

June 17, 2021

Interior Board of Land Appeals  
Office of Hearings and Appeals  
U.S. Department of the Interior  
801 North Quincy St., Suite 300  
Arlington, VA 22203

Dear IBLA,

RE: Pryor Mountain Travel Management Plan, DOI-BLM-MT-C010-2019-0029-EA, Decision of Record, 4/28/2021.

We the undersigned submitted comments on the draft Travel Management Plan (TMP) and Environmental Assessment (EA) during designated public comment periods. We filed a notice of appeal with the authorized officer, Dave Lefevre, on May 28, 2021. This letter is our explanation and statement of reasons for our appeal of the Decision of Record, TMP and EA.

We claim that the Decision, TMP and EA fail to satisfy the overlapping requirements of NEPA analysis, the minimization requirements of E.O. 11644, and the stated purpose and need for the TMP. Although some adjustments were made in the final decision, those adjustments were insufficient to address the issues raised in our comment letters. Please see more on issues below in our 12/12/2020 comment letter, and earlier letters.

**A. The TMP Decision fails to satisfy the Purpose and Need and Minimization requirements:**

The EA states (page 1-1) that:

*“The purpose of the action is to provide a logical and sustainable travel and transportation network that addresses the diversity of access and recreational needs of the public...,” and “The multiple use mission of the BLM requires consideration of diverse and competing recreational interests, including hiking, mountain biking, equestrian use, various forms of motorized uses, and newly emerging uses such as e-bikes”* (underline added.)

The TMP designates 122 miles<sup>1</sup> of motorized routes, but only 11 miles of non-mechanized routes for hikers (some of which are not suitable for equestrians) (Table 2-2, EA page 2-11).

The minimalist non-mechanized route designations are problematic in two ways:

First, the absolute number - a token 11 miles - would barely be sufficient for a single day hike (if it weren't fragmented among a handful of different trails). Yet BLM's boldly asserts: *“User conflicts would be reduced by providing some segregated routes that allow pedestrian and equestrian users to recreate on routes that are not open to motorized or mechanized uses.”* (EA page 3-25). But eleven miles are woefully inadequate to justify this claim.

Second, the relative number with eleven times as many miles of motorized routes is a massive failure to address the *diversity* of access and recreational needs of the public.

Obviously the TMP drastically fails to satisfy its stated purpose, and fails to minimize conflicts between off-road vehicle use and non-mechanized use as required by E.O. 11644.

**B. BLM failed to justify the minimal non-mechanized route designations:**

BLM attempts, unsuccessfully, to justify the totally inadequate and inequitable non-mechanized route designation (Appendix E - Public Comment Summary, page 3; EA page 135).

There are several important ways BLM's argument is misdirected and/or misleading.

---

<sup>1</sup> This includes 2.6 miles limited OHV width (with no width limit), 6.2 miles seasonally limited (open 10 months), and 4.6 miles of e-bike routes. (As we pointed out in our 12/12/2020 letter (page 5), 750 watt motorized e-bikes are high powered compared to human powered bikes with twice the power output of a professional Tour-de-France cyclist. Also power, speed and pedal-assist vs. throttle control regulations are unenforceable in the field.) This 122 miles does not include 10 miles of County roads.)

**1.** BLM notes that there are “*extensive opportunities for hiking in the TMA off designated trails.*” But this misses the point, and conflicts with BLM’s own words:

“*BLM proposes to design and implement a **trail system** incorporating existing routes that would focus on a balance of motorized and non-motorized use....*” (emphasis added, EA page 2-8, TMP 2&3).

The stated purpose of the TMP is to “*provide a ... travel ... network that addresses the diversity of ... recreational needs of the public.*” (EA page 1-1)

“*Specifically, desired future conditions include:*

“*A wide variety of **trail-based** recreational opportunities (e.g., hiking, ... horseback riding) in a manner that reduces existing user conflicts.*” (TMP page 11, EA page 95)

**2.** BLM fails to use the same reasoning regarding hikers that is used to justify accommodating e-bikes on non-motorized routes<sup>2</sup>:

“*Riding e-bikes is a relatively new activity in the TMA and it is gaining in popularity among a variety of types of users, including adaptive bicycle users, the elderly, and youth. E-bikes demonstrate an advancement in technology that has the potential to increase access to recreation opportunities and areas for a variety of users. They may provide a new experience for some users who would otherwise not have the opportunity to participate.*” (EA, page 3-23, emphasis added.)

Hiking is a popular activity. Foot-Trails are an old technology that increases access to recreation opportunities for a variety of users including the elderly and youth. They provide an experience for some users who would otherwise not have the opportunity to participate. This argument for non-mechanized foot-trails is analogous to and just as strong as that for e-bikes.

**3.** The TMP provides an (overly) extensive network of designated, mapped and signed “open” routes for motorized recreationists. It should provide a similar network of designated, mapped and signed routes for walking recreationists. There is a “public need” for such recreational opportunities. Many people are not sufficiently experienced, skilled or physically capable of safe off-trail travel. People, including, but not limited to, families, children, older folk, bird watchers... and people unfamiliar with the Pryors want and deserve designated quiet foot-trails.

**4.** BLM asserts the opportunities for hiking off-trail are “*due to the open landscape*” and the 33,359 acres of Wilderness Study Areas and Lands with Wilderness Characteristics in the TMA which are “*open for non-mechanized and equestrian use only.*” Much of the “open landscape” is on ridges - most of which have designated motorized routes. But much of the Pryor Mountain landscape is extremely rugged - challenging for experienced off-trail hikers, and impassible for equestrians. Furthermore much of the TMA, including the boundaries of much of the potential Wilderness (RWAs and LWCs), where primitive off-trail hiking is possible, are accessible only with ATVs or long hard drives with rugged 4WD vehicles and drivers. Much of the public who would like quiet, non-mechanized hiking opportunities in the Pryors simply can’t get to those places.

**5.** BLM claims that “*Designating [non-mechanized] trails could erode opportunities for solitude and primitive recreation.*” This is a remarkably disingenuous rationale for limiting non-mechanized trails to a mere 11 miles while designating 122 miles of motorized routes. Contradictorily, elsewhere BLM writes: “*Designating ... non-mechanized routes within WSAs would increase opportunities for primitive and quiet recreation.*” (EA page 3-29)

**6.** BLM writes that they “*would consider any future proposals for non-motorized trails,*” to be “*established thru [a] subsequent NEPA process.*” BLM has been working on this Travel Plan for more than 6 years including development of Appendix O of the 2015 Proposed Final Resource Management Plan, the 2019 and 2020 draft TMP/EAs and the 2021 final TMP/EA. Some of us have participated in the entire NEPA process including multiple comment periods. We have proposed a number of non-mechanized routes. Appropriate non-mechanized trails to satisfy the stated purpose and need should be in this TMP now - without another future repeat NEPA analysis. A vague “promise” of “maybe later” disrespects our, and BLM staff’s, years of work.

---

<sup>2</sup> E-bikes are obviously already permitted on all routes open to public motorized use.

### **C. BLM rejected opportunities to designate additional non-mechanized trails:**

Additional non-mechanized routes were proposed for designation in this TMP during the long NEPA process. They would more than double the network of quiet routes for hikers and equestrians. BLM's rationales for rejecting these routes is seriously flawed and not compelling.

Three examples:

#### **1. Demijohn Flat Trail:**

We have repeatedly proposed this trail as a non-mechanized route. BLM designated it as a non-motorized route in Appendix O of the 2015 Proposed Final RMP (Table O-2, page O-10). Unfortunately the Travel Management portion of the RMP was deleted from the Approved Final RMP. BLM again proposed this route for designation as non-motorized in the 2019 Draft TMP and EA. Unexpectedly it was deleted from the 2020 Updated Draft TMP and EA. BLM's rationale (quoted below in points **a.** through **d.**) is from the 2021 TMP and EA, Public Comment Response Summary Table (page 10, 14) (EA page 148, 152).

**a.**

*"After additional evaluation this trail was found to be naturally reclaiming. It was determined at this time that formally designating a trail would lead to additional impacts to vegetation and soils."*

Yes, hikers' footsteps do impact vegetation and soil. This could be an argument against designating any non-mechanized trails anywhere. Is the vegetation and soil on this route more vulnerable than any other route? The impact on vegetation and soil by a few miles of hiking routes is miniscule compared to the impact on 122 miles of motorized routes. This route is designated as an administrative route. Administrative vehicles also impact vegetation and soil.

**b.**

*"Even though the trail [Demijohn Flat] is not formally designated the route is still open to non-mechanized use. The wilderness characteristics and visitor experience would best be retained by not encouraging increased use on the trail."*

More designated, mapped and signed non-mechanized trails are needed to satisfy the purpose and need of the TMP and the minimization criteria. Secret, undesignated trails do not help. It is disingenuous to argue that if people don't know about a trail, and therefore don't go, they will have a better experience. There is no risk that the number and impact of non-mechanized trails will come anywhere close to the impact of 122 miles of designated open motorized trails on wilderness characteristics and visitor experience. Furthermore BLM writes: *"Designating ... non-mechanized routes within WSAs would increase opportunities for primitive and quiet recreation."* (EA page 3-29)

**c.**

*"At this time, the BLM will not publish administrative routes on public maps as 'trails'. Individual administrative routes will be open to non-mechanized use, but not publicly marketed as designated non-mechanized trails."*

BLM erroneously claims (in the "Summary of Comment" column of the table) that we requested that administrative routes be made available on public maps. We did not. We agree administrative routes should not be on the maps. But a few routes qualify for dual designation as non-mechanized for the public, and also administrative routes. Then they should be shown on the maps, and on signs at the trailhead, as non-mechanized routes.

**d.**

*"Identifying these routes on public maps may be counterproductive for managing for non-mechanized use due to the potential motorized trespass."*

It is disingenuous to blame hikers for any potential motorized trespass, and use that as a rationale for not providing hiking opportunities. The attractive nuisance for illegal motorized trespass is the vehicle tracks on all administrative routes - regardless of whether hikers and equestrians use those routes. (That is one reason why we object to the number of designated administrative routes elsewhere in this appeal.) It is scofflaw

motorized recreationists who are to blame for motorized trespass. Appropriate signs and enforcement are the solution.

**e.**

*“In the future if public proposals come into the BLM requesting creation of non- motorized or non-mechanized trail systems using administrative routes, this decision would be reevaluated.”* (Balanced Use: Appendix E - Public Comment Summary, page 3, EA page 135).

*BLM would consider any future proposals for non-motorized trails on and off administrative routes. If new trails were established thru subsequent NEPA process they would be added to public maps.* (Balanced Use: Appendix E - Public Comment Summary, page 3,4, EA page 135,6)

The Demijohn Flat Trail has been proposed by both BLM and the public for over six years and been in nearly continuous NEPA analysis. It should be designated now.

**2. Water Canyon Road:**

Water Canyon Road is designated for administrative use. We accept that designation. In addition in our comments on the 2019 and 2020 draft TMPs and EAs, we asked that it also be designated for public non-mechanized use. The 2021 EA (page 2-11) states explicitly that: *“The public would have access to this route [Water Canyon] for non-mechanized use, including hiking and equestrian uses.”* And on page 5 of the Public Comment Summary states: *“In the final draft both Water Canyon and Timber Canyon would be limited to non-mechanized public use.”*

Since this route has been through NEPA analysis through two drafts and the final TMP/EA, and is open to public non-mechanized use, it should be mapped and signed as such for the same reasons Demijohn Flat Trail should be.

**3. Bent Springs Trail and PM 1134:**

**a.**

PM 1134 is closed to the public with only administrative use allowed in the No-Action Alternative. The draft and final TMP/EAs designate it as “open” to all motor vehicles, without analysis or explanation. In fact the change of designation is not disclosed in the EAs - other than by careful, zoomed-in study and comparison of line colors on the No-Action and Proposed Action maps. (Figures 2-2 and 2-3, on pages 2-6 and 2-12). This is not adequate NEPA analysis and doesn’t demonstrate that opening this new route is consistent with the minimization criteria in E.O. 11644.

**b.**

In comment letters we asked that Bent Springs Trail (PM 1132), a redundant and unneeded motorized route, be converted to a non-mechanized route to provide an excellent and badly needed loop hiking opportunity with PM 1134. (The two routes do not connect for a motorized loop.)

In the 2021 TMP and EA BLM does not quote our rationale for designating this non-mechanized loop. And BLM does not in any way respond to our rationale. Instead BLM’s “rationale” (quoted below) for designating these two unconnectable motor routes is simply a descriptive statement that could equally be a rationale for designating them as a non-mechanized hiking loop.

*“Bent Springs Road and PM 1134 provide a different experience for motorized users. Bent Springs varies from other routes on the western slope because it provides a vast scenic overlook a top a ridge not provided by Miller or Stockman. PM1134 follows below the ridge of the Bent Springs Route and provides the only open BLM access to various rock formations and prairie lands.”* (Public Comment Response Summary Table, page 12; EA page 150. Underline added.)

BLM’s explanation completely fails. Bent Springs Road and PM 1134 would also “provide a different experience” for hikers. As we pointed out in our 2020 comment letter (page 10), the “vast scenic overlook” is easily accessible by a short walk from motorized Miller Trail. (If it is that important BLM could permit a short spur route from Miller to an overlook.) Vague statements like, *“provides ... access to various rock*

formations and prairie lands” could be made about almost any road or trail anywhere. Every imaginable route provides the only access to whatever happens to be on that route.

**c.**

The key point: BLM fails to either ask or answer the pertinent question: Which decision, designating these two routes as disconnected motorized routes, or as a hiking loop, best satisfies the stated purpose and need of the TMP, and the minimization of conflict between uses in E.O. 11644?

We think the answer to the unasked question is obvious. In the proposed TMP motorized recreationists have 122 miles of “different experiences” and access to “various” Pryors landscapes. Hikers have only 11 miles of designated “experiences” and access. An approximately 4% reduction in motorized opportunity could provide an approximately 50% increase in non-mechanized opportunity.

This unasked question highlights our observation that nowhere in the EA have we found that BLM considered providing needed quiet hiking opportunities as a rationale for designating any trail as non-mechanized. The only rationales given had to do with whether or not the route was suitable or desirable for motorized use.<sup>3</sup> We attempted to explain this point in our 12/12/2020 comments (page 7). In BLM’s Response to Comments (page 9) our concern is misunderstood as: “*Commenter expressed concerns for tone....*” No. Our concern is that BLM appears not to have taken at face value the clear meaning of its own words in the statement of purpose and need in the EA, and/or the required minimization of conflicts between uses (E.O. 11644). Both are summarized at the beginning of this appeal. We believe this may be why BLM is satisfied with only 11 miles of designated non-mechanized routes.<sup>4</sup>

If BLM does not approve the trails discussed above, then to satisfy the purpose and need, BLM needs to find others. We and others have suggested redundant motorized routes that could be converted to non-mechanized routes such as Inferno Canyon Trail.

**D. New regulations require new thinking:**

In the Public Comment Response Summary Table (page 22) BLM responds to one of us:

*“Commenter recommends new route designations including Wheel-Free....”*

This is a misinterpretation of our point.

We suggest that new thinking (not new designation categories) is needed in implementing BLM’s existing classification system for travel Planning due to new regulations on e-bikes. Specifically the distinction between non-motorized and non-mechanized designation is now significantly greater with e-bikes added to non-motorized trails. Apparently most human bikers are not concerned with e-bikes on the same trails. But the mixing of e-bikes with hikers and equestrians is a big change from the past. These high power<sup>5</sup>, high speed motor vehicles conflict with foot traffic including younger and older hikers, birders and more. The increased traffic and commotion are incompatible with the experience walkers seek in the Pryors.

This new situation means that the designation of sufficient non-mechanized foot-trails is much more important than in the past.

The term “non-mechanized” as used by BLM (and USFS) is unclear and obscure to many people. So we sometimes use the language “wheel-free” to communicate more clearly that they are foot-trails.

---

<sup>3</sup> See examples in our 12/12/2021 comments. Another example: In the “rationale” for designating PM 1134 as open for motorized use rather than designated as non-mechanized BLM wrote: “*PM1134 is a sustainable route and due to the constraints of the topography and vegetation there is little opportunity for route proliferation.*” i.e. It is “suitable” for motorized use, therefore we will not designate it non-mechanized.

<sup>4</sup> “*User conflicts would be reduced by providing some segregated routes that allow pedestrian and equestrian users to recreate on routes that are not open to motorized or mechanized uses.*” (EA page 3-25).

<sup>5</sup> As we pointed out in previous comments, 750 watt e-bikes have about twice the power output of a professional Tour de France cyclist, and four or five times the power output of a fit recreational cyclist.

### **E. E-bike Trails parallel to Helt Rd, PM 1076, 1077, 1082:**

In our 12/12/2021 comments we objected to this three segment 4-mile route being opened to bikes and e-bikes. It parallels Gyp Springs, Helt, and Horse Haven Roads. Most of this 4.0 mile route is only between ¼ mile to ½ mile from, and in clear sight of Gyp Springs, Helt and Horse Haven Roads and thus is unneeded.

BLM writes:

*“These routes are existing two tracks that provide a unique opportunity for families camping along Stockman's and Bear Canyon to hike, bike, or ride their horses without competing with large vehicles being on the same route.”* Public Comment Response Summary Table (page 11)

These user-created routes have been closed, and are naturally restoring - especially PM1076. The “*unique opportunity for families camping along Stockman's and Bear Canyon*” is likely to be kids and adults on motorized e-bikes racing back and forth. As discussed in above in section “**D. New regulations require new thinking**,” this will be detrimental to families, including kids with walking shoes.

BLM writes in an attempt to justify the environmental impact of these routes:

*“Analysis of potential impacts to sage-grouse examined effects to sage-grouse habitat in the entire travel management area, collectively for all routes. Closing or changing some route designations resulted in a net reduction of roads within sage grouse habitat, resulting in the preferred alternative reducing overall impacts to sage-grouse habitat through the travel management (sic) area.”* (Public Comment Response Summary Table, page 11. Underline added.)

But we show in the section “**H. Environmental Consequences of TMP are misrepresented:**” below that the TMP does **not** reduce overall impacts to Sage Grouse in the travel management area. Closing unused administrative routes, does not cancel the impact of opening this new public route to bikes and e-bikes.

A route-specific analysis of this 4.0-mile, three segment route indicates that it includes<sup>6</sup>:

- 2.8 miles within Sage Grouse PHMA (0.2 miles within GHMA)
- 2.5 miles within 2 miles of a Sage Grouse lek
- 2.5 miles within 0.25 mile of a cultural site (0.5 miles within 100 feet)
- 3.3 miles with wind erodible soils

It would be best if this route remained closed.

### **F. Routes limited to administrative and authorized use without rationale:**

As we have stated in previous comments, we approve of administrative routes when and where they have a clear purpose and need. Our objections in previous comments addressed what appear to be excessive miles of administrative routes with no compelling identified needs. Administrative motorized use causes the same kinds of impacts on the landscape as public motorized use. In addition the visible tracks of administrative routes invite illegal motorized trespass by some members of the public. This problem can be reduced by appropriate signage and enforcement. But the more, and longer the routes, the bigger the challenge.

We are pleased that 10.5 miles<sup>7</sup> of routes designated for administrative use in the 2020 draft TMP have now been designated as closed in the final 2021 TMP. This is an important positive step since most of these routes were in WSAs or LWCs where they were particularly inappropriate.

Despite this improvement in the TMP, there still appear to be excessive administrative routes designated. Analysis and documentation in the EA are inadequate to demonstrate a need for all **59.6 miles** of designated administrative routes. “*Each route that was evaluated for administrative use is listed with a final decision and*

---

<sup>6</sup> Data from tables 3-2, 3-3, 3-7, 3-8, 3-9, & 3-10 in the EA.

<sup>7</sup> Big Coulee is also “closed” in the 2021 TMP. But, as discussed in our 12/12/2020 comments, this 4.7 miles Big Coulee “administrative route” was unknown to BLM until it was “discovered” in 2020 (maybe by Logan Simpson while doing “field work” on Google Earth.) A dry wash was apparently mistaken for and mapped as a road. (Similarly a dry wash was mistaken for Rocky Juniper Trail in the 2019 draft TMP, and a dry wash is erroneously mapped as the beginning of Timber Canyon Rd.)

*rationale*” in the Administrative Routes Table.<sup>8</sup> This table<sup>9</sup> only lists **41.7 miles**<sup>10</sup> of administrative routes. So **17.9 miles (30%)** of designated administrative routes are not listed in the table, and no rationale for designation is provided.

### 1. PM 1024 Red Pryor Mine area:

A big part of this discrepancy is PM 1024 in the Red Pryor Mine area. Tediously using BLM’s ArcGis map and adding some 45 segments of the PM 1024 maze (excluding the Dandy Mine Rd,<sup>11</sup> and routes in the state section) we find PM 1024 is about 10 miles of tangled tracks. That leaves another approximately 8 miles of administrative routes unlisted and without rationale for designation.

See more in section **G. Red Pryor Mine Trails** below. We can think of no administrative purpose or need for all these routes scarring the landscape, and BLM did not give any rationale.

### 2. PM 1048:

Route PM 1048 was listed in the 2020 Administrative Route Table with proposed management: “*Close and naturally reclaim the route.*” The rationale given in the 2020 table certainly did not justify administrative designation - yet it was designated for administrative use in the 2020 draft TMP. We objected in our 12/12/2020 comments. PM 1048 is *not* even listed on the 2021 Administrative Route Table, but nevertheless is again proposed for administrative use designation in 2021 with no rationale.

PM 1048 is a 1.2-mile naturally-restoring route through the Pryor Foothills ACEC/RNA, and through the largest population of *Physaria pachyphylla*, a rare plant that grows nowhere else in the world but in a small area near PM 1048. In March 2021 a petition was filed with the Secretary of Interior to list *Physaria pachyphylla* as an endangered species. This seems a very bad place for an administrative route with no purpose. Unfortunately there is a proposal, pending with BLM, for a drilling project along PM 1048 to explore for a possible future gypsum strip mine. The Montana Native Plant Society, The Center for Biological Diversity, the Pryors Coalition, the Crow Tribe of Indians, and others are strongly opposed to this exploration and gypsum mine. PM 1048 should be closed.

### 3.

In our 12/12/2020 comments we objected to designation of many routes for administrative use with no, or very inadequate, rationales in the 2020 Administrative Route Table. Some of these routes are again in 2021 designated for administrative use with dressed-up, but still inadequate, rationales in the new 2021 Administrative Route Table.

A frequent issue in our 2020 objections was the claim that a route was needed to maintain a water development<sup>12</sup> (and sometimes a range study plot) with no indication of where the water development was along the route. That may be a valid rationale for designating an administrative route to the water development - but not beyond. e.g. A water development ¼ mile into the route does not justify administrative use for 2 miles beyond. Yet in every case, in both 2020 and 2021, the routes are designated for administrative use to their faint, naturally restoring ends. To justify this the 2021 Administrative Route Table repeatedly now includes: “*The route would be used by agencies and livestock operators to periodically maintain fencelines, conduct permit compliance, and to manage*

---

<sup>8</sup> Email communication (6/1/2021). Dave Lefevre directed us to the Administrative Routes Table in Appendix E.

<sup>9</sup> 2021 EA, Appendix E, page 126-130.

<sup>10</sup> The mileage column in the table is blank for PM 1024A. We added 1.86 miles determined using BLM’s online ArcGis map.

<sup>11</sup> Several times in the EA the Dandy Mine Rd is identified as PM 1034. It is PM 1023 on the ArcGis map. PM 1034 is the ArcGis map ID number for the Big Sky Trail. But the ArcGis map erroneously calls it the “Bear Canyon Ridge Road.” The ArcGis map then calls PM 1035, a naturally restoring, probably unneeded, track east of PM 1034, “Big Sky Trail.” Bear Canyon Ridge Trail/Road is actually PM 1069. These route names (“Big Sky” and “Bear Canyon Ridge”) have been established public names for at least ten years. See maps, etc. at: <https://www.pryormountains.org/welcome-to-the-pryors/hiking-in-the-pryors/hikers-haven-area-3-trails/big-sky-trail/> and <https://www.pryormountains.org/welcome-to-the-pryors/hiking-in-the-pryors/bear-canyon-hike/>

<sup>12</sup> In some cases the water developments are non-functional. A field inspection indicates that the water development on PM 1063, 0.2 miles from Gyp Springs Rd. has not been functional for decades.

*livestock.*” The vague and generic “*conduct permit compliance, and to manage livestock,*” could probably be applied to any imagined or hypothetical route anywhere. We suspect grazing allottees are authorized to maintain fences without a designated administrative route. Otherwise every fence line would need to be a designated administrative route.

The other routes are not listed in the table and have no stated rationale for designation for administrative use including PM1125. Route-specific rationale is needed for each administrative route. Where is the water development? Etc.

These examples indicate it is likely that miles of unneeded routes are being designated for administrative use. Insufficient NEPA analysis has been done to document to BLM and the public the need for all these routes or to show that they satisfy the minimization requirements.

### **G. Red Pryor Mine Trails:**

BLM is wise to have rescinded the 2020 draft proposal to designate a mountain bike (and e-bike) play area in the Red Pryor Mine area (2021 final EA page 2-10 and TMP page 4).<sup>13</sup>

If ever there was an excessive tangle of unneeded and redundant routes the Red Pryor Mine area is it - with 10+ miles of PM1024, a couple more miles in the state section, and 2.4 miles of Dandy Mine Rd. squeezed on the hillside between Crooked Creek Rd and Red Pryor and Helt Rds. This is about 15 miles of routes within approximately 4 square miles, bounded on the east and west by two additional roads - perhaps 5 miles per square mile road density. This mining area can recover if it is not a sacrifice bike (and e-bike) play area.

In our previous comments we argued that most of these tangled, redundant and poorly designed routes should be closed and decommissioned to satisfy the purpose and need for the TMP and E.O. 11644. Now BLM proposes designating this maze of routes for administrative use, but gives no rationale for the designation. Most of the routes should be restored and rehabilitated as discussed in the TMP (page 26).

BLM says “*A trail system that would allow for bicycle and e-bike use could be developed in the future....*” in this area (2021 final EA, page 2-10, and TMP page 4). We have consistently identified and suggested designation of a non-mechanized hiking route in this area. If the possibility of future bike/e-bike trail in this area is suggested in the final TMP, the TMP should also suggest the possibility of a non-mechanized hiking/equestrian trail in the area. BLM again needs to answer the unasked question: Which decision best satisfies the stated purpose and need of the TMP, and the minimization of conflict between uses in E.O. 11644?

The possible Red Pryor bike play area as imagined by BLM would include more miles of e-bike routes than the total number of miles of non-mechanized routes proposed in the Pryors TMP. BLM seems more concerned about accommodating new and emerging recreational technologies (e.g. e-bikes), than accommodating old and traditional recreational technologies (e.g. walking shoes).<sup>14</sup>

### **H. Environmental Consequences of TMP are misrepresented:**

Please read section **C. Affected Environment and Environmental Consequences** on pages 3-5 of our 12/12/2020 comment letter. In that letter we showed, in detail, how the claims in the EA misrepresent the environmental consequences of the TMP. We will not repeat all those details here. Some numbers have improved between the 2020 draft EA and the 2021 final EA, but the issues and reasoning of our criticisms are still valid.

---

<sup>13</sup> But apparently two places in the 2021 TMP/EA did not get updated to reflect this change. “*Red Pryor Mine Trails would be designated as limited to non-motorized use and e-bikes under the Proposed Action.*” (2021 EA page 2-8, and TMP page 3)

<sup>14</sup> BLM states that “*Riding e-bikes ... is gaining in popularity among a variety of types of users, including adaptive bicycle users, the elderly, and youth. E-bikes ... [have] the potential to increase access to recreation opportunities ... for a variety of users. They may provide a new experience for some users who would otherwise not have the opportunity to participate.*” (EA 3-23)

**Note:** Foot-Trails are a technology that does all of the above for those hikers who would otherwise not have the opportunity to participate or be able to travel off-trail.



The Public Comment Response Summary Table (page 6, EA page 144) quotes only the introduction to our comments - totally missing our major points. The Summary of Comment catches a bit of our objection, but not our analysis. BLM's Response is nearly irrelevant and does not address our concern or analysis.

The Summary of Comment in the Response Table includes:

*"Analysis sections includes benefits of open routes, the closer of routes is a benefit on paper because they are admin routes and preception that no one uses them any ways. Therefore, not a real benefit because it doesn't change the use."* (Underline added; grammatical and spelling errors in the original.)

This implies incorrectly that it is just our perception that "no one" uses the administrative routes. But our 2020 comments quoted BLM regarding "a total of 22.2 miles of routes are no longer used and are naturally reclaimed." (Appendix B, page 26. The identical statement is in the same place in the 2020 and 2021 EAs.) The pertinent point is not whether the now closed administrative routes were or were not used, but that all administrative routes get considerably less use than public routes.

### **1. Two problems with BLM's analysis:**

**a.** A fundamental problem with BLM's analysis of environmental consequences is the false, unstated assumption of an equivalence between public motorized routes, and administrative routes. Closing a mile of administrative route does not cancel the impact of a mile of public route. Public routes are heavily used - perhaps daily - and use is projected to increase over the life of this TMP. Administrative routes are used relatively infrequently. This is particularly true of the administrative routes that are being closed. The reason they are being closed is that they are unneeded and perhaps not used. BLM, USFS and authorized users of administrative routes also use public routes. Use of administrative routes will probably not substantially increase over the life of the TMP.

**b.** Another problem with some of BLM's analysis is a misleading comparison of "open" routes between the No Action and Proposed Alternatives, rather than comparing all public motorized routes between the two alternatives. In the Proposed Action 6.2 miles were moved from the "open" designation to "limited seasonal" where they are still open ten months out of the year. Another 2.6 miles were moved from the "open" designation to "limited OHV width" (with no specified width limit). The roads themselves have not changed and use will probably be the nearly same as before (not considering the continuing increase in public use everywhere). Thus the 115.1 miles of "open" routes in the no action alternative should be compared with  $108.5 + 6.2 + 2.6 + 4.6 = 121.9$  miles<sup>15</sup> in the proposed action. This is an increase in public motorized routes. Thus BLM's claim, "*Under the Proposed Action, there would be fewer open routes than under the No Action Alternative*" (2020 and 2021 EAs page 3-6) is misleading. It may be technically "correct" in a bureaucratic sense, but it is effectively false. This same false comparison leads to misleading results regarding specific environmental consequences.

### **2. Environmental Consequences Reevaluated:**

For the reasons explained above it is particularly important to consider the environmental consequences of all public motorized routes separately from the administrative routes.<sup>16</sup>

In Chapter 3 of the EA BLM discusses environmental consequences of the proposed action on ten measures of impacts on soils, wildlife and cultural resources. Table 1 below shows the impacts due to public motorized routes computed using data provided in the EA. The table shows that the proposed action has significant increased impact on four of the ten categories, small increased impact on two categories, small reduced impacts on two, and more substantial reduction of impacts of two categories.<sup>17</sup>

---

<sup>15</sup> Including the 4.6 miles of new e-bike routes.

<sup>16</sup> Frequently in the EA, including both text and tables, BLM cites the number of miles of closed routes. Rarely, or never, is it stated how many miles of closed routes were public, and how many were administrative. This failure obscures important understanding of the TMP. It appears that almost all are closures of administrative routes since the number of miles of public motorized routes is increased by 6% in the Proposed Action.

<sup>17</sup> A similar table for administrative routes would imply strong benefits from the closures of administrative routes, but as discussed above these benefits are mostly "on paper" since the closed administrative routes are little used.

This is very different from the conclusions stated in the EA. This analysis highlights flaws in the NEPA analysis, and raises serious doubts that the proposed TMP complies with the minimization criteria.

**Table 1. Changes\* in miles of Motorized Public Routes\*\* impacting various resources in designated Proposed Action.** (+ and red indicate increased miles of impact. - and black indicate decrease miles of impact.)

Soil Erodibility				Bighorn Sheep Habitat	Greater Sage Grouse			Cultural Resources	
Severe Wind	Moderate Wind	High Water	Moderate Water		PHMA	GHMA	Lek 2 mile	100 feet	0.25 mile
-0.1	<b>+7.6</b>	<b>+0.15</b>	-3.3	-2.2	<b>+6.1</b>	-0.3	<b>+3.5</b>	<b>+0.6</b>	<b>+5.2</b>

\* (Change) = (Proposed Action) – (No Action) \*\*Includes open, limited OHV width, seasonal, and e-bike routes.

Some comparisons between the claims in the EA (in italics), and the info in the above Table 1:

*“A total of 7.7 miles of route located on soils with high water erodibility would be closed.”* (EA 3-6)

But there is a small **0.15 mile increase in public** route miles.

*“An additional 13.9 miles of routes located on soils with moderate wind erodibility...would be closed.”* (EA 3-6)

But there is a substantial **7.6 mile increase in public route miles**.

*“Under the Proposed Action, open routes within bighorn sheep habitat would be reduced by approximately 8 miles compared to the No Action Alternative.”* (EA 3-9)

But there are **only 2.2 miles fewer of public route** in sheep habitat in the Proposed Action. Atypically here BLM is including only public routes (not administrative routes). But they only include “open” routes by the narrow definition. There are 6.2 additional miles of public route in sheep habitat seasonally limited (open ten months) and limited width (with no width limit). The use of these routes will be largely unchanged by the Proposed Action.

*“A total of 3.4 miles of route within PHMA and 11.2 miles of route within GHMA would be closed.”* (EA 3-12)

But there is a substantial **6.1 mile increase in public route miles** within PHMA, and a **reduction of only 0.3 public miles** in GHMA.

*“In addition, 2.4 miles of route located within two miles of active sage-grouse leks would be closed.”* (EA 3-12)

But there is a **3.5 mile increase in public route miles** within 2 miles of a lek.

*“There would be a slight increase in potential indirect impacts within 0.25 mile of a cultural site.”* (EA 3-15)

We do not accept that the **5.2 mile increase** in public routes is “slight.”

**I. The record of BLM’s statements on the proposed reroute of Stockman Trail is a tangle of confusion and conflicting statements:**

Our 12/12/2020 comment letter (page 12) on the 2020 Draft TMP/EA included the following (referring to our 12/6/2019 comments on the 2019 Draft TMP/EA, and BLM’s response in the 2020 Draft TMP/EA):

**“F. Rerouting of Stockman Trail,** PM1143

In 2019 we recommended leaving Stockman Trail in its current location with a presumed prescriptive easement. We are pleased with BLM’s response:

*“The Stockman reroute would only be implemented if necessary to address the loss of public access across private property.”* (2020 Public Comment Response, page 313)

“Avoiding building 1.7 miles of new road would be best for the Pryors which are already abused by too many miles of roads. We urge BLM to legally assert the public’s right to the existing access by prescriptive easement. This route has been on USGS topo maps for decades as “Bent Trail,” and is shown on a 1980 USFS Travel Plan map.”

The 2021 Public Comment Response Summary Table (page 12) only quotes the final sentence of our 2020 comment - completely missing the fact that we were discussing, and opposing, the proposed Stockman Trail reroute. BLM completely erroneously summarizes our comment as “*Commenter requests public access to Bent Trail.*” (Did BLM think we were referring to Bent Springs Trail?) BLM responds vaguely: “*BLM will consider the best available option for legal access to this and other routes, possibly through easements and depending on available funding.*” It is unclear which route BLM may be referring to, or whether “*this and other routes*” may include Stockman Trail.

Does this 2021 response mean BLM is reaffirming its 2020 statement, “*The Stockman reroute would only be implemented if necessary....*”? Throughout the 2021 TMP and EA BLM repeatedly describes the Stockman Trail reroute as a “done deal,” and a Phase I implementation priority. (TMP page 14). Is BLM reneging on its 2020 statement? But then in the 2021 Public Comment Response Summary Table (page 28) mysteriously states: “*The re-route would not be implemented until the current private access is posted closed, and access to utilize the route is lost.*” Is this an “invitation” to the land owner to post Stockman closed? Will BLM assert a prescriptive easement?

We reaffirm our comment from 2020 as quoted above. Can the reroute be shown to be compatible with the minimization criteria (E.O. 11644)? It will cause 1.7 miles of direct and indirect impacts to the landscape.<sup>18</sup> The Proposed Action includes five open motorized routes (within four miles) up the west slope and connecting with USFS to the top of Big Pryor Mountain (PM1132, PM1130, PM1127, PM1124, PM1120). Are all these 9.5 miles of redundant BLM routes needed? PM1124 is a new open route added in this TMP.

#### **J. The EA fails to provide adequate NEPA analysis, and documentation for route designations:**

In our 12/12/2021 letter and previous comments, we objected to the lack of itemization and justification for designations, or not, of non-mechanized, open (public motorized), and administrative routes. (See some examples and discussion below.)

Both the 2021 EA (page 2-8) and the TMP (page 3) state: “*A compilation of designated routes, including administrative routes, is available on the Route Inventory Report (available on the Project website at: <https://eplanning.blm.gov/eplanning-ui/project/122592/510>).*” It is not. We asked BLM for this compilation. The response:

*“The best inventory is the map, which is attached as a .pdf as well as the ArcGis online map. You can select individual routes on the ArcGis map for more information.”* (Email from Dave Lefevre, 6/1/2021)

Apparently such a compilation of all designated routes does not exist.

The .pdf map is certainly an improvement over the maps in the EA since it includes the PM numbers for all the routes, and shows the topography and USFS routes better. The ArcGis online map is also helpful showing the mileage of each route.<sup>19</sup> Together the pdf and ArcGis map provide the PM numbers and mileage of each designated route. But even together they do not come close to the needed compilation of designated routes.

A satisfactory compilation would include route numbers, (both PM numbers and the different numbers identifying routes on the ground), mileages, designation (open, non-mechanized, administrative, etc.), and very importantly the changes in designation in this TMP. It should also give the rationale for each designation and change in designation. This information is unavailable for many routes.

---

<sup>18</sup> BLM maps show the proposed Stockman reroute following a wildly zig-zagging path. Is this really BLM’s plan? Or is it another route mapped following a dry wash on Google Earth?

<sup>19</sup> But it is problematic that many routes on ArcGis are fragmented into many illogical segments and each needs to be tediously searched for and added to find the total mileage. Another potentially serious problem is that the ArcGis online map is not a permanent record. It could disappear, or be changed, next week or next year.

The only way to determine the routes with changed designation is to tediously compare the colors of each line on the No-Action map with the colors on the Proposed Action map. It is difficult to know whether we have found all the changes. And no route-specific rationale is provided.

### 1. Non-Mechanized Routes:

The 2019 draft TMP did not include a list, or table of the 54 miles of routes proposed for non-motorized designation. We emailed a request to BLM for such a list and a map showing these routes. First we were told BLM would provide the info. A week later BLM emailed that they would not be able to provide that basic information. Did the information exist? The 2020 draft TMP and 2021 final TMP are considerably better. The minimal 11.0 miles of proposed non-mechanized routes are listed.

But there are still problems. The pages that list these non-mechanized routes (e.g. EA 2-8 to 2-10) include errors and issues that we pointed out in our 2020 comments, but were largely unaddressed in the 2021 TMP. Also it is a challenge to find how BLM added the mileages they gave to get 11.0 miles total. Numbers a little lower or higher can be calculated.

**a.** BLM states that Bear Canyon Trail is 0.28 miles long. But it is 0.48 miles according the ArcGis map. There are two route segments that need to be found and added.

**b.** BLM states that the “*Big Sky Trail is a 4.0-mile round trip hike.*” This language is borrowed from our PryorMountains.org website - without apparently understanding that half of this distance is on Forest Service managed land, and is only to the rim of Bear Canyon. The connections with Rocky Juniper or Bear Canyon Trails require longer hikes on FS land.

**c.** The 2019 draft TMP mapped the Rocky Juniper Trail in the wrong place - following a dry wash - as can be seen with on the ArcGis map. This was corrected in 2020 after we pointed out the error and directed BLM to our website.<sup>20</sup> BLM’s descriptions of this and other trails use abbreviated, paraphrased versions of our website descriptions. The BLM description does not indicate that the connection with the Big Sky and Bear Canyon Trails is on FS managed land.<sup>21</sup>

**d.** The BLM maps show the Timber Canyon Trail (or Road PM1122) trailhead about 0.15 mile south of the actual trailhead - which is the same as for PM 1124. The maps again make the mistake of following a dry gully for the first 0.36 miles from false trailhead on the “main” access road along the base of the mountain. Having recently walked this gully we are confident that this gully has never been a road or trail. Correcting this error means that PM 1122 and PM 1124 follow the same route for 0.22 miles. At that point PM 1122 curves south for 0.1 mile to and across the gully and intersect with PM 1122 as mapped by BLM. The 0.1 mile connecting segment is not on the BLM maps, but is clear on the ground and on Google Earth.<sup>22</sup> If PM 1124 is opened to public motorized use, the first 0.22 miles of PM1122 (Timber Canyon) will not be non-mechanized.<sup>23</sup>

The issues discussed above makes us wonder if people from BLM or Logan Simpson involved directly in drafting the EA had boots on the ground on this and other proposed hiking trails.

### 2. Administrative Routes:

In our comments on the 2019 draft TMP we objected to the number of miles of administrative routes without clearly specified purpose and need. BLM provided an Administrative Routes Table with the 2020 draft TMP. This was a positive step to respond to our objections. But we found the Table to be incomplete and in some cases inadequate as we discussed in our 12/12/2020 comment letter. Please see our comments above in the section “**F. Routes limited to administrative and authorized use without rationale.**”

---

<sup>20</sup> We appreciate the correction and give BLM credit for preserving a record of the correction on the ArcGis map.

<sup>21</sup> BLM adds a connection east along the BLM/FS fence to the Big Sky Trail. We do not object to this, but as we pointed out in an earlier comment letter, the connection on our website is northwest on FS land - and far more interesting.

<sup>22</sup> The BLM maps show a route from about 0.06 miles into PM1124 going southeast about 0.9 miles to the gully. This track also shows on 8/3/2013 Google Earth imagery, but is not a legitimate route on the ground.

<sup>23</sup> See PM 1124 in the section below about “3. Open (public motorized) routes.”

### 3. Open (public motorized) routes:

In the 2020 draft a bunch of previously closed routes on the west slope of Big Pryor Mountain were opened to public motorized use. The core of our 2020 objection was:

“The EA does not provide any rationale for opening these roads to public motorized use. In fact the EA does not even disclose this action except by the colored lines on the maps. This seems an excessive tangle of unneeded motorized routes. At most these new open routes rarely get even half-a-mile from the many already open routes. This excessive route redundancy creates an ATV play area which is not needed to provide public access to the Pryors. How does opening these routes to public motorized use satisfy the minimization criteria of the Executive Order 11644? ”  
(Excerpt from our 12/12/2020 comments, page 9).

BLM’s Public Response Summary Table (page 12) provides no adequate, route specific, response to our concern. There is only generic and the frequently repeated: “*The proposed route designations were based on a thorough route evaluation process that was conducted by an interdisciplinary team (IDT) of resource specialists....*”

Here we again specifically mention PM 1124 which is proposed to be opened to motorized use, and in addition to being a redundant route conflicts with the designation of Timber Canyon Trail (PM 1122) as a non-mechanized trail. See section J. 1. D. on Timber Canyon above. Again the unasked question needs to be answered.

### K. Summary:

#### 1. Needed and Proposed (but not designated) non-mechanized routes:

There is a severe deficiency of non-mechanized (“wheel-free”) foot-trails in the TMP. In the EA BLM says they will consider *future* proposals for non-mechanized routes. During the years of this travel planning process we have proposed non-mechanized routes including the following:

- Demijohn Flat. (up to 8 miles in 2015 RMP, Appendix O)
- Bent Springs and PM 1134 Loop. (~ 4+ miles)
- Water Canyon (1.1 miles)
- A loop trail in the Red Pryor Mine area (4 or 5 miles)
- Inferno Canyon (PM 1120). (1.1 miles)
- PM 1124 (1.65 miles)

A “promise” of “maybe someday” is inadequate after 6+years of travel planning. This disrespects the efforts of both the public and BLM staff. None of us want to start over.

#### 2. Missing Route Compilation:

As mentioned above BLM states in the EA (page 2-8) that “*A compilation of designated routes, including administrative routes, is available on the Route Inventory Report (available on the Project website...)*” This compilation apparently does not exist.<sup>24</sup> The absence of this compilation means there is no listing of the 108+ miles of routes open to public motorized use - and importantly no listing of the changes to that network - and with no rationale provided for the designations and changes. Such a compilation is a fundamental and necessary part of a TMP/EA.

Using BLM’s ArcGis map we find<sup>25</sup> 7.5 miles of newly designated open public motorized routes (plus the proposed 1.7 mile reroute of Stockman Trail). These additions are not disclosed in the EA. (The obscure changes of line colors between the No-Action and Proposed Action maps are not adequate disclosure. Furthermore the maps do not provide rationales.)

Examples:

- Several routes near Miller and Stockman Trails (2.64 miles)
- PM 1134 (1.68 miles)

---

<sup>24</sup> The EA includes a compilation of administrative routes, but it is incomplete.

<sup>25</sup> We do not know whether we have found them all because a compilation of designated routes, and route changes, is not available.

PM 1124 (1.65 miles)

PM 1081. (1.52 miles)

PM 1124 and PM 1081 add two more motor routes up from the prairie and connecting to USFS routes to the top of Big Pryor Mountain. There will now be an excessive 10 such routes open to public motorized use.

We understand that it would take considerable work to produce the needed route compilation, and BLM staff is limited. But if BLM staff, with the help of Logan Simpson, can't do this, how can they manage, monitor, and enforce 108+ miles of public routes? (...in addition to managing several other TMAs and many other responsibilities.)

### 3. Misleading analysis of environmental consequences:

The analyses of the environmental consequences in the EA is misleading due to the implicit but false assumption of equivalence of lightly, or unused, administrative routes, and heavily trafficked public routes.

## **L. Conclusions:**

### Needed revisions to TMP/EA:

To satisfy the stated Purpose and Need for the TMP, and the requirements of NEPA and E.O. 11644, the following revisions are needed:

1. A written compilation of all routes designated open<sup>26</sup> to public motorized use - especially those for which the designation has changed to or from open - and including route-specific rationale for each designation - especially for changes of designation.
2. A complete written compilation of all designated administrative routes with route-specific rationale.
3. Designation of more non-mechanized ("wheel-free") routes. All such routes that have been proposed as non-mechanized should be so designated, or a compelling reason given for not designating each.<sup>27</sup> If any of these is instead designated as open for public motorized use an explanation should be given for why the route is needed more for motorized use. (i.e. Answer the unasked question.<sup>28</sup>)
4. The analysis of environmental consequences of the TMP must be revised to clearly separate and distinguish the impacts of closing lightly used administrative routes, and the impacts of frequently used public motorized routes (including e-bikes).

**Dick Walton**  
**The Pryors Coalition**  
[info@PryorMountains.org](mailto:info@PryorMountains.org)

**Clinton Nagel**, President  
**Gallatin Wildlife Association**  
[clint\\_nagel@yahoo.com](mailto:clint_nagel@yahoo.com)

**Joseph Scalia III**, President  
**Gallatin Yellowstone Wilderness Alliance**  
POB 5256 Bozeman, MT 59717

**Linda Healow**,  
312 Clark Avenue, Billings, MT 59101  
**Nancy Schultz and Nancy Ostlie**, Co-Leaders  
263 Painted Hills Rd. Bozeman, MT 59715  
**Great Old Broads for Wilderness,**  
**Bozeman Broadband**

**Phil Knight**  
**Montanans for Gallatin Wilderness**  
205 North 24th Ave.  
Bozeman MT 59718

---

<sup>26</sup> This is by far the largest category in the TMP.

<sup>27</sup> This is consistent with BLM procedures for future proposed designations: "If an application proposing a route designation change is rejected, a letter stating reasons for refusal would be sent to the applicant." (TMP, 13.0 Plan Revision and Amendment, page 32.)

<sup>28</sup> The Unasked Question: "Which designation - open motorized, or wheel-free, non-mechanized foot-trails - best advances the stated purpose and need of the TMP?"