

## EGIN-HAMER PLAN AMENDMENT

### RECORD OF DECISION

#### I. Introduction

Fremont and Jefferson Counties, Idaho have applied for a right-of-way for a year-round, eight-mile-long gravel road across public land. The Bureau of Land Management (BLM) prepared a draft environmental impact statement (EIS) on the proposed action and five alternatives. This draft was distributed in June, 1986.

BLM allowed 90 days for public comment on the draft EIS. At the end of the 90-day period, the public comments on the draft were analysed, a final EIS was prepared and a proposed decision was selected. (The proposed decision was to offer a right-of-way on the route applied for, with the stipulation that the road would be closed annually from December 1 through March 31.) The final EIS was distributed in February, 1987. A 30-day period in which to protest the proposed decision to the Director of the BLM was provided. Fifteen protests were received.

The Director has responded to the protests and upheld the proposed decision. In response to concerns expressed in the protests, the implementation of the decision has been described in more detail. (See below.)

#### II. The Decision

The decision on the Egin-Hamer plan amendment is to offer Fremont and Jefferson Counties a right-of-way for the road on the route they applied for. Issuance of a right-of-way grant will be conditional upon the counties' acceptance of the following stipulations:

The road will be closed to vehicle traffic from December 1 through March 31 every year.

The counties must provide BLM with a plan of operations for enforcing the road closure from December 1 through March 31. This plan must include a schedule of construction and a provision showing that the counties have the legal authority to close the road each year. This plan may necessitate the counties' passing ordinances if such authority is lacking at present. The right-of-way will not be issued until the applicants provide BLM with the plan. This plan must be approved by the authorized officer.

In accepting the right-of-way, the counties will agree to enforce the road closure ordinances.

Repeal of the road closure ordinances by either county will result in revocation of the right-of-way grant.

At the time the road is constructed, the counties must install an effective barrier at each end of the road. (The purpose of the barrier is to ensure the road is closed during the specified annual period.)

The counties will be required to erect and maintain signs at each end of the road and other appropriate locations to inform the public of the annual road closure.

No maintenance or construction work on the road will be allowed during the specified annual period of closure.

These stipulations are not necessarily all-inclusive. The condition of closing the road every year from December 1 through March 31 must be met by whatever means are needed. Failure of the counties to effect the seasonal closure will cause revocation of the right-of-way grant.

The offered right-of-way will state that noncompliance with the terms, conditions, or stipulations of the grant will result in termination of the grant. The procedures for terminating the grant would be those described in 43 CFR 2803.4, including written notice to the grantee. If an immediate temporary suspension of activities on the right-of-way is required, then the procedures of 43 CFR 2803.3 would be used.

This decision amends the Medicine Lodge Resource Management Plan (RMP) to allow the road through the Nine Mile Knoll Area of Critical Environmental Concern (ACEC). It also enlarges the ACEC from 31,600 acres to 40,090 acres as described in the final EIS. The management of the ACEC remains the same as described in the Medicine Lodge RMP.

### III. Alternatives Considered

BLM considered six alternatives to the proposed decision. These alternatives and the major predicted effects of each are as follows: (See Map 1.)

#### Alternative A - The applicants' proposed action.

The applicants' proposal was to construct the road and keep it open year-round. The EIS predicted this alternative would reduce the elk herd size from 2000 to 700 head, would reduce hunter days from 23,700 to 525, would adversely affect hunting activities of the Shoshone-Bannock Tribes, and would have a net present worth of -\$4.2 million to -\$4.7 million.

#### Alternative B - The no action alternative.

The application for a right-of-way would be denied. The EIS predicted that this alternative would have no effect on the elk herd and related elk hunting activities, including those of the Shoshone-Bannock Tribes. The net present worth of this alternative is \$0. This alternative fails to meet the counties' need for an improved road on the route applied for.

**Alternative B-1 - No action except enlarging the Nine Mile Knoll ACEC.**

This alternative was added to the final EIS in response to comments on the draft EIS. It is the same as the no action alternative except that the existing ACEC would be enlarged from 31,600 acres to 40,090 acres. The EIS predicted the effects of this alternative would be essentially the same as those of the no-action alternative.

**Alternative C - The southerly route.**

This alternative was to grant a right-of-way on the route of an existing unimproved dirt road south of the applied-for route (Map 1). The predicted effects on the elk herd from this alternative were nearly as bad as those from the route applied for (Alternative A). The elk herd would be reduced to 752 head, and hunter days would be reduced from 23,700 to 630. The net present worth of this alternative would be -\$4.2 million to -\$4.7 million.

**Alternative D - The decision described above.**

The EIS predicted that closing the road every winter would mitigate the potential impacts on the elk. Elk herd size and number of hunter days would remain unchanged. The counties and the local farmers and other residents would enjoy the use of the road. The net present worth of this decision is predicted to be +\$.4 million to +\$.8 million.

**Alternative E - The ACEC boundary route.**

A right-of-way would have been granted for a year-round road along the southern boundary of the existing Nine Mile Knoll ACEC. The effects of this alternative were predicted to be essentially the same as those of the route applied for (Alternative A). The elk herd would be reduced to 713 head, and hunter days would be reduced from 23,700 to 604. The net present worth of this alternative would be -\$4.4 million to -\$4.9 million.

**Alternative F - Construct road and monitor elk.**

This alternative was to grant a right-of-way for a year-round road on the route applied for by the counties. The effect on the elk would then be monitored and, if adverse impacts to elk were identified, corrective action could include closure of the road for a period of time. The EIS predicted significant adverse impacts to the elk from this alternative. It was feared that, by the time field monitoring conclusively documented harm to the elk herd and corrective action was taken, significant impacts would already have occurred. Elk losses were predicted to be as high as 1300 head, and reduction in numbers of hunter days could be as great as 23,175. The net present worth would be -\$0.7 million to -\$1.2 million.

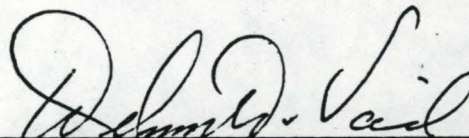
Considering only elements of the physical environment, the environmentally preferred alternative would be Alternative B (no action) or Alternative B-1 (no action except enlarging the Nine Mile Knoll ACEC). However, when social and economic factors are included, Alternative D is preferred. It is the only alternative that meets the counties' need for the road without significant adverse effect on the elk.

#### IV. Mitigation, Monitoring, Enforcement

All practicable means to avoid environmental harm from the alternative selected have been adopted. The winter closure will mitigate impacts to the elk herd. BLM will monitor the closure to ensure that the counties are in compliance with the terms of the right-of-way. Under the terms of the right-of-way, the counties are responsible for enforcing the closure.

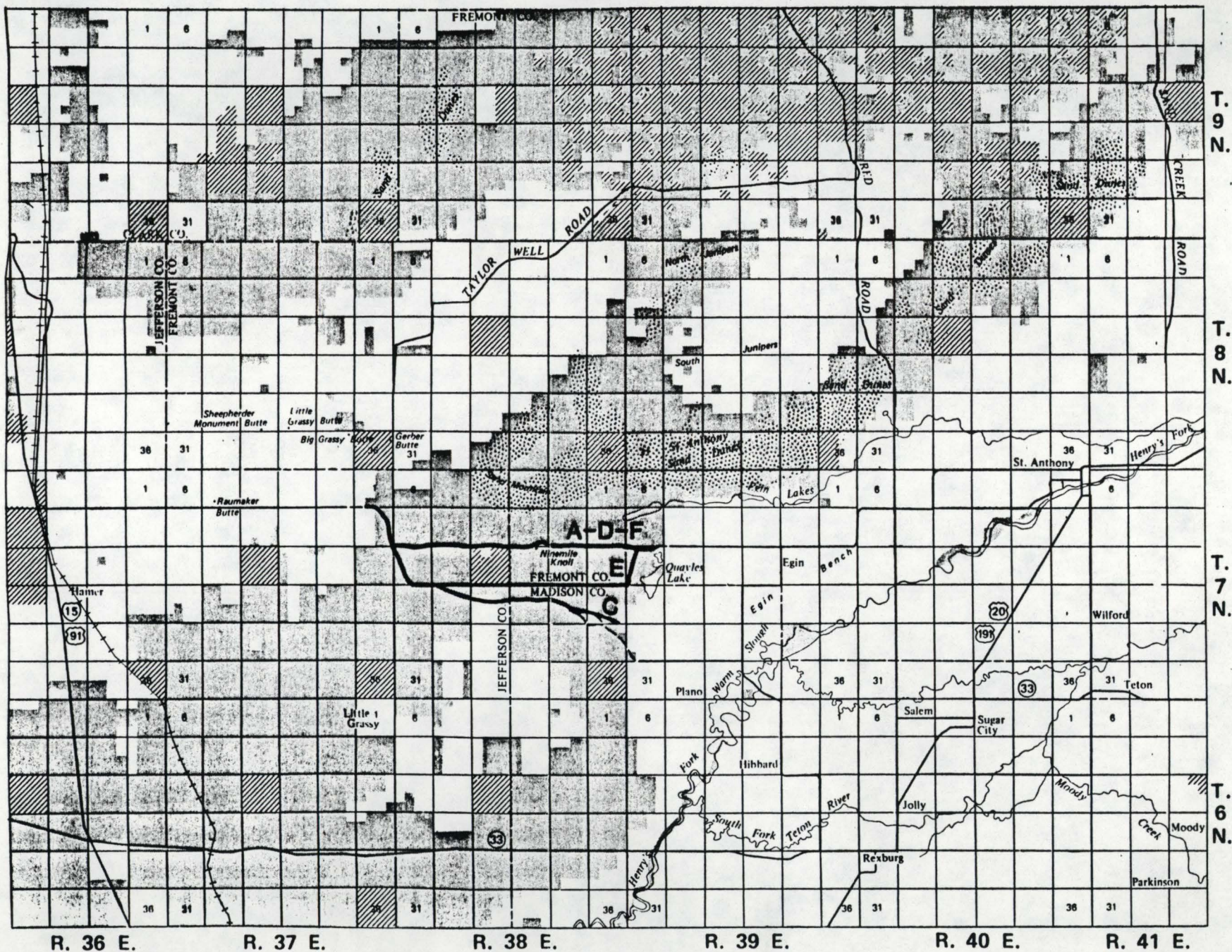
Sept 21, 1987

Date



Delmar Vail, State Director

# ROAD LOCATIONS



**MAP 1**

**LAND STATUS**

- Public Land
- State Land
- Patented (private)

