

Decision Memo

USDA Forest Service
Land Between The Lakes NRA
Lyon and Trigg Counties in KY and Stewart County in TN

2008 LBL 200 Motorcycle
Event Special Use Permit

Background

A Decision Notice and a Finding of No Significant Impact was signed by the area supervisor, William P. Lisowsky on October 28, 2002 for the special use permit of the LBL 200 motorcycle event at Land Between The Lakes National Recreation Area (LBL). This decision was upheld upon appeal on February 4, 2003. The 2002 Decision Notice included the authorization to hold the motorcycle event on a “restricted use” trail, a maintenance and closure plan, the identification of trail relocations to reduce on going maintenance problems, the elimination of 54 miles of trails that were historically used for the event prior to 2002, and a prohibition of the motorcycle event utilizing core prescription areas for the event.

The 2002 Decision Notice was completed under Tennessee Valley Authority’s 1994 Natural Resource Management Plan. In 2004 LBL completed its Land and Resource Management Plan (LRMP). The new LRMP, the new Travel Management Rule (36CFR212) and the amended Forest Service Manual 7703.22 allows for a permitted motorcycle event outside of Turkey Bay OHV Area. The following apply directly to the LBL 200 Special use event.

The special use event is consistent with the Vision and Area Wide Goals of the 2004 LRMP. Specifically, the LBL 200 Motorcycle Ride meets the following goals:

Goal 2: Emphasize partnerships and cooperation with citizen groups, community businesses, private corporations, tourism organizations, and government agencies.

Goal 7: Enhance dispersed recreational and environmental education opportunities throughout LBL.

General Forest-Core Area Prescription in the 2004 LRMP provides for dispersed recreation as well as scenic driving thus providing a semi-primitive motorized experience. Therefore the annual LBL 200 event is appropriate in the Core Areas on a permitted and monitored basis.

“Core Areas provide remote, semi-primitive recreational opportunities that have minimal impacts to ecological systems”.

All standards in the plan will be followed for this event. Standard #48 specifically allows for OHV riding outside of Turkey Bay OHV Area.

#48: OHV's are restricted to routes and areas specifically designated as open to such vehicles. Permits may be issued for special events according to the appropriateness and timing of the event.

This event is in accordance with the draft directives implementing the Travel management Rule (Forest Service Manual 7703.22):

“A management opportunity exists to authorize motor vehicle use off the system of designated roads, trails, and areas through a permit system. This option may be particularly desirable when motor vehicle use off the designated trail system is associated with a single event, other one-time use, or other authorized uses (such as grazing, vegetation management, and hazardous fuel reduction).”

A Closure and Maintenance Plan was incorporated as part of the 2002 Decision Notice and FONSI. The closure and Maintenance Plan was to eliminate illegal 4 x 4 use issues and correct trail design problems not associated with the LBL 200 event.

Closure and Maintenance Plan

As determined in the 2002 Decision Notice, a Closure and Maintenance Plan would be completed by LBL as a direct result of the event. The Closure and Maintenance Plan is update below:

In the relocation portion of the 2002 plan and EA, 13 locations were cited; 5 have been completed totaling roughly 1,800 feet of maintained or relocated trail. Of the remaining 7 locations approximately 1,400 feet is left to mitigate or relocate. The remaining location (relocation 1) can not be relocated or properly mitigated within the approved corridor and will need more site specific work before the trail work can be completed. Relocation 1 will require a separate decision document. Six of the trail relocations can be completed without additional botanical and archeological work and are scheduled to be completed in subsequent years. Relocations number 5, 6, 10 will be completed first and relocation numbers 9, 12 and 13 will be completed later.

Routine trail maintenance has been and will continue to be completed two times a year on the Fort Henry Trail System and the North/South Trail. In addition to the routine trail maintenance nine miles of trail reshaping was completed with a contractor to mitigate long term trail problems that had not resulted from this event.

The closure portion of the **2002** plan included physical closures of known problem locations. All physical barriers have been installed at the prescribed locations. Since the 10/28/2002 Decision Notice was signed, the Travel Management Rule has nullified the need to install the signage associated with the closure portion of the plan.

Monitoring

During the past 5 years of the permitted LBL 200 event, pre and post ride monitoring have been conducted to evaluate the trail impacts associated with the event. No long or short term significant impacts were found as a result of the event. Photo documentation and trail transects were completed at five locations along the LBL 200 route on the “restricted use” trails.

Proposed Action

KT Riders is a community based AMA (American Motorcyclist Association) nationally sanctioned club and event sponsor. The KT Riders have hosted the LBL 200 at Land Between The Lakes NRA for over twenty years. The KT Riders have requested to continue holding the annual LBL 200 special use permitted event at Land Between The Lakes NRA. The LBL 200 is a motorcycle ride utilizing approximately 200 miles of roads and trails. This event limits the number of participants to 250, most of whom travel to LBL from predominately the southeastern United States. Each year, the KT Riders will be reapplying for a new special use permit.

Decision

I, Keith Lannom, Acting Area Supervisor, have decided to allow the issuance of special use permit for the annual LBL 200 Motorcycle Event. My conclusion is based on a review of the record that shows a thorough review of relevant scientific information, a consideration of responsible opposing views, and the acknowledgement of incomplete or unavailable information, scientific uncertainty, and risk.

Any trail tread impacts directly associated or deemed responsible by the event will be the permit holder’s responsibility to repair. The repairs shall be completed no later than two weeks after the event occurs.

Category of Action

The action is categorically excluded from documentation in an environmental impact statement or an environmental assessment. The category for this action is found in FSH 1909.15, Chapter 30, Section 31.12, Category 8 : “Approval, modification, or continuation of minor, short-term (one year or less) special uses of National Forest System lands.”

The action is subject to notice, comment, and appeal under the 36 CFR 215 rules, as clarified in activity number 6 (“The issuance or reissuance of special use permits for OHV activities conducted on areas, trails, or roads that are not designated for such activities”) in the Earth Island Institute v. Ruthenbeck Ruling of October 19, 2005.

Locations

The Special Use Permit will encompass the North/South Trail and the Pickett Loop of the Fort Henry Trail System. The LBL 200 route was solidified in the 2002 EA and subsequent monitoring. The 2008 proposed route has no alterations to the previously approved route. Portions of LBL’s legal road system will be utilized as part of the event route. (See attached map.) Energy Lake Campground will serve as base camp and serve

as the start and finish point for the event. Exact timeframes and trail notices will be outlined in the special use permit operating plan each year.

Extraordinary Circumstances

There are no extraordinary circumstances potentially having effects which may significantly affect the environment. The following extraordinary circumstances were considered as part of this analysis, as required by FSH 1909.15 Chapter 30, Section 30.3.

- a. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.

The proposed action for the continuance of the LBL 200 Motorcycle Event Special Use Permit is “not likely to adversely affect” the following Federally-listed species or their habitat: Gray bat, Indiana bat, Interior Least Tern and Prices Potato bean. Foraging habitat for the Gray and Indiana bats occurs within the project area. Additional protection for water quality and foraging opportunities for both species will be provided as a result of increased riparian corridors and implementation of best management practices and integrated pest management procedures. The Interior Least Tern and its habitat don’t occur within the project area. Although two known populations of Prices Potato bean occurs along the route no plants have been impacted by the past six years of the event.

The proposed action is “not likely to cause a trend toward federal listing” for the Regional Forester Sensitive Species Barbed Rattlesnake-root with implementation of seasonally timed management activities, marking areas before maintenance occurs and avoidance measures such as tying the plant back before the event begins.

The proposed action is “not likely to cause a trend toward federal listing” for the following other Regional Forester’s Sensitive Species and/or their habitat: Southeastern myotis bat (*Myotis austroriparius*); Rafinesque’s big-eared bat (*Corynorhinus rafinesquii*); Spreading yellow false foxglove (*Aureolaria patula*); Appalachian bugbane (*Cimicifuga rubifolia*); Butternut (*Juglans cinerea*); Fraser’s yellow loosestrife (*Lysimachia fraseri*); Ocean-blue phacelia (*Phacelia ranunculacea*); and Sweet-scented or Indian plantain (*Synosma (Hasteola) sauveolens*). Potential habitat they may occur within the area of the event and maintenance of the trail system before and after the event are within the scope of the 2002 LBL Decision Notice. No new element occurrences for these species have been recorded over the last five years. Should any of these species be found to occur within the project area that the event occurs, LBL standards for PETS will be implemented to protect the species and their habitat.

Reptiles and Amphibians: As a mitigation measure in the LBL 200 Motorcycle Event Decision Notice (Mitigations) it stated that there would be a scout that will start on the travel route one hour prior to the event. Based upon monitoring of the route for reptiles and amphibians prior to the event, no incidents or reptile/amphibian fatalities have been associated with the LBL 200 event. In the continuance of this special use permit,

scouting prior to the event will no longer be a requirement. The motorcycles going through the immediate area is sufficient for the reptiles/amphibians that are highly sensitive to vibration to know to vacate the trail. Reptiles and amphibians use vibrations to avoid predators and in this case motorcycles (thus no incidents or fatalities). Respect for the resources and wildlife should continue to be a part of the safety meeting prior to the event.

b. Flood plains, wetlands, or municipal watersheds.

The LBL 200 event does not adversely effect any wetlands, floodplains, or municipal watersheds. The 2004 LRMP identifies the watersheds and their associated cumulative effects analysis for water quality. Based on that analysis the LBL 200 route only utilizes watersheds that are rated as average or above average.

c. Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas.

LBL does not have any designated wilderness or wilderness study areas. LBL is a designated National Recreation Area and the proposed action supports the intent of the LBL Protection Act of 1998.

d. Inventoried roadless areas.

The LBL does not have any “inventoried roadless areas”.

e. Research natural areas.

LBL has two Tennessee state natural areas, and the LBL 200 route does not utilize the areas as part of the route for the event.

f. American Indians and Alaska Native religious or cultural sites.

In accordance with the requirements of the NHPA, Executive Order 13007, the American Indian Religious Freedom Act (AIRFA), and others, consultation with relevant Native American Tribes is underway in order to identify any potential impacts to religious or cultural sites on LBL.

There are no known American Indian or Alaska native religious or cultural sites that will be affected by the proposed activity.

g. Archaeological sites, or historic properties or areas.

The event will utilize the existing impacted roads and trails. The LBL staff had completed the necessary surveys as needed on the trail reroutes, and received compliance letters from the Kentucky and Tennessee State Historic Preservation Offices (2002) to proceed with the event. Since there was no changes to the approved route the existing letters of concurrence from the two states State Historic Preservation Office are still

valid. During the past 20 years of the event there have not been any instances where the LBL 200 or its permitted route has negatively impacted cultural resources.

Effects

No significant impacts or natural resource damage is expected to occur due to permitting of this annual event. The authorizing official reserves the right to cancel, suspend, or delay the permit based on wet weather conditions to reduce the likelihood of resource impacts. Any trail tread impacts directly associated or deemed responsible by the event will be the permit holder's responsibility to repair. The repairs shall be completed no later than two weeks after the event occurs.

Effects to resources were documented in the 2002 EA. The Soils, Dust, Species of Viability Concern (including T&E), reptiles and amphibians effects have been updated in the 2008 project record. The 2002 EA Effects analysis for the other resources was reviewed and found to still apply.

The trails utilized by the event will continue to be monitored prior to the ride and re-evaluated after the permitted event is hosted. The monitoring will be similar to the work conducted from 2002-2007. The results will be documented in the project file each year.

Scoping and Public Involvement

Scoping of the proposed action was conducted by a review of the 2002 decision and the 2002-2007 project file by the Trails Manager, the Recreation Program Manager, and the Leadership Team. The reviewers concurred the monitoring does not indicate significant impacts from the past LBL 200 rides, the permittee followed the permit requirements, and no member of the public has indicated any concerns about the event.

The public notice for comment was published in the Paducah Sun on February 16, 2008 and emailed to the SOPA list. **5** comments were received from **3** individuals and **3** organizations. The commenters were concerned about holding a race in a wildland setting, the destructive nature of OHVs, and the environmental and cultural impacts associated with the event. The five years of monitoring data for the event contradicts the concerns about the long term destructive nature of OHVs in a wildland setting. The LBL 200 is not a timed event, it is an enduro ride. The areas that were to be disturbed outside of the existing trails were reviewed by both states SHPOs and they concurred on hosting the event and completing the necessary reroutes.

Findings Required by Other Laws

This action is consistent with the 2004 LRMP, the Travel Management Rule, and the draft directives (FSM 7703) and the Special Uses Management (FSM 2700) parts of the Forest Service Manual. The consistency with the LRMP and the travel management opportunity is described in the background section of this document.

Implementation Date

When no appeal is filed within the 45-day time period, implementation of the decision may begin on, but not before, the 5th business day following the close of the appeal filing period. When an appeal is filed, implementation may occur on, but not before the 15th business day following the date of the last appeal disposition. (36 CFR 215)

Appeal Opportunities

This decision is subject to review or appeal pursuant to 36 CFR 215 and the October 20, 2005 letter from the Chief clarifying the Earth Island Institute v. Ruthenbeck ruling.

An appeal pursuant to this part may be filed by any person who, or any non-Federal organization or entity that has provided comment or otherwise expressed interest in a particular proposed action by the close of the comment period specified in 36 CFR 215.6.

An appeal, including attachments, must be filed (regular mail, fax, email in common digital format, hand-delivery, express delivery, or messenger service) within 45 days following the publication date of the legal notice of decision in The Paducah Sun, the newspaper of record. The appeal must be filed with:

USDA Forest Service
Attn: Appeals Deciding Officer
1720 Peachtree Road, NW, Suite 811N
Atlanta, GA 30309

Email: *appeals-southern@fs.fed.us*
Fax: (404)347-5401
Business hours: 7:30 am to 4:00 pm EST Monday through Friday

Contact Person

For further information concerning this decision, contact Bill Ryan, Trails Manager, at email *wryan@fs.fed.us*.

For information concerning the NEPA or appeals process, contact Barbara Wysock, Planner, at LBL administrative office, phone (270)924-2131 or email *bwysock@fs.fed.us*.

Responsible Official

/s/ Keith B. Lannom
Keith Lannom, Acting Area Supervisor

04/03/08
Date