

INTERIOR BOARD OF LAND APPEALS

Deschutes River Landowners Committee and Matthew R. Miller

136 IBLA 105 (July 12, 1996)

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DESCHUTES RIVER LANDOWNERS COMMITTEE  
MATTHEW R. MILLER

IBLA 93-391

Decided July 12, 1996

Appeal from a decision of the Acting State Director, Oregon, Bureau of Land Management, denying protest to record of decision regarding management of a wild and scenic river for public access purposes. OR-ES-93-10-1792.

Affirmed.

1. Environmental Quality: Environmental Statements—National Environmental Policy Act of 1969: Environmental Statements—Public Lands: Administration—Wild and Scenic Rivers Act

A BLM decision to upgrade existing roads and a trail and acquire legal public access to and along a wild and scenic river, with the aim of improving public access to the river, will be affirmed where BLM has articulated a reasoned analysis, adequately considered all relevant factors, including the impact to the environment, and otherwise comported with the Wild and Scenic Rivers Act and other applicable Federal statutes, and there has been no showing of compelling reasons for modification or reversal.

APPEARANCES: Gail L. Achterman, Esq., Portland, Oregon, for the Deschutes River Landowners Committee and Matthew R. Miller; Thomas R. Benke, Esq., Portland, Oregon, for the Lawrence V. Smart Trust and Richard V. Smart; Donald P. Lawton, Esq., Office of the Regional Solicitor, U.S. Department of the Interior, Portland, Oregon, for the Bureau of Land Management.

OPINION BY ADMINISTRATIVE JUDGE GRANT

The Deschutes River Landowners Committee (DRLC) and Matthew R. Miller, president of DRLC (hereinafter appellants), have appealed from a decision of the Acting State Director, Oregon, Bureau of Land Management (BLM), dated April 7, 1993, denying their protest to the February 1, 1993, Record of Decision (ROD) approval by the District Manager, Prineville District, Oregon, BLM, regarding public access to the Federally-designated "Lower Deschutes Wild and Scenic River" in north-central Oregon.

The Lower Deschutes River, which is a 100-mile stretch of the Deschutes River between the Pelton Reregulating Dam and the river's confluence with the Columbia River, was first designated a scenic waterway by the State of Oregon in 1970, pursuant to the Oregon Scenic Waterways Act, Or. Rev. Stat. §§ 390.805-390.925 (1987). <sup>1/</sup> In October 1988, it was designated a recreational river by Congress, pursuant to section 102 of the Omnibus Oregon Wild and Scenic Rivers Act, P.L. No. 100-557, 102 Stat. 2782, 2783 (1988). The river thus became part of the national wild and scenic rivers system and subject to the Wild and Scenic Rivers Act, as amended, 16 U.S.C. §§ 1271-1287 (1994). The boundary of the wild and scenic river extends approximately one-quarter mile on either side of the river. See ROD at 9. The general planning area encompasses a total of approximately 41,467 acres of Federal, State, private, and Indian land. See ROD at 10.

In order to provide for the coordinated management of this land, the various responsible Federal, State, county, municipal, and Indian agencies organized for the purposes of developing a comprehensive management plan, *i.e.*, the Lower Deschutes River Management Plan (LDRMP). The plan was intended in part to govern recreational use, including boating, fishing, and camping, on and along the river, as well as public access to and along the river for such purposes. Development of the plan coincided with consideration of the environmental impact (including the impacts on water quality, vegetation, fish and wildlife, cultural resources, recreational use, and public safety) of five alternatives under the plan. This resulted in the joint preparation of a draft and final environmental impact statement (EIS), and also preparation of a supplement to the EIS (Supplement) by BLM. These documents were prepared by BLM pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), as amended, 42 U.S.C. § 4332(2)(C) (1994). The documents were distributed to the public by BLM in May 1991, June 1992, and February 1993. See 56 FR 24803 (May 31, 1991); 57 FR 21667 (May 21, 1992); 58 FR 7226 (Feb. 5, 1993).

BLM and the other agencies adopted the LDRMP in January 1993. The LDRMP permitted overall boating use of the river at approximately 1990 seasonal levels, but attempted to redistribute such use from peak weekends and holidays to other weekend and weekday periods. See I Final EIS at 44. <sup>2/</sup> Achievement of this use pattern entailed increasingly

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<sup>1/</sup> For management planning purposes, the river is deemed to consist of four sequential segments: Segment 1 from the Pelton Reregulating Dam (River mile (RM) 100 to the "Locked Gate" maintained by the Deschutes Club (Club) at RM 59 on the road that runs along the river; segment 2 from the Locked Gate to Sherars Falls (RM 44); segment 3 from Sherars Falls to Macks Canyon (RM 23); and segment 4 from Macks Canyon to the confluence of the Lower Deschutes River with the Columbia River (RM 0). This appeal concerns parts of segments 1 and 2.

<sup>2/</sup> The Final EIS is composed of two volumes. They will be referred to herein as I Final EIS (in the case of volume I) and II Final EIS (in the case of volume II).

restrictive measures (up to limiting entry to the river) within 3 years after approval of the plan. See I Final EIS at 49, 51. Also, motorized boating on the river was to continue to be prohibited from the Pelton Reregulating Dam downstream to the boundary of the Warm Springs Indian Reservation (RM 69). See I Final EIS at 57. From that point downstream to where Buckhollow Creek (RM 42) enters the river near Sherars Falls (which encompasses all of segments 1 and 2 of the river), motorized boating was initially to be prohibited during the primary use season and one additional month (May 15 to October 15) for these sections of the river and precluded year-round within 3 years after approval of the plan. See I Final EIS at 57. Thus, after 3 years, all of segments 1 and 2 of the river would be closed year-round to motorized boating.

In order to implement the LDRMP on the approximately 20,641 acres of public land (or 49.8 percent of the total land) within the planning area, the District Manager approved the ROD. <sup>3/</sup> The ROD contains BLM's specific management decisions. In particular, it provides for the maintenance and improvement of existing access along the river and also the acquisition of new public access to and along the river. Thus, it states that BLM will (1) upgrade (in order to meet minimum safety standards) the existing public road that runs along the river from the town of Maupin, Oregon (RM 52), upstream to the Locked Gate including acquiring public easements for vehicle access, maintenance, and other public uses <sup>4/</sup>; (2) widen (as to unsafe sections) and improve (with oil over a gravel base) this same road from Maupin to Harpham Flat (an existing boat launch site at RM 56) or an alternate launch site; (3) pursue legal public access for walk-in users of public lands along the existing private road that runs along the river from the Locked Gate upstream to the motorboat deadline near the Indian reservation boundary <sup>5/</sup>; (4) pursue acquisition of about 4,750 acres of private land owned by Criterion Interest, Inc. (Criterion) a small part of which is within the wild and scenic river corridor for possible development as a scenic overlook (with

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<sup>3/</sup> Decisions implementing a land use plan are properly distinguished from land use planning decisions such as issuance or amendment of a resource management plan. The Board does not have jurisdiction to consider appeals from approval or amendment of a resource management plan and cannot gain jurisdiction until action is taken to implement the plan. 43 CFR 1610.5-2(b); Southern Utah Wilderness Alliance, 128 IBLA 52, 66 (1993); Hutchings v. Bureau of Land Management, 116 IBLA 55, 61 (1990); Idaho Natural Resources Legal Foundation, Inc., 96 IBLA 19, 23, 94 I.D. 35, 38 (1987); Wilderness Society, 90 IBLA 221, 224-25 (1986).

<sup>4/</sup> According to the ROD, access downstream of the Locked Gate may be acquired by exchange for conveyance of public lands occupied by the "Smart Cabin," a house built in trespass on public lands.

<sup>5/</sup> The BLM ROD noted that acquisition of such access might be facilitated by granting a right-of-way across parcels of public land between Windy Flat and Two Springs Ranch (RM 69) to the Club in exchange for an easement that would afford the desired public access across the Club's private land. See ROD at 46.

public access to the land from Highway 197 provided by acquiring surface ownership of land or an easement); and (5) improving and developing a mountain bike trail from Mecca Flat (RM 94) downstream to North Junction (RM 72) (including acquiring easements for those sections of the trail that cross private land). See ROD at 45-47. The overall aim of all of these actions was to provide access to compensate for the absence of motorized boat access along the stretch of the river from the Pelton Reregulating Dam to Maupin, which would be in effect 3 years after approval of the LDRMP. See Answer at 32.

Appellants protested the District Manager's approval of the ROD, objecting only to the decisions regarding the acquisition, maintenance, and improvement of public access to and along the river south of Maupin. See Protest, dated Mar. 3, 1993, at 4-6, 10-12. The Acting State Director denied appellants' protest in her April 1993 decision. This appeal followed. Appellants filed a petition for stay of the effect of the BLM decision pending review of the appeal. See 43 CFR 4.21. By order dated June 24, 1993, we granted the stay in part and denied the stay in part in order to allow public safety measures and actions not directly related to river management to proceed. 6/

On appeal, appellants raise many of the same issues contained in their protest. They principally contend that all five of the challenged actions regarding public access (together and individually) will serve to increase public use of the river and surrounding land and thus adversely affect the quality of the water in the river, the scenic nature of the river and

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6/ A threshold procedural matter to be addressed is the petition to intervene in this proceeding filed by the Lawrence V. Smart Trust and Richard V. Smart. Petitioners note that they and/or the Club claim "[t]itle" to certain land upstream of the Locked Gate, also within the LDRMP area, that is considered by the United States to be public land and is presently occupied by a structure known as the "Smart Cabin" (Request for Permission to Intervene at 1). Although petitioners expressly disclaim any intent to litigate the question of title to the cabin property in the context of this case, we note that the only apparent basis for a claim to the property was a permit issued by BLM, the term of which has expired. See Lawrence Smart Trust, 127 IBLA 55 (1993). In the absence of any authorization for use of the public land at issue, petitioners would be in the status of trespassers. This Board has held that standing requires a showing of a legally cognizable interest which is adversely affected and that a trespasser upon the land lacks such an interest. Fred J. Schikora, 89 IBLA 251 (1985).

Further, we note that petitioners were served with copies of the ROD at issue in this case and failed to file a timely protest. The BLM decision denying their request to file a late protest was affirmed by this Board. See Lawrence V. Smart Trust, 129 IBLA 341 (1994). In this context, we find it appropriate to deny the petition to intervene in this proceeding.

adjacent land, fish and wildlife found in and along the river, and cultural resources found along the river, all in contravention of the dictates of the Wild and Scenic Rivers Act and the Oregon Scenic Waterways Act. See Statement of Reasons (SOR) at 4, 7-8, 32-33. They are particularly concerned that the upgrading, widening, and improving of all or part of the road from Maupin to the Locked Gate will cause runoff to carry sediment into the river, and thus adversely affect water quality. See SOR at 9. They also point to the increased sediment-laden runoff that will occur in areas where the road is to be resurfaced. See SOR at 9-10. They also fear that improvement of the road will increase the amount and speed of traffic on the road, thus constituting an unwarranted visual intrusion on those using the river and endangering others using the land. See SOR at 9.

Further, appellants argue that promoting access to the areas south of the Locked Gate (between the Gate and the Indian reservation boundary, in the area of the Criterion land, or between Mecca Flat and North Junction) by foot and/or mountain bike will, in particular, reduce the number of campsites available to boaters and increase public use of what is now a remote area. Appellants believe this will result in degradation of the ecosystem, including adverse affects to water quality, scenic quality, and fish and wildlife. See SOR at 11-13. Appellants also note that the Wild and Scenic Rivers Act provides that, in ensuring protection of a river's scenic, recreational, and other outstandingly remarkable values, BLM is required to "[give] [p]articular attention [to] \* \* \* road construction" (SOR at 8 (quoting from 16 U.S.C. § 1283(a) (1994)).

[1] The Wild and Scenic Rivers Act requires BLM to protect and enhance those values that caused the designation of the Lower Deschutes River and surrounding land as a component of the national wild and scenic rivers system. See 16 U.S.C. § 1281(a) (1994). Those values are outstandingly remarkable scenic, recreational, and other values. See 16 U.S.C. § 1271 (1994); Draft EIS at 107-13. Designation as a wild and scenic river was designed to ensure public use and enjoyment of the river and surrounding land. See 16 U.S.C. §§ 1271, 1281(a) (1994). Thus, we conclude that efforts to facilitate public use and enjoyment, through maintaining and acquiring public access, will not be precluded so long as they are undertaken "consistent" with protection of the river's scenic, recreational and other values. See 16 U.S.C. § 1281(a) (1994). This is especially so in the case of a recreational river, which is already considered to be "readily accessible by road." See 16 U.S.C. § 1273(b)(3) (1994).

Appellants challenge the ROD in part on the ground that road construction is involved. Although "road construction" requires "[p]articular attention" in managing lands within or adjacent to a river included within the national wild and scenic river system, 16 U.S.C. § 1283(a) (1994), the cases cited by appellants do not establish that BLM violated its duties under the Act. As a threshold matter, we note that, as the Acting State Director stated in her decision at page 3, BLM is not providing for the construction of any new roads to or along the section of

the wild and scenic river south of Maupin. Rather, so far as roads are concerned, BLM intends to upgrade and improve the existing road from Maupin to the Locked Gate. See ROD at 45-47. Improvement of existing roads to promote safety and regulate access in the context of the analysis undertaken in the LDRMP is distinguishable from the new road construction undertaken without the benefit of a management plan as part of a timber sale which was enjoined by the District Court in the case cited by appellants. Moreover, we note that the decision of the District Court was reversed on appeal. Wilderness Society v. Tyrrel, 701 F. Supp. 1473, 1483 (E.D. Cal. 1988), rev'd, 918 F.2d 813 (9th Cir. 1990).

Appellants have not shown that the BLM decisions to acquire, maintain, and improve public access to and along the river south of Maupin for vehicular, foot, and mountain bike traffic are not "consistent" with protection and enhancement of the river's scenic, recreational, and other values, and thus that BLM has failed to abide by its responsibility under the Wild and Scenic Rivers Act. Although this Board possesses de novo review authority, <sup>7/</sup> as a general rule we will not substitute our judgment for that of the experts employed by the Department to analyze the facts and to make recommendations in their particular fields of expertise, in the absence of a showing that the decision is contrary to the evidence of record or otherwise arbitrary or capricious. See Eason Oil Company, 24 IBLA 221, 225 (1976). As we stated in Rosita Trujillo, 21 IBLA 289, 291 (1975):

Appellant's contentions are neither erroneous nor unreasonable. They represent only another point of view; a different side of the ongoing controversy over the identification and priority of concerns which comprise the public interest. However, where the responsibility for making such judgments has been exercised by an officer duly delegated with the authority to do so, his action will ordinarily be affirmed in the absence of a showing of compelling reasons for modification or reversal.

This principle was recently reaffirmed by the Board in deciding another appeal from the ROD herein. See Deschutes River Public Outfitters, 135 IBLA 233 (1996). <sup>8/</sup>

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<sup>7/</sup> United States Fish & Wildlife Service, 72 IBLA 218, 220-21 (1983).

<sup>8/</sup> In the Deschutes case we noted that: "Absent a showing of compelling reasons for modification or reversal, this Board will affirm a discretionary decision if the record demonstrates that the relevant factors were considered and the decision is in accord with statutory directives." 135 IBLA at 240. In rejecting the challenge by appellants therein, we noted that: "[A]ppellants hold a different opinion and do not agree with BLM's methodology or findings. However, they have failed to demonstrate that BLM has abused the discretionary authority afforded by the Wild and Scenic Rivers Act." 135 IBLA at 245.

While we acknowledge that, as appellants point out, increased access raises concerns regarding the possibility of damage to the character of the wild and scenic river, we are not persuaded that BLM has not adequately considered the possibility of increased public use of the river as a result of implementation of its decisions to maintain and improve existing access along the river and to acquire new public access to and along the river (all south of Maupin), as well as the threat posed to water quality, scenic quality, and fish and wildlife. See Draft EIS at 168-69, 172-74, 180, 192, 195, 229, 231; Supplement at 20, 22, 23-24. It is also important to remember that, as precise plans are formulated for accomplishing the five decisions approved in the ROD, BLM will then undertake further site specific environmental analysis. See Decision at 4; Answer at 30.

The record before us does not establish that the BLM decisions that appellants object to will, either individually or cumulatively, have any significant affect on water quality, scenic quality, fish and wildlife, or cultural resources in and along the river other than those analyzed in the EIS and the Supplement. Decisions of BLM developed after preparation of an EIS are properly affirmed where the record does not disclose any impact significantly greater than those identified in the EIS. See Wyoming Independent Producers Association, 133 IBLA 65, 85-87 (1995).<sup>9/</sup> With respect to the level of public use, we note that BLM, the Confederated Tribes of the Warm Springs Reservation, and State and local governments are committed to keeping boating use (a major part of overall recreational use) to approximate 1990 seasonal limits. See Final EIS at 44, 49-54, 91, 93-94, 96; ROD at 28, 33-34.

So far as maintaining and improving the existing road from Maupin to Harpham Flat and then on to the Locked Gate is concerned, it must be recognized that public access along that road already exists. See Draft EIS at 134, 157; Supplement at 17 (average daily vehicular traffic in 1991: 376 in primary use season and 33 in off-season). Appellant agrees. See Exh. A attached to SOR at 2. All that BLM's efforts will accomplish will be to make it easier and safer to travel that route, by widening it, placing guardrails along it, and introducing other safety measures and by creating a new road base on the section between Maupin and Harpham Flat (or an alternate launch site).

There is no evidence that the process of improving the road or its finished condition will increase the amount of sediment entering the river. BLM expected only a "short-term adverse impact" to soil from widening the

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<sup>9/</sup> In Marsh v. Oregon Natural Resources Council, 490 U.S. 360, 374 (1989), the Court held that agencies must apply a rule of reason when evaluating new information and determining whether to prepare a supplemental EIS: "[I]f the new information is sufficient to show that the remaining action will 'affect the quality of the human environment' in a significant manner or to a significant extent not already considered, a supplemental EIS must be prepared." See Headwaters, Inc., 101 IBLA 234, 239-40 (1988).

road with cuts and fills (Draft EIS at 169). However, the overall impact to water quality was expected to be beneficial, since upgrading the road was expected to decrease soil erosion. See Draft EIS at 172, 174. Appellants have provided no evidence to the contrary. Thus, there is no basis to conclude that there is any likelihood that State water quality standards will be violated. Nor, in the absence of a credible threat to water quality, can we conclude that BLM has failed to abide by the requirement of section 12(c) of the Wild and Scenic Rivers Act, as amended, 16 U.S.C. § 1283(c) (1994), to cooperate with the State water pollution control agency for the purpose of eliminating or diminishing water pollution. See Wilderness Society v. Tyrrel, supra at 1488-89.

There is also no evidence that any of the improvement will significantly increase public use of the road and surrounding land. Indeed, BLM has in recent years maintained the road's gravel surface. See Answer at 13. At best, BLM anticipated an "increase in short-term use levels" in and along the river (Draft EIS at 233). Further, to the extent that BLM seeks to legitimize, and thus guarantee, public access across those parcels of private land that are crossed by the road from Maupin to the Locked Gate, there is no evidence that public access was ever barred due to the lack of such guaranteed access. Thus, there is no reason to conclude that legitimizing public access will increase public use of the road and surrounding land over that which has obtained to date.

We are also not persuaded that legitimizing public access for foot traffic over the existing private road from the Locked Gate to the Indian reservation boundary will lead to increased public use of the road and surrounding land. Again, the road has long provided public access for foot traffic from the Locked Gate to the reservation boundary. Of a total of 9.6 miles of roadway, 6 miles already cross public land or are subject to a right-of-way owned by BLM. See Supplement at 10. Further, BLM states that the "Deschutes Club and other [private] landowners have allowed public hiking access on a day-use basis for many years" (Supplement at 3). Appellant agrees. See Exh. A attached to SOR at 2, 48. BLM anticipated no change in use or, in the end, any significant adverse environmental impact. See Supplement at 23, 27; II Final EIS at 72; Exh. 6 attached to Answer at 2. Appellants have provided no evidence to the contrary.

Concerning acquisition of the Criterion land, we note that BLM considered this (albeit in modified form) in the Supplement. It was intended to be an alternative to the acquisition of an easement for limited, off-season motorized vehicle traffic along the existing private road from the Locked Gate to the Indian reservation boundary, which (together with the existing public road from Maupin to the Locked Gate) would provide limited public access by vehicle all the way south from Maupin to the reservation boundary. See Supplement at 4. Instead, BLM proposed acquiring Criterion land along the river near Dant together with an access easement across other Criterion land for the purpose of improving an existing private road from Highway 197 to the rim of the Lower Deschutes River canyon. See id. at 5, 21. From the rim, either a road or a hiking trail would be constructed down to the river over public land. See id.

In the ROD, however, the District Manager approved only pursuing acquisition of the Criterion land along the river together with access to that land (by virtue of either surface ownership or an easement). See ROD at 46. No provision was made for improvement of the existing road to the land or construction of a new road (or even a trail) from the canyon rim to the river. It is thus clear that no vehicular access to the river is to be afforded by the decision to pursue acquisition of the Criterion land. See Decision at 3 ("perpendicular road access \* \* \* dropped from the [ROD]"). The acquisition of the Criterion land together with legitimized public access will only facilitate non-vehicular access to the river. See ROD at 46; Exh. 6 attached to Answer at 2. Appellants acknowledge this, but persist in the erroneous notion that BLM has approved construction of a road to the Criterion land. See SOR at 5.

Even with acquisition and legitimized access, BLM expects no significant increase in public use of the land along the river (especially due to the ban on motorboat use), but only a small amount of use redistributed to that stretch of the river. See Supplement at 23, 24; Answer at 22, 29. As BLM states on appeal: "[An] [e]levation change of about 2,000 feet, walking distances of two or three miles, and summer heat will \* \* \* assist in controlling the amount of walk-in use of the river from the rim[]" (Answer at 22). Appellants have provided no evidence to the contrary. Further, there is no reason to expect any increase in public use detrimental to the character of the land (within or outside the wild and scenic river corridor). Indeed, BLM expects no significant adverse environmental impact, especially where the proposed acquisition will result in only a change in ownership, and thus not effect any surface disturbance. See II Final EIS at 72; Answer at 28. This is especially so since the intended use of the Criterion land was itself left up in the air by the District Manager's ROD: "Upon acquisition, management of [the] acquired public lands \* \* \* would be evaluated to assess the most appropriate public uses[.] \* \* \* A possible range of opportunities includes a scenic overlook with picnicking or more primitive uses such as hiking and hunting" (ROD at 46). 10/ See Exh. 6 attached to Answer at 2.

Concerning improvement and development of a mountain bike trail from Mecca Flat north to North Junction, we presume that the trail would follow the routes of the existing hiking trail and public and private roads that

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10/ BLM has left consideration of the specific environmental impact of development of the Criterion land, including construction of a hiking trail from the canyon rim to the river, to a later date. We find no fault with this since what will occur is not yet reasonably foreseeable. See Howard B. Keck, Jr., 124 IBLA 44, 53 (1992). Further, we are not persuaded that, by deferring such environmental analysis, BLM will overlook any individual or cumulative impact.

currently run from Mecca Flat to a point about one mile south of North Junction. See Draft EIS at 136-37 (Map 7). The remainder of the trail would presumably run across public land to North Junction. The Acting State Director confirmed that "[m]ountain bike users are already present in th[is] area" (Decision at 7). Thus, we fail to see that improving and developing the trail for mountain bike use would increase public use of land within the wild and scenic river corridor since such land may already be accessed by these existing roads and trail. The Acting State Director further provided that should wildlife be adversely impacted by increased mountain bike use, such use might be seasonally restricted. See Decision at 8. 11/

In sum, it is clear from the record that BLM has adequately considered all relevant factors, including the impact to the environment, regarding its decisions to upgrade existing roads and a trail and acquire legal public access for vehicular and non-vehicular traffic to and along the Lower Deschutes Wild and Scenic River. Further, appellants have shown no compelling reasons to modify or reverse BLM's decisions. Therefore, we conclude that the Acting State Director, in her April 1993 decision, properly denied appellants' protest to those portions of the District Manager's February 1993 ROD that sought to improve public access to the Lower Deschutes Wild and Scenic River. See Larry Griffin, 126 IBLA 304, 306-07 (1993).

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

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C. Randall Grant, Jr.  
Administrative Judge

I concur.

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James L. Burski  
Administrative Judge

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11/ On appeal, BLM now states that it will defer any Federal implementing action for 3 years while it seeks to delete the decision to pursue public access for mountain bikes from Trout Creek (RM 87) north to North Junction. See Answer at 30. It indicates that this is necessary due to the fear that bikes will continue on the road north from North Junction and thus use the stretch of road (between the Locked Gate and the Indian reservation boundary) designated for foot traffic only. See id. We thus presume that BLM will not improve or develop a mountain bike trail between Trout Creek and North Junction during this time period.