

CAPITAL TRAIL VEHICLE ASSOCIATION (CTVA)

**P.O. Box 5295
Helena, MT 59604-5295**

November 7, 2007

Western Oregon Plan Revisions
P.O. Box 2965
Portland, OR 97208
orwopr@or.blm.gov

Re: Comments for the Western Oregon Plan Revisions

Dear Sir/Madam:

We have assembled the following information and issues from our members and other motorized recreationists for the project record. We appreciate the opportunity to provide our comments for the Western Oregon Plan Revisions project. We enjoy riding our OHVs on primitive trails and roads on all of our public lands. All multiple-use land managed by the BLM provides a significant source of these OHV recreational opportunities. We feel strongly about OHV recreation for the following reasons:

Enjoyment and Rewards of OHV Recreation

- Opportunity for a recreational experience for all types of people.
- Opportunity to strengthen family relationships.
- Opportunity to experience and respect the natural environment.
- Opportunity to participate in a healthy and enjoyable sport.
- Opportunity to experience a variety of opportunities and challenges.
- Camaraderie and exchange of experiences.

Acknowledged Responsibilities of Motorized Visitors

- Responsibility to respect and preserve the natural environment. We are practical environmentalists who believe in a reasonable balance between the protection of the natural environment and the human environment.
- Responsibility to respect all visitors.
- Responsibility to use vehicles in a proper manner and in designated places.
- Responsibility to work with land, resource, and recreation managers. We are committed to resolving issues through problem solving and not closures.
- Responsibility to educate the public on the responsible use of motorized vehicles on public lands.

We feel that we are representative of the needs of the majority of public land visitors who may recreate and not be organized with a collective voice to comment on their needs during the public input process. These independent multiple-use recreationists include visitors who use motorized routes for weekend drives, mountain biking, sightseeing, exploring, picnicking, hiking, ranching,

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rock climbing, skiing, camping, hunting, RVs, shooting targets, timber harvesting, fishing, viewing wildlife, snowmobiling, accessing patented mining claims, and collecting firewood, natural foods, rocks, etc. Mountain bikers seem to prefer OHV trails because we clear and maintain them and they have a desirable surface for biking. Multiple-use visitors also include physically challenged visitors who must use wheeled vehicles to visit public lands. All of these multiple-use visitors use roads and motorized trails for their recreational purposes and the decision must take into account motorized designations serve many recreation activities, not just recreational trail riding. We have observed that 97% of the visitors to this area are there to enjoy motorized access and motorized recreation.

Many federal actions have led to the continual closure of motorized recreational opportunities and access and at the same time the number of OHV recreationists has grown to 50 million. Multiple uses of the forest are marginalized every time a forest plan or travel management plan comes up for action. The motorized closure trend has created significant cumulative effects and has reached the point where it is causing severe public distress. Reasonable alternatives to motorized closures must be pursued. The continual loss of motorized recreational opportunities is our primary concern. Because of the significant cumulative effect of motorized closures at this point in time, we feel strongly that there can be “no net loss” of motorized recreational opportunities with the Western Oregon Plan Revisions project. We would ask that this project address the attached checklist of issues and address the goals and needs identified. Using this checklist will help identify and address concerns and, hopefully, the needs of the public will be adequately met by implementing a more reasonable multiple-use alternative.

The Western Oregon Plan Revisions project area with its current level of motorized access and recreation is where hundreds of thousands of residents from the surrounding regions go to enjoy motorized recreation. The project area is where we go and what we do to create those memories of fun times with family and friends. Management of these lands for multiple-uses including reasonable motorized use allows the greatest enjoyment of these lands by the widest cross-section of the public to continue. These lands are designated as multiple-use lands. We ask that management of these lands for multiple-use be selected as the preferred alternative.

Our comments document that the current management trend towards massive motorized closures (25 to 75% of the existing routes) is not responsible to the public’s needs for motorized access and recreation and is contrary to the multiple-use management directives specified by congress. The agency can no longer ignore that motorized access and recreation are the largest (over 50 million) and fastest growing group of visitors. The agency can no longer ignore the needs of motorized recreationists and act irresponsibly by continuing to close a large percentage of existing motorized access and recreation opportunities. The agency can no longer ignore the need for new motorized recreational opportunities. The agency can no longer ignore the significant cumulative effect that all of the motorized closures over the past 30 years have had on motorized recreationists. We cannot tell you how many times we have met motorized recreationists and they have asked us “What is going on?” This question will be even more prevalent if the travel plan is pushed by the public in a short time frame. In all of the hundreds of federal actions in the past 7 years, we have yet to see a meaningful evaluation this cumulative effect. It seems that the BLM and Forest Service are using planning and travel management planning as an opportunity to close as many motorized recreational opportunities as fast as possible. We are asking that this project establish a baseline evaluation and address this significant impact.

There is nothing radically wrong with the existing condition except that it does not meet all of the needs of motorized recreationists, does not provide equal opportunity, and does not adequately address the growing needs of motorized recreationists. These are the supreme issues that this action must address. The evaluation and proposal must adequately address these three issues and the predisposition to motorized closures must be avoided. The proposed action must meet the needs of motorized recreationists both today and tomorrow. We respectfully request that the evaluation and proposal be directed to adequately address these issues and goals.

Motorized recreationists have become the new conservationists¹. We are ready and committed to working with the BLM to preserve and enhance motorized trails for all recreationists through responsible environmental protection. We respectfully ask that the selected action for the Western Oregon Plan Revisions be structured to produce this end result by addressing and implementing the comments provided. In the end, we are simply asking that this action; (1) reverse the trend of closing us out of the forest, and (2) provide for the continued responsible use of roads and trails that we have used for decades so that we might enjoy a form of recreation that is important to us. The availability of adequate multiple-use access and recreational opportunities is especially important in these troubled times. We encourage the agency staff to come forward with a plan that addresses the needs of OHV users so that we can come out of the travel planning process with workable solutions to OHV issues. We respectfully ask that the agency represent our needs by using all of our comments and information to justify a reasonable and equitable increase of motorized access and motorized recreational opportunities in the project area and to counter any opposition to those opportunities.

Sincerely,

/s/ Ken Salo for

Action Committee
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¹ Rothman, Hal, New West Front Page, January 15, 2006. <http://www.newwest.net/index.php/main/article/5318/>

² CTVA is also a member of Montana Trail Vehicle Riders Association (mtvra.com) and Blue Ribbon Coalition (sharetrails.org). Individual memberships in the American Motorcycle Association (ama-cycle.org), Citizens for Balanced Use (citizensforbalanceduse.com), Families for Outdoor Recreation (ffor.org), Montana 4X4 Association, Inc. (m4x4a.org), Montana Multiple Use Association (montanamua.org), Treasure State Alliance, Western Environmental Trade Association (weta-montana.org), and United Four Wheel Drive Association (ufwda.org)

Information and Issues That Affect Motorized Recreation

November 7, 2007

INTRODUCTION

NEPA and CEQ guidance require that the proposed action be issue-driven. Additionally, many past actions have enacted wholesale motorized closures. The cumulative effect has become significant and this trend is no longer acceptable. Therefore, meeting the unanswered needs and frustrations of over 50 million motorized recreationists is the most significant issue at hand for this proposed action.

This action and others to follow should address the issues and needs of the public by;

- (1) Preserving all reasonable existing motorized recreational opportunities,
- (2) Enhancing existing and developing new motorized opportunities to address the growing needs of the public for motorized recreational opportunities, and
- (3) Implementing mitigation plans to compensate for excessive amount of past motorized closures.

The logic used by the agency does not always have a rational connection with the issues and facts as they pertain to maintaining and developing motorized recreational resources. To assist your understanding of the issues and information that affect us we are providing the following collection of rational reasons to perpetuate existing and develop new motorized recreational opportunities. This information is provided with the request that it be adequately used to develop, select, and defend a reasonable multiple-use alternative. For every issue presented, there is a positive action that could be taken that would address the issue. Many solutions are obvious. For those problems that have less obvious solutions, motorized recreationists would work collaboratively with the agency to develop innovative solutions. We are committed to working towards that end and provide this information and list of issues in the spirit of cooperation.

Information and Issues:

In order to address our concerns the project must adequately address all of the following issues:

1. A motorized travel plan is a plan that specifically designates roads, trails and areas for motorized use, designates which vehicles will be allowed on which routes and if seasonal restrictions apply. A comprehensive trail designation plans does the same thing except it includes all trail uses, including mountain bike, equestrian and hiking. This is a very important distinction because the anti-access groups will attempt to convince the planning team to develop a "comprehensive" travel plan by using only the existing inventory of motorized routes. They do this by identifying existing motorized trails that are good for mountain bikes, equestrians and for bird watching... or whatever. The current approach is inequitable because it takes the current motorized route inventory and tries to make it the route inventory for all users. It leaves out possibilities for constructing or otherwise developing non-motorized trails and ignores existing non-motorized trails that exist in both the planning area and adjacent lands. Now, that doesn't

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mean the agency can't take into consideration the effect each alternative will have on non-motorized visitors. It can - and it should be part of the NEPA analysis. But that is totally different from specifically providing a non-motorized trail system via the existing inventory of motorized routes. We support the creation, designation and management of non-motorized trails, but not at the expense of motorized visitors. We request that the agency not use the existing motorized trail inventory for designating non-motorized trails. Instead, if there is a need for non-motorized trails, then the agency should consider options that do not reduce the existing opportunity for motorized users.

2. The project has a critical flaw which is the lack of a true "pro-recreation" alternative that adequately addresses motorized recreation. All of the alternatives developed for consideration represent a significant reduction in routes available for motorized use. Not one Alternative even sustains the current opportunity. Conversely, virtually every project has developed a "preservation" alternative, where a maximum amount of closures are considered. The increasing demand for OHV recreation opportunities on public lands is extensively documented. Therefore, it is incumbent upon the project team to formulate at least one alternative that maximizes motorized recreation, or at least does not reduce motorized recreational opportunities in the planning area. Therefore, we request that the project team formulate a wide range of alternatives including at least one Alternative that maximizes motorized recreational opportunities in the project area and addresses the following:

- The project team must formulate at least one alternative that emphasizes OHV use in Roaded Natural and Semi-Primitive Motorized opportunity settings for recreation.
- The pro-recreation alternative should strive to provide for the current and future demand for OHV recreational routes.
- Alternatives should include areas where OHV trails can be constructed and maintained when demand increases.
- Where appropriate, the agency should use this process to analyze the impacts of any future route construction and include those in the decision.
- Direction for the required process to construct new routes should be incorporated into each alternative.
- At least one alternative should maximize the ability to construct new sustainable trails to meet the current and future need.
- The project team should develop management alternatives that allow for proactive OHV management.
- All alternatives should include specific provisions to mark, map and maintain designated roads, trails and areas in cooperation with OHV users.
- All alternatives should include direction to engage in cooperative management with OHV groups and individuals.

3. One of the specific requirements under NEPA is that an agency must consider the effects of the proposed action in the context of all relevant circumstances, such that where "several actions have a cumulative . . . environmental effect, this consequence must be considered in an EIS." *Neighbors of Cuddy Mountain v. U.S. Forest Serv.*, 137 F.3d 1372, 1378 (9th Cir. 1998) (quoting *City of Tenakee Springs v. Clough*, 915 F.2d 1308, 1312 (9th Cir. 1990)). A cumulative effect is "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions." 18 40 C.F.R. § 1508.7. The cumulative effect of all motorized closures has been significant and is

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growing greater every day yet they have not been adequately addressed. Ignoring cumulative effects allows the agency to continue to close motorized routes unchecked because the facts are not on the table. CEQ guidance on cumulative effects was developed to prevent just this sort of blatant misuse of NEPA.

4. Because of the cumulative effects on motorized recreationists from all past and reasonably foreseeable closures and the growing need for motorized access and motorized recreational opportunities, there can be no net loss of these opportunities with this action. This can be accomplished by implementing a route designation for all existing routes.
5. The route designation process was supposed to inventory all existing motorized routes and designate them for motorized use. Instead it is being used to produce wholesale motorized closures contrary to the understanding with motorized recreationists. The process needs to be re-directed back onto the right path.
6. Because of the shortage of OHV routes necessary to reasonably meet the needs of the public, every existing motorized route is extremely important.
7. All roads to be closed to full-size vehicles should be converted to atv routes. This is a reasonable alternative for all existing roads.
8. The availability of motorized single-track trails has declined dramatically. At the same time, nearly all of the single-track trails see very little hiking or other use. Therefore, it is a reasonable alternative to designate all existing single-track trails on multiple-use lands within the project area open to motorcycle use.
9. Single-track challenge trails are needed for expert riders and trials type motorcycles.
10. The needs of the public for motorized recreational opportunities include a variety of trails for different skill levels. Also, routes with minimal traffic are needed as practice routes for beginning riders.
11. National Forests in Idaho have a long and successful history of sharing single-track trails with motorcycles and we request that this strategy be used in the project area.
12. The majority of visitors to the project area are associated with multiple-use opportunities including motorized access and motorized recreation opportunities.
13. These are multiple-use lands as designated by congress and must be managed as such. Recreation is a stated purpose for multiple-use lands.
14. Wilderness is closed to motorized vehicles and equipment. Therefore, multiple-use lands should be open to motorized vehicles and equipment. Wilderness criteria and standards should not be applied to multiple-use lands.
15. Any measurable impact from OHV use is automatically and incorrectly judged to be significant. OHV impacts are a small fraction of natural actions. Nature should be used as the standard for comparison of OHV impacts.
16. Why are motorized recreationists the only ones to lose in an action that is supposed to address the needs of the public for motorized access and motorized recreational opportunities? In other words, the travel planning process should work to justify existing motorized recreational opportunities and create new ones. Instead it is being used as a massive motorized closure process.
17. The public that enjoys motorized access and recreation is not going to participate in a process where they lose every time.
18. Why are the needs of so many motorized recreationists being largely ignored?
19. In too many cases a couple of non-motorized users have been able to displace hundreds of motorized users. It is not reasonable or fair to allow a few non-motorized recreationists to convert a motorized trail used by hundreds of motorized recreationists for their exclusive use.

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20. Motorized recreationists have been losing ground starting with the wilderness designations in the 1960's and continuing on with the roadless rule, forest plans, resource management plans and travel plans. Please explain why the needs of non-motorized recreationists are provided for at a much higher level (quality and quantity) than motorized recreationists?
21. Why are motorized recreationists put on the defensive in this action and virtually every other BLM action? In other words, why must motorized recreationists always start with a proposal for radically less motorized access and recreational opportunities and then battle the process just to get a lot less than status quo every time? Why do non-motorized recreationists gain in every action and why do motorized recreationists lose in every action? It appears to us that cumulative effects on motorized recreationists are being ignored because it would expose this built-in defect in the process.
22. Why is the BLM trying to eliminate all meaningful motorized access and OHV recreation?
23. When the agency is considering closing a route, please also think of how you would respond to somebody who asks "We have been going there or camping there for years and what has been hurt? Why do we have to give it up now? Where do we go?"
24. The site specific analysis of each road or trail to be closed must address or identify where the public would go to replace the motorized resource proposed for closure. In other words, the analysis must adequately evaluate the site specific value of a road or trail proposed for closure to motorized recreationists. It must also quantify the significant negative cumulative impact experienced when motorized recreationists could not find a trail or road with a similar experience in the area. The quality of our experience has been significantly reduced. It must also quantify the significant cumulative impact that the closure of a system of road and trails would have collectively when enough routes are closed to eliminate a good motorized day outing. An incomplete analysis is not acceptable under NEPA requirements.
25. Site specific monitoring of motorized versus non-motorized use must be provided for each route.
26. Each route must be evaluated on the basis of whether it will see more use as a motorized route or a non-motorized route and then the appropriate decision should be made on that basis.
27. Each route must include a socio-economic analysis that includes the impacts on the public owning OHVs and looking for opportunities to use them and landowners who purchased property with the intent of being able to access and recreate using motor vehicles.
28. The quality of our experience has been reduced in other ways. For example, every time we ride on a road or trail we wonder or talk about whether this will be the last time and what sort of fight it will take to keep it open. This dark cloud ruins the recreation experience that is so badly needed.
29. What is the cumulative effect on the public of this motorized access and motorized recreational closure combined with all other motorized access and motorized recreation closures in the state?
30. The action must develop a preferred alternative that mitigates the significant impacts on the public from the loss of motorized access and motorized recreational opportunities from the proposed action and the combined cumulative effect of all other actions in the state.
31. There are no compelling reasons to close as many motorized access and motorized recreational opportunities as has been proposed by the Sequoia National Forest. It is simply contrary to the public need and the way that the public has historically used all multiple-use areas in the Sequoia National Forest.
32. Trail closures in semi-primitive motorized areas represent a significant amount of the total available both forest-wide and area-wide. These are the highest value routes to motorized

- recreationists and the impact would be significant. This impact is unacceptable unless these routes are mitigated with new routes of equal value.
33. There are compelling reasons to maintain and enhance the existing level of motorized access and motorized recreation in the project area. Please find reasons why and reasonable recommendations attached to this letter for existing and enhanced opportunities.
 34. Note that some new construction may be required to accomplish a reasonable system of loops. Therefore, new construction must be included in the scope of the project.
 35. The existing level of motorized access and recreation must not be dismissed without adequate consideration because it is only associated with the No Action Alternative. The existing level of motorized access and recreation is reasonable alternative and an alternative other than No Action must be built around it. This reasonable alternative should also include mitigation to protect the natural environment and compensate motorized recreationists for the significant cumulative effect of past losses, and enhancement to adequately address the growing need for motorized access and recreation.
 36. The preferred alternative must provide for an adequate number of routes as required to provide access to the many historic mines and cabins and an adequate number of dispersed campsites and trailheads.
 37. We have been keeping observations of the types of visitors in multiple-use areas including the Helena National Forest since 1999 and have found that 97% of the visitors are motorized recreationists (see attached pages). The public votes by how they use the forest, and more motorized access and recreation is what they are asking for with every visit.
 38. The travel management plan for the area must reflect that use and the needs of the public for motorized recreational opportunities in the area. Again, these are multiple-use lands and we ask that they remain viable multiple-use lands by not closing existing motorized routes.
 39. A sense of magnitude must be used when making decisions about road closures based on indicators such as sediment production. For example, a route should not be closed because it is estimated to produce 10 cubic yards less sediment. The sediment yield must be compared to naturally occurring conditions which includes fires. Recent fires in the Sequoia National Forest discharged thousands of cubic yards of sediment to the area streams which is more than all of the motorized routes in the project area for the next 100 years.
 40. With respect to the comment that there is not enough money to mitigate problems, we can work with the BLM as partners in many different grant applications. Also see our comment in the attachment in regards to the significant levels of funding that are generated by motorized recreationists and would be available if the agency would pursue them and the system was working to distribute them equitably. Basically OHV recreationists generate a significant amount OHV gas tax. These monies should be used to maintain, develop, and mitigate issues but, unfortunately, it is being diverted elsewhere. This significant issue must be addressed.
 41. The most common maintenance requirement for 4x4 and OHV routes is the construction and maintenance of water bars/dips/mounds to divert runoff from the route. This maintenance could easily be provided by running a SWECO trail machine with a trained operator over each route once every 5 years. OHV trail maintenance and gas tax monies are available to fund this maintenance. AmeriCorps type labor could also be used. The SWECO could not be used on motorcycle single-track trails but they typically require less maintenance and water bars/dips/mounds can usually be constructed on these trails by hand work.
 42. Sequoia National Forest has far less than the desired number of motorized trails. This creates two problems. First, the public will tend to “explore” closed routes in an attempt to salvage a decent outing. Secondly, it produces an unsatisfactory OHV experience.

43. The scope of the project must address both existing routes and new construction. This is necessary and reasonable because a certain percentage of the existing routes are likely to be closed. Putting a sideboard on the project scope that prevents the evaluation and creation of any new trail segments also eliminates the opportunity to mitigate the overall level of motorized closures. This approach, if pursued, would preclude the evaluation of a reasonable alternative and also preclude any opportunity for mitigation and enhancement. Therefore, limiting scoping of the project to existing routes only would produce a significant built-in disadvantage for motorized recreationists, i.e., the overall number of motorized routes are destined to be reduced and nothing can be considered to enhance existing routes and to mitigate the overall loss to motorized recreationists. We are concerned that the process will not provide motorized recreationists with an equal opportunity in the outcome and we are only destined to lose. We would appreciate an independent evaluation of this situation as soon as possible so that the proper scoping direction can be corrected early in the process.
44. The mitigation bank debt for motorized route closures should include all of past and reasonably foreseeable closures in the Sequoia National Forest. There could have been a reasonable OHV route system in the area and using appropriate seasonal closures, it would not have produced significant impacts on the wildlife management. So far it has been impossible to get consideration of re-opening of closed routes or any new routes to re-establish a reasonable OHV system in that area.
45. Every action starts and ends with a proposal to close motorized opportunities (Gallatin, Clancy-Unionville, North Belts, South Belts, Little Belts, Rocky Mountain District, Custer, Beaverhead-Deerlodge, Dillon RMP, Butte RMP, etc.) and provide considerably less motorized access and recreation. There has not been one action that included an alternative to perpetuate existing motorized opportunities, mitigate for cumulative effects and create motorized recreational opportunities to address the growing needs of the public. Motorized recreationists are put at an immediate disadvantage in every process and that disadvantage is carried through to the end.
46. Note that non-motorized recreationists can use routes that are both open and closed to motorized recreationists including roads and the evaluation of the opportunities available to non-motorized recreationists must be based on the total of all existing roads and trails. Additionally non-motorized recreationists can use an infinite amount of cross-country opportunity and motorized recreationists can not. This detail must be adequately considered in the allocation of recreation resources.
47. Basically, as shown in the table below, there is too little motorized access and too few motorized trails in the Sequoia National Forest. Therefore, every mile of existing road and motorized trail is very, very important. The evaluation must adequately consider and address the fact that motorized access to the Sequoia National Forest is relatively limited as shown by the miles of roads versus the number of acres in the following table. The miles of motorized trails are exceptionally inadequate for the thousands of OHV recreationists looking for those opportunities. Additionally, the miles of motorized trails and especially single-track is way out of balance with the needs of thousands of motorized recreationists in the region surrounding the Sequoia National Forest. At the same time, the miles and percentage of non-motorized trails is excessive compared to the use that they receive and this does not consider the endless cross-country opportunities that available. The total route opportunity available to non-motorized recreationists is 2,671 miles and the total miles of exclusive non-motorized trails are 577 (55%) and the cross-country miles are infinite. The total miles of roads open to motorized recreationists are 1,115 and the total miles of trails open to motorized recreationists is 475

(45%) and the miles of cross-country opportunity is zero. The overall allocation of non-motorized versus motorized access and trail riding opportunities in the Sequoia National Forest is way out of balance with the needs of the public for motorized access and the recreational needs of motorized recreationists. We request that the data in the table be updated to reflect the significant reduction in miles of roads and motorized trails that those decisions produced and that this revised data be used to guide the decision-making to a preferred alternative that adequately meets the needs of the public by increasing motorized recreational opportunities in the project area.

Region:	Forest:	District:	NFS Acres:	Current Status:	Projected Date for Designation:	Existing NFS Roads:	Existing NFS Trails:	Existing NFS Trails Open to Motor Vehicle Use:	Existing NFS Trails Open to Motor Vehicle Use (Single-Track):	Existing NFS Trails Open to Cross-Country Motor Vehicle Use:	Acres Currently Open:
5	Sequoia	TR/HS/Hume	529,597	System	12/7/2006	925	388	20	20	0	
5	Sequoia	KernRiver	645,968	Open	9/8/2006	694	530	664	455	406	223,608
Totals			1,175,565			1,619	1,115	1,052	475	426	223,608
Miles of Open Road per Square Mile =							0.69				
Total Roads and Trails Open to Non-Motorized Use, Miles								2,671			
Non-Motorized Trails, Miles =								577			
Non-Motorized Trails, % =								54.85%			
Motorized Trails, miles =								475	426		
Motorized Trails, % =								45.15%			
Trails Open to Motorcycles %									40.49%		
http://www.fs.fed.us/recreation/programs/ohv/ http://www.fs.fed.us/recreation/programs/ohv/travel_mgmt_schedule.pdf											

48. National OHV criteria and standards are not entirely applicable to conditions in the Sequoia National Forest, i.e. one size does not fit all. The analysis needs to allow for judgment on site specific conditions so that the decision is a better match for local conditions and customs which center on motorized access and motorized recreation.
49. The evaluation must adequately consider the growing popularity of motorized recreation, the aging population and their needs for motorized access, and the increased recreation time that the aging population has and looked forward to enjoying public lands in their motor vehicles.
50. Because of the significant impacts on motorized recreationists that are being proposed as part of the Sequoia National Forest and because of the significant cumulative effect on motorized recreationists of all past and reasonably foreseeable motorized closures, the proposed action is beyond the scope of an environmental assessment and an environmental impact statement must be prepared.
51. Specific references from the new National OHV Policy that must be adequately addressed include:

Existing – The unit or district restricts motor vehicles to “existing” routes, including user-created routes which may or may not be inventoried and have not yet been evaluated for designation. Site-specific planning will still be necessary to determine which routes should be designated for motor vehicle use.

For many visitors, motor vehicles also represent an integral part of their recreational experience. People come to National Forests to ride on roads and trails in pickup trucks, ATVs, motorcycles, and a variety of other conveyances. Motor vehicles are a legitimate and appropriate way for people to enjoy their National Forests—in the right places, and with proper management.

We are a locally supported association whose purpose is to preserve trails for all recreationists through responsible environmental protection and education.

To create a comprehensive system of travel management, the final rule consolidates regulations governing motor vehicle use in one part, 212, entitled "Travel Management." Motor vehicles remain a legitimate recreational use of NFS lands.

52. A reasonable goal for the split of trails should be 50/50 motorized/non-motorized. Remember that 25:1 motorized/non-motorized is justified based on actual usage. The proposed plan is way out of balance with the split of routes meeting the definition of a motorcycle or ATV trail. We request that a more reasonable proposal be developed.
53. The thousands of motorized recreationists that use the existing network of motorized routes should not be displaced for a handful of non-motorized recreationists that use these routes yet this is exactly what is proposed. Preferential treatment for non-motorized recreationists must cease and mitigation for past motorized closures must be implemented.

Issue:

Given the evidence in support of continued use of existing motorized routes and the need for additional motorized routes, the extent of the motorized closures in the proposed alternative is clear evidence that the agency is predisposed to motorized closures despite the needs of the public and the facts.

Issue:

Forest Service and BLM law enforcement has taken the position that OHVs cannot legally ride on roads unless the road is designated dual-use. Cumulative decisions have closed OHV trails to the point that there is not an inter-connecting network of routes. At the same time, the agencies have not designated a functional network of dual-use routes to inter-connect to OHV routes. Dual-use is essential for the family OHV experience. Therefore, these closure decisions are forcing the OHV recreationists to ride non-designated dual-use routes illegally. The proposed action must include these designations in order to provide a network of OHV routes with inter-connections, where required, using dual-use roads in order to be functional. This will allow OHV enthusiasts to operate legally on BLM and Forest roads. We request that a system of dual-purpose roads, and OHV roads and trails that interconnect be one of the primary objectives of the travel management plan and that this objective be adequately addressed in the document and decision. The issue of speed can be adequately and easily addressed by specifying maximum speeds and signing.

Issue:

The summary dismissal of dual-use designations is neither reasonable nor acceptable per NEPA requirements. Dual-use of routes is a significant issue to us because OHVs cannot use the limited trail system provided by the proposed alternative without traveling on forest roads. In other words, this part of the proposal alone renders the entire the project area off-limits to OHV use. This outcome is not a reasonable solution for a travel plan and we request that the issue and need be adequately addressed and a revised proposal developed.

Issue:

It is not reasonable to assume that dual-use designation can be addressed after the travel planning decision is made because that has never happened in our region.

Issue:

We are a locally supported association whose purpose is to preserve trails for all recreationists through responsible environmental protection and education.

No dual-use designations means that family oriented OHV recreation in the area will be eliminated. Family OHV recreation is extremely important to us and the southern area of the project provides an ideal setting for family use with fairly easy routes located away from busy traffic areas and vista points. We request that dual-use or unrestricted width trail designation be used for all of the motorized routes except single-track trails.

Issue:

Without the dual-use designation, the proposed action would transform family OHV trips from a healthy family oriented recreation to an illegal activity. This is not a reasonable nor acceptable outcome.

Issue:

The continual closure of motorized trails has forced OHVs to be operated on forest roads in order to provide a reasonable system of routes and to reach destinations of interest. The lack of dual-use designations on forest roads then makes OHV use on these routes illegal. The cumulative negative effect of motorized closures and then combined with the lack of a reasonable system of roads and trails with dual-use designation have not been adequately considered in past evaluations and decision-making. We request that all reasonable routes be designated for dual-use so that a system of roads and trails can be used by motorized recreationists. Additionally, we request that the cumulative negative effect of all past decisions that have adequately considered dual-use designations be evaluated and considered in the decision-making and that this project include an adequate mitigation plan to compensate for inadequate consideration in the past.

Issue:

In many cases illegal trails are created in response to the lack of adequate motorized opportunities. If there were an adequate number of OHV trail systems, then the need to create illegal trails would be greatly diminished. Therefore, the catch-22 of the closure trend is that in the end it feeds the illegal activity. In other words, it would be a more advantageous and equitable situation to pro-actively manage motorized recreation.

Issue:

While we support the 2005 Forest Service designated route rule, we are very concerned that, as currently implemented, it discriminates against motorized recreationists. The designated route rule requires motorized recreationists to identify and defend the use of every route that they would ever hope to use during their lifetime by involvement in a very complicated travel planning process in a very limited time frame (http://www.fs.fed.us/recreation/programs/ohv/travel_mgmt_schedule.pdf , http://www.fs.fed.us/recreation/programs/ohv/letter_plus_attachment.pdf , http://www.fs.fed.us/r3/sfe/Travel%20Mgt/route_designation_guide.pdf). The route designation process requires that a Montana resident who might plan to visit another corner of the state or other states be involved and provide documentation of those routes in order to enjoy them at some time in the future. Documenting and being involved in the number of actions and schedule referenced above is an impossible effort for individual motorized recreationists. Additionally, a national level motorized group capable of taking on this level of involvement does not exist. At the same time, non-motorized recreationists are not held to the same standard. Non-motorized recreationists can simply do nothing and reap the benefit of gaining trails closed to motorized recreationists by the route designation process. Therefore, the route designation process and travel planning actions must include an effective mitigation process that will meet the requirements of the designated route rule

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and not put an unreasonable burden on motorized recreationists. The following comments include many suggestions on how the needs of motorized recreationists can be determined by the agency including the reasonable alternative of employing an adequate number of OHV enthusiasts on NEPA compliance, planning, design, and maintenance teams. We request that the process include an adequate mitigation process to address this issue.

Issue:

The BLM has only addressed less motorized access and less motorized recreational opportunities. The alternatives formulation and decision-making must adequately recognize and address the fact that the majority of the public visiting the project area want more motorized access and motorized recreational opportunities.

Issue:

The existing level of motorized access and recreation cannot be dismissed because it is only associated with the No Action Alternative. The existing level of motorized access and recreation is reasonable alternative and an alternative other than No Action must be built around it.

Issue:

A reasonable alternative that must be adequately addressed is the existing level of motorized recreational opportunities plus mitigation projects to protect the environment from existing problem areas, mitigation for past motorized closure cumulative effects, and enhancement for growth.

Issue:

It is not environmentally and socially responsible to squeeze motorized recreationists into the small possible numbers of areas and routes, yet this is the goal being pursued by the Sequoia National Forest. There is also a significant public safety aspect associated with squeezing everyone into a small area as accidents will increase with too many motorized recreationists on too few routes. We request that these significant issues be adequately addressed.

Issue:

NOTE: SIMILAR STATISTICS NEEDED FOR THE WESTERN OREGON PLAN REVISIONS. PROVIDED AS AN EXAMPLE.

The typical use of public lands and the typical needs of the public in our region are described on Table 2-7 in the Social Assessment of the Beaverhead-Deerlodge National Forest dated October 2002 (http://www.fs.fed.us/r1/b-d/forest_plan/revision/reports_documents/social/Forest%20Social%20Assessment%20Masterfinal%20.pdf). This document reported that the total number of forest visitors in Forest Service Region 1 for year 2000 was 13,200,000. The total number of wilderness visits was estimated at 337,000 or 2.55% ³. Therefore, millions of visitors to public lands (nearly all at 97.45%) benefit from management for multiple-use and benefit from motorized access and mechanized recreational opportunities which are consistent with our observations of visitors enjoying motorized access and mechanized recreation on public lands.

³ It is revealing that this report chose to present and emphasize wilderness visits which were the minority statistic at 2.55% and ignore the fact that the overwhelming majority of the visitors (97.45%) are multiple-use and, therefore, the greatest need is for multiple-use recreational opportunities. This is an example of a predisposition in the presentation of the facts that has crept into the recreation resource allocation process.

An important note, agency planning staff has overlooked one important aspect of the visitor use data. The visitor use data cited above is based on a percent of the total population. However, the percent of the total population visiting our public lands is a fraction of the total population. Public lands should be managed for those people that actually visit them. We request that this adjustment be made in this evaluation.

The total number of individuals that visit our national forests is about 56 million (personal communication Don English, National Visitors Use Monitoring Program, Forest Service, November 29, 2005). Our total U.S. population is about 286 million (2000 Census Data). Therefore, only about 20% (56 million/286 million) of the total U.S. population actually visits our national forests. This number needs to be used as the denominator (baseline) for total forest visitors.

Forest Service Chief Dale Bosworth recognized the true popularity and magnitude of motorized recreation in his January 16, 2004 speech which stated “Off-highway vehicles, or OHVs, are a great way to experience the outdoors. But the number of OHV users has just gotten huge. It grew from about 5 million in 1972 to almost 36 million in 2000.” We agree with the Forest Chief that 36 million is a significant number of recreationists. Additionally, the USDA Southern Research Station has recently validated the growing popularity of OHV recreation in their Recreation Statistics Update Report No. 3 dated October 2004 (<http://www.srs.fs.usda.gov/trends/RecStatUpdate3.pdf>). This document reports that the total number of OHV users has grown to 49.6 million by the fall 2003/spring 2004. Based on the 2000 estimates OHV and motorized recreationists are about 64% of the population that actually visits the forest (36 million / 56 million).

This is further substantiated on page 9 of a report prepared by National Survey on Recreation and the Environment (NSRE 2000) titled Outdoor Recreation Participation in the United States (<http://www.srs.fs.usda.gov/trends/Nsre/summary1.pdf>) which asks the question “During the past 12 months. Did you go sightseeing, driving for pleasure or driving ATVs or motorcycles?” The percent responding “Yes” was 63.1% and the total number in millions was estimated at 130.8 million.

Additionally, the Southern Research Station in their report Off-Highway Vehicle Recreation in the United States, Regions and States (http://www.fs.fed.us/recreation/programs/ohv/OHV_final_report.pdf) determined that of the total U.S. population in the West 27.3% participated in OHV recreation and or 3,709,000 individuals.

These surveys and data demonstrates the significant popularity of motorized and OHV recreation and the tremendous public support and need for motorized and OHV recreational opportunities. We maintain that motorized recreationists are the main group of visitors out of the total population of visitors to the national forest visiting the forest 5 or more days per year. The needs and support of motorized recreationists must be adequately addressed in this planning effort by preserving all reasonable existing motorized recreational opportunities. This planning effort must also adequately address the increasing popularity by creating new motorized recreational opportunities.

Issue:

The Southern Research Station in their report Off-Highway Vehicle Recreation in the United States, Regions and States (http://www.fs.fed.us/recreation/programs/ohv/OHV_final_report.pdf) determined that out of the total population in West 27.3% participated in OHV recreation and or

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3,709,000 individuals participated in OHV recreation. These numbers demonstrate the immense popularity of OHV recreation. These numbers demonstrate that there are not enough existing motorized recreational opportunities. These numbers demonstrate that the agency's motorized closure trend is contrary to the needs of the public. The magnitude of the number of motorized recreationists is real. The misrepresentation of visitor numbers must be discontinued. Proper emphasis must be given to motorized recreation. Additionally, the agency must understand and accept that many motorized recreationists do not participate in the NEPA process. Therefore, the agency should not be driven by the number of perceived participants and comments received. As originally envisioned and stated in law, the NEPA process should be driven by issues and needs and motorized recreationists have significant issues and needs. Motorized recreationists believe and hope that the Forest Service as a public agency will look out for their issues and needs in an even-handed way. In other words, the agency must not be overly influenced by the comment writing and legal campaigns of organized non-motorized groups and adequately emphasize the needs of lesser organized and funded motorized recreationists. The travel plan must address the needs associated with the numbers and popularity of at least 3,079,000 motorized and OHV recreationists by providing for adequate motorized recreational resources.

Issue:

The agency should bolster its legal staff by retaining private law firms to defend their multiple-use land management decisions.

Issue:

NOTE: SIMILAR STATISTICS NEEDED FOR THE WESTERN OREGON PLAN REVISIONS. PROVIDED AS AN EXAMPLE.

Access to and use of public land should be the highest of priorities for multiple-use lands. However, current decision-making is out of touch with these priorities. The minority interests (non-motorized recreationists) are recipients of new recreational opportunities with each decision while the majority interests (motorized recreationists) lose opportunities with each decision. The evaluation and decision-making must take into account that the total area of the Sequoia National Forest equals 1,094,000 acres and out of that total 591,000 acres or 54% is already designated wilderness. The forest plan for the Sequoia National Forest identifies (inappropriately) that roadless areas, even though they are designated multiple-use lands, will be largely managed as non-motorized. Therefore, this ratio could be even more lopsided toward non-motorized opportunities at 77% assuming that defacto wilderness areas including 346,000 acres of roadless areas are largely managed for non-motorized recreation. We maintain that the management of all of the remaining 503,000 congressionally designated multiple-use acres (including roadless) or 46% of the forest should be for multiple-uses. Every multiple-use acre must remain available for multiple-uses in order to meet the needs of 97% of the public who visit the Sequoia National Forest for multiple-uses. Every reasonable multiple-use acre must remain available for multiple-uses in order to maintain a reasonable balance of opportunities. The proposed plan must not meet the basic needs of the public for multiple-use opportunities, a proper allocation of multiple-use recreation opportunities and the laws requiring multiple-use management of these lands.

Issue:

There simply is no justification for creating more wilderness or defacto wilderness areas on our forests. If forest management continues to allow anti-access groups to use the travel planning process to further their agendas the travel plan will certainly fail! It should not be the purpose or

intent of the travel planning process to exclude OHV travel or to crowd these users into small areas. To do so will produce unacceptable impacts on the forest and ultimately result in inappropriate use brought on by the travel plan itself.

Issue:

Additionally the decision must consider that non-motorized recreationists have the opportunity to go not only to designated wilderness areas but anywhere while the opportunities for motorized recreationists are limited to designated routes in a small portion of multiple-use areas.

Issue:

NOTE: SIMILAR STATISTICS NEEDED FOR THE WESTERN OREGON PLAN REVISIONS. PROVIDED AS AN EXAMPLE.

The current allotment of recreation resources on all Forest Service lands is way out of balance with 44,919,000 acres out of 192,300,000 acres or 24% in wilderness designation while no more than 2.55% of the visitors are wilderness visitors. Designation as wilderness is further out of touch with the needs of the public because recreation is not a stated purpose of the wilderness act and, therefore, recreation in wilderness area can not and should not be emphasized. Note that we could oppose any recreation development in wilderness areas in retaliation to non-motorized groups that go after our recreation opportunities but we have chosen not to do so. Recreation is a stated purpose in the multiple-use laws and, therefore, should be emphasized in the purpose and action.

Issue:

NOTE: SIMILAR STATISTICS NEEDED FOR THE WESTERN OREGON PLAN REVISIONS. PROVIDED AS AN EXAMPLE.

If Roadless acres are included in this total, it becomes even more unbalanced with at total of 103,437,000 acres or 54% in wilderness or roadless designation while only 2.55% of the visitors are wilderness visitors.

Issue:

NOTE: SIMILAR STATISTICS NEEDED FOR THE WESTERN OREGON PLAN REVISIONS. PROVIDED AS AN EXAMPLE.

The evaluation must adequately consider and address the fact that motorized access to the national forest is relatively limited as shown by the miles of roads versus the number of acres in the following table. The miles and percentage of non-motorized trails is excessive compared to the use that they receive and this does not consider the endless cross-country opportunities that available to non-motorized recreationists. The total route opportunity available to non-motorized recreationists is 510,575 miles, the total miles of exclusive non-motorized trails are 93,088 or 75% of the existing total. The miles of non-motorized cross-country opportunity are infinite.

The total miles of roads open to motorized recreationists are 286,445 and the total miles of trails open to motorized recreationists are 31,853 or 25% of the existing total. The cross-country miles are or will be shortly equal to zero. Therefore, the overall allocation of non-motorized versus motorized access and trail riding opportunities in the national forest system is way out of balance with the needs of the public for motorized access and the recreational needs of motorized recreationists.

Furthermore, we request that the data in the next two tables be updated to reflect the significant reduction in miles of roads and motorized trails that decisions have produced since this data was

assembled. This revised data should be used to guide the decision-making to forest plan and travel plan alternatives that adequately meet the needs of the public by increasing motorized recreational opportunities in the national forest system.

Region:	Forest:	District:	NFS Acres:	Current Status:	Projected Date for Designation:	Existing NFS Roads:	Existing NFS Roads Open to Motor Vehicle Use:	Existing NFS Trails:	Existing NFS Trails Open to Motor Vehicle Use (Single-Track):	Existing NFS Trails Open to Motor Vehicle Use (Country Motor Vehicle Use):	Acres Currently Open to Cross-Country Motor Vehicle Use:
			Totals			385,634	286,445	124,941	31,853	15,526	65,887,245
						Miles of Open Road per Square Mile =	0.74				
						Total Roads and Trails Open to Non-Motorized Use, Miles =	510,575				
						Non-Motorized Trails, Miles =	93,088				
						Non-Motorized Trails, % =	74.51%				
						Motorized Trails, miles =	31,853		15,526		
						Motorized Trails, % =	25.49%				
						Trails Open to Motorcycles %			12.43%		
						http://www.fs.fed.us/recreation/programs/ohw/					
						http://www.fs.fed.us/recreation/programs/ohw/travel_mgmt_schedule.pdf					

Issue:

NOTE: SIMILAR STATISTICS NEEDED FOR THE WESTERN OREGON PLAN REVISIONS. PROVIDED AS AN EXAMPLE.

The evaluation must adequately consider and address the fact that motorized access to the national forest in Region 5 is relatively limited as shown by the miles of roads versus the number of acres in the following table. The miles and percentage of non-motorized trails is excessive compared to the use that they receive and this does not consider the endless cross-country opportunities that available to non-motorized recreationists. The total route opportunity available to non-motorized recreationists in Region 5 is 63,006 miles, the total miles of exclusive non-motorized trails are 11,361 or 75% of the total existing miles of trail. The miles of cross-country opportunity are infinite.

The total miles of roads open to motorized recreationists are 37,541 and the total miles of trails open to motorized recreationists are 3,700 or 25% of the total existing miles of trail. The miles of cross-country opportunity are or will be shortly equal to zero. The total miles of single-track trail open to motorcycles is 1,889 or 13% of the available miles of trails. Therefore, the overall allocation of non-motorized versus motorized access and trail riding opportunities in Region 5 is way out of balance with the needs of the public for motorized access and the recreational needs of motorized recreationists.

Region	Forest	District	NFS Acres	Current Status	Projected Date for Designation	Existing NFS Roads	Existing NFS Roads Open to Motor Vehicle Use	Existing NFS Trails	Existing NFS Trails Open to Motor Vehicle Use	Existing NFS Trails Open to Motor Vehicle Use (Single-Track)	Acres Currently Open to Cross-Country Motor Vehicle Use
5	Angeles	All	663,000	Existing	12/7/2006	989	692	648	60	0	0
5	Cleveland	All	420,877	Open	12/8/2006	416	298	360	36	2	410,000
5	Eldorado	All	604,391	Existing	12/7/2006	2,653	2,527	1,466	261	226	0
5	Inyo	All	2,015,119	Open	12/8/2006	2,690	2,688	1,242	2	1	1,415,056
5	Klamath	All	1,690,000	Open	11/8/2006	4,594	3,735	1,130	420	420	1,276,000
5	Lassen	All	1,488,295	Open	6/8/2006	3,668	3,393	732	75	75	1,163,139
5	LosPadres	All	1,780,000	System	12/6/2006	1,160	350	1,204	153	116	0
5	LakeTahoeBasinMU	All	153,000	System	7/7/2006	241	216	278	22	22	0
5	Mendocino	All	913,306	Existing	12/7/2006	2,686	1,557	561	252	173	0
5	Modoc	All	1,663,401	Open	9/8/2006	4,883	4,766	178	0	0	1,569,652
5	Plumas	All	1,203,414	Open	9/8/2006	4,277	625	275	7	0	1,153,078
5	SanBernardino	All	676,686	Existing	7/7/2006	1,238	1,178	544	42	6	0
5	Sequoia	TR/HS/Hume	529,597	System	12/7/2006	925	585	388	20	20	0
5	Sequoia	KernRiver	645,968	Open	9/8/2006	694	530	664	455	406	223,608
5	Shasta-Trinity	All	2,100,000	Open	9/9/2006	6,597	5,194	1,373	554	5	239,175
5	Sierra	All	1,311,913	Open	9/8/2006	2,500	2,200	1,207	0	0	600,000
5	SixRivers	All	992,556	Open	9/8/2006	2,446	2,109	252	22	21	883,643
5	Stanislaus	Cal/Groveland	628,650	Open	9/8/2006	2,587	2,266	711	321	107	623,650
5	Stanislaus	Summit	269,350	System	7/7/2006	336	264	529	19	0	0
5	Tahoe	All	1,193,095	Open	9/8/2006	2,365	2,368	1,319	979	289	959,095
Totals			20,942,618			47,945	37,541	15,061	3,700	1,889	10,516,096
						Miles of Open Road per Square Mile =		0.78			
						Total Roads and Trails Open to Non-Motorized Use, Miles		63,006			
						Non-Motorized Trails, Miles =		11,361			
						Non-Motorized Trails, % =		75.43%			
						Motorized Trails, miles =		3,700		1,889	
						Motorized Trails, % =		24.57%			
						Trails Open to Motorcycles %		12.54%			
http://www.fs.fed.us/recreation/programs/ohv/											
http://www.fs.fed.us/recreation/programs/ohv/travel_mgmt_schedule.pdf											

Issue:

NOTE: SIMILAR STATISTICS NEEDED FOR THE WESTERN OREGON PLAN REVISIONS. PROVIDED AS AN EXAMPLE.

Additionally, specific NVUM data for the Sequoia National Forest shows that there were 2,067,000 total site visits to the forest and only 13,000 wilderness visits

(http://www.fs.fed.us/recreation/programs/nvum/revised_vis_est.pdf). Therefore, wilderness visits in the Sequoia National Forest are only 0.63% of the total visits yet past decisions by the Sequoia National Forest have produced both a disproportionately large and an increased number of recreation opportunities for non-motorized and wilderness visitors and at the expense of the multiple-use and motorized visitors. The remaining 99.37% of the visitors are for the most part associated with multiple-uses. The public votes by how they use the forest, and more motorized access and recreation is what they are asking for with every visit regardless of whether they provide comments in a cumbersome NEPA process.

Issue:

We are a locally supported association whose purpose is to preserve trails for all recreationists through responsible environmental protection and education.

We recognize the desire for a quiet experience in the forest as a legitimate value. To varying degrees, we all visit the forest to enjoy the natural sounds of streams, trees, and wildlife. Forest visitors who require an absolutely natural acoustic experience in the forest should be encouraged to use the portions of the forest which have been set aside for their exclusive benefit where they are guaranteed a quiet experience, i.e, wilderness areas.

Given the demonstrated underutilization of existing wilderness areas, we conclude that there are few quiet visitors even though they make a lot of noise at Forest Service meetings. Given that vast areas of our forests have been set aside for the exclusive benefit of this tiny group of quiet visitors, it is not reasonable to set aside more areas and trails for their needs.

Issue:

NOTE: SIMILAR STATISTICS NEEDED FOR THE WESTERN OREGON PLAN REVISIONS. PROVIDED AS AN EXAMPLE.

Based on our estimate that 41% of the visitors are OHV recreationists, we estimate using the NVUM data for total visitors that the total number of OHV visitors to the Sequoia National Forest is $847,470 = (2,067,000 \times .41)$.

Issue:

NOTE: SIMILAR STATISTICS NEEDED FOR THE WESTERN OREGON PLAN REVISIONS. PROVIDED AS AN EXAMPLE.

Based on past decisions in the Sequoia National Forest, it looks like the unstated objective of the Sequoia National Forest is to manage at least 100% of the forest as wilderness or defacto wilderness even though the NVUM shows that at least 99% of the visitors can be characterized as multiple-use visitors that need and want motorized access and/or motorized recreation.

Congress has designated 54% of the Sequoia National Forest as wilderness and designated the remaining 46% for multiple-uses (http://roadless.fs.fed.us/documents/feis/data/sheets/acres/appendix_forest_acres.html). The Sequoia National Forest Travel Plan must not be yet another action that is contrary to the needs of the public and the directions given by congress. Where will all of the motorized closure proposals end? We know the answer and it is “permanently eliminated” unless the inappropriate direction and actions being pursued are corrected. While the agency’s have a responsibility to self-correct, that self-correction is not happening. We request that the correction begin with this action.

Issue:

In addition to the studies cited above, we have observed that 97% of the visitors to multiple-use areas are enjoying multiple-use activities based on motorized access and motorized recreation.

TOTAL ANNUAL OBSERVATIONS ON MULTIPLE-USE PUBLIC LANDS 2-Nov-06

Date	Motorized Access (Note 1)	OHV/Snow	FWD/WoodC	MTN Bike	Equestrian	X-C Skiers	Hikers / Runners	General ArealComment	Vehicles at Hiking Trailhead (Note 2)	National Forest
1999	5	342	37	11	10	0	25	See specific years and notes below	0	
2000	11	223	49	26	3	7	15	See specific years and notes below	0	
2001	433	425	58	28	36	3	12	See specific years and notes below	15	
2002	626	499	87	72	23	7	23	See specific years and notes below	46	
2003	904	651	17	66	18	10	27	See specific years and notes below	26	
2004	869	571	62	21	13	19	11	See specific years and notes below	35	
2005	1,322	847	89	38	29	6	20	See specific years and notes below	80	
2006	990	655	55	21	7	0	35	See specific years and notes below	18	
Column Total	5,160	4,213	454	283	139	52	168		220	
Total Observations on Multiple-Use Lands									10,469	
Mechanized Total				10,110	Non-mech Total		359			
Mechanized %				97%	Non-Mech %		3%			

Note 1: Motorized access counted as vehicles being used for **fishing only** in 1999. Counted as vehicles (not occupants) which under-estimates actual motorized visitors.
 Note 1: Motorized access counted as vehicles being used for **fishing and hunting only** in 2000. Counted as vehicles (not occupants) which under-estimates actual motorized visitors.
 Note 1: Motorized access counted as vehicles being used for fishing, hunting, sightseeing, picnicing, dispersed camping, rock climbing, and wildlife viewing not counted in other categories from 2001 forward. Counted as vehicles (not occupants) which under-estimates actual motorized visitors.
 Note 2: Vehicles at hiking trailhead from 2001 forward are shown to demonstrate magnitude of use but are not counted because they are not visiting multiple-use

Our observations of recreationists on multiple-use public lands from 1999 through 2006 is summarized in the table above (yearly data sheets available upon request) and demonstrates that out of 10,469 observations, 10,110 recreationists or 97% of the visitors were associated with motorized access and multiple-uses. Additionally, of the total number of people visiting public lands, 40% (4,213 / 10,469) were associated with OHV recreation. **Furthermore, and most importantly, out of the 4,381 (4,213 + 168) visitors that we observed using trails, 4,213 or 96% were OHV recreationists and 168 or 4% were non-motorized recreationists (25:1 motorized versus non-motorized).**

Therefore, nearly all (95 - 97.45%) visitors to public lands benefit from management for multiple-use and benefit from motorized access and mechanized recreational opportunities which are consistent with our observations.

Therefore, over 97% of the public land should be managed for multiple-uses including motorized access and mechanized recreation. However, over 50% of the public land is managed by wilderness, wilderness study area, national park, monument, roadless, non-motorized area, wildlife management, and other restrictive management criteria that eliminates most or all motorized access and motorized recreation. The Final Roadless Rule published on January 5, 2001 (http://roadless.fs.fed.us/documents/rule/roadless_fedreg_rule.pdf) specifically stated “The proposed rule did not close any roads or off-highway vehicle (OHV) trails”. The agency must honor this commitment.

Therefore, all (100%) of the remaining public lands including roadless areas must be managed for multiple-uses in order to avoid further contributing to the excessive allocation of resources and recreation opportunities for exclusive non-motorized use.

Issue:

There is a serious inaccuracy between the agency's representation of motorized versus non-motorized trail use and actual trail use that must be resolved. The routes in the project area are predominantly used by motorized recreationists. We see this actuality every weekend. Site specific trail use observations such as ours must be used and will easily justify motorized use of all existing routes.

Issue:

The agency does not observe visitors on weekends and holidays and consequently is unaware of actual visitor usage. The agency simply needs to go out and count the different recreationists and mode of access on multiple-use lands on any weekend. This is what we have done and our data is an accurate representation of actual visitor usage on multiple-use lands. Additionally, the public votes by how they use the forest, and our observations document that more motorized access and recreation is what they are asking for with every visit.

We are quite confident that if agency staff rode a dual-sport motorcycle and hiked around the forest on multiple-use roads and trails during the weekends and recorded their observations that they could duplicate this data and the conclusions found in the table above. We feel very strongly that the current approach and data used by the agency to represent the historic public use of multiple-use lands does not provide an accurate representation and that the table of observations above is a more reasonable representation.

Issue:

Out of the 10,469 recreationists that were observed, 168 were hikers and all of the meetings were pleasant. We have not experienced any user conflict in eight years of observations.

Issue:

Telephone or other off-trail surveys to establish the percent of visitors who are hiking are inaccurate because everyone will respond that they "hike" but it may only be from the tent to the outhouse or a ¼ mile out in a meadow. Surveys have not established whether the respondent actually hikes any appreciable distance or uses a specific route. Surveys based on actual observations of activity in the field are a far more accurate determination. Surveys must ask how far did you hike, how long did you hike, and did you use a trail? Once accurate survey information is compiled then it will establish that the majority of hiking experiences are less than 1 mile and that many hikes do not involve trails. This accurate information must be developed immediately and hiking trails should be reduced to meet the factual level of need and use.

Issue:

A poll conducted by the BlueRibbon Coalition

(http://www.sharetrails.org/uploads/PL/GMUG/GMUG_Survey_Key_Findings.pdf) found that the public widely opposed any further any further reductions in recreational access to the national forest. "Fully 73% of local residents say the Forest Service should not reduce public access on local

National Forests. Sportsmen are particularly opposed, as 81% of the hunters and 76% of the anglers say the Forest Service should not change regulations to reduce access or increase roadless areas.”

Issue:

Surveys conducted by Citizens for Balanced Use (CBU) in Bozeman show that motorized users travel on average 50 miles per day per visit to our public lands while non-motorized travel on average 2 miles per day per visit. The quality experience of motorized recreation requires on average 25 times the amount of trail that non-motorized users require. The result of this survey shows a definite need of more trails being provided for the motorized community yet the Forest Service is continuing to close trail after trail to motorized use. This action is unreasonable and should be considered unacceptable.

The ratio of motorized versus non-motorized trails should be 50 miles per day of use versus 2 miles per day of use or 25:1. Non-motorized side may say that the agency does not have an obligation to provide 25 times the miles of motorized trails. However, 95% of the visitors are motorized recreationists and the ratio of motorized versus non-motorized visitors is 95:5 or 19:1, so 25:1 is not an unreasonable goal.

Issue:

The number of NEPA actions is overwhelming. For example, each Bureau of Land Management and Forest Service jurisdiction publishes a NEPA Quarterly Report and there are typically at least 30 actions ongoing at any moment. We typically recreate in at least 5 to 6 Forest Service or BLM management areas. The number of NEPA actions at any moment that we would have to evaluate and comment on in order to be involved would total 150 to 180. Refer to Table 2 also. Recently the route designation process has added considerably to effort required. It is simply impossible for the public to comment on every road, trail, and NEPA document. If this is an over-arching strategy, then it is grossly unfair. It is not reasonable to expect working class citizens to comment on every NEPA action and the route designation that potentially affects them at some point during their recreation lifetime. At the same time, non-motorized recreationists can sit back and do almost nothing and reap the benefit of a system of almost automatic motorized closures. Basically, the current processes discriminate against the working class because they work at least 40 hours per and cannot dedicate anywhere near enough hours required to keep up with all of the travel planning and route designation processes currently on the table.

Issue:

The agency needs to emphasize data and real observations such as ours to establish public need and resources allocation versus paid representatives, attorneys, and form letter comments sent in by non-motorized groups because they are not an indicator of actual visitors to the project area. We ask that the evaluation and alternative development carefully consider the true needs of the public for multiple-use recreational opportunities as demonstrated by the references cited above and implement recreation resource allocation based on the large number of visitors that enjoy multiple-use and motorized recreational opportunities and the relatively small number of wilderness visitors.

Issue:

Resource allocation must include access to an equal number of quality recreational opportunities including alpine lakes, rivers, streams, and overlooks. We are not aware of any law that precludes motorized recreationists from enjoying equal access and allocation of the same resources that non-

motorized recreationists enjoy. Equal opportunity laws, case law precedents and agency guidance have clearly established that the goal for the agency should be equal opportunity for all visitor groups. Motorized recreationists should have a reasonable allocation of quality recreational opportunities but they do not under existing conditions and the disparity must not be worsened by the proposed action.

Issue:

In order to be equitable, recreational resource allocation between wilderness/non-motorized visitors and motorized/multiple-use visitors should be based on equal ratios. Indicator ratios should include acres of wilderness/non-motorized areas divided by wilderness/non-motorized visitors and miles of wilderness/non-motorized trails divided by number of wilderness/non-motorized visitors versus acres of motorized/multiple-use areas divided by motorized/multiple-use visitors and miles of motorized/multiple-use trails divided by number of motorized/multiple-use visitors using the number of multiple-use and wilderness visitors from the references cited above.

A reasonable approach to the assessment of equal recreational opportunity would use a comparison of acres and miles of trails per non-motorized visit versus acres and miles of trail per motorized visit. An equal number of acres and trail miles per visit should be the goal but the current management scheme is not achieving this goal. Clearly non-motorized visitors have a significant advantage in acres and miles of trail per visit at this time. Moreover, current management trends are creating more non-motorized acres and trails and significantly adding to the disparity. In order to be responsible to the public, we request that the preferred alternative address this disparity and reverse the trend by managing all of the project area as motorized multiple-use.

Issue:

We are very concerned that a built-in bias exists with visitor use monitoring data based on the fact that all wilderness visitors must sign-in in order to visit a wilderness area and at the same time there are no self-reporting opportunities for multiple-use visitors. Therefore, multiple-use visitor data does not exist because it is not collected or it is under-stated.

Issue:

The process used puts the average working class citizen at a great disadvantage. The process is inordinately confusing, cumbersome and intimidating to the members of the public who are not organized or experienced which is the majority of the public. The process is inordinately demanding of participation and has unreasonable expectations for the involvement of individuals and families. A 300+ page draft environmental document is too much for the general public to understand and participate in. Coupled with the current number of other ongoing actions shown in Table 2 the situation is overwhelming. The size of the environmental document is being used as a mechanism to overwhelm the public and allow the agency to effectively ignore the needs of the public for motorized access and motorized recreation. Council on Environmental Quality regulations for the proper implementation of NEPA can be found at http://ceq.eh.doe.gov/nepa/regs/ceq/toc_ceq.htm . Sec. 1502.7 Page limits. *The text of final environmental impact statements (e.g., paragraphs (d) through (g) of Sec. 1502.10) shall normally be less than 150 pages and for proposals of unusual scope or complexity shall normally be less than 300 pages.* The agency is ignoring the page limit guidance and the documents produced are way beyond what the public can process. Again, this completely baffles and intimidates the public. A lengthy, unmanageable document especially impacts motorized recreationists and multiple-use interests because we have everything to lose in

each action if we chose to ignore it while non-motorized recreationists can ignore the document and still have everything to gain.

Issue:

On top of the sheer volume is the fact that the document does not address the significant issues affecting motorized recreationists. Just because the public cannot digest all of this paper or understand the process does not mean that the agencies are free to ignore the needs of the public. NEPA never intended for the process to take away the quality of human life for individuals and families but because the process is so overwhelming it is doing just that. Given these conditions, it is not reasonable to expect the level of unorganized public and working class citizen participation to be high. Given these conditions, the needs of the overall public must be carefully determined. The most equitable alternative to meet the public's needs would be a reasonable multiple-use alternative.

Issue:

The results from most visitor use surveys do not directly or adequately reflect the importance of motorized access and mechanized recreation to the typical visitor to public lands. The importance and magnitude of motorized access and mechanized recreation is hidden and dispersed within a number of different categories including: viewing wildlife, birds, fish, etc. (motorized access); picnicking (motorized access); viewing natural features (motorized access); hunting (motorized access); fishing (motorized access); general/other (motorized access and mechanized recreation); driving for pleasure on roads (motorized access and mechanized recreation); hiking or walking (motorized access to trail heads); gathering mushrooms, etc.(motorized access); camping (motorized access); resorts (motorized access); visiting historic and prehistoric sites/areas (motorized access); nature study (motorized access); off-road vehicle travel (motorized access and mechanized recreation); downhill skiing (motorized access); cross-country skiing (motorized access); primitive camping (motorized access); backpacking (motorized access); visiting a nature center, etc. (motorized access); snowmobile travel (motorized access and mechanized recreation); motorized water travel (motorized access and mechanized recreation); other motorized activities (motorized access and mechanized recreation), horseback riding (motorized access); bicycling (motorized access and mechanized recreation); non-motorized water travel (motorized access); and other non-motorized activities (motorized access).

Issue:

Allowing travel up to 300 feet off of a designated route, both roads and trails, is an absolutely necessary opportunity for reasonable use of the area by the public. This access is needed for retrieval, woodcutting, and to reach dispersed campsites and the public's use of the area would be unreasonably compromised without this access. The use of this access can be qualified to restrict it in situations where it results in unreasonable resource damage.

Issue:

Dispersed campsites are very desirable camp sites. Closure of these sorts of dispersed campsites would have a very significant impact on the public and we request that they remain open. If water quality concerns are the basis for these closures, then there are reasonable alternatives to mitigate these concerns, such as allowing only self-contained camping units to use them. Additionally, a sense of magnitude needs to be applied when assessing the water quality impacts from camping. For example, it appears that cattle grazing along the stream have a much greater impact than any camp

site that we observed. Now don't get us wrong, we support all reasonable multiple-uses of the forest including cattle grazing. We are concerned that the incremental impacts on the public of closing dispersed camp sites are relatively significant while the real improvement to the environment will be relatively insignificant. Again, we request that all reasonable camp sites located along water courses remain open.

Issue:

If dispersed camp sites are to be closed based on water quality concerns, then we request that the decision include a water quality monitoring program to establish the baseline water quality prior to the closure of dispersed camp sites and continue that program after the closure to establish whether any significant water quality improvement was realized. The decision should also include a provision to re-open closed camp sites when no significant improvement in water quality was realized by the closure.

Issue:

In general there is a very high demand for camp sites and especially dispersed camp sites. If a dispersed camp site is closed, then we request that the closure be mitigated by creation of new camp sites on at least a 1:1 basis in order to avoid a significant cumulative effect on the public of too few camp sites.

Issue:

We are very concerned that the proposed plan tends to manage the forest as a national park and not as a national forest where multiple-use opportunities are sought in order to adequately meet the needs of the public. There is no mandate from Congress or the public to manage the project area as national park yet the proposed plan seeks to do that. We request that the project area including the semi-private areas, continue to be managed for multiple-use including motorized recreation.

Issue:

We read the recent KIPZ Forest Plan Revision Newsletter dated July 6, 2006 (http://www.fs.fed.us/kipz/documents/070606_kipznewsletter_issue9_color.pdf) and we are very concerned about the misleading statement made in the newsletter. Under the 4th bulleted item on page 1, the statement is made *Therefore, the Proposed Plan will not open or close roads or trails; it only identifies the desired motorized/non-motorized condition.* Based on our experience, if routes are proposed for closure or an area is designated for non-motorized used under the forest plan, then it is all but a done deal when travel planning comes along later. The public is not aware that the forest planning process effectively closes motorized routes. Therefore, the current forest planning process puts motorized recreationists at a disadvantage because of the lack of understanding about its role in the travel planning process and also, it puts motorized recreationists in disadvantage position of "double jeopardy", i.e. of having to protect motorized opportunities in both forest planning and travel planning processes. There are significant social and environmental justice impacts to motorized recreationists associated with this setting that must be addressed by this action.

Issue:

Timber harvests have included many motorized closures as associated actions. Many timber harvests such as those in the area of Treasure Mountain and Bison Mountain in HNF have had associated motorized closures that were done without adequately addressing the impact on

motorized visitors. Many of these motorized closures were done as a concession to those opposed to the timber sales and without input from motorized recreationists. Many of the closures and obliterations included historic travel ways used for exploration, mining, and travel since the pioneer days. Planning actions must adequately address these impacts and re-open the routes that were unfairly closed.

Issue:

Forests are a renewable resource and impacts associated with cutting units are relatively short-lived. Therefore, motorized routes that were closed due to timber harvests should be reopened (returned to pre-harvest condition) now because the vegetation and cover has been reestablished. However, most of the motorized closures associated with cutting units have been long-term. All forest planning and travel management planning actions must now evaluate all past motorized closures including road and trail obliterations done to mitigate wildlife security concerns as part of timber harvest. It is logical and fair that once the harvest area has been re-vegetated, then the motorized closures must be lifted. Additionally, the cumulative negative impact of these types of closure actions on motorized access and recreation must be adequately evaluated and mitigated by this action.

Issue:

The impact of OHV recreation on wildlife has been overstated by the agency and wildlife biologists. First, wildlife populations are at all time high (<http://www.mtstandard.com/articles/2005/11/30/outdoors/hjjeigjjcefjb.txt>) at the same time when OHV use is increasing. If there is any impact to be identified, it appears that it should be that the positive impact associated with increasing OHV use and increasing wildlife populations. Secondly, OHV use does not kill wildlife. Wildlife coexists just fine with OHVs. This was recently confirmed again by a study in Yellowstone Park which found that “Most elk, bison and trumpeter swans barely reacted last winter to the presence of snowcoaches and snowmobiles in Yellowstone National Park, according to a study released Tuesday. Scientists watched more than 2,100 interactions between over-snow vehicles and wildlife last year to try to determine how they responded. Of those, 81 percent of the animals had no apparent response or they looked and then resumed what they were doing, the study said” (http://www.helenair.com/articles/2005/12/14/montana/a10121405_04.prt and <http://www.nps.gov/yell/technical/planning/winteruse/plan/reports/winterrec05.pdf>).

It appears that the disturbance of wildlife by OHV issue including wildlife corridors is being exaggerated to further the conversion of multiple-use lands to non-motorized lands. The agency is encouraged to avoid road and trail closures based on wildlife concerns except where negative wildlife impact can be specifically identified and documented. Motorized use on existing trails has little or no verified effect on game animal welfare (see additional references provided in later sections). In fact, areas that have been more intensely visited by motorized visitors have experienced significant increases in wildlife populations; further substantiating the fact that motorized recreation does not create a significant impact on wildlife.

Issue:

Hikers and wolves impact wildlife more than OHV use yet hikers and wolves are unrestricted.

Issue:

Some interests are pushing the wildlife corridor concept as a reason to close areas to motorized use. We have not seen adequate documentation or reasoning to justify this position and suspect that it is

being used inappropriately as a reason to justify defacto wilderness by non-motorized interests. Significant issues must be answered before this concept can be given any credibility. Issues include:

1. Why would wildlife follow physically challenging basin divides where food and water is scarce versus other corridors? They don't. This is easily verified by open areas such as McDonald Pass or the jagged areas of the continental divide where we have never observed any significant number of wildlife crossings versus great numbers of wildlife crossings that we have observed in other areas that are more favored by wildlife.
2. There is no data or credible documentation that the continental divide or other basin divides are favored for wildlife migration. Especially theories that purport that wildlife will migrate from Mexico to Canada. This is counter to the types of habitat that different species require in order to survive. There is a significant lack of credible evidence to support the wildlife corridor hypothesis.
3. The lack of authorization or mandate from congress for this sort of designation and use of public land.
4. The socio-economic issues associated with the attempt to use the wildlife corridor concept to convert multiple-use lands to defacto wilderness.

Issue:

While Revised Statute 2477 was repealed by the 1976 National Forest Management Act, the revision clearly stated in the Act was to insure that no new roads from the effective date of the Act would be considered for RS 2477 consideration. It further clarified the historical highways would be honored. That is all that the Act modified or repealed.

Recently, Utah Counties were challenged in court for their actions similar to the challenge at Jarbidge Road in Nevada. The foundation in both cases is the fact that the Counties even without a charter form of government have the authority to exercise rights afforded to them by the federal government. Until the federal government completely repeals the 1866 Act, (Revised by the 1872 Act) in its entirety the citizens of the United States still have the right to access lands for the benefit of the people of the United States. The recent decision rendered by the 10th circuit re-affirms this (<http://www.kscourts.org/ca10/datefile/datefile.htm> look under 9-8-2005, and then 04-4071 - Southern Utah Wilderness Alliance v. Bureau of Land Management).

The court has ruled that the rights exercised by the counties would be valid if the routes in question were indeed 2477 classified. The county has records that show that the routes were there prior to the establishment of the 1976 NFMA and FLPMA and, are therefore, valid RS 2477 routes. Additionally, it is the responsibility of the agency proposing a closure action to adequately research those records and establish which routes meet RS 2477 classification and then consult and coordinate with the County with respect to that classification. Note that the Western Oregon project area includes many important RS 2477 routes. We request that this planning project include adequate research of the county records and adequate formal consultation and coordination with the county to get their input on RS 2477 routes.

Issue:

On August 16, 2006, a federal judge in Salt Lake City dismissed a decade old lawsuit designed to diminish or eliminate those public access rights. The lawsuit was filed in 1996 against the Bureau of Land Management in Utah by the Southern Utah Wilderness Alliance and the Sierra Club. In his

We are a locally supported association whose purpose is to preserve trails for all recreationists through responsible environmental protection and education.

ruling, the Utah District Court cited a 10th Circuit Court of Appeals decision. For info on that key decision please read: R.S. 2477: The Legal Battle Continues <http://www.sharetrails.org/magazine.cfm?story=705> . Joe Baird of the Salt Lake Tribune reports the news: Environmentalists: Court rules issue is settled, suit is moot http://www.sltrib.com/utah/ci_4194188

Issue:

Every planning action "re-invents" the line weights, color, and line styles for the different motorized and non-motorized road and trail designations. This is very confusing to the public and, once again, puts motorized recreationists at a disadvantage. A national mapping standard for travel planning actions must be developed starting with proposed action in order to address this inadequacy and the environmental justice issue associated with it.

Issue:

Road decommissioning funds should be used instead to maintain motorized trails. We suggest that this expenditure would benefit the public and environment in a more positive way and have a more positive environmental impact.

Issue:

We are working hard to convince OHV recreationists to "tread lightly". We have been informed that trails were closed because they "saw very little motorized use" as part of the BLM Sleeping Giant Travel Plan and Mormon Gulch timber harvest in the Beaverhead-Deerlodge National Forest. These actions would suggest that we should "power on" so that our tracks and usage are obvious. We think that it sets a bad precedent to close a route because it appears to see little use. It is not fair that motorized recreationists practice "tread lightly" principles and are then penalized for following that practice. Additionally, forces including cattle grazing, horses and wild animals, and rain quickly obliterate motorcycle tracks. We observed this condition again recently when the tracks of 7 motorcyclists that we observed using a single track trail were quickly erased with one light rain shower.

Issue:

If light use is being used as a criterion to close motorized routes, then it would also seem fair to convert non-motorized trails that see light use to motorized routes in order to address the concern of over-usage and shortage of motorized routes. We ask for your consideration of this reasoning.

Issue:

Because of the cumulative negative effects of the motorized closure trend, the recreational opportunities for motorized recreationists is dramatically being reduced to a limited number of motorized routes and the lesser used routes are becoming hard to find and, therefore, they must be considered invaluable to motorized recreationists. The level of use should also be evaluated along the logic that the most valuable motorized routes now days are the ones that are remote and see less use. Therefore, barely visible 2-track roads and single-track trails are invaluable to motorized recreationists and must be evaluated as such. Motorized recreationists are struggling to keep a reasonable spectrum of opportunities available and one piece of that spectrum are remote and lesser used routes. In a constantly losing scenario, every remaining motorized recreational opportunity is important to motorized recreationists.

Issue:

We were again reminded recently of the cumulative effects of all forms of closures that are impacting motorized recreationists. We recently visited a site in the Flint Creek Range that we have been visiting for years. In the past there has only been 1 other group camping in this area. This past weekend there were over 15 groups (over 100 motorized recreationists) camping in the area and most of them were from Missoula (70 miles one-way). When we asked some of them why they chose this area they responded that they did not have any where else to go in the immediate Missoula area and that the word was out on this particular area. This is happening in too many places and in the end the current closure trend will concentrate everyone in a few locations. We believe, that in the end, the current motorized closure trend will produce an undesirable experience for the forest visitor and for the environment. We respectfully submit that the current management trend of motorized closures at every opportunity is not in the best interest of the public and the environment in the long-term.

Issue:

The proposed action must not result in a disparity in the quantity of motorized recreational opportunities versus non-motorized recreational. The proposed action also must not result in a disparity in the quality of motorized recreational opportunities in comparison non-motorized recreational opportunities. Equal access laws also apply to motorized recreationists and provide for equal access to both an equal level of opportunities and an equal quality of opportunities. Our laws do not give non-motorized recreationists priority over motorized recreationists. Our laws also set the precedent that public facilities must be reasonably shared with one another.

Issue:

Motorized closures are being enacted incrementally and without adequate disclosure and consideration of the cumulative effects. Travel plans are created or revised every 10 years. If 25 to 50% of the existing motorized recreational opportunities are closed in each successive travel plan (a typical range), then over the course of 3 travel planning cycles or about 30 years in a given area, only 13 to 42% of the original motorized recreational opportunities will remain at the end of the third cycle. This trend is being ignored at all levels including the actions listed in Table 2. The plan for this project area does not recognize and address this trend. The management plan for the Western Oregon project area must adequately recognize and address this trend. The national planning policy does not recognize and address this trend. Therefore, this cumulative effect is being effectively ignored and that failure to notice will result in the ultimate loss of any meaningful motorized recreational opportunities and the creation of defacto wilderness from large blocks of multiple-use lands. *Facts do not cease to exist because they are ignored.*--Aldous Huxley. We ask that this significant negative cumulative effect on motorized recreationists be adequately recognized, evaluated and mitigated at all levels starting with this project.

Issue:

The project cannot be a success without a clear statement of the owners and the objective for the travel plan project. The owners of the travel plan project must be identified as the end users of the project, i.e. all of the public that relies on the project area for motorized access and recreational opportunities. The objective for the project should be "To meet the needs of the public for a functional network of motorized roads and trails for access and recreation with practical and reasonable consideration of the environment".

Issue:

Current planning projects typically add the number of miles of motorized trails closed to the current miles of non-motorized trails as a measure of the change in non-motorized recreational opportunity. However, current planning projects do not add the miles of roads closed by action to the miles of non-motorized trails. Non-motorized recreationists use roads that are closed and benefit from them because closed roads; are open to use by only non-motorized recreationists, are typically clear and easy to walk and bicycle, are covered with natural vegetation within a relatively short time and are quickly used as trails. When roads are closed to motorized recreationists, then they in reality become a non-motorized recreational resource and they must be disclosed as such.

Unfortunately this procedure has not been practiced to date and the miles of recreational resources have been understated in favor of non-motorized recreationists. All planning projects should disclose the added benefit to non-motorized recreational resources resulting from the closure of roads by adding the miles of closed roads to the miles of existing non-motorized trails. We request that this procedure be used by this project and all future agency projects. Additionally, we request that the cumulative negative impact on motorized recreationists resulting from this lack of adequate accounting be evaluated and adequately mitigated.

Issue:

The unstated but obvious goal or policy of the agency is to close as many recreational resources to motorized recreationists as possible. The trend to date of overall recreational opportunities (sum total) for motorized recreationists is a large negative amount. This cumulative effect is forcing motorized recreationists into a smaller and smaller resource base. The ultimate outcome of this unstated goal or policy will result in unreasonable impacts to both the natural and human environments. It is also an unreasonable policy or goal with respect to fair and equal treatment of motorized recreationists.

Environmental impacts are not unreasonable under the current conditions but environmental impacts will become unreasonable given the agency's current direction to close as many motorized recreational opportunities as possible and that divide will be crossed soon. Therefore, agency management actions are ultimately creating significant unnecessary negative impacts on both the natural and human environment. We are concerned that this unstated goal or policy is not in the best interest of protecting the natural or human environment and ask that goals and policies be modified to allow the public continued use of all reasonable access and recreational opportunities on all multiple-use lands.

Issue:

Agency planning including travel management projects should be a process to quantify and address the needs of the public for motorized access and motorized recreational opportunities. Instead, it is approached in just the opposite direction as a closure process that ignores the needs of the public for motorized access and motorized recreational opportunities. Every travel planning process listed in Table 2 has reduced motorized access and motorized recreation. A travel planning process has never resulted in increased recreational opportunities for motorized recreationists. The travel management process as currently practiced is not equitable because: (1) it does not adequately address the needs of the public for multiple-use recreational opportunities including motorized access and motorized recreation, and (2) it is deceptive to represent the process as a travel management process that will address the needs of the public when it is really just the opposite, i.e.,

a closure process that does not fairly and adequately address the needs of the public. We request that the process either be renamed to “Travel Closure Process” in order to end the deception of the public **OR** (as we strongly prefer) that the process be redirected to meet the needs of the public for a functional network of motorized roads and trails for access and recreation with practical and reasonable consideration of the environment.

Issue:

Idaho’s Trail Ranger program combined with cooperative management of National Forest lands provide over 9,000 miles of trail riding opportunities (<http://www.idahoparks.org/rec/ranger1.html>). This is provided as an example of the level of OHV programs and recreational opportunities that motorized recreationists need in each state and we ask that this project adopt a similar goal.

Issue:

The starting alternative proposed to eliminate motorized access and motorized recreational opportunities without first adequately addressing the needs of the public for motorized access and motorized recreation and without proper evaluation of facts and information. This procedure is evidence of a significant predisposition in the process.

Issue:

The negative social and economic impact experienced by motorized recreationists when motorized recreational opportunities do not exist in nearby public lands must be adequately evaluated and considered in the decision-making. This is especially significant now that fuel is over \$2.00 per gallon. These impacts include the complete loss of recreational opportunities and the cost of having to travel farther and farther in search of fewer and fewer motorized recreational opportunities in times of increasing travel costs. For example, the lack of adequate OHV systems in the Helena National Forest requires us to travel at least 180 miles to adjacent national forests and many more miles to other states including Idaho and Utah. A 180 mile roundtrip costs at least 3 hours and \$70 and that cost will increase substantially in the future. This added cost is a waste of time and energy resources and has not been adequately considered by the agency.

Additionally, OHV routes in adjacent forests are being reduced at an alarming rate and are compounding the cost in time and energy even further. We request the evaluation of the economic cost of fewer motorized recreation opportunities on motorized recreationists and the significant cumulative negative effect of all travel management decisions that contribute to these social and economic impacts on motorized recreationists.

Issue:

The different management plans being developed by the BLM and Forest Service are using generated, estimated and inadequate data to forward an agenda of eliminating access and motorized recreation from public lands. The economic impact of these closures will be devastating to small communities throughout the West. Models can be manipulated to predict any result. Economic models such as Implan should not be used when the input data is estimated and not factual or actual. Adequate effort must be exercised by the agencies to gather true on the ground data from businesses and individuals that use our public lands. We request that the economic analysis use actual local data to determine the true economic and social impact of proposed motorized access and closures on the public.

Issue:

While we respect other perspectives, one must also realize that the extreme ideals of the environmental groups such as the public should not be able to enjoy and use public lands, that everything should be wild, and that their use is the only reasonable use are not generally acceptable ideals for public policy nor are they supported by the laws. We are practical environmentalists who believe in a reasonable balance between the protection of the natural environment and the human environment and we believe that the laws are intended to support this ideal. Our position is to restore balance, practicality and fairness to the system.

Issue:

The existing level of access and motorized recreation is a reasonable starting position and alternative. An even fairer position given that this should be a travel plan seeking to address the needs of the public for motorized access and recreation would be an alternative based on an enhanced level of opportunity. However, a starting position of massive closures is completely unreasonable and tells us a lot about where the process is heading. It seems to be predisposed. This strategy is outrageous because it forces the public to fight to get every inch of motorized road and trail added back into the preferred alternative. This strategy is designed so that motorized recreationists are destined from the outset to lose big time. The damage has been done as we hear many people saying “what’s the point of participating, the process is rigged and the Forest Service has already made up its mind”. We request that this strategy be corrected by presenting a starting alternative that addresses the need for multiple-use access and recreational opportunities.

Issue:

The planning team should formulate an Alternative that maximizes all existing recreational opportunities, as well as anticipates and plans for an increase in recreational use in the future. None of the Draft Alternatives maximize recreational alternatives and most of them fail to provide adequate recreational opportunity to meet the current need.

Issue:

The agency must develop a true No Action alternative in compliance with NEPA and other planning regulations. The agency must formulate a lawful “No Action” alternative so that the public and decision makers may reasonably compare and contrast other management alternatives.

A No Action alternative is a vital component in assuring full public disclosure of all foreseeable direct, indirect, and cumulative environmental impacts of the project, and consistency with environmental and public involvement requirements of State and Federal laws, Executive Orders and policies. The twin goals of NEPA (to inform the public and disclose anticipated effects) are not met without a properly written and accurate No Action alternative.

An accurate No Action alternative provides for a clear, logical and comprehensive analysis process and disclosure of effects, both to the human environment and especially in this case, effects to visitors. An accurate No Action alternative is the prescribed way the agency discloses existing conditions of Federal lands and serves as a baseline for discussion of guidance and rationale for proposed changes to travel management direction and programs for implementation. Under the existing conditions motorized recreationists have a reasonable number of choices and variation of opportunities. Under most proposed conditions, motorized recreationists have a significantly reduced number and variety of opportunities. We do not want to be forced to go to the same place

over and over nor do we want to be squeezed out from public lands. Therefore, the No Action (existing condition) alternative must be accurately and reasonably evaluated.

Issue:

There is an increasing demand for OHV recreation opportunities on public lands. The BLM, Forest Service, as well as environmental groups, state and local governments and OHV and recreational access organizations have all acknowledged that many Land Use Plans woefully failed to anticipate the increased public demand for all types of outdoor recreation and related OHV uses. Additionally, and importantly, the Bureau of Land Management's National OHV Strategy states: "Motorized off-highway vehicle use on public lands administered by the Bureau of Land Management (BLM) has increased substantially in recent years. ... Some of [the factors contributing to growing OHV popularity] are:

- greater public interest in unconfined outdoor recreational opportunities;
- rising disposable income ...
- advances in vehicle technology
- the rapid growth of the West's cities and suburbs ...
- a population with an increasing median age with changing outdoor recreational interests.

This [growing OHV] popularity is evidenced by the fact that recreational enthusiasts are buying OHV's at the rate of 1,500 units per day nationwide, with nearly one-third of them doing so as first-time buyers." "[BLM's OHV] Strategy recognizes, as does policy outlined in BLM Manual 8340 (May 25, 1982), that off-road vehicle use is an 'acceptable use of public land wherever it is compatible with established resource management objectives.' As established by the Federal Land Policy and Management Act of 1976 (FLPMA), the BLM is required to manage public lands on the basis of multiple use and sustained yield, while protecting natural values. ... Motorized OHV use is now firmly established as a major recreational activity on BLM-administered public lands".

Unwisely, rather than work to accommodate the increased demand for OHV recreation, the BLM and Forest Service have frequently reacted by restricting OHV opportunities. But more importantly, opportunities to manage OHV use by developing OHV trail systems, marking roads and trails, providing usable maps, identifying OHV trails and systems and entering into cooperative management agreements with OHV user groups have, by and large, been ignored by most federal land managers. Although more pro-active management is clearly permissible within the existing management plans, a quick search on the BLM and Forest Service websites indicates that land managers more often choose to implement parts of their OHV policy associated with limitations and closures.

Suggestions:

- a) The agency cannot legitimately address increasing demand for OHV recreation opportunity by refusing to accommodate such demand. Alternatives must prudently provide for increased OHV recreation opportunities to meet current and anticipated demand.
- b) The planning team should look to individuals and user groups for assistance in identifying opportunities for OHV recreation.
- c) The planning team should develop management alternatives that allow for proactive OHV management. All alternatives should include specific provisions to mark, map and maintain existing

OHV opportunities. All alternatives should include instructions to engage in cooperative management with OHV groups and individuals.

d) Alternatives should include areas where OHV trails can be constructed and maintained when demand increases.

Issue:

When developing management alternatives the agency must recognize the public's desire to keep existing opportunities open.

OHV's are by far the most desired and utilized means to obtain solitude in nature. Most public land visitors strongly favor maintaining existing roads and trails open to disperse use and address environmental concerns regardless whether or not the road or trail is classified by the agency. The agency must recognize that providing for OHV use and protecting the environment means fully utilizing the inventory of existing roads and trails.

Suggestions:

a) The public wants the existing roads and trails left open to vehicle use.

b) The existing network of roads and trails in the planning area should be considered an inventory with which to develop recreational trail systems.

c) The Planning Team should look for management alternatives that provide for mitigation instead of closure. Options other than closure should be emphasized in each alternative.

d) Alternatives, or management guidance, directives etc that require closure as the first or only option when resource impacts are identified should be avoided.

e) The Planning Team should carefully consider displaced use. Assuming that closures are eminent in some areas, one could calculate approximately how much existing motorized will be displaced to other areas. The Planning Team should develop alternatives that allow for additional access and additional recreational opportunities in suitable areas in order to properly manage the displaced use.

f) The Planning Team should avoid overly restrictive management prescriptions that limit the land manager's ability to respond to changing recreational patterns.

Issue:

Agency managers seem to be directed to close as much public land as possible to motorized visitors by a top down management directive that is conflicting with the needs of the public for multiple-use access and recreational opportunities and contrary to the laws established by congress. Congress has not designated this area to be wilderness and existing congressional laws clearly intend for this area to be managed for multiple-uses. Why are legally designated multiple-use lands being managed for limited-use instead of multiple-use? The top down closure directive is in violation of the will of the people and in violation of congressional laws.

Issue:

Because of the excessive closures proposed, motorized recreationists are forced once again into a confrontational position with the agency in order preserve any sort of reasonable solution. This is not our choice and we are disadvantaged by being placed in this position. We would prefer to work collaboratively with the agency but once again the travel planning process is being approached as a "closure" process. We are concerned that this is a conscious strategy to put motorized recreationists, who are largely unorganized, at a disadvantage. We ask that this concern be adequately addressed and that significant changes be made to the procedures in order to eliminate this disadvantage.

We are a locally supported association whose purpose is to preserve trails for all recreationists through responsible environmental protection and education.

Issue:

All of the existing motorized routes are very important resources to us. For example, we have enjoyed trips to project area and these have usually been extended weekend trips that are special events for us. We have ridden over most of the open routes in the project area and have thoroughly enjoyed them but we could not accurately draw lines on a map to describe where we have been and what routes we want to remain open. We are puzzled by this requirement. We have never had to identify and inventory backpacking routes that we wish to remain open. Additionally, most motorized recreationists do not have the expertise or equipment required to provide a comprehensive inventory of roads and trails. We are very concerned about the burden and disadvantage that is placed on motorized recreationists by this procedure and we request that it be changed.

Issue:

We are very concerned that motorized recreationists must identify and inventory specific routes that we want to remain open. These resources are there now and they are being used by the public and in almost all cases, it is entirely reasonable type and level of use. Motorized recreationists should not have to identify and inventory motorized routes as part of the process. This is the work of the agency. No other visitor group is saddled with this requirement. Our concern is that the agency is using public involvement in a discriminatory way to establish which motorized routes will remain open. For example, the Forest Service has concluded that the level of use by motorcycles is low based on the level of public participation in the EA process. There is no actual data or comparison of motorcycle use to hiking use or direct discussion with motorized recreationists to substantiate this.

Issue:

We respectfully maintain that the agency can not establish the motorized routes to remain open based solely on formal written public input because the process did not have a high enough level of participation by motorized recreationists to develop meaningful input. Therefore, the needs of motorized recreationists are not adequately or accurately represented. Our comments submitted during the EA further explain why this condition exists but basically the process, as practiced, is overwhelming and intimidating to the public. There are ways to more directly involve motorized recreationists including interviews at club meetings and interviews on the trails and at trailheads. Continuing to use the practice of formal written comments to establish the need for motorized routes will leave motorized recreationists with only a few main roads and with no high quality motorized trails. We object to this process and respectfully request that it be corrected. Additionally, the current practice is discriminatory because non-motorized recreationists are not required to submit written formal comments that identify and defend each and every recreational opportunity that they want to enjoy in the future. Again, we respectfully ask that this practice be corrected.

Issue:

Similar to non-motorized recreationists, motorized recreationists also like plenty of dispersed recreational opportunities and the current trend is limiting motorized recreationists to a very few locations. Additionally, eliminating dispersed motorized recreational opportunities and concentrating the few remaining motorized recreational opportunities in relatively small areas significantly increases negative impacts on both the natural and human environments to the point

that the impacts become unacceptable and this trend is neither reasonable nor equitable. The following are some typical comments found on the different OHV forums: *This area gets a lot of traffic. I wouldn't dare go on a weekend, it's almost like Hollister with the crowds. Just too small of an area for the amount of riders.*

Issue:

Requiring motorized visitors to identify and inventory roads and trails is seen as part of a strategy to reduce the number of motorized routes because the public cannot undertake this huge effort. Additionally, the national OHV decision required that site-specific planning be analyzed at a number of different scales and across different boundaries. Site specific planning includes an adequate evaluation by the agency of all of the impacts being experienced by motorized recreationists including motorcycle trail riders in both the project area and the surrounding region. The scale and boundaries of impacts being experienced by motorized recreationists are discussed in throughout these comments. Site specific analysis was an important part of the national OHV decision and was discussed many times in that document. The agency should commit the resources and has an obligation to evaluate the needs of OHV recreationists at a least the same level of detail as key wildlife and natural resource areas. Site specific analysis includes adequate identification and inventory of all existing motorized routes and adequate evaluation of the public's need for those routes. An example of adequate site specific analysis to be used as a guideline are the comments dated May 1, 2004 and prepared by John Borg for the Caribou Travel Plan Revision. A copy of these comments can be obtained from the project record for the Caribou Travel Plan Revision or at www.mtvra.com.

Issue:

The new National OHV Policy describe the second level of planning involving the analysis and implementation of management practices referred to as "site-specific" planning. Site specific planning detailed information including the location, condition, and current uses of individual roads and trails, and the identification of when and where individual roads and trails will be open or closed to various types of use. We supported the restriction of cross-country travel because we felt the document assured the identification of on the ground trails and their consideration as designated routes. Currently in Montana, the only forest to conduct an inventory that includes adequate detail and includes trails that are current routes on the ground is the Lewis and Clark National Forest in the Little Belt Range. Adequate site specific planning as outlined above must be provided as part of this project.

Issue:

A reasonable test of significance of impacts from motorized closures on motorized recreationists must be used. A reasonable test would include evaluation of indicators including:

1. Where else can motorized recreationists go within a reasonable distance and with equal recreation value?
2. Do motorized recreationists have an adequate selection of the recreational resources with the proposed motorized closure(s)?
3. What is the balance of recreational opportunities in the area and region as demonstrated by the information developed from the outline shown in Table 1?
4. Are the existing motorized recreational opportunities sufficient for the needs of the public?
5. Are there documented user conflict and can the recreational resources be reasonably shared?

Note that it is not reasonable to define user conflict a merely seeing someone else on a trail.

6. What are the cumulative effects of this motorized closure combined with all other motorized closures?

Issue:

In order to adequately evaluate and disclose motorized and non-motorized recreational resource and opportunity information to the public, the following information using tables and maps must be used and presented in an accurate and concise manner.

Table 1
Comparison of Non-motorized and Motorized Opportunities

1. the miles of non-motorized recreational opportunities available in the project area including all possible cross-country routes and the number of acres available for cross-country non-motorized recreation under the existing condition (it is infinite),
2. the miles of roads and trails and number of acres to be closed to non-motorized recreationists in the proposed condition,
3. the miles of existing motorized roads, atv trails, and motorcycle trails in the project area meeting the 3-States OHV decision definitions,
4. the acres within the project area open to motorized recreationists under existing and proposed conditions,
5. the percent of motorized and non-motorized recreational opportunities in the project area,
6. the miles of atv trails, motorcycle trails and roads and acres closed to motorized recreationists under both existing and proposed conditions,
7. the cumulative miles of roads, atv trails, motorcycle trails meeting the 3-State OHV definitions and number of acres closed to motorized recreationists over the past 35 years at 5 year intervals in both the project area and regional area.

Once this information is adequately and concisely presented, one can easily see that motorized recreational opportunities are limited in the existing condition and then severely reduced in the proposed condition. This information must be presented in order to understand the significant imbalance of recreational opportunities that exists and the decision is deficient without this information.

Issue:

The evaluation of a balance of opportunities should also include an accounting and comparison of facilities including trailhead facilities at wilderness areas versus trailhead facilities at OHV areas. Most wilderness trailhead facilities include parking lots, horse handling facilities, kiosks with information, campgrounds, and restrooms and they are funded without any direct connection to the users. Motorized recreationists generate more than adequate gas tax and OHV sticker revenues (over \$500,000 in FY 2003 in Montana, FWP OHV program and RTP) but have few facilities to show for it versus a great need for facilities. Additionally, another \$311,274 that was designated for motorized programs and that could have been spent on badly needed motorized recreational facilities were instead spent on non-motorized facilities. We request an adequate evaluation and consideration of these imbalances be made part of this project and actions taken that will correct these imbalances.

Issue:

We are a locally supported association whose purpose is to preserve trails for all recreationists through responsible environmental protection and education.

The reason often given by the agency that motorized trail projects including those using OHV grant money cannot be undertaken is that there is a current travel planning process under way or one about to begin or that NEPA compliance must be undertaken. There is a continuous cycle of travel planning undertaken and the public is not able to undertake NEPA compliance. The result is that motorized RTP funding is often under-utilized. At the same time, there is a tremendous need to projects on motorized routes. We need to find a way to break this Catch-22 situation.

Issue:

Because of the cumulative negative effects of the motorized closure trend, the resource base for motorized recreationists is generally be reduced to a limited number of motorized routes and the lesser used routes are becoming hard to find and, therefore, they must be considered invaluable to motorized recreationists. The level of use should be evaluated along the logic that the most valuable motorized routes now days are the ones that are remote and see less use. Therefore, barely visible 2-track roads and single-track trails are invaluable to motorized recreationists and must be evaluated as such. It is not fair that motorized recreationists practice “tread lightly” principles and are then penalized for that practice. This is another example of predisposition.

Issue:

Throughout this document we may refer to motorcycle trail riders and atv riders as motorized recreationists because the relationship between them are inter-twined. For example, many trails that were once single-track have become atv trails. Additionally, the trend of motorized trail closures affects all OHV recreationists and puts additional demands on the few motorized recreational opportunities that remain. However, motorized single-track trails are a uniquely different resource and experience compared to atv trails and must be recognized as such.

Issue:

Existing single-track trails or potential single-track trails were not adequately identified and included in the project. There are many single-track “cow” trails that motorcycle trail riders could use in the project area. It is critical to preserve the integrity of the existing motorized single-track trails. Single-track trails offer a highly desirable experience for trail bike riders, equestrians, hikers, and bicyclists. They offer a different, more primitive experience than ATV trails or forest roads.

Issue:

Motorcycle trail riders were the original motorized trail users and have a long history of trail maintenance and trail etiquette. The availability of motorized single-track trails has declined dramatically. At the same time, nearly all of the single-track trails see very little hiking or other use. Therefore, it is a reasonable alternative to designate all single-track trails on multiple-use lands open to motorcycle use. The South Fork of the Boise River in the Sawtooth National Forest is specifically referenced as the best example of an excellent multiple-use single-track trail system that is open to mountain bikes, equestrians, hikers, and motorcyclists. It is also an excellent example of a reasonable travel plan process (<http://www.fs.fed.us/r4/sawtooth/projects/>). We commend the Sawtooth National Forest for providing such a valuable recreation resource and for taking such a reasonable approach to travel planning that both perpetuates existing motorized access and recreational opportunities and also provides for enhancement and growth. The project team is encouraged to visit and observe the use of this area and to follow a similar travel plan process.

There is no significant impact from the level of dispersed motorcycle trail use in the project area. There is no legitimate or documented conflict of uses between motorcyclists and other uses on single-track trails in the project area. Note that it is not reasonable to define user conflict a merely seeing someone else on a trail. There is a significant need for an adequate number of miles of single-track for existing and future motorcyclists. There is no legitimate reason why the single-track trails in the multiple-use areas of the project should not be shared between motorized and non-motorized recreationists to a much greater extent. This reasonable alternative must be included.

Issue:

Motorcyclists have co-existed for years with other recreationists in the project area. There is no documentation of a wide-spread problem with this multiple-use. We do not believe that it is reasonable to suddenly consider this multiple-use a problem.

Issue:

Mountain bikes and motorcycle use should be considered compatible uses. Both are mechanized and both prefer a single-track or narrow trail. Additionally, motorcyclists have been keep single-track trails that mountain bikers have recently discovered, open for many years.

Issue:

As part of the planning process, the agency is requiring motorized recreationists to provide an inventory of motorized routes that are important to them. It is not reasonable to expect motorized recreationists to inventory all existing motorized access and motorized recreational opportunities that they would like to use over the course of a lifetime. For example, motorized recreationists may be planning to visit an area that is 200 miles away for a week long summer vacation to enjoy motorized routes or we know people from several hundred miles away that routinely hunt in the fall and use many of the primitive roads and trails within the project area. They are not aware of the planning process and, even if they did, would not be able to inventory all of the primitive roads that they use. They simply expect the agency to look after their needs and that these motorized access and recreational resources will always be there for them. They will be extremely disappointed when they go out to their favorite hunting camp and find 50% of the access closed. This is also an example of why the results of travel planning are generally poorly supported by the public.

Under the current process if motorized recreationists are not involved in the planning process for that area they will undoubtedly lose use of one-half of the existing routes and be extremely disappointed when they do visit in the future. Given the significant number of actions as demonstrated in Table 2, it is impossible for motorized recreationists to participate in each action and provide inventories of routes for each action, so motorized recreationists are destined to lose because the agency will not adequately consider our needs unless we provide inventories of routes. Again, a significant predisposition exists because the needs of non-motorized recreationists are given significant consideration without the requirement for inventories and identification of resources, i.e. non-motorized recreationists are not subjected to the same requirement to identify trails now in order to keep them open for future use and generations.

Issue:

The amount of use that a route receives is not a criterion for non-motorized routes (see later comment about solitude on CDNST) and should not be a requirement for motorized routes.

Solitude, challenging, and remote motorized routes are highly valued by motorized recreationists also.

Issue:

The document and decision must clearly disclose on maps and tables and summaries all existing areas, and existing roads and trails that would be closed to motorized access and motorized recreationists. Summaries should include overall closures percentages. Otherwise public disclosure has not been adequately provided and the public will not be informed and the public including motorized recreationists will not be able to adequately participate and comment.

Issue:

The document and decision makers must prove by use of facts and data and without reasonable doubt that the claimed improvements to the natural environment are significant enough to justify the significant impact on the human environment associated with the closure of motorized routes. There must be a measurable and significant improvement. Additionally, there must be monitoring to backup the claimed improvements to the natural environment.

Issue:

All of the motorized routes that are important to the public cannot be identified by clubs and individuals. Everyone that visits our public lands has a special road or trail that they like to visit. Getting everyone to participate and identify all of these routes is neither practical nor reasonable. All of the existing routes exist because they are important access and recreational opportunities. Therefore, all existing routes without significant environmental concerns should be considered as the preferred alternative. Additionally, all available mitigation measures must be adequately considered for those routes with environmental concerns. We strongly support mitigation before motorized closure and, in fairness to the public, encourage the agency to adopt this policy also.

Issue:

Due to the trend of motorized closure after motorized closure, the prevailing question is not will we lose access and recreation opportunities but rather how much will we lose in each action. Motorized recreationists are the only group to lose in every action on local, regional and national levels, yet the cumulative negative effect of this significant negative impact has never been tabulated or addressed. This obvious predisposition must be adequately addressed. The magnitude of these undisclosed cumulative negative impacts on multiple-use interest including motorized recreationists has increased to the point where the livelihood and recreation of nearly everyone has been significantly impacted yet an adequate assessment has not been conducted nor included in the decision-making. Allowing the cumulative effects of the closure trend to continue over and over without any consideration of impacts or mitigation will certainly allow the cumulative effects to eliminate any meaningful motorized recreation. The burden of establishing the cumulative negative effect of all motorized access and motorized recreational closures should not fall on motorized recreationists. Table 2 is a partial listing of projects that have had a negative impact on motorized recreationists. All of these actions and others must be included in the tabulation and evaluation of cumulative negative effects on motorized recreationists. Most of these projects have not adequately disclosed the true number of miles of roads and trails and recreational opportunities that were in use by the public and then closed to motorized use as part of their implementation. This lack of disclosure is not acceptable and we request that the lack of disclosure be addressed by establishing the true magnitude and cumulative negative effect of all motorized access and motorized

recreational closures. When tabulated, this cumulative negative effect must be considered in the evaluation and decision-making for this action. Additionally, adequate mitigation must now be implemented to counter the cumulative negative effects that motorized recreationists have experienced.

Issue:

If the loss of motorized routes cannot be mitigated within the project area, then a Motorized Access and Recreation Mitigation Bank must be established. This mitigation bank would keep an overall accounting of the miles and acres of motorized access and recreational opportunities closed and the new motorized access and recreational opportunities created to offset that loss. It would be the responsibility of a cooperative group of public land management agencies to monitor the balance sheet and work towards no net loss/closure of motorized access and motorized recreation. Similar to other mitigation banks, motorized access and routes closed to motorized use would be replaced with equivalent routes on a one to one basis. Where equivalent routes cannot be found, then mitigation would be provided at 2 to 4 times the length of the closed route. Where equivalent access and/or areas cannot be found, then mitigation would be applied at 2 to 4 times the area closed depending on the quality of the closed route or area.

Issue:

The cumulative negative effects of more restrictive travel plan decisions include the concentration of use on fewer miles of road and trail, such that traffic density is increased and recreation enjoyment is reduced. As shown in Table 2, the magnitude of this impact is significant and yet it is ignored. To experience the cumulative effects of motorized closures first hand one can visit the Whitetail-Pipestone area on Memorial Day and Copper Creek near west of Phillipsburg on July 4th and see hundreds to thousands of multiple-use recreationists forced into small areas with limited opportunities by the cumulative effects of many motorized closures produced by forest plans and travel plans. Travel decisions affecting public lands that restrict motorized recreation in one area may consequently increase motorized use in another where site-specific travel plans are not yet in place. Cumulatively then, this "leapfrog" effect may increase resource damage, create more law enforcement problems, generate discord between motorized and non-motorized recreationists, and make future site-specific travel planning more difficult. This cumulative negative effect must be adequately considered as part of this project.

Issue:

The list of projects in Table 2 demonstrates that motorized routes are all too commonly closed for exclusive non-motorized use. The proposed action continues this massive trend. The Forest Service looks out for the interests and needs of non-motorized interests and is willing to create many miles of new non-motorized trails as demonstrated by a number of projects such as the CDNST. We request the same cooperation between the Forest Service and a recreation group be extended to motorized recreationists. We request that the Forest Service provide the same attention to our needs. Now it is time for a route to be closed for exclusive use by motorcycles. We request that trails be closed for exclusive use by OHVs and that 100 miles of new motorized recreational opportunity be created as a demonstration of equal opportunity.

Issue:

There are a few good examples of OHV trail systems that should be used to guide development of this project. OHV trail systems that should be visited by the project team as good examples of the

types of systems that should be developed in the project area include Danskin Mountain in the Boise National Forest (http://www.fs.fed.us/r4/boise/conditions/Danskin_closure-map.pdf), South Fork Boise River in the Boise and Sawtooth National Forests, Winom-Frazier in the Umatilla/Whitman National Forest, Prospect in the Rogue River National Forest, Paiute in the Fishlake National Forest, East Fork Rock (<http://www.fs.fed.us/r6/centraloregon/recreation/cohvops/efrindex.shtml>) and Mendocino National Forest (<http://www.fs.fed.us/r5/mendocino/recreation/ohv/>). In order to meet the public's need for motorized recreational opportunities, the project area should have a number of OHV systems comparable to these examples.

Issue:

The process is predisposed because without adequately considering the needs of the public it immediately proposes to add to the vast opportunities for non-motorized recreationists that are not over-used and further impacts multiple-use visitors, who make up 97.45% of the visitors by further limiting their recreational opportunities. It has now reached the point now where multiple-use recreationists do not have an equal opportunity to enjoy our public lands. Multiple-use recreationists feel like they are being treated as second class citizens. It is bad public policy when that policy affects 97% of the public in a negative way.

Issue:

The prevailing trend of the past 35± years has been to convert large areas of federally managed lands in the project area and region from multiple-use lands to wilderness/non-motorized/exclusive-use lands which is direct contradiction to the number of visitors and their needs. How many "land of many uses" signs do you see anymore? The remaining multiple-use areas are the only areas where most of the public can access and experience our public lands. Therefore, the remaining multiple-use lands must remain open for multiple-use, motorized access and motorized recreation in order to adequately and reasonably meet the needs of 97.45% of the public.

Issue:

The greatest communal need for public lands is for multiple-use opportunities. We promote management for multiple-use because it allows everybody to enjoy the resources and it also promotes sharing and non-polarization of visitors. Other management schemes promote non-sharing and polarization of visitors. We can solve more problems by resisting non-sharing and polarization and working together. Additionally, non-sharing of multiple-use lands is not an acceptable concept and motorized recreationists have never considered non-sharing as a reasonable alternative to pursue.

Issue:

The most equitable management of public lands is for multiple-uses. Congress has recognized this need with many laws including the Multiple Use Sustained Yield Act of 1960 (16 U.S.C. 528 et seq.) and National Forest Management Act of 1976. Multiple-Use was defined as "*The management of all the various renewable surface resources of the national forests so that they are utilized in the combination that will best meet the needs of the American people...*". **Outdoor recreation is the first stated purpose of the act.** Note that the pre-Columbian management scheme has not been enacted by Congress. Therefore, the Bureau of Land Management and Forest Service have a responsibility to provide recreational opportunities that meet the needs of the public just as government entities provide road, water and wastewater systems that meet the needs of the public.

Public Law 88-657 states that *“the Congress hereby finds and declares that the construction and maintenance of an adequate system of roads and trails within and near the national forests and other lands administered by the Forest Service is essential if increasing demands for timber, recreation, and other uses of such lands are to be met; that the existence of such a system would have the effect, among other things, of increasing the value of timber and other resources tributary to such roads; and that such a system is essential to enable the Secretary of Agriculture (hereinafter called the Secretary) to provide for intensive use, protection, development, and management of these lands under principles of multiple use and sustained yield of products and services.”*

The Federal Land Policy and Management Act of 1976 (FLPMA) states that *“(7) goals and objectives be established by law as guidelines for public land use planning, and that management be on the basis of multiple use and sustained yield unless otherwise specified by law; and, (c) In the development and revision of land use plans, the Secretary shall -- (1) use and observe the principles of multiple use and sustained yield set forth in this and other applicable law;”*.

The BLM Strategic Plan FY 2000 to 2005 states that: *“To achieve this mission, the Bureau of Land Management follows these principles: Manage natural resources for multiple use and long-term value, recognizing that the mix of permitted and allowable uses will vary from area to area and over time.”*

Multiple-use management goals are the only goals that will “best meet the needs” of the public and provide for equal program delivery to all citizens including motorized visitors. All of visitors have a responsibility to accept and promote diversity of recreation on public lands. Diversity of recreation opportunities can only be accomplished through management for multiple-uses and reasonable coexistence among visitors. Multiple-use lands must be managed for shared-use versus segregated-use or exclusive-use.



A significant closing of roads and motorized trails in the project area is not consistent with meeting the needs of the public and the goals of Multiple-Use Management as directed under Federal Land Policy and Management Act of 1976 (FLPMA), Multiple Use Sustained Yield Act of 1960 and P.L. 88-657. Why are legally designated multiple-use lands being managed for limited-use instead of multiple-use? This is a significant issue and must be adequately addressed. The cumulative negative effects of other proposed and enacted federal land management policies have resulted in a significant reduction of multiple-use and OHV recreation opportunities. The result has been a significant conversion of multiple-use areas to exclusive non-motorized areas. We request compliance with multiple-use policies and laws and a preferred alternative that will support these policies and laws and the needs of the public

Issue:

Beginning in the early 1970's, Congress and the American people began a debate on whether or not to change national policy for vast areas of the west known as "public lands". Congress wanted to change the policy from "disposal" to "retention". This policy shift meant the Federal government

would stop holding lands until they were sold (or otherwise transferred to the states), and would retain and manage the lands for the benefit of the general public.

Many citizens and especially those in western states were concerned. Entire communities relied upon access to resources existing on adjacent public lands. Indeed, western custom and culture grew from a tradition of open access and use of public lands. Many felt the "retention" policy would unduly influence the lives and livelihoods of citizens in the west.

In 1976, Congress struck an agreement with the western states. The basic agreement was that the western states would not oppose the retention of these lands if the Federal Government would manage them under multiple use/sustained yield principles, protect valid existing rights, limit wilderness review and consider the needs and concerns of adjacent communities when formulating land use plans. Thus the FLPMA (Federal Land Policy and Management Act) was adopted.

There are 4 important elements within FLPMA:

First, and very important, was the mandate to manage lands under the principles of Multiple Use. The Section 202, subsection (c)(1), specifically requires development and revision of land use plans on the basis of "principles of multiple use and sustained yield." FLPMA section 102(a)(7) also specifically requires that goals and objectives be established by law as guidelines for public land use planning, and that management be on the basis of multiple use and sustained yield unless otherwise specified by law.

Second was the preservation of valid existing rights, including grazing rights, mining claims, oil and gas leases, water rights and rights of access granted pursuant to R.S. 2477. Therefore, the R.S. 2477 law is a very important and germane issue for this project.

The third element was specific instructions to the Secretary of the Interior to formulate land use plans that are consistent with State and local plans "...to the maximum extent he finds consistent with Federal law and the purposes of this Act." This element includes provisions to coordinate land use inventory, planning and management activities not only with other federal agencies, but specifically with agencies of the State and local government.

The fourth element of FLPMA consists of very specific instructions regarding Wilderness. Those instructions are contained in Section 603 of FLPMA, wherein Congress instructed the agency to inventory all of their lands, identify which were definitely not of wilderness quality, and then begin an intensive inventory and analysis to determine which of the remaining lands would be recommended for inclusion into the National, Wilderness Preservation System. Congress even set a deadline for the completion of this task. A critical part of the agreement was that FLPMA sets no mandates and no process requirements for engaging in an ongoing, never ending wilderness inventory and review. Once the "603 Process" was completed, the agency would be finished with wilderness inventory and review. Congress and the American People would then decide which lands to include in the National Wilderness Preservation System.

We simply ask that all of the instructions and requirements of the law as agreed to under the Federal Land Policy and Management Act be honored and applied to this project.

Issue:

Any language in existing management plans for multiple-use areas that does not support multiple-use is inconsistent with directives from Congress, the needs of the public and should be struck. Any proposed language for the management plans for multiple-use areas that does not fully support multiple-use is inconsistent with directives from Congress, the needs of the public and should be dropped.

Issue:

Under the Organic Act of 1897, 16 U.S.C. § 475, ("Organic Act"), National forests were expressly reserved for two purposes: to maintain favorable conditions for water flows and to ensure a continuous supply of timber. With passage of the Multiple Use and Sustained Yield Act, 16 U.S.C. § 528 et. seq. ("MUSYA"), Congress allowed the Forest Service to manage "renewable surface resources of the national forest for multiple use and sustained yield of the several products and services obtained therefrom." However, while the "multiple use" mandate of MUSYA broadened the purposes for which National forests may be managed, the Act did not further reserve National forests for multiple use purposes. See *United States v. New Mexico*, 438 U.S. §§ 696, 706-18 (1978). MUSYA defines "sustained yield of the several products and services" as "the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of various renewable resources of the national forests without impairment of the productivity of the land." 16 U.S.C. § 531(b). Nowhere does MUSYA mention ecological sustainability or authorize it as a dominant use.

Although the National Forest Management Act ("NFMA") does not define sustained yield or sustainability, NFMA requires forest planning to be consistent with the MUSYA. 16 U.S.C. §§ 1602,1604. Like the MUSYA, NFMA requires the Forest Service to consider environmental and ecological factors in land use planning. However, also, like MUSYA, NFMA does not elevate ecological factors above any other multiple-use nor does it require that National forest land use plans be contingent only upon ecological sustainability considerations. The proposed alternative effectively elevates "ecological sustainability" above all other uses is based upon several faulty assumptions.

First, the proposed alternative wrongly assumes that the "sustained yield" mandates of MUSYA and NFMA require "sustainability." Thus, the proposed alternative expands the concept of sustained yield significantly beyond what is allowed by the MUSYA and NFMA. As stated above, "sustained yield" under the MUSYA simply means the maintenance of a regular output of several renewable resources.

Second, the proposed alternative wrongly assumes that all sustainability must be predicated upon ecological sustainability. The proposed alternative assumes that sustainability (or sustained yield) of any sort cannot be achieved without first achieving ecological sustainability. However, this assumption is false. While biological diversity undisputably affects certain legitimate uses of National forests, it is not essential to multiple use and sustained yield, as defined by the MUSYA. For example, timber harvest and water flows can be managed on a sustainable yield basis (as required by statute) with little species diversity. On the other hand, some uses, such as recreation, may require a high degree of species diversity (fishing, research, wildlife watching), while recreational uses of the forest require little or no species diversity (rock climbing, skiing). Still others, such as mining, require no species diversity whatsoever. Certainly, ecological sustainability

and species diversity are important considerations in forest land use planning, and are often essential to maintaining certain legitimate uses on a sustained basis. However, the assertion that species diversity is absolutely necessary to maintain the sustained yield of multiple goods and services is unsupported, and cannot justify elevating the primary focus of land use planning to species diversity. In sum, the proposed alternative should report and reflect the true nature and role of ecology in multiple use and sustained yield management not elevate it over the Congressional mandates.

Third, the proposed alternative wrongly assume that ecological sustainability as the primary focus of forest planning best meets the needs of the American people. The MUSYA defines "multiple use" as the management of various renewable resources in a combination which best meets the needs of the American people. 16 U.S.C. § 531(a). Elevation of biological diversity and ecological sustainability to the chief planning factor assumes a priori that such values, in all cases, best meet the needs of the American people; this presumption is in error and must be established on a case by case basis.

Fourth, in addition to not following the mandates of the Organic Act, MUSYA, and NFMA, the document states that the enactment of various other laws, including the National Environmental Policy Act ("NEPA"), the Endangered Species Act ("ESA"), the Clean Air Act ("CAA") and the Clean Water Act ("CWA") "reinforce ecological sustainability as the first priority of National Forest system management." Id. Again, this is incorrect; none of these statutes in any way change the mandates for the management of National forests. See e.g. *Platte River Whooping Crane Trust v. Federal Energy Regulatory Commission*, 962 F.2d 27, 34 9D.C. Cir. 1992) (holding that the ESA does not mandate that federal agencies violate their statutory authority in protecting listed species). For example, the document cites a policy statement set forth in the preamble to NEPA as a mandate to manage for ecological sustainability. However, as the courts have made clear, the NEPA is a procedural act only, designed to promote consideration of environmental impacts in federal decision-making, and cannot mandate any substantive result. See *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 350 (1989).

In summary, the proposed alternative is built upon a tenuous foundation which assumes that: (1) various statutes require that ecological sustainability be the dominant consideration for all management of National forests; (2) sustained yield of various goods and services derived from the forests cannot be achieved without first achieving ecological sustainability; and (3) that ecological sustainability in all cases is the highest and best use of the forests for the American people. To be supportable, these assumptions would require significant legal, scientific, and economic data. As it is, such data has no been provided and these assumptions are false, therefore, the proposed alternative is flawed and should not be adopted.

Issue:

In order to achieve ecological sustainability as the proposed alternative defines it, the ecological condition of the project area must be within the range of those found prior to European Settlement.

1. This standard is illegal and inappropriate under applicable law. First, legitimate multiple use activities such as timber harvest and mining rarely occurred on a large scale prior to European settlement. Thus, to achieve ecological sustainability, such activities must be excluded. This is a violation of the Organic Act, MUSYA, and NFMA.

2. Second, no statutory authority exists which mandates that ecological conditions of any kind must reflect pre-European settlement conditions.
3. Third, the assumption that ecological conditions prior to European settlement are better than conditions at any time since then is a purely subjective value judgment, and is not appropriate to consider during the planning process.
4. Finally, the scientific evidence which suggests what ecological conditions were like prior to European settlement is highly speculative. Basing all planning and management around a range of variability which can never be definitively determined is illusory, arbitrary and capricious and violates the Organic Act, MUSYA, and NFMA.

Issue:

Identification of "high social, cultural, or economic value" and "desired" levels are subjective and requires an assessment and balancing of public values. For example, a particular species may have a high social value to a particular segment of the population, but a low social value to another. Similarly, a species may have significant economic value for a particular use (trees cut for timber), but have high social value in the context of an entirely different use (trees observed by hikers). Furthermore, these conflicting values may require entirely different "desired" levels. Despite these extremely complex and subjective determinations, the proposed alternative provide virtually no explanation or guidance regarding how these levels and values were established. This extreme discretion is not allowed by the Organic Act, MUSYA, and NFMA, which require that forests be managed for a variety of uses.

Issue:

Under applicable law, economic and social considerations are just as important ecological analyses and should be given equal consideration. This is especially true for the social and economic concerns at the state and local level. Consider the following:

1. The Organic Act has long been interpreted as requiring that National forest lands be managed to promote the local economic and social stability of the dependant communities. The first Chief of the Forest Service, Gifford Pinchot wrote: "*In the management of each reserve, local questions will be decided upon local grounds . . . sudden changes in industrial conditions will be avoided by gradual adjustment after due notice . . .*" Forest Service, United States Department of Agriculture, *The Use Book* (1906 ed.) at 17. The first congressional concerns for the stability of communities dependent on the resources of the National forests arose during debates surrounding passage of the Organic Act. The National Academy of Sciences had criticized past land management practices that allowed companies and individuals to cut excessive quantities of timber without monetary charge. Nevertheless, the debates surrounding the Organic Act centered on protecting the forests from fire and insect damage, ensuring that the forests serve to conserve water resources for the arid West, and managing the forests for economic purposes. S. Rept. No. 105, 10, 19. In fact, after describing the depredations of fire, livestock, and illegal timber cutting, one Senate report concluded: *A study of the forest reserves in relation to the general development of the welfare of the country, shows that the segregations of these great bodies of reserved lands cannot be withdrawn from all occupation and use and that they must be made to perform their part for the economy of the nation. According to a strict interpretation of the rulings of the Department of the Interior, no one has the right to enter a forest reserve, to cut a single tree from its forests, or to examine its rocks in search of*

valuable minerals. Forty million acres of land are then theoretically shut out from all human occupation or enjoyment. Such a condition of things should not continue, for unless the reserved lands of the public domain are made to contribute to the welfare and prosperity of the country, they should be thrown open to settlement and the whole system of reserved forests be abandoned. S. Rep. No. 105, 22.

2. The notion of community stability grew out of Congress' concern for the impacts on local communities. During the passage of the Organic Act, Congressman Safroth echoed this concern: *The forestry question is not a matter of great concern from a national stand point, because the purposes for which these reservations are set aside are merely local. It is a matter of interest to people in the West only as to whether these reservations are properly established. It is on account of the waters which are to irrigate our agricultural lands that we are interested in forest reservations. . . . The timber reserves of that region can never be a subject of national concern although they may be of great interest to the people of that particular locality -- the people of Colorado, Utah and other Western communities. 30 Cong. Rec. 984 (1897).*
3. Congress has never changed its concern for local communities. Eleven years following the passage of the Organic Act, Congress passed the Twenty-Five Percent Fund Act, under which 25 percent of the revenues from the national forests are returned to the states. 16 U.S.C. § 500. In 1913, Congress directed that another 10 percent of the National forest revenues be spent on road construction and local road maintenance. 16 U.S.C. § 501. In 1976, Congress amended the Twenty-Five Percent Fund Act to provide that the disbursement to state and local governments would be calculated from gross revenues, rather than stumpage prices. 16 U.S.C. § 500, National Forest Management Act of 1976, Report of Senate Committee of Agriculture and Forestry, S. Rep. 94-893 (May 1976) 1, 22-3.
4. These examples clearly illustrate that Congress intends National forests to be a driving force in promoting and sustaining state and local communities and governments, both economically and socially. The multiple use and sustained yield of several goods and services mandate of MUSYA and NFMA reinforce this concept. Accordingly, the proposed alternative should give more weight to these concerns. Economic and social impact analysis should be mandatory at all levels of forest planning and management.

Issue:

With regard to wilderness areas, roadless areas, national recreation areas, natural landmarks and monuments, and wild, scenic, and recreational rivers, the Bureau of Land Management and Forest Service are only authorized to delineate such areas and report such findings to Congress. Unless and until Congress actually designates such areas under applicable law, such delineations should have no effect on the multiple use and sustained yield mandates for management of public lands.

With regard to research and natural areas and scenic by-ways, the BLM and FS can designate such areas; however such designation should have no effect on the multiple use and sustained yield mandates for management of those public lands. Finally, with regard to critical waterways, geological areas, unroaded areas, botanical areas, and national scenic areas, the BLM and FS have no statutory authority to designate and manage such areas. Any such designations can by law have no effect on the multiple use and sustained yield mandates for management of national forests. Accordingly, these "special designations" should be deleted from the proposed alternative.

Issue:

Note that the Final Roadless Rule published on January 5, 2001

(http://roadless.fs.fed.us/documents/rule/roadless_fedreg_rule.pdf) included the following directive “The proposed rule did not close any roads or off-highway vehicle (OHV) trails”. The agency must honor this commitment. The Roadless Rule is all about preventing new roads from being constructed; it is not about banning motorized use of existing motorized roads and trails. United Four Wheel Drive Associations reached a settlement agreement with the Federal Government prohibiting the US Forest Service from categorically closing roads or using the term "unroaded" in establishing roadless areas for Wilderness designation. Under the terms of the settlement agreement the Forest Service is banned from using the Road Moratorium to close a single mile of road". United obtained evidence that many, if not all, of the national forests were using the Temporary Road Moratorium to create de facto wilderness areas as part of forest planning. Carla Boucher of United predicted in early 1998 that this was the plan of the Forest Service all along. “This agreement prevents the creation of de facto wilderness, protecting nearly 347,000 miles of access for motorized recreationists”, remarked Boucher. Additionally, the ruling in the State of Wyoming v. USDA by U.S. District Court Judge Clarence Brimmer blocked implementation of the Roadless Area Conservation Rule. This project must include proper interpretation of the Roadless Rule and the roadless rule should not be used to close existing motorized routes in roadless areas.

Issue:

In 1924, the Forest Service established the first de facto wilderness area; by 1964, it had created 88 de facto wilderness areas totaling 15 million acres. In 1964, Congress dealt legislatively with the issue of wilderness: creating wilderness areas, reserving for itself the designation of wilderness areas, and setting a deadline for the study of potential new wilderness areas.

“In 1964, Congress adopted the Wilderness Act, pursuant to which it designated areas of federal land as wilderness; this is the only manner in which such a classification may be attached to federal land,” said William Perry Pendley of Mountain States Legal Foundation. “In addition, Congress reasserted its constitutional authority over federal lands and put a clock on when, if ever, federal lands might be designated as wilderness. That clock has run, which requires that lands not designated by Congress as wilderness be managed as non-wilderness and open to all of the American people.”

In 1973, the Forest Service completed Roadless Area Review and Evaluation I (RARE I) to recommend land for further evaluation as potential wilderness areas. RARE I failed when courts ruled that the Forest Service had failed to comply with environmental study requirements. Later, the same fate befell RARE II when federal courts ruled the process violated the National Environmental Policy Act (NEPA). Nonetheless, in 2001, the Clinton Administration, relying on these flawed studies, issued the Roadless Area Conservation Rule by which nearly 60 million acres of Forest Service lands were closed to access.

The Clinton roadless rule was challenged in nine lawsuits across the country, including in Wyoming where the federal district court held that the rule was an attempt to circumvent the Wilderness Act of 1964. In 2005, the Forest Service published the State Petition Rule for Inventoried Roadless Area Management by which governors may recommend the management scheme for “roadless” areas of Forest Service lands within their States.

Mountain States Legal Foundation, which has made numerous appearances before the U.S. Supreme Court and federal courts of appeals, filed comments with the Colorado Roadless Areas Review Task Force and has advised “The U.S. Forest Service may not manage federal land as wilderness unless Congress has designated that land as wilderness”. This legal opinion must be considered adequately and made part of this proposed project.

A decision by U.S. Magistrate Judge Elizabeth Laporte in the Forest Service Roadless Rule on September 20, 2006 sets aside the 2005 State Petition Rule as unlawful. The decision concludes the State Petition Rule, which provided a redundant opportunity for State Governors to petition the Forest Service on how roadless areas in their state are managed, violated the National Environmental Policy Act and Endangered Species Act by failing to sufficiently analyze the removal of any protections provided by the prior 2001 Roadless Rule.

Issue:

A November 2003 national voter survey by Moore Information (<http://www.cdfc.org/poll.htm>) reveals that most Americans agree that the scores of environmental groups in Montana and throughout the nation have lost their focus. Specifically, 61% of voters nationwide agree with the statement; “While protecting the environment is important, environmental groups usually push for solutions which are too extreme for me.” Just 33% disagree with this, and 6% have no opinion. In the Mountain/Plains region that includes Montana the divergence is even more severe. A full 71% of respondents agree with the previous statement, and only 25% disagree. Additionally a poll by Market Research Insight (MRI) in December 2003 found that 27% of the public supported environmental groups and 53% opposed their actions.

In order to be true and responsive to the public, decisions should not be based on pressure from environmental groups and their litigation. Public opinion supports this position.

Issue:

Environmental groups with substantial funding and paid staff are likely to provide substantial input to the process and to challenge the process through appeals and legal actions. The magnitude of funding and the influence available to these has been documented by the Independent Record in a series of articles found at:

<http://www.helenair.com/articles/2002/03/11/stories/headline/1a2.txt> ,

<http://www.helenair.com/articles/2002/03/10/stories/headline/7a1.txt> , and

<http://www.helenair.com/articles/2002/03/10/stories/headline/1a1.txt> and the Sacramento Bee at

<http://www.sacbee.com/static/archive/news/projects/environment/index02.html> , at Activist Cash

<http://www.activistcash.com/index.cfm> and at Green-Watch

<http://capresearch.brinkster.net/search/search.asp> .

The greening of the environmental movement

1999 figures, in millions of dollars, for 20 environmental groups with largest contributions

Group	Public contributions	Total revenue*	Spending	Top executive salary
1 The Nature Conservancy	\$403.4	\$704.0	\$359.4	\$210,151
2 Trust for Public Land	\$94.9	\$105.7	\$51.4	\$157,868
3 Conservation International	\$76.7	\$83.5	\$26.2	\$203,049
4 World Wildlife Fund	\$68.4	\$111.3	\$89.7	\$241,638
5 Ducks Unlimited	\$63.4	\$108.6	\$109.1	\$346,882
6 Natural Resources Defense Council	\$32.6	\$36.1	\$30.6	\$238,964
7 Conservation Fund	\$32.5	\$41.9	\$27.7	\$211,048
8 National Wildlife Federation	\$31.2	\$88.1	\$5.9	\$247,081
9 National Audubon Society	\$30.7	\$64.7	\$53.6	\$239,670
10 Environmental Defense	\$28.4	\$32.0	\$26.3	\$262,798
11 Sierra Club	\$19.1	\$56.5	\$54.3	\$199,577
12 Rocky Mountain Elk Foundation	\$17.5	\$36.3	\$34.9	\$186,369
13 The Wilderness Society	\$17.4	\$18.8	\$14.3	\$204,591
14 Sierra Club Foundation**	\$16.4	\$17.8	\$12.8	\$100,000
15 National Parks Conservation Association	\$14.6	\$18.3	\$16.6	\$172,879
16 Earthjustice Legal Defense Fund	\$12.2	\$16.1	\$13.3	\$157,583
17 Defenders of Wildlife	\$10.3	\$14.9	\$13.3	\$201,337
18 Greenpeace Inc.	\$9.9	\$14.0	\$11.1	\$54,033
19 Save The Redwoods League	\$9.8	\$11.4	\$8.9	\$165,110
20 Center for Marine Conservation	\$8.6	\$9.9	\$8.7	\$135,806

*Includes public contributions and government grants, etc. **The Sierra Club Foundation is the tax-deductible fund-raising arm of the Sierra Club.

Source: Bee research

Sacramento Bee/Scott Flodin

This influence on the agency's decisions must be balanced by the needs and opinions of the public for multiple-use opportunities. Investigation of this balance will determine that the groups listed above are out of line with the majority of the public's needs and interests.

Issue:

A major loophole in the NEPA compliance arena exists. NEPA compliance is not being applied to the actions of foundations that contribute heavily to environmental groups and the actions (campaigns) that those well-funded environmental groups use that funding on. Actions follow funding whether it is for a new highway or an environmental crusade. Certainly these actions such as the environmental crusade against snowmobile use in Yellowstone National Park have affected the quality of the human environment including motorized recreation and interstate commerce opportunities. NEPA was intended to protect the quality of the human environment. Significant funding whether it is used to build highways or finance the campaigns of environmental groups is the source of all actions. NEPA should be applied to the large grant activities (actions) of Foundations and the high dollar action campaigns of environmental groups just as it is for new highway projects.

Issue:

Agency decision-making is being driven by accepting actions that will not be challenged in court versus decisions that are in the best interests of the public or that would meet the public's needs. For example, the January 21, 2004 Missoulian newspaper quoted Lolo Forest Supervisor Debbie Austin "Then, too, it's probably not worth taxpayer dollars to propose a big-acreage, big-ticket salvage sale that's likely to be challenged in court, she said." The ethics of making decisions that are in the best interest of the public and that meet the needs of the public must be restored regardless of the dollar cost. Failure to base our government on these principles will be devastating in the end and we must restore decision-making based on these principles.

We are a locally supported association whose purpose is to preserve trails for all recreationists through responsible environmental protection and education.

Issue:

Why are the extreme motorized closure alternatives presented and a middle of the road alternative based on existing routes plus new motorized routes needed to meet the public's need not presented? We are concerned that this demonstrates a significant predisposition in the current process.

Issue:

One of the basic requirements of NEPA is to “achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities” (Public Law 91-190, Title I, Section 101 (b) (5)). The wording of NEPA was carefully chosen and was intended to produce a balance between the natural and human environment. Practice and interpretation since the law has strayed far from that intent.

Issue:

Over the past 35 years (and it is accelerating in recent years) the overarching public land management trend has been to close access to and use of public lands. This trend of closure upon closure has become epidemic and is out of control as demonstrated by popular public opinion. A sampling of different users and perspectives is provided below to demonstrate this trend and the cumulative negative impacts that it has produced.

<http://www.billingsgazette.com/index.php?display=rednews/2004/04/25/build/local/32-land-use-protest.inc>
<http://www.mtstandard.com/articles/2004/05/14/newsspecialreports/hjffeigjcfhb.txt>
<http://www.billingsgazette.com/index.php?id=1&display=rednews/2003/11/11/build/wyoming/30-blm.inc>
<http://www.dailyinterlake.com/NewsEngine/SelectStory.tpl?command=search&db=news.db&eqskudata=57-816431-10&search-var=multiple>
<http://www.dailyinterlake.com/NewsEngine/SelectStory.tpl?command=search&db=news.db&eqskudata=9-816800-3&search-var=multiple>
<http://espn.go.com/outdoors/hunting/news/2001/1106/1274551.html>
http://www.aapg.org/explorer/2003/05may/slc_publandside.cfm
<http://www.nanpa.org/docs/PublicLandsAccess.pdf>
<http://www.washington-state-rockhounding.info/Trespass-index.htm>
http://www.sdorc.org/news/tortoise_lawsuit.html
<http://www.amfed.org/sfms/public-lands-access.html>
<http://www.gaminerall.org/land-access.html>
http://www.paragonpowerhouse.org/bush_promises_collaboration_on_p.htm
<http://www.delalbright.com/landuse.htm>
<http://www.off-road.com/orcland.html>
http://www.hcn.org/servlets/hcn.Article?article_id=5735
<http://www.sportsmenslink.org/articles/FinalWhitePage-Total.pdf>
http://www.4x4wire.com/access/news/united/dea_2002.htm
<http://responsiblerecreation.policy.net/newsroom/>
http://www.helenair.com/articles/2003/06/01/opinions/a04060103_02.txt
<http://www.maccusa.com/>
<http://www.sportsmenslink.org/programs/hunter/Issues.html>
<http://www.ssfta.com/land/land.htm>

Many additional articles can be found by searching the web for keywords “public lands access”. By far the loss of access and the trend of motorized closures upon motorized closure on public lands are the most common themes. From the public's perspective the #1 problem is access to adequate multiple-use access and recreational opportunities and the fact that these opportunities are being eliminated at a record pace by federal land use agencies. It is time to recognize that the trend of closure of public land to the public is inequitable. It is also time to undertake adequate correction to reverse the cumulative negative impact of 35 years of closure upon closure. It is also time to implement adequate mitigation to compensate for the cumulative negative impacts caused by the trend of inequitable closures that are now significant.

Issue:

We are a locally supported association whose purpose is to preserve trails for all recreationists through responsible environmental protection and education.

The overarching trend of the last 35 years has been to remove people from the land. This trend has occurred as a result of many different factors including creation of national parks and monuments; creation of wilderness, non-motorized, and roadless areas; policies of the Forest Service and Bureau of Land Management; influx of dollars for conservation easements and land trusts; decline of farming and ranching; and decline of mining and timber harvests. People still have the same need and desire to work and recreate on the land but they no longer have the same opportunity. The cumulative negative effect of the different trends that have removed people from the land is so significant now that any additional impacts must be avoided. Additionally, because the cumulative negative effect is so significant, adequate mitigation measures must be included as part of all future actions.

Issue:

Evaluations and decisions have been limited to natural resource management issues. Issues associated with motorized access and motorized recreation must be adequately addressed during the evaluation and decision-making including social, economic, and environmental justice issues. We are concerned that issues cannot be restricted to just those associated with natural resources. Access and recreation on public lands are essential needs of the public in Montana and we respectfully request that issues associated with the human environment be adequately addressed.

Issue:

Montana ranks very low for social conditions (44th state per Fordham Institute for Innovation in Social Policy,) and social issues are relevant to this action. Motorized recreation is a healthy social activity. These types of issues are associated with motorized access and recreation in the project area and these issues must be adequately addressed. Social issues must be adequately evaluated per the SOCIAL IMPACT ANALYSIS (SIA): PRINCIPLES AND PROCEDURES TRAINING COURSE (1900-03) (<http://www.fs.fed.us/emc/nepa/includes/sia.html>) and Environmental Justice issues per Departmental Regulation 5600-2. The evaluation and resulting decision must adequately consider and address all of the social and economic impacts associated with the significant motorized access and motorized recreational closures.

Issue:

In the past 30 years, the prevalence of overweight and obesity has increased sharply for both adults and children. Between 1976–1980 and 2003–2004, the prevalence of obesity among adults aged 20–74 years increased from 15.0% to 32.9%. This increase is not limited to adults. Among young people, the prevalence of overweight increased from 5.0% to 13.9% for those aged 2–5 years, 6.5% to 18.8% for those aged 6–11 years, and 5.0% to 17.4% for those aged 12–19 years. (Reference: <http://www.cdc.gov/nccdphp/dnpa/obesity/>). This disturbing trend has prompted the President to promote a health and fitness initiative (<http://www.whitehouse.gov/infocus/fitness/toc.html>) and OHV recreation is an activity that meets the physical requirements of the President's fitness program. Recent research by the Ontario Federation of Trail Riders studied 12 off-road motorcycle enthusiasts and found that the physical exertion was on the order of 60% of VO₂max, or 80% HRmax, or 9.3 METS which is slightly greater than jogging (Characterizing the Physical Demands of Off-Road Motorcycling, Executive Summary, Jamie Burr, Norman Gledhill, Veronica Jamnik, Ontario Federation of Trail Riders, February 2007, http://www.oftr.org/OFTR_Fitness_Study.pdf). While jogging is considered a very healthy activity it is not that appealing to everyone and OHVs are very popular form of recreation and physical workout. We request that the evaluation include adequate recognition of the serious physical fitness problem affecting all age groups of our

population. We also ask that the tremendous value of OHV recreation for both mental and physical health benefits (equivalent to jogging) be recognized in the evaluation and used to justify an increase in motorized recreational opportunities.

Issue:

Dr. Martin E.P. Seligman has identified that learned helplessness or *the belief that your actions will be futile* is an epidemic affecting the nation (page 70, ISBN 0-671-01911-2). The evaluation of social issues must also include an evaluation of conditions contributing to learned helplessness including the lack of recognition and attention to the needs of motorized recreationists and the significant social problems that result from these conditions.

Issue:

Over the past 35 years (and it is accelerating in recent years), motorized recreationists have had to bear a disproportionate share of the negative consequences on the human environment resulting from the significant closure of motorized access and motorized recreational opportunities by federal land management actions and policies. We continue to ask for a reasonable explanation of “Why are we the only ones to lose in every action?” And yet the trend of motorized closures continues at an ever increasing pace. There are tens of thousands of “Closed To All Motorized Use” signs. The time has come for the agency to place an equal number of the following signs:



Issue:

We believe that federal environmental justice compliance requirements as initiated by Executive Order 12898 should be applied immediately to correct the disproportionately significant and adverse impacts that motorized recreationists have been subjected to. In order to accomplish this we request that this proposed action comply with U.S. Forest Service Departmental Regulation 5600-2 (<http://www.usda.gov/da/5600-2.pdf>) including the DEFINITION of environmental justice provided therein:

ENVIRONMENTAL JUSTICE means that, to the greatest extent practicable and permitted by law, all populations are provided the opportunity to comment before decisions are rendered on, are allowed to share in the benefits of, are not excluded from, and are not affected in a disproportionately high and adverse manner by, government programs and activities affecting human health or the environment.

We are a locally supported association whose purpose is to preserve trails for all recreationists through responsible environmental protection and education.

While some of the guidance published on environmental justice refers to specific minority and low-income populations, the intent of the guidance must be taken in a broader sense as recommended by the EPA in order to avoid discrimination or unfair treatment of any significantly impacted sector of the public. For example, motorized recreationists working full-time plus jobs and simply looking to get away and recreate in the forest on the weekends are pitted against full-time paid representatives for non-motorized interests that are visiting agency staff on a regular basis during the week. The true popularity of non-motorized recreation is not justly reflected by this influence because it is so heavily funded by foundations and grants yet the agency is subjected to this influence every day and it is influencing the evaluation and alternatives. Non-motorized interests have gained significant influence over individual and family weekend recreationists because of the advantage that paid representatives and legal counsel and legal action brings. Foundations versus individuals, families, and the working class are certainly a social and environmental justice issue that must be addressed. These and other socio-economic and environmental justice issues are obvious. The Forest Service is not exempt from the requirement to adequately address these issues in the evaluation and decision.

In order to correct the disproportionately significant and adverse impacts that motorized recreationists have been subjected to we request that the proposed action comply with EPA's Office of Environmental Justice (http://www.epa.gov/compliance/resources/policies/ej/ej_guidance_nepa_epa0498.pdf) including:

The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including racial, ethnic, or socioeconomic group should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.

The goal of this "fair treatment" is not to shift risks among populations, but to identify potential disproportionately high and adverse effects and identify alternatives that may mitigate these impacts.

Unfortunately, the treatment of motorized recreationists does not meet the definition of fair treatment and environmental justice requirements must be complied with in order to correct the situation.

We request that the proposed action comply with the Council on Environmental Quality (<http://ceq.eh.doe.gov/nepa/regs/ej/justice.pdf>) recommendations in order to correct the disproportionately significant and adverse impacts that motorized recreationists have been subjected to including:

Thus, agencies have developed and should periodically revise their strategies providing guidance concerning the types of programs, policies, and activities that may, or historically have, raised environmental justice concerns at the particular agency.

The Executive Order requires agencies to work to ensure effective public participation and access to information.

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The cumulative negative impact of all closures on motorized recreationists are significant and warrants a revised strategy to deal with the issues surrounding this condition.

Agencies should recognize the interrelated cultural, social, occupational, historical, or economic factors that may amplify the natural and physical environmental effects of the proposed agency action. These factors should include the physical sensitivity of the community or population to particular impacts; the effect of any disruption on the community structure associated with the proposed action; and the nature and degree of impact on the physical and social structure of the community.

To date, all of these factors have not been adequately examined with respect to motorized recreationists and the trend of excessive motorized access and recreational closures.

Agencies should encourage the members of the communities that may suffer a disproportionately high and adverse human health or environmental effect from a proposed agency action to help develop and comment on possible alternatives to the proposed agency action as early as possible in the process.

Motorized recreationists have not had the opportunity to develop mitigation plans required to address the significant impact resulting from cumulative effect all closures.

When the agency has identified a disproportionately high and adverse human health or environmental effect on low-income populations, minority populations, or Indian tribes from either the proposed action or alternatives, the distribution as well as the magnitude of the disproportionate impacts in these communities should be a factor in determining the environmentally preferable alternative.

We maintain that the intent of identifying low-income populations, minority populations, or Indian tribes is simply to portray examples of affected groups. The EPA guidance included above supports this conclusion. To date, the disproportionate impact on motorized recreationists has not been a factor when determining the preferred alternative and it should be, in fact, just the opposite is occurring (our needs are being ignored).

Mitigation measures include steps to avoid, mitigate, minimize, rectify, reduce, or eliminate the impact associated with a proposed agency action. Throughout the process of public participation, agencies should elicit the views of the affected populations on measures to mitigate a disproportionately high and adverse human health or environmental effect.....

Motorized recreationists have been affected in a *disproportionately high and adverse manner* by the significant impact that has occurred from all cumulative closures of motorized access and motorized recreational closures including actions by the Forest Service and Bureau of Land Management associated with travel planning, forest planning, watershed planning, water quality districts, wilderness study areas, research areas, timber sales, and creation of monuments, non-motorized and wildlife management areas. We are also concerned that this has occurred on lands intended by congress to be managed for multiple-uses. Multiple-uses include motorized access and motorized recreation.

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The efforts to involve motorized recreationists in the process using unique methods as required by the environmental justice regulations have not happened. The process must allow for and accommodate that needs of citizens and families who, for the most part, act and live independently and are not organized to the level of environmental organizations. Thomas Mendyke, Outdoor Editor for the Independent Record made the following statement in his article on November 20, 2003 *Outdoor enthusiasts frequently find themselves at odds with big money interests. Generally speaking, people who pursue outdoor interests tend to be an independent lot. Sporting groups usually are poorly funded, loosely organized and ill-prepared to match the financial and legal power their adversaries often possess.*

The process should not allow well-organized and funded groups to take opportunities away from less-organized and funded individuals. This certainly is an environmental injustice. Moreover, the development of measures as required by environmental justice regulations to mitigate the *disproportionately high and adverse* impacts that have affected motorized recreationists has not happened.

We request a corrective action and over-arching mitigation plan that will undo the significant impact that all cumulative motorized access and motorized recreational closures has had on motorized recreationists over the past 35 years. We also request a monitoring program be provided by an unbiased third-party to assure that this correction occurs within our lifetime.

Issue:

A recent study by David Sunding, an associate professor of natural resource economics, David Zilberman, a UC Berkeley professor of agriculture and resource economics, and graduate student Aaron Swoboda to the California Resource Management Institute found that the economic impacts from designation and preservation of special plant and animal habitat areas continue to cost society hundreds of millions of dollars because of delays, court fees and opportunities forgone. Sunding's report, released Feb. 20, found that agencies had underestimated the actual economic and social impact by seven to 14 times.

Certainly, natural resource decisions cannot and should not be made entirely on economic impacts. However, NEPA requires that both economic and environmental facts should be considered in the final land management decisions. The U.C. Berkeley study displays the fact that the full economic and social facts and impacts are not being adequately considered by the federal land management agencies. We request adequate evaluation of the economic and social impacts of this proposed action be considered in the analysis and decision-making. Additionally, we request that the cumulative negative impact resulting from inadequate evaluation of economic and social impacts in past actions are considered in the analysis and decision-making and that an adequate mitigation plan be included as part of this action to compensate for past cumulative negative impacts.

Issue:

We request that the analysis include an adequate benefit-cost analysis of non-motorized versus motorized trail use. This analysis should include the annual cost of the non-motorized trails per the actual and documented number of non-motorized trail user. The economic analysis should also compare the annual benefit-cost per non-motorized user versus the annual benefit-cost per motorized user if the trails and funding were used as multiple-use/motorized trails. Motorized trail users out-number non-motorized trail users at least 25 to 1 (see summary of local observations).

Motorized recreationists need approximately 5 times the miles of trail per day compared to non-motorized recreationists (CBU analysis). Therefore, motorized recreationists need 125 times (25 x 5) the miles of trails as do non-motorized recreationists. However, the current allocation of resources in the forest is significantly weighted towards non-motorized and is no where near this ratio. Additionally, the allocation is moving in the wrong direction towards more non-motorized opportunities with each decision (refer to Table 2 past and current actions). An increased allocation of exclusive non-motorized trails is not a good use of the taxpayer's money. Additionally, non-motorized trails benefit a very limited number of recreationists who already have more than adequate recreational resources when compared to motorized recreationists. It is more reasonable for the decision to focus on multiple-use trail projects and invest our limited financial resources in those types of projects.

The benefit-cost analysis should also recognize the significant economic benefit associated with motorized recreation. Motorized economic benefit far exceeds the economic benefit of non-motorized recreation because there are more motorized recreationists and they have a considerable investment in their recreation. Economic benefits to the local economy associated with motorized recreation include sale of OHVs, parts and service; sale of tow vehicles, parts and service; sale of camping units, parts and service; fuel; meals; motels, etc.

Issue:

The positive economic impact on the economy of the area must be adequately considered in the decision-making. Arizona State Parks has prepared a good example of an economic analysis of OHV recreation for Coconino County, AZ (http://www.gf.state.az.us/pdfs/w_c/OHV%20Report.pdf). The economic impacts of OHV recreation in one county are significant with \$258.3 million statewide impact and a \$215.3 million impact locally that supports 2,580 jobs. Off-highway vehicle recreation activity is an immensely powerful part of the Arizona collective economic fabric, generating nearly \$3 billion in retail sales during 2002 (http://www.gf.state.az.us/pdfs/w_c/OHV%20Report.pdf). This evaluation should be used as guideline to evaluate the existing and potential positive economic impacts associated with OHV recreation in the project area. Additionally, the study does a good job assessing the activities and reasons that recreationists enjoy using off-highway vehicles. Another study found that the total estimated itemized expenditures by households participating in OHV Recreation in Colorado in 2000 was \$519,333,239.

Additional information on the importance of OHV recreation to the economy of the project area can be found at:

1. Gilmore Research Group, 1989, Washington DNR, Assessment of ORV impact and use in Roslyn-Cle Elum, WA.
2. Haas, Glenn et al, 1989, Colorado Sate University, Estimated CO recreational use and expenditures for OHV in FY 1988.
3. Tyler & Associates, 1990, CA DOT, A study of fuel tax attributable to OHV and Street Licensed vehicles used for recreation off-highway.
4. CA OHMVR Division , 1994, CA Department of Parks and Recreation, A 26 page study of the \$3 Billion economic impact of OHV use in CA.

5. Oak Ridge National Laboratory, 1994, Federal Highway Administration, Report ORNL/TM-1999/100, Federal Highway Administration, An 80 page summary of the fuel used for OHV recreation, <http://www-cta.ornl.gov/publications/offroad.pdf> .
6. CA OHMVR Division, 1991, CA Department of Parks and Recreation, A 119 page summary of the status of OHV recreation in CA.
7. Schuett, Michael , 1998, West Virginia University, 14 page report on OHV user values and demographics.
8. Motorcycle Industry Council (MIC), 1998, 20 page statistical report of motorcycle population, sales and usage.
9. Generoux, John & Michele, 1993, Minnesota DNR, 33-page report on feasibility of Iron Range OHV Rec'n Area.
10. Hazen and Sawyer, 2001; Colorado Off-Highway Vehicle CO, 144-page analysis of economic impact of OHV recreation in Colorado which is estimated at \$230 million, (<http://cohvco.org/economics/main.html>).
11. Tennessee OHV Economic Impact, A \$3.4 Billion Industry, <http://www.state.tn.us/environment/ohv/ohvimpacts.pdf>, <http://www.state.tn.us/environment/ohv/econimpact.pdf> .
12. March 2003 Presentation at the National OHV Managers Meeting in Charlotte, North Carolina, <http://www.etra.net/Newsletters/2003/July2003.htm>.
13. Nelson, C.M., Lynch, J.A., & Stynes, D.J. 2000. Michigan Licensed Off-Road Vehicle Use and Users, 1998-99. East Lansing, MI: Department of Park, Recreation and Tourism Resources, Michigan State University, <http://www.prr.msu.edu/miteim/orvspend.pdf> .
14. Jonathan Silberman, PhD. The Economic Importance Of Off-Highway Vehicle Recreation, Economic data on off-highway vehicle recreation for the State of Arizona and for each Arizona County Study, Prepared by School of Management, http://www.gf.state.az.us/pdfs/w_c/OHV%20Report.pdf
15. Hazen, S. (2001). Economic Contribution of Off-Highway Vehicle Use in Colorado, Colorado Off-Highway Coalition.
16. Ingrid E. Schneider, Ph.D. and Tony Schoenecker, Graduate Research Assistant, All-terrain Vehicles in Minnesota: Economic impact and consumer profile, University of Minnesota Tourism Center, 2005. <http://www.tourism.umn.edu/research/ATVReport.pdf>
17. <http://sundaygazettemail.com/section/News/2007062328>

A common theme with the public and local and state governments has been the need for more economic development in the area and they are searching for ways to expand and enhance the local economy. OHV recreation is a significant part of the existing economy. Any reduction in OHV recreational opportunities will hurt the local economy. Additionally, the enhancement of OHV recreational opportunities in the project area will provide a badly needed enhancement of the overall local economy as well.

Issue:

There has never been an accounting of the cumulative negative impact of all motorized closures that have occurred over the past 35 years. Actions that have contributed to the significance of the cumulative negative impact on motorized recreation include millions of acres and thousands of miles of roads and trails associated with Endangered Species Act; Continental Divide National Scenic Trail; forest fires; timber harvests, forest plans; view shed plans; resource plans; watershed plans; roadless plan; creation of wildlife management areas, monuments, non-motorized areas,

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wilderness areas, and wilderness study areas; area closures, and last but certainly not least, travel plans. This cumulative negative impact has not been quantified and it is significant.

In order to evaluate this cumulative negative effect, an accounting of all motorized closures must be done at 5-year increments going back to the creation of the wilderness act. This accounting needs to be done on a local forest or district level in addition to statewide and regional levels. For example, loss of motorized access and motorized recreational opportunities since 1986 in our immediate area (Helena National Forest) include: 18 separate closures in the Big Belts with the loss of over 100 miles; 130 miles in other areas of the forest; closure of 191,000 acres and 75 miles in the Elkhorn Mountains; and closure of 625,447 acres in the remainder of the forest. Both adjoining public lands and public lands further away have experienced similar trends. Therefore, the cumulative negative impact of all motorized access and recreational closures is significant. Simply, there are very few places left where motorized recreationists can recreate and yet the trend continues. This stealthy attack on motorized recreational opportunities must be acknowledged. Please quantify and consider these cumulative negative impacts and develop a preferred alternative that will mitigate the significant impact on motorized recreationists that has occurred.

Issue:

We are concerned that the lack of accounting for the cumulative negative impact of all forms of motorized closures over the past 35 years is an undisclosed strategy to squeeze motorized recreationists into the smallest possible area. Once this is accomplished, then the agencies will take the position that the impacts on that small area left for use is significant and everything will be completely shut down. All of the plans, strategies, actions, and evidence support this concern.

Issue:

One agency cannot ignore the cumulative negative impact that another agency's actions are having on motorized access and motorized recreation. For example, the BLM cannot ignore cumulative negative impact of all of the closures that have occurred in the Helena National Forest during the evaluation of BLM projects in the area and vice versa.

Issue:

For the most part, adequate OHV opportunities do not exist. As OHV use becomes concentrated in smaller areas because of closures or restrictions, the frequency of encounters between motorized and non-motorized trail users increases dramatically. Resource damage can also result from use concentrated in smaller areas. Certainly with the acceptance of millions of acres of area closure by motorized recreationists, the use of the existing network of roads and trails including spurs for camping and exploring is reasonable. Additionally, we have seldom asked for any new routes and the level of use would justify many new routes.

Issue:

We are concerned that the BLM and Forest Service has created unnecessary significant negative impacts on both the human and natural by their policies that seeks to close as many motorized routes and opportunities as possible over the past 30 years. The cumulative effect of this policy is to crowd motorized recreationists into a relatively small number of areas and trails such as the Whitetail-Pipestone area versus widely dispersed and adequate motorized recreational opportunities. The limited opportunities and resulting concentrated use is not the best alternative for either the human or natural environment. The limited opportunities and resulting concentrated use is not equitable for

the public and especially when considering that these lands are intended by Congress to be managed for multiple-uses.

Issue:

The public has a need for more motorized access to dispersed camping spots in the project area including access for RV's trailers, and tent camping.

Issue:

The travel management process should be initiated with the scoping process and a full and adequate evaluation of all viable alternatives. All existing roads and trails available to motorized recreationists should be used as the starting alternative for all analyses and impact determinations. Establishment of this baseline alternative is crucial to the evaluation of all proposed impacts on motorized recreationists. Time after time the alternatives presented in the travel planning process do not include a reasonable motorized alternative. This seems to be a ploy to get the public to accept less right from the start. The process is predisposed in that a minimal number of motorized access and motorized recreational opportunities are presented as the preferred alternative from the beginning when the needs of the public are just the opposite. We request that the process be restarted and that all existing roads and trails which are available for use by motorized recreationists be adequately identified as the baseline alternative.

Issue:

In an attempt to close as many existing roads and trails and possible, non-motorized interests keep trying to confuse the issues by suggesting that we are asking for illegally created trails. We are not. The term "illegal trails" is being used inappropriately. The term "illegal routes" has been used to describe historic routes that have not been included in an inventory or dropped from the inventory at some point in time. Many of the routes on public lands were created legally as part of mining activities, grazing, and before the 3-State ROD in June 2003. Many of these routes have RS 2477 status. Therefore, these types of routes were created by users at a point in time when it was acceptable and legal and it is misleading to represent it otherwise. We are asking for continued use of routes that are legitimately recognized by the agencies including those defined by the: 3-State OHV decision and route definitions (or similar definitions), RS-2477 access laws, all agency mapping including current travel plan mapping and historic and current visitor mapping. It is not fair to represent routes as "unauthorized" or "illegal" when they were created in times when it was appropriate.

Issue:

The need for more non-motorized hiking trails has not been demonstrated or documented. Non-motorized hiking trails in the project are not over-used. At the same time there is need for more motorized access and motorized recreational opportunities yet the dominant thinking within the agency is to close motorized roads and trails and increase non-motorized recreational opportunities.

We do not understand why the public's needs do not carry any weight in the process. Why is it acceptable to make decisions that fly in the face of public need? It appears to be done as conscious and organized efforts to eliminate a sector of the public from public lands. The needs of the public are being ignored in favor of a management agenda that is contrary to the needs of the public. Why are the needs of non-motorized recreationists given such priority? When it comes to assessing needs it seems that only non-motorized recreationists exist. The problem is that you will only find what

you are looking for and the agency is only looking for reasons to justify more and more non-motorized opportunities and less and less motorized opportunities. The priorities for management of public land have swung to this ridiculous extreme. We request that the hidden agenda of closure of motorized roads and trails which is so contrary to the needs of the public be addressed and corrected.

Issue:

During a House Resources Committee hearing in San Diego during August, BLM California State Director Mike Pool, made a statement while being questioned by Congressman Bob Filner about closures of the Sand Mountain area to motorized recreationists. Mr. Pool indicated that he, as a public lands manager, is forced to manage lands to avoid litigation.

This is an often repeated example of "managing to avoid litigation." This has become a huge issue with the current management of public lands. Neither the butterfly nor the buckwheat plant is threatened or endangered at Sand Mountain. No "critical habitat" is defined or required. But the threat of appeals and lawsuits by environmental groups is real and that's what drives the decision-making. If you don't sue, you lose. In our area, 3 foundation supported environmental groups sue on nearly action. We have yet to sue. Motorized recreationists have not used lawsuits to the extent that the environmental groups have and consequently, motorized opportunities are being eliminated because they are a "lesser threat" of lawsuit and the overarching needs of the public are being ignored. This is the "new" environmental justice issue and we are listing it as an issue. A sense of magnitude for the number of current appeals filed by environmental groups can be developed by reviewing the Forest Service appeals listing at http://www.fs.fed.us/emc/applit/appeal_decisions.htm. The system is broken because it is neither reasonable nor equitable that motorized recreationists have to appeal and take legal action in order to get a fair decision.

Issue:

Pursuing environmental perfectionism is not an equitable goal for management of public lands. "The pursuit of perfectionism often impedes improvement" (George F. Will). The unyielding pursuit of environmental perfection could ultimately lead to radical changes in environmental laws and reduced public support for protection of the environment. It is important that a fundamental difference in doctrines be recognized. We believe that public lands are here for us to enjoy and use responsibly for the large number of purposes. The underlying doctrine of the extreme environmentalists on the other hand is that humans are intruders on and have no place in the natural environment. Expecting any or all of the public to be required to live with the consequences of uncompromising environmental perfectionism is an unreasonable expectation and it must be recognized as such. Additionally, the expectation of a static environment is unnatural. Ecosystems have been changing since the beginning of time and they should be expected to continue to change and adapt at both micro and global levels. We are equally concerned about protection of the environment but we request the pursuit of a reasonable and practical course of action, which will do more to protect the environment in the long-term. We request that the impacts associated with the pursuit of environmental perfectionism on the human environment be evaluated and that the cumulative negative impact of environmental perfectionism on the human environment be adequately considered.



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Issue:

There is a shortage of dispersed camping areas along all of our motorized routes. This can be confirmed by going out on any holiday weekend and trying to find a camp spot. In order to meet the needs of the public, camps spots and access to them must not be closed because of access and/or sanitation concerns. There are ways to mitigate any access concerns. Sanitation concerns can be addressed by constructing vault toilets or limiting camping to self-contained camping units which are the most popular means of camping now. Additionally, campers that are not self-contained can be required to pack wastes out by using porta-potties or similar devices.

Issue:

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In order to conserve energy, adequate motorized recreational opportunities are needed within a short distance of the cities and towns in our area. In order to conserve energy, we request that all reasonable OHV routes within short distance of urban areas be developed and that urban OHV trail heads be developed where ever public right-of-way allows access to public land. The motorized trails and trailheads developed by the City of Boise (<http://www.ridgetorivers.org/>) are a good example of how motorized trails and connections can be incorporated into an urban situation.

Issue:

The evaluation and decision-making must also take into account that millions of acres of public land near the project area are designated national parks, monuments, wilderness and non-motorized areas where motorized access and recreation is not allowed or severely restricted. Therefore, the project area includes a significant number of non-motorized recreational opportunities that can be quantified in many ways including acres, miles of trails, an infinite number of miles of cross-country travel opportunities, and acres per visitor. At the same time motorized access and recreation is limited to a relatively small corridor and network of roads and trails. We request that the difference in visitor use between designated wilderness/non-motorized/exclusive-use lands and multiple-use lands be acknowledged and adequately addressed in the evaluation. We also request a motorized recreation alternative with a recreation opportunity spectrum (ROS) comparable to the surrounding ROS available for non-motorized recreationists be adopted as the “proposed action”.

Issue:

We request a starting proposal that is based on all of the existing roads and trails available to the public. The process is required by NEPA to be neutral and a neutral process would include the fair presentation of all reasonable alternatives including all existing roads and trails plus new motorized opportunities required to meet the needs of the public. Why isn't this reasonable alternative being presented? We are concerned that the process is manipulating the public to believe that an entirely reasonable alternative based on existing roads and trails cannot be considered. Again, the process is predisposed towards closures right from the start and this is neither right nor equitable.

We request the full and fair disclosure of this information to the public. The starting benchmark could be considered deceptive. NEPA requires adequate disclosure of the potential impacts of a proposed action as stated in CEQ Sec. 1500.1 Purpose. *Most important, NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail. It shall provide full and fair discussion of significant environmental impacts and shall inform decisionmakers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment. Agencies shall focus on significant environmental issues and alternatives and shall reduce paperwork and the accumulation of extraneous background data. Statements shall be concise, clear, and to the point, and shall be supported by evidence that the agency has made the necessary environmental analyses.* These requirements have not been met. We request that these deficiencies be addressed by developing a starting benchmark alternative that identifies all of the existing roads and trails available to motorized recreationists including non-system routes and those falling under some undefined definition of “unusable” and those additional routes required to meet the needs of the public.

Issue:

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The evaluation needs to distinguish the difference in trail requirements and impacts between atvs and motorcycles and use that difference to justify keeping more single track trails open to motorcycles.

Issue:

Well-funded and organized non-motorized groups have systematically attacked and reduced economic and recreational opportunities associated with multiple-use of public land by ordinary citizens. This attack has included the introduction of an unreasonable expectation into all NEPA and land management processes. This unreasonable expectation is built around the concept that non-sharing of public lands is acceptable and that conversion of multiple-use public lands to non-motorized, narrow-use or defacto wilderness lands is acceptable. Non-motorized special-interests do not use the existing roads and trails as much as the public uses them for motorized access. Non-motorized special-interests simply do not want anyone using them or want to share them with anyone else. This is not a reasonable expectation, it is inequitable to the public and these unreasonable expectations must not be rewarded any further. It is not acceptable to reward people who seldom or never use a road or trail and allow them to shut out those that use them frequently.

The endorsement of this unreasonable expectation by agency actions has significantly impacted multiple-use opportunities on public lands and the public in general. The cumulative negative impact of this unreasonable expectation is significant. Adequate recognition of this trend and mitigation must now be implemented in order to counter the inequities that have been created by allowing this unreasonable expectation to have so much influence on our land use decisions.

Issue:

For the most part, the existing levels of roads and trails have acceptable natural environmental impacts because of the dispersed level of use that it allows. Mitigation can be implemented in those cases where there are environmental problems. The management trend of closure after closure is concentrating recreationists into smaller and smaller areas. The cumulative negative impact of the closure trend will either produce more impact than allowing use of the existing roads and trails or squeeze us completely out from public lands. There is also a significant public safety aspect associated with squeezing everyone into a small area as accidents will increase with too many motorized recreationists on too few routes. We request that these significant issues be acknowledged and adequately addressed. We also request that the trend of wholesale closures be reversed so that public land can be managed using the most sound natural and human environmental principles.

Issue:

It appears that the agencies do not want to; (1) accept or acknowledge the public need for OHV recreation, and (2) the responsibility as a public agency to provide adequate management for that recreation. OHV recreation is something that the public wants and enjoys and the agencies must get off the fence and accept the responsibility to develop OHV recreational resources and manage public lands for OHV recreation.

Issue:

The use of the name "Travel Management" for the process is deceiving the public. History has demonstrated that this is a closure and restriction process. New motorized roads or trails are seldom created by the process. When we ask visitors that we meet about the process they will either tell us;

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(1) that they expect the Forest Service to look out for their needs, or (2) that the Forest Service has already made up their mind on travel planning decisions and that it is pointless to participate in the process.

Issue:

The maps and figures are not easily understood. There are no identifiable or named features and no road and trail numbers on the maps. It is very difficult for the public to orient themselves and to interpret the proposed action for each specific road and trail. Therefore, the public cannot adequately evaluate the proposal and cannot develop comments with reference to specific roads and trails.

Issue:

National Forest officials have stated that all challenging motorized roads and trails would be eliminated due to their concerns about hazards on those routes. For many of us, these are the very routes that we consider to have the greatest recreational value. Again, this is another example of predisposition and discrimination. Discrimination is to make a choice, a distinction. We all make choices, every day. Discrimination becomes illegal when choices made limit the possibilities of some groups or some individuals. Other forest visitors and their recreation opportunities are not subjected to this criterion. For example, this concern has never been used to limit the opportunities for hunters, fisher folks, woodcutters, equestrians, river floaters, campers, hang gliders, rock climbers, hikers, skiers, anyone driving anywhere in the forest, etc. We request that this unreasonable and discriminatory criterion be dropped immediately from the process and that the process be restarted without this criterion.

Issue:

The cumulative negative impact of multiple-use and motorized recreational closures (in acres of unrestricted area, miles of roads and trails, and recreational opportunities) by all past decisions including plans, and the creation of wildlife areas, wilderness, wilderness study areas, roadless areas, monuments, national parks and non-motorized areas has not been adequately recognized and it is significant. We have not seen the agencies tabulate the amount of motorized recreational opportunity lost during the past 35 ± years. Additionally, most of the past actions that have involved motorized closures have not included a comprehensive route inventory. Therefore, many motorized closures have occurred because the routes were not identified during the process and the process ended with a closed unless posted open conclusion. We have experienced the significant cumulative loss first hand. We estimate that today's motorized recreational opportunities are less than 50% of the level available in 1970.

Table 2
Partial list of Current and Immediate Past Actions With
Significant Cumulative Impact on Multiple-Use/Motorized Recreation

Route Designation process (all forest on a fast track schedule)	No. 01-35690 D.C. No. CV-96-00152-DWM
All past, ongoing, and future Forest Service Travel Plans (http://www.fs.fed.us/recreation/programs/ohv/)	All Resource Management Plans and Planning Actions (inter-agency) Grizzly Bear Recovery Plan (inter-agency) ICBEMP
All past, ongoing, and future BLM Resource Management Plans	(inter-agency) Northern Rockies Lynx Amendment (inter-agency)3-States OHV Strategy
Rocky Mountain Front legislation December 2006	B-DNF Norton Creek Trail Relocation
United States Court Of Appeals for the Ninth Circuit	B-DNF Cataract Creek Road and Trail Closures

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B-DNF Continental Divide Trail near Jackson, MT
 B-DNF Whitetail Pipestone Travel Plan
 B-DNF Forest Plan Update
 B-DNF Analysis of the Management Situation
 B-DNF Continental Divide trail near Feely
 B-DNF Continental Divide trail near Whitetail-
 Pipestone
 B-DNF Social Assessment
 B-DNF Mussigbrod Post Fire Roads Management
 B-DNF Trail #313 and Mormon Gulch Closure
 B-DNF & BLM Flint Creek Watershed Project
 Big Horn NF Forest Plan Revision
 BLM 6 RMPs in Western Oregon
 BLM Price Field Office RMP
 BLM Owyhee Travel Management Plan
 BLM All existing management plans and travel plans
 BLM Owyhee Management Plan
 BLM Blackleaf Project EIS
 BLM Dillon Resource Management Plan
 BLM Headwater Resource Management Plan
 BLM Arizona Strip Travel Plan
 BLM Bruneau Resource Area Travel Plan
 BLM Escalante Grand Staircase Monument
 BLM Missouri Breaks Monument
 BLM Moab Resource Management Plans
 BLM National OHV Strategy
 BLM National Mountain Biking Strategic Action Plan
 BLM San Rafael Travel Plan
 BLM Sleeping Giant Travel Plan
 BLM Whitetail/Pipestone Rec. Management Strategy
 BLM Lake Havasu RMP
 BLM Sustaining Working Landscapes Initiative
 BLM Rocky Mountain Front Scenery Evaluation
 Project
 BLM Kanab Resource Management Plan
 BLM Miles City Resource Management Plan
 BLM Price Resource Management Plan
 Bitterroot NF Fire Salvage EIS
 Bitterroot NF Post-fire Weed Mitigation EIS
 Bitterroot NF Sapphire Divide Trail
 Bitterroot NF Forest Plan Revision
 Boise NF Mountain Home RD Travel Plan
 Bridger-Teton NF Travel Plan
 Caribou NF Travel Plan
 Custer National Forest Travel Plan
 EPA Tenmile Creek Watershed Plan
 Flathead NF Robert Wedge Post Fire Project
 Flathead NF West Side Reservoir Post Fire Project
 Flathead NF Forest Plan Revisions
 Flathead NF Moose Post Fire Road Closures
 Flathead NF Spotted Bear Road Closures
 Flathead NF Spotted Bear Travel Plan
 Gallatin NF 2002 Travel Plan Update
 Helena NF Whites Gulch Closure
 Helena NF Figure 8 Route Closure
 Helena NF Blackfoot Travel Plan
 Helena NF Blackfoot Water Quality Plan
 Helena NF Cave Gulch Fire Salvage Sale
 Helena NF Clancy-Unionville Plan
 Helena NF North Belts Travel Plan
 Helena NF North Divide Travel Plan
 Helena NF Noxious Weed Plan
 Helena NF South Belts Travel Plan
 Helena NF South Divide Travel Plan
 Helena NF Continental Divide National Scenic Trail
 Humboldt Toiyabe Travel Plan
 Humboldt Toiyabe NF Charleston-Jarbridge Road
 Humboldt Toiyabe NF Spring Mountains NRA
 Kootenai NF Bristow Restoration Project
 Kootenai NF McSwede Restoration Project
 Kootenai NF Forest Plan Revisions
 Lolo NF Forest Plan Revision
 L&CNF Little Belt Travel Plan
 L&CNF Judith Restoration Plan
 L&CNF Rocky Mountain Front Travel Plan
 L&CNF Snowy Mountain Travel Plan
 L&CNF Travel Plan update
 Mt Hood National Forest Travel Plan
 Wallowa-Whitman NF Travel Plan
 Wasatch-Cache NF Logan Ranger District Travel Plan
 Montana State Wolf Plan
 Montana State Trail Grant Program PEIS
 Montana State Trail Plan PEIS
 Montana FWP Statewide Outdoor Recreation Plan
 Nez Perce NF Designated Routes and Areas
 Nez Perce NF Travel Plan Revisions
 NPS Salt Creek Road Closure
 NPS Yellowstone Winter Plan (snowmobile closure)
 NPS Glen Canyon NRA ORV Management Plan
 Payette NF Travel Plan Revisions
 Rogue Siskiyou NF Travel Plan
 Sawtooth NF Travel Plan Revisions
 Shoshone NF LRMP
 USFS Continental Divide National Scenic Trail
 (<http://www.fs.fed.us/r2/trails/cdnst/>)
 USFS All existing forest plans and travel plans
 USFS National OHV Policy and Implementation
 USFS Forest Plan Amendments for Grizzly Bear
 Habitat Conservation
 USFS National Strategic Plan 2003 Update
 USFS Roadless
 USFS Roadless Rule II
 USFS Roads Policy
 USFS Open Space Conservation Strategy and
 Implementation Plan
 USFS National Land Management Plan Revisions
 USFWS Bull Trout Recovery Plan
 USFWS Westslope Cutthroat Trout ESA
 USFWS CMR National Wildlife Refuge Road Closures
 USFWS Sage Grouse Plan
 USFWS Rocky Mountain Front Conservation
 Easements
 Central Idaho Economic Development and Recreation
 Act (CIEDRA)

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Now imagine the 3 inch document that goes with each action and the involvement required to participate in the scoping process, review of draft EIS and comments, review of final EIS and comments, and review of the record of decision. It is simply impossible to keep up with. The motorized closure movement has the upper hand given the process and volume of actions and is effectively eliminating motorized access and motorized recreation at an astounding rate.

The projects listed in Table 2 have typically proposed to or have reduced motorized recreation from 20% to 100%. Additionally, each time an action involving travel management is updated it typically closes another 20% to 50% to motorized access and motorized recreation. The cumulative negative effect of past actions has contributed to a reduction in motorized access and motorized recreational opportunities over the past 35 ± years that is greater than 50%. The magnitude of the cumulative effect of the motorized closure trend must be identified and evaluated as a significant impact on motorized visitors.

We request an adequate evaluation of the significant cumulative loss in miles, acres, and quality of motorized recreation and access opportunities within public lands as required under 40 CFR 1508.7 and 1508.25, and guidelines published by the Council on Environmental Quality “Considering Cumulative Effects Under the National Environmental Policy Act”. Table 2 is provided as a starting point of the projects that need to be considered as part of that evaluation.

Issue:

Because of the large number of projects affecting the public (Table 2) and the limited amount of time that individuals have including most working class citizens, agencies can not expect the level of public participation to be high. This does not justify taking recreation opportunities from the public including working class citizens.

Issue:

The forest, watershed and viewshed planning process tends to influence motorized access and motorized recreation in an undisclosed manner that is deceiving the public. For example, forest plans, watershed plans and view shed plans such as the Helena National Forest Plan, Beaverhead-Deerlodge National Forest Plan, Little Blackfoot River Watershed Plan, Tenmile Creek Watershed Plan and Scenery Evaluation Plan for the Rocky Mountain Front often set management goals for areas that will ultimately result in the elimination of motorized recreation yet motorized recreationists are unaware that these actions will ultimately affect them. This back door process does not meet the NEPA requirement for adequate public disclosure of the impacts of the proposed action. Adequate public disclosure in these cases would require direct means of communication with motorized recreationists to inform them of the potential changes that will result from the respective plan. This process of non-disclosure has been used to effectively eliminate many motorized access and motorized recreational opportunities and contributes to the cumulative negative impact of closures on motorized recreationists. We request that the cumulative negative impact of past planning actions on motorized recreationists be adequately evaluated and considered during the decision-making process.

Issue:

If allowed to continue the trend of closure after closure of motorized access and motorized recreational opportunities will result in an extremely limited number of motorized access and motorized recreational opportunities. If allowed to continue to that end as proposed by current management schemes, motorized access and motorized will become so concentrated that the

impacts on natural resources will become significantly greater than the alternative of continuing to allow a reasonable level of motorized access and motorized recreation on all multiple-use lands. We believe that it is time that this trend to terminate motorized access and motorized recreation on public be evaluated. We request that the trend of cumulative closures, the cumulative negative impacts associated with that trend and the reasonable alternative of maintaining the existing level of motorized access and motorized recreation must be adequately addressed. We also request that the proposed action include an adequate mitigation plan to compensate for the significant impact from the cumulative effect of all past actions that have affected motorized access and motorized recreationists.

Issue:

Motorized visitors are continually losing significant recreational opportunities by conversion of multiple-use areas to non-motorized areas. We are greatly concerned about the cumulative negative impact associated with the reduction of multiple-use and OHV recreation opportunities because it is significant. We do not expect to have the freedom to go anywhere and do anything that we want. However, we are losing the basic opportunity to travel to places and experience outdoor recreation that we have enjoyed for decades. We are losing routes that fathers have taught sons and daughters and even grandchildren to ride on. People are calling us and asking where they can go to ride. What are we supposed to tell them? The continual loss of motorized access and recreational opportunities is seriously degrading the local culture and quality of life. Public land is a cultural resource and access to the project area for many uses is part of the local culture. The decision for this project must consider the impacts that any closures will have on this culture.

We are opposed to any proposed action that further contributes to this cumulative negative impact on multiple-use and OHV recreationists because it is already significant. Recreation opportunities for multiple-use and OHV recreationists are being significantly reduced at a time when the need for these categories of recreation is growing. There is no reasonable justification for closing these lands to multiple-uses. Management of public lands for multiple-use is the most equitable and responsive approach available to meet the needs of all citizens including motorized recreationists. We request that the evaluation and proposed action adequately address this condition and not contribute further to this cumulative negative impact because it is already having a major impact on motorized recreationists.

Issue:

The trend of closure after closure after closure after closure of motorized access and motorized recreational opportunities and the associated cumulative negative impacts of that trend is no longer acceptable without adequate mitigation. A reasonable mitigation plan must be developed for each action in order to avoid contributing to significant cumulative impacts on motorized access and motorized recreationists.

Issue:

Current land management trends are applying wilderness standards and criteria to lands intended for multiple-use. For example, total National Forest area equals 191,856,000 acres (http://roadless.fs.fed.us/documents/feis/data/sheets/acres/appendix_forest_acres.html). Total designated wilderness/protected areas equal 42,351,000 acres or 28% of the total forest area. Additionally, there are other non-motorized designations that effectively eliminate motorized access and motorized recreation in large areas of the forest.

Other designations that preclude unrestricted multiple-uses include roadless areas which total 54,327,000 acres or 22% of the total forest area. First, the rules governing identified roadless areas clearly allow motorized recreation and roadless areas currently provide many important motorized recreational opportunities. However, in practice roadless areas are managed with restrictions that severely restrict multiple-use and access of those areas by the public. Therefore, the national forest area with severe access and use restrictions totals at least 96,678,000 acres or 50% of the total forest area.

Similar trends have occurred on lands managed by the Department of Interior (DOI) which total 507 million acres which is about one-fifth of the land in the United States. Acreages managed by each Interior agency include: 262 million acres managed by the Bureau of Land Management, 95 million acres managed by the Fish and Wildlife Service, 84 million acres managed by the National Park Service, 8.6 million acres managed by the Bureau of Reclamation, and 56 million acres managed by the Bureau of Indian Affairs. Statistics summarizing acres of multiple-use and restricted-use on DOI lands are not readily available to the public, however, a significant portion of these lands have limited motorized access and limited motorized recreational opportunities. DOI should adequately disclose these land use statistics to the public including motorized recreationists as quickly as possible.

Therefore, the cumulative negative effect of the pre-Columbian scheme, wilderness designations, wilderness study areas, national parks, monument designations, roadless designations, non-motorized area designations, travel management, wildlife management areas and other restrictive management designations over the past 35 ± years have restricted the public land area (USDA and DOI) available to multiple-use visitors seeking motorized access and/or mechanized recreational experiences (over 95% of the public land visitors) to less than 50% of the total national forest and public land area.



It is not reasonable to close this area to the majority of uses. In order to be responsive to the needs of the public all of the remaining (100%) multiple-use public lands should be managed for multiple-uses including motorized access and motorized recreation. Therefore, all public lands such as those in this project area must remain open as multiple-use lands in order to avoid contributing to the significant cumulative negative effect associated with the trend of converting multiple-use lands to limited-use lands. We request that the document and decision evaluate the needs of multiple-use and motorized recreationists and adequately evaluate the cumulative negative impacts that have resulted from inadequate evaluation in past actions. We also request that an adequate mitigation plan be included as part of this action to compensate for past cumulative negative impacts.

Issue:

We request that the over-arching management goals for all multiple-use public lands be to:

- (1) Manage multiple-use lands for the greatest benefit to the public;
- (2) Manage multiple-use lands in an environmentally sound and reasonable manner;
- (3) Manage multiple-use lands in a way that avoids the pursuit of environmental extremism; and
- (4) Manage multiple-use lands in a way that promotes the shared-use that they were intended for versus segregated-use or exclusive-use.

Issue:

We are a locally supported association whose purpose is to preserve trails for all recreationists through responsible environmental protection and education.

Sign-in kiosks are routinely provided at wilderness trailheads to record the use of wilderness areas. We have never seen an equivalent facility or program and this lack of data puts motorized recreation at a disadvantage.

Issue:

The cumulative negative effect of management trends over the past 35 ± years has significantly increased non-motorized recreational opportunities while motorized recreational opportunities have been significantly decreased. Non-motorized recreationists have many choices while motorized recreationists have few choices. We request that the document evaluate the significant cumulative negative effects of this trend and that the decision be based on correcting this trend in order to equitably meet the needs of motorized recreationists.



Issue:

Agency staff has told us that they intend to focus on resource management issues. Issues related to the management of natural resources have received most of the attention during the evaluation while socio-economic issues surrounding motorized access and recreation are largely ignored. This lack of adequate recognition has led to the creation of significant socio-economic issues affecting the quality of the human environment for motorized recreationists. Land management agencies must acknowledge that public land has significant meaning and socio-economic value to the public. We request that all significant issues involving the human environment for motorized recreationists be adequately considered during the evaluation and decision-making process.

Issue:

Travel management documents have historically over-emphasized the potential positive impacts to some resource areas and under-emphasized the impacts to other resource areas both in numbers of pages devoted to a resource and in the conclusions. For example, in the Clancy-Unionville FEIS and DSEIS there are about 100 pages discussing potential positive impacts to wildlife and fisheries and less than 2 pages discussing negative impacts to motorized recreationists. This emphasis in the process has pre-determined that the human environment will be sacrificed for incrementally small benefits to some resources. The emphasis in the analysis does not reasonably consider incrementally small improvements (0-5%) to the natural environment against an incrementally significant impact (50%) to the human environment. We request that significant human environment issues involving motorized recreationists be adequately considered and weighed in the travel management process.

Issue:

The existing level of motorized access and recreation was developed by the community through years of involvement in direct relation to the need for motorized access and recreational opportunities. The community is accustomed and relies on this level of access and recreation. We request that the project area remain open to multiple-use and the public and that a reasonable preferred alternative be based on the existing level of motorized access and motorized recreation.

Issue:

Why use so many indirect attempts such as public meetings and open houses to gather feedback from motorized recreationists? Why not just go directly to motorized recreationists in the field and

at club meetings and ask them? NEPA encourages direct coordination with the impacted public instead of a process tailor made for special-interest environmental groups.

Issue:

The dominant direction taken by the agencies is to use the travel planning process as a process to eliminate motorized access and recreation opportunities. Instead, the travel management process should be directed to meet the needs of the public for multiple-use, motorized access and motorized recreation on public lands. NEPA requires that agencies “Rigorously explore and objectively evaluate all reasonable alternatives....” [40 CFR 1502.14(a)]. We ask that you develop a preferred alternative that preserves and enhances multiple-use interests and motorized recreation.

Issue:

Managing public lands for exclusive-use by a few people or non-use is not in the best interest of the community. There are limited public lands available. We need to manage those lands for maximum communal benefit. We request that available uses of the project area be maximized as required by NEPA so that life’s amenities can be enjoyed by as many people as possible.

Issue:

The over-arching intent of NEPA was not to eliminate humans from the natural environment as proposed by some. Instead, the intent of NEPA was to provide for a practical and reasonable protection of the natural environment while providing for a wide sharing of life’s amenities. Note that NEPA specifically used the word “sharing”. Sharing can only be accomplished by managing public land for multiple uses.

Issue:

The following statement on Page 117 of the Big Snowy EA is made in regards to cumulative negative effects and OHV recreation; *“It would appear that the combination of all these actions by land management agencies may have a cumulative effect on opportunities for OHV recreation. It is impossible to quantify the effect, because the Forest Service does not have a State-wide tally of number of miles of roads and trails open to OHVs. Likewise, no one has an estimate of numbers of miles of roads and trails needed to meet the demand for motorized OHV recreation.”*

Page 262 of the Supplement to Big Snowy EA. *“In looking deeper into the issue of equitable opportunities, we found that the Forest Service reported 133,087 miles of trail nationally in 1996, but unfortunately there is no breakdown of how many miles of these trails are open to motorized travel versus non-motorized travel.”*

Page 263 of the Supplement to Big Snowy EA. *“Region 1 of the Forest Service reports 18,024 miles of trail within just Montana. Unfortunately, none of these reports break down the information into miles of road or trail open to motorized use.”*

These statements in the Supplement indicate that the agency was not able to assess whether the needs of motorized recreationists are being met because data does not exist. It appears that OHV user data is not being collected because the agency does not want to quantify or recognize OHV use and popularity. Our observations of recreationists on multiple-use public lands from 1999 through 2006 (available upon request) indicate that 97% of the visitors were associated with multiple-uses involving motorized access and/or mechanized recreation. This is also consistent with the Social

Assessment for the Beaverhead-Deerlodge National Forest which reported that 97.45% of the visitors to Region 1 in year 2000 enjoyed recreation opportunities found in multiple-use areas.

These statements also indicate that the agency was not able to assess the cumulative negative impacts on motorized access and recreationists because data does not exist. This lack of information is a significant reason why motorized recreationists are suffering such significant reductions in recreation opportunity. Because data does not exist, agencies cannot quantify the individual and cumulative negative impacts of each motorized access and recreation closure on motorized recreationists. This lack of data and consideration is being used to the advantage of non-motorized interests because the agency is not recognizing the significant need for multiple-use opportunities including motorized access and motorized recreation.

If the present trend continues for a few more years, the loss of motorized access and recreation will be so significant that the collection of meaningful data will be precluded because motorized opportunities will be largely eliminated and motorized visitors will be permanently displaced (absent from public lands). Based on our observations, we estimate that motorized access and recreation opportunities have been reduced by at least 50% since the 1960's by the significant cumulative negative effect of wilderness designations, wilderness study areas, national parks, monument designations, roadless designations, non-motorized area designations, travel management, wildlife management areas and other restrictive management designations.

Motorized visitors are continually losing significant recreational opportunities by conversion of multiple-use areas to non-motorized areas. This is a significant impact that has occurred cumulatively by a process of thousands of individual closures. The lack of data does not justify imposing a significant impact on motorized recreationists. We request that this cumulative negative impact be addressed by the collection of data and the fair evaluation of the need for motorized access and motorized recreation. Additionally, we request that an adequate mitigation plan be included as part of this action to compensate for past cumulative negative impacts.

Issue:

Mailings and telephone interviews as done in past studies do not accurately locate the people visiting public lands. Our field observations of trail use in multiple-use areas and the Social Assessment for the Beaverhead-Deerlodge National Forest have found that over 97% of the visitors were associated with multiple-uses that involved motorized access and/or mechanized recreation. We request that effective methods be developed to involve and account for motorized access and mechanized recreationists.

Issue:

There was considerably more human activity in the project area during the period from 1870 to 1940 when mining, logging, homesteading, ranching, and pioneer activity was high. Therefore, there is considerably less human activity and human-caused impact now than during any period in the last 130 years. We request that this trend be included in the analysis. This trend also contributes to the cumulative negative impact of less access and less use of public lands that has become significant. We request that the decision-making reverse the trend of less access and less use of public lands by including an adequate mitigation plan as part of this action to compensate for past cumulative negative impacts on motorized recreationists.

Issue:

We are a locally supported association whose purpose is to preserve trails for all recreationists through responsible environmental protection and education.

Motorized recreation is recognized as the fastest growing activity on federal lands yet recreation opportunities for motorized recreationists are always being reduced. In order to be responsive and fair to the public, there should be, at the very least, no net loss of motorized recreational opportunities associated with travel management plans. Moreover, in order to be responsive to this growing public need, the travel management plan should allow for growth and enhancement of motorized recreational opportunities.

Issue:

National Forests and BLM lands are effectively being managed as “National Forest Park” or “limited-use” or “exclusive-use” areas because of the volume of lawsuits filed by environmental groups. This is contrary to the needs of the public who enjoy or depend on lands managed for multiple-uses including motorized access and motorized recreation. The concepts of “Multiple-Use” and the “Land of Many Uses” need to be restored as envisioned by the first Forest Service Chief, Gifford Pinchot who directed that “... National Forest lands are managed for the greatest good for the greatest number of people...”. This is no longer the case and, consequently, the Forest Service no longer has any credibility with the public. We request that the document address restoration of these concepts and steps be taken to restore reasonable multiple-use management and decision-making to public lands.

Issue:

A CNN poll (available upon request) asked the question “Do you think off-road vehicles (ORVs) should be banned from unpaved areas of natural forest land?” and found about 15% said yes and 85% did not think ORVs should be banned. A poll taken by Backpacker magazine (<http://www.backpacker.com/poll/0,3189,,00.html>) found that out of 21,000+ responses 96% of the respondents answered “yes” to the question “Should off-road vehicles be allowed in national parks?”

Therefore, elimination of motorized access and recreation on public lands is not widely supported. We request that the document and decision-making reflect citizens’ support for motorized access and recreation.

Issue:

Travel management started from the beginning with a proposal to close the majority of existing roads and trails to motorized recreation and access with the exception of a few major roads. This practice forces motorized visitors and recreationists to start with the worst case scenario and then expend great effort (that is not very successful) to add routes currently in use back into the process. This practice places an enormous burden on motorized visitors just to maintain the status quo. This process, in effect, provides preferential treatment for non-motorized visitors who do not have to identify routes and challenge the process to protect their recreation opportunities. We request that the travel management process be practiced in a manner that does not put motorized visitors at a disadvantage.

Issue:

A fair travel management process would start with a comprehensive inventory of all existing motorized routes in use by the public. Then, in order to avoid further cumulative loss and significant impact on motorized access and recreation opportunities, we request that the travel management process include a preferred alternative based on preserving all existing motorized routes. Existing motorized roads and trails have been around for decades and have not caused any

significant problems. Therefore, it is not reasonable to close a significant number of existing motorized routes. Any significant negative impact associated with a specific motorized route should be the basis for an evaluation to close or keep that route open and should carefully consider all reasonable mitigation measures. The cumulative loss of motorized recreation and access opportunities within public lands has been significant. In order to avoid further cumulative negative impacts, we request that the majority of existing motorized routes remain open and the closure of an existing motorized route be offset by the creation of a new motorized route.

Issue:

Oftentimes, many of the motorized roads and trails proposed for closure are primitive roads and trails that provide the ideal experience sought by motorized visitors. We request that the analysis adequately evaluate the type and quality of experiences that motorized visitors enjoy and want maintained in the area.

Issue:

Motorized recreationists prefer an interesting assortment of loop and spur routes for a variety of purposes. Each road and trail should be inventoried and viewed on the ground to determine its recreational value and any significant problem areas that require mitigation measures. Each road and trail should be evaluated for its value as a motorized loop or connected route. Each spur road and trail should be evaluated for its value including: a source of dispersed campsite(s), exploration opportunities (especially for young and older riders), destination such as an old mine and viewpoint or as access for all multiple-use visitors. Every problem has a solution. Every impact has a mitigation measure. We request that travel management alternatives be developed with the objective of including as many roads and trails as possible and addressing as many problems as possible by using all possible mitigation measures.

Issue:

Motorized trail recreationists have been very reluctant in the past to give up the “open” designation because we believe we may lose legitimate and historic trails that are located in “open areas” that are crucial to loop opportunities. Our fear has been, and remains, that the agency will define key trails we currently utilize as “user created” because they are not on a current travel plan or forest map and because they are not identified that they will be closed. Many of these trails are recorded on earlier maps but others are not. While in fact they may have been created to access an activity such as mining or logging in the late 1800’s or early 1900’s when these uses and activities were more popular.

Issue:

Motorized recreationists would accept area closure (restriction of motorized vehicles to designated routes and elimination of cross-country travel) when reliable documentation demonstrates that it would provide measurable and significant improvement to the natural environment in exchange for a reasonable number of designated motorized routes. We request that the analysis develop a preferred alternative with a reasonable number of designated routes in exchange for the environmental improvements that have been realized by motorized visitor’s acceptance of millions of acres of area closure under all plans including the 3-State OHV Plan, travel plans, forest plans, and resource management plans.

Issue:

In most locales, visitors to public lands have given up motorized cross-country travel opportunities and accepted millions of acres of area closure. Therefore, motorized recreationists cannot travel cross-country using motorized vehicles and motorized recreational opportunities are limited to existing roads and trails that are open to motorized use. At the same time, non-motorized recreationists can hike cross-country. Therefore, hiking opportunities are unlimited.

Issue:

Non-motorized recreationists traveling cross-country produce similar impacts to cross-country motorcycle travel, i.e. impact on weeds, foot prints, and disturbance of wildlife. Therefore, any areas closed to cross-country motorcycle travel should also be closed to non-motorized cross-country use.

Issue:

In most locales, public land visitors have given up motorized cross-country travel opportunities and accepted many acres of area closure. However, most often motorized recreationists have not been given credit for the benefits associated with the implementation of cross-country travel restrictions and area closures. Then along comes travel planning which seeks to further restrict motorized access and motorized recreation. We request that these trends and the significance of the cumulative negative impacts of these trends on motorized access and motorized recreationists be evaluated and that motorized trail projects be undertaken to mitigate the cumulative negative impacts on motorized access and motorized recreationists.

Issue:

Most of the motorized roads and trails in the project area have served as important public access routes since the turn of the century. This is demonstrated by the number of historic mines and structures that are located along these routes. We have observed that these travelways are currently significant recreation resources for motorized visitors in the area including ATV, motorcycle, and four-wheel drive enthusiasts. Many of these travelways have right-of-ways as provided for under the provisions of Revised Statute 2477. These roads are shown on older mapping sources including: aerial photographs, 15-minute USGS quadrangle sheets, and older county maps. The cut and fill sections and obvious roadbed indicate that these roads were constructed and used by the citizens for access to the forest. RS 2477 was created to provide adequate access to public lands. Now this public access is being eliminated. We request that these travelways remain open based on; (1) their history of community access, (2) the access that they provide to interesting historical sites, and (3) their importance to community access. We request that the document evaluate all of the issues surrounding RS 2477 including the cumulative negative impact of all past closures of RS 2477 routes which has become a significant impact on motorized recreationists.



Issue:

On July 26, 1866, as part of a move to grant access to western lands, the United States Congress enacted the 1866 Mining Act, section 8 of which granted a right-of-way to all persons over unreserved federal lands when it stated “the right-of-way for the construction of highways over public lands, not reserved for public uses, is hereby granted”. In 1873, the 1866 grant was re-codified into section 2477, Revised Statutes of the United States, and rights-of-way granted by that section have since become known as the “RS 2477 rights-of-way”.

Throughout the later half of the 19th century and the first three-quarters of the 20th century, the use of “RS 2477 rights-of-way” over federal land in the western United States became a standard method of legal access across federal lands for commercial, industrial, and recreation pursuits to such an extent that the use of the RS 2477 rights-of-way has become an inherent part of western heritage and a capital asset for the public that should be preserved for future generations.

The use of RS 2477 rights-of-way over nearly a century has resulted in an extensive body of case law in the state and federal courts, in which owners of various types of rights-of-way have competed with holders of RS 2477 rights-of-way and in which the availability of those various rights-of-way has been decided by the courts, including the modern State Supreme Court as well as the federal 9th Circuit Court of Appeals, in such cases as Robertson v. Smith, Supreme Court Montana Ten., 1871; Butte v. Mikosowitz, 39 Mont. 350, 102 P. 593, (1909); Moulton v. Irish, 67 Mont. 504, 218 P. 1053 (1923); and Shultz v. Dept. of Army, 10 F.3d 649 (9th Cir. 1993).

RS 2477 rights-of-way have been given a liberal interpretation by state and federal courts in those judicial decisions interpreting what constitutes a “highway” within the meaning of RS 2477, those judicial opinions holding that even the barest foot trail could qualify as a “highway” and that no particular way across federal lands has even been identified, it being sufficient that travelers used an area of federal land as a method of access between two geographic points. After 110 years of public use of RS 2477 rights-of-way, the U.S. Congress repealed the most recent version of RS 2477, 43 U.S.C. 932, but that repeal was, by 43 U.S.C. 1701, specifically made subject to valid rights-of-way existing as of the date of repeal which was 1976.

Schiller, chairman of the High Desert Multiple-Use Coalition, told the Kern County Board of Supervisors at a meeting held on February 19, 2002 to address RS 2477 issues that “the roads represent our custom, our culture, our economy and our family traditions. I know it's been argued that this is about OHV uses and off-highway vehicles,” said Schiller. “It is really about access” .We request that any routes proposed for closure and in existence before 1976 be considered as having RS 2477 rights-of-way in order to provide citizens with access to public lands.

Issue:

The maps used in the environmental document should be familiar and easily interpreted by all citizens. The public is most familiar with Forest Visitors Maps and other common visitors maps. The environmental document mapping should follow the guidelines required by 40 CFR 1502.8 which states that “*Environmental impact statements shall be written in plain language and may use appropriate graphics so that decision-makers and the public can readily understand them*”. Many visitors who traditionally use roads and trails in the project area may not comment during travel management process unless they understand which roads and trails are proposed for closure. This lack of understanding could lead to resentment and poor support of the closures by the community because a wide range of needs have not been adequately addressed. We request that mapping identify streams, road numbers, trail numbers, landmarks and key topographic features in a manner that all citizens can easily interpret.

Issue:

Many citizens have not understood the extent of the motorized closures proposed in past travel management processes. This lack of understanding is due to inadequate communication in many forms including mapping, documents, and on-the-trail public involvement. We are concerned that

this lack of public understanding and buy-in will lead to poor support and resentment of closures. We request that public understanding and buy-in be stressed throughout the process.

Issue:

Site-specific analysis should be provided for every road and trail so that the benefits of keeping each motorized travelway is adequately addressed and accounted for in the decision. Site-specific questions will need to be discussed during the process. We request that the mapping be sufficient to allow site-specific analysis.

Issue:

Positive impacts to the environment in areas such as fisheries, wildlife habitat, sediment reduction, and noxious weeds are largely based on personal judgment or predictive models. These models are not calibrated or based on data from the study area. All models are wrong, so honest modelers first report the expected uncertainty of the model and then the predictions. There are no case histories and very little data to back up any of the predictions.

All too often actions have been enacted based on proclaimed benefit to the environment and without any tangible evidence or follow-on monitoring to document whether proclaimed benefits occurred or not. All too often these same actions have produced significant negative impacts on multiple-use interests. Significant recreational opportunities have been taken from multiple-use and motorized recreationists based on theoretical environmental improvements that may never happen. This lack of accountability is not acceptable.

We request that sufficient background data be collected to quantify the existing conditions in the resource areas of interest. Then, if a motorized closure is enacted, sufficient data should be collected to demonstrate whether or not there was significant improvement to each resource area. If significant measurable improvement cannot be demonstrated, then, in order to be accountable, motorized closure actions should be reversed. In other words, the public needs to know how the decision made, the data on which it was based on including the source, and whether the data was adequate to substantiate the claimed environmental improvements.

Additionally, we request that the cumulative negative impact from all past actions based on inadequate documentation and accountability for improvements be determined. Again, if significant measurable improvement cannot be demonstrated, then, in order to be accountable, motorized closure actions must be reversed.

Issue:

Recent research (Sediment Production From Forest Roads In Western Montana, Brian D. Sugden and Scott W. Woods, Paper No. J05063 of the Journal of the American Water Resources Association (JAWRA)) has concluded that sediment traps are highly efficient at trapping sediment from routes (page 198-199) and are a reasonable mitigation measure, that the typical sediment yield from roads in Montana is relatively low compared to other regions for a number of reasons including the precipitation regime (page 201-202), that grading or maintenance (or removal) of roads increases sediment production (page 202-203) therefore leaving roadbeds alone is reasonable alternative, and that sediment models typically have a 30% variability in their estimates (page 203) which is probably greater than the total sediment impact from OHVs that the model(s) are trying to predict.

Issue:

Watershed restoration and road decommissioning are designed to decrease sediment loads to fish-bearing streams over the long term, however, within the first few years of heavy equipment work, sediment loads commonly increase (Klein, R. 2003. Duration of turbidity and suspended sediment transport in salmonid bearing streams, North coastal California. 37 pp.).

Issue:

Past analyses of the affected environment and environmental consequences have failed to adequately recognize that resources such as fisheries, wildlife, and sediment

production are affected far more by nature than by motorized visitors. Drought has a significant impact on fisheries, OHV recreation does not compare. Erosion and other activities of interest such as the spread of noxious weeds occur naturally and at significant rates. Floods, fires, drought, and wildlife diseases have historically created significantly greater impacts than motorized visitors have. For example, cutthroat trout have never needed to be relocated because of motorized recreation and motorized recreation has never caused a sediment yield anywhere close to 19 tons per acre which both occurred following the Derby fire in 2006 (http://www.helenair.com/articles/2006/11/07/montana/a07110706_02.prt).



In many cases it is not reasonable to deem as unacceptable the relatively small increase caused by motorized recreation on natural activities. Comparing man-caused impacts to natural impacts is a reasonable approach that should be used to test for the significance of impacts and improvements. The improvements to the natural environment from this action are not significant when compared to the naturally occurring impacts. The picture shows Copper Creek near Lincoln, Montana following the August 2003 fire. Prior to the fire the Forest Service was concerned about the public camping next to the creek. The potential impacts from the public camping along this stream compared to this fire are insignificant yet closure of this recreation opportunity was being considered. Why are there so many double-standards in the impact analyses? We request that all impact analyses in all resource areas compare the relative magnitude of man-caused impacts to the background level of naturally occurring impacts or management actions such as the “Let it burn” policy.

Issue:

Impacts should be evaluated in a fair and unbiased manner and with a relative sense of magnitude. For example, if natural events including floods, wildfires, and their associated impacts are natural and acceptable as stated by some agency personnel and environmental groups, then (in order to be consistent and equitable) impacts from OHV recreation should be compared in relative magnitude to the impacts associated with floods, wildfire, and other natural events. We are concerned about comments about OHV recreation being such a significant threat to public lands (Bosworth speech, January 16, 2004). The impact of OHV recreation in our area compared to the negative impacts from just one of the 6 significant fires in our area is miniscule (http://www.helenair.com/articles/2004/09/30/top/a01093004_01.prt). Therefore, the impact of recreation should be fairly compared to the impact of floods, wildfire, and other natural events on all resource areas. These comparisons should also include natural levels of noxious weeds, deforestation, erosion and sediment production, and loss of organic material.

The use of soil erosion as a reason to close motorized recreational opportunities is an example of the predisposition that exists per the following example. Soil erosion associated with fires that have burned severely has been reported in the range of 50 tons per hectare⁴ (20 tons per acre). Nearly all fires increase sediment yield, but wildfires in steep terrain produce the greatest amounts (12 to 165 ton per acre per year, 28 to 370 Mg per hectare per year) (table 5 and figure 11)⁵. This soil loss occurs over the burned area due to the lack of vegetative cover to hold the soil in place on steep slopes during precipitation events and increased peak rates of runoff. Flood peak flows after wildfires that burn large areas in steep terrain often produce significant impacts. Peak flow increases of 10 to 100 times are common, but some have been measured as high as 2,300 times pre-fire conditions⁶. The increase in sediment production and deposition and impacts on the stream channel and over-bank areas following a forest fire is documented in the July 2006 edition of Stream Notes (www.stream.fs.fed.us).

Since 1960 the acres burned nationally have ranged from 2.3 to 8.6 million acres and averaged 4.5 million acres. At a typical sediment yield of 20 tons per acre per year, about 90,000,000 tons of sediment has been produced by fires or about 9,000,000 dump truck loads. On a more local basis in the Helena National Forest several hundred thousand acres have burned since 1988. Sediment production associated with these fires would equal 4,000,000 tons or 400,000 dump truck loads. Sediment production associated with motorized recreation cannot begin to compare to this magnitude and, therefore, it is not reasonable use sediment as a basis to close motorized recreational opportunities when impacts from “Let it burn” and other management policies are a million times greater and considered acceptable.

Monitoring and evaluation must be made consistent with and pursuant to the best available scientific information, techniques, and methods, and any conclusions based on these evaluations must be statistically significant.

National Interagency Coordination Center Annual Fire Data

Total Wildland Fires and Acres (1960-2006)		
Year	Fires	Acres
2006 (1/1/06 - 10/30/06)	86,545	9,442,610
2005	66,552	8,686,753
2004*	77,534	6,790,692
2003	85,943	4,918,088
2002	88,458	6,937,584
2001	84,079	3,555,138
2000	122,827	8,422,237
1999	93,702	5,661,976
1998	81,043	2,329,709
1997	89,517	3,672,616
1996	115,025	6,701,390

Year	Fires	Acres
1982	174,755	2,382,036
1981	249,370	4,814,206
1980	234,892	5,260,825
1979	163,196	2,986,826
1978	218,842	3,910,913
1977	173,998	3,152,644
1976	241,699	5,109,926
1975	134,872	1,791,327
1974	145,868	2,879,095
1973	117,957	1,915,273
1972	124,554	2,641,166

⁴ <http://news.bbc.co.uk/1/hi/world/europe/3164843.stm>

⁵ Robichaud, Peter R.; Beyers, Jan L.; Neary, Daniel G. 2000. **Evaluating the effectiveness of postfire rehabilitation treatments**. Gen. Tech. Rep. RMRS-GTR-63. Fort Collins: U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station. 85 p. http://www.fs.fed.us/rm/pubs/rmrs_gtr63.pdf

⁶ POST-WILDFIRE WATERSHED FLOOD RESPONSES, Daniel G. Neary*, Gerald J. Gottfried, and Peter F. Ffolliott, USDA Forest Service, Rocky Mountain Research Station, Flagstaff, AZ School of Renewable Natural Resources, University of Arizona, Tucson, AZ http://www.rmrs.nau.edu/lab/4302/Publications/Neary_65982.pdf

1995	130,019	2,315,730
1994	114,049	4,724,014
1993	97,031	2,310,420
1992	103,830	2,457,665
1991	116,953	2,237,714
1990	122,763	5,452,874
1989	121,714	3,261,732
1988	154,573	7,398,889
1987	143,877	4,152,575
1986	139,980	3,308,133
1985	133,840	4,434,748
1984	118,636	2,266,134
1983	161,649	5,080,553

1971	108,398	4,278,472
1970	121,736	3,278,565
1969	113,351	6,689,081
1968	125,371	4,231,996
1967	125,025	4,658,586
1966	122,500	4,574,389
1965	113,684	2,652,112
1964	116,358	4,197,309
1963	164,183	7,120,768
1962	115,345	4,078,894
1961	98,517	3,036,219
1960	103,387	4,478,188
	Total acres	206,638,790

* 2004 fires and acres do not include state lands for North Carolina

Source: National Interagency Coordination Center (http://www.nifc.gov/stats/fires_acres.html)

In a fair and unbiased evaluation, the source of the impacts (natural versus human caused) should not be a factor. In a fair and unbiased evaluation, relative impact associated with natural events including floods and wildfires is thousands of times greater than impacts associated with timber harvests and OHV recreation, yet proposed action involving timber harvests and OHV recreation are considered to have unacceptable impacts. The absence of a rational connection between the facts found and the choice made has been defined by the courts as arbitrary and capricious (Natural Resources. v. U.S., 966 F.2d 1292, 97, (9th Cir.'92)). A clear error of judgment; an action not based upon consideration of relevant factors and so is arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law or if it was taken without observance of procedure required by law (5 USC. 706(2)(A) (1988)). We request fair and unbiased evaluations and judgments during this evaluation and decision-making.

Issue:

The amount of sediment production from federal lands is relatively small compared to sediment production that ultimately reaches stream courses from non-federal lands. For example, the Bear Canyon sediment study in the Gallatin National Forest found that sediment production at the forest boundary was on the order of 3 tons per year while the sediment production at the mouth of the stream was on the order of 35 tons per year. Therefore, the sediment production from the federal lands is reasonable and any environmental benefit to the stream must be focused on the non-federal lands downstream.

Issue:

The sediment analysis conducted for this project assumed that all of the increased sediment produced by public access and recreational use can be transported or moved. However, many sedimentation evaluations have found that the amount of sediment moved is often limited by the sediment transport capability of the stream. Hans Albert Einstein stated “The coarser part of the load, i.e. the part that is more difficult to move by flowing water, is limited in its rate by the transporting ability of the flow between the source and the section”⁷. Therefore, the transport capacity of the project streams must be established and compared to the amount of historic sediment transport to determine if there is any additional capacity to transport the increased amount of

⁷ Einstein, H.A., 1964, “Sedimentation, Part II. River Sedimentation,” Handbook of Applied Hydrology, V.T. Chow, Section 17, McGraw-Hill Book Co., NY.

sediment predicted by the project evaluation. This basic check should be conducted so that the increase in sediment production and associated negative impacts are not over-estimated to the disadvantage of public use and motorized recreation.

Issue:

The estimated reduced annual volume of sediment production attributed to proposed motorized closures versus the annual volume of runoff is an actual reduction in sediment production on the order of 10 or less parts per million. This level of predicted sediment reduction should not be considered significant especially when compared to the baseline sediment production and natural events discussed above. This level of predicted reduction in sediment production should not be used as the basis for motorized closures.

Issue:

It is time to implement a practical and sensible application of NEPA. The intent of NEPA when it was created in the late 1960's was to better incorporate environmental concerns into proposed actions while still meeting the needs of the public. Up until that time, consideration of the natural environment was not always required and impacts to the natural environment were not always adequately considered. A significant correction has been made since then. Concerns with the natural environment now receive considerable attention and natural resource issues are adequately considered for nearly all proposed actions. Additionally, many ways and means have been developed to mitigate impacts to the natural environment and still meet the needs of the human environment.

There may have been a time when NEPA decisions struck an ideal balance between the natural and human environments but now NEPA is used by environmental organizations to rigorously pursue environmental perfectionism. Environmental perfectionism occurs when significant impacts are imposed on the human environment in return for relatively minor or unaccountable improvements to the natural environment. The pursuit of environmental perfectionism has contributed to the significant cumulative negative effect of converting public land from the land of many-uses or multiple-uses to the land of limited-use or exclusive-use. The mindset of environmental perfectionism has pushed agencies far beyond the original intent of NEPA to better protect the natural environment from proposed actions. The pursuit of environmental perfectionism is attacking one of the basic requirements of NEPA to "achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities" (Public Law 91-190, Title I, Section 101 (b) (5)). The wording of NEPA was carefully chosen and was intended to produce a balance between the natural and human environment. Practice and interpretation since the law has strayed far from that intent. We request the development and implementation of a practical and sensible alternative that achieves a balanced and wide sharing of life's amenities as originally envisioned under NEPA.

Issue:

The transport mechanism for noxious weeds includes all visitors and uses of public lands including hikers, equestrians, and cattle grazing in addition to motorized recreationists. Many events including fire, floods, and the importation of invasive species also contribute to noxious weed problems. For the most part, vehicles do not have a surface texture that will pick up and hold noxious weeds seeds. Transport mechanisms based on hair, fur, manure, shoes, and fabrics are more effective than the smooth metal and plastic surfaces found on vehicles. Additionally, motorized

recreationists practice the “Wash your Steeds” policy. However, closures due to noxious weed concerns are only placed on motorized recreationists.

We have observed an equal amount of noxious weeds in non-motorized areas as there are in motorized areas. We request that the document make a fair evaluation of all sources and uses that contribute to the noxious weed problem including hikers, mountain bikers, equestrians (non-use of weed-free hay), etc. The document should also fairly evaluate how natural processes and wildlife spread noxious weeds. The document should include a balanced discussion of the noxious weed problem. The discussions, decisions and measures used to mitigate noxious weeds should be applied impartially to all visitors and with a realistic representation of noxious weeds natural ability to spread versus a relative magnitude for every activity’s contribution.

Issue:

OHV owners in Montana, as part of their vehicle registration, contribute \$1.50 to a noxious weed abatement program. Non-motorized visitors do not contribute to a weed abatement program. We request that the analysis be based on a balanced discussion of the noxious weed problem. The discussions, decisions and measures used to mitigate noxious weeds should recognize the relatively minor impact that OHVs have on the noxious weed problem and credit OHV visitors for contributing to a program to control noxious weeds. Additionally, this is another example of predisposition because motorized recreationists have not been given credit for the positive action that they have taken and we have only been penalized for our past cooperation and the initiative taken to control noxious weeds.

Issue:

The environmental document should accurately address the significant negative impacts associated with disturbing existing stable roadways in order to obliterate the existing roadbed. A reasonable alternative would be to reclassify the road to either restricted-width or unrestricted-width motorized trail. We request that the preferred alternative make practical use of this management tool and the benefits that it provides including reduced sedimentation impact, reduced fisheries impact, reduced noxious weed impact, much less construction cost, reduced road inventory, reduced road maintenance and increased opportunities for motorized recreationists. Reclassifying roadways to restricted- or unrestricted-width motorized trail also avoids contributing to cumulative negative impacts on motorized recreationists.

Issue:

Current management directives seek to aggressively decommission non-beneficial or unclassified roads, reduce the existing backlog on road maintenance and reconstruction, and reduce the resource impacts of the current roads network. The Forest Service in the Roadless Rule EIS reported that the backlog of forest road maintenance was about \$8.4 billion. This estimate includes many primitive roads and trails that motorized recreations would prefer not to have improved except for mitigation measures such as water bars and reroutes to avoid sensitive environmental areas. The challenge and recreation value of these types of primitive roads and trails is what most motorized recreationists are looking for. Therefore, this maintenance effort is overstated and a more reasonable alternative would be to incorporate reasonable mitigation measures and convert roads to unrestricted-width or restricted-width trails to provide motorized recreation opportunities and then remove these roads from the roads inventory. We request that this reasonable alternative be included as part of the preferred alternative.

Issue:

Motorized recreationists have a history of clearing trails. The agency's trail maintenance costs could be reduced by up to ½ if all trails were opened to motorized recreationists.

Issue:

Motorized recreationists have historically provided a significant amount of maintenance in order to keep routes open as part of their normal use. Now because of the significant number of motorized closures, the level of maintenance has been significantly reduced. We know of many motorized routes that are now closed and have become impassable to non-motorized recreationists because of the lack of user provided maintenance.

Issue:

Considerable trail and environmental mitigation work could be accomplished by programs similar to AmeriCorps and Job Corps if they were given that direction and organized to provide that assistance.

Issue:

We request that maintenance actions be taken before closure actions. We believe that this is a viable alternative that would address many of the issues that are driving the pre-determined decision to closure. OHV recreation generates significant gas tax revenue that could be tapped for this purpose. For more background on this issue please refer to our comments on gas tax and funding.

Issue:

We understand the operation and maintenance budget constraints facing the agency. However, lack of maintenance funding cannot be used as a reason for motorized closures because there is significant gas tax funding that is not being returned to motorized recreationists (see comments on gas tax issues). Motorized recreationists are willing to work in collaboration with the agency to obtain trail and OHV funding for the project area. Additionally, motorized recreationists can be called upon to help with the maintenance of trails in the project area. In many cases motorized recreationists have been providing trail maintenance for many years and are quite willing to continue in return for continued access.

Issue:

Most environmental documents have not taken into consideration the fact that motorized multiple-use designation serves all recreation activities, instead of the few served by non-motorized/wilderness designations. For example, motorized roads and trails allow access to dispersed camping sites for RVs, the collection of firewood, access for fishing and hunting, target shooting, access for bird and wildlife viewing, walking and bicycling opportunities, and family picnics. We request that the analysis and decision-making fully recognize all of these activities and the cumulative negative impact that closing roads and trails have had on all multiple-use recreationists which has become very significant. Additionally, we request that an adequate mitigation plan be included as part of this action to compensate for past cumulative negative impacts.

Issue:

Management decisions should be based on input from a management team that is representative of all citizens needs. This is especially necessary to provide a balanced perspective on the travel management team and when consulting and coordinating with other agencies. There is an inherent

bias on management teams that do not include OHV enthusiasts. We request that the interdisciplinary team (IDT) include motorized recreation planners and enthusiasts in order to adequately speak for the needs of multiple-use and motorized visitors. A multiple-use and motorized recreationists advisory board could also be used to advise the IDT and decision-makers.

Issue:

Presently, very few agency staff members are OHV enthusiasts and can represent OHV recreation interests in day-to-day operations and long-term management decisions. OHV enthusiasts understand how to educate, manage, and meet the needs of OHV recreationists. Agency personnel are not able to relate to the needs and challenges of OHV recreationists because they are not familiar with OHVs nor are they typically OHV recreationists. There is an inherent bias on management teams that do not include OHV enthusiasts. We request that the staff on each project team include an adequate number of OHV enthusiasts in order to adequately represent and address the needs of OHV recreationists. The test for an adequate number of OHV enthusiasts on a team should be based on the percentages of visitors. Information from NVUM, USDA, and CTVA cited earlier document that OHV recreationists represent from 25 to 60% of the visitors and the management team should also reflect these percentages.

Additionally we request that an adequate number of agency staff be licensed and safety trained to operate OHVs, have an adequate number of OHVs for their use and spend an adequate amount of time riding OHVs along with OHV recreationists so that they can adequately understand the needs associated with motorized access and motorized recreationists.

Issue:

Natural conditions should be used as the benchmark for the test of impacts on natural resources. All impacts should be measured against a realistic assessment of natural conditions including natural sound levels, sedimentation rates and natural events such as fires, glacial periods, and floods. We request that guidelines be developed to help determine if perceived impacts are significant or insignificant. All measures of perceived impacts should be compared to natural levels of activities over the course of time to test for significance. A significant difference in magnitude should be required before a perceived impact can be considered significant. This standard is required in order to remove personal opinions from the process and to restore impartial and reasonable judgment to the process.

For example, the lack of adequate policy and implementation of fire management practices has led to many catastrophic fires. The sedimentation resulting from these fires should be measured and compared to all OHV activity in the forest. The results will demonstrate that the rate of sediment resulting from fires is thousands of times greater than that of all OHV activity in the forest. The determination of the natural rate of sedimentation over the course of time will also demonstrate that the natural rate of sedimentation is many times greater than that of all OHV activity in the forest. These are examples of the sense of magnitude and big picture perspective that should be required when evaluating impacts in the document and decision-making.

Issue:

There is no documentation or data to support closure of any motorized routes in the project area to improve wildlife connectivity. The existing level of roads and trails does not significantly impact wildlife connectivity, i.e. it functions as such with the existing level of roads and trails and closing any roads or trails to motorized use would not make any measurable difference. Connectivity is

another concept being promoted by extreme green groups such as the Wildlands Project to further their agenda to close all land to the public. Additionally, non-motorized routes would have the same impact on wildlife connectivity as motorized routes and the evaluation must recognize this fact.

Issue:

The Forest Service Stream Systems Technology Center has found, in a paper published in the July 2000 issue of Stream Notes, that roads and trails can easily be hydrologically disconnected from streams. Therefore, the sedimentation concerns can be easily mitigated and should not be used as a reason to justify motorized recreation and access closures except in exceptional cases that cannot be adequately mitigated.

Issue:

A study of sound levels from OHV use was found to be less than the background noise of the wind in treetops (Nora Hamilton, Mendocino National Forest, memorandum to the file, November 17, 1992). Also, the USDA FS Technology and Development Program in a report prepared in 1993 and titled "Sound Levels of Five Motorcycles Traveling Over Forest Trails" found that at distances over 400 feet, motorcycles do not raise the ambient sound level (they are no louder than background levels of noise). Absolute quiet is not a reasonable expectation. Sound from motorized sources such as airplanes exists even in the most remote areas. It is not reasonable to expect absolute quiet in areas intended for multiple-use. The sound level of motorized recreation use is not greater than natural sounds, and therefore, sound level should not be used as a reason to justify motorized recreation and access closures.

Issue:

A study of National Park elk habituated to human activity and not hunted were more sensitive to persons afoot than vehicles (Shultz, R.D. and James A. Bailey "Responses of National Park Elk to Human Activity", Journal of Wildlife Management, v42, 1975). Therefore, hikers disturb elk more than motor vehicles and "disturbance of wildlife" should not be used as a reason to justify motorized recreation and access closures. Additionally, when there are concerns with wildlife disturbance, restrictions on hikers should be given a greater emphasis than restrictions on motorized visitors.

Issue:

Hikers disturb nesting birds (Swarthout, Elliott and Steidl, Robert, Journal of the Society of Conservation Biology, February 2003) yet restrictions on hiking and other non-motorized recreationists to reduce impacts on nesting birds are rarely imposed.

Hiking, cross-country hiking and wilderness uses also causes trail impacts yet these impacts are seldom acknowledged. For example, the USDA FS Intermountain Research Station Research Paper INT-450 "Changes on Trails in the Selway-Bitterroot Wilderness, Montana, 1978-89" and dated 1991 found that many trail segments changed markedly, depending on site and use.

Additionally the report "Keeping Visitors on the Right Track - Sign and Barrier Research at Mount Rainer", Park Science 14(4) published in 1994 found that off-trail hiking is a major source of impact that creates trails and erosion throughout the several thousand acres of sub-alpine meadows.

Additionally the report "Erosional Impact of Hikers, Horses, Motorcycles, and Off-Road Bicycles on Mountain Trails in Montana", Mountain Research and Development, Volume 14, No, 1, and

published in 1994 found that multiple comparison test results showed that horses and hikers made more sediment available than wheels, and this effect was most pronounced on pre-wetted trails.

Why are there so many double-standards in the impact analyses and decision-making? If the issues surrounding motorized travel are significant enough to justify closures, then, in order to avoid introducing a bias to the evaluation and process the same issues and restrictions should also be applied to hiking, mountain climbing, cross-country hiking, wilderness users, etc.

Issue:

A study of the heart rate of elk found that humans walking between 20 to 300 meters from the elk caused them to flee immediately 41% of the time while an OHV passing within 15 to 400 meters of the elk caused them to flee 8% of the time (Ward, A. L. and J. J. Cupal. 1976. Telemetered heart rate of three elk as affected by activity and human disturbance. USDA Forest Service, Rocky Mountain Forest and Range Experiment Station. Laramie, WY. 9 pp.). Therefore, hikers disturb elk more than motor vehicles and “disturbance of wildlife” should not be used as a reason to justify motorized recreation and access closures. Additionally, when there are concerns with wildlife disturbance, restrictions on hikers should be given a greater emphasis than restrictions on motorized visitors.

Issue:

A study of mule deer found that 80% fled in reaction to encounters with persons afoot while only 24% fled due to encounters with snowmobiles (David J. Freddy, Whitcomb M. Bronaugh, Martin C. Fowler, “Responses of Mule Deer to Persons Afoot and Snowmobiles”, Wildlife Society Bulletin, 1986). Therefore, hikers disturb deer more than motor vehicles and “disturbance of wildlife” should not be used as a reason to justify motorized recreation and access closures. Additionally, when there are concerns with wildlife disturbance, restrictions on hikers should be given a greater emphasis than restrictions on motorized visitors.

Issue:

A lynx study completed in the Seeley Lake area found no adverse impact to Lynx from winter snowmobile use. The results of this study and the data that was collected must be used in evaluating areas open or closed to snowmobiles. The closure of any area because of winter motorized impact to lynx is not valid and, therefore, must not be used to initiate closures.

Issue:

The wildlife sections of many travel plan documents tend to promote two underlying themes; (1) wildlife and forest visitors cannot coexist, and (2) there are significant negative impacts to wildlife from visitors to the forest. Observations of wildlife in Yellowstone and Glacier National Parks and the 600 deer that live within the Helena city limits combined with common sense tell us that wildlife can flourish with millions of visitors and motorized vehicles.

Wildlife can and do effectively coexist with motorized visitors in even the most heavily visited places. Therefore, concerns with motorized forest visitors and wildlife are often over-stated and over-emphasized which unfortunately demonstrates a predisposition in the process.



We are a locally supported association whose purpose is to preserve trails for all recreationists through responsible environmental protection and education.

The wildlife/visitor interaction in national parks demonstrates that the manner in which visitors coexist with wildlife is the most significant factor in the interaction between wildlife and visitors. The manner in which visitors coexist with wildlife in national forest can be shaped by adequate use of mitigation measures including seasonal closures, educational programs and trail rangers. Therefore, reasonable alternatives to the closure of motorized roads and trails exist and can be used to address wildlife concerns. We request that these sorts of reasonable alternatives to closure of roads and trails to motorized visitors be adequately considered and incorporated into the preferred alternative.

Issue:

The road density criteria is not valid because hundreds of deer in Helena and elk in the Montanan City area exist just fine with road densities far in excess of the targets for the project area. Obviously there are other factors that have a far greater influence on deer and elk populations and the analysis must uncover and use those.

Issue:

The actual zone of influence of motorized trails on wildlife is very small.

Issue:

“Present day populations of white-tailed deer and elk are at their highest levels recorded in recent history” (Montana Wolf Conservation and Management Planning Document, Montana Fish, Wildlife and Parks, January 2000 (<http://www.fwp.state.mt.us/wildthings/wolf/wolfmanagement011602.pdf>)). Additionally, “nearly 60 percent of Montana's original elk management units exceed elk-population objectives, while only 31 percent exceed harvest objectives” (www.fwp.state.mt.us/hunting/elkplan.html).

Additionally, the Northern Continental Divide Ecosystem (NCDE), outside of Glacier National Park, has grizzly bear population densities of about 1 bear per 20-30 square miles and has human recreation consisting of motorized access, motorized recreation, hiking, fishing, camping, horseback riding, and big game hunting. Glacier National Park annually receives approximately 2-3 million visitors, does not allow hunting, and has grizzly bear population densities estimated at about 1 bear per 8 square miles. The Yellowstone Ecosystem (YE) which is comprised of Yellowstone Park and surrounding National Forests, receives more visitation than Glacier Park and has an increasing grizzly bear population estimated at 1 bear per 30-50 square miles (<http://www.r6.fws.gov/endspp/grizzly/bittereis/deischp2.htm>). All indications are that grizzly bear habitat is fully occupied and that additional road closures and obliteration will not produce any more bears and, therefore, motorized closures are not reasonable or productive. Therefore, grizzly bears can coexist at reasonable population densities with multiple-use recreation and there is no compelling reason to close roads and trails to motorized recreationists to increase grizzly populations because the most significant constraint is their need for so many acres between other grizzly bears.

Furthermore, Kate Kendall's Greater Glacier Bear DNA study (includes all the North Fork of Flathead), which identified 367 unique individual bears with one years data not yet analyzed. The recovered population target was 600 bears for the entire Northern Continental Divide Ecosystem, so there is already known that about 2/3 of that target exist on about 1/4 of the habitat. Completion of DNA study of the rest of the ecosystem is certain to show that bear populations far exceed the recovery goal and should be de-listed. The study was released in December 2006 and indeed did

confirm that there was more than 545 bears in the ecosystem
(<http://www.greatfalltribune.com/apps/pbcs.dll/article?AID=2006612240302>)

Issue:

As of 2007, the grizzly bears in the Yellowstone region have been delisted.

Issue:

The number of hunters is declining (U.S. Fish and Wildlife Service, 1996 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation. http://library.fws.gov/nat_survey_1996.pdf and <http://www.cbsnews.com/stories/2007/09/03/national/printable3228893.shtml>).

Therefore, there are no compelling reasons “to elevate the level of elk security in the project area and...enhance elk populations” as frequently suggested by wildlife biologists (example; Fish, Wildlife and Parks letter dated February 27, 2002 to Helena National Forest on the Clancy-Unionville Travel Planning Project, bottom of page 9). Additionally, there are no compelling reasons to justify reduced road densities as a sought-after or necessary wildlife management criterion. Lastly, there are reasonable alternatives including permit hunting and seasonal travel restrictions that can better accomplish the outcome sought by reduced road and trail densities. NEPA requires consideration and implementation of all reasonable alternatives. Not considering and implementing reasonable alternatives demonstrates a predisposition in the process.

Issue:

In the past many of the impacts associated with motorized recreation were based on opinions about the impacts on wildlife. The courts have clearly established the prevailing standard for evaluating scientific evidence in *Daubert vs. Merrell Dow Pharmaceuticals Inc.* (DAUBERT v. MERRELL DOW PHARMACEUTICALS, INC., 509 U.S. 579 (1993)) (http://caselaw.lp.findlaw.com/scripts/printer_friendly.pl?page=us/509/579.html), in which the U.S. Supreme Court ruled that expert testimony must be based on a testable theory or method that has passed peer review, has a known error rate and has reliable results. In part, the Daubert ruling was triggered by the proliferation of experts and professional witnesses who expressed their opinion in reports and testimony as opposed to sound scientific principles and evidence. Therefore, peer reviewed reports and recommendations are mandatory in order to protect the public from personal opinion. We request that an adequate peer review plan and process be used for all impact analyses and include experts that are neutral about motorized recreation.

Issue:

Wildlife security criteria and standards in the forest plan are out of date. The science, data and findings as far as road density and impact of motorized vehicles on wildlife have changed significantly. This new information must be considered in this evaluation.

Issue:

The road density evaluations must also consider the viable alternative of closing a reasonable number of routes during hunting season and other critical seasons and then opening them during the summer recreation season. This strategy would effectively address road density criteria without nearly as many motorized closures as proposed.

Issue:

Road density criteria must be used with reasonable judgment and consider the mitigating effects that an adjacent block of roadless area has on a roaded area that exceeds the desired road density. Oftentimes these areas that exceed the ideal density are very valuable multiple-use motorized areas and border on large roadless areas that provide more than adequate wildlife security thereby effectively mitigating the impacts associated with the roaded area.

Issue:

Road density does not equal motorized trail density. Motorized trails have less impact than roads and this condition must be recognized.

Issue:

A recent Grizzly Bear study in the Swan Valley of Montana found that 99 percent of the bears spent 99 percent of their time on Plum Creek property. This property has been heavily logged resulting in undergrowth plant species that support bears. Thick and overgrown timber does not allow for adequate undergrowth. As we now see by this study, critical bear habitat is quite different than what was once assumed and this new information must be incorporated into this evaluation. The Forest Service should discard the original “road density guidelines” and develop new guidelines that reflect the habitat most critical for bears as one that is timber harvested and roaded. Old outdated science formulated by assumptions should not be used when true science and actual data is now available.

Issue:

If protection of fish and game species is a significant issue, then a reasonable alternative that would produce far more positive results would be a different management scenario for fishing and hunting in the area rather than the closure of trails to OHV use. OHV recreationists have been the only recreationists to pay the price for improvements to fish and game populations. At the same time the improvements to fish and game populations from motorized closures is miniscule and the cumulative impact on motorized recreationists has been significant and negative. Motorized recreationists have been the first to be eliminated for far too long. The human environment is also important but it has been ignored and not adequately quantified. If there is some over-arching mandate to maximize fish and wildlife populations, then fishing and hunting management scenarios must be developed as reasonable alternatives to be considered. It is time for a reasonable approach to the management of fish and wildlife. If maximizing fish and game populations is that significant, then the opportunities for others besides motorized recreationists (who have paid their dues many times over) should be reduced. This concept is entirely reasonable and particularly when fishing and hunting closures or management would be far more effective in producing the desired outcome. We request consideration of fish and game management alternatives and a more balanced consideration of recreation versus fish and wildlife populations in the decision-making.

Issue:

Wildlife populations are at all time highs. Wildlife has consistently been given higher priority over motorized recreational opportunities for the past 30 years. This priority has led to significant cumulative effects on motorized recreationists which must now be addressed and mitigated. The project must seek a more reasonable balance of multiple-use and motorized recreation opportunities and a lesser, yet reasonable, priority for wildlife management.

Issue:

A December 31, 2003 Federal Court ruling found that associated with actions taken under the endangered species action must be paid to the public. The case stemmed from the government's efforts to protect endangered winter-run chinook salmon and threatened delta smelt between 1992 and 1994 by withholding billions of gallons from farmers in California's Kern and Tulare counties. Court of Federal Claims Senior Judge John Wiese ruled that the government's halting of water constituted a "taking" or intrusion on the farmers' private property rights. The Fifth Amendment to the Constitution prohibits the government from taking private property without fair payment. "What the court found is that the government is certainly free to protect the fish under the Endangered Species Act, but it must pay for the water that it takes to do so," said Roger J. Marzulla, the attorney representing the water districts that brought the claim. This same standard should also be applied to the economic and motorized recreational losses that the public has suffered under the ESA including motorized closures justified by grizzly bear habitat and impacts on westslope cutthroat trout and bull trout. (<http://www.uswaternews.com/archives/arcrights/4caliwate2.html>)

Issue:

The Agency must support any claim that various recreational activities (e.g., off-highway vehicle use, camping, equestrian use, hunting etc.) pose significant threats to endangered species. Claims that are highly speculative and based on little or no reliable data should be excluded from the environmental analysis.

The Agency must establish much more than a causal connection between recreation activities and any perceived declines in the population of any threatened or endangered species known to reside in the project area. At most, the technical data shows that some recreational activities, in some areas, have the potential to displace some species on a very local level. This, however, cannot establish that recreational activities pose a substantial threat to an entire population or subpopulation of a particular plant or animal.

Suggestions:

- a) The agency should not utilize technical data that displays a pronounced bias against public recreation.
- b) The agency must not jump to conclusions regarding the effects of recreation on threatened and endangered species.

Issue:

Our observations over decades of trail riding have established that significant wildlife mortality does not result from OHV activity. We are not aware of any reports of large animals such as deer, elk, or bear being hit or injured by OHV activity. Additionally, it is extremely rare for OHVs to injure any small animals such as squirrels or chipmunks. We request that wildlife mortality from OHV activity be considered minor and that wildlife mortality not be used as a reason to close roads and trails to OHV visitors.

Issue:

OHV use and wildlife can and do coexist. We do not see any evidence in the field that would indicate that summer motorized recreation use is a significant wildlife problem. We support motorized closures where necessary to protect wildlife during the spring calving season and hunting season while maintaining a reasonable level of access during those periods.

Issue:

It is obvious from aerial observation of the project area that under the existing conditions so much of the area is inaccessible to motor vehicles and that the existing level of motorized access and motorized recreation is entirely reasonable. Reduced motorized road and trail density is often used as a desired management goal but is not reasonable. The trend of reduced motorized access and motorized recreational opportunities is not necessary and is not consistent with multiple-use management of the area.

Issue:

Wildlife management also depends on adequate motorized access. For example, the lack of adequate roads and motorized access for hunter access has led to reduced hunter success and reduced harvest of game animals and affected the overall number and balance of game animals. This in turn has led to the need for cow permits and special hunts. In order to be consistent with the Forest Plan and meet the goal of no net change in herd numbers requires no net change in hunter access which in turn justifies the current level of motorized roads and trails.

Issue:

The current analysis does not adequately consider grizzly bear delisting under the Reasonably Foreseeable actions. This action is imminent. At the same time there is so much emphasis on the management of the area and region as a non-motorized area for grizzly bears. First, we do not feel that OHV recreation has a significant effect on grizzly bears and, secondly, the analysis must be based on the impending delisting of grizzly bears. Other pending delisting of endangered species must also be considered.

Issue:

The encroachment of residences into the forest is often the most significant factor contributing to the loss of summer and/or winter wildlife habitat. First, we request that the impact of these permanent encroachments be quantified and compared to the relatively minor impact that mechanized forest visitors have on wildlife habitat. Secondly, public land visitors should not have to pay the price in the form of motorized closures required to offset the impact of permanent encroachments by private residences. Proper assignment of restrictions would rest on those private individuals who permanently encroached on the natural habitat.

Issue:

Independent scientist should review and participate in all aspects of planning, broad-based assessments, local analysis, and monitoring. Independent scientists must review the published results of all partnership studies including those prepared by students under the direction of professors, in order to be sure that they are appropriately interpreted and documented and that the supporting data is adequate.

Scientists may come from within federal or state agencies, or the general public, and may hold a variety of important and influential positions. The study team should:

- 1) require minimum standards and criteria for qualifications which must be met before a scientist can be deemed an "expert";
- 2) provide minimum standards and criteria for determining when a scientist may be deemed "independent"; and
- 3) provide a minimum amount of public notice and opportunity to object whenever any such scientist is considered for such participation, whether such position is permanent or temporary, full time or part time, voluntary or compensated. Such notice should include the

qualifications of the individual, the role which the individual will have in such participation, and the type and duration of the position.

Review and participation by independent scientists is a good thing, provided the process require standards which assure that such scientists are in fact qualified and independent, and provide the public the opportunity to review such factors.

Issue:

We are greatly concerned about the prevailing management trend for public lands that has significantly reduced or eliminated motorized recreation and access opportunities. Why does the closure of public lands permeate the current management mind set? This mind set is not in line with the best interests of the public. The closure of any existing motorized trail will add to the significant cumulative loss of motorized recreation and access opportunities that has occurred within public lands during the past 35 ± years. In order to avoid contributing further to the significant cumulative loss of motorized recreation and access, we request that the closure of a motorized trail or access should be offset by the creation of a new motorized trail or access of equal value.

Issue:

The elimination of public access to public lands through private property has also contributed to the loss of motorized access and motorized recreation opportunities. We request that agencies acquire private land and right-of-ways to provide access to public land that is now blocked off to the public. This action is necessary to reverse the prevailing trend of significantly less public access to public land over the past 35 ± years and the cumulative negative impact of that trend on multiple-use recreationists.

Issue:

If a private property owner closes a historic motorized access or route to public land through their property, then in order to be fair, to avoid special privileges, and to provide equal non-access; the public routes on either side of the property should be closed to all motorized use.

Issue:

Private property owners that border public land should not benefit from public land without providing access to the public. Any private landowner that owns land that borders public land and does not provide public access to that public land should also be denied access to that public land under the principles of fairness and reciprocity. This action is necessary to reverse the prevailing trend of significantly less public access to public land over the past 35 ± years and the cumulative negative impact of that trend on multiple-use recreationists.

Issue:

Anytime there is a land exchange between private and public entities, a public access easement or right-of-way should be required in order to offset the trend of less public access to public land over the past 35 ± years and the cumulative negative impact of that trend on multiple-use recreationists.

Issue:

Page 279 of the Supplement to Big Snowy EA. *As previously stated in our response to 3c – Roadless/Wilderness comments, we fail to see how the Roadless Rule has a cumulative effect on multiple-use recreationists. The Roadless Area Conservation Strategy did not prohibit motorized use on roads and trails that already exist within inventoried roadless areas. It also did not prohibit construction of new motorized trails. It did not designate the areas as wilderness. It did not prohibit*

the Forest Supervisor from making local decisions about motorized travel within roadless areas. Therefore, we consider this comment beyond the scope of the project.

We disagree with the conclusion that the Roadless Rule will not have a cumulative negative effect on motorized recreationists. The Final Roadless Rule published on January 5, 2001 included the following directive “The proposed rule did not close any roads or off-highway vehicle (OHV) trails”. Even though motorized recreation is allowed by the Roadless Rule, non-motorized groups will contest every inch of motorized trail in roadless areas. The comments submitted by non-motorized use groups as part of this proposed action are representative of their position. All too often, the preferred alternative implements a significant reduction in motorized access and recreation. Every action involving travel management in the region has had significant motorized access and recreation closures associated with it. There is no evidence that future actions will be any different.

Montana has a total of 16,843,000 acres in National Forests. Of that area, 3,372,000 acres or 20% are designated wilderness. Areas subject to the Roadless Rule total 6,397,000 acres or 38% of our National Forest area. Therefore, 9,769,000 acres or 58% of the National Forest in Montana is either wilderness or subject to the Roadless Rule. This number of acres must be balanced with the fact that wilderness visits account for only 2.55% of the visits to public land (Table 2-7 in the Social Assessment of the Beaverhead-Deerlodge National Forest dated October 2002). Therefore, nearly all (97.45%) visitors to public lands benefit from land management for multiple-use and benefit from motorized access and mechanized recreational opportunities.

Based on our experience with past actions and current proposed actions, motorized recreationists will lose significant recreational opportunities and suffer cumulative negative impacts from the Roadless Rule. Therefore, we disagree that this issue is out of scope. We request that the cumulative negative impact of the Roadless Rule, past actions and future actions be considered a significant issue and adequately considered in the document and decision-making. Additionally, we request that an adequate mitigation plan be included as part of this action to compensate for past cumulative negative impacts.

Issue:

Natural resources are renewable and sustainable when reasonably managed and used. Environmental health is not significantly improved under management for wilderness or roadless character. Reasonable management and use for the benefit of all citizens is best provided under multiple-use policies. We request that decision-making be based on restoring reasonable management and use of public lands.

Issue:

The wilderness designation is not good for recreation and an alternative designation is needed. Many U.S. citizens do not trust our federal land managers to manage our natural resources responsibly. Wilderness advocates have taken advantage of this situation to promote the Wilderness designation and now the Roadless designation as a means to protect these areas. Wilderness designation was originally conceived, by the Wilderness advocates involved in the passage of the 1964 Wilderness Act, as appropriate for about ten million acres of administratively designated Primitive Areas. Present day Wilderness advocates have since expanded the concept to a system of over one hundred million acres and they say we need much more.

An alternative land designation is needed to resolve the Wilderness and Roadless area debate. Off-highway motorcycles, aircraft, snowmobiles, 4X4s, mountain bikes, ATVs, and personal watercraft are not allowed in designated Wilderness areas. Therefore, these popular recreation pastimes are severely impacted by the Wilderness and Roadless designation. Motorized uses that have been grandfathered into some Wilderness areas, such as use of aircraft and powerboats, are subjected to harassment. Horseback riders, hunters and other non-motorized recreationists are also increasingly under attack from Wilderness advocates who push more restrictive regulations in existing Wilderness areas and those areas proposed for that designation.

The U.S. Congress should act on legislation establishing a federal designation that is less restrictive to recreational use than Wilderness and the Roadless designation. It should be called "Back Country Recreation Area" (<http://www.sharetrails.org/index.cfm?page=39> and <http://www.sharetrails.org/index.cfm?page=40>). This designation should be designed to protect and, if possible, enhance the backcountry recreation opportunities on these lands while still allowing responsible utilization of these areas by the natural resource industries.

This designation should be used for those areas currently identified by the federal land management agencies as "roadless" and thus currently under consideration for Wilderness designation. Areas considered may or may not be recommended for Wilderness designation or classed as Wilderness Study Areas. In addition, the Forest Service (FS) and Bureau of Land Management (BLM) have administratively developed non-Congressionally designated Wilderness-like reserves or buffer zones. The Forest Service's buffers are called natural and near-natural areas. The BLM's reserves are named primitive and semi-primitive. These non-Congressionally approved land classifications should be receive the Back Country Recreation Area (BCRA) designation.

Many roadless areas have been under consideration for Wilderness designation for over 35 years. The opposition to Wilderness designation in many of these areas has been largely from recreationists whose preferred form of recreation isn't allowed in Wilderness areas. Recreational resources need not be sacrificed for responsible resource extraction. The BCRA designation will encourage cooperation, not only between diverse recreation interests, but also between recreationists and our resource industries.

A recent public opinion survey shows majority support for a Backcountry Recreation Area alternative to a proposed 300,000 acre Wilderness Bill in Northern California (<http://www.sharetrails.org/index.cfm?page=42&magazine=50>). In Del Norte County, 66 percent of people surveyed supported a Backcountry alternative instead of a Wilderness designation. Fifty-three percent of respondents in Humboldt County said it was wiser to designate land as a Backcountry Recreation Area. We request that all "roadless" federal lands, not currently designated as Wilderness, be reviewed for their importance to back country recreationists and designated as Back Country Recreation Areas.

Issue:

The Recreation Opportunity Spectrum (ROS) for motorized recreationists should consist of an equivalent number, type and quality of opportunities as compared to non-motorized recreationists including access to back country recreation areas, long distance back country discovery routes, back country airstrips and destinations including historic areas, lakes, vistas, streams and rivers.

Issue:

We are a locally supported association whose purpose is to preserve trails for all recreationists through responsible environmental protection and education.

Many visitors who traditionally use roads and trails in the project area may not participate in a formal NEPA process. The process is both time consuming and confusing to many citizens. Multiple-use interests oftentimes struggle to provide participants due to many other time commitments. At the same time, non-motorized groups funded by foundations have well-organized, trained and experienced staffs that are readily available to participate in the NEPA process and collaborative sessions. These groups are able to participate on a wide front of actions from travel management to timber sales to non-motorized designations. The magnitude of foundation funding available to non-motorized groups tends to amplify their limited-use interests in comparison to the needs of the public. The number of groups and the magnitude of their funding can be found at <http://www.green-watch.com/search/directory.asp>. For example, there are over 45 special-interest environmental groups operating in our area. This setting often results in non-motorized interests getting undue benefits by creating and manipulating the process. This setting is not based on the principles of addressing public need and technical merit. We request that the effectiveness and impact of foundation-funded organizations versus the needs of all citizens be evaluated and factored into the agencies decision-making.

Issue:

Given the current setting (number of actions and time required to address each), most of the public not associated with foundation-funded special-interest environmental organizations does not have the time and money to adequately protect their recreation rights. This characterization typifies most motorized and multiple-use recreationists who already struggle to balance family obligations with work obligations. It is not reasonable to require major involvement in the NEPA process from the working public in order to protect their recreation rights. Conversely, it is not reasonable to reward those groups backed by foundation funding and paid positions with an advantage in the NEPA process and undue recreational opportunities. We request that the cumulative negative impact associated with this setting be adequately evaluated and factored into the decision-making for this action.

Issue:

Motorized recreationists cannot hold full-time jobs and, at the same time, be able to compete with the paid staff of non-motorized for recreational resources. Unfortunately, the agency has adopted the expectation that motorized recreationists must demonstrate a level of involvement equivalent to the involvement of paid staff from non-motorized groups in order to get a reasonable allocation of recreational resources. We have been told that we are politically insignificant by forest supervisors, district rangers and BLM managers. There are many socio-economic and environmental justice issues associated with this setting if it is not adequately addressed by this action ranging from the allocation of near-term motorized recreational opportunities and the level of human health that it promotes to the ultimate elimination of motorized recreation from public land in the long-term.

Issue:

We have also observed from past NEPA travel management processes that the lack of participation by motorized recreationists has been due to the cumulative effect of confusing and poor documentation of the proposals, which included maps that did not have clearly defined characteristics, landmarks, trails, roads, routes and historical sites that would be removed from communal use by the proposed closure action. We are concerned that this lack of understanding will lead to resentment and poor support of motorized closures by the community. We request that the travel management process seek out and document the needs of all motorized visitors including those who traditionally use the primitive roads and trails, plus the handicapped, elderly, and

physically impaired as required under 40 CFR 1506.6 (a) *Make diligent efforts to involve the public in preparing and implementing the NEPA process, (3) (vii) Publication in newsletters that may be expected to reach potentially interested persons. (ix) Posting of notice on and off site in the area where the action is to be located, and (d) Solicit appropriate information from the public.* Additionally, NFMA requires the Forest Service *"shall publicize and hold public meetings or comparable processes at locations that foster public participation in the review of such plans and revisions."* 16 U.S.C. § 1604(d).

Issue:

Many multiple-use and motorized recreationists have expressed a concern about the general lack of trust in the travel management process. They feel that travel management decisions are pre-determined, that it is pointless to participate in the process, and that travel management is not intended to meet their needs. These opinions could be easily confirmed by publishing a request in local newspapers and on local television channels asking for a response to the question "Do you feel that you have been adequately involved in the closure of roads and trails on public lands to motorized use? Yes or No" and "Do you feel that the needs of multiple-use and motorized recreationists have been adequately considered in the travel management process? Yes or No".

We request that the process adequately meet public involvement requirements with respect to motorized visitors. The process should include methods of public involvement that effectively reach motorized visitors and methods to account for the needs of citizens who may not participate for diverse reasons. Some public involvement methods that would be effective include; (1) the use of trail rangers (who are motorized enthusiasts) to count and interview visitors using the travelways and distribute Travel Management materials to them, (2) publication in the newsletters of motorized association, (3) attendance at motorized club meetings, (4) posting of information packets at motorized trail head areas, and (5) mailings to OHV enthusiasts and owners.

Issue:

We are concerned with the way that comments are being used by agencies in the decision-making process. Agency management has said that the total number of comments received during the process is considered during the decision-making. There is a clear indication that decisions are being made based on those interests producing the most comments. We strongly disagree with a decision-making process using comments as a voting process where the most comments wins the most trails and recreation opportunities because motorized recreationists and working class citizens have a low participation rate in NEPA processes for reasons discussed further in this document.

The intent of National Environmental Policy Act (NEPA) when seeking comments during scoping and document comment processes is to solicit input in order to assure that significant issues were brought forward and considered. This intent is stated in NEPA Section 1501.7 as *"There shall be an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action."* And in NEPA Section 1503.1 as *"(4) Request comments from the public, affirmatively soliciting comments from those persons or organizations who may be interested or affected."*

Clearly, comments under NEPA were intended to bring issues and concerns to the attention of the team preparing the environmental document and the decision-makers. NEPA did not suggest that comments were to be used as a voting process to indicate support of alternatives. Nor did NEPA anticipate that the scoping and citizen input would be dominated by well-funded special interest

groups. And finally, NEPA did not intend citizens to comment on every possible NEPA as a requirement to protect their interests, needs, and quality of life.

Unfortunately, the comment process has been considered a voting process to gauge communal opinion and agencies have not always recognized their responsibility to adequately address the needs of all citizens. This misuse of the comment process has resulted in agencies overlooking the needs of all citizens and decisions have been made that do not adequately address the needs of the public. NEPA requires decision-making that adequately addresses the needs of all members of the public. This direction was stated in Title 1, Sec. 101 of NEPA Policy Act of 1969 as “*achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life’s amenities...*”. Under NEPA, decision-makers have a responsibility to seek out, determine, and make decisions that address the needs of all citizens and not just those that submit comments.

Communal needs are best met by management of public lands and programs for multiple-uses. Motorized roads and trails are a significant source of recreation for all of the public. The public expects decision-makers to adequately protect the existing standards of living and opportunities (human environment) in their decisions. The public expects and needs public agencies to be on their side. NEPA did not intend for citizens who do not comment on NEPA actions to give up their standard of living to those that do. We ask that public comments not be used as a voting process and that the needs of all citizens be fairly addressed in the document and decision-making.

Issue:

The NEPA process is complicated and unapproachable to most of the public yet there has never been a program to inform, educate, and increase the public’s awareness and ability to work with the NEPA process. The lack of widespread information, education, awareness and NEPA skills has contributed to extremely low participation in the NEPA process by some sectors of the public. Public participation for even the most controversial proposed action (roadless rule) has involved less than 1% of the affected public. Additionally, the general lack of understanding of the NEPA process has resulted in poor acceptance and opinions of the process by the public.

Moreover, those with significant NEPA knowledge, training, and skills are able to successfully manipulate the NEPA process and have benefited significantly from the process and the ability to influence its decisions.

A quantification of the level of public understanding and participation in the NEPA process has never been undertaken. Additionally, a quantification of the level of public acceptance of the NEPA process has never been undertaken. We request that the significant negative impact on the majority of the public resulting from the lack of information, education, training, understanding and acceptance of the NEPA process be evaluated and that the cumulative negative impacts which have become significant on the public be adequately mitigated.

Issue:

National Foundations are providing significant funding to special-interest environmental groups. For example, Turner Foundation provided \$14,174,845 in year 2000 to over 40 organizations that are active in our area (<http://www.green-watch.com/search/gmdisplay.asp?Org=581924590>).

Pew Foundation provided \$37,699,400 in 2001

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(<http://www.green-watch.com/search/gmdisplay.asp?Org=236234669>).

Weeden Foundation provided over \$65,000 in 2003 and 2004 (<http://www.weedenfdn.org/grantsummaries.htm>) with \$20,000 going to the Wildlands Center for Preventing Roads with a stated mission of *limiting motorized recreation*.

Another example, Forest Service Employees for Environmental Ethics had a total revenue of \$837,550 in year 2000 with \$810,853 originating as gifts from 5 foundations (<http://www.fssee.org/990/>).

Financially significant national foundations providing funding to environmental groups in the project area include;

Bullitt Foundation (<http://www.green-watch.com/search/gmdisplay.asp?Org=916027795>),
Banbury Fund (<http://www.green-watch.com/search/gmdisplay.asp?Org=136062463>),
Edward John Noble Foundation (<http://www.green-watch.com/search/gmdisplay.asp?Org=061055586>),
Richard King Mellon Foundation (<http://www.green-watch.com/search/gmdisplay.asp?Org=251127705>),
Charles Engelhard Foundation (<http://www.green-watch.com/search/gmdisplay.asp?Org=226063032>),
Ford Foundation (<http://www.green-watch.com/search/gmdisplay.asp?Org=131684331>),
William & Flora Hewlett Foundation (<http://www.green-watch.com/search/gmdisplay.asp?Org=941655673>),
and W.K. Kellogg (<http://www.green-watch.com/search/gmdisplay.asp?Org=381359264>).

Cary Hegreberg in the January 2004 edition of the Montana Contractor News described the current situation as “Montana-based environmental groups that specialize in stopping development generate millions of dollars each year selling their “services” to out-of-state donors... Montana certainly doesn’t need to produce any more environmental advocacy than our own residents pay for”. We are concerned about the magnitude and influence of foundation funding to non-motorized organizations. The level of funding provided to non-motorized organizations from national foundations is tens of thousands of times greater than that available to individuals and local organizations representing multiple-use and motorized recreationists. This level of funding provides non-motorized organizations with significant staffing, management, and legal support. Local residents are closest to the land and should have a major say in the way that the land is managed but they cannot counter the influence of the organized environmental groups.

We request the significant impact that national foundation funding to environmental groups has on motorized recreationists be adequately evaluated and considered including; (1) the impact that foundation funding has on the NEPA process, (2) the impact that foundation funding has on the decision-making, and (3) the impact that foundation funding has on the NEPA process through significant use of legal challenges to nearly every decision involving multiple-use proposals for public lands. In addition, the document and decision-makers should evaluate the cumulative negative impact national foundation funding has had on all past NEPA actions involving multiple-use and motorized recreation.

Issue:

We have been told that motorized recreationists must participate in the travel management process and/or collaborative sessions in order to realize future motorized recreational opportunities. While we agree that motorized recreationists have the opportunity to participate in the NEPA process, the level and effectiveness of participation should not be the deciding factor when making decisions about who gets what recreational opportunities within public lands. NEPA does not identify the quality and quantity of individual and group participation as a decision-making criterion. Agencies

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should not be overly influenced by the network of influence groups that foundations and environmentalists have established. The network of influence groups has a significant advantage over common citizens in areas including funding, staffing, training and advertising through radio, television, web sites, and newspapers. This setting allows environmental groups to get undue benefits by manipulating the NEPA process. This setting does not address the principles of meeting public need. NEPA and other laws do not intend for independent individuals who are less organized to give up their life's amenities to better-organized and funded groups.

The establishment of recreational opportunities on public lands should be based on public need. Other government entities are directed to address and meet the needs of the public. For example, cities provide water and sewer systems based on public need. Highways are constructed based on public need. The need for these facilities is not based on the level of citizen involvement. The need for these facilities is based on an assessment of need developed by water and sewer usage, traffic counts, etc. The public has a basic expectation that agencies will look out for all of their interests and the best interests of the public are met when agencies respond to the needs of the public in this manner. If members of the public did not comment on the upgrade of a water treatment plant or the construction of a highway does not mean that their water is shut off or that they can't drive to Bozeman. We request that the use of public participation in decision-making for this proposed action be monitored to assure that it does not obscure the needs of all citizens who rely on the project area for their recreation and livelihoods.

Issue:

It has been stated that motorized recreationists should participate in collaborative sessions with non-motorized groups in order to obtain motorized recreational opportunities on public lands. The agencies may think that the definition of a collaborative effort as "working together to develop a solution that reasonably meets the needs of all parties" but the dictionary definition of collaborate is "To cooperate treasonably, as with an enemy".

Additionally, British Prime Ministry Lady Margaret Thatcher describe consensus which is another closely related process as "...the process of abandoning all beliefs, principles, values and policies in search of something in which no one believes, but to which no one objects; the process of avoiding the very issues that have to be solved, merely because you cannot get agreement on the way ahead".

Both sides would be further down the trail towards measurable protection of the human and natural environment if multiple-use, motorized access and motorized recreation were accepted at a reasonable level and we all focused our energy on visitor education, site-specific problems and site-specific mitigation measures. Consensus and collaborative processes cannot by nature produce reasonable results and motorized recreationists should not be forced into these processes where they are guaranteed to lose.

Issue:

Multiple-use recreationists are receptive to reasonable actions that benefit both the human and natural environment. The intent and goals of non-motorized groups can be examined by reviewing their comments submitted on this action and other similar proposed actions, reviewing the list of legal actions that they have sponsored, and browsing websites such as:

<http://www.greateryellowstone.org> ; <http://wildmontana.org/orvspubland.htm> ;

<http://www.wildlands.org> ; <http://montana.sierraclub.org> ; <http://www.sierraclub.org> ;

<http://www.wildmontana.org> ; <http://www.wildrockies.org/> ; <http://www.wildrockies.org/TECI/> ;

<http://www.wildlandscpr.org> ; <http://maps.wildrockies.org/orv/> ;
<http://www.wildrockiesalliance.org> ; <http://www.friendsofthebitterroot.org> ; and
<http://www.montanawildlife.com> (click on “activism” or “issues” or “news” or “take action” or
“opinions” or search for “OHV” or “ATV”, etc).

A common stated goal of non-motorized groups is the elimination of as much multiple-use on public lands as possible and the establishment of as much wilderness/non-motorized/exclusive-use area as possible (<http://www.weedenfdn.org/grantsummaries.htm>). While collaborative agreement on a travel management plan between two opposing interests is a desirable solution from an Agency’s perspective, the reality of the current setting is that collaborative sessions have failed because a reasonable allocation of recreational opportunities that would meet the needs of all citizens never stays on the table. The approach to travel management taken by the agencies is to pit user groups against each other in the process. Furthermore, the lack of a reasonable multiple-use alternative combined with the significant cumulative negative effects that motorized recreationists have experienced (loss of over 50% of motorized recreational opportunities during the past 35 ± years) precludes motorized recreationists from accepting any additional unbalanced proposals coming out of collaborative sessions. The collaborative approach must produce reasonable multiple-use alternatives for all (100%) of the remaining lands intended for multiple-use.

Additionally, we must make decisions based on adequate consideration of the needs of both the human and natural environment. Recreational opportunities should be established based on the needs of the public and not the negotiating skills of participants in collaborative sessions.

The reality of the current setting is that we must share public lands with all visitors. Sharing requires coexistence among exclusive-use and multiple-use recreationists. It is not reasonable to take the position that motorized and non-motorized recreationists cannot coexist at the levels of use typical in the project area. The motive behind a non-coexisting attitude is a selfish one. Collaborative sessions and decision-makers must not yield to those unwilling to share or accept diversity. All parties must accept diversity and coexist. All parties must be responsive to and willing to meet the needs of the public. The reality of the current setting is that we must make balanced decisions that meet the needs of the public. We have been told that motorized recreationists must participate in the travel management process and/or collaborative sessions in order to realize future motorized recreational opportunities. While we agree that motorized recreationists have the opportunity to participate in the NEPA process, we disagree that the level and effectiveness of participation should be the factor deciding when making decisions about who gets what recreational opportunities within our public lands.

Decisions should be based on;

- (1) accurate and unbiased information,
- (2) fairness to all members of the public and their needs,
- (3) the principles of sharing and tolerance, and
- (4) an equitable distribution of benefits to all interests.

Issue:

NEPA does not require or suggest that the quality and quantity of individual and group participation be used as a decision-making criterion. Agencies should not be overly influenced by the network of influence groups that environmentalists have established. The network of influence groups has a significant advantage over common citizens in areas including funding, staffing, training and

advertising through radio, television, web sites, and newspapers. Collaborative sessions or other types of negotiations often result in undue benefits for environmental groups because they have manipulated the process. The decision-making process should be solidly founded on the principles of unbiased information and public need.

Issue:

Environmental groups have the funding and legal backing to pursue their agenda. Court rulings and negotiations favorable to environmental groups are a heavy influence on the agency decision-making including:

The Bitterroot timber salvage settlement

(<http://www.helenair.com/rednews/2002/02/08/build/headline/1A2.html>) is an example of an unreasonable compromise with environmental groups. The Forest Service developed a reasonable proposal to harvest 44,000 acres (14%) out of 307,000 acres burned during the fires of 2000. The final negotiated settlement will allow just 14,770 acres (5%) to be harvested.

This pattern of unreasonable negotiation was repeated with the Cave Gulch fire settlement (http://www.helenair.com/articles/2003/01/23/helena_top/a01012303_03.txt). Again, the Forest Service developed a reasonable proposal to harvest 2,767 acres (10%) out of a total of 27,660 acres burned during 2000. The final negotiated settlement in January 2003 allowed just 1,191 acres (4%) to be harvested.

This pattern of unreasonable negotiation was repeated with the Snow Talon fire settlement (http://www.helenair.com/articles/2005/12/07/helena/a09120705_01.txt). Again, the Forest Service developed a reasonable proposal to harvest 2,763 acres (7%) out of a total of 37,700 acres burned during 2003. The final negotiated settlement in December 2005 reduced the original proposal by 85% from 27 million board feet of timber to just 4 million board feet to be harvested.

This pattern of unreasonable court rulings was repeated with the Lolo National Forest timber salvage sale proposals after the year 2000 fires. Again, the Forest Service developed a sound proposal to harvest about 4,600 acres or 6% out of 74,000 acres that were burned. Environmental groups challenged that proposal all the way to the Ninth Circuit court and successfully stopped the harvest proposal (<http://www.missoulian.com/articles/2005/12/10/news/top/news01.prt>).

Clearly, these and the many other legal actions by environmental groups with funding and resources have influenced the system and set precedent with federal agencies. Appeals and lawsuits by environmental groups greatly outnumber those of average citizens

(http://www.fs.fed.us/r1/projects/appeal_index.shtml and

<http://www.fs.fed.us/emc/applit/index.htm>). The current precedent is that legal actions and appeals are the most effective way to influence decisions on how public land is to be managed.

Unfortunately, the true public need for management of public lands for multiple-uses is not adequately defended because agencies are so focused on countering the massive legal attack by environmental groups.

The final “negotiated” decision-making in these actions had nothing to do with science or public need. The final “negotiated” decision-making in these actions had everything to do with the amount of money and legal support that special interest environmental groups have available. These resources allow them to routinely pursue actions within the NEPA process and significantly

influence the NEPA to benefit their special interests. Environmental groups are not representative of the overall public need yet their use of legal actions allowed only their perspective to be represented in a negotiating session. This inequity creates a serious flaw in the process. For example in the Bitterroot and Cave Gulch salvage harvest actions, the “negotiated” settlement conceded too many un-harvested acres (30,000 and 1,600 acres respectively) to wilderness oriented groups, was not based on sound technical information, and was not representative of the majority of public needs. The negotiated settlement will likely happen again with the Snow-Talon Salvage Sale decision (http://www.helenair.com/articles/2005/07/17/opinions/a04071705_03.txt) and the Middle East Fork (<http://www.missoulian.com/articles/2007/01/14/news/mtregional/znews08.prt>). The same sort of influence and “negotiated” settlement is repeated over and over in travel planning actions and has resulted in the closure of over 50% of the existing motorized roads and trails exceeding 50% in most cases. This “negotiated” decision-making has created a significant negative cumulative negative impact on multiple-use and motorized recreationists.

We request that the use of public participation in decision-making for this proposed action be monitored to assure that it does not obscure the needs of all citizens who rely on this area for their recreation and livelihoods. Collaborative sessions are inequitable and a travesty if they do not meet a true cross-section of public needs. The needs of the public are best met by managing public lands for multiple-uses. Multiple-use includes motorized access and motorized recreation. We request that agencies conduct collaborative sessions that produce reasonable multiple-use outcomes.

Issue:

Each and every travel management plan has significantly reduced motorized access and motorized recreation. Therefore, non-motorized recreationists gain more opportunities with each and every travel plan compromise that closes motorized roads and trails and areas to motorized recreation. This trend is effectively converting significant areas of multiple-use public land to defacto wilderness/non-motorized/exclusive-use land. This conversion is being repeated over and over and the cumulative negative impact of this trend on motorized access and motorized recreation is significant and must be evaluated as part of this action.

Issue:

The lack of money to maintain OHV routes is being used as a reason to close OHV routes and at the same time Recreational Trails Program (RTP) and gas tax money paid by OHV recreationists is not being returned to OHV recreation. There is also unused motorized RTP money available each year. Additionally, the lack of money is used as a reason that new OHV routes cannot be constructed.

Solution:

The BLM and Forest Service must aggressively pursue and make use of all available forms of OHV trail funding including RTP, and a more equitable return of the gas tax paid by OHV recreationists. As demonstrated in the following comments, the amount of gas tax paid by OHV recreationists is enormous.

Issue:

Our observations of recreationists taking visiting the primitive roads and trails within public lands indicate that 97% of the visitors represented multiple-uses that rely on motorized access and/or mechanized recreation (data available upon request). These needs can be further quantified by researching records from the Motor Vehicle Division (MVD) and the report Fuel Used for Off-Road Recreation (Report ORNL/TM-1999/100, Federal Highway Administration). Both of these sources document OHV numbers by state.

Montana is estimated to have 32,747 off-road trucks, 18,400 off-road motorcycles, and 23,017 off-road atvs for a total of 74,164 OHV recreationists (Report ORNL/TM-1999/100). This total does not include other multiple-use visitors using automobiles, SUVs, etc. Nationally, the total estimated off-highway vehicles equal about 7,400,000 which does not include other multiple-use visitors (Report ORNL/TM-1999/100).

Additionally, there are millions of other multiple-use visitors who use motorized access for sightseeing, exploring, picnicking, hiking, rock climbing, skiing, mountain biking, riding horses, camping, hunting, RVs, target shooting, fishing, viewing wildlife, snowmobiling, accessing patented mining claims, and gathering of firewood, rocks, natural foods, etc. Mountain bikers seem to prefer OHV trails because we clear and maintain them and they have a desirable surface for biking. Additionally, many of the routes within the project area are necessary to maintain access to patented mining claims and historic districts. Also, physically challenged visitors must use wheeled vehicles to visit public lands. The needs of all of these multiple-use visitors have not been adequately addressed and the proposed negative impacts to them have not been adequately disclosed. We request that the cumulative needs of these visitors be accurately quantified and the cumulative negative impacts of closures on these visitors be considered in the decision-making.

Issue:

Finding funding for programs can be a challenge. In the case of OHV recreationists, ample funding is being generated by OHV recreationists, however as demonstrated in the following paragraphs, a reasonable amount of this funding is not being returned to OHV recreationists.

State governments collect excise taxes on gasoline for road and highway improvements ranging from \$0.075 to \$0.389 per gallon (References 7, 9, and http://www.flyingj.com/s_tax.html). The federal government collects excise tax on gasoline for road and highway improvements equal to \$0.184 per gallon, which is earmarked for the Federal Highway Trust Fund (Reference 8 and 10). A federal excise tax refund program for gasoline used for off-road purposes does not exist at this time. Some states allow purchasers of gasoline for off-road use to collect a state tax refund for fuel used in a non-taxable manner. For example, the State of Montana defines fuel consumed by equipment and vehicles operating off public roads as fuel used in a non-taxable manner (Reference 2). Therefore, excise tax on gasoline used for off-road fuel use should either be refunded to off-highway recreationists or used to fund programs that benefit off-highway recreationists. Neither of these mechanisms are being implemented in an equitable manner at this time. Therefore, a reasonable amount of the gasoline excise tax paid by off-highway recreationists is not being returned to off-highway recreationists or used for their benefit at this time.

The magnitude of gas tax paid by OHV recreationists is significant. Fuel used for off-road motorcycle, atv and 4-wheel drive recreation in Montana is estimated at 18,537,060 gallons per year (Reference 1). The State of Montana fuel tax is \$0.2775 per gallon (Reference 2). Therefore, an estimated \$5,144,034 in state fuel tax (\$0.2775 per gallon times 18,537,060 gallons per year) is paid annually by Montana off-road recreationists. The present worth of this annual amount over the past 30 years is about \$88,940,000. Other states can be calculated by referring to the state gas tax amount per gallon published at http://www.flyingj.com/s_tax.html. Unfortunately, most of the state tax paid by OHV recreationists on gasoline ends up being used for other programs and not for OHV programs.

Additionally, federal gas tax paid by OHV recreationists living in Montana is significant and is estimated at \$3,410,819 (\$0.184 per gallon times 18,537,060 gallons per year). The present worth of this annual amount over the past 30 years is about \$58,973,000. There is no method for direct return of the federal excise tax to OHV recreationists. Therefore, most of the federal excise tax paid by OHV recreationists on gasoline ends up being used for other programs and not for OHV programs. In summary, OHV recreationists in Montana generate total state and federal annual gas tax revenue on the order of \$8 million and a present worth over the past 30 years of about \$150,000,000. Other states are similar or more. This level of funding would be sufficient to fund expanded and enhanced OHV programs in Montana and other states but this objective requires an equitable means of returning off-road gas tax to OHV recreationists.

The amount of gas tax being returned to Montana OHV recreationists through State Trails Program (STP) and Recreational Trails Programs (RTP) is on the order \$200,000 per year (References 3 and 4) or about 3% of the actual state and federal gas tax paid by OHV recreationists. This small percentage of return is not equitable and other states also follow this trend. We request that revisions be made to state and federal programs in order to return to OHV recreationists the full amount of gas tax paid by OHV recreationists in the form of funding specifically earmarked for enhanced and expanded OHV Programs.

Furthermore, at the national level, RTP was funded at a \$50,000,000 level in fiscal year 2002 (Reference 5). The maximum amount made available to OHV projects by RTP funds is no more than 70% (split of funds is authorized at 30% motorized recreation, 30% for non-motorized, and 40% for diverse trail use, Reference 6). If an estimated 50% (probably high given current circumstances) were returned to OHV recreationists through the RTP program, then the total amount returned to OHV recreationists at the national level would be about \$25,000,000.

Table 7.1 in Reference 1 reports the total annual gallons of gasoline used nationally by all off-road recreationists is about 1,882,191,331 gallons. Most states limit a refund of excise tax on gasoline to off-road use to agricultural or commercial off-road use and specifically do not allow a gas tax refund to OHV recreationists. Therefore, about \$470,547,832 (assuming a minimum state and federal gas tax rate of \$0.25 per gallon times 1,882,191,331 gallons per year) is paid in fuel taxes by all off-road recreationists in the country each year. The present worth of this annual amount over the past 30 years is about \$8,135,772,000. At a national level, the amount returned to OHV recreationists by the RTP program is no more than 5% of the actual state and federal gas tax paid by OHV recreationists. This small percentage of return is not equitable. We request that revisions be made to state and federal programs in order to return the full amount of the gas tax paid by OHV recreationists to programs that benefit OHV recreationists.

OHV recreationists have significant needs that have gone unmet for many years due to the lack of adequate funding. The lack of adequate funding and attention to these needs has also contributed to some concerns associated with OHV recreation. An adequate level of funding, as discussed above, would address all needs and concerns associated with OHV recreation including environmental protection and mitigation projects, education and safety programs, the enhancement of existing recreation opportunities and, the development of new OHV recreation opportunities necessary to meet the needs of the public. We request the development of a funding mechanism that equitably returns gas tax revenues directly to OHV recreationists.

Additional funding is needed for expanded and enhanced OHV programs to effectively address the concerns and needs of OHV recreationists including programs:

- To provide greater promotion of responsible OHV recreation,
- To provide greater promotion of OHV tourism,
- To provide greater promotion of an OHV Safety program and distribution of safety educational materials,
- To provide greater promotion and distribution of educational materials on land use and visitor ethics,
- To provide greater promotion and distribution of educational materials on OHV and hunting ethics,
- To actively promote and support the development of local OHV organizations in all areas of the state to further promote OHV educational and awareness programs,
- To promote greater registration of OHVs which will produce greater support for the OHV Program,
- To develop and distribute a monthly or quarterly newsletter to all registered OHV owners,
- To develop and distribute OHV information including maps and listings of OHV recreational opportunities,
- To develop multiple-use recreation opportunities on public lands as allowed under existing laws,
- To develop and operate a collection and distribution point for OHV recreational and educational information, links to OHV clubs, etc.,
- To provide a Trail Ranger program that supports OHV recreationists similar to the State of Idaho's,
- To mitigate all existing concerns with OHV recreation on public lands in cooperation with federal and state agencies and in conformance with all existing laws and a Memorandum of Understanding dated February 25, 2002 between U.S. Department of Agriculture, Forest Service and the Blue Ribbon Coalition, and
- To develop and promote all reasonable OHV recreation opportunities on public lands in cooperation with federal and state agencies and in conformance with all existing laws and a Memorandum of Understanding dated February 25, 2002 between U.S. Department of Agriculture, Forest Service and the Blue Ribbon Coalition.

Note that an OHV Trust Fund should be set up to collect and hold OHV gas tax monies paid by OHV recreationists in the past but not returned to them. This trust fund could also be used in the event of delays in the start-up of OHV Programs and to accommodate the scheduling of NEPA actions for on-the-ground OHV projects.

In summary, we cite a common principle of law articulated in the Montana Codes Annotated "1-3-212. Benefit -- burden. He who takes the benefit must bear the burden." We agree with that principle and the necessary obverse, "He who bears the burden must receive the benefit." We request that all gas tax revenue generated by OHV recreationists be returned to OHV recreationists for their benefit and used to address; through education, mitigation, enhancement, and development projects; all of the concerns and needs associated with OHV recreation.

Reference 1: Report ORNL/TM-1999/100, Federal Highway Administration
http://www.cta.ornl.gov/cta/Publications/Reports/ORNL_TM_1999_100.pdf

Reference 2: <http://www.mdt.state.mt.us/administration/gastaxrefund.html>

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- Reference 3: <http://www.fwp.state.mt.us/parks/trails/trailgrantapps.asp>
Reference 4: <http://www.fwp.state.mt.us/parks/ohvgrantaward.asp>
Reference 5: <http://www.fhwa.dot.gov/environment/recfunds.htm>
Reference 6: <http://www.fhwa.dot.gov/environment/rtbroch.htm>
Reference 7: <http://www.wsdot.wa.gov/KeyFacts/GasTaxRates.htm>
Reference 8: <http://www.wsdot.wa.gov/KeyFacts/HiwayUserFees.htm>
Reference 9: http://www.njpp.org/archives/otr_gastax.html
Reference 10: <http://www.bts.gov/transtu/ts2/ts2.htm>

Issue:

Past comments made in opposition to the Symms Act by non-motorized groups have tried to establish that the OHV portion of the Symms Act and RTP are subsidized by public funds, however, just the opposite is true. Off-road motorized recreationists do have a funding mechanism available in the form of the gas tax monies collected from their gas purchases and, furthermore, these monies may have been inappropriately used for non-motorized projects. Additionally, wilderness trails are routing maintained without a source of funding tied to the users. In contrast to that situation motorized trails are seldom maintained by the agency even though motorized recreationists generate more than adequate funding through the collection of gas taxes. We request that corrective actions (an adequate mitigation plan) be taken to address to return all past and current off-road gas tax monies to OHV recreationists.

Issue:

The lack of funding is often used as an excuse to avoid addressing problems associated with OHV recreation when in reality there is more than adequate funding. This is another example of the absence of a rational connection between the facts found and the choice made. Furthermore, the diversion of gas tax paid by OHV recreationists to other programs has contributed to many of the problems facing motorized recreationists. We request the evaluation of the impact and cumulative negative impacts that have resulted from the diversion of gas tax paid by OHV recreationists to other programs including impacts associated with reduced OHV safety, education, mitigation, and development programs. Additionally, we request that an adequate mitigation plan be included as part of this action to compensate for past cumulative negative impacts.

Issue:

We have noticed that most trails in wilderness areas are adequately maintained with clearing, water bar construction and trail rerouting provided on an annual basis. All of this is done by agencies without any user-generated fees. At the same time motorized resources see very little maintenance and motorized recreationists have had to do a lot of work themselves in order to keep motorized routes open even though OHV gas tax has generated over 8 billion dollars over the last 30 years. Moreover, to top off this incredibly inequitable situation, lack of maintenance is often used as a reason to close motorized recreational resources. We request that this issue be addressed and corrected by using OHV generated gas tax monies for maintenance, education, and construction of motorized recreational opportunities.

Issue:

There are cases where OHV gas tax funding has been used to improve a non-motorized trail. There are also cases where OHV gas tax money has been used to improve a trail and then that trail has been closed to motorized use. The use of OHV gas tax funding for non-motorized recreation is improper. We request that these cases be identified and that they be corrected by replacing

motorized recreational opportunities that have been closed with new motorized recreational opportunities of equal recreational value.

Issue:

Any significant closing of motorized routes in the project area does not meet the basic requirement of the NEPA act of 1969 as stated in “Sec. 101 (b) (5) *achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life’s amenities*”. High standards of living and a wide sharing of life’s amenities should include recognizing and meeting the need for motorized access and recreation opportunities in the project area. All visitors should be expected to share the project area with others and to tolerate the presence of others. We have met very few hikers on the multiple-use roads and trails that we use. We have not perceived any problems with the non-motorized visitors that we have met. We ask that the analysis and decision-making be based on sharing and tolerance and to avoid unreasonable accommodation of visitors to public lands that are not reasonably tolerant and sharing.

Issue:

The first sentence on the inside cover of most federal environmental documents includes a statement similar to “*The United States Department of Agriculture (USDA) is a diverse organization committed to equal opportunity in employment and program delivery.*” We are greatly concerned about the lack of equal recreation opportunity and quality within public lands. Everyone should have equal access and opportunity to enjoy the natural environment. There is a need for motorized recreation and access opportunities (areas and trails including inter-forest and interstate routes, OHV back country discovery routes, and OHV byways) equal to our non-motorized/wilderness opportunities (examples include the Lewis and Clark and Nez Perce National Historic Trail, Pacific Crest Trail, Continental Divide Trail, Pacific Crest Trail and National Recreation Trails). We request actions that will develop regional (inter-forest and interstate connections) motorized recreational opportunities such as the Great Western Trail and Oregon Back Country Discovery Route. OHV back country discovery routes and OHV byways are required to provide opportunities for motorized recreationists equal to existing long-distance non-motorized opportunities.

Issue:

Our vision for motorized recreation includes opportunities such as the Great Western Trail and Oregon Back Country Discovery Route, and other regional opportunities that include connections between forests and adjoining states. A system of OHV back country discovery routes and OHV byways could provide loops and interconnecting trails to points of interest including lakes, streams, rivers, ghosts towns, and scenic overlooks. This system of OHV routes could also include connections to small towns for access to motels and restaurants and could be a significant source of economic revitalization for the project area. OHV recreation and tourism could be a significant boost to many local economies. This potential has yet to be recognized and tapped. Examples of OHV tourism can be found at: <http://www.visitid.org/Outdoor/ATV.html> , <http://www.marysvalle.org/> , <http://www.trailscout.com/> , <http://www.transamtrail.com/main.htm> , <http://www.motorcycleexplorer.com/> , and <http://www.visitnorthidaho.com/wallace.html> . We request that the positive benefits of OHV recreation and tourism be considered as part of the evaluation and implemented for this action.

Issue:

OHV recreation and tourism has not been promoted or supported by Montana Department of Fish, Wildlife and Parks (MDFWP) as aggressively as recreation and tourism associated with fish and wildlife programs. Be clear that this is not a reflection on the dedicated OHV staff assigned to the MDFWP OHV program; rather it is a function of perceived conflicts of interest and lack of management directives that exists within MDFWP. These conditions significantly restrict what OHV staff members and the MDFWP OHV program can accomplish. For example, the mission, vision, and goals statement for MDFWP do not mention the OHV program. MDFWP is focused and managed as a fish and wildlife management agency. We request that MDFWP actively promote OHV recreation and OHV tourism. We also request that MDFWP increase the level of OHV management to a level that addresses the needs of motorized recreationists, enthusiastically promote OHV recreation opportunities and enthusiastically develop OHV tourism.

Issue:

Inadequate attention and passive support of OHV recreation by agencies in a position to support and manage OHV recreation has contributed to the issues impacting OHV recreationists. Again, motorized access and motorized recreation including OHV recreation are the most popular, fastest growing and most fundable forms of recreation and should be given a much higher priority. We request that the cumulative negative impact on OHV recreation resulting from less than adequate and enthusiastic support from managing agencies be adequately evaluated in the document and adequately considered during the decision-making. Additionally, we request that an adequate mitigation plan be included as part of this action to compensate for past cumulative negative impacts.

Issue:

Many handicapped, elderly, or physically impaired citizens can only access and recreate on public lands by using motorized roads and trails. The needs of these citizens should be adequately considered. On November 10th, 1998, President Clinton signed Public Law 105-359, requiring the Secretary of Agriculture and the Secretary of the Interior to conduct a study to improve access for persons with disabilities to outdoor recreation opportunities made available to the public. This law states:

(a) STUDY REQUIRED. – The Secretary of Agriculture and the Secretary of the Interior shall jointly conduct a study regarding ways to improve the access for persons with disabilities to outdoor recreational opportunities (such as fishing, hunting, trapping, wildlife viewing, hiking, boating and camping) made available to the public on the Federal lands described in subsection (b).

(b) COVERED FEDERAL LANDS. – The Federal lands referred to in subsection (a) are the following:

- (1) National Forest System lands.*
- (2) Units of the National Park System.*
- (3) Areas in the National Wildlife Refuge System.*
- (4) Lands administered by the Bureau of Land Management*

The Study prepared to address P.L. 105-359 (Improving Access to Outdoor Recreational Activities on Federal Land, prepared by Wilderness Inquiry, June 27, 2000) found and recommended the following areas of action:

- 1) Agencies must re-dedicate their efforts to achieve the goal of equal opportunities for access to outdoor recreation by persons with disabilities.
- 2) Agencies should conduct baseline assessments of existing facility and programmatic accessibility, and develop and implement transition plans for facilities and programs that are not now accessible to bring them into compliance.
- 3) Increase accessibility related awareness and educational opportunities for agency personnel, service providers, and partners.
- 4) Increase funding to federal land management agencies for accessibility.
- 5) Increase accountability and oversight in implementing accessibility initiatives.
- 6) Improve communications about opportunities for outdoor recreation to persons with disabilities.
- 7) Clarify the balance between resource protection and accessibility.

We request that the proposed action adequately address and comply with the recommendations of the Study conducted to address P.L. 105-359 including items 1 and 7.

Issue:

Equal treatment and access to public lands must be provided for all people including motorized visitors. One example of unequal treatment is demonstrated by the agency sponsored hikes. We have never seen an agency sponsored OHV outing. Another example is the number of agency publications and information on agency web sites promoting non-motorized recreation versus the publications and web site information pages provided for motorized recreationists. Non-motorized recreation opportunities are easy to find using agency web sites and printed information. Yet another example is the use of hiking information signs posted along highways at ranger stations and the the lack of the same signs and information for OHV recreation. The Condon Ranger Station is one of many examples of this situation. Most often little or no information is provided about motorized recreation opportunities. The one good example of a motorized web site can be found at <http://www.fs.fed.us/r6/centraloregon/recreation/cohvops>. There is a need for every forest and district to have a similar motorized recreation web site. Another example of bias is the fact that signs say “Non-motorized Uses Welcome” and we have never seen a sign that says “Motorized Uses Welcome”.

Issue:

Motorized visitors are extremely concerned over the significant cumulative loss of many historic travelways. Motorized visitors are unwilling to compromise any further because of the cumulative loss of motorized access and recreation opportunities that has resulted in the lack of equivalent recreation and access opportunities within public lands. Motorized visitors have the need for trail systems and areas equal to those available to non-motorized visitors (areas and trails including inter-forest, interstate routes, Continental Divide Trail, Pacific Crest Trail and National Recreation Trails). There are no new opportunities within public lands to make-up for the closure of roads and motorized trails. Therefore, a substantial need for motorized recreation and access opportunities will not be met if a substantial number of roads and trails are closed. We request that the impacts associated with the significant loss of motorized recreation and access opportunities be adequately addressed in the environmental document and decision-making, i.e. Where will displaced motorized visitors go? And, due to the lack of any reasonable motorized access and recreation opportunities, what will they do? Additionally, we request that an adequate mitigation plan be included as part of this action to compensate for past cumulative negative impacts.

Issue:

We are a locally supported association whose purpose is to preserve trails for all recreationists through responsible environmental protection and education.

We request that the loss of motorized recreation and access opportunities due to millions of acres of area closure (motorized travel restricted to designated routes) be adequately addressed in the document and decision-making. The area closure action without closing of any existing roads and trails is a significant loss of recreation and access opportunities to motorized visitors. The lack of adequate consideration of the negative impact of area closure on access and motorized recreation has produced a cumulative negative impact that is significant. We request adequate consideration of area closure impacts on motorized visitors in the project area and the cumulative negative impact of all area closures. Additionally, we request that an adequate mitigation plan be included as part of this action to compensate for past cumulative negative impacts.

Issue:

Past actions have closed many roads and trails to motorized recreation and access without addressing the merits of each one. We are concerned with the lack of site specific analysis for past road and trail closures. Justification has included reasons such as non-system roads or trails, ghost roads, user created roads etc. that are not site specific and do not provide adequate justification. The fact is that many roads and trails in use today have been created by visitors going back to the early days of history when all public lands were "open" to motorized access. Agencies cannot select which roads are useful to keep and which are not without a site-specific analysis. The cumulative negative effect of not analyzing each road and trail segment is tremendous. We request that the decision-making be based on the individual and site-specific merits of each travelway. Additionally, we request that an adequate mitigation plan be included as part of this action to compensate for past cumulative negative impacts.

Issue:

Non-system roads and trails are a significant OHV recreation resource. However, non-system roads and trails are, most often, not inventoried and considered in the travel management process. Failing to identify and consider non-system roads and trails in the travel management process will underestimate the existing use and needs of motorized recreationists. Therefore, the impact that the resulting closure of non-system roads and trails by non-consideration will have on motorized recreationists will also be under-estimated. NEPA requires adequate disclosure of all impacts and this is not happening with respect to all existing non-system roads and trails that are in use by the public. We request that adequate consideration be given to a comprehensive inventory and analysis of all non-system roads and trails and the current recreational opportunity that they provide to motorized recreationists.

Issue:

All public lands were largely open to motorized access prior to the 1960's. Many existing roads and trails were created by legal logging, mining and public access during this period. Nearly all of the roads and trails in the project area have been in existence for many years with many dating back to the turn of the century. The term "unclassified road or ghost road" may give the impression that these roads evolved illegally. We request a clarification in the document that travelways with these origins are legal travelways as recognized by all policies and decisions including the 3-States OHV ROD, national OHV and route designation policy, and BLM OHV policies. We are very concerned that the agencies are not honoring this agreement and decision. Additionally, we request that these roads and trails continue to provide recreation opportunities for motorized visitors and that mitigation measures be used, as required, to stabilize or address any environmental concerns.

Issue:

We are a locally supported association whose purpose is to preserve trails for all recreationists through responsible environmental protection and education.

We are concerned about the loss of access and impact on the handicapped, elderly, and physically impaired produced by each motorized closure to historic sites and traditional use areas. The proposed closures deny these citizens access to public lands that are especially important to them. We request that all the roads, trails, and features of interest be analyzed for the access and recreation opportunity that they provide for handicapped, elderly, and physically impaired visitors.

Issue:

The concept of area closure is not consistent with Forest Service regulations as established by appeals to the Stanislaus National Forest Travel Management Plan (http://www.fs.fed.us/r5/ecoplan/appeals/1998/fy98_stanislaus.htm). We request that the findings of that appeal including the following excerpts be included in this evaluation:

- 1) *Pursuant to regulations and policy, the Forest Service shall "Designate all National Forest System lands for off-road vehicle use in one of three categories: open, restricted, or closed" (FSM 2355.03-3). Restricted is defined as "Areas and trails on which motorized vehicle use is restricted by times or season of use, types of vehicles, vehicle equipment, designated areas or trails, or types of activity specified in orders issued under the authority of 36 CFR 261" (FSM 2355.13-2).*
- 2) *The Forest Supervisor decided to manage motorized use as closed unless designated (signed or mapped) as open (DN, p. 3). This affects over 2,500 miles of Level 2 roads and trails on the Stanislaus. His decision is inconsistent with Federal regulations, which require signage for closed routes, not open ones.*
- 3) *I found the Forest Supervisor's decision on signing inconsistent with Federal regulations, which require signage for closed routes, not open ones. The Forest Supervisor is directed to managed motor vehicle travel as restricted to designated routes unless signed or physically closed. Vehicle restrictions must be processed in accordance with 36 CFR 261.50 and posted in accordance with 36 CFR 261.51. 36 CFR 295.4 addresses additional requirements for public information regarding Use of Motor Vehicles Off Forest Development Roads. Restrictions on motor vehicle travel will be addressed through site specific NEPA analysis with consideration of any civil rights impacts.*
- 4) *Where RS 2477 rights are asserted, these routes may be considered for motor vehicle use.*
- 5) *Route maps were not included in the planning documents and the quad maps of the Opportunity Classes were difficult to read due to their scale.*

Issue:

The signing of “closed unless posted open” is not consistent with the 3-States OHV ROD and national OHV policy. It is also very confusing to the public. The 3-States OHV decision and national OHV policy logically defines what constitutes an open road or trail and the appropriate vehicle for that route. This is a more reasonable approach than “closed unless posted open”.

Issue:

Closed unless posted open is an impractical concept because signs do not last very long for many reasons including vandalism, animals and weather knocking them down, rotting of posts, etc. It is not fair to the public and will be very confusing to have somebody pull down a sign and then it is technically illegal for the public to travel on that route. Signs will become damaged and/or destroyed and then the public does not know whether they are legally open or closed. Additionally, “closed unless posted open” will have a huge annual



maintenance cost that will be difficult to fund. Also, posting signs as required to adequately define open routes under “closed unless posted open” will be extremely unsightly which should not be considered reasonable or acceptable.

Issue:

A science-based approach to the analysis of forest roads is presented in the Forest Service publication FS-643 Roads Analysis which was published in August 1999. This document includes a comprehensive overview of considerations and issues, suggested informational needs and sources, and analytical tools that should be evaluated during the analysis of forest roads. Many of the considerations and issues presented in FS-643, if evaluated adequately and fairly, would support keeping primitive roads and trails in the project area open for motorized recreation, handicapped, elderly, and physically impaired. We request that FS-643 be used in this evaluation to determine the specific values of each motorized road and trail.

Some of the considerations and issues are:

Economic (EC)

EC (1) How does the road system affect the agency’s direct costs and revenues?

EC (2) How does the road system affect priced and non-priced consequences included in economic efficiency analysis used to assess net benefits to society?

EC (3) How does the road system affect the distribution of benefits and costs among affected people?

Timber Management (TM)

TM (2) How does the road system affect managing the suitable timber base and other lands?

Minerals Management (MM)

MM (1) How does the road system affect access locatable, leasable and saleable minerals?

Special Use Permits (SU)

SU (1) How does the road system affect managing special user permit sites?

Protection (PT)

PT (1) How does the road system affect fuels management?

PT (2) How does the road system affect the capacity of the FS and cooperators to suppress wildfires?

PT (3) How does the road system affect risk to firefighters and public safety?

Road Related Recreation (RR)

RR (1) Is there now or will there be in the future excess supply or excess demand for roaded recreation opportunities?

RR (2) Is developing new roads into unroaded areas, decommissioning existing roads, or changing maintenance of existing roads, causing significant changes in the quantity, quality, or type of roaded recreation opportunities?

RR (3) Who participates in roaded recreation in the areas affected by road constructing, maintaining, or decommissioning?

RR (4) What are these participants’ attachments to the area, how strong are their feelings, and are there alternative opportunities and locations available?

Social Issues (SI)

SI (1) What are peoples’ perceived needs and values for roads? How does road management affect people’s dependence on, need for, and desire for access?

SI (2) What are people’s perceived needs and values for access? How does road management affect people’s dependence on, need for, and desire for access?

SI (3) How does the road system affect access to historical sites?

We are a locally supported association whose purpose is to preserve trails for all recreationists through responsible environmental protection and education.

SI (4) How are roads that are historic sites affected by road management?

SI (5) How is community social and economic health affected by road management?

Civil Rights and Environmental Justice (CR)

CR (1) How does the road system, or its management, affect certain groups of people (minority, ethnic, cultural, racial, disabled, and low-income groups)?

We request full use of the FS-643 Roads Analysis Manual in order to adequately account for the social, economic, cultural, and traditional values that motorized roads and trails provide to the public. FS-643 should be used on every road and trail segment in order to adequately identify and evaluate the needs of motorized visitors and in order to avoid contributing to additional cumulative negative impacts to motorized visitors.

Issue:

The environmental document should be an issue driven document as required under NEPA and the Council on Environmental Quality guidelines. The driving issue is the development of a reasonable travel management alternative that addresses the needs of the public. NEPA requires that agencies “Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated” [40 CFR 1502.14(a)]. We request that the environmental document adequately addresses the social, economic, and environmental justice issues associated with multiple-use access and motorized recreation. We request that the environmental document include a travel management alternative for the project area that adequately responds to these issues and the needs for multiple-use access and recreation.

Issue:

The underlying strategy of past travel management actions has been to eliminate as many motorized recreational opportunities as possible and to avoid the creation of any new motorized opportunities. We request that the underlying principle of all new travel management actions be to maintain the existing level of opportunities for motorized visitors. We also request that the document and decision-making; (1) evaluate the cumulative negative effect of past strategies to eliminate motorized recreation opportunities including the conversion of multiple-use lands to all designations of non-motorized areas including pre-Columbian scheme, monuments, wilderness, wilderness study areas, roadless areas; and (2) enact actions that will offset the cumulative negative effect of past strategies to eliminate motorized recreational opportunities.

Issue:

A new strategy for travel management actions should be to enhance the level of opportunities for motorized visitors in order to be responsive to the needs of the public. Enhancement could include roads and trails systems with loops, exploration destinations such as lakes, mines, scenic overlooks, and inter-connections to other public lands and regional trails. We request that the preferred alternative include the enhancement of motorized recreational opportunities.

Issue:

We request evaluation of the loss of opportunities for off-highway vehicles due to the lack of a continuous system of roads and trails on which off-highway vehicles can be legally ridden and the formulation of a preferred alternative to address that issue. In areas where OHVs must use a roadway, we request that a reasonable travel management alternative be developed that includes the

designation of a reasonable network of dual-use roads to allow inter-connection access to OHV recreational resources.

Issue:

The preferred travel management alternative should maintain existing travelways that provide motorized access to recreational loops and destinations. We also request that the preferred alternative avoid cutting off access to motorized looped trail systems, exploration opportunities, destinations, and motorized access areas located outside the project area. The cumulative negative effect and lack of motorized access to loop trail systems and destinations outside of the project area should be adequately addressed in the analysis and decision-making.

Issue:

A reasonable travel management alternative is needed in order to avoid contributing to the significant impacts that motorized recreationists have experienced from the cumulative effect of all closures. A reasonable alternative would incorporate all existing motorized roads and trails and restrict motorized travel to those travel ways. Under the requirements of NEPA, all reasonable alternatives should be addressed in the environmental document and decision-making. In order to avoid contributing to further cumulative negative impacts, we request that an alternative based on incorporating all existing motorized roads and trails and restricting motorized travel to those travelways be included in the analysis and selected by the decision-makers.

Issue:

The environmental document should consider the following visitor profiles in addition to OHV enthusiasts as motorized visitors who use roads and trails within public lands. People out for weekend drives, sightseers, picnickers, campers, hunters, hiking, rock climbing, target shooters, fisherman, snowmobile enthusiasts, woodcutters, wildlife viewing, berry and mushroom pickers, equestrians, mountain bikers, and physically challenged visitors who must use wheeled vehicles to visit public lands. All of these multiple-use visitors use roads and motorized trails for their recreational purposes and the decision must take into account motorized designations serve many recreation activities, not just recreational trail riding. We request that the significant impact from all cumulative statewide-motorized closures on all of these visitors be included in the environmental document. A statewide analysis is required because cumulative negative effects are forcing all motorized visitors to travel farther and farther to fewer and fewer places to find motorized access and recreation opportunities.

Issue:

Visual and other impacts associated with motorized trails have been cited as significant negative impacts. Many non-motorized trails have environmental impacts similar to motorized trails. Existing wilderness and non-motorized areas include many trails that are visually and functionally similar to primitive motorized roads and motorized trails. For example, the Mount Helena trails, and the main trails into the Bob Marshall and Scapegoat Wilderness at Benchmark, Holland Lake, and Indian Meadows and the main trails into the Anaconda Pintler Wilderness are similar visually and functionally to many primitive motorized roads and motorized trails. Additionally, trails resulting from activities including wild animals and Native Americans have always been a part of the natural environment. We request that the existence of trails be considered part of the natural landscapes, and that the visual appearance of motorized trails and non-motorized trails be recognized as equal in most cases and that the environmental impacts of motorized and non-motorized trails be addressed fairly and equally.

Issue:

If the issue of cross-country motorized travel is significant enough to justify closures, then the issue and restrictions should also be applied to cross-country hiking and mountain climbing. Motorized recreationists relinquished cross-country travel opportunities as part of the Three-State OHV and National BLM Record of Decision. Because of this wholesale action, motorized recreationists gave up recreational opportunities such as retrieval of big game and trials bike riding in areas where cross-country travel was acceptable. Cross-country hiking and mountain climbing also create trails that provide visible evidence of human activity. Non-motorized trails and motorized trails are often equal in visual and resource impact.

Issue:

Page 57 of Big Snowy Mountains Access and Travel Management Decision Notice. *Specifically, the following table on motorized and non-motorized roads/trails on the Lewis and Clark National Forest indicates a mix of opportunities.*

With the elimination of cross-country travel and millions of acres of area closures, motorized recreational opportunity can only be expressed as miles of roads and trails open to OHV visitors. Land area in acres cannot be used as a measure of motorized recreational opportunity. However, non-motorized recreational opportunities can be measured in acres of cross-country travel area available and miles of trails available. It is not equitable weigh motorized use on the same scale as non-motorized use. Non-motorized users are not held to the same standard as motorized use in that they are not confined to only trail access. Therefore, motorized recreational opportunities are limited to a set number of designated motorized routes while non-motorized recreational opportunities can include cross-country travel opportunities and are, therefore, unlimited. This distinction has not been adequately recognized and we request that this distinction and advantage be recognized in the analysis, formulation of motorized alternatives and decision-making.

Issue:

The use of the existing network of motorized roads and trails is part of local culture, pioneer spirit, heritage and traditions. All of these values have ties to the land. Visitors to public lands benefit from all of the motorized roads and trails that exist today. The quality of life for the multiple-use public is being impacted by the cumulative negative effects of all motorized and access closures. The significant closing of motorized routes in the project area does not meet the basic requirement of the NEPA act of 1969 as stated in “Sec. 101 (b) (5) *achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life’s amenities*”. We request that the criteria for high standards of living and a wide sharing of life’s amenities include the preservation of motorized roads and trails based on the recognition of the values (ties to the land) that they provide to local culture, pioneer spirit, heritage, traditions, and recreation.

Issue:

The proposed action promotes management of our public lands as if they are public lands close to the large urban areas in California. If and when our population is equal to California, then an alternative could reasonably consider requirements necessary to manage urban impacts. Until then, local standards and culture should be the over-arching criterion.

Issue:

The prevailing trend of the past 35 ± years has been to close motorized recreation and access opportunities and not create any new ones. Additionally, roads or trails closed to motorized access are seldom, if ever, re-opened. The underlying objective of the Bureau of Land Management and Forest Service has been to restrict the public to a few major roads within public lands. We request that the cumulative negative effects of these policies be thoroughly evaluated so that a reasonable travel management decision is made. The evaluation of cumulative negative impacts should include all associated impacts such as social, economic, cultural, and the recreation needs of motorized visitors. It should also address the dilemma facing motorized recreationists after so many closures, i.e., Where can motorized visitors go when a functional network of roads and trails is eliminated? How can the public enjoy public lands when there is a lack of adequate access and recreational opportunities? Where can our children and grandchildren recreate?

Issue:

We are concerned about the preservation of historic mines, cabins, settlements, railroads, access routes and other features used by pioneers, homesteaders, loggers, settlers, and miners. These are important cultural resources and should not be removed from the landscape. Western culture and heritage has been characterized by opportunities to work with the land and preservation of all remnants of this culture and heritage is important. Current management practices are not adequately protecting western culture and heritage including the opportunity to work with the land. We request that the ties to the land that are part of our local western culture and heritage be protected and that the preferred travel management alternative include opportunities to visit these features as part of motorized interpretative spur destinations and loops.

Issue:

We live in this area and accept the economic compromises of living here so that we can access and recreate on our public lands. We are fortunate to have an abundance of public lands and there is no valid reason why we should not have reasonable opportunity to enjoy them. Our local culture is built on the foundation of access to visit and use these lands. Now travel planning and other initiatives are severely restricting that access and recreational opportunities. We have only one lifetime to enjoy these opportunities and these opportunities are being systematically eliminated. The impacts of lost opportunities on motorized recreationists are significant and irretrievable and irreversible. We won't be living this life again. NEPA requires adequate evaluation and consideration of irretrievable and irreversible impacts. We request that the evaluation and decision-making adequately identify and address these impacts. NEPA also requires adequate mitigation of irretrievable and irreversible impacts. We request that the decision-making provide for adequate mitigation to avoid the irretrievable and irreversible impacts of lost opportunities on motorized recreationists.

Issue:

Judge Molloy May 21, 2001 Order bottom of page 13. *In 1996, District Ranger Larry Timchak of the Judith Ranger District noted "While motorized users typically have a high tolerance for non-motorized recreationists, the reverse is typically not the case."*

We are concerned about the protection of our western culture. This culture is characterized by access to the land for multiple-uses, friendliness, good neighborliness, tolerance and sharing. Motorized access to the land provides opportunities for sightseeing, exploring, weekend drives and picnics, hiking, rock climbing, skiing, mountain biking, riding horses, camping, hunting, target shooting, fishing, viewing wildlife, OHV recreation, snowmobiling, accessing patented mining

claims, gathering of firewood, rocks, natural foods, etc. and physically challenged visitors who must use wheeled vehicles to visit public lands. Both our observations and the Social Assessment for Beaverhead-Deerlodge National Forest found that these multiple-use visitors represent over 97% of the total visitors and that these visitors rely on motorized access. We are fortunate to have extensive public lands to support the western culture. While mechanized and multiple-use recreationists are tolerant of others as noted by the District Ranger, this does not mean that non-motorized interests should be allowed to dominate resource allocation decisions. We request that multiple-use management principles be used to protect western culture and values including access to the land for multiple-uses, friendliness, good neighborliness, tolerance and sharing.

Issue:

Our public lands are a tremendous national resource both in total area and features. Public lands should be available for conflict-free use and enjoyment by everyone. Unfortunately public lands have been turned into a conflict zone by non-motorized fanatics. What is right about this situation? It is a great disservice to the public. We request a management initiative be introduced that will return public lands for the use and enjoyment of everyone for once and for ever.

Issue:

In reality, the most significant conflict of users/user conflict/conflict of uses is not out in the woods. The most significant conflict has been created by non-motorized groups and imposed on motorized recreationists in the courtroom, in the legal filings, and by the organized campaigns and continual visits to the agencies by paid staff where non-motorized groups continually work to influence the agency and the public against motorized recreationists. This conflict of users/user conflict/conflict of uses must be recognized and addressed by this action.

Issue:

The environmental document should evaluate how the number of policy proposals over the past several years has overwhelmed the public. There is no way that the public could evaluate and comment on each proposed action (see partial listing of actions in Table 2). The cumulative negative impact of the overwhelming number of proposals has been decision-making that does not provide for the needs of the public and a significant reduction in multiple-use and motorized access and recreation opportunities. We request that this cumulative negative impact be adequately evaluated and factored into the decision-making for this action. Additionally, we request that an adequate mitigation plan be included as part of this action to compensate for past cumulative negative impacts on the public associated with the overwhelming number of NEPA actions.

Issue:

Motorized visitors have had to devote the majority of their available energy and time addressing local and national level travel management actions. The combination of these actions has created a significant cumulative negative effect on motorized visitors by consuming their free time and money, and significantly impacting their quality of life.

Additionally, this cumulative negative effect has led to the loss of opportunity for motorized recreationists to further the awareness and education of other motorized visitors in areas such as proper riding ethics, safety, and environmental protection. This cumulative negative effect has also reduced the opportunity for motorized recreationists to improve and maintain existing motorized opportunities. This cumulative negative impact includes reduced maintenance of trailheads and trails and reduced ability to undertake mitigation projects to protect the environment and public

safety. We request that these cumulative negative effects be addressed in the analysis, preferred alternative and decision-making.

Issue:

With the agency's commitment in the current management plan to the application of "Limits of Acceptable Change" (LAC) for determining management strategies there is an inherent obligation on the agency's part to provide specific direction that certain measures, such as visitor education and the provision of new facilities, would be implemented before limiting use. A common thread in LAC application nation-wide is that these regulations apply to all visitors, not to specific groups. Why are motorized recreationists being disenfranchised from this directive? There has not been an adequate attempt by the agency to educate the public that areas and trails in the project area or anywhere else must be shared by all users and that new facilities are needed to address the needs of motorized recreationists. The decision for this project must correct this deficiency.

Issue:

Motorized recreationists are very concerned that a reasonable alternative will not be adequately addressed in the environmental document and decision-making and that the process is predisposed. To prevent this from happening again, we request a Multiple-Use Review Board be established to assure that the decision-making reflects the multiple-use management goals and the needs of the public. We request that a Multiple-Use Review Board look into all past travel management decisions within public lands to determine whether all decisions have adequately considered the needs of multiple-use and motorized recreationists. Where decisions have not adequately considered the needs of multiple-use and motorized recreationists, we request that the reasons be identified and that corrective actions be taken.

Issue:

Oftentimes, the text and maps in travel management documents do not effectively communicate or describe to motorized visitors the trails and roads that they are accustomed to visiting. Therefore, motorized visitors do not realize that the Agency proposes to close many of the roads and trails that have been used for decades by generations of motorized visitors.

The public has not developed a clear understanding as to what is about to happen to the roads and trails that they routinely visit because the travel management process has not effectively communicated the extent of the roads and trails proposed for closure. Instead, the public will go out to their favorite road and trail and find it closed to their use after the proposed action is enacted.

It will take different approaches to effectively communicate to the public, which roads and trails are subject to the proposed action. For example, one alternative communication method could include posting of the roads and trails proposed for closure with signs for a period of 1 year prior to the EIS process stating "Road or Trail Proposed for Closure, for more information or to express your opinion please call xxx-xxxx or send written comments to xxxxx."

Other methods could include the use of information kiosks and trail rangers as discussed in other sections. We request a commitment by the agencies to these sorts of direct communications with motorized visitors to reach and involve them. NEPA does not preclude these types of methods and, in fact, requires the process to be user friendly.

Issue:

We are a locally supported association whose purpose is to preserve trails for all recreationists through responsible environmental protection and education.

Current management philosophy seems to be that the only way to address a problem is by closing access to public lands. Eliminating opportunities does not solve problems. An approach that is more reasonable to the public including motorized visitors is to maintain recreation opportunities by addressing problems through mitigation measures such as education, signing, seasonal restrictions, user fees, and structural improvements such as water bars, trail re-routing, and bridges. There may be problems with certain motorized roads and trails but we should work to solve and mitigate them and not to compound them by enacting more closures. We request the agencies to support and use mitigations and education as a means to address and mitigate problems rather than closures.

Issue:

Most problems associated with visitors can be addressed by education. Education should be the first line of action and all education measures should be exhausted before pursuing other actions. There are situations where education is far more effective than law enforcement. The elimination of much needed recreational opportunities is not reasonable without first exhausting all possible means of education to address the problem. Educational programs could include use of mailings, handouts, improved travel management mapping, pamphlets, TV and radio spots, web pages, newspaper articles, signing, presentations, information kiosks with mapping, and trail rangers.

Restrictions or closures are not always obvious to the public. Education can also be in the form of measures such as the use of jackleg fences with signs at the end of motorized trails in sensitive areas so that public is made aware of the end of the motorized trail and the surrounding area closure. The use of public education to address problems may require effort and time but it is more reasonable than the use of closures. We request the full use of education to address visitor problems. Additionally, individual motorized recreationists and groups can be called upon to assist with the implementation of the educational process.

Issue:

An alternative to motorized closures in many cases would be to keep motorized opportunities open and use education on principles such as those found in the Tread Lightly program and Blue Ribbon Coalition Recreation Code of Ethics and Principles to address and eliminate specific issues associated with motorized recreationists. These efforts could include the use of pamphlets, information kiosks, and presentations. Education can also be used to address and eliminate issues associated with non-motorized recreationists by encouraging their use of reasonable expectations, reasonable tolerance of others, and reasonable sharing of our land resources.

To date, educational measures have not been adequately considered, evaluated or implemented. We request that educational measures be incorporated as part of this proposed action and that the cumulative negative impact on motorized recreationists of not using education in all past actions involving motorized recreational opportunities be addressed. Additionally, we request that an adequate mitigation plan be included as part of this action to compensate for past cumulative negative impacts associated with inadequate use of education measures in past actions.

Issue:

Management of public lands to maximize wild game populations at the expense of other uses is not reasonable and does not meet the requirements of multiple-use laws and policies. We support hunting but we question why hunting's impact on wildlife is acceptable and non-destructive viewing by motorized visitors is not acceptable. We are concerned that public lands that were designated for multiple-use management are not being managed for multiple-use as required under:

1. The Multiple Use Sustained Yield Act of 1960 (16 U.S.C. 528 et seq.) defined Multiple-Use as *“The management of all the various renewable surface resources of the national forests so that they are utilized in the combination that will best meet the needs of the American people...”*. Outdoor recreation is the first stated purpose of the act.
2. Public Law 88-657 states that *“the Congress hereby finds and declares that the construction and maintenance of an adequate system of roads and trails within and near the national forests and other lands administered by the Forest Service is essential if increasing demands for timber, recreation, and other uses of such lands are to be met; that the existence of such a system would have the effect, among other things, of increasing the value of timber and other resources tributary to such roads; and that such a system is essential to enable the Secretary of Agriculture (hereinafter called the Secretary) to provide for intensive use, protection, development, and management of these lands under principles of multiple use and sustained yield of products and services”*.
3. The Federal Land Policy and Management Act of 1976 (FLPMA) states that *“(7) goals and objectives be established by law as guidelines for public land use planning, and that management be on the basis of multiple use and sustained yield unless otherwise specified by law; and, (c) In the development and revision of land use plans, the Secretary shall -- (1) use and observe the principles of multiple use and sustained yield set forth in this and other applicable law;”*.
4. The BLM Strategic Plan FY 2000 to 2005 states that: *“To achieve this mission, the Bureau of Land Management follows these principles: Manage natural resources for multiple use and long-term value, recognizing that the mix of permitted and allowable uses will vary from area to area and over time.”*

We request careful consideration of the multiple-use needs of the public and implementation of the objectives of multiple-use laws and policies as part of the proposed action.

Issue:

The roads and trails in the project area are not new or “user created” travelways. These roads and trails have existed for many years. The public has relied on them for access for many years and for many purposes. This pattern of use is well established. A reasonable travel management alternative would use area closure to prevent the creation of unwanted trails by visitors and, at the same time, allow the public to use all of the existing motorized routes. Too many management actions have been enacted without the development of this reasonable alternative. The cumulative negative impact of the travel management process on motorized access and recreation opportunities has been significant. We request that the preferred alternative be based on the existing motorized routes that are considered important resources by motorized recreationists.

Issue:

A reasonable Travel Management alternative would maintain existing travelways that provide motorized recreationists with a system of loops and destinations. The preferred alternative should provide access to motorized looped trail systems, spurs for exploration and destinations, and motorized access to areas located outside the project area. We request that the cumulative negative effect of reduced recreation and access opportunities for motorized visitors within the project area be adequately considered in the document and decision-making. The cumulative negative effect of eliminating motorized access to loop trail systems, provide exploration opportunities and

destinations outside of the project area should also be adequately considered in the document and decision-making.

Issue:

Current management trends are attempting to restrict public access to narrow corridors along major roads. This management trend is widespread among all agencies. If allowed to continue, this trend will concentrate over 95% of the visitors to less than 10% of the area. The cumulative negative impact from concentrating visitors to narrow corridors will result in poor management of public lands and unreasonable access to public lands and recreational opportunities. We request the evaluation of the cumulative negative impacts from management goals that tend to concentrate visitors to narrow corridors and reduce recreation opportunities for motorized visitors. Other associated negative impacts that should also be evaluated include loss of dispersed recreation opportunities, reduced quality of recreation, loss recreation diversity, and unequal of recreation opportunities.

Issue:

OHV and other motorized recreationists seek the challenge and sense of exploration that primitive roads and motorized trails provide. The preferred travel management alternative should not restrict motorized access and recreation to narrow corridors along a few major roads. This restriction would not provide for the type of experiences that most motorized visitors are seeking and, therefore, does not meet the needs of motorized visitors. We request that the analysis and decision-making avoid restricting motorized access and recreation opportunities to narrow corridors along major roads.

Issue:

In the past, timber harvests have been conducted without consideration for maintaining existing motorized trails through the area. Therefore, motorized recreation opportunities have been eliminated as part of timber sales. The Little Blackfoot and Telegraph Creek areas are examples of motorized closures does as part of timber harvests that have fragmented the motorized road and trail system. Now as mitigation measure to offset the significant impact from the cumulative effect of all past actions, motorized trail systems should be developed using timber sale roads and trails. Existing timber sale roads and trails should be inter-connected by construction of new trail segments or rehabilitation of existing trail segments to provide mitigation for lost motorized recreation opportunities. Connector trails should be constructed to avoid dead-end trails. These systems could provide recreation opportunities for a variety of skill levels and visitors.

Issue:

In some cases conflict of uses has been created by Visitors Maps that are not consistent with Travel Plan maps. All visitors (motorized and non-motorized) need to clearly understand what areas, roads or trails are open for motorized travel and what areas, roads, or trails are closed to motorized travel. We have experienced a number of misunderstandings by both non-motorized and motorized visitors. We recommend that the Travel Plan Map and Visitors Map be the same and that this combination map should include as much detail as possible (such as contour information) so that the public can better determine the location of roads and trails that are open or closed.

Issue:

There is a significant need to standardized signs within and across all agencies. For example, there are often misunderstandings about seasonal motor vehicle restrictions due to the “No” symbol with the actual closure period shown below in small text that is often not seen or understood. When a

picture of a motorcycle, 4x4, ATV and snowmobile are shown at the trailhead with a circle and red strike through them, it portrays to the non-motorized user that this trail is closed to motorized users. Many people do not notice the dates that are associated with the sign showing when the motorized closure applies. This confusion created by the agencies signs creates many of reported conflicts between users which are then used against motorized recreationists. A standardized multiple use sign for these areas must be posted to clearly inform people of the uses allowed in these areas. This corrective action would stop many complaints that the FS receives on user conflicts and would be more equitable to motorized recreationists.

We suggest that travel management signs be made easier to understand and standardized. Signs are the backbone of a good management program. Some examples of how signs could be used to implement management are:

- Signs should be displayed at key access points to public lands explaining the basics; “OHV’s allowed on designated routes to protect foliage and prevent erosion”; “Expect to see other visitors on the trails – shared trail area”; “Report violations to 1-800-TIP-MONT”; etc.
- Trailhead signs should not only list restrictions but should also tell visitors what to expect. Signs that say “expect to see other trail users” with universal symbols indicating the uses they can expect to see would work well. This approach is used successfully in nearly every forest across the country except those in Forest Service Region 1.
- Reinforce travel allowed and restricted at intersections.
- Reinforce important messages; say the same thing in a different way.

Issue:

Along with the standardization of signs, there is also a significant need to standardize or simplify seasonal closure dates as much as possible. We suggest that the number of different closures periods should be kept to a maximum of two, if possible, in order to avoid confusion and resulting misunderstandings.

Issue:

The environmental document should be an issue driven document as required under NEPA and guidelines published by the Council on Environmental Quality. The driving travel management issue is the development of a reasonable alternative that meets the needs of the public. NEPA requires that all reasonable alternatives be evaluated. We request that the environmental document include a travel management alternative that is responsive to the public’s multiple-use needs. A reasonable alternative would incorporate all existing motorized roads and trails and restrict motorized travel to those travel ways. A reasonable travel management alternative should provide a continuous system of roads and trails on which off-highway vehicles can be legally ridden. A reasonable travel management alternative is needed in order to avoid contributing to the significant impact that cumulative negative impacts have had on motorized recreationists. In order to avoid contributing to further cumulative negative impacts we request that the preferred alternative be based on incorporating all existing motorized roads and trails and restricting motorized travel to those travel ways.

Issue:

The evaluation team is being strongly directed to seek segregation of visitors for this action. This is not a reasonable goal. We do not seek to separate the public in other public facilities and, in fact, it

is illegal. Sharing of public resources among all visitors and especially on multiple-use lands is the over-arching goal that is most reasonable expectation for visitors to those lands. Additionally, segregation of visitors is being used to manipulate recreation resource allocation such that motorized visitors are ending up with a less than adequate and less than representative share of access and recreational opportunities, (miles, acres, and number of quality opportunities). Moreover, the use of segregation as a goal is also a tactic that works against the majority multiple-use/motorized recreationists by dividing and conquer the different interests within that large sector.

Issue:

A reasonable alternative instead of all motorized closures is a sharing of resources. A reasonable alternative for accomplishing this can be done by designating alternating weeks for motorized and non-motorized use. The schedule can be communicated to the public by signs at each end of the trail segments, newspaper articles, and through local user groups. This alternative eliminates any reasonable concern about conflict of users (which we think is over-stated and over-emphasized based on reasons discussed elsewhere in this submittal).

Issue:

We are unaware of any documented or justifiable reports of user conflict in the project area. We request copies of any documentation of user conflicts in the area and request that it be categorized and weighed against the overall number of visitor-days to the area. Additionally, a difference in opinion about whether certain recreationists should be able to visit multiple-use public lands should not be considered a user-conflict.

Issue:

Executive Order 11644 was passed on February 8, 1972 and Executive Order 11989 was passed on May 24, 1977. These Executive Orders have been used to enact thousands and thousands of motorized access and recreation closures since the 1970's. The cumulative negative effect of Executive Orders 11644 and 11989 has been a dramatic loss of recreation and access opportunities for motorized recreationists and a dramatic increase in recreation opportunities for non-motorized recreationists.

Executive Orders 11644 and 11989 allow agencies to "minimize conflicts among the various uses". The Executive Orders did not state "minimize conflict with other users". However, the implementation of Executive Orders 11644 and 11989 has been largely based on the incorrect interpretation to "minimize conflict with other users". The bottom line is that "use" conflict is rather different from "user" conflict. There are certainly "uses" that are incompatible from an objective standpoint. For example, a ski run and a mine cannot operate in the same place at the same time...it is physically impossible and therefore a clear "use conflict." However, in the case of a mine located next to a ski hill, both can operate without a use conflict.

Issue:

Whether there is a "user conflict" or not depends primarily on user attitudes. Just because someone says it is a conflict does not mean that it is a "reasonable" or "significant" conflict. We request that a reasonable definition for "significant" conflict be developed and used as part of this action.

Issue:

Conflict on multiple use trails: Synthesis of the Literature and State of Practice; Report No.: FWWA-PD-94-031 "Conflict in outdoor recreation settings (such as trails) can best be defined as

“goal interference attributed to another’s behavior” (Jacob & Schreyer 1980, 369). As such, trail conflicts can and do occur among different user groups, among different users within the same user group, and as a result of factors not related to users’ trail activities at all. In fact, no actual contact among users need occur for conflict to be felt. Conflict has been found to be related to activity style (mode of travel, level of technology, environmental dominance, etc.), focus of trip, expectations, attitudes toward and perceptions of the environment, level of tolerance for others, and different norms held by different users. Conflict is often asymmetrical (i.e., one group resents another, but the reverse is not true).

Issue:

The use of Executive Orders 11644 and 11989 to “minimize conflict with other uses” should be evaluated from the perspective of “fair-mindedness of expectations”. To provide non-motorized experiences we have designated and set-aside wilderness/non-motorized use areas. Just as motorized recreationists do not expect to be able to use motorized vehicles in wilderness/non-motorized use areas, non-motorized enthusiasts should not expect to go to multiple-use areas and experience wilderness conditions. If some non-motorized recreationists cannot accept motorized recreationists in multiple-use areas, then they need to become familiar with travel plan maps and restrict themselves to the many wilderness/non-motorized areas that are available to them.

Issue:

Congress has recognized the need to share our lands for multiple-uses and has directed federal land agencies to manage for multiple-uses under laws including the Federal Land Policy and Management Act of 1976, Multiple Use Sustained Yield Act of 1960 and Public Law 88-657. Executive Orders 11644 and 11989 tend to conflict with these multiple-use directives. These two executive orders interfere with the management of public lands for multiple-uses and promote non-sharing and intolerant attitudes. We request that the analysis, preferred alternative and decision-making not let Executive Orders 11644 and 11989 interfere with an equitable management of public land for multiple-uses.

Issue:

Executive Orders 11644 and 11989 promote intolerance and non-sharing in a manner that allows one group of recreationists to eliminate another group of recreationists from public lands. The Sierra Club ORV Manual (<http://www.sierraclub.com/chapters/id/orv/index.htm>) states, “Remember, one adverse impact is “user conflict”. We are advising a wonderful legal tactic. Next time you are on a hike and a dirt bike roars by, get 40 friends to all call or write to the Forest Supervisor and say, We demand immediate closure of the trail to dirt bikes....”. Other organizations such as Wild Wilderness provide Incident Reporting Forms (<http://www.wildwilderness.org/wi/report.htm>) to report conflicts with visitors using vehicles and encourage the use of these forms. The National Wildlife Foundation in their June and July 2004 issues of Ranger Rick Magazine presented a strongly anti-OHV cartoon to its readers. As demonstrated by these examples, some non-motorized interests are in the conflict business because they stand to gain by creating conflicts. Actions by some non-motorized special-interests have gotten to the extreme where they should be considered harassment. All visitors to public lands must respect each other and accommodate each other with reasonable expectations and reasonable actions. We have always been respectful of other visitors and have never observed a conflict between non-motorized and motorized visitors during our visits to public lands spanning 40 years.

All users of multiple-use lands must be willing to share and tolerate with all others. Motorized visitors are willing to share and tolerate other visitors. A small minority of non-motorized visitors should not be able to inflict such a large impact on the majority of visitors. We request that the significant negative and inequitable impacts that Executive Orders 11644 and 11989 have imposed on motorized recreationists be adequately evaluated, and factored into the preferred alternative. We request that the decision-making provide for actions necessary to provide responsible use of these two Executive Orders.

Issue:

User conflict is vastly overstated by non-motorized recreationists for self-serving reasons. This overstatement is confirmed by data collected by the Wildlands Center for Preventing Roads (<http://maps.wildrockies.org/orv/database.html>). This organization has assembled all of the conflict of users data available from the Forest Service. Records from 134 national forests indicate a total of 1,699 noise violations, 145 smoke violations, and 1,272 safety violations for a total of 3,116 violations during the period from 1987 to 1998. The average violations per year would equal 283 or about 2 violations per forest per year. Most likely, many of these violations were not related to OHV recreationists. Motorized recreationists are committed to reducing the number of violations and using education to increase public awareness of visitor and land use ethics. However, considering the tens of millions of visitors to our national forests during this 11-year period, the 3,116 violations are statistically insignificant and do not support the argument that user conflict is a significant problem. Lastly, the total number of violations reported in Northern Region forests was zero. Therefore, the conflict myth is being perpetuated by and for the benefit of non-motorized recreationists and must be recognized as such.

Issue:

Over the past 8 years we have met 168 hikers in the multiple-use public lands areas that we visit. There have been no conflicts during these meetings. In fact, most often we have stopped and visited with these hikers and exchanged information. At the same time over the past years we have observed over 10,000 motorized recreationists. We have coexisted for years without any measurable conflict. Why is coexistence suddenly considered such a problem by some people? We are concerned that this position has been taken for self-serving reasons. There is no evidence of any real conflict. Motorized recreationists could complain about the presence of non-motorized recreationists but we have chosen not to complain and we have adopted an attitude of sharing. Motorized recreationists should be given credit for being reasonable and willing to share.

Issue:

In our locale, we see so few non-motorized recreationists on multiple-use trails that we cannot understand how a conflict of uses could be substantiated. Additionally, it is not reasonable for non-motorized users to claim a conflict of uses based on their observation of motorized wheel prints on a road or trail (do they feel the same way about mountain bikes?). It is not reasonable to provide one group of recreationists with the opportunity to claim a "conflict of uses" and use that as a basis to deny other recreationists equal access to public lands. This form of conflict creation and then resolution by elimination of motorized recreational opportunities is not equitable.

The reasonable and equitable way to deal with differences is to accept each others difference. How else can diversity survive? All of us have a responsibility to accept and promote diversity of recreation on public lands. An unwillingness to accept diversity is a fundamental failing of those who seek to eliminate things that don't fit their perspective. Diversity of recreation opportunities

can only be accomplished through management for multiple-use and attitudes that promote tolerance, sharing and coexistence. Behaviors that are non-sharing or intolerant of other recreationists on public lands should not be rewarded yet it is. The continual loss of motorized access and recreational opportunities and the negative attitudes toward multiple-use recreationists is seriously degrading our culture and quality of life. We request that elimination and restrictions of recreation opportunities not be imposed on motorized visitors because other visitors are not able to share and be tolerant. We request that revisions to Executive Orders 11644 and 11989 be made in order to return equitable guidance to federal land-use managers.

Issue:

During the 1970's, when Executive Orders 11644 and 11989 were created, snowmobile and motorcycles were much louder than today's machines. Concern with sound levels lead to the creation of Executive Orders 11644 and 11989. Today's technology provides machines that are significantly quieter than in the 1970's. Furthermore, the technology now exists to make vehicles even quieter. Therefore, concern with sound levels can be mitigated by establishing a reasonable decibel limit for exhaust systems. States such as California and Oregon have enacted sound emission limits. We encourage all jurisdictions to adopt the stationary sound test procedures as set forth in the Society of Automotive Engineers J-1287 June 1980 standard. Public land-use agencies could establish reasonable sound limits and use this approach to address the sound level issue. This alternative would be more equitable than closures. We request that this reasonable alternative to motorized closures be pursued and incorporated into the preferred alternative and decision-making.

Issue:

It is not reasonable to enact motorized closures based on the issue of sound when viable alternatives could be pursued. The Sierra Club's in their ORV Handbook makes the following statement "*The fact is that most ORV noise is unnecessary; even motorcycles can be muffled to relatively unobjectionable noise level*". We request that agencies initiate an education campaign (loud is not cool) to promote the development and use of quiet machines. OHV brochures such as those published by the Wallowa-Whitman National Forest include public awareness information on the importance of sound control.

Issue:

We request that the process include consideration of the negative impacts that proposed motorized road and trail closures will have on fire management, fuel wood harvest for home heating, and timber management. The analysis should include an analysis of the benefits to the public from the gathering of deadfall for firewood from each of the roads and trails proposed for closure. These analyses are especially significant following a devastating fire season and a period of rising energy costs. The need for firewood gathering is increasing given the increasing energy costs (http://www.helenair.com/articles/2003/11/02/montana/a01110203_05.txt) and we have noticed a significant increase in firewood gathering this past year. The closure of roads and trails is occurring at a large scale on all public lands. Therefore, the analysis should also evaluate the cumulative negative impacts of motorized road and trail closures and the conversion of multiple-use lands to limited-use lands on fire management, timber management, and firewood gathering.

Issue:

Page 215 of the Supplement to Big Snowy Mountains EA. *Solitude is a personal, subjective value defined as isolation from the sights, sound and presence of others, and the development of man.*

We acknowledge the value of solitude and point out that there are many acres of wilderness/non-motorized/exclusive-use available to provide that solitude. Our concern is in regards to the diminishing amount of multiple-use lands and the unreasonable concept that multiple-use lands should be managed as wilderness/non-motorized/exclusive-use lands. Managing multiple-use lands by wilderness criteria and for perfect solitude does not meet the communal needs of the public and is not a reasonable goal for multiple-use lands.

The opportunity for solitude must be reasonably balanced with the multiple-use needs of the public. For example, the Montana Standard in an article on December 14, 2000 reported that hikers on the Continental Divide trail “walked for 300 miles without seeing another human being”. This article illustrates a significant long-distance interstate recreational opportunity available to non-motorized visitors and the negligible use that it sees. Additionally, we have been camping in the Telegraph Creek drainage for 27 years and we have met only 2 people using the CDNST in that area. In contrast, a long-distance interstate recreational opportunity similar to the CDNST does not exist for OHV recreationists.

It is not equitable to provide recreationists seeking solitude and wilderness experiences exclusive access to tens of millions of acres and thousands of miles of non-motorized trails while restricting the public seeking multiple-use opportunities access to an inadequate road and trail system. We request an equitable and balanced allocation of motorized access and recreational opportunity.

Issue:

We have seen a low level of use used as a factor to close motorized routes. This criterion should also be applied equally to non-motorized routes. For example, a low level of use by motorcycles was used as a reason to close the Nez Perce trail in the Beaverhead-Deerlodge National Forest. This same reason should be used to open up non-motorized trails experiencing a low level of use to motorized use.

Issue:

When considering the level of use for either keeping a road or trail open or closed, the evaluation must recognize that motorcycle use and tracks are far less obvious on the ground than atv tracks.

Issue:

We request a network of national recreation trails for motorized recreationists equivalent to the Continental Divide Trail (CDT), Pacific Crest Trail, National Recreation Trail and other national non-motorized trails that travel a long distance and interconnect with other forests such as the Pacific Crest Quest (<http://www.advrider.com/forums/showthread.php?t=111885>), Lassen Backcountry Discovery Trail (<http://www.backcountrydiscoverytrail.com/index.html> and http://www.intergate.com/~sue/4wd_Trails/cbdt_lassen/lassen_cbdt.htm), the Modoc Backcountry Discovery Trail (<http://www.fs.fed.us/r5/modoc/recreation/ohv/mbcdt.shtml> and http://www.intergate.com/~sue/4wd_Trails/cbdt_modoc/modoc_cbdt.htm), the California State Motorized Trail System (<http://www.smts.info/>), and the Idaho Centennial Trail (http://4x4stories.typepad.com/4x4/2007/01/idaho_centennia_7.html#more). The interest and adventure of long-distance cross-country trips is captured in trip reports including <http://www.quadtrek.net/> (click English), <http://www.advrider.com/forums/showthread.php?t=255950> and <http://www.advrider.com/forums/showthread.php?t=147232>.

If motorized recreationists had trails of regional and national significance, they would see considerable use. Non-motorized recreationists have considerably more national trail recreation opportunities than motorized recreationists. We request that the needs of motorized recreationists for regional and national travelways be evaluated. We request an evaluation of the cumulative negative impacts and environmental justice issues surrounding the lack of regional and national motorized trails for motorized recreationists. We request that regional and national motorized recreational trails be identified and actions be taken to implement those trails.

Issue:

The Elkhorn Wildlife Management Area in the Helena National Forest is an example of management of an area for a relatively narrow range of public needs. The underlying management criterion in the Elkhorn area is for ideal wildlife conditions and not for the diverse needs of the public. The diverse need of the public can only be met by management for multiple-use. While there are designated routes within the area, they are mostly roads with no challenge and limited access to interesting areas and features. There are few OHV loops or destinations. Roads and trails such as those in Section 1 and 11, T6N, R2W; Sections 13 and 4, T6N, R3W; Sections 31 and 31 in T7N, R2W; Section 36, T7N, R3W; Sections 25, 35, and 36, T8N, R1W and others could have been kept open for summer season recreation use and closed during calving and hunting seasons where necessary for wildlife management. Instead, they were closed. The alternative of seasonal closures would have benefited far more people and still maintained a more than reasonable wildlife habitat.

Additional Suggestions for Management of Motorized Recreation

1. Identify any reroutes that are part of the travel plan proposal because the reroutes are often of lesser quality and the reduction in quality needs to be mitigated.
2. The analysis and decision must recognize that semi-primitive motorized opportunities are the highest quality and most sought after experiences.
3. We ask that trails being rerouted not be closed until the reroute is complete so that the public can continue to use the much needed motorized recreational opportunity.
4. We ask that an alternative that includes the conversion roads to atv trails instead of closing the roads be included. Each road should evaluate on a site specific basis. The alternative should also include new construction to connect and complete atv loops where reasonable.
5. Unfortunately rules oftentimes go to the lowest common denominator, i.e., the guy doing the most irrational things. Agencies are encouraged to keep rules as simple as possible and focused on addressing problems that are common and not the exceptions. Motorized recreationists can be called upon to help address the exceptions.
6. Agencies are encouraged to keep all existing trail systems open to motorized visitors.
7. Agencies are encouraged to add all existing road and trails that are not on the trail system inventory to the roads and trail inventory.
8. Agencies are encouraged to return trails that used to be on trail inventories to the current inventory.
9. Where possible, agencies are encouraged to provide trailheads for motorized trails that are convenient to urban areas.
10. Where possible, agencies are encouraged to provide trailheads for motorized trails that are located at the boundary of urban areas and trails that connect urban areas to public lands and form motorized recreation opportunities similar to the Paiute Trail in Utah (http://www.marysvale.org/paiute_trail/contents.html).

11. Agencies are encouraged to insure that access to trails is not blocked by private lands and that private landowners do not have special access privileges. Where private landowners have elected to block public access to public lands, the boundary between that landowner and public land should be closed to motorized access using a “boundary closure” in order to avoid special access privileges for private landowners onto public land. Motorized access for the public on the public lands side should remain open to the boundary closure and the acquisition of public right-of-way should be pursued with the private landowner.
12. Agencies are encouraged to keep motorized access through private land open to the public. Every public access closure through private land should be challenged and protected by asserting legal right-of-ways. The cumulative negative impact of this lack of action has created private motorized reserves on public lands or defacto wilderness/non-motorized/exclusive-use areas accessible only to private landowners.
13. Agencies are encouraged to acquire private land and right-of-ways to provide access to public land that is now blocked off to the public. This action is necessary to reverse the prevailing trend over the past 35 ± years of less access to public land and the significant impact that the cumulative effect of closure after closure has had motorized access and motorized recreation.
14. Implement seasonal closures, where required, with input and review by OHV recreationists that will: (1) provide the maximum amount of OHV recreational opportunity during the summer recreation season in order to disperse all forms of trail use and thus minimize impacts to trail users; (2) provide winter OHV recreation opportunities in low-elevation areas that are not critical winter game range; (3) provide OHV recreation and access during hunting season by keeping major roads and OHV loops open while closing spur roads and trails necessary to provide reasonable protection of game populations and a reasonable hunting experience; and (4) provide OHV recreation opportunities during spring months in all areas where erosion and wildlife calving conditions reasonably allow.
15. Existing seasonal closures tend to separate the motorized and non-motorized peak use seasons. One size does not necessarily fit every circumstance but standardize or simplify seasonal closure dates as much as possible. The number of different closures periods should be kept to a maximum of two, if possible, in order to avoid confusion and resulting misunderstandings.
16. Motorized recreationists would be willing to accept area closure when necessary to protect the natural environment in exchange for a reasonable network of OHV roads and trails.
17. In areas where OHVs must use a roadway, travel management plans should include the designation of dual-use roads to allow OHV’s to move from one trail segment to another.
18. Provide open or play areas for motorized recreation opportunity and trials bikes where acceptable in selected areas.
19. Motorcycle trail riders enjoy riding single-track trails. Motorized single-track recreation trails are limited at this time and continue to decline. Some BLM and FS districts do not differentiate between ATV and motorcycle trails in their travel plans. Evaluations and travel plans should differentiate between ATV and motorcycle trails.
20. We have observed that single-track motorcycle trails require less maintenance for erosion and use. We have also observed that ATV enthusiasts do a good job of clearing downed trees from trails. These characteristics must be adequately considered.
21. Single-track trails that are not appropriate for ATV use should be kept open for motorcycle use.
22. The number of “single track” motorcycle trails that motorcycle riders seek has been significantly reduced over the last 35 years.
23. The integrity of the “loop” trail system should be maintained. Loop systems minimize the number of on-trail encounters because non-motorized trail users don’t encounter motorized users going both directions, as they do on non-loop trails. Loop trails also offer trail users a

- more desirable recreational experience. Agencies are encouraged to provide opportunity for "motorized loop trail systems" to lessen impacts and to provide a better recreational experience. Spurs are useful for exploration and reaching destinations.
24. Agencies are encouraged to allow use of specific roads for OHVs that are not licensed for the street use in order to develop a network of roads that tie OHV trails together.
 25. Agencies are encouraged to utilize standardized trail signing and marking in order to lessen confusion. Trails closed unless otherwise marked open are not reasonable. Trails, when closed, should be signed with an official, legitimate reason. Monitoring should be implemented to justify the reasons stated.
 26. Agencies are encouraged to utilize all trail maintenance and upgrading management techniques, such as, bridging, punchon, realignment, drains, and dips to prevent closure or loss of motorized trail use. Trails should not be closed because of a problem with a bad section of trail. The solution is to fix the problem area or reroute the trail, not to close it. If funding or manpower is a problem, then other resources should be looked to including local volunteer groups, state or national OHV funding.
 27. Agencies are encouraged to develop OHV programs that address more than law enforcement needs. OHV programs should actively promote the development, enhancement, and mitigation of OHV recreation opportunities.
 28. Agencies are encouraged to develop and use State Trail Ranger Programs similar to Idaho's program through the State OHV Fund, as well as volunteer trail maintenance programs.
 29. Agencies are encouraged to clear trails early in the year to insure maximum availability and reduction of diversion damage caused by routing around obstacles.
 30. Agencies are encouraged to avoid yearlong trail closures if wildlife concerns are valid only during certain seasons. In these instances, closures should be seasonal only with the dates consistent with the requirements to protect wildlife.
 31. Agencies are encouraged to avoid trail closures associated with other actions including timber sales, mining, and livestock grazing. Corrective action should be taken where trail closures in the past have resulted from these sorts of past actions. Loss of motorized trails because of past timber sales should be mitigated by connecting old and new travelways to create looped trail systems.
 32. Agencies are encouraged to re-establish and/or relocate all trails and roads disturbed by other actions such as timber harvest, mining, and livestock grazing.
 33. Agencies are encouraged to seek outside review and input by OHV recreationists on all proposed management decisions affecting motorized recreation opportunities including closures.
 34. Agencies are encouraged to establish greater credibility with motorized recreationists by having motorized recreation planners on the interdisciplinary team and a board of motorized recreationists.
 35. Agencies are encouraged to align non-motorized area boundaries so that they do not encroach or eliminate trails located at the edge of the boundaries.
 36. Agencies are encouraged to provide for motorized trails and vista points on the boundaries outside of the non-motorized areas so the motorized visitors can view those areas.
 37. Agencies are encouraged to establish OHV census collection points at road and trail collection points. Include an OHV category on all trail and road census sheets.
 38. Agencies are encouraged to treat hiking, horses and mountain bikes as a form of transportation, just as motorized recreation is a form of transportation.
 39. Agencies are encouraged to correct the signing at trailheads that suggests that motorized visitors are more damaging than other visitors.

40. Agencies are encouraged to keep trails in proposed non-motorized/wilderness/roadless areas open. Motorized-use on trails in these areas does not detract from the wild characteristics in the proposed non-motorized/wilderness area. Additionally, the Roadless Rule specifically allows for OHV activity in Roadless areas.
41. Agencies are encouraged to provide good statistics on the level of use by the various public land visitors and use these statistics in the decision processes.
42. Agencies are encouraged to avoid the closure of trails to motorized use as the "easy way out" in dealing with issues created by non-motorized users.
43. Agencies should recognize that many roads and trails were not originally laid out with recreation in mind and that changes should be made in some road and trail segments to address environmental and safety problems. In most cases, problems can be mitigated to a reasonable level and closures can be avoided.
44. Agencies are encouraged to recognize, in the form of access, groups who expend effort and money in maintaining and improving roads and trails.
45. Agencies are encouraged to promote multiple-use and not exclusive-use. Exclusive-use is the antithesis of public access and recreational opportunities within public lands. Management for exclusive-use runs counter to Congressional directives for multiple-use.
46. Agencies are encouraged to make Travel Plan maps more readily available. Vending machines could be placed in areas that are accessible at any time of the day or week at BLM and FS offices.
47. Agencies are encouraged to publish all Travel Plan maps in the same format and in an easy to read format. The Travel Plan map and Visitors map should be the same. All visitors need to clearly understand what areas, roads or trails are open for motorized travel and what areas, trails, or roads are closed to motorized travel. Current maps lead to misunderstandings by both non-motorized and motorized visitors.
48. Agencies are encouraged to implement a standard signing convention that is easily understood. For example, there are often misunderstandings about seasonal motor vehicle restrictions due to the "No" symbol with the actual closure period shown below in small text that is often not seen or understood. In this example, the road or trail is open except during the period below but it is often misinterpreted as closed.
49. There needs to be better coordination between adjoining National Forest and BLM lands when making maps, laying out trails, and establishing travel plans. In some cases a trail is open in one jurisdiction but becomes closed when it crosses over the boundary to another jurisdiction resulting in an overall loss of motorized recreation opportunity.
50. Agencies should not use motorized access in areas closed to motorized access by the public because: (a) the public will see the tracks and could become upset that the motorized closure is being violated and/or (b) the public will see the tracks and conclude that motorized access is acceptable.
51. The difficulty of a particular route required can be identified by a signing system similar to ski runs so that recreationists are made aware of the skill levels required and so that a wide variety of routes for all skill levels can be enjoyed.
52. Winter ATV riding has become very popular and winter ATV areas should be considered as part of the proposed action.
53. A new standard for motorized recreational trails could be developed that would be more beneficial for the environment and motorized recreationists. This new standard would be as non-linear as possible. The original system of roads and trails was constructed with the shortest distance from point A to point B in mind. The new standard for motorized recreational trails would not necessarily follow the shortest distance and would include many curves to keep the

speed down. Advantages of this approach would include: routes could easily be moved to avoid cultural resources and sensitive environmental areas; less visible on the ground and from the air; aesthetically pleasing; lower speeds and greater safety; and greater enjoyment by motorized recreationists. These sorts of trails could be built as mitigation for any motorized closures required as part of an action. Please contact Doug Abelin for more information on the non-linear approach to trail construction.

54. Ruts caused by ATVs in corners are often due to the solid drive axles which do not allow the wheels to turn at different speeds due to the difference in between outside and inside curve radiuses. These ruts could be significantly reduced by encouraging all manufacturers to develop machines with differential axles that allow the outside and inside tires to turn at different speeds.
55. The following sort of motorized trail identification and rating system would be very helpful to the motorized public and would allow users to match up their experience level and equipment to the most appropriate trails. This system is similar to ski trails. Note that the easiest = green, more difficult = blue, and most difficult = black. The original map may be viewed at http://www.stateparks.utah.gov/ohv/maps/strawberry_Final2.pdf

