



In Reply Refer To:

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Glasgow Field Office
5 Lasar Drive
Glasgow, Montana 59230-2024
www.blm.gov/mt



March 15, 2016

NOTICE OF PROPOSED DECISION

BACKGROUND

The proposed action is to establish a total of approximately 4 miles of new trail for public motorized vehicle access in North Valley County, MT in order to establish public access into approximately 50 sections (> 32,000 acres) of public lands that are inaccessible through small tracts of private land and connect a 25 mile route through public lands. The trail is needed to bypass private property, where trails have been closed in the past, and ensure public access to public land. The new trail segments would be created, without construction and only if the current trail on private land is closed to the public, by establishing two-track trails in several sections of various lengths as depicted in the drawings below. Over 90% of the existing route is through public lands and will continue to use existing trail where it is currently present. The new sections will bypass deeded land and link up to the existing trail to provide a through route into the area which is continuously on public land (see maps at end of document).

PROPOSED DECISION

It is my Proposed Decision to accept the Proposed Action in Environmental Assessment DOI-BLM-MT-M020-2016-0001-EA and authorize the establishment of approximately 4 total miles of motorized vehicle trail in several segments. Existing trail on BLM land would be utilized where it is present and new segments of two-track trail would be established without any construction to bypass deeded ground and link up to the existing BLM trails. A total of approximately 4.84 acres of land would be disturbed. The new trail would be established by vehicle usage and signs.

If safety, disrepair, erosion and/or rutting problems are discovered along the roadway, the BLM would be responsible to repair, improve and/or maintain the roadway to assure safety, stability and to minimize soil erosion and/or rutting.

If repairs need to be made in the future, construction must comply with Bureau of Land Management (BLM) construction standards and other mitigation/stipulation measures as outlined below or contained in DOI-BLM-MT-M020-2016-0001-EA.

Mitigation Measures:

1. Repair, improvement, and maintenance of the roadway would occur when: a) Rills greater than 3 inches develop; b) Water is ponded within the roadway, and/or; c) Erosion within and/or adjacent to the roadway occurs, as a result of the road.
2. If repairs need to be made in the future and cultural or paleontological resources are discovered during construction, work shall immediately cease and the BLM Archaeologist shall be notified. Work will not be allowed to proceed until the area has been formally cleared.

3. If repairs need to be made in the future, construction activities shall not be performed during periods when the soil is too wet to adequately support equipment/vehicles. If equipment/vehicles create ruts in excess of 3 inches deep, operations must cease as the soil will be deemed too wet to adequately support equipment/vehicles.
4. If repairs are needed in the future, all equipment and vehicles used in the construction process shall be power washed prior to entering public lands to help prevent the introduction of invasive species seed.
5. Off-road travel shall be kept to a minimum to avoid creating new trails that may increase off-road vehicle travel by the public.
6. If repairs are needed in the future, to protect nesting migratory birds, no surface disturbing or disruptive activity is allowed from April 15 to July 15, unless excepted due to negative findings in a nest search by the BLM Wildlife Biologist. This timing limit would protect most, but not all, migratory bird nests from impacts due to construction activities.
7. If repairs are needed in the future, to protect Greater Sage-Grouse breeding and nesting, no surface disturbing or disruptive activity is allowed from March 1 to June 30.
8. If repairs are needed in the future, to protect wintering big game (mule deer and pronghorn) and Greater Sage-Grouse and their winter range, no surface disturbing or disruptive activity is allowed from December 1 to May 15 unless an exemption is granted.

RATIONALE

This proposed Decision is in compliance with pertinent major laws such as the Endangered Species Act, the National Historic Preservation Act, and the Clean Water Act; among others that are documented in Environmental Assessment DOI-BLM-MT-M020-2016-0001-EA which is hereby incorporated by reference.

The public lands in the project area have been managed according to decisions in the Approved Valley Resource Area Resource Management Plan (JVP RMP) approved in September 1994. In September 2015 the Record of Decision was signed for the HiLine District Office Approved RMP. The proposed action is in conformance with the RMP because it is specifically provided for in the Access section on page 3-20 where the objective states as follows:

Objective: Acquire or retain and mark access to BLM land in cooperation with private landowners; state, local and tribal governments; and other federal agencies in order to improve efficiency of multiple use management and to facilitate public enjoyment of these lands.

AUTHORITY

The following sections of the Code of Federal Regulations, chapter 43, provide authority for the actions proposed in this decision:

- **Federal Land Policy and Management Act of 1976, as amended**
- **Executive Order 11988 - Floodplain Management, amended by Executive Order 12148 - Federal Emergency Management**
- **BLM Manual 9102, Facility Design**
- **BLM Manual 9103, Facility Construction**
- **BLM Manual 9104 Facility Maintenance**
- **Federal Emergency Management Agency (FEMA) 64, FEMA 93, FEMA 94, FEMA 333, FEMA 1448**

The language of the cited sections can be found at any library designated as a Federal Depository or at the following web address: <http://www.gpoaccess.gov/cfr/index.html>

RIGHT OF PROTEST AND APPEAL

Protest:

Any applicant, permittee, lessee or other affected interest may protest a proposed Decision under Sec. 43 CFR §4160.1 any protest shall be made in person or in writing within fifteen days after receipt of this proposed Decision to:

Bureau of Land Management
Patrick Gunderson, Field Manager
Glasgow Field Office
5 Lasar Drive
Glasgow, MT 59230

The protest, if filed, should clearly and concisely state the reason(s) why the proposed Decision is in error. In the absence of a protest the proposed Decision will become my final Decision without further notice. A written protest electronically transmitted (e.g., email, facsimile, or social media) will not be accepted as a protest. A written protest must be on paper.

Appeal:

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final Decision may file an appeal in accordance with 43 CFR §4.470 and 43 CFR §4160.1-4. The appeal may be accompanied by a Petition for Stay of the Decision in accordance with CFR §4.21 pending final determination of an appeal. The appeal and decision for stay must be filed in the office of the authorized officer (as noted above) within 30 days following receipt of the final Decision or within 30 days after the date the proposed Decision becomes final.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final Decision is in error and otherwise comply with the provisions of 43 CFR §4.470 which is available from any BLM office for your use.

In accordance with 43 CFR §4.21(b)(1) a Petition for Stay, if filed, must show sufficient justification based on the following standards:

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

If you have any questions, please contact the Glasgow Field Office at (406) 228-3750.

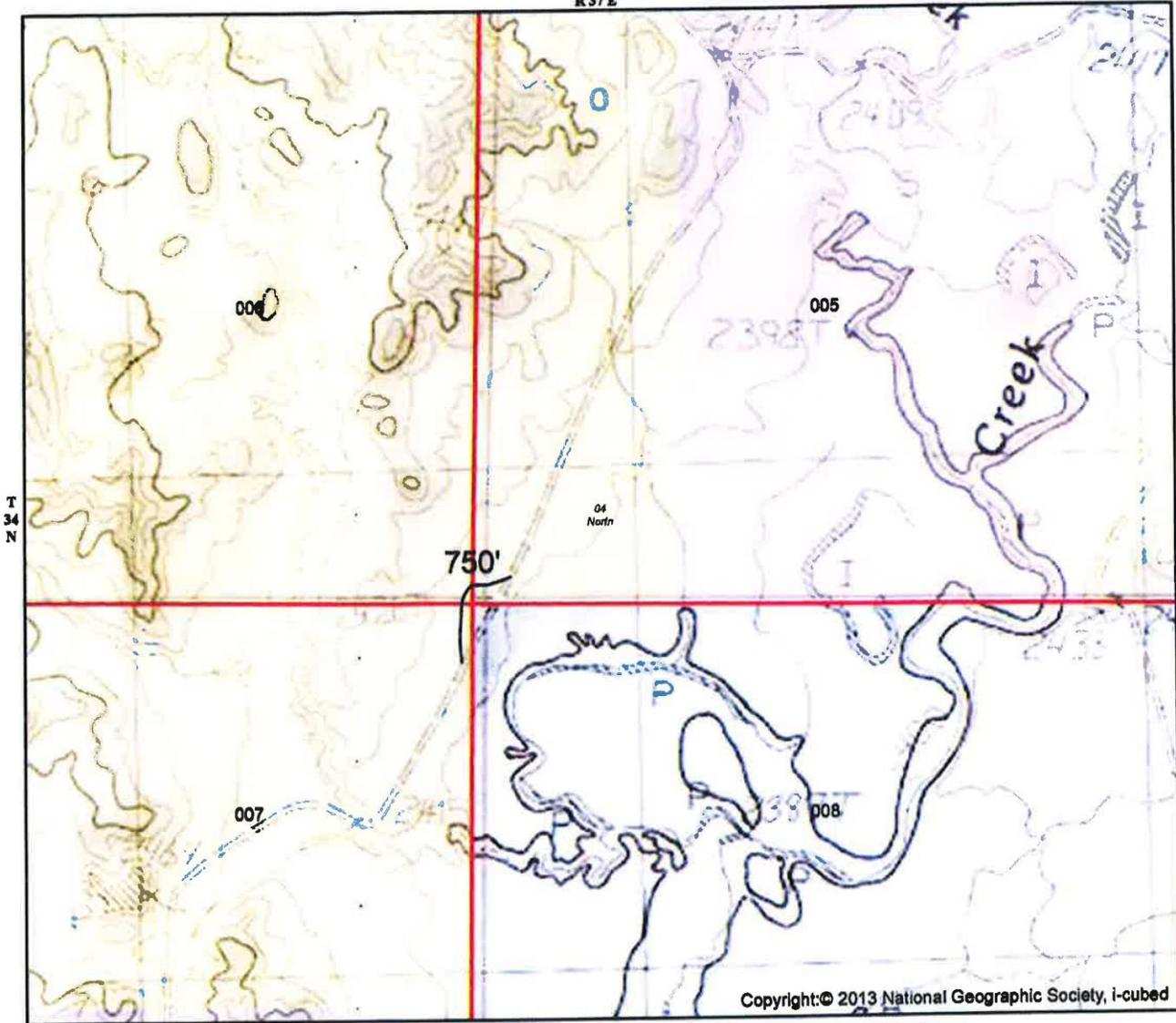
Sincerely,

Patrick T. Gunderson
Field Manager

PROPOSED BUTLER CREEK ACCESS ROAD- #2

State of Montana

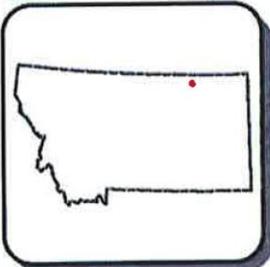
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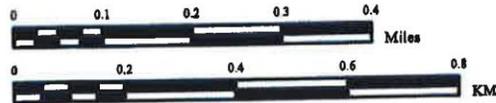
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Legend

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|-------------------------------------|------------------------------|--------------------------------|--|
| BLM Wilderness Area | IR Wilderness Area | National Forest Lands (USFS) | USFW Service Wilderness Area |
| Bankhead-Jones Land Use Lands (BLM) | Indian Lands or Reservations | National Grasslands (USFS) | USFW Service, National Wildlife Refuges |
| Bureau of Reclamation (BOR) | Intermittent Water | National Park Service (NPS) | Military Reservations/Corps of Engineers |
| Bureau of Land Management (BLM) | Lands in Litigation | State Lands | Wildlife Protective Area (WPA-County Administered) |
| County and City Lands | Other Federal Lands | Private Lands | Water |
| Forest Service Wilderness Area | NPS Wilderness Area | State Fish, Wildlife and Parks | |



1 = 12,277



CAUTION:
Land ownership data is derived from less accurate data than the 1:24000 scale base map. Therefore, land ownership may not be shown for parcels smaller than 40 acres, and land ownership lines may have plotting errors due to source data.

No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.

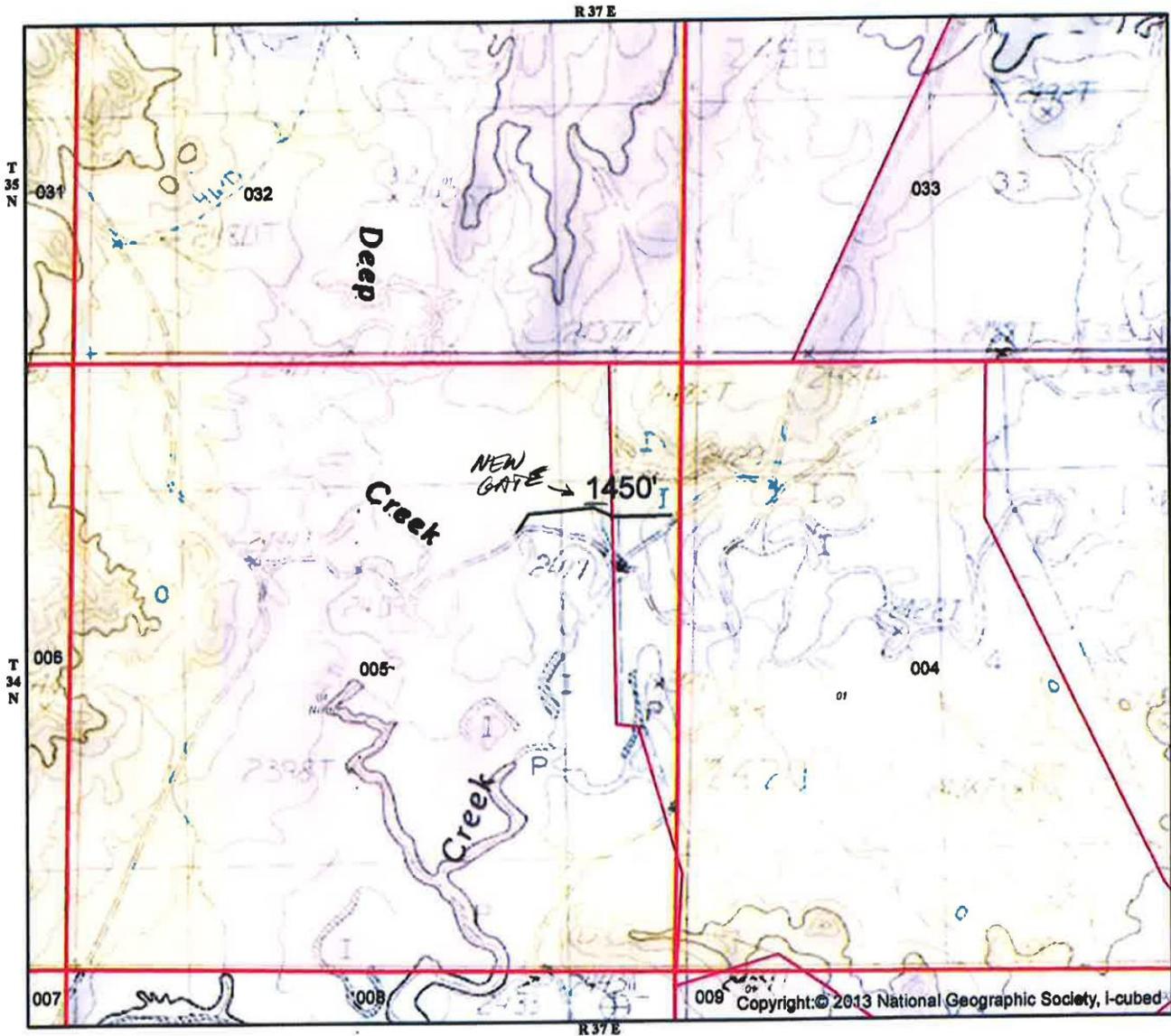


United States Department of the Interior
Bureau of Land Management
Montana/Dakotas State Office

Map created on 08 06, 2015

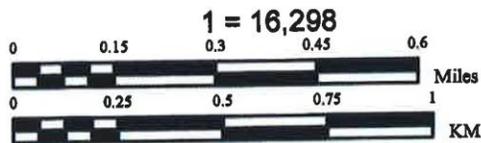
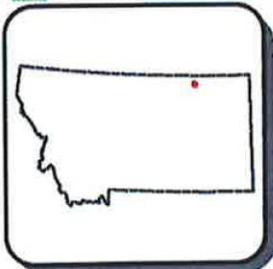
BITTER CREEK PROPOSED ROAD ACCESS #3

State of Montana



Legend

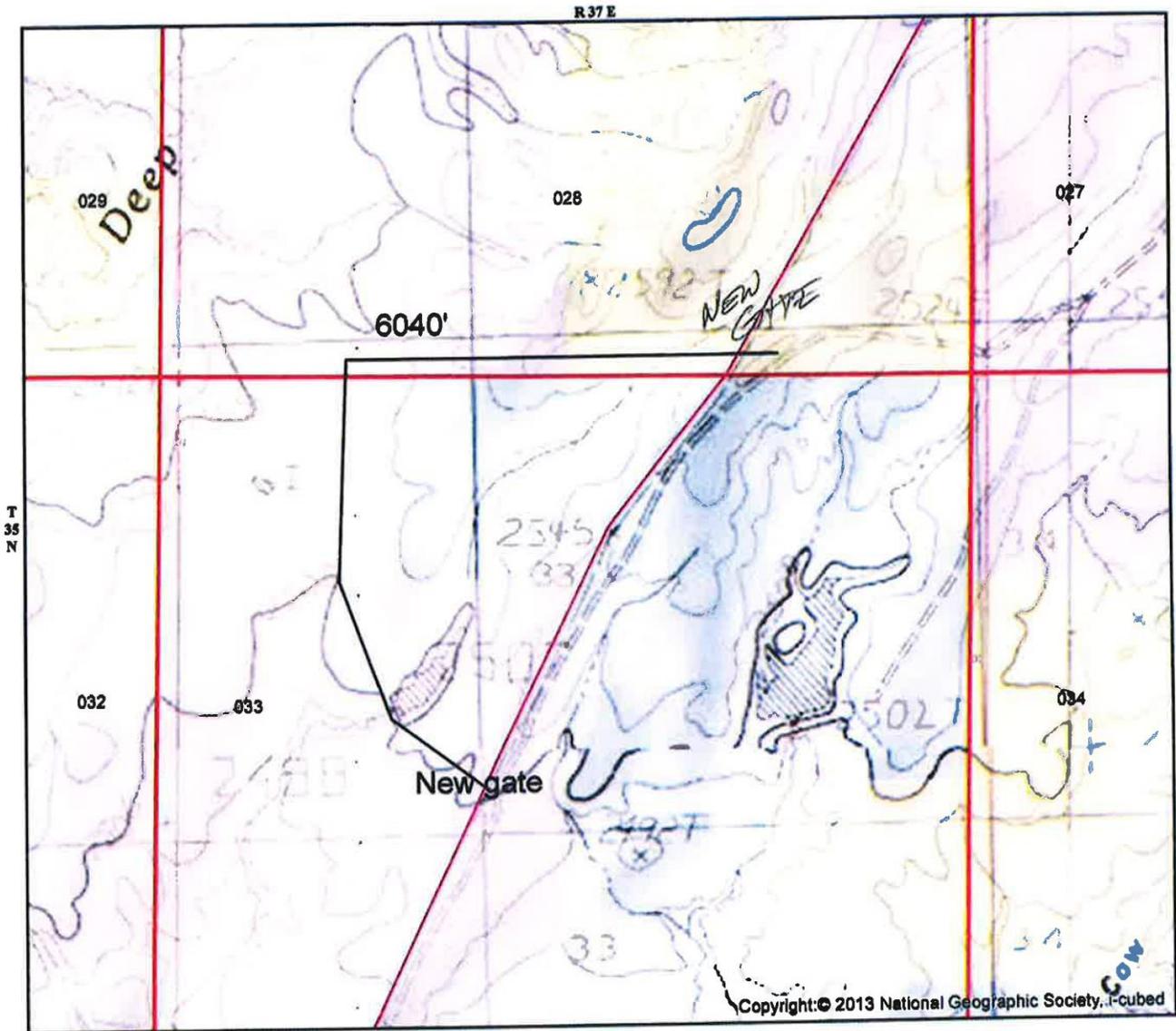
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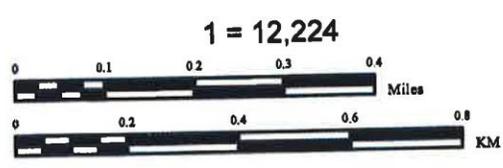
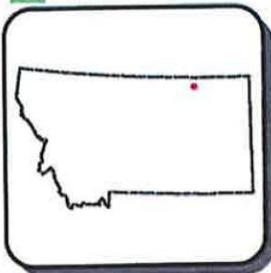


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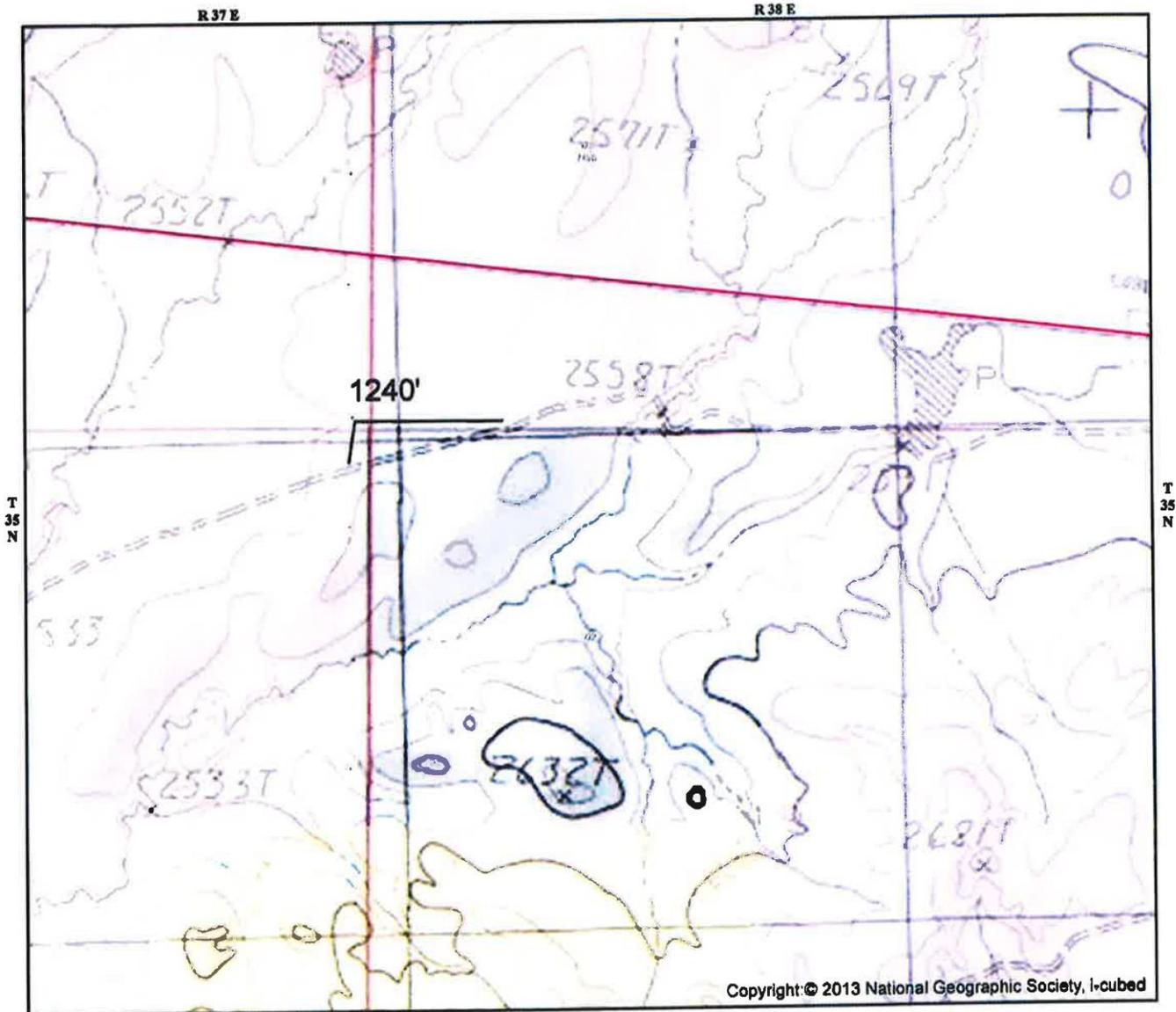
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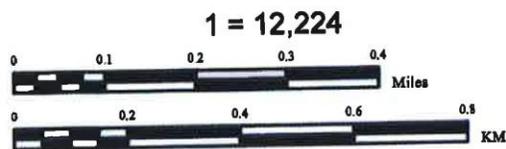
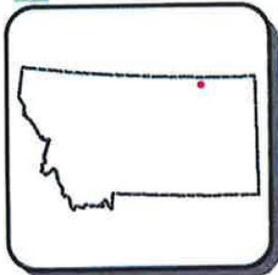
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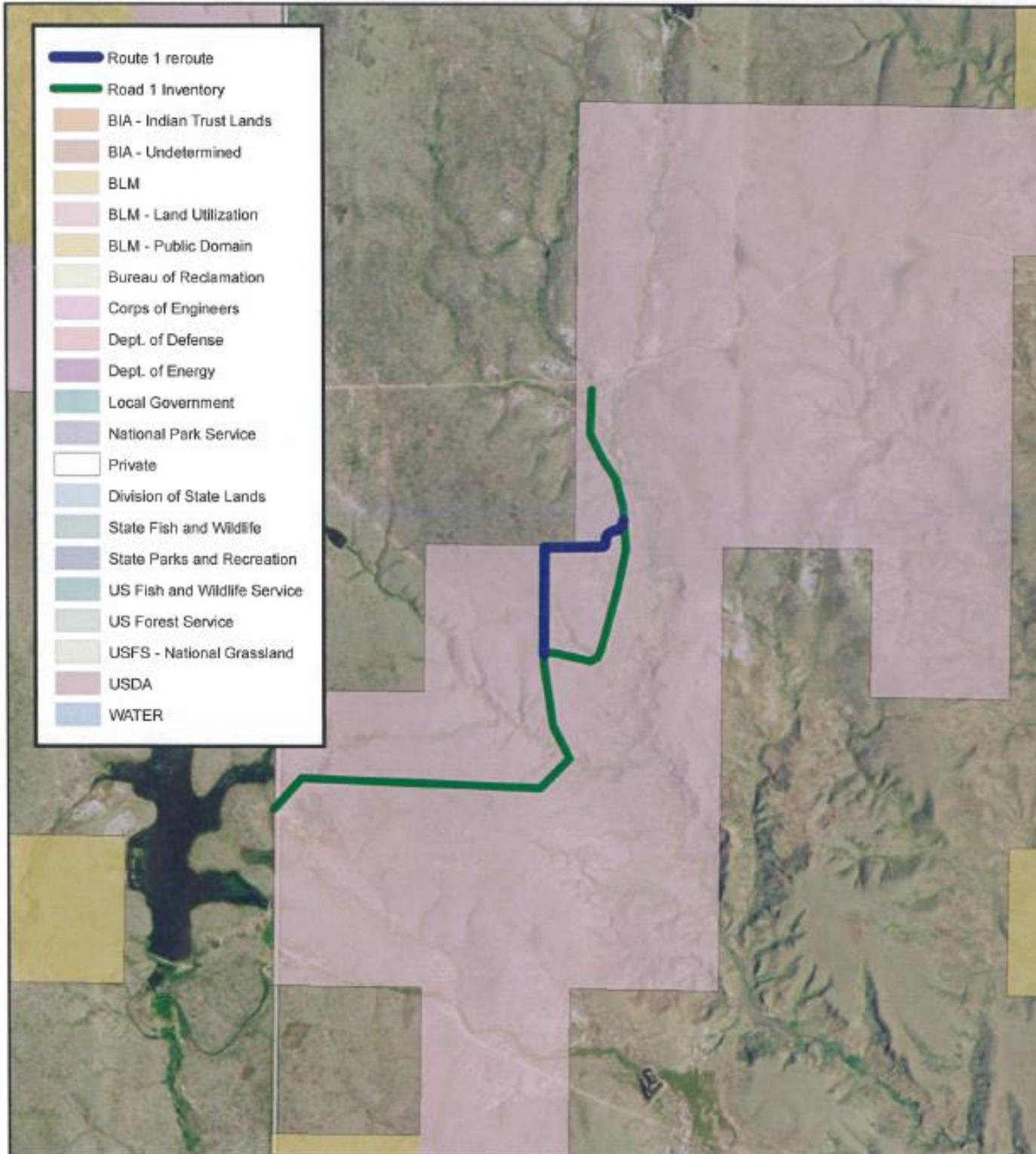


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Road 1 Proposed Re-route (Blue)



The surface management status ("land ownership") should be used as a general guide only. Official land records, located at the Bureau of Land

1:15,643



