



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

Environmental Assessment (EA)

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

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1 Introduction

1.0 Summary of Proposed Project

The Bullwhacker area is considered one of the wildest areas of the Upper Missouri River Breaks National Monument (Monument) and is identified as an Object of the Monument in the Presidential Proclamation. The area includes habitat for antelope, sage-grouse, and wintering elk and mule deer. The area includes an existing 51-mile road network analyzed in the Upper Missouri River Breaks National Monument Approved Resource Management Plan (ARMP) Environmental Impact Statement (EIS). Route-by-route designations were made as part of a Travel Management Plan (TMP), which was completed concurrently with the Monument RMP. The existing road network includes a combination of open and limited roads and primitive roads (See Appendix E, Map 1). These routes provide access to the Upper Missouri National Wild and Scenic River, Ervin Ridge Wilderness Study Area (WSA) and additional access to the Cow Creek Area of Critical Environmental Concern (ACEC).

In 2009 the only existing access road to this network, the Bullwhacker Road, was closed to the public through a court decision which determined that road through the Anchor Ranch is private. The existing 51 miles of open and limited Bullwhacker area roads remain inaccessible to motorized and mechanized use except with permission to cross private lands.

In 2023 Montana Department of Fish, Wildlife and Parks (FWP) entered into a Public Access Land Agreement (PALA) with the Square Butte Grazing Association, providing legal public access for 10 years across a private parcel along Cow Creek. While there is an existing linear feature, route 241615, there is no open road access connecting the PALA road with BLM road 241215 where it intersects the Left Coulee Airstrip on BLM-managed land.

The proposed action is to open 241615 as a 0.6-mile temporary limited motorized primitive road, which currently exists as a linear feature on the ground, to motorized and mechanized use from June 16 to November 30. Signs and gates would be installed to aid enforcement of closures and educate the public about road conditions. Design features would be incorporated to manage erosion, protect wildlife, and minimize visual impacts of signs and gates.

1.1 Purpose and Need

The purpose of this action is to provide legal motorized and mechanized public access to the Bullwhacker area of the Monument while minimizing new ground disturbance. The need for the action is to provide motorized access to an existing 51-mile open and limited road network in the Bullwhacker area adjacent to a private parcel through which public access has been granted using a Public Access Land Agreement (PALA). The 51 miles of roads have been inaccessible to motorized and mechanized public use for nearly 15 years, except with permission to cross private property.

1.2 Decision to be Made

The BLM Monument Manager will decide whether or not to open road 241615 as a 0.6-mile temporary primitive road with a Level 1 maintenance intensity between the Left Coulee airstrip and the Square Butte Grazing Association property, and if so, whether or not a seasonal closure would apply.

1.3 Land Use Plan Conformance

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)

1.4 Relationship to Statutes, Regulations, Other NEPA Documents

Federal Land Policy and Management Act (1976)

Endangered Species Act (1973)

Clean Water Act (1972)

National Historic Preservation Act, as amended (1966)

Executive Order 1289 (1994)

BLM Manual 6220 - National Monuments, National Conservation Areas, and Similar Designations (2017)

The American Indian Religious Freedom Act of 1978 (42 U.S.C. § 1996)

1.5 Issues Identified for Analysis

1.5.1 Issue 1 – How would important wildlife habitats for greater sage grouse, mule deer, pronghorn, and elk (biological objects) in the Bullwhacker area be impacted by motorized and mechanized use?

- Miles of roads accessible via Left Coulee access within important habitats (i.e., big game winter range, sage grouse breeding habitat)
- Acres of important habitats (i.e., big game winter range, sage grouse breeding habitat) within ¼ mile of roads accessible via Left Coulee access

1.5.2 Issue 2 – How would motorized and mechanized public use affect erosion and rutting?

- Amount of erosion (Mean Annual Road Prism Erosion (lbs.))
- Rutting likelihood

1.5.3 Issue 3 – How would the action alternatives affect access and recreational opportunities and experiences?

- Recreation and Access, Hunting, Vehicle Recreation, Camping Facilities, Special Recreation permits (SRPs)

1.6 Table 1 - Issues Identified but Eliminated from Further Analysis

Resource	Issue Statement	Rationale for Not Discussing in Detail in the EA
BLM Sensitive Species	How would opening the 0.6-mile primitive road and providing access to 51 miles of existing open and limited roads affect BLM sensitive species.	Impacts to sensitive species were previously analyzed in the UMRBNM FEIS (pp 272-274, 310-324) which included the 51 miles of open and limited roads. Some of the impacts previously disclosed include disturbances from vehicle traffic resulting from dust and noise as well as habitat fragmentation and direct mortality caused by vehicle strikes, collision or crushing. A BLM sensitive species table identifying those that may be present within the project analysis area was completed during internal scoping. Except for sage grouse (biological object analyzed in Issue 1), no issues for sensitive species rose to a level requiring detailed analysis.
Threatened and Endangered Species	How would opening the 0.6-mile road and providing access to 51 miles of existing open and limited roads affect threatened, endangered and/or candidate species?	At the request of BLM, the USFWS issued an official species list for the project area on Feb 12, 2024. This list is issued pursuant to Section 7 of the Endangered Species Act and includes threatened, endangered, proposed and candidate species that may occur in the proposed project location or may be affected by the proposed project. The Monarch Butterfly, a candidate species, was the only species listed. Habitat suitability models available at

Resource	Issue Statement	Rationale for Not Discussing in Detail in the EA
		Montana Natural Heritage Program Map Viewer (http://mtnhp.org/MapView/) predicted all habitat within the project area as “generally unsuitable.” No observations have been recorded in the MNHP Map Viewer within 60 miles of the proposed project locations. Additionally, highly preferred host plant species such as <i>Asclepias</i> (i.e., milkweeds) are not known to exist in the project area. With no threatened or endangered species present within the project area, and the likelihood of the candidate species presence extremely low, no further analysis is warranted. In addition, the proposed action will have “No Effect” on federally listed threatened or endangered species.
Environmental Justice	How would opening the 0.6-mile road to motorized and mechanized use affect environmental justice populations in Blaine County?	Blaine County, MT includes environmental justice populations. The proposed action and alternatives are not expected to have disproportionate effects on environmental justice populations. The action alternatives would provide equitable access to all members of the public and would not result in detrimental impacts to individuals living in the surrounding area.
Climate Change	How would opening the 0.6-mile road and providing access to 51 miles of existing open and limited roads affect climate change?	This action is expected to have a negligible impact on global climate change. There would be no effect on climate change as a direct result of the proposed action because the action administratively opens an existing route. Vehicle use on the roads would contribute to climate emissions, though there is no data to suggest that users of the roads would not have driven to another location to recreate, thereby contributing comparable emissions. See additional discussion below under Air Quality.
Riparian Health and Water Quality	How would opening the 0.6-mile road and providing access to 51 miles of existing open and limited roads affect riparian health and water quality?	Opening the proposed 0.6 miles of route is anticipated to have negligible impacts to riparian health and water quality. There would be no direct impact as there are no riparian areas adjacent to the road segment nor does this road segment cross any streams. The impacts to vehicular use on the existing 51 miles open road network has already been analyzed in the RMP EIS. The analysis reviewed those segments most vulnerable to erosion which is the main impactor of water quality and riparian health in this landscape as it pertains to roads.

Resource	Issue Statement	Rationale for Not Discussing in Detail in the EA
Areas of Critical Environmental Concern (ACEC)	How would opening the 0.6-mile road and providing access to 51 miles of existing open and limited roads affect Areas of Critical Environmental Concern (ACEC)?	The reopening of Left Coulee Road would cause no direct impact on the Cow Creek ACEC (Object of the Monument). The Cow Creek Island ACEC was established to protect a segment of the Nez Perce National Historic Trail, the high scenic quality of the area along with important paleontological resources. With the ACEC's implementation, three miles of BLM roads were designated as open, and six miles were designated as closed. (RMP, pg. 86) The proposed route does not overlap with the ACEC boundary. Only those that have permission from private landowners at other entry points with existing open or limited roads maintain motorized access to the Bullwhacker Road network along with monument roads 241123 & 241227 that enter the ACEC. The ACEC is also currently accessible by foot and by horse. Road 241123 has existing seasonal closures that allows access from December 1 through August 31. Opening the proposed 0.6-mile primitive road would allow public motorized users to gain access to the ACEC through existing designated roads 241123 & 241227. Increased traffic into the ACEC does not imply that there will be any impact to the characteristics of the area.
Visual Resource Management	How would opening the 0.6-mile road and providing access to 51 miles of existing open and limited roads affect Visual Resource Management?	The 0.6-mile Left Coulee Road and Bullwhacker Road network are classified as visual resource management class II in which the objective "is to retain the existing character of the landscape. The level of change to the characteristic landscape should be low. Management activities may be seen but should not attract the attention of the casual observer." per the Monument RMP (pg. 48). Providing motorized or mechanized access into the Bullwhacker area would not have a direct impact on the visual resources of the monument due to utilizing an existing road network. Any potential impacts would be mitigated by clear regulatory signage called for in the action alternatives. Design features are identified to reduce the visual impact of gates and signage.
Wilderness / Wilderness Study Areas (WSA)	How would opening the 0.6-mile road and providing access to 51 miles of existing open and limited roads affect	The proposed opening of the segment of Left Coulee Road would not cause any direct impacts on Monument Wilderness Study Areas. Previous

Resource	Issue Statement	Rationale for Not Discussing in Detail in the EA
	wilderness and wilderness study areas?	monitoring has not shown cases of illegal motorized access into Ervin Ridge WSA. An open primitive road would provide eventual adjacent access to the Ervin Ridge WSA through Roads 241235, 241392 & 241391. This access would allow users to leave their vehicles on road 241391 and physically enter the WSA by foot or by horse. Road 241391 runs adjacent to the WSA and not through it. These adjacent roadways are currently accessible by motorized vehicle through Lone Pine Ridge Road or through the Bullwhacker Road for those with approval from private landowners for through access.
Wild & Scenic River (WSR)	How would opening the 0.6-mile road and providing access to 51 miles of existing open and limited roads affect the Upper Missouri National Wild & Scenic River (Object of the Monument)?	The proposed opening of Left Coulee Road does not have a direct impact on the Upper Missouri National Wild & Scenic River (UMNWSR) (Object of the Monument). In its current state, users maintain access to the UMNWSR through multiple access points throughout the monument. Only those that have permission from private landowners at other entry points with existing open or limited roads maintain motorized access to the Bullwhacker Road network along with approved monument roads 241235 and 241392. The opening would allow eventual motorized public access to approved monument roads 241235 and 241392 that fall within the UMNWSR corridor. Those roads were analyzed and designated open in 2008 through the Travel Management Plan completed concurrently with the UMRBNM RMP.
Air Quality	How would opening the 0.6-mile road and providing access to 51 miles of existing open and limited roads affect air quality in the Monument?	Opening the 0.6-mile road would have a negligible effect on air quality in the area. Air quality contributions from vehicles are analyzed on page 278 and 280 of the Upper Missouri River Breaks National Monument Proposed Resource Management Plan and Final Environmental Impact Statement. Impacts are summarized as follows: “dust from vehicle traffic on unpaved roads normally occurs during June to November when climate, soils, and vegetation are usually at their driest. Fugitive dust levels would be temporary and normally dispersed quickly by thermal drafts and winds. Motorized vehicle emissions cause a very small

Resource	Issue Statement	Rationale for Not Discussing in Detail in the EA
		short-term impact to localized air quality. The amount and type of emissions varies by the number of motors, type(s) of motor, motor size, and its burning efficiency. Motor emissions, like dust, are normally quickly dispersed.” (page 278)
Cultural Resources	How would opening the 0.6-mile road and providing access to 51 miles of existing open and limited roads affect cultural resources?	The potential for significant or adverse effects on cultural resources (Objects) of the Monument by opening Left Coulee route and providing renewed motorized access to the existing 51 miles network of open and limited roads in the Bullwhacker area is not anticipated to occur and issues were not identified that require further detailed analysis. Roads within the Monument improve access to some cultural properties. Improved access may increase visitation, interpretation, and appreciation for some cultural properties (Gist/Gilmore Homesteads/Nez Perce National Historic Trail etc.) and can facilitate the use and access of traditional or important locations by American Indians (Nez Perce National Historic Trail, rock art panels, petroglyphs, stone circles/cairns, flora, gathering areas, spiritual etc.) (The American Indian Religious Freedom Act of 1978 (42 U.S.C. § 1996.) and improve site protections by archaeologists and law enforcement for site monitoring, stabilization, and preservation. Conversely, improved access may also lead to the potential for increased erosion, human caused fire, and vandalism of some cultural properties. While it is not possible to predict whether these effects will occur, they have been identified as potential impacts to cultural resources. A review of the Cultural Resource Database on file from the Montana State Historic Preservation Office was conducted and all previously known sites and cultural resource inventories were identified in the analysis area. The entirety of the 51-mile open-limited road system within the Bullwhacker area has been inventoried to Class III standards 100 feet out from either side of the road templates and on the roadbeds. The remaining un-surveyed portions of the analysis area are largely remotely located off the existing road systems or exist in rugged terrain, areas which are unlikely to see increased use with any significance.

Resource	Issue Statement	Rationale for Not Discussing in Detail in the EA
		Site density is low in the areas covered by previous cultural inventories and most known sites are also remotely located with low site visibility away from the road systems and are unlikely to be located or identified by the public. Tribal concerns were not identified regarding the Bullwhacker area during consultation for the UMRBNM FEIS analysis. Additional consultation with seven Native American Tribes was conducted during this analysis and no concerns were raised.
Invasive Species	How would opening the 0.6-mile road and providing access to 51 miles of existing open and limited roads affect Invasive Species?	Opening the road and providing access to additional road network has the potential to introduce and/or contribute to the spread of invasive plants. The Upper Missouri River Breaks National Monument Record of Decision and Approved Resource Management Plan (2008) states that “The management of noxious and invasive plants will continue as prescribed in the Upper Missouri River Breaks National Monument: Guidelines for Integrated Weed Management (2001) and subsequent updates.” The most recent update was approved in 2012 and it designates roads and trails as special management zones requiring BLM to map and treat infestations on BLM roads and monitor for offsite spread (p.35). The BLM will continue to follow this prescription. The potential introduction and spread of invasive plants are addressed through current management.
Vegetation and Rangelands	How would the Proposed Action and Alternatives affect native vegetation and rangelands?	The Action Alternatives would have a negligible effect on native vegetation. The proposed primitive road is existing, so no new vegetation removal is proposed. Effects of use of the existing road network are analyzed in the FEIS for the UMRBNM RMP (2008). The No Action Alternative could have a slightly beneficial effect on vegetation as existing roads would begin to revegetate with limited vehicle use.
Paleontology	How would the Proposed Action and Alternatives affect paleontological resources?	The effects of roads and access within the Monument on paleontological resources are addressed on page 325 of the UMRBNM FEIS and pages 41-42 of the ARMP. Overall, increased access is considered beneficial to promote access to these resources for research and education. Current policy protects these resources from degradation from

Resource	Issue Statement	Rationale for Not Discussing in Detail in the EA
		commercial collection and permits for research are required to protect this Object of the Monument.
Fire Management	How would the Proposed Action and Alternatives affect fire management in the Bullwhacker area?	Overall, the proposed action would be beneficial to fire management in the Bullwhacker area. Reliable access allows for faster response times from fire specialists to potential ignitions. Human-caused fires are generally uncommon in the area.

2 Alternatives

2.0 Alternative 1 - No Action Alternative

The proposed primitive road, 241615, would remain closed to motorized and mechanized use and would remain accessible to foot and horse use. The 51-mile open and limited road network in the Bullwhacker area would remain inaccessible to motorized and mechanized use by the public, except with permission to cross private lands at other entry points. Signs and gates would be placed at the access points and the route would be allowed to naturally revegetate.

2.1 Alternative 2 - Proposed Action Alternative, Seasonally Open Primitive Road

The BLM Upper Missouri River Breaks National Monument (Monument) proposes to amend the Monument's Travel Management Plan completed concurrently with the UMRBNM ARMP to add a 0.6-mile temporary primitive road, maintenance intensity level 1 to the transportation network in the Left Coulee area of the Monument. The road would remain seasonally open as long as the PALA on the adjacent private land parcel is in place, or until a more suitable access route to the Bullwhacker becomes publicly accessible. More suitable roads would include those already designated as a road or at a higher maintenance intensity level if public access across adjacent private land is secured. The road would be closed to motorized and mechanized use between December 1 and June 15 in an effort to minimize impacts to important wildlife habitats (i.e., big game winter range, sage grouse breeding habitat) and damage to the road.

The 0.6-mile proposed primitive road exists as a linear feature on the landscape and the proposed action would not include construction of a new road. BLM would take actions to reduce erosion as described in the design features below. Signs and gates would be installed to inform the public and allow for enforcement of seasonal or condition-based closures under 43 CFR 8341.2 and 8364.1.

2.1.1 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.

2.2 Alternative 3 – Open Year-Round Primitive Road

Alternative 3 mirrors the Proposed Action, including design features, except the road would be open to motorized and mechanized use year-round. Gates and signs would be installed to allow for condition-based closures under 43 CFR 8341.2 and 8364.1 as needed to prevent or respond to resource damage.

2.3 Alternatives Considered but Not Analyzed in Detail

2.3.1 Left Coulee Airstrip Re-Route

Multiple public scoping comments recommended rerouting the proposed primitive road around the Left Coulee airstrip to avoid adverse effects to the airstrip and pilot safety. The interdisciplinary team considered this alternative but dismissed it due to feasibility. Rerouting the primitive road would create new disturbance in the Monument. Road users generally attempt to drive the shortest route possible, risking airstrip rutting and damage outside the designated primitive road corridor. Solving that issue would require barricading or fencing the entire airstrip, which would be both costly and difficult considering the narrowness of the access route and the expense of airlifting in the required materials.

2.3.2 Vehicle Width Restriction

The BLM considered a vehicle width restriction alternative that would meet the purpose and need by providing access to mechanized and motorized vehicles including ATVs, UTVs, motorcycles, and bicycles, but not full-size vehicles. This alternative was posed both during internal and external scoping. Ultimately, this alternative was not analyzed in detail because it is not consistent with the connecting roads in the Bullwhacker area, all of which allow full-sized vehicle use.

2.3.3 Backcountry Access

The BLM considered a backcountry access alternative under which the 0.6-mile primitive road would not be opened and instead the focus would be placed on increasing opportunities for backcountry-style access including trails and trailheads for foot and horse use. Under this alternative, roads from private inholdings in the area would have a change in designation to open only for administrative use. This alternative does not meet the purpose and need of the action,

which is to address legal motorized and mechanized public access to the existing Bullwhacker area road network. All alternatives analyzed in detail allow for foot and horse access to the area year-round and allow for the existing road network to be used as trails. Additionally, developing new trails would create new disturbance on the landscape.

2.3.4 January 1 to May 15 Abbreviated Closure Period

A public comment following the preliminary EA suggested an abbreviated seasonal closure period of January 1 to May 15 to allow for late season elk hunting and mountain lion hunting opportunities. The interdisciplinary team considered this alternative and dismissed it from further analysis as the recommended dates fall within the range of alternatives previously analyzed. Additionally, the recommended January 1 to May 15 dates are inconsistent with the UMRBNM ARMP when considering important habitats for wintering big-game and breeding sage grouse, both of which are identified as biological objects in the proclamation.

2.4 Table 2 - Comparison of Alternatives

Issues/Indicators	Alternative 1 – No Action	Alternative 2 – Seasonally Open	Alternative 3 – Open
Miles of Road Accessible in Big Game Winter Range* via Left Coulee Access	0	0	51.6
Miles of Road Accessible in Breeding Habitat* via Left Coulee Access	0	0	16.1
Acres of Big Game Winter Range* within ¼ Mile of Road via Left Coulee Access	0	0	14,715
Acres of Breeding Habitat* within ¼ Mile of a Road via Left Coulee Access	0	0	3,294
Mean Annual Road Prism Erosion (lbs.)	2,988 (diminishes over-time as vegetation recovers)	1,993	1,993
Rutting Likelihood	none	low-moderate	high

* Refers to acres and miles accessible via Left Coulee Access during the relevant seasonal habitat timeframe.

3 Affected Environment and Environmental Consequences

3.0 General Setting

The project area is located within the Upper Missouri River Breaks National Monument in a location referred to as the Bullwhacker area (Object of the Monument). The proposed primitive road is currently an existing linear feature closed to mechanized and motorized use, but that has seen limited use by vehicles as evident in Figures 1 and 2 below. The Bullwhacker area contains 51 miles of designated open and limited routes. The routes include a mix of roads and primitive roads with varying maintenance intensities (See Map 2 – Side B of the UMRBNM ARMP). The amount of vehicular use within the Bullwhacker area has varied greatly since 2008, however, when last monitored by MDFWP in 2015, 1,290 hunter days were reported for the time period September 1 to February 14. Through a temporary access agreement, hunters signed in to access the Bullwhacker area via the Bullwhacker Road and crossing the Anchor Ranch (S. Hemmer, personal communication, March 03, 2024).

The following excerpts come from Presidential Proclamation 7398, which established the Monument in 2001: *“The Bullwhacker area of the monument contains some of the wildest country of all the Great Plains, as well as important wildlife habitat. During the stress-inducing winter months, mule deer and elk move up the area from the river, and antelope and sage grouse move down to the area from the benchlands. The heads of coulees and breaks also contain archeological and historical sites, from teepee rings and remnants of historic trails to abandoned homesteads and lookout sites use by Meriwether Lewis.”*

and

“For the purpose of protecting the objects identified above, the Secretary shall prohibit all motorized and mechanized vehicle use off road, except for emergency or authorized administrative purposes.”

Travel management designations and planning decisions were made concurrently in 2008 with signing of the Upper Missouri River Breaks National Monument Approved Resource Management Plan (ARMP). All roads designated in the 2008 TMP were existing at the time of the Proclamation and over 20 miles of roads in the Bullwhacker area were closed in the 2008 TMP (See Appendix E, Map 1). In the years following that decision, signage was placed according to road status (closed, open, limited). BLM law enforcement and field going staff engage with recreating public each year bringing awareness to travel management status. As signs fade or are removed or vandalized, new signage is placed. BLM lands adjacent to Left Coulee that are road accessible via the Cow Island Road or Spencer Cow Camp Road see increased visitor use in fall months coinciding with the big game hunting seasons. Numerous contacts have been made with user groups in these areas in recent years.

3.1 Methodology and Assumptions

The following assumptions apply to the Proposed Action and Alternative 3:

- A primitive road is defined as “a linear route managed for use by four-wheel drive or high-clearance vehicles. These routes do not normally meet any BLM road design standards.” (UMRBNM RMP 2008)

- Level 1 refers to the BLM Road Maintenance and Intensity Level and is defined as: “routes where minimum (low intensity) maintenance is required to protect adjacent lands and resource values. These roads may be impassable for extended periods of time.” (UMRBNM RMP 2008). Additional details on the definition of a Level 1 maintenance intensity can be found in BLM Technical Reference 422.
- While the road would provide legal motorized and mechanized travel, the road may not be passable at certain times of year and may not be passable by all vehicle types due to width, grade, and condition-based factors. Signs would inform the public about these conditions and allow individuals to make decisions about whether or not to attempt driving the road.
- BLM regulations (43 CFR 8341.2 and 8364.1) allow for temporary road or area closures if vehicles are causing considerable resource damage. The authorized officer may immediately close the affected road or area until conditions are suitable for use and the impacts are eliminated.
- The 2008 Upper Missouri River Breaks National Monument RMP and associated TMP analyzed use of the 51 miles of open and limited roads connected to the proposed road. Environmental effects analyses that pertain to use of those 51 miles of existing roads may be analyzed through incorporation by reference of the UMRBNM RMP EIS, with additional information to assess effects relative to changes in the affected environment since 2008.
- The route would be open only as long as the PALA remains in place on the adjacent private land. If no longer accessible, the route would again be designated as closed and reclamation would follow direction in the UMRBNM Approved RMP: The BLM roads designated closed will either be allowed to reclaim naturally or selected segments may require ripping, scarifying and seeding with a native seed mix to control surface runoff. (UMRBMN RMP 2008)
- The PALA Rule: “No driving on access road when muddy” would limit public motorized and/or mechanized use of the proposed primitive road and the connected 51-mile open and limited road network, but not eliminate use.

The following assumptions and/or declarations are made for the purposes of analysis for important wildlife habitats:

- Analysis area was created by buffering the proposed primitive road and the connected 51-mile open and limited road network by distances of approximately 0.5 -1.5 miles (dependent upon terrain). This represents the area generally available via the road network.
- Environmental effects analysis is specific to legal access acquired via the proposed 0.6-mile primitive road.
- Environmental effects resulting from access outside of the proposed 0.6-mile primitive road is included in cumulative effects.
- Motorized and mechanized use of current open and limited road network will increase progressively as such: Alternative 1 < Alternative 2 < Alternative 3.

3.2 Resource Issue 1 - Important Wildlife Habitats (winter, breeding)

3.2.1 Affected Environment

The area of analysis includes the localized area adjacent the proposed 0.6-mile primitive road as well as the broader adjacent lands near the open and limited road network within the Bullwhacker area. Of the approximately 35,500-acre analysis area, land cover is primarily conifer-dominated forest/woodland and sagebrush steppe largely comprised of Ponderosa pine, Douglas fir, multiple juniper species, Wyoming big sagebrush and herbaceous vegetation.

All 35,500 acres of the analysis area is identified by Montana Department of Fish, Wildlife and Parks (MDFWP) as mule deer winter range while approximately 1/2 and 1/5 is identified as elk (18,700 acres) and as pronghorn (7,750) winter ranges, respectively. When surveyed in 2023, Al's Creek mule deer trend area, which encompasses portions of the analysis area, reported 111 total mule deer. This number is more than 30% below the long-term average of 183 animals. The analysis area falls within the broader hunting district 690, which is surveyed annually to inform elk management. MDFWP report the hunting district below objective for elk population size (800 – 1,200 elk observed) with 696 total elk observed in the 2023 survey. The hunting district is within its objective for demographic targets (bull:cow ratio at 30-45:100) with a bull:cow ratio of 41:100 reported in 2023. Survey data for pronghorn is also reported at the hunting district level, with no trend areas in close proximity to the analysis area. When reported in 2023, pronghorn totals for the hunting district were nearly half of the long-term average of 316 with 166 total pronghorn counted (S. Hemmer, personal communication, March 03, 2024).

There are active sage grouse leks and approximately 4,850 acres of adjacent breeding habitat¹ within the analysis area. This cluster of leks and habitat is important to sage grouse connectivity for birds to the northwest and southeast as the area functions as an island of habitat within a predominantly broken timbered landscape. Annual peak male counts on leks in the area is relatively low, however, Cross et al. (2018) identified the Bullwhacker-Dog node which includes the leks within the analysis area as 1 of 26 keystone genetic nodes that stand out across the sage grouse range as having increased genetic connectivity despite lower mean peak male counts. Cross et al. (2018) further stated that keystone nodes are top candidates for targeted conservation efforts as their protection will help secure rang-wide genetic connectivity.

The open and limited road network experiences authorized vehicular use annually with livestock permittees, oil and gas permittees, BLM personal, and outfitters and guides utilizing the existing road network. Although the total amount of road use resulting from these sources is unknown, it is expected to be higher during late summer and fall with activities such as habitat monitoring, livestock gathering and big game hunting occurring. Some periods of the year see no use of the road network for weeks or more while other periods, such as in the fall, experience multiple vehicles within a week. It is noted that some level of trespass activity is occurring on the 0.6-mile proposed road as UTV tracks were seen during site visits in the fall of 2023. Additionally, evidence of off-road travel exists as tracks off BLM designated roads have been witnessed in years past.

¹Breeding Habitat: Leks and the sagebrush habitat surrounding leks that are collectively used for prelaying, breeding, nesting and early brood-rearing activities.

3.2.2 Environmental Effects —No Action Alternative

Under the No Action alternative, motorized and mechanized use of the proposed 0.6-mile primitive road would not occur as gates would physically restrict access into the Left Coulee area, stopping traffic at the BLM/PALA boundary. This physical restriction would indirectly preclude use of the connected 51-mile road network as well. It is expected that trespass and off-road use would be significantly reduced, if not eliminated, in the Left Coulee area under this alternative.

As a result, zero miles of road would be open to motorized and mechanized use in big game winter range via access from Left Coulee and zero acres of winter range habitat impacted within ¼ mile of the proposed primitive road and connected 51-mile road network. Similarly, zero miles of road would be open in sage grouse breeding habitat via access from Left Coulee and zero acres impacted within ¼ mile of the proposed road.

3.2.3 Cumulative Effects

Motorized and mechanized use of the 51-mile road network would continue via the sources previously mentioned in the affected environment. Livestock grazing is permitted to occur on BLM lands within the analysis area between April 1 and Feb 28 of the following years, however, grazing and traffic associated with livestock management typically occurs between May and late November in the analysis area. BLM use of the road network occurs primarily between April 1 and May 7 when population counts for sage grouse are occurring and again in summer and fall months when vegetation and habitat monitoring takes place. The road network is typically traveled 3-4 times during the spring in an effort to capture the highest population count for sage grouse in the analysis area. During the summer and fall time period, approximately 5 – 15 trips may occur. Road use by outfitter and guides or users that have acquired private landowner permission occurs primarily during open hunting seasons. This includes spring months during turkey season, fall months for big game and winter months for mountain lion hunting and trapping. Although not a recognized season, shed antler collection and use of the road network is known to be occurring in late winter and early spring.

MDFWP's recent Montana Statewide Elk Management Plan (MDFWP 2023) addresses shed antler collection with increased concern stating the activity occurs during the time of year when elk are most physiologically stressed, as fat resources are depleted, and forage is not optimal. MDFWP restricts access to much of their managed lands until May 15 to protect wintering wildlife.

Although the frequency and intensity of use occurring on this existing open and limited road network by all user groups has not been quantified, it is expected that disturbances during biologically sensitive times are occurring and affecting wildlife and important wildlife habitats within the analysis area.

3.2.4 Environmental Effects—Alternative 2: Seasonally Open Primitive Road

Transportation infrastructure (i.e., roads) can impact wildlife and their habitats through habitat loss and degradation, habitat fragmentation, and movement restrictions across the landscape (Jackson 2000). Disturbance effects (i.e., traffic, dust, noise, human presence, and associated activities) associated with these roads is known to lead to wildlife avoidances near said corridors (Jalkotzy et al. 1997). The degree of avoidance is species specific and can be influenced by

environmental features such as topography, vegetation type and tree cover as well as frequency and intensity of use. In sagebrush shrublands and ponderosa pine habitats of Colorado, Rost and Baily (1979) observed greater road avoidance by mule deer when compared to elk with both species showing increased use of habitats further from roads. In western Montana, Lyon (1979) reported elk avoidance of roads within $\frac{1}{4}$ to $\frac{1}{2}$ mile with avoidance distances greater in low density tree cover. In Wyoming, Sawyer et al. (2007) found distance to nearest road was the best predictor of radio collared elk use, with distances of 2.8 km in summer and 1.2 km in winter, respectively. It was noted that if human activities and use of roads in winter months increased, distances from roads would increase similar to summer, thus altering the amount of winter habitat available. A study of elk in the nearby Missouri River breaks of hunting district 621 and 410 revealed elk selecting areas near dense cover, in rough terrain and away from roads during the fall hunting season (Thompson et al. 2016). Motorized and mechanized use of roads in winter months and the associated disturbance activities (e.g., hunting, trapping) can lead to elk, as well as other big game, avoiding areas of suitable winter habitat. This avoidance effectively reduces the amount of winter habitat available within a geographic region. Disturbances during biologically sensitive times such as winter forces animals to use more energy and can reduce their body conditions to levels that influence survival and production (WAFWA 2016). Similarly, Lyon and Anderson (2003) found males and females may abandon sage grouse leks if repeatedly disturbed by vehicle traffic on nearby roads. Lyon (2000) found hens captured on disturbed leks travel further for nest sites than do hens breeding on leks undisturbed from human development. These resulting behaviors can influence breeding success and ultimately reproductive success (Gutziller 1991).

The proposed 0.6-mile primitive road would be open seasonally, with no motorized and mechanized use occurring between December 1 and June 15. Although ungulate use of winter range can change from year to year with annual variations in habitat quality, animal populations, and winter severity (Vore, 2012), the Approved Resource Management Plan (ARMP) recognizes December 1 to March 31 as the timeframe most appropriate to avoid surface disturbing or disruptive activities when considering impacts to big game winter range. Both MDFWP and the U.S. Forest Service report December 1 to May 15 as the timeframe representing winter range or a time period in which disturbances can be most harmful to wintering big game (MDFWP 2023, MDFWP and USDA FS 2013). As a result of this seasonal closure, the proposed 0.6-mile primitive road would not be open during the big-game winter range timing period. The connected 51-mile road network would in effect not be open via Left Coulee access during this time period as well. As a result, zero miles of road would be open in big game winter range via Left Coulee access and zero acres of winter range habitat impacted within $\frac{1}{4}$ mile of the proposed primitive road and connected 51-mile road network.

Additionally, the ARMP recognizes March 1 to June 15 as the timeframe most appropriate to avoid surface disturbing or disruptive activities when considering impacts to breeding sage grouse. Disturbance activities associated with coal bed methane development (i.e., roads, wells, powerlines, etc.) occurring within $\frac{1}{4}$ mile of sage grouse leks led to reduced lek counts and population growth when compared to those leks not in close proximity to disturbance (Braun et al. 2002). Similarly, because the 0.6-mile primitive road would not be open during this biologically sensitive period, zero miles of road would be accessible via Left Coulee in sage grouse breeding habitat and zero acres impacted within $\frac{1}{4}$ mile of the proposed road.

Under this alternative, effects to important wildlife habitats such as big-game winter range and sage grouse breeding habitat would be greatly reduced compared to Alternative 3 by avoiding road use and the associated disturbances during biologically sensitive times.

3.2.6 Cumulative Effects

Those same road users and dates of use discussed in Alternative 1 Cumulative Effects section would apply to this seasonally open road alternative as well. It is expected that disturbances during biologically sensitive times are occurring and affecting wildlife and important wildlife habitats within the analysis area.

3.2.7 Environmental Effects—Alternative 3: Yearlong Open Road

As previously mentioned in Alternative 2, transportation infrastructure and their associated disturbance activities can impact wildlife and their habitats. Impacts to wildlife and their habitats would not be avoided during biologically sensitive times when yearlong motorized and mechanized use of the 0.6-mile primitive road is authorized. These same impacts would be realized on the connected 51-mile open and limited road network as well.

Mackie et al. (1998) reported that deer survive winter months primarily by supplementing energy reserves acquired prior to winter with energy intake from sub-maintenance winter diets. This requires behavior that emphasizes energy conservation. Forced activity by human disturbance exacts an energetic disadvantage on wildlife (Canfield et al. 1999). Use of roads in winter months and the associated disturbance activities (e.g., hunting, trapping) would lead to elk, as well as other big game, avoiding areas of suitable winter habitat. This avoidance effectively reduces the amount of winter habitat available within a geographic region. Disturbances during biologically sensitive times such as winter forces animals to use more energy and can reduce their body conditions to levels that influence survival and production (WAFWA 2016).

As a result of this alternative, 51.6 miles of road would be open in big game winter range via Left Coulee access and 14,715 acres of winter range habitat impacted within ¼ mile of the proposed primitive road and connected 51-mile road network.

Braun et al (2002) reported disturbance activities associated with coal bed methane development (i.e., roads, wells, powerlines, etc.) occurring within ¼ mile of sage grouse leks led to reduced lek counts and population growth when compared to those leks not in close proximity to disturbance. Lyon and Anderson (2003) found males and females may abandon leks if repeatedly disturbed by vehicle traffic on nearby roads or by noise and human activity associated with energy development during the breeding season (Braun et al. 2002, Holloran 2005, Kaiser 2006).

As a result of this alternative, 16.1 miles of road would be open in sage grouse breeding habitat via Left Coulee access and 3,294 acres of breeding habitat impacted within ¼ mile of the proposed primitive road and connected 51-mile road network.

Under this alternative, the greatest affects to wildlife and important wildlife habitats would be experienced as impacts would not be avoided during biologically sensitive times.

3.2.8 Cumulative Effects

Those same road users and dates of use discussed in Alternative 1 Cumulative Effects section would apply to this yearlong open road alternative as well. It is expected that the disturbances resulting from those user groups and the new disturbances resulting from authorizing yearlong access via Left Coulee would greatly impact wildlife and important wildlife habitats within the analysis area.

3.3 Resource Issue 2 – Erosion and Rutting – How would motorized and mechanized public use affect erosion and rutting?

3.3.1 Affected Environment

Native soil was disturbed at the time the existing 0.6-mile closed road (road) was constructed. Protective vegetative cover was removed, resulting in bare soil that became exposed to erosional forces. Soil was compacted from construction of the road itself and vehicular travel, especially within the traveled way. Compacted surfaces resulted in increased runoff. Ruts formed from vehicular travel during moist/wet soil conditions, leading to concentrated runoff and erosion within the traveled way. It is unlikely runoff control drainage features were constructed to minimize erosion on the traveled way or within the entire roadway. If so, those features are not evident or functional today. Topsoil was mixed with subsoil and raw soil parent material was exposed in areas. Native vegetation has returned in areas where there is suitable soil for growth and not plant limiting. Re-established vegetation is slowing runoff and reducing erosion.

Erosion on and adjacent to the road varies from slight to severe. Slight and moderate erosion occurs on the nearly-level to moderately steep road gradients (3 to 20%) and where the vegetative cover is growing on more than half of the surface (Figure 1). Severe erosion occurs on steep road gradients (20 to 33%) and where vegetation is absent (Figure 2). Erosion occurs in the form of sheet flow to deep rills (greater than 1 ft deep). There are bare areas within the roadway with numerous shallow rills contributing to road prism erosion.

Erosion modeling using the Water Erosion Prediction Project (WEPP) Interface (WEPP: Road Batch) was used to predict current estimated road prism erosion. WEPP: Road is an interface to the WEPP soil erosion model that allows users to easily describe numerous road erosion conditions (Elliot and others, 1999). At best, any predicted runoff or erosion value, by any model, will be within only plus or minus 50 percent of the true value. Erosion rates are highly variable, and most models can predict only a single value. Replicated research has shown that observed values vary widely for identical plots, or the same plot from year to year (Elliot and others, 1994; Elliot and others, 1995; Tysdal and others, 1999). Also, spatial variability and variability of soil properties add to the complexity of erosion prediction (Robichaud, 1996).

The road was broken into 24 different segments to account for changes in the traveled way gradient, length and width. The inputs entered into the WEPP Road Batch erosion model included the following parameters: Climate data modified from the Roy 8 NE MT site. The dominant field observed textures are clay loam and clay; therefore, clay loam was used with rock percentage of 2 percent. Outsloped, rutted was the best fit for road design. The road surface is native with a traffic level as low. Low traffic level was selected because even though the road is currently closed, use of the road was observed during a site visit on 10/18/2023. Gradient

percent, length and width values were entered, per each individual segment, which were derived from field measurements, Google Earth tools and a 10-meter digital elevation model.

It is estimated the current mean annual road prism erosion is 3,170 lbs. for the entire 0.6-miles. The steep section (Segments 2-3 to 5-6), depicted in Figure 2, has the highest erosion amount (654 lbs.) due to steep gradient and a long length. Other areas where erosion is high occurs on other steep gradients or segments with long lengths. See Table 3.

Table 3. Mean annual road prism erosion per road segment – Current Condition.

Road Segment	Road Design	Surface, Traffic Level ⁽¹⁾	Road Grade (%)	Road Length (ft)	Road Width (ft)	Mean Annual Road Prism Erosion (lbs)
0-1	Outsloped, rutted	Native, low	5	200	8	64
1-2	Outsloped, rutted	Native, low	10	200	8	184
2-3	Outsloped, rutted	Native, low	25	140	8	272
3-4	Outsloped, rutted	Native, low	33	115	8	222
4-5	Outsloped, rutted	Native, low	26	90	8	112
5-6	Outsloped, rutted	Native, low	25	60	8	48
6-7	Outsloped, rutted	Native, low	3	40	8	4
7-8	Outsloped, rutted	Native, low	5	95	8	18
8-9	Outsloped, rutted	Native, low	25	95	12	178
9-10	Outsloped, rutted	Native, low	14	65	8	32
10-11	Outsloped, rutted	Native, low	12	185	8	200
11-12	Outsloped, rutted	Native, low	20	75	12	87
12-13	Outsloped, rutted	Native, low	5	270	8	113
13-14	Outsloped, rutted	Native, low	25	70	12	100
14-15	Outsloped, rutted	Native, low	19	90	12	124
15-16	Outsloped, rutted	Native, low	21	65	10	60
16-17	Outsloped, rutted	Native, low	12	295	8	512
17-18	Outsloped, rutted	Native, low	24	110	12	229
18-19	Outsloped, rutted	Native, low	10	140	12	138
19-20	Outsloped, rutted	Native, low	6	290	8	173
20-21	Outsloped, rutted	Native, low	3	95	9	12
21-22	Outsloped, rutted	Native, low	10	160	7	104
22-23	Outsloped, rutted	Native, low	10	190	8	172
23-24	Outsloped, rutted	Native, low	3	85	10	12

(1) **Traffic Level - Low traffic** roads are roads with administrative or light recreational use during dry weather (WEPP:road traffic levelhelp).

Figure 1. Example of slight erosion within the traveled way (47.887190, -109.02451).



Figure 2. Example of severe erosion within the traveled way (47.891363, -109.018562).



3.3.2 Environmental Effects—No Action Alternative

- The road would remain closed to motorized and mechanized use and gates would be placed at the access points; therefore, impacts from use would not occur to further degrade current conditions. The BLM would use closure techniques to minimize disturbance. The road would either be allowed to reclaim naturally or selected segments may require ripping, scarifying and seeding with a native seed mix to control surface runoff (UMRBMN RMP 2008). Impacts can persist for several decades, even though transportation or access use is discontinued. Erosion would continue until surfaces are protected by enough cover (i.e., vegetation and/or plant litter) to reduce overland flow. Erosion rates under the No Action Alternative would be slightly lower than current rates (See Table 4). As vegetation regrows, the amount of erosion would diminish over-time.

Table 4. Mean annual road prism erosion per road segment – Closed Road with Gates.

Road Segment	Road Design	Surface, Traffic Level ⁽¹⁾	Road Grade (%)	Road Length (ft)	Road Width (ft)	Mean Annual Road Prism Erosion (lbs)
0-1	Outsloped, rutted	Native, none	5	200	8	59
1-2	Outsloped, rutted	Native, none	10	200	8	170
2-3	Outsloped, rutted	Native, none	25	140	8	255
3-4	Outsloped, rutted	Native, none	33	115	8	221
4-5	Outsloped, rutted	Native, none	26	90	8	108
5-6	Outsloped, rutted	Native, none	25	60	8	48
6-7	Outsloped, rutted	Native, none	3	40	8	5
7-8	Outsloped, rutted	Native, none	5	95	8	18
8-9	Outsloped, rutted	Native, none	25	95	12	173
9-10	Outsloped, rutted	Native, none	14	65	8	30
10-11	Outsloped, rutted	Native, none	12	185	8	187
11-12	Outsloped, rutted	Native, none	20	75	12	86
12-13	Outsloped, rutted	Native, none	5	270	8	99
13-14	Outsloped, rutted	Native, none	25	70	12	96
14-15	Outsloped, rutted	Native, none	19	90	12	114
15-16	Outsloped, rutted	Native, none	21	65	10	58
16-17	Outsloped, rutted	Native, none	12	295	8	475
17-18	Outsloped, rutted	Native, none	24	110	12	225
18-19	Outsloped, rutted	Native, none	10	140	12	129
19-20	Outsloped, rutted	Native, none	6	290	8	153
20-21	Outsloped, rutted	Native, none	3	95	9	14
21-22	Outsloped, rutted	Native, none	10	160	7	96
22-23	Outsloped, rutted	Native, none	10	190	8	155
23-24	Outsloped, rutted	Native, none	3	85	10	14

(1) **Traffic Level - No traffic** roads are roads with restricted or no access and have vegetation growing on more than half of the road surface (WEPP:road traffic levelhelp).

3.3.3 Cumulative Effects

The 51 miles of designated open and limited routes experience authorized use from livestock permittees, oil and gas permittees, BLM personal, and outfitters. Although the amount of road use resulting from these sources is unknown, it is anticipated that effects would be as described in the UMRBNM FEIS (p. 336). The analysis states that: “vehicular travel on roads could increase disturbances to soils; resulting in increased compaction, rutting, surface runoff and subsequent erosion. The severity of disturbance would depend on soil conditions, frequency, vehicle weight, tire width or tread, and driver type. Impacts would be greatest in areas of concentrated use that are not maintained or improved and would be mostly confined to roadways. Vehicular travel during wet soil conditions could lead to rutting and creating alternative routes.”

3.3.4 Environmental Effects—Alternative 2

Seasonally opening the primitive road would result in public motorized and mechanized use. Use would cause displacement of and further loosen soil aggregates, compaction, and potential for rutting if travel occurs during moist/wet soil conditions, all leading to increased runoff and subsequent erosion. Maintenance would be implemented to reduce runoff, erosion and address safety issues caused by severe erosion and rutting. Drainage features would be installed on road segments with the highest runoff potential and erosion. WEPP: Road predicts the mean annual erosion can be reduced by 37% (1,177 lbs.) by installing and maintaining drainage features to reduce runoff on steep road gradients and long segment lengths (See Table 5). Seasonally closing and gating the road from December 1st to June 15th would offer protection to eliminate rutting potential and damage to runoff/erosion control features during what is typically the wet

season (April through June) from public motorized/mechanized use. However, rutting and/or damage could occur after any storm event from motorized and/or mechanized use. For example, the road is used to gain access to the Monument while conditions are dry and then a storm occurs while a user is in the Monument and then needs to get back out on wet/muddy road conditions. BLM would reserve the option to temporarily close the road if vehicles are causing resource damage under BLM regulations 43 CFR 8341.2 and 8364.1. This would temporarily halt further degradation and allow time to maintain the roadway and runoff and erosion control features before the road would be re-opened.

Opening the primitive road would indirectly lead to increased travel on the 51 miles of designated open and limited routes. Anticipated effects would be as described in the UMRBNM FEIS (p. 336). The analysis states that: “As visitation increases, vehicular travel on roads could increase disturbances to soils; resulting in increased compaction, rutting, surface runoff and subsequent erosion. The severity of disturbance would depend on soil conditions, frequency, vehicle weight, tire width or tread, and driver type. Impacts would be greatest in areas of concentrated use that are not maintained or improved and would be mostly confined to roadways. Vehicular travel during wet soil conditions could lead to rutting and creating alternative routes.” Opening the road could provide an opportunity to maintain or improve open road segments within the 51 miles of designated open and limited routes that are in disrepair.

Table 5. Mean annual road prism erosion per road segment – Open with drainage features.

Road Segment	Road Design	Surface, Traffic Level ⁽¹⁾	Road Grade (%)	Road Length (ft)	Road Width (ft)	Mean Annual Road Prism Erosion (lbs)	Drainage Feature(s) Installed
0-1	Outsloped, rutted	Native, low	5	200	8	64	
1-2	Outsloped, rutted	Native, low	10	200	8	88	x
2-3	Outsloped, rutted	Native, low	25	140	8	126	x
3-4	Outsloped, rutted	Native, low	33	115	8	114	x
4-5	Outsloped, rutted	Native, low	26	90	8	112	
5-6	Outsloped, rutted	Native, low	25	60	8	48	
6-7	Outsloped, rutted	Native, low	3	40	8	4	
7-8	Outsloped, rutted	Native, low	5	95	8	18	
8-9	Outsloped, rutted	Native, low	25	95	12	92	x
9-10	Outsloped, rutted	Native, low	14	65	8	32	
10-11	Outsloped, rutted	Native, low	12	185	8	104	x
11-12	Outsloped, rutted	Native, low	20	75	12	87	
12-13	Outsloped, rutted	Native, low	5	270	8	113	
13-14	Outsloped, rutted	Native, low	25	70	12	100	
14-15	Outsloped, rutted	Native, low	19	90	12	124	
15-16	Outsloped, rutted	Native, low	21	65	10	60	
16-17	Outsloped, rutted	Native, low	12	295	8	159	x
17-18	Outsloped, rutted	Native, low	24	110	12	116	x
18-19	Outsloped, rutted	Native, low	10	140	12	138	
19-20	Outsloped, rutted	Native, low	6	290	8	86	
20-21	Outsloped, rutted	Native, low	3	95	9	12	
21-22	Outsloped, rutted	Native, low	10	160	7	104	
22-23	Outsloped, rutted	Native, low	10	190	8	80	x
23-24	Outsloped, rutted	Native, low	3	85	10	12	

(1) **Traffic Level - Low traffic** roads are roads with administrative or light recreational use during dry weather (WEPP:road traffic levelhelp). – Note the model allows for an input of **High traffic** but that is defined as roads that receive considerable traffic during much of the year.

3.3.5 Cumulative Effects

Opening the primitive road could promote additional travel on the PALA road across private lands. It can be expected the effects to the PALA roadway would be similar to those described for the proposed open BLM road.

3.3.6 Mitigation and Residual Effects

None - Design Features are incorporated in the Alternative to reduce effects.

3.3.7 Environmental Effects—Alternative 3

Effects of opening the primitive road to public motorized and mechanized use would be similar to Alternative 2 for both the primitive 0.6-mile road and 51 miles of designated open and limited routes. However, the primitive road would be open year-round, which would allow use any time of the year, including the typical wet season (April through June). Use during the wet season would result in rutting and damage to runoff and erosion control features. BLM would reserve the option to temporarily close the road if vehicles cause resource damage under BLM regulations 43 CFR 8341.2 and 8364.1. This would temporarily halt further degradation and allow time to maintain the roadway and runoff and erosion control features before the road would be re-opened for use.

3.3.8 Cumulative Effects

Similar to Alternative 2 except with the BLM road network open year-round, there could be additional impacts and damages to the PALA roadway due to increased traffic volume.

3.3.9 Mitigation and Residual Effects

None - Design Features are incorporated in the Alternative to reduce effects.

3.4 Resource Issue 3 Access & Recreation

3.4.1 Affected Environment

The area of analysis includes the localized area adjacent the proposed 0.6-mile primitive road as well as the broader adjacent lands near the open and limited road network within the Bullwhacker area. The Upper Missouri River Breaks National Monument RMP (2008) states the following in regard to access and recreation: “The BLM’s goal is to manage legal and physical public access to and within the Monument to provide opportunities for diverse recreation activities (motorized and non-motorized) while considering the surrounding regional recreation opportunities in northcentral Montana.” The BLM’s goal is to manage for a variety of sustainable visitor opportunities in mostly primitive and natural landscapes.

The Bullwhacker area contains 51 miles of approved BLM numbered roads that are currently open to motorized vehicles but inaccessible to the general public without private landowner permission that would be affected by an opening of the 0.6-mile Left Coulee Road. Although the 0.6-mile Left Coulee Road is closed, there is no physical gate that impedes the ability for vehicles to illegally access the Bullwhacker Road network. The Bullwhacker area is currently accessible by horseback, foot or by watercraft from the Upper Missouri River to participate in hunting, dispersed camping and other recreational activities.

The area contains various recreation resources including dispersed camping, vehicle recreation, hiking, and the opportunity to visitor or stay in the historic Gilmore Cabin. The area is a hunting destination within the Monument.

3.4.2 Environmental Effects—No Action Alternative

Recreation and Access: Under the No Action alternative, motorized and mechanized use of the proposed 0.6-mile primitive road would not occur as gates would physically restrict access into the Left Coulee area, stopping traffic at the BLM/PALA boundary. A physical gate would likely reduce the occurrence of illegal vehicle use of the 0.6 miles route. Only those that have permission from private landowners would maintain access to recreate with vehicles within the Bullwhacker Road network.

Per the Monument RMP (pg. 78), individuals with disabilities could request a permit to travel on closed roads consistent with the Rehabilitation Act of 1973. This access would be considered on a case-by-case basis by the Monument manager. If the need arises, the BLM could identify specific designated closed roads as access for individuals with disabilities.

Vehicle Recreation: Only those that have permission from private landowners at other entry points with existing open or limited roads would maintain access to recreate with vehicles within the Bullwhacker Road network.

Camping Facilities: The existing camping facilities (Gilmore Cabin, dispersed camping) would be accessed in the same manner as present, either on foot or horse. Vehicle users with permission from private landowners for access at other entry points along with walk-in users would continue to utilize these resources.

Hunting: Only those that have permission from private landowners would maintain access to hunt with vehicles within the Bullwhacker Road network. The number of users would be limited, and walk-in hunters would be the primary user group conducting this activity.

Furbearer Animal Trapping: Bobcat (December 1 – March 1): Only those that have permission from private landowners would maintain access by vehicle to trap bobcat within the Bullwhacker Road area unless entering on foot or horse.

Special Recreation Permits (SRP): Only those SRP holders that have permission from private landowners would maintain access to conduct guide services related to their business. SRP holders that conduct walk-in guide services would maintain ability to conduct their services.

3.4.3 Cumulative Effects

The cumulative effects of Alternative 1 would be the continued walk-in traffic from hunters, user activity from upland SRP activities, dispersed camping and vehicle traffic from those accessing it by vehicle through private landowner permission.

It is assumed that with a no action alternative decision that walk-in use would continue and potentially increase recreational use of the area as the popularity of the overall Monument increases. Maintaining the closure of this road may continue to displace hunters and other visitors resulting in more concentrated numbers of visitors on surrounding BLM land.

3.4.4 Environmental Effects—Alternative 2, Proposed Action Alternative: Seasonally Open Road

Recreation & Access: Under Alternative 2, increased user access into the Bullwhacker Road network would have mainly positive impacts on access and recreational opportunities within the monument. Opening the Left Coulee Road would allow increased motorized access in the Bullwhacker Road area. There would be increased access for those with disabilities who would

no longer be required to write a letter to the monument manager to gain said access. Users could continue to seek walk-in experiences into the area. Increased BLM access would allow for increased patrols and monitoring within the Bullwhacker Road network.

Hunting: Seasonal motorized access through the road opening would provide enhanced access to those wishing to hunt without the need to physically walk or ride a horse into the Bullwhacker Road network. This Bullwhacker area is regarded as a hunting destination and thus would create increased opportunity for hunting within the monument. Montana FWP Hunters with a “Permit to Hunt From a Vehicle” authorization would gain better opportunity to engage in hunting. Expanded mechanized and motorized access would also allow hunters to access a wider network and spread out through a larger area. With the implementation of condition-based road closures, hunter access may be impacted in determined times of adverse weather.

Winter Hunting for Mountain Lion (December 1-April 14): A seasonal closure would reduce the public’s ability to hunt in the Bullwhacker Road network area within the winter season utilizing vehicle or mechanized access. Hunters would be able to access the area on foot or horse.

Shoulder Season Hunting for Deer & Elk (August 15-February 15): A seasonal closure would reduce the public’s ability to hunt for deer and elk during the shoulder season utilizing vehicles or mechanized access. Walk-in access would remain an option for these users.

Furbearer Animal Trapping: Bobcat (December 1 – March 1): A seasonal closure would reduce the public’s ability to trap bobcat within the Bullwhacker Road area unless entering on foot or horse.

Vehicle Recreation: Backcountry travelers would gain increased opportunities to visit areas previously inaccessible to public vehicle-based recreation.

Camping Facilities: Visitors would gain improved access to a level 2 developed site in Gilmore Cabin, a location that became inaccessible to vehicle users upon the closure of the Bullwhacker Road in 2009. Gilmore Cabin is currently accessible and available for use by the public but providing mechanized or vehicle access may increase demand for usage by the public. The opening would also allow access to level 4 dispersed camping that was previously unavailable unless users hiked into the Bullwhacker area.

Special Recreation Permits (SRP): The Bullwhacker Road network offers increased areas to access for the monument’s upland SRP holders. At this time the monument’s Upland SRP holders are exclusively hunting based. Upland SRP holders would be impacted by the seasonal closure due to their participation in facilitating mountain lion hunting guide activities. This closure could impact their ability to conduct business within the mountain lion winter hunting season that extends from December 1 through April 14.

3.4.5 Cumulative Effects

The cumulative effects of Alternative 2 have the potential to increase recreational usage of the Bullwhacker area. The proposed action could generate additional interest in the area by exposing the public to an area previously unvisited. The additional recreation use could contribute to additional signs of human activity due to vehicle travel, camping use or impacts on historic structures such as the Gilmore Cabin.

3.4.6 Mitigation and Residual Effects

None - Design Features are incorporated in the Alternative to reduce effects.

3.4.7 Environmental Effects—Alternative 3 – Yearlong Open Road

Recreation & Access: Under Alternative 3, the effects are the same as those described in Alternative 2.

Hunting: The effects are the same as those described in Alternative 2, except that there would be no restrictive effect on winter or shoulder hunting seasons that take place December 1-April 14.

Furbearer Animal Trapping: Under alternative 3, there would be no restrictive effect on animal trapping efforts by the public.

Vehicle Recreation: The effects are the same as those described in Alternative 2.

Camping Facilities: The effects are the same as those described in Alternative 2.

Special Recreation Permits (SRP): The effects are the same as those described in alternative 2, except that there would be no restrictive effect on SRP activities that take place involving winter or shoulder season hunting that takes place December 1-April 14.

3.4.8 Cumulative Effects

The cumulative effects of Alternative 3 are similar to that as listed for Alternative 2. Yearlong usage could have increased signs of human activity beyond that of seasonal usage.

3.4.9 Mitigation and Residual Effects

None - Design Features are incorporated in the Alternative to reduce effects.

4 Consultation and Coordination

4.0 Summary of Consultation and Coordination

BLM initiated formal consultation with the Blackfeet Tribe, Chippewa-Cree of Rocky Boy, Little Shell Tribe of Chippewa Indians, Fort Peck Tribes (Sioux/Assiniboine), Ft. Belknap Indian Community (Assiniboine/Gros Ventre), Crow Tribe, and Nez Perce. Certified letters were sent to the Government heads and/or Tribal Historic Preservation Officers of each Tribe on February 6, 2024. Grey, Chairman of the Little Shell of Chippewa Indians responded via email February 20, 2024, that there were no cultural or environmental concerns from the Little Shell at this time. As of April 11, 2024, no other comments have been received from consulted Tribes.

BLM initiated coordinated with Scott Hemmer, MDFWP wildlife biologist for the project area, via telephone on December 18, 2023. Multiple email conversations followed. The United States Fish and Wildlife Service's (FWS) Information for Planning and Consultation (IPaC) website was accessed in early December for internal scoping purposes. At the request of BLM, the USFWS issued an official species list for the project area on Feb 12, 2024. The Monarch Butterfly, a candidate species, was the only species listed.

4.1 Summary of Public Participation

BLM initiated a 30-day public scoping period on ePlanning from January 3, 2024, through February 1, 2024. A BLM press release was widely distributed within Montana and individual notifications were emailed to local County Commissioners, Montana Congressional Delegates, Tribes with jurisdictions overlapping the North Central Montana District, and Montana State Legislators. The Billings Gazette, Havre Daily News, and Lewistown News-Argus ran articles on the comment period, and the Monument Manager participated on a local radio show in Lewistown. A call for scoping comments was distributed on BLM Montana's Facebook and X social media pages, then shared with Montana-based outdoor recreation social media groups, with weekly reminders about the public comment deadline.

BLM received 154 unique comments from the public, state government, and a variety of nongovernmental organizations through ePlanning, email, and hard-copy letters. See Appendix F for a summary of public scoping comments received and responses.

BLM initiated a 30-day public comment period on the Preliminary EA from February 28, 2024, through March 28, 2024. The Preliminary EA was made available on the ePlanning site during this time for public review. A news release was sent out to the original recipients of the scoping notice and notice was posted on BLM Montana/Dakotas Facebook and X pages. All individuals who commented during public scoping and requested to be part of the mailing list for the project were sent an email with a notice of the second comment period. BLM received 42 individual letters on the Preliminary EA, two of which were duplicate submissions for a total of 40 unique letters. Responses to the substantive comments extracted from those comment letters are documented in Appendix G.

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Appendix A: List of Preparers

Preparer's Name	Title	Assignment
Jesse Hankins	Wildlife Biologist	Wildlife/TES
Josh Sorlie	Soil Scientist	Erosion/Rutting
Thomas Valencia	Park Manager	Access, Recreation, ACECs, WSAs, WSRs, Visual Resources
Josh Uecker	Archeologist	Cultural Resources, Native American Religious Concerns
Bonny Richard	Hydrologist	Water Quality, Riparian Areas and Wetlands
Kenneth Keever	Natural Resource Specialist	Invasive Weeds
Rachel Miller	Planning & Environmental Coordinator	NEPA Coordinator, Reviewer
Brad Colin	Montana/Dakotas Trails & Travel Management Program Lead	Reviewer

Appendix B: Table of Issues and Resources Considered

Determination*	Issue	Rationale for Determination
PI	Access	See Issue 3
NI	Air Quality	See section 1.6
NI	Areas of Critical Environmental Concern	See section 1.6
NP	Backcountry Conservation Areas	Not present in the project area
NI	Climate	See section 1.6
NI	Cultural Resources	See section 1.6
NI	Environmental Justice	See section 1.6
NP	Farmlands (Prime or Unique)	Not present in the project area
NI	Fire Management	See section 1.6
NP	Fish Habitat	Not present in the project area
NP	Floodplains	Not present in the project area
NI	Forests and Rangelands	This is an existing road so there will be no new effects on vegetation.
NP	Forestry Resources and Woodland Products	Not present in the project area
NP	Human health and safety concerns	Not present in the project area
NI	Invasive, Non-native Species	See section 1.6
NI	Lands and Realty	Existing realty authorizations would not be affected by opening a new road.
NP	Lands with Wilderness Characteristics	Not present in the project area
NI	Livestock Grazing Management	See section 1.6
NI	Migratory birds	Previously analyzed in RMP, no new surface disturbance.
PI	Upper Missouri Breaks NM (Objects)	See Issue 1 and section 1.6
NI	Native American Religious Concerns	See section 1.6
NI	Noise Resources	Addressed as part of Issues 1 and 3
NI	Paleontological Resources	See section 1.6
PI	Recreation Resources	See Issue 3
PI	Sage Grouse Habitat	See Issue 1
NP	Socioeconomics	Not present in the project area
PI	Soils	See Issue 2
NP	Threatened, Endangered, Proposed Candidate Plant or Animal Species	See section 1.6
NI	Vegetation/BLM Sensitive Plants	See section 1.6
NI	Visual Resources	See section 1.6
NP	Wastes, Hazardous or Solid	Not present in the project area
NP	Water	Not present in the project area
NI	Wetlands/Riparian Zones	See section 1.6
NI	Wild and Scenic Rivers	See section 1.6

NI	Wilderness Study Areas	See section 1.6
PI	Wildlife/BLM Sensitive Wildlife	See Issue 1

**NP = not present in the area impacted by the proposed or alternative actions.*

**NI = present, but not affected to a degree that detailed analysis is required.*

**PI = present and may be impacted. Will be analyzed in affected environment and environmental effects. For consistency, the term 'effects' is used throughout the EA, but we use the term 'impacts' just in this table. (NOTE: PI does not necessarily mean effects are likely to be significant, only that there are effects to this issue, resource or use. Significance will be determined through analysis and documented in a Finding of No Significant Impact or Environmental Impact Statement.)*

Appendix C: Acronyms and Abbreviations

Acronym	Complete Name or Phrase
ACEC	Area of Critical Environmental Concern
ARPA	Archeological Resources Protection Act
ATV	All-Terrain Vehicle
BBCS	Bird and Bat Conservation Strategy
BCC	Birds of Conservation Concern
BLM	Bureau of Land Management
BMP	Best Management Practice
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
DM	Departmental Manual
DR	Decision Record
EA	Environmental Assessment
EIS	Environmental Impact Statement
EO	Executive Order
ESA	Endangered Species Act
FLPMA	Federal Land Policy Management Act of 1976, as amended
FONSI	Finding of No Significant Impact
GHG	Greenhouse Gas
GIS	Geographic Information Systems
IB	Information Bulletin
IDT	Interdisciplinary Team
IM	Instruction Memorandum
MBTA	Migratory Bird Treaty Act of 1918
NAGPRA	Native American Graves Protection and Repatriation Act
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NHT	National Historic Trails
NRHP	National Register of Historic Places
OHV	Off-Highway Vehicle
PALA	Public Access Land Agreement
RMP	Resource Management Plan
ROD	Record of Decision
ROW	Right-of-way
SHPO	State Historic Preservation Office
SRP	Special Recreation Permit
T&E	Threatened and Endangered
UMRBNM	Upper Missouri River Breaks National Monument
USFWS	U.S. Fish and Wildlife Service
UTV	Utility Terrain Vehicle
VRM	Visual Resource Management
WSA	Wilderness Study Area
WSR	Wild & Scenic Rivers

Appendix D: List of References

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43 Code of Federal Regulations (CFR) 8364.1

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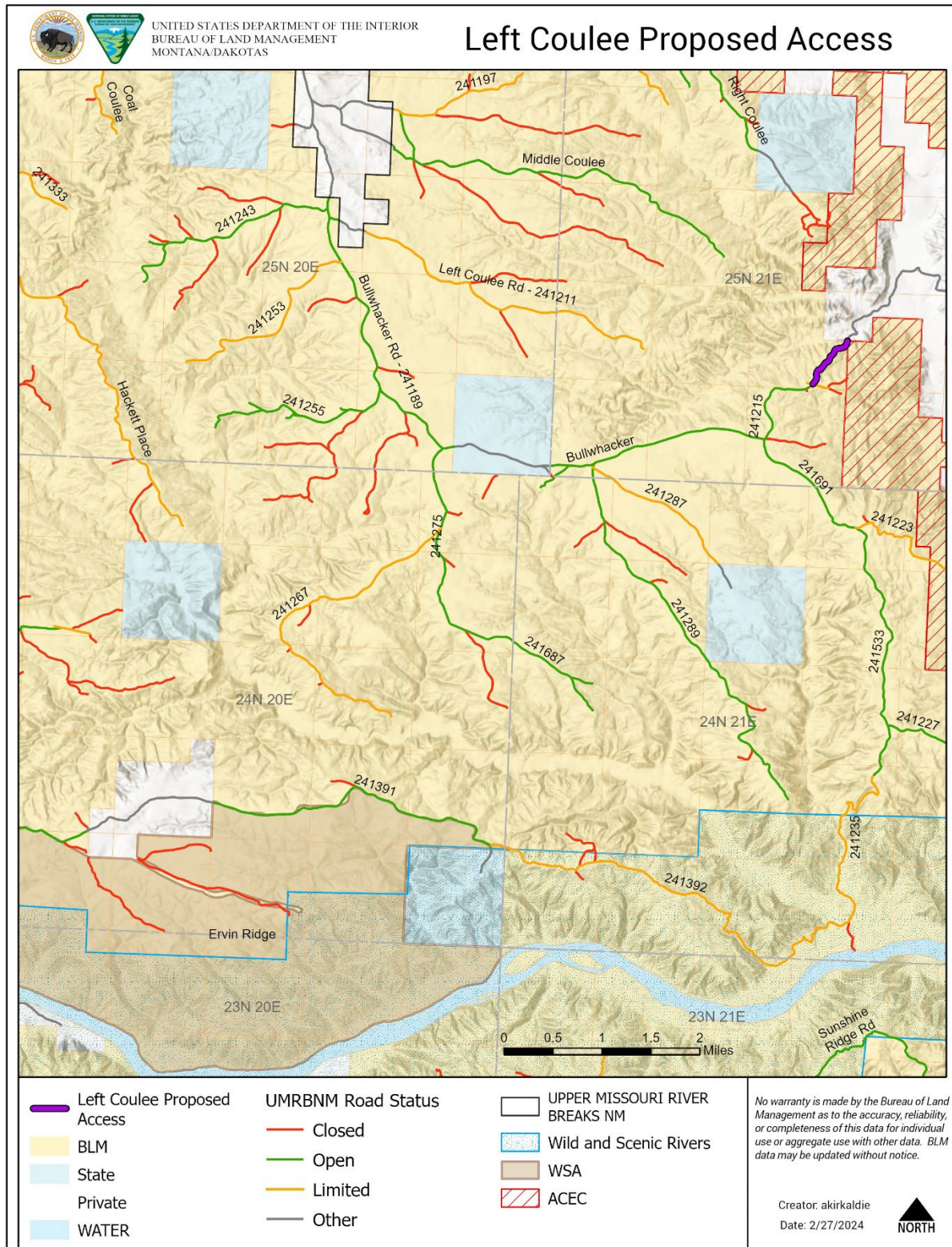
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Appendix E: Maps

Map 1: Bullwhacker area road network overview and proposed Left Coulee Access Road.



Appendix F: Public Scoping Report

BLM posted the Left Coulee Proposed Action, Alternatives, and project background to ePlanning and initiated a 30-day public scoping period on January 3, 2024, which ended February 1, 2024. The project received 154 unique comments. Most in-favor comments were centered around increased motorized access to the Bullwhacker area of the Monument. Other primary issues raised were wildlife disturbance and fragmentation, protection of Objects of the Monument, lands with special designations, and erosion or road damage. All substantive issues are listed below in rough order of number of comments received by issue. Responses to issues and alternatives raised are included below each item.

Issues Raised:

- General public access and access for disabled individuals
 - Effects on access to the Bullwhacker area are analyzed under Issue 3.
- Wildlife disturbance and habitat fragmentation. Species mentioned: elk, mule deer, pronghorn, grizzly bear, sage-grouse, bighorn sheep, bald eagle
 - Wildlife has been addressed under Section 1.6 and analyzed as an issue under Issue 1. Analysis of providing renewed access to the 51 miles of existing limited and open roads in the Bullwhacker will largely be tiered to the 2008 Final EIS for the Upper Missouri River Breaks National Monument RMP when those roads were originally analyzed. Because all roads are existing there will be no habitat fragmentation caused by new ground disturbance or vegetation removal.
 - USFWS issued a list of Threatened and Endangered species that may occur in the project area or be affected by the project. Grizzly bears are not present in the area and therefore will not be addressed in the document.
- Objects of the Monument/Monument Protection
 - Objects of the Monument have been analyzed throughout the document under Issues 1 and 3 and in Section 1.6. Protections of objects in the Monument are addressed as part of the Proposed Action and Design Features.
- Erosion and road damage
 - Erosion is analyzed under Issue 2. The BLM also has a regulation under 43 CFR § 8364.1 that allows for temporary road and area closures if use of those areas would cause undue resource damage. Under both action alternatives gates and signs would be placed at the entry points to the proposed road to allow for enforcement of seasonal or temporary closures, if applicable.
 - The road is analyzed as a Primitive, Level 1 Maintenance Intensity road. These roads are not expected to be passable by all vehicle types at all times of the year. This road maintenance level does allow for installation of drainage features to reduce erosion.
- Enforcement
 - Enforcement of the decision will occur as it would with any other travel management decision. Current enforcement measures are addressed in section 3.0 General Setting.
- Remote and wild character of the Monument

- The character of the Monument is addressed as part of the analysis in Issue 3.
- Diverse, roadless recreation opportunities
 - Changes in recreation experience have been considered under the analysis for Issue 3.
- The Cow Creek ACEC
 - The proposed primitive road does not fall within the Cow Creek ACEC, and eventual access to the ACEC via existing open and limited roads is addressed in Section 1.6.
 - As a result of the scoping comments, BLM realized that the initial map released on ePlanning incorrectly mapped private and state lands as part of the Cow Creek ACEC. The ACEC is only designated on BLM managed lands. That error has been corrected in the maps in this EA.
- Wilderness character/lands with wilderness characteristics
 - The project area does not fall within a Wilderness Area or a Wilderness Study area. Effects of the Proposed action and alternatives on the Ervin Ridge WSA have been addressed in Section 1.6.
 - Wilderness character of the Bullwhacker area was addressed as part of the UMRBNM RMP FEIS. Page 126-127 describe the decision not to reinventory the area.
- Wild and Scenic River
 - Effects to the Wild and Scenic River Corridor are addressed in Section 1.6.
- Ervin Ridge WSA
 - Effects to the Ervin Ridge WSA are addressed in Section 1.6.
- Cost of road maintenance
 - Under the Proposed Action and the open year-round alternative, the road would be a primitive, level 1 road which dictates that the road would only receive as much maintenance work as is needed to prevent major erosion or resource damage but would not make major improvements to the road. As a primitive, level 1 road, it is not expected the road would be passable at all times of year. See Section 2.1.1 Design Features.
- Off-route travel
 - Off-route travel is prohibited in the UMRBNM and the Monument is designated as a “limited” travel area meaning that motorized and mechanized travel is limited to designated routes. Travel management enforcement will occur here just as it would in any other portion of the Monument. See section 3.0 for a discussion of current enforcement.
- Rutting and damage to airstrip and associated safety concern
 - Under both action alternatives BLM would maintain and harden the airstrip crossing to prevent rutting, see Section 2.1 Design Features. In the event that considerable damage is occurring and creating a safety hazard BLM may temporarily close the road under 43 CFR § 8364.1.
- Big game populations and distribution
 - Wildlife population management falls under the purview of MT Fish, Wildlife and Parks. The 2023 elk survey for hunting district 690 counted more elk than the long-term population average, dating back to 2001. The following response is based upon information provided by MFWP. Although the 690 hunting district survey area is

much broader than the Left Coulee project area, it can be expected that elk numbers too have increased in the project area over the past decades. Conversely, mule deer numbers were below the long-term population average for the nearest survey area when counted in 2023. The long-term population average for mule deer dates to 1979.

- Historic properties and archeological resources
 - Effects to cultural resources are considered and discussed in Section 1.6.
- 10-year PALA does not guarantee permanent access
 - The EA is now analyzing this as a “temporary” road under the Proposed Action and Alternative 3. The road would be open only as long as a PALA remains in place on the adjacent private lands and there is no better access alternative to the area.
 - Because all access points to the open and limited Bullwhacker area road network cross private lands, BLM cannot make guarantees about future access, and any future action to secure permanent public access would be analyzed as a separate action.
- Increased wildfire risk
 - While there is slightly more risk of human-caused fire with increased access, overall, opening the 0.6-mile primitive road is a net benefit to fire officials as it provides more access to the area for evaluation of fuels and fire response should there be an ignition.
- Pollution, emissions, and climate change
 - This issue has been considered and addressed in Section 1.6.
- Invasive species
 - Invasive species have been addressed in the EA as an issue dismissed from detailed analysis, see Section 1.6. Current management requires BLM to map, treat and monitor invasive species on roads in trails in the Monument and addresses the potential spread and introduction of invasive plants.
- Noise from vehicles
 - Impacts of vehicle noise have been addressed under Issue 1, wildlife
- Maintenance access to existing roads
 - Access to existing routes for maintenance is addressed under Issue 2.
- Safety of the road due to slope, narrowness, and conditions.
 - Under the Proposed Action and the open year-round alternative signs would be placed at both entry points to the road segment to educate the public about the road conditions they can expect. Road users would be expected to proceed at their own risk.
 - The road is being analyzed as a Primitive, Level 1 road meaning that it may not meet any BLM road standards. This will be well-advertised, and users can make their own judgement calls about whether their vehicle can safely navigate the road conditions.
- Traffic volume
 - BLM cannot speculate at this time about exact traffic volume on the proposed primitive road. Issue 3 in particular addresses assumptions that traffic volume would be highest during hunting season.
- Pollinators

- This issue will not be addressed in the EA. There is no new road construction proposed so there is no net reduction in pollinator habitat. The study referenced was based in Ann Arbor, Michigan, and focuses on road width ($\geq$ to 3 lanes) and traffic flow in an urban area. One conclusion of the study was: "small roads and bicycle paths are barriers to bee movement, we nevertheless observed substantial pigment transfer across these roads, suggesting that this barrier does not preclude dispersal of bees and insect-vectored pollen"
- Chemical pollution from tires
 - This issue raised is not addressed in the EA. After discussion with BLM's ID team, it was not determined to be a concern for this analysis. The research provided by the commentor looked at effects of chemicals and stormwater runoff on urban and sub-urban populations of fish in Northwestern United States which is not comparable or applicable to the project area.
- Bird populations and diversity
 - The proposed action and alternatives do not propose any new road construction. As such, the effects to bird populations and diversity have already occurred and been analyzed as part of the UMRBNM RMP FEIS.
- Paleontological Resources
 - See Section 1.6.
- Predator control access
 - The EA analyzes two alternatives providing increased access.
- Native plants
 - There is no new route construction proposed as part of the Proposed Action or Alternatives. Use of the route and connecting routes would have a negligible effect on surrounding vegetation.
- Cow Creek crossing and culverts
 - The proposed primitive road does not cross Cow Creek, but the access road does cross on the private parcel. That road segment and the associated culverts are outside the management purview of BLM and therefore is outside the scope of this document. The Cow Creek road crossing is 5 miles upstream of the nearest BLM lands within the Cow Creek ACEC. Any effects of sedimentation in the stream on BLM-managed lands are negligible, especially relative to the natural sediment loading in the system. This is addressed in Section 1.6.
- Nez Perce Trail
 - The proposed road does not cross the Nez Perce Trail. The USFS worked with the Tribe on a more accurate representation of the actual location of the trail. BLM's RMP Maintenance Action 5 formalizes the change in mapped alignment.
- Economics
 - Economics were not evaluated as an issue for this EA. Road access to this area does not in itself provide direct or indirect economic benefits or losses. The assumption is that individuals who would drive into this area to hunt would drive to an alternate area to hunt if the road remained closed. There is no data to support the idea that economic losses would be suffered due to a seasonal closure in this area.

Alternatives or Additional Actions Raised

- Close all roads in the Bullwhacker area to motorized use.
 - This alternative is outside the scope of this analysis because it does not fit the purpose and need.
- Backcountry Access: do not open the road, and limit use of the Bullwhacker area roads to administrative use. Invest in developing trails and trailheads to facilitate foot and horse access in the area.
 - Please see the Alternatives Considered but Dismissed from Detailed Analysis Section 2.3.3 for a discussion of how this alternative was handled in the EA.
- Reroute the road to avoid the airstrip and place barricades at the current airstrip crossing.
 - Please see the Alternatives Considered but Dismissed from Detailed Analysis Section 2.3.1 for a discussion of how this was handled in the EA.
- Width restriction to allow motorcycles, UTVs, and ATVs, but not full-size trucks.
 - Please see Section 2.3.2 for a discussion of how this was handled in the EA.
- Close the proposed road if/when public access is granted again across the Anchor Ranch property.
 - This has been considered and the action alternatives now analyze this as a “temporary” road that can be closed if a better access location becomes available or if the PALA expires without being renewed.
- Seek legal access across the Anchor Ranch for continued use of the Bullwhacker Road
 - This is outside the scope of this analysis.
- Establish seasonal closures on all roads in the area.
 - This is outside the scope of this analysis. As discussed in Issue 1, a seasonal closure on the proposed primitive road would effectively lead to a seasonal closure on the Bullwhacker road network for the general public.
- Do not open the road and instead create a parking area on the north end of the road to facilitate foot and horse travel.
 - This is outside the scope of this analysis. The purpose and need for the action is to provide motorized and mechanized public access to the area.
- Close the Left Coulee Airstrip
 - This is outside the scope of the analysis.
- Create a new road that leads to the left Coulee airstrip from the north/northwest
 - See Section 2.3.1 for a discussion of how this Alternative was considered.
- Keep the route closed and instead invest in creating trails and trailheads into the area.
 - This is outside the scope of this analysis. The purpose and need for the action is to provide motorized and mechanized public access to the area.
- Condition-based closure rather than seasonal closure
 - The BLM has existing regulations to allow for condition-based closures 43 CFR § 8364.1. The rationale for a seasonal closure is addressed as part of the Proposed Action and Issues 1 and 2.
- Suggestion that BLM road 241235 should be closed after the break in topography where it drops toward the river.

- This action is outside the scope of the current analysis.
- Close the road north of the Gist property.
 - This action is outside the scope of the current analysis.
- Prevent outfitters from driving on BLM roads.
 - BLM cannot and will not consider closing routes to select individuals or groups.
Closing roads in the Bullwhacker area is outside the scope of this analysis.
- Open access on the Ervin Ridge Road
 - This action is outside the scope of the current analysis.
- Close the road segment down to the old homestead on Bullwhacker Flats
 - This action is outside the scope of the current analysis.
- Develop a new road that bypasses the Johnson Ranch and connect to BLM roads behind the private lands in conjunction with providing access connections to Ervin Ridge.
 - This action is outside the scope of the current analysis.

Other Comments:

- Rework the Need portion of the P&N statement (existence of roads does not result in a need for vehicles to access them)
 - For many types of actions, the “need” for the action can be described as the underlying problem or opportunity to which the BLM is responding with the action. While in some documents the purpose and need stem from a policy or law requirement, purpose and need statements generally address the reason for the proposed action, which in this case is to provide access to existing open and limited roads in the Monument.
- Suggestion that the Pilot’s association should take maintenance responsibility over the airstrips
 - Maintenance responsibility for the airstrip is outside the scope of this document.
 - Maintenance of airstrips in the UMRBNM has already been addressed through DOI-BLM-MT-L070-2022-0001-EA.
- Provide information to indicate how this action aligns with the Monument’s RMP directive to manage the area in a way that protects Monument Objects, values, and resources.
 - The UMRBNM RMP explicitly allows for roads and travel management actions, including updates to Travel Plans. Compliance with the RMP is addressed in Section 1.3 of the EA and references specific statements from the RMP that apply to the proposed action. Most of the analysis for use of the 51 miles of existing open and limited routes will be tiered to the FEIS that analyzed those routes that were approved through the TMP at the time the RMP was approved. Roads and other impacts were present in the Bullwhacker area at the time of the presidential Proclamation. Since then, the Travel Management Plan conducted concurrently with the UMRBNM RMP closed over 20 miles of roads in the area but left the current 51 miles open or seasonally open (limited).
- Discuss frequency of road use prior to closure in 2008
 - BLM does not have this data.
- Clearly state in the document that there is currently foot and horse access to the area.

- This edit has been made in the introduction and is discussed under Issue 3.
- Provide additional information about the PALA and the discussions that led to it.
 - This information is outside the scope of the NEPA analysis. Information about the PALA can be discussed with MT FWP.
- Required 5-year RMP monitoring is not available online. Request for information about:
 - History of unauthorized use of the proposed route
 - Documentation of damage to objects of the Monument from unauthorized use
 - Off-route travel violations in the Bullwhacker area
 - Mitigation measures for off-route travel
 - Number of landings at Left Coulee Airstrip and past maintenance
 - Documentation of warnings and citations for off-route travel and/or resource damage, including game retrieval violations
 - Many of these questions are outside the scope of a NEPA analysis. Off-route travel violations and enforcement are addressed in Section 3.0 and in the UMRBNM RMP FEIS. Prior to 2008 when the TMP was completed concurrently with the RMP there was no travel management and the area was not yet designated as “limited,” and therefore off-route travel was not enforceable. Since the TMP was initiated, signs were placed marking open and closed roads within the Monument as part of travel Management implementation. Because of this, use of now-closed roads is reduced from pre-2008 conditions. Law enforcement and staff continually educate the public about responsible recreation and have the ability to enforce violations.
- Provide a specific signage and enforcement plan rather than using general language.
 - Gates and signs will be installed at the top and bottom of the proposed road under all alternatives. Enforcement would occur just as it would to enforce any other travel management decision. Specific sign language and enforcement activities are outside the scope of the NEPA analysis.
- Provide information about pre-2009 use of roads in the Bullwhacker and any off-route travel. Compare conditions then to conditions now within the analysis, particularly with an emphasis on wildlife, water quality and terrestrial habitat.
 - Prior to the 2008 TMP and Monument RMP there was no Travel Management Plan for the area. Road density and miles in the Monument were reduced as a result of the TMP and concurrent RMP that designated the Monument as a limited travel area. Since then, signs have been placed to inform the public about which routes are open and which are closed. That also ensured off-route travel is an enforceable violation. Current condition is addressed under Section 3.0 and the Affected Environment section of each analyzed issue.
- BLM Manual 6220, which outlines proper management for national monuments and other protected areas, states that, “To the greatest extent possible, subject to applicable law, the BLM should through land use planning and project-level processes and decisions, avoid designating or authorizing use of transportation or utility corridors within Monuments and National Conservation Areas.”
 - This portion of the 6220 Manual is specific to Right-of-Ways, utility corridors, and

energy production corridors, but not roads managed under the Travel and Transportation network section of the manual. Direction in the manual is to develop a travel management plan within Monuments and to generally restrict all travel to roads, primitive roads, and trails (page 15-16). In the RMP the Monument was designated as a “limited area” meaning that travel is restricted to those routes listed above.

Appendix G: Preliminary EA Comment Response

A 30-day public comment period was held for the Left Coulee Access EA from February 28 to March 28, 2024. BLM received 42 comment submissions on the preliminary EA, two of which were duplicates for a total of 40 unique comments via ePlanning and email. Comments covered a variety of perspectives including support for and opposition of the Proposed Action and Alternatives. Because many substantive comments contained similar themes, they are grouped below by topic. All substantive comments received are included with the BLM response below.

Enforcement and Off-Route Travel:

Comment: We ask the BLM to consider better signage and maps, physical barriers, and enforcement in the area.

Response: These measures are described as part of all action alternatives. Signage, maps, and physical barriers in the existing 52-mile open and limited road network are part of implementation of the 2008 Travel Management Plan and are ongoing.

Comment: I was unable to find a comprehensive monitoring plan for the monument and what I found seemed vague and inadequate for use in the Bullwhacker. I'm sure more is tucked into the RMP, but monitoring is important enough to this action that the monitoring plan should have been included in the EA. It should not be considered outside the scope of this action, it is integral to it. Before issuing a final decision I would ask the BLM to examine the plan for monitoring and enforcement of the Bullwhacker and make sure it is fully provides the kind of information needed to manage for the expected impacts.

Response: Current monitoring and patrol strategies include conducting condition assessments and monitoring to deter off road vehicle travel along with an emphasis to educate the public on travel map seasonal roads and closed established roads.

Increased access related to Preferred Alternative 2 and Alternative 3 would allow for increased patrols within the Bullwhacker Road network. BLM will conduct active patrols and pursue partnerships to increase monitoring efforts related to travel management enforcement within the Bullwhacker Road network.

Comment: Currently the Monument has limited access for their enforcement staff to patrol the area regulate the lower portion of the road network along the Missouri River that has a seasonal closure already in place.

Response: Increased access related to Preferred Alternative 2 and Alternative 3 would allow for increased patrols within the Bullwhacker Road network. BLM will conduct active patrols and pursue partnerships to increase monitoring efforts related to travel management enforcement within the Bullwhacker Road network.

Comment: the Breaks are already littered with roads on nearly every ridge and illegal motorized use abounds. While I understand that no new roads are listed in this proposal, I fear that opening an already existing road would intensify illegal use.

Response: The EA has been updated under Alternative 2 & 3 to reflect the potential for illegal off-route use.

Increased access related to Alternative 2 and Alternative 3 would allow for increased law enforcement patrols within the Bullwhacker Road network to mitigate any illegal use within the region relative to the No Action alternative. BLM will also pursue partnerships to increase monitoring efforts related to travel management enforcement within the Bullwhacker Road network.

Big Game and Big Game Winter Range:

Comment:

BLMs previous Resource Management plans (RMPs) for this area (both prior to and after loss of access in 2009) have no mention of wintering Habitat at all. Thus, further solidifying FWPs assessment that there are no wintering habitat issues with Alternative Option 3.

BLM feels it could be damaging to winter habitat in the Bullwhacker area, which Montana FWP assessments have said that there would be no effect on wintering habitat. (FWP has stated there is already a human presence, road traffic, hunting pressure, etc., on all 51 miles of existing BLM roadway that are currently open year round in the Bullwhacker to the big money of Outfitters, Out Of State Interest, etc.).

Response: Winter habitat for big game in the Bullwhacker area is first mentioned in 2001 as an Object of the Monument in the Proclamation. Additionally, big game winter range is discussed in the 2008 UMRBNM RMP in many places with this overarching objective: “The BLM will maintain and enhance habitat for wildlife. The emphasis for habitat maintenance and development will be placed on present and potential habitat for sensitive, threatened and/or endangered species, nesting waterfowl, game birds, fisheries and mule deer and elk winter range” (Page 35). The phrase *winter range* is mentioned 33 times throughout the document, similarly, *winter habitat* is mentioned 18. The ARMP emphasizes prohibiting surface disturbing and disruptive activities in big game winter range (Page 41). BLM’s East Half Transportation Map clearly shows roads adjacent to the proposed road area closed to use from December 1 to March 31 for big game winter range. Both at the time of the UMRBNM RMP (2008) and more recently for the Left Coulee Access Project (January 2024), MDFWP provided to BLM maps identifying big game winter for the planning area and project area. Effects of the Proposed Action and alternatives are discussed in chapter 3.2 of this EA.

Comment: When presented with Montana FWP findings mentioned above on the Bullwacker area as a whole and the 51 miles roadways open year round currently but only accessible to big money, BLM maintains that the debate/discussion is about a .6 mile stretch of road that is closed to everyone and that opening that roadway could affect wintering habit on that .6 mile stretch of road way. (FWP has stated that .6 mile stretch of road currently closed to everyone in the Left

Coulee access proposal is such a small area and such a small stretch of road its opening wouldn't have an effect on wintering habitat in that localized area, especially with existing year round access on either side of the .6 mile stretch being debated.)

Response: The proposed action is to open 241615 as a 0.6-mile temporary limited motorized primitive road, which currently exists as a linear feature on the ground. No other decisions pertaining to travel management designations on BLM managed lands are being made. Environmental effects analysis is specific to legal access acquired via the proposed 0.6-mile primitive road. Indirectly, this 0.6-mile primitive road would provide increased legal access into 51 miles of existing roads within the Bullwhacker area. As a result, the analysis area was created by buffering the proposed primitive road and the connected 51 mile open and limited road network by distances of approximately 0.5 -1.5 miles (dependent upon terrain). This represents the area generally available via the road network.

Erosion and Road Condition:

Comment: Rutting and erosion on the Left Coulee Rd will be minimized by FWP doing its part with enforcing rules associated with the PALA project with the Square Butte Grazing Association. A key rule to the PALA is that the access road across private property is closed when muddy road conditions are present.

Response: The PALA Rule: "No driving on access road when muddy" would limit public motorized and/or mechanized use of the proposed BLM road, during muddy/wet conditions, but not eliminate it. The seasonal closure, enforced by gates, would ensure no public use during what is the climatologic wettest time of year that leads to damaged road conditions.

Comment: In addition, access to the proposed .6 mile stretch of road in question is governed by FWP Public Access Land Agreement (PALA) which explicitly lists under PALA Rules "No driving on access road when muddy". Thus making the .6 mile stretch of road in question, as well as the additional 51 miles of existing open BLM roads, inaccessible to the public during muddy/wet conditions conducive to rutting and limits access to dry conditions.

Response: The PALA Rule: "No driving on access road when muddy" would limit public motorized and/or mechanized use of the proposed BLM road, during muddy/wet conditions, but not eliminate it. The seasonal closure, enforced by gates, would ensure no public use during what is the climatologic wettest time of year that leads to damaged road conditions.

Comment: If increased motorized vehicles use results in resource damage improving road surfaces and drainage modifications are cost effective when needed. Restricting vehicle weight and length can eliminate roadway stresses.

Response: Road maintenance and drainage features are addressed as part of the proposed action and alternative 3 design features, and effects of those measures are evaluated in Section 3.1. Vehicle width restrictions were addressed as an issue dismissed from further analysis in the EA.

Comment: Please consider an improved road to connect into the existing road network that existed before the Wilks closed access on the main road into the area.

Response: Improved roads into the area do not provide legal public access and therefore do not meet the purpose and need. The road being evaluated does not meet BLM road standards and therefore cannot be considered or maintained to the level of an improved road.

NEPA Adequacy and Alternatives:

Comment: The stated purpose and need of the Left Coulee project – to “provide motorized and mechanized public access to the area” – arbitrarily narrows the scope of options and alternatives to be considered. In doing so, BLM has frontloaded the project with a predetermined action outcome – ensuring motorized access to the Bullwhacker area. The alternatives presented in the preliminary EA offer an overly simplified and narrow dichotomy – either provide expanded motorized public access to the area, or don’t. During scoping, Western Watersheds Project, along with several additional unidentified commentators, proposed alternatives that would have provided additional options for BLM and the public to consider. BLM’s choice to arbitrarily narrow the scope of the alternatives and predetermine the outcome was made evident by its refusal to incorporate these suggestions into the EA as reasonable alternatives. In our scoping comments, WWP provided the following rough outline for an alternative:

“Formulate a “Backcountry Access Alternative” that Enhances Hiking and Horseback Access While Protecting Wildlife: Given that this area is already accessible on foot and horseback, rather than introduce motorized use to increase access, establish trailheads and construct new trails where needed to facilitate these kinds of backcountry activities. This alternative should also seek to close roads leading from private inholdings to any and all motorized use not directly related to grazing allotment management and/or BLM administrative purposes. This would ensure that wealthy individuals do not simply purchase access that is out of reach to most of the American public (which is the current state of affairs).

In the preliminary EA, BLM tersely dismissed this suggested alternative in one sentence: “This alternative is outside the scope of this analysis.” (EA, 39). There are two problems with this grossly inadequate response. First, it misrepresents WWP’s proposed alternative. We did not suggest, as the EA mistakenly claims, that BLM “Close all roads in the Bullwhacker area to motorized use.” (EA, 39). As WWP’s “Backcountry Access Alternative” makes clear, the roads would remain open to all agency-related activities like administration of livestock allotments and other official business. This does not constitute a full closure of the road system, but only prohibits non-administrative motorized use. Second, by dismissing this proposal as being outside the scope of analysis, BLM has made clear its intent to keep the purpose and need of the project, as well the scope of alternatives, unreasonably and narrowly defined. This is a violation of NEPA. An agency may not so narrowly define its purpose and need as to unduly restrict consideration of reasonable alternatives.¹ This is precisely what BLM has done in the EA. By narrowly setting its purpose and need, and by subsequently restricting adequate consideration of reasonable alternatives (like those proposed by WWP and others), BLM has predetermined the

outcome of the Left Coulee project.

The “Backcountry Access Alternative” constitutes a reasonable alternative that addresses the core issue driving the Left Coulee project. Namely, due to the actions of a private landowner, current public access to the Bullwhacker area is unequal or otherwise inequitable. As it now stands, only a select group of individuals with adequate means have motorized access to the area, with the vast majority of public land owners unable to do so. This is a gross inequity that can be re-balanced in more than one way. Providing a reasonable range of alternatives would provide multiple options for achieving this end, rather than the singular option currently being put forth by BLM. Rather than expanding motorized use into what the BLM calls “one of the wildest areas of the Upper Missouri Breaks National Monument”, the equity imbalance can be addressed by simply leveling the access playing field (EA,1). As BLM readily acknowledges in the EA, the UMRBNM RMP “explicitly allows for roads and travel management actions, including updates to Travel Plans.”(EA, 40). Though BLM cites this authority to support its narrow range of alternatives that expand motorized access, this same authority would also allow BLM to conversely limit motorized access for all members of the public. This is another reasonable and readily available option that would remedy the access inequity and should be included as an alternative. The rejection of WWP’s proposal, as well as those put forth by others, makes it clear that BLM began with and continues to unreasonably adhere to an overly narrow purpose and need statement. This can be remedied by incorporating additional alternatives for consideration by the agency and the public.

Response: BLM’s H-1790-1 - NATIONAL ENVIRONMENTAL POLICY ACT HANDBOOK provides the following direction: “A carefully crafted purpose and need statement can be an effective tool in controlling the scope of the analysis and thereby increasing efficiencies by eliminating unnecessary analysis and reducing delays in the process. The purpose and need statement dictates the range of alternatives, because action alternatives are not “reasonable” if they do not respond to the purpose and need for the action” (page 36) and: “As with the purpose and need, the description of the decision(s) to be made may be broad or narrow.” (page 36).

The current document provides a reasonable range of alternatives within the scope of the purpose and need of the action. The No Action alternative provides an alternative that would not open a road and would gate access to the linear feature as it currently exists, while still allowing for foot and horse access to the Bullwhacker area. The two action alternatives, Alternative 2 (Proposed Action) and Alternative 3 (open year-round) allow for a full range of alternatives to analyze the effects on Objects of the Monument and resources within the scope of the purpose and need.

We acknowledge that we did not properly separate WWP’s proposed “Backcountry Access Alternative” from another comment that suggested closing all roads in the Bullwhacker area. That has been corrected in Appendix F and a new section, 2.3.3, has been added to the EA to address this alternative.

Comment: The preliminary EA makes it abundantly clear that BLM has conducted little to no analysis for this project, nor has the agency collected any necessary data to establish an environmental baseline (despite requests from multiple commenters to do so). The agency admits that it has “tiered” its analysis to that conducted during the RMP process, which occurred 16 years ago (EA, 35). This is a grossly outdated analysis and cannot be relied upon for the current project.

BLM made no effort to understand or otherwise analyze and collect data on the baseline road usage (and subsequent impacts). The use of words like “unknown”, “speculated”, “may”, and “assumed” make this entire passage useless in terms of adequate analysis and provides little to no information for the public to assess. The road network and its impacts are the heart of this project and require adequate analysis in order for the BLM and the public to make informed decisions (a requirement of NEPA).

Response: Since the release of the PEA, MDFWP has provided historical information relative to hunter use days utilizing the Bullwhacker Road in 2015 (see 3.0). Further literature review produced research germane to the analysis area while additional wildlife baseline information has been included in the wildlife analysis. Assumptions for wildlife analysis were stated in 3.1 for information currently incomplete or unavailable. Specific to the unknowns in road usage and potential increase in motorized use, the following assumption was made and stated in the PEA: motorized and mechanized use of current open and limited road network will increase progressively as such: Alternative 1 < Alternative 2 < Alternative 3.

Comment: When conducting its analysis of Alternative 2 (Proposed Action), BLM completely ignores and refuses to address the impacts increased motorized use would have. Instead, the entirety of the environmental impacts analysis is devoted to showing how it will not impact winter game range and sage grouse breeding because of seasonal closure (EA, 15). Yet, there is not a shred of analysis offered for the 6 entire months when the road network will actually be open to increased motorized use.

Response: The current document focuses on issues that are significant to the action in question (40 CFR 1500.1(b)). Relative to wildlife, analysis is focused on the impacts to “important wildlife habitats” rather than amassing broader content on wildlife as a resource issue. “Important wildlife habitats” of the Bullwhacker area such as elk, mule deer and pronghorn winter range and sage grouse breeding habitat were identified as biological objects in the Proclamation. Impacts to wildlife were previously analyzed in the UMRBNM FEIS.

Comment: We also recognize that the area of the Upper Missouri Breaks National Monument is within mule deer, elk and antelope winter range, as well as seasonally important bighorn sheep wintering and lambing areas. Although limiting public road use of the area during winter would minimize human disturbance of wintering ungulates, this would also reduce the opportunity and effectiveness of the late season elk hunt (December 15 – February 15) and mountain lion winter hunting season (December 1 – April 14) in that area. FWP would recommend extending the open

period until January 1 to allow for public access during the early portion of these seasons, while still providing for a seasonal closure after January 1 for wintering ungulates.

The 2005 Sage Grouse Management Plan recognizes the need to consider sage grouse when developing roads and management plans and encourages recreationists to avoid continuous or concentrated use within 1.5 miles of leks from March 15 – May 15. FWP would recommend considering an abbreviated closure period (through May 15) rather than June 15 in the proposed alternative. This would also be consistent with FWP’s Wildlife Management Areas with seasonal closures for wintering ungulates.

Response: The interdisciplinary team considered this abbreviated January 1 to May 15 alternative and dismissed it from further analysis as the recommended dates fall within the range of alternatives previously analyzed. Data provided by MDFWP (2023) reports hunting district 690 below objective for elk population size (800 – 1,200 elk observed) with 696 total elk observed in the most recent 2023 survey. The hunting district is within its objective for demographic targets (bull:cow ratio at 30-45:100) with a bull:cow ratio of 41:100 recently reported in 2023. The document currently analyzes two action alternatives that would provide increased legal motorized and mechanized access into the Bullwhacker area. Both action alternatives allow access during the “archery only” and “general” rifle seasons. It is reasonable to expect this increased access will lead to increased harvest of animals within this geographic region of hunting district 690, including elk. Additionally, the recommended January 1 to May 15 dates are inconsistent with the UMRBNM ARMP when considering important habitats for wintering big-game and breeding sage grouse, both of which are identified as biological objects in the Proclamation. Limiting motorized and mechanized use of the 0.6-mile road until after June 15 also offers protection to minimize rutting potential and damage to the road during what is typically the wet season (April through June) with June historically receiving the most rainfall annually in Blaine County.

Lands with Special Designations:

Comment: If the BLM does move forward with this project, the PEA is currently lacking analysis of potential impacts on the important values of the area. Throughout the PEA, the BLM directs the analysis back to the RMP or states that the primitive road does not fall within special designations. However, the PEA does acknowledge that opening the primitive road segment would open access to the Upper Missouri National Wild and Scenic River Corridor, Ervin Ridge Wilderness Study Area, and Cow Creek Area of Critical Environmental Concern (ACEC). It is critical that the BLM analyze all potential direct, indirect, and cumulative impacts this proposal could have on the special values for which each area was designated. This should especially include an analysis of potential impacts from increased motorized and mechanized use on adjacent wilderness character, ACEC values, and objects within the National Monument, as well as important species habitat. It is insufficient for the BLM to simply say that “[i]ncreased traffic... does not imply there will be any impact to the characteristics of the area.” All potential impacts from this project must be fully analyzed based on use data, information about the special resources each area holds, and each designation’s specific management prescriptions. The BLM

is currently not meeting its management obligations for each designated area based on the limited PEA analysis and lack of commitment to additional agency resources.

Response: Access currently exists for all areas of special designation listed within the EA (ACEC, Ervin Ridge WSA & UMNWSR) by foot or horse. Only those that have permission from private landowners at other entry points with existing open or limited roads currently maintain access to recreate with vehicles within the Bullwhacker Road network.

An updated baseline of the special designation areas (ACEC, Ervin Ridge WSA & UMNWSR) is discussed within section 1.6 (Table 1 – Issues Identified but Eliminated from Further Analysis).

Access:

Comment: Provide access for hunting during shoulder season to help reduce elk numbers which are overpopulated in the area and have been challenging for FWP to control due to limited hunting access in the area (Would not be available under current proposed plan, only under Alternative Option 3).

Response: Data provided by MDFWP (S. Hemmer, personal communication, March 03, 2024 and MDFWP 2023) reports hunting district 690 below objective for elk population size (800 – 1,200 elk observed) with 696 total elk observed in the most recent 2023 survey. The hunting district is within its objective for demographic targets (bull:cow ratio at 30-45:100) with a bull:cow ratio of 41:100 recently reported in 2023. Population size and demographic targets for each hunting district can be referenced in the 2023 Elk Management Plan for Montana. The document currently analyzes two action alternatives that would provide increased legal motorized and mechanized access into the Bullwhacker area. Both action alternatives allow access during the “archery only” and “general” rifle seasons. It is reasonable to expect this increased access will lead to increased harvest of animals within this geographic region of hunting district 690, including elk. The area is available for hunting for those who walk into the area.

Comment: Provide access to thousands of acres for trapping and furbearer season (Would not be available under current proposed plan, only under Alternative Option 3).

Response: Trapping and furbearer season impacts have been included within the recreation alternative analysis related to access and recreation in section 3.4 (Resource Issue 3 Access & Recreation).

Other:

Comment: I believe that the BLM Monument does not fully understand how much year around use the 51 miles of road network already exists.

Response: BLM acknowledges that the Bullwhacker Road network under current conditions receives usage from both motorized and non-motorized users. Only those that have permission from private landowners at other entry points with existing open or limited roads maintain access to recreate with vehicles within the Bullwhacker Road

network. Nonmotorized users have multiple points of entry to gain access to areas within the Bullwhacker Road network.

Comment: An unimproved 2 track could be potentially dangerous in adverse weather and it is a long way to get help. Please consider an improved road to connect into the existing road network that existed before the Wilks closed access on the main road into the area.

Response: BLM acknowledges that if opened the road may be impassible at times due to weather conditions. Per the proposed action and alternative 3, signs would be placed to inform the public about road conditions so they can make educated decisions about whether or not to drive in the area. At this time, the Left Coulee primitive road is the only feasible route that leads into the area. All improved roads are inaccessible via private land with no public access. As part of the action alternatives, if a better route were to become available in the future the Left Coulee primitive road would be closed once again, and access provided via the more improved road.