

Section 1. OHV Emphasis Areas

The proposed designation of 13 OHV emphasis areas within Alternative 2 has justifiably caused a great deal of debate. In the DEIS it is stated that these areas already receive moderate to heavy OHV traffic;¹ although it may be convenient to designate such areas as OHV emphasis areas, other factors must be considered.

1. A. Comments on the Focus of BLM Recreation Policy in the DEIS

Incomplete / Missing Information The DEIS states that the 2003-2007 Oregon Statewide Comprehensive Outdoor Recreation Plan was used to develop the recreation policy elaborated in Appendix J, along with “the BLM’s most recent visitor use data (USDI, BLM 2006b).”² **I could find no information on the website referenced for “USDI, BLM 2006b”:** “unresolved host name” was stated as the reason, and I gave up after limited searching of the BLM’s website. Perhaps the domain name was changed, or perhaps the information was culled from information within BLM. If significant these data should be made available in order to show the public the basis of BLM’s decisions.

Data stated in the DEIS indicate that OHV traffic constitutes a small portion of the recreational users,³ as I outlined my letter of December 6. Lacking information in “USDI, BLM 2006b,” I wish to reinforce my earlier comments by analyzing the information from the 2003-2007 Oregon Statewide Comprehensive Outdoor Recreation Plan, the other reference cited in the DEIS.

Key data from the 2003-2007 SCORP (Tables excised from the SCORP are found on the following page) include the following:

- Statewide the most significant growth in user occasions (+170%, over 11,000,000 user occasions) was in the observation of nature and wildlife (Table 4.4).
- Statewide during the period of 1987- 2002 ATV riding increased, while the amount of four-wheel driving and motorcycling decreased slightly (Table 4.3). *The total growth of user occasions for these three OHV activities was less than 2% of the growth for the non-motorized categories in Table 4.4.*
- The contrasts were more significant in Planning Regions 5 & 8, which include Jackson County and the 13 proposed OHV emphasis areas (Table 4.15). These data clearly show that the user occasions for day hiking, horseback riding and backpacking rose by as much as 168%. In sharp contrast, the user occasions for four-wheel riding, ATV riding, and motorcycling dropped by 20–47%. The most significant growth (+226%) in user occasions was in nature and wildlife observation (Table 4.16).

While the DEIS assumes that recreational policy will mimic results from statewide surveys,⁴ following results for Planning Regions 5 & 8 is more appropriate for that area.

¹ DEIS, p. 778.

² DEIS, p. 412. These data were compiled during 1987 – 2002, and the document is dated January 2003.

³ DEIS, pp. 413-6.

⁴ DEIS, p. 415.

Tables from 2003-2007 SCORP

(http://www.oregon.gov/OPRD/PLANS/docs/scorp/scorp_05_trends.pdf)

Table 4.4. Most Significant Statewide Participation Growth Activities (1987-2002)

Rank	Growth Activity	Growth in User Occasions 1987 - 2002	% Growth in User Occasions 1987 - 2002
1	Nature/Wildlife Observation	+11,102,298	+170%
2	Golf	+6,294,773	+188%
3	RV/Trailer Camping	+5,389,629	+96%
4	Using Playground Equipment	+4,600,612	+108%
5	Sightseeing/Driving for Pleasure	+2,175,379	+21%
Totals		+29,562,691	

Table 4.3. Statewide Changes in Recreation Participation (1987-2002)

	1987 User Occasions	2002 User Occasions	Change 1987-2002	% Change 1987-2002
Four Wheel Driving	2,325,199	2,254,544	-70,655	-3.0%
ATV Riding (3 & 4 Wheeler)	1,562,596	2,162,449	599,853	38.4%
Motorcycling	1,159,290	1,120,861	-38,429	-3.3%
		Totals	490,769	

Table 4.15. Changes in Recreation Participation in Planning Regions 5 & 8 (1987-2002)

	1987 User Occasions	2002 User Occasions	Change 1987-2002	% Change 1987-2002
[Non-motorized] Trail & Off-Trail Activities				
Day Hiking	547,181	765,902	218,721	+40.0%
Horseback Riding	255,194	273,156	17,962	+7.0%
Backpacking	86,246	231,357	145,111	+168.3%
	Totals	1,270,415		
Motorized Activities				
Four Wheel Driving	574,947	305,376	-269,571	-46.9%
ATV Riding (3 & 4 Wheeler)	288,641	231,357	-57,284	-19.8%
Motorcycling	199,623	140,000*	-59,623	-29.9%
	Totals	676,733		

Table 4.16. Most Significant Participation Growth Activities in Planning Regions 5 & 8 (1987-2002) [Region 5 includes Jackson County]

Rank	Growth Activity	Growth in User Occasions 1987 - 2002	% Growth in User Occasions 1987 - 2002
1	Nature/Wildlife Observation	2,495,632	+226%

Based on the trends in these data the BLM should be focusing on the needs of those that want to enjoy non-motorized activities. Most people voted with their feet, not their wheels. The BLM should not be concentrating on desires for motorized recreation. The 2003-2007 Oregon Statewide Comprehensive Outdoor Plan states the public's desire for quiet open spaces and maintaining the environment:

“The public is asking land managers to place an increasing emphasis on the protection of streams, fish, wildlife habitat, and threatened and endangered species. They are also asking land managers to manage for amenities including quiet, natural places, natural appearing settings, and information and education.”⁵

The BLM's DEIS *does* focus primarily on OHV users. This is evident in the Summary section, wherein the only recreational use mentioned is off-highway vehicle use.⁶ *This page also states that creating OHV emphasis areas would improve visitor experiences: What is the basis of this statement?* This is not obvious from my reading of the DEIS.

Appendix J devotes 17 pages (27% of total pages in Appendix J) to OHV Management Guidelines, and 46 pages (73% of total pages in Appendix J) to Special Management Areas, so it cannot be said that BLM has not considered the recreational needs of those with non-motorized interests. *Unfortunately the W.O.P.R. promotes OHV ridership, to the detriment of other recreational users, and does not similarly promote the needs and desires of non-motorized users.*

We have horses, and we ride extensively on BLM roads near our property, including those on Anderson Butte. Many of our neighbors own and ride horses. Horseback riding is a major form of recreation in our area, *but horseback riding is mentioned only once in Appendix J (Recreation) for the Medford District.*⁷ BLM should have considered the needs and desires of horseback riders and others that use BLM land in the Medford District. If BLM polled those that own property and live near the proposed OHV emphasis areas, BLM might not feel these areas would be suitable OHV emphasis areas.

Creating OHV Emphasis Areas will effectively exclude horseback riders and others from using these areas. Unfortunately if level terrain is reserved for OHV riders, then horseback riders and those enjoying nature-viewing will not be able to use the very terrain that is best for them. I have ridden horses up moderately steep trails by using switchbacks; steep, narrow, rocky trails pose risks that not all riders are willing to take. Furthermore terrain that is not flat and level is probably not suitable for the aging population expected for the future.⁸

⁵ http://www.oregon.gov/OPRD/PLANS/docs/scorp/scorp_01_exec.pdf; 2003-2007 Oregon Statewide Comprehensive Outdoor Recreation Plan, January 2003; Executive summary, p. 7.

⁶ DEIS, p. LXIII.

⁷ DEIS, p. 1250.

⁸ http://www.oregon.gov/OPRD/PLANS/SCORP.shtml#2008_2012_Oregon_SCORP.

The W.O.P.R. Scoping Report (January 2006) mentioned the need for proactive management of OHV riding, especially in the Medford District.⁹ Moving from “proactive management” to 13 areas that would effectively exclude other recreational users is a major step, and had BLM approached citizens for comments on such an expansive proposal the BLM would probably have received many comments earlier.

The BLM should be focusing more on increasing recreational opportunities for those that enjoy non-motorized activities. Creating 13 OHV emphasis areas is wholly inappropriate, as it caters to a minority and excludes the majority from recreational trails best suited to them.

1. B. Designation of Johns Peak as an OHV Emphasis Area

The BLM’s proposal in the DEIS (Alternative 2) to designate Johns Peak an OHV emphasis area has caused extreme debate. The arguments against such designation have been summarized recently by Bob Johnson.¹⁰ I want to bring up two more examples of the rancor of property owners and the bristling indignation of OHV riders:

- 1) At the Medford BLM Open House devoted to OHV planning (December 6, 2007) a Johns Peak property owner and I spoke with a BLM staffer on the placement of trails on Johns Peak should the latter be designated an OHV emphasis area. The property owner was quietly but firmly disappointed that his land and BLM lands neighboring his property might be overrun with OHV riders, as that designation would serve as a magnet to bring riders to that area. The property owner calmly pointed out that very few of his neighbors were attending that open house to voice their opposition, and some of his more impetuous neighbors were likely to react quickly, physically, and negatively towards any OHV rider trespassing on their lands.
- 2) In the Friday December 14 article in the Medford *Mail Tribune*, Jackson County Commissioner Dave Gilmour indicated he was strongly opposed to having Johns Peak open at all to OHV riders:

“Johns Peak, along with other riding areas such as Lake Creek, Worthington Obenchain, East Howard and Anderson Butte, have high fire risks, sensitive environmental areas and, in some cases, too many conflicts with nearby landowners to continue to be used by off-road enthusiasts, said Gilmour, who based his conclusions on information gathered by Jackson County.”¹¹

Very quickly bloggers posted on the *Mail Tribune*’s website some very nasty invective, including physical threats towards Gilmour and bloggers agreeing with Gilmour.

⁹ http://www.blm.gov/or/plans/wopr/scopingreport/files/Scoping_Report_Document.pdf, p. 8, accessed December 26, 2007.

¹⁰ Bob Johnson, “Home Owner Impact of BLM OHV Emphasis Areas,” *Jacksonville Review & Sentinel*, November 2007.

¹¹ <http://www.mailtribune.com/apps/pbcs.dll/article?AID=/20071214/NEWS/712140316>.

By suggesting that Johns Peak be designated an OHV emphasis area the BLM has found itself in some very tall weeds. The conflict created threatens to boil over into physical violence. According to the Congressional Declaration of National Environmental Policy (Sec. 102 [42 USC § 4332]), BLM's role is to defuse, not create conflicts:

“The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall... (E) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources.”¹² [Emphasis added.]

I recommend that the BLM drop all plans to designate Johns Peak an OHV emphasis area. Continuing with such plans may exacerbate an already difficult situation. It is not BLM's role to create conflicts. I believe it is ethically inappropriate for the BLM to promote any plans to designate Johns Peak an OHV emphasis area if such designation could lead to further conflict, especially physical conflict.

The BLM may wish to suggest that other avenues be pursued to decide whether Johns Peak should be designated an OHV emphasis area. For instance, a county-wide referendum should indicate whether a few vocal, angry riders speak the wishes of the majority of county residents.

1. C. Analyzing the Arguments of OHV Riders

Some of the arguments I have read on why OHV riders feel they are entitled to ride their vehicles on public land include:

- “I have been riding here for 20 years (or some other period of time).”
- “It's public land, so I am going to use it.”
- “I have bought this OHV and I am going to ride it.”
- “If you don't like my noise, move back to California.”

These arguments sound like the fiercely independent attitudes of those that settled the Wild West two centuries ago. Times have changed, including:

- 1) The population of the Medford area has grown greatly over the past 20 years, and so the population density has increased. We can't move away from our neighbors as readily. We may not all like our neighbors, but we are here and we should learn to live peaceably.
- 2) Today more people are affected by the actions of others. Motorcycle riders can readily cover 50 – 75 miles in a day, so the noise of their activity can disturb many residents, property owners, and those that want to enjoy the peace and quiet of nature. Regulations and laws were created to curb the negative impact some

¹² <http://ceq.eh.doe.gov/nepa/regs/nepa/nepaeqia.htm>; accessed 11/29/07.

people can have. Other regulations, such as establishing the convention of driving on the right side of the road, were put in place for general safety and well-being. With a greater population density there are more people to consider.

- 3) Public land is not meant for the public to use as it pleases, even if the public pays taxes to various governments. For instance, it is illegal to cut down trees from a national forest without a permit or to dump toxic waste into streams.
- 4) Some feel entitled to ride their vehicles where they choose. The Constitution and Bill of Rights do not mention that people are entitled to ride OHVs. Americans are not born with such rights. Enacting regulations to prohibit OHV ridership in selected areas cannot be considered a “taking” of rights.

1. D. OHV Riders that Damage the Environment Should Pay for Repairs

I believe that people should be responsible for their actions, and fix or make reparations for whatever they damage. Obviously not everyone feels they have a responsibility to repair the environment they damage. Those that do not damage the environment should not have to pay to repair it. However, since society can suffer from damage to the environment, society may bear some of the burden for repair. But those that damaged the environment should shoulder the greatest majority of responsibility to fix their damage.

It is unreasonable to expect BLM to police OHV trails and fine people that damage trails or ride off-trail. Similarly it is unreasonable to fence in BLM land and charge daily admission fees.

I recommend the BLM require yearly fees for riding OHVs on BLM land. In Oregon ATV permits cost \$10 for Class 1, 2, or 3 vehicles¹³, so at most \$10, a paltry amount, could go to repairing the environment. The Northwest Forest Pass, assessed by the U.S. Forest Service at \$30 / year or \$5 / day,¹⁴ is used to supplant entry fees to national forests, and 80% of the proceeds are used to restore the ecosystem, maintain recreation facilities, and improve services. I recommend that the cost of permits to ride on BLM permits be \$75 – 100, to pay for past and future repairs; riders without permits should be subject to fines at least three times the permit cost. If damage to trails and hillsides is excessive, then the yearly fee should be increased according to a policy that is widely publicized in advance. This incentive would encourage OHV riders to police themselves, and reduce the need for funds for the BLM to patrol.

By switching OHV usage to private property the greatest control over the environment is possible. For example, the Klamath Sportsman’s Park, near Klamath River, offers “motorcross race track for 4-wheel ATV's and motorcycles, a mud bog area for 4-wheel drive vehicles, racing areas provide designated pit areas, and spectator areas are protected by fencing.”¹⁵ Admission is through payment of a daily or yearly fee. Those that use the noise park are paying for the maintenance and repair of that environment.

¹³ <http://www.oregon.gov/OPRD/ATV/Permits.shtml>, accessed Dec. 15, 2007.

¹⁴ http://www.oregonstateparks.org/images/pdf/atv_map.pdf, accessed Dec. 21, 2007.

¹⁵ <http://www.oohva.org/ohv%20area%20pages/klamath.html>, accessed Dec. 21, 2007.

I believe that banning OHVs from public land is the right step in protecting the environment and requiring those that damage the environment to repair it. This would not be a politically popular position, but sometimes principles should override politics.

Should the BLM decide to designate an OHV emphasis area, such an announcement should be made only after funds and policies are in place to patrol such an area. The BLM can expect that promptly after such a designation is announced OHV riders will rapidly spread the news by internet, and a large number of riders would be drawn to these areas. Hence if policies and funds are not in place prior to such an announcement, ridership and damage to the environment may get out of control.

Repairs to the trails and hills of any and all OHV areas should be made every year, spending all available monies. Otherwise, if OHV ridership decreases the funds and policies may not be available to repair past damage. OHV ridership is likely to decrease due to a depressed local economy, justifiable permit costs and increasing gasoline prices. Gas prices show no sign of decreasing in the years to come.

1. E. Natural Resources Make Anderson Butte Unsuitable as OHV Emphasis Area

I look onto Anderson Butte from my house, so I have a vested interest in not having Anderson Butte designated as an OHV Emphasis Area. (Whatever that is, it is a new concept within my searching of BLM documents.) I hike and ride my horses on Anderson Butte. I believe that Anderson Butte is indeed unsuitable as an OHV emphasis area because of the value of its natural resources.

First of all, the Anderson Butte area includes the Ash Deer Winter Little Applegate DHMA, an area critical for deer survival in the winter.¹⁶ OHV usage is incompatible with long-term survival of deer. (OHV usage also negatively affects hunters, as pointed out by the Isaac Walton League of America.¹⁷) Secondly, the slopes of this area are very sensitive. Some of the north-facing slopes are too steep for me to climb by hiking or horseback riding; the grooved trails I have seen run straight down the fall line, so I believe these trails must have been made by OHV riders going downhill. Soil erosion is occurring. Many of the south-facing slopes include roadless wildlands with a mix of ecosystems, home to many species rarely found elsewhere.

The proposed Dakubetede Wilderness, nominated for ACEC,^{18,19} is also a part of Anderson Butte. The significance and popularity of this area has been well documented.^{20,21} Rare plants that may be found in this area include *Fritillaria gentneri* (a federally endangered species), a rare birch, *Betula occidentalis inopina* and "*Cimicifuga*

¹⁶ DEIS, p. 331.

¹⁷ <http://iwla.org/publications/wilderness/OHVreport.pdf>, accessed Dec. 21, 2007.

¹⁸ www.oregonheritageforests.org/resources/ACEC_nomination_Daku.doc.

¹⁹ DEIS, p. M-1343.

²⁰ *Oregon Wild: Endangered Forest Wilderness*; Andy Kerr, Oregon Natural Resource Council, 2004.

²¹ *A Bark in the Park: The 45 Best Places to Hike with Your Dog in the Shasta / Rogue River Region*; M. Danielsson, K. Danielsson, and A. Chesworth, 2003, p. 102.

elata, *Camissonia graciliflora*, *Mimulus douglasii*, *Rafinesquia californica*, *Lithophragma heterophyllum*, *Ribes inerme klamathense*. and the endemic *Sedum oblanceolatum*.¹⁸ The BLM notes that "Under all action alternatives, rare plant populations forced to compete with invasive plants would decrease in vigor and the likelihood of survival would be reduced."²² This area is used for hiking and horseback riding,²¹ recreational activities congruent with this area.

In summary, natural resources make Anderson Butte unsuitable as an OHV Emphasis Area.

Section 2. Comments on Logging in Riparian Areas

The DEIS proposes logging very close to or even over stream beds in its alternatives to the NWFP. Considerable science is emerging to exclude logging from wider riparian zones, just the opposite of the DEIS alternatives. I understand that increased logging in riparian areas will be detrimental to the environment, including water quality, life of plants and animals requiring high humidity, and wildlife needing water to survive.²³ I urge the BLM not to change its directives on logging in stream corridors.

Errors in the BLM analysis / new or missing information that would have a bearing on the analysis (as requested on p. II of the DEIS).

Recent papers that discourage logging in riparian zones include those authored by BLM and USDA Forest Service,²⁴ USDA Forest Service,²⁵ National Oceanic and Atmospheric Administration and USDA Forest Service,²⁶ and Weyerhaeuser.²⁷ The latter three papers were not considered in the DEIS. I easily found these papers by internet searching, and I suspect that similar, recently published research is available. These four and other papers should be considered before an increase in logging deeply damages riparian zones.

Section 3. The Importance of Considering Climate Change (aka Global Warming)

Global warming threatens biodiversity, which is key to our global existence. A website supported by the National Park Service lists 27 references.²⁸ Global concern about climate change is no longer news. Climate change should have been considered in the DEIS and should be considered in the final EIS.

²² DEIS, p. 601.

²³ See DEIS, pp 719-20 for agreement.

²⁴ Anderson, Paul D.; Larson, David J.; Chan, Samuel S. *Forest Science*, Volume 53, Number 2, April 2007, pp. 254-269(16).

²⁵ Olson, Deanna H.; Rugger, Cynthia *Forest Science*, Volume 53, Number 2, April 2007, pp. 331-342(12).

²⁶ Rundio, David E.; Olson, Deanna H. *Forest Science*, Volume 53, Number 2, April 2007, pp. 320-330(11).

²⁷ Richardson, John S.; Danehy, Robert J. *Forest Science*, Volume 53, Number 2, April 2007, pp. 131-147(17).

²⁸ <http://www.sou.edu/biology/biodiversity/references.html>.

A report from the Government Accountability Office in August 2007 notes the impact of global warming on “biological effects, such as increases in insect and disease infestations, shifts in species distribution, and changes in the timing of natural events; and (3) economic and social effects, such as adverse impacts on tourism, infrastructure, fishing, and other resource uses.”²⁹ In this document the GAO notes that “earlier snowmelt, longer summer drought, and increased wildland fire activity in western U.S. forest ecosystems” are linked more to climate conditions than to forest management practices.

The GAO has stated that politics is the reason that BLM has not followed the 2001 order from the Secretary of the Interior for the BLM and other federal agencies to consider the impact of global warming on stewardship of its lands.³⁰

In college and grad school I studied biology and chemistry because I was intrigued by the interaction of species, molecules, and life in general. I wanted to understand how life functions. I wanted to make a difference for people and the environment, to improve life. I suspect that many of you in BLM studied science for the same reasons.

It is time for the BLM to stop acting out of political considerations on the subject of climate change. Politics rarely consider the big picture. It is time for the BLM to return to hard science and to consider the impact of global warming in its stewardship plans for the environment.

Section 4. BLM’s Responsibility to Impartially Assess the Alternatives

In my various conversations with BLM staff on the DEIS I repeatedly heard that BLM wants comments of substance, and that the BLM is not interested in tallying votes on various issues. Yet at the December 6 BLM open house in Medford there was a map on the wall where people stuck pins showing their interest in creating OHV emphasis areas. (One of our neighbors, a highly respected physician, was appalled that a young mother was encouraging her daughter to stick many pro-OHV pins into the Anderson Butte area.) Mr. Whittington of the BLM was quoted as mentioning the numbers of comments from those at that open house that were for and against OHV emphasis areas.¹¹ *I heard that employers of local motorcycle shops paid their staff to attend that meeting, so I question the validity of the tallies of votes from the BLM open house, and probably other forums.*

Alan Hoffmeister has assured me that there are many ranges of opinions at BLM, and I am sure this is true. For instance, I know that some BLM staffers are fond of riding OHVs, while others feel that OHV riding destroys too much of the environment.

I can only hope that BLM will make its decisions based on sound scientific, economic, and social considerations, and will not be swayed by politics and personal preferences.

Acknowledgment I sincerely appreciate the time and considerate responses that Alan Hoffmeister gave to my questions on the WOPR.

²⁹ <http://www.gao.gov/new.items/d07863.pdf>.

³⁰ *Ibid.*, pp 37-8.