEPHSON SPRING & MAD SPRING

FENCE MAINTENANCE - ALSO IN THE AREA

ALSO A TRAVELED ROAD TO GO THRU THE BURN ALLOTMENT TO GO FROM ONE END TO THE OTHER WITHOUT EXTRA TRAVEL

②

CHECK CONNECTION ON GREEN ROAD BY NORTH CANYON SPRING

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BUREAU OF LAND MANAGEMENT

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Scoping Comment Form

BLM – Curlew/Deep Creeks TMP Environmental Assessment

POCATELLO FIELD OFFICE
BUREAU OF LAND MANAGEMENT

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Name: DANA OLSON Address: [REDACTED] Ex. 6 Incom ID 83245
Phone: [REDACTED] Ex. 6 Email: [REDACTED] Ex. 6 Organization: _____

Comment/Concern: I was glad to see that the BLM is looking to close roads & trails that have been springing up across BLM property. I feel BLM has looked to stop general spreading & look at trails/roads that work within a system & do not dead end on a ridge or gully.
I feel this is especially important in the Curlew grasslands because of the Sage Grouse and their nesting areas.
I assume the short green lines connect existing routes through other Forest Service, private or state lands.
I encourage BLM to look at routes & keep unnecessary or redundant routes closed to protect the resource & habitat.

Scoping Comment Form

BLM – Curlew/Deep Creeks TMP Environmental Assessment

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Name: Dexter Pitman Address: [REDACTED] Ex. 6 Pocatello
83204
Phone: [REDACTED] Ex. 6 Email: [REDACTED] Ex. 6 Organization: _____

Comment/Concern: ATTACHED COMMENTS (1 page)
TMP MAPS - (3)
/

Thank you for the
opportunity to comment
Dexter Pitman

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BUREAU OF LAND MANAGEMENT

Scoping Comments

BLM-Curlew/Deep Creeks TMP Environmental Assessment

I support the concept and scope of reducing motorized routes throughout the Curlew/Deep Creeks TMP area as depicted in the various maps of the assessment area. While access to these lands for many different users is important, increasing motorized activity (area and frequency) needs to be managed for BLM public lands to provide for the security and production needs of terrestrial wildlife and traditional non-motorized user values. The possible reductions depicted in the TMP by non-designated routes are not excessive. Ample motorized access to and travel through our public lands will continue.

In some areas further closures would improve the travel situation for the fore-mentioned uses. Further closure of designated routes in the Pleasantview/Hansel/Samaria TMP would be beneficial in the three routes shown on the attached TMP map.

In some areas however designated route closures in areas of mixed BLM and private ownership will likely result in exclusive-use private landowner and friends/clients use of "public lands." In these areas, guaranteed access (park and walk) to the public land needs to be ascertained with County Commissioners and private landowners before any travel restriction regulations are enacted which might further promote private-only use of those public lands. Specific areas of concern are in the Arbon/Marsh Valley TMP area including the Bradley Mountain mixed ownership area and the isolated section(s) south of Arbon. These are highlighted on the pertinent TMP map.

Historic access points have been lost through time along the entire perimeter of the BLM TMP areas. Reducing designated route travel on public lands should not be done exclusive of securing access (park and walk) to the BLM public lands in these areas. Some examples of access points (park and walk) include: Goddard Canyon and Bull Canyon. There are likely others and an inventory of such opportunities should be conducted and coordinated with TMP's of the US Forest Service and efforts of the Idaho Department of Fish and Game.

Enforcement efforts (limited BLM enforcement staff and legal restriction of cooperative efforts by IDFG enforcement to supplement BLM enforcement remains a serious limitation to effective non-designate/designated route management. This item should be raised in the EA process.

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Scoping Comment Form

**BLM – Curlew/Deep Creeks TMP
Environmental Assessment**

POCATELLO FIELD OFFICE
BUREAU OF LAND MANAGEMENT

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Name: Kent Rudeen Address: Ex. 6 American Falls, ID 83211
Phone: Ex. 6 Email: Ex. 6 Organization: Rudeen Ranch

Comment/Concern:

I am commenting on the designated road determination as part of the TMP. As a neighboring landowner I am opposed to declaring the trail which leaves the Moonshine Trail Road to the south and identified on the accompanying map as Item "A" as a "designated road". For the following reasons:

BLM Policy 1626 – Travel and Transportation Manual (Public) states: "TMAs may be used to identify where unique travel management circumstances require a particular focus, specific management prescriptions, or additional analysis." By designating this road you have identified that this road has unique travel management circumstances. I contend that by proposing to designate the road you have created unnecessary focus.

1. The "road" was historically built to maintain a fence and move sheep camps up this narrow, steep canyon in the 1950's and was last used for that purpose about 1969. The road was then abandoned and never maintained. It was used as a "Jeep" trail by deer hunters until the mid 80's when it became unusable. Since the advent of ATV's it has been used as a trail by a few riders since 2000. The abandonment of the road is demonstrated by the high, steep bank of the county road. The county abandoned attempts to provide access due to lack of use on the road in question. Further, I do not want to see this trail converted or improved to become a "road".

2. The road goes up to the ridgeline and essentially dead ends leaving riders with the option of creating more "trails and cuts" on ridges that do not exist today. The other option for ATV's is to go downhill in two different steep canyons that both bottom out on my private lands and would be considered trespassing. One of these canyons you can only go down and not back up because of its' steepness. I am opposed to the creation of a ridgeline ATV trail system as well as the increased trespass I anticipate with the designation of the road.

3. The road goes uphill and within a 1/2 mile enters a designated Area of Critical Environmental Concern (ACEC), the Bowen Canyon Bald Eagle Sanctuary.

The Federal Land Policy and Management Act of 1976 (FLPMA), as amended, 43 U.S.C. 1701 *et seq.*, provides the authority for the BLM land use planning. Sec. 202(c)(1-9) requires that, in developing land use plans, the BLM shall use and observe the principles of multiple use and sustained yield; use a systematic interdisciplinary approach; give priority to the designation and protection of areas of critical environmental concern; ...; weigh long-term benefits to the public against short-term benefits. **Why would you want to encourage increased vehicle traffic into the Bowen Canyon Bald Eagle Sanctuary?**

Additionally: Executive Order 13112 (Invasive Species) provides that no Federal agency shall authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species. Increased use of ATV increases the spread of undesirable weeds and increases the chance of wildfire. This risk has been recently demonstrated by the 2012 Trinity Ridge Fire. Weeds and wildfire are both threats to the values protected by the ACEC.

Habitat altering activities are not compatible with the ACEC. Motorized vehicle use is inconsistent with Management Objective 3 of the Bowen Canyon Bald Eagle Sanctuary ACEC: "Manage Bowen Canyon in a manner conducive to the continued existence of wintering bald eagles." Special Management Requirement 3: "Control commercial road operations from November 15 to April 15." Special Management Requirement 4: "Close Bowen Canyon to snowmobile use from November 15 to March 15 except for research and administration. And Special Management Requirement 5: "Classify the ACEC area as high risk value for fire protection."

The other neighboring property owner is the Shoshone-Bannock Tribes. They only allow non-motorized public use of their property. Designation of this road will create a backdoor vehicle access to an area that is otherwise restricted.

4. The road is currently used more by horse back and foot traffic than by ATV's. I would like to see the trend of non-motorized access continue.

In summary the designation of this trail as a "road" will create environmental damage and will create management problems for myself, the Tribes, and the BLM. I recommend the BLM change this "road" to "Not designated" or designate it as "Closed" to motorized travel.

Kent Ruden

8-28-12

Scoping Comment Form

2012 SEP -4 PM 3:26

BLM – Curlew/Deep Creeks TMAP
Environmental Assessment BUREAU OF LAND MGMT.
POCATELLO FIELD OFFICE
POCATELLO ID

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Name: Jeff Stewart Address: [Redacted] Ex. 6 Arbon Id
83212
Phone: [Redacted] Ex. 6 Email: [Redacted] Ex. 6 Organization: [Redacted] Ex. 6

Comment/Concern: I am against your plan to shut down all of these BLM trails to motor vehicles. These trails are in good shape and are not over used. The people using these trails take care to not abuse them. If 100% of the public had access to all these trails, you can bet they would be destroyed and abused. BLM lands being land locked by private land is just a fact of life in Idaho. Trying to limit all motor vehicle use to those that do have access is bad policy. I don't think the BLM has the money or resources to put up signs & enforce these type of restrictions. I suggest you find better ways to work with landowners. Trying to blackmail landowners into easements will strain relationships. Please rethink what you are doing all over Eastern Idaho.

Jeff Stewart

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Scoping Comment Form

POCATELLO FIELD OFFICE BLM - Curlew/Deep Creeks TMP
BUREAU OF LAND MANAGEMENT Environmental Assessment

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POCATELLO FIELD OFFICE
BUREAU OF LAND MANAGEMENT

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Name: Kevin Taylor Address: [REDACTED] Ex. 6 [REDACTED] Rockland ID 83271
Phone: [REDACTED] Ex. 6 [REDACTED] Email: _____ Organization: Self, East Fork Cattle Grazing Assn.

Comment/Concern: The map shows that the road is open to the upper pond in Right Fork Sandhollow canyon. However, the current road closed signs are at the large pond about 1/4 mile below.

My issue is that I would like for the road to stay open to the upper pond as shown on the map so that I can check to see that the stock still have or don't have water quickly. Right now I want to respect the signs so that requires me to walk or up to check the pond.

I guess the bottom line is that I would like the signs moved to the end of the "open" road so I can check the water on the 4 wheeler.

Also, it would be nice ~~to~~ to snowmobile on up to the top like we used to in the winter. ~~The signs~~

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POCATELLO FIELD OFFICE
BUREAU OF LAND MANAGEMENT

Bradley Mountain Ranch
614 Upper Rattlesnake
Arbon, ID 83212
Sept 30, 2012

RECEIVED
US DEPT OF INTERIOR
2012 OCT -2 PM 2:55
BUREAU OF LAND MGMT.
POCATELLO FIELD OFFICE
POCATELLO ID

BLM
4350 Cliffs Drive
Pocatello, ID 83204
Attn: Blaine Newman

Dear Mr. Newman,

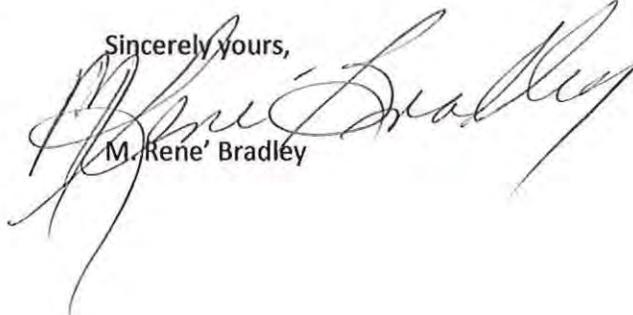
Following our phone conversation the other day, I thought I better submit **my reasoning for not wanting the road on the west side of Bradley Mountain closed.** I am sending copies of the 2 contracts we have with the BLM regarding land on the mountain plus a map, which I am sure you have, but I just wanted to make sure that we were on the same page.

As you can see by the map, that **road is mainly on our personal property except for the two small areas where BLM touches BMTR. We really control total access to the west side of the mountain.** We have freely **given BLM access to their land on the mountain and will continue to do so.** We lock all our gates during the hunting season **and pretty much control who has access.** Due to the high fire danger this year (2012) we will be extra vigilant and will monitor this very closely.

Our family hunts on the BMTR and some on BLM and we want them to be able to continue to do so. **If this road were closed, it would shut down our hunting.** As I explained, **we do not allow the public access to the Mountain thru our property, but they have access thru the Marsh Valley Cattle Corp lands.**

I am including copies of the two contracts we have with BLM on their land on the west side and there again road closure would preclude our having access to our pipeline and our cattle grazing. **I am sure that you can see that closing this road is not in our best interest** and we therefore ask that it not be included in any future plans for closure.

Sincerely yours,


M. Rene' Bradley



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Pocatello Field Office
4350 Cliffs Drive
Pocatello, Idaho 83204-2105
(208) 478-6340
<http://www.id.blm.gov/offices/pocatello>



In Reply Refer To:
(ID075) 2800
IDI-34024

March 18, 2004

Roy Fowler, District Conservationist
USDA-Natural Resources Conservation Service
2769 Fairgrounds Road
American Falls, Idaho 83211

Dear Mr. Fowler:

This letter is in reference to your phone conversation today with the Pocatello Field Office Realty Specialist, Becky Lazdauskas. This letter gives the Natural Resource Conservation Service permission to work with Mr. Willard Bradley through the Environmental Quality Incentive Program on public land.

Specifically, Mr. Bradley has a right-of-way (ROW) authorization to place an above ground water pipeline across public land in the SW1/4SE1/4 of section 2 and the NW1/4NE1/4 of section 11, T. 10 S., R. 34 E., B.M., Idaho. The ROW length is 2,000 feet and 10' wide. The authorization only allows the pipeline to cross public land, no water is to be taken from or used on the public land.

Enclosed is a copy of the right-of-way authorization, stipulations of the authorization, and the associated map. If you have any questions, please contact Becky at (208) 478-6357.

Sincerely,

Philip L. Damon
Field Manager

cc:
Willard Bradley

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT

SERIAL NUMBER IDI-34024

1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

2. Nature of Interest:

a. By this instrument, the holder:

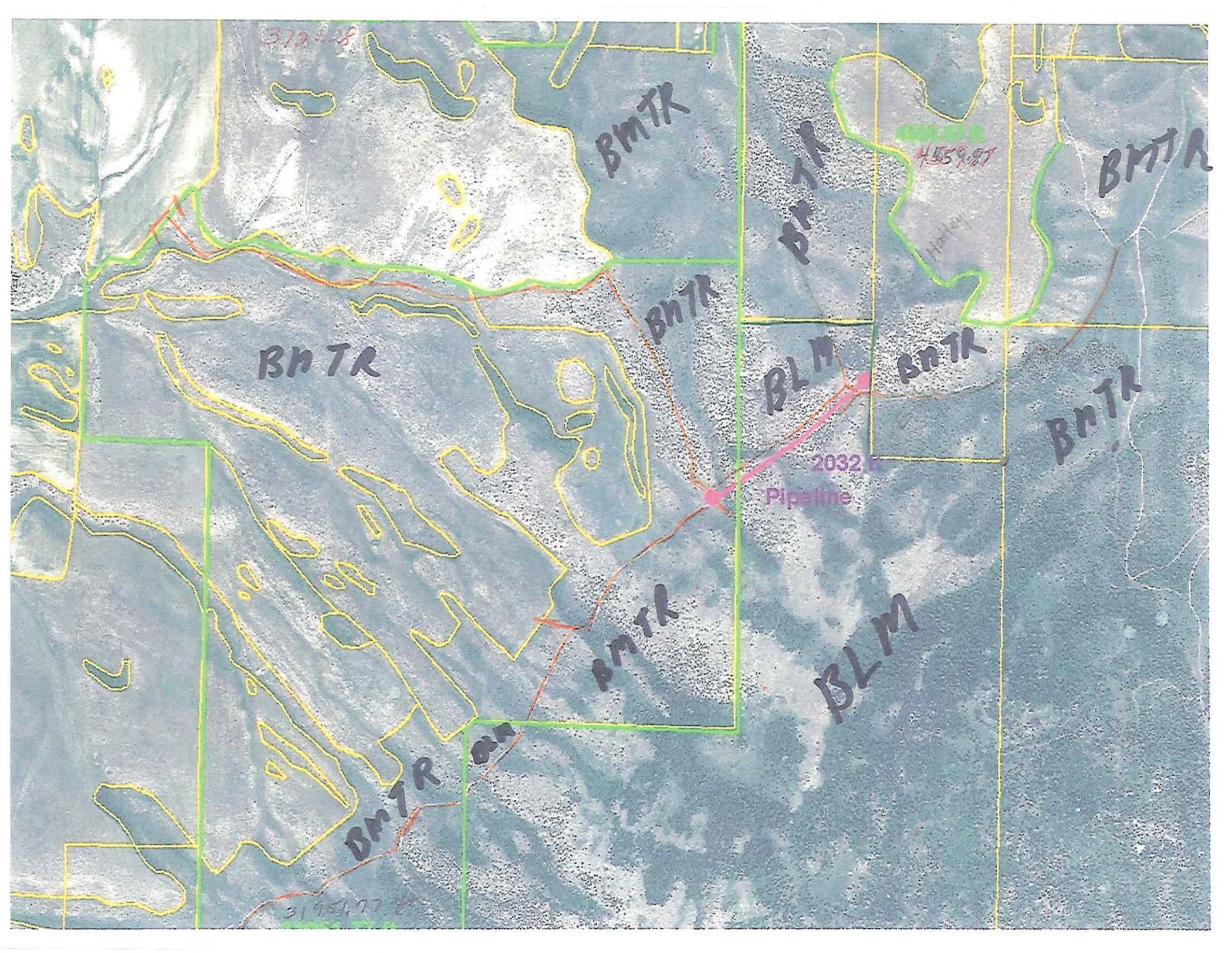
G. WILLARD BRADLEY
614 UPPER RATTLESNAKE ROAD
ARBON, ID 83212

receives a right to construct, operate, maintain, and terminate an ABOVE
GROUND WATER PIPELINE ACROSS PUBLIC LAND TO
SERVICE WATERING TROUGHS ON PRIVATE LAND.

Public lands are described as follows:

T. 10 S., R. 34 E., B.M., POWER COUNTY
SECTION 02: SW $\frac{1}{4}$ SE $\frac{1}{4}$;
SECTION 11: NW $\frac{1}{4}$ NE $\frac{1}{4}$.

- b. The right-of-way area granted herein is 10.0 feet wide, 2000.0 feet in length, and contains 0.46 acres, more or less.
- c. This instrument shall terminate on August 12, 2032, 30 years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.



3724.28

BMTR

BMTR

BMTR

4559.87

BMTR

BMTR

BLM

BMTR

BMTR

2032

Pipeline

BMTR

BLM

BMTR

31957.77

Scoping Comment Form

BLM – Curlew/Deep Creeks TMP Environmental Assessment

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Name: CRAIG BUTE Address: Ex. 6 FARR WEST
Phone: Ex. 6 Email: Ex. 6 Organization: BLM UT 84404

Comment/Concern: Planning ID 1820 - No road yet is designated.
Needs to be ~~not~~ there!
1822, 1824 - No access - used as
a cattle route for a long time

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BUREAU OF LAND MANAGEMENT

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Scoping Comment Form

AUG 31 2012

BLM - Curlew/Deep Creeks TMP
Environmental Assessment

POCATELLO FIELD OFFICE
BUREAU OF LAND MANAGEMENT

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Name: Jake Evans Address: [Redacted] Ex. 6
Phone: [Redacted] Ex. 6 Email: [Redacted] Ex. 6 Organization: Resident/Landowner

Comment/Concern: The closure of existing roads further restricts citizens freedom of enjoying the nations outdoors. I strongly recommend your Travel plan be the following:

1. Leave existing roads as they are and do not build anymore roads.

Notes: IF the BLM, essentially closes off existing access, I think and would support private landowners to lockdown/restrict any access that is currently allowed. This would include foot traffic and eliminate the "access yes" program.

~~BLM effort~~
BLM's Effort in trying to punish/restrict landowners who own & control private access to BLM may backfire & cause private landowners to shutdown all access - motorized & non-motorized.

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Name: _____ Address: _____

Phone: _____ Email: _____ Organization: Arbon Valley Resident

Comment/Concern: • Don't close any roads & don't build any additional roads.

• Mine Canyon - Leave 2-accessible mining roads open, they are never blocked, road has an easement.

• Dry Canyon - Plan to re-open if & when private property below comes out of CRP/ARCIS program - road will be re-established if farmed.

• BIG ONION - Roads are used for snowmobiling - don't close them

• Don't close any roads to snowmobiles -

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Name: Tim Osburn Address: [REDACTED] Ex. 6 Pocatello ID 83204
Phone: [REDACTED] Ex. 6 Email: [REDACTED] Ex. 6 Organization: None

Comment/Concern: I believe all roads being in existence of 50 years or older should be left open. Access to these roads below have always been open. Through they do cross private land but landowners have granted access. They are also in ACCESS YES programs. I believe these access points will close if BLM closes the roads. I use these roads to hunt, ride ATVs, trap and hike.

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POCATELLO FIELD OFFICE
BUREAU OF LAND MANAGEMENT

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Name: George Ledy Address: [REDACTED] Ex. 6
Phone: [REDACTED] Ex. 6 Email: [REDACTED] Organization: Permittee
Rockland Id. 83211 0

Comment/Concern:

Refer to #1 Leave Green open - I have
a permit Bear Hollow Allotment - I used this
area to put cows on this allotment.
I use the yellow high lite Roads to check Allotment
and check troughs At least every week. As a
permittee I need Access to these areas.

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AUG 31 2012

POCATELLO FIELD OFFICE
BUREAU OF LAND MANAGEMENT

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US DEPT OF INTERIOR

2012 AUG 31 PM 1:49 **Scoping Comment Form**

BUREAU OF LAND MGMT BLM – Curlew/Deep Creeks TMP
POCATELLO FIELD OFFICE Environmental Assessment
POCATELLO ID

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Name: LYNN WRIGHT Address: PO Box 77 Malad

Phone: Ex. 6 Email: _____ Organization: _____

Comment/Concern: Chuck, I am Encouraged the BLM is doing something about a Scour Problem with Motorized Travel on BLM Ground. With the onset of off Road Vehicles they have Dyer and made Roads almost everywhere. I have seen + Removed all types of Noxious weeds From Dyer wood to all types of Thistle etc. Rats have Delverged into many Erosion areas + garbage every where. I would hope within the Proposed TMP there would be signs posted at the begining, end + along the routes. Includud on the signs should be the following items: Cleaning of Vehicles of all Noxious weeds, Penalties For Driving off Routes, Maps of Routes. Also I would hope there would be a Strong Enforcement Policy Includud all Durin the Hunting Season.
Thanks For your concern about our Public Lands.

EASTERN IDAHO SUPERVISORY AREA
3563 Ririe Highway
Idaho Falls, ID 83401
Phone (208) 525-7167
Fax (208) 525-7011
pbrown@idl.idaho.gov



STATE BOARD OF LAND COMMISSIONERS
C. L. "Butch" Otter, Governor
Ben Ysursa, Secretary of State
Lawrence G. Wasden, Attorney General
Donna M. Jones, State Controller
Tom Luna, Sup't of Public Instruction

August 31, 2012

Chuck Patterson
BLM Pocatello Field Office
4350 Cliffs Drive
Pocatello, ID 83204

via e-mail: cpatterson@blm.gov

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AUG 31 2012

RE: Curlew/Deep Creeks Travel Management Plan
Request for comments

POCATELLO FIELD OFFICE
BUREAU OF LAND MANAGEMENT

Dear Mr. Patterson:

Thank you for the opportunity to comment on the Curlew/Deep Creeks Travel Management Plan.

As you may know, Idaho Department of Lands' (IDL) mission is to manage State Endowment Trust Lands (State Trust Lands) in a manner that will maximize long-term financial returns to the Beneficiary Institutions. The IDL mission is a constitutional mandate overseen by the State Board of Land Commissioners (Land Board). State Trust Lands are not managed for the public at large and should not be referred to as "public lands" or "open space," either specifically or in a generic sense. These are working lands producing revenue for the Beneficiary Institutions. Assets are managed to provide a perpetual stream of income to the beneficiaries by:

- Maximizing long-term financial return at a prudent level of risk,
- Protecting future generations' purchasing power, and
- Providing a relatively stable and predictable payout to the Beneficiary Institutions.

We appreciate the BLM Pocatello Field Office's effort to address unauthorized, user-created trails and begin the process of developing managed trails systems in the Curlew/Deep Creeks areas. This process has the potential to benefit all parties (land management agencies and the recreating public) as well as improve resource conditions in the Curlew/Deep Creeks Area.

State Trust Lands that lay adjacent to or are surrounded by BLM lands are often directly affected by BLM's land management practices. Unauthorized activities on State Trust Lands are costly; mitigation actions required to address damaged land is unending. The cause of damage comes from unauthorized cross-country travel, trail development, 4-wheeling, and mug bogging to name a few. Every effort should be made to develop a "win-win" scenario through management of these locations for the benefit of both agencies' missions.

IDL's review of the Curlew/Deep Creeks Travel Management Plan notes that recreational trail routes are shown to "end" at State Trust Lands. It is understood that these trails do not actually stop at the property boundary, but continue through State Trust Land ownership. Unauthorized use of State Trust Lands is, by statute, not allowed without compensation to the property owner: the Endowment Beneficiaries.

"The LAND Where MIRACLES Grow"

Chuck Patterson
BLM Pocatello Field Office
August 31, 2012
Page 2

BLM and IDL have historically shared administrative access and our hope is that both agencies will continue to share this understanding.

IDL submits the following remarks in response to the request for comments regarding the Curlew / Deep Creeks Travel Management Plan

1. Administrative access should be continued through BLM Lands for IDL lessees and staff.
2. BLM recreational trail maps should note that State Trust Lands are not a part of the BLM Curlew / Deep Creek recreational trail system except where BLM has acquired an easement for the road or trail where it crosses State Trust Lands.

Thank you again for the opportunity to review and comment on this application we look forward to working with you in the future. Please contact me at (208) 525-7167 if you have questions or need more information.

Sincerely,



Patrick A. Brown
Area Manager

cc: Kurt Houston, IDL Operations Chief South
Kate Langford, IDL Strategic Business Analyst – Planning
Julianne Shaw, IDL Assistant Planner

Scoping Comment Form

BLM - Curlew/Deep Creeks TMP Environmental Assessment

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Name: Rex Bush Address: [Redacted] Ex. 6 K7 by CD
Phone: [Redacted] Ex. 6 Email: [Redacted] Ex. 6 Organization: _____

Comment/Concern: I believe that BLM roads that have been in existence and used for the past 50 years plus, should be left open. (See map)

Access to all of these roads has always been through private land. In the past, permission was granted to the public by land owners and later expanded through access yes.

If these BLM roads are closed, there will be no possibility of gaining access through private land in the future. Therefore, our "access yes" programs will probably be canceled.

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BUREAU OF LAND MANAGEMENT

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Name: DAVID SHELL Address: Ex. 6 Pocatello ID
Phone: Ex. 6 Email: Ex. 6 Organization: _____

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Name: JEFF MARTINEZ

Address: Ex. 6 IDAHO FALLS ID 83401

Phone: Ex. 6

E-mail: Ex. 6

Organization: HUMAN RACE

Comment/Concern: I believe that BLM roads that have been in existence and used for the past 50 years plus, should be left open. (See map)

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Name: Jared Lees Address: [REDACTED] Ex. 6 Rigby, ID 83442
Phone: [REDACTED] Ex. 6 Email: [REDACTED] Ex. 6 Organization: hunter

Comment/Concern: I believe that BLM roads that have been in existence and used for the past 50 years plus, should be left open. (See map)

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Name: JARED LAWSON

Address:

Ex. 6

SHELLEY, ID 83274

Phone:

Ex. 6

Email:

Organization: HUNTER

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POCATELLO FIELD OFFICE
BUREAU OF LAND MANAGEMENT

2012 AUG 30 PM 3:49

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POCATELLO FIELD OFFICE
POCATELLO ID

BLM – Curlew/Deep Creeks TMP Environmental Assessment

Please provide your comments and/or concerns related to the route data shown on the maps in the space provided below and return this form by August 31, 2012, to the **Bureau of Land Management (BLM), Pocatello Field Office, Attention Chuck Patterson, at 4350 Cliffs Drive, Pocatello, Idaho 83204.** You may attach additional pages if needed. When submitting comments, please include your name, address, e-mail (if applicable), telephone number, and the organization you represent (if any) on the form.

Comments on issues that you feel should be evaluated as part of this analysis is essential to this process and should be submitted as formal scoping comments. The BLM is asking for written public comments no later than August 31, 2012. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Thank you again for your interest in the planning effort.

Name: Jerre Evans Address: [Redacted] Ex. 6
Phone: [Redacted] Ex. 6 Email: [Redacted] Ex. 6 Organization: Evans Bros Farm

Comment/Concern: I believe that BLM roads that have been in existence and used for the past 50 years+, should be left alone. (SEE MAP)
Access to all of these roads has always been through private land. In the past, permission was granted to the public by land owners and later expanded through access yes.
If these BLM roads are closed, there will be no possibility of gaining access through private land in the future. Therefore, our "access yes" programs will probably be canceled.
A committee of local landowners should be a part of this process.

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Name: NOLAN JACOBS Address: [REDACTED] Ex. 6
Phone: [REDACTED] Ex. 6 Email: [REDACTED] Ex. 6 Organization: [REDACTED] Ex. 6

Comment/Concern: I believe that BLM roads that have been in existence and used for the past 50 years plus, should be left open. (See map)
Access to all of these roads has always been through private land. In the past, permission was granted to the public by land owners and later expanded through access yes.

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Snowmobile access should also stay open. I started sledding in this area 33 years ago. Keep the trails, roads, and access open for all to share and enjoy for generations to come.

Nolan Jacobs
8/2012

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Name: Isaac Garcia Address: Ex. 6 Idaho Falls, ID 83401
Phone: Ex. 6 Email: _____ Organization: Hunter

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Name: Bart Crofoot Address: [Redacted] Ex. 6 Idaho Falls, ID 83401
Phone: [Redacted] Ex. 6 Email: [Redacted] Ex. 6 Organization: hunter/outdoor recreation

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I have spent a great deal of time in said area enjoying my recreational hobbies such as running hounds, hiking, and just enjoying a day in the outdoors. I have also a great desire to share these experiences with my own kids like I did with my father. I believe one reason I turned out a "good citizen" was by occupying my time with wholesome outdoor activities by route of these roads vs. idle time as a young man being up to "no good."

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Name: Brett Cayell Address: [REDACTED] Ex. 6 Pocatello, ID 83202
Phone: [REDACTED] Ex. 6 Email: [REDACTED] Ex. 6 Organization: Hunter
.com

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Name: CALVIN D. CADY

Address: Ex. 6 IDAHO FALLS ID.

Phone: Ex. 6 Email: Ex. 6 Organization: _____

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