



U.S. Department of the Interior
Bureau of Land Management

Decision Record

Left Coulee Access DOI-BLM-MT-L070-2024-0001-EA April 2024

North Central Montana District
Upper Missouri River Breaks National Monument
920 NE Main Street
Lewistown, MT 59457

Decision

The BLM selected and will implement Alternative 2 - Proposed Action Alternative, Seasonally Open Primitive Road as described in the final Left Coulee Access EA, DOI-BLM-MT-L070-2024-0001-EA. This action amends the existing Travel Management Plan that was completed concurrently with the UMRBNM RMP in 2008 by adding a 0.6-mile temporary limited motorized primitive road, which currently exists as a linear feature on the ground, to the travel network. The selected alternative includes all design features as described under the proposed action in the Left Coulee Access EA. The primitive road will be maintained to a Level 1 standard as defined in BLM Technical Note 422: Roads and Trails Terminology (2006). The seasonal closure will be in place annually between December 1 and June 15, inclusive. Gates and signs will be installed to aid with enforcement of the seasonal closure and inform the public.

Authorities

This EA is in conformance with the Upper Missouri River Breaks National Monument Record of Decision and Approved Resource Management Plan (December 2008).

- The BLM regulations (43 CFR 8341.2 and 8364.1) allow for area or road closures where off-road vehicles are causing or will cause considerable adverse impacts on soil, vegetation, wildlife, wildlife habitat, cultural resources, threatened or endangered species, other authorized uses, or other resources. The authorized officer can immediately close the area or road affected until the impacts are eliminated and measures are implemented to prevent future recurrence. (page 77)
- The BLM will coordinate with state agencies and county governments to improve public access to BLM land. Easements or fee acquisition opportunities will only be considered with willing landowners to enhance the values of the Monument and provide public access to or within the Monument, or additional public access to meet management objectives, including dispersed recreation use (Map D). (page 78)
- The BLM will consider building or rerouting roads as necessary for additional public access to large blocks of BLM land. The BLM will cooperate with Montana Fish, Wildlife and Parks and private landowners to improve recreation access. This may involve participation in block management programs or developing access agreements with willing private landowners. (page 78)
- The road system could be modified if vehicle use traffic patterns or resource conditions change. Modifications to the road system will be based on this management guidance, including the factors listed in Table 2.12, and changes will be addressed through a travel plan update with public participation and environmental review. (page 82)
- Road Classification and Maintenance – Each road segment will be assigned to one of three classifications and a maintenance level that reflects the appropriate management objectives (Table 2.14). The classification or maintenance level could be changed if vehicle use patterns change or if resource damage occurs. The BLM may perform maintenance or upgrades to control erosion, or if not possible, either reroute or close the road for erosion control. (page 82)

Rationale for Decision

The decision was made to balance public access opportunities within the Monument with protection of resources and Objects of the Monument. The action is in conformance with the Upper Missouri River Breaks National Monument Record of Decision and Approved Resource Management Plan (2008).

Public participation occurred through public scoping and a public comment period on the preliminary EA. Both 30-day participation periods were announced to the public through news releases. BLM received over 150 public scoping comments. These comments were used to evaluate alternatives raised, ensure that BLM considered all relevant resource issues, and refine the proposed action and purpose and need statements. A comprehensive scoping report can be found in Appendix F of the Left Coulee Access EA. BLM received 40 comments on the Preliminary EA. Forty comments resulted in changes to the EA.

Alternatives Considered

BLM considered multiple alternatives including the No Action and a year-round open road alternative. The year-round open road was not selected because it would not adequately protect the Objects of the Monument including sage grouse and big game species during critical periods including breeding and winter. Additionally, erosion was anticipated to be more severe if the route were used during the wetter winter and spring months, causing ruts and the need for more regular maintenance to protect resources.

Four additional alternatives were considered but dismissed from detailed analysis: opening a primitive road with a width restriction, rerouting the road around the Left Coulee airstrip, a backcountry access alternative, and an abbreviated closure period from January 1 to May 15. The width restriction alternative was not carried forward because a width restriction is inconsistent with the existing open and limited road network in the Bullwhacker area which allow use by full-sized vehicles. The Left Coulee airstrip reroute was not carried forward because it did not meet the purpose and need of minimizing new disturbance and the alternative was not feasible. The backcountry access alternative was considered but is outside the scope. The analysis addresses the purpose and need of addressing legal motorized and mechanized access to an existing road network, without revisiting designations throughout the area, which were already analyzed in the 2008 TMP. The abbreviated closure alternative was not carried forward because the recommended dates fall within the range of alternatives analyzed in Alternatives 1, 2, and 3. Additionally, the recommended closure dates from January 1 to May 15 are inconsistent with the UMRBNM ARMP dates for breeding sage-grouse and wintering big game, both of which are also identified as biological objects of the Monument.

Design Features

Maintenance would conform to the actions defined in BLM Technical Note 422: Roads and Trails Terminology (2006), Level 1 Maintenance Intensity, as follows:

Maintenance Objectives:

- Low (Minimal) maintenance intensity
- Emphasis is given to maintaining drainage and runoff patterns as needed to protect adjacent lands. Grading, brushing, or slide removal is not performed unless route bed drainage is being adversely affected, causing erosion.
- Meet identified resource management objectives
- Perform maintenance as necessary to protect adjacent lands and resource values
- No preventive maintenance
- Planned maintenance activities limited to environmental and resource protection
- Route surface and other physical features are not maintained for regular traffic

Improve the road where it overlaps the Left Coulee Airstrip to prevent rutting. Actions may include a perpendicular hardened crossing using gravel or road base or remedies as evaluated in DOI-BLM-MT-L070-2022-0001-EA.

All maintenance activities will conform to the best management practices as outlined in Appendix C, Roads of the UMRBNM ARMP.

Maintenance activities will not be performed between December 1 and March 31 to avoid impacts to wildlife in big-game winter range.

The Left Coulee Road and Bullwhacker Road network are classified as visual resource management class II. Due to its class II designation any gates or barriers that are constructed should make an attempt to be as minimal to not attract attention to the visual environment for the casual observer.

Compliance and Monitoring

Monitoring will include regular visits to the Bullwhacker area by BLM law enforcement and resource specialists to assess resource condition and compliance with open, limited, and closed road designations. Evaluations will include effectiveness of existing road barriers and closed road signs throughout the Bullwhacker area. Monitoring will include assessments of need for road maintenance and effectiveness of gates on the 0.6-miles left coulee road. The Left Coulee airstrip will be monitored for rutting and overall condition. BLM will work with partners to evaluate opportunities for additional support in these monitoring and enforcement efforts. This partner engagement will expand our capacity to place signs designating open, limited, and closed roads; place barriers to reduce off-road travel where necessary; and monitor compliance with travel restrictions and impacts to the transportation network from increased access.

Appeal of the Decision

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4, and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within thirty (30) days from receipt of this decision. The appellant has the burden of showing the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 2881.10 for a stay (suspension) of the effectiveness of this decision during the time your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;

- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and
- (4) Whether the public interest favors granting the stay.

Authorized Officer

Date