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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

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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.cdfe.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.

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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	85.9	$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 Wildife	$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

We are a locally supported association whose purpose is to preserve trails for all recreationists through responsible environmental protection and education.
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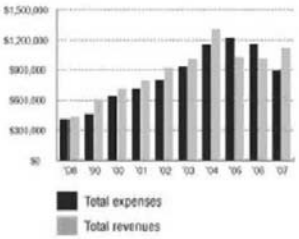
Montana Wilderness Association expenses and revenues 1998-2007



Top 10 private foundation contributors to MWA

Wyss Foundation	Pennsylvania	$700,500 from 2002 to 2006
The Boisverd Foundation	Seattle	$448,000 from 2000 to 2006
Liz Claiborne/Art Ortenberg	Helena/New York	$257,500 from 2000 to 2005
444 S Foundation	Bellevue, Wash.	$210,000 from 2000 to 2005
LaSalle Adams Fund	New York	$225,000 from 2001 to 2006
Weeden Foundation	New York	$115,000 from 2000 to 2006
Wilburforce Foundation	Seattle	$135,000 from 2001 to 2006
Bullitt Foundation	Seattle	$97,500 from 1999 to 2003
Norwitt Fund	Chicago	$77,500 from 2002 to 2004
New Land Foundation	New York	$70,000 from 1999 to 2005
Average annual membership funding since 1999		**$125,450 per year**

Source: IRS, GuideStar and MWA

DI graphic by Denny Lester

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.

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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/hjjfjeigjcffhb.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.gamineral.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/dca_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:

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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

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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.*

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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).

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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

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fuel used for OHV recreation, http://www-cta.ornl.gov/cta/Publications/Reports/ORNL_TM_1999_100.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).
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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

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plans; roadless plan; creation of wildlife management areas, monuments, non-motorized areas, 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 results 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 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

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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

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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 on August 18, 2003, 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. (August 18, 2003. Oversight Field Hearing in San Diego, CA on Access to the California Desert Conservation District with Emphasis on the Imperial Sand Dunes Recreation Area, House Resources Subcommittee on National Parks, Recreation & Public Lands.
http://www.louisdb.org/documents/hearings/108/house/house-hearing-108-88929.html)

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. Furthermore, the Forest Service represents one-half of all of the NEPA lawsuits in the United States (http://ceq.eh.doe.gov/nepa/NEPA2005LitigationSurvey.pdf). 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:
As documented in the previous comment, nearly all multiple-use actions on Forest Service and BLM lands are challenged and stopped by lawsuits filed by environmental groups. Therefore, the only significant actions occurring on multiple-use lands are travel management plans which eliminate multiple-uses (public access and recreation). This combination of circumstances (whether it is an intentional strategy or not) is effectively converting multiple-use lands to defacto wilderness lands. The cumulative effect of these circumstances on multiple-uses has not been adequately addressed in any evaluation to date and we request that such as evaluation be address as part of this project.

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

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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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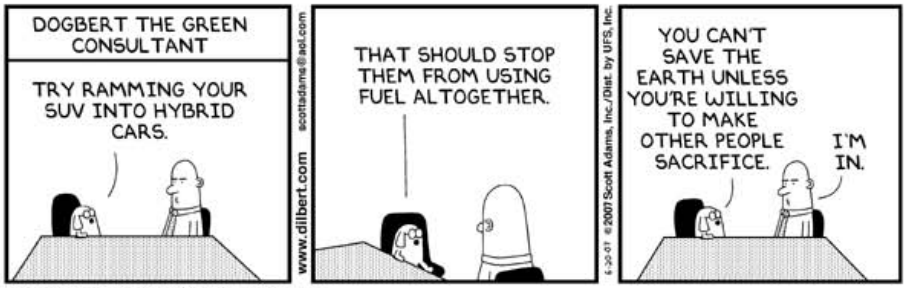

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Issue:
There is a shortage of dispersed camping areas along all of our motorized routes. This can be confirmed by going out on any holiday weekend and trying to find a camp spot. In order to meet the needs of the public, camps spots and access to them 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 poplar 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:
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

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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:
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

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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; (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:

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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)
All past, ongoing, and future Forest Service Travel Plans (http://www.fs.fed.us/recreation/programs/ohv/)
All past, ongoing, and future BLM Resource Management Plans
Rocky Mountain Front legislation December 2006
United States Court Of Appeals for the Ninth Circuit No. 01-35690 D.C. No. CV-96-00152-DWM
All Resource Management Plans and Planning Actions
(inter-agency) Grizzly Bear Recovery Plan
(inter-agency) ICBEMP
(inter-agency) Northern Rockies Lynx Amendment
(inter-agency)3-States OHV Strategy
B-DNF Norton Creek Trail Relocation
B-DNF Cataract Creek Road and Trail Closures
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 Vernal Field Office RMP
BLM Monticello Field Office RMP
BLM Richfield Office RMP
BLM Blaine County Recreation and Travel Plan
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 National Forest Travel 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
Clearwater NF Travel Plan
Custer National Forest Beartooth RD Travel Plan
Custer National Forest Sioux RD 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

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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-Jarbidge 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
San Juan National Forest 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)
National Landscape Conservation System Act - S. 1139
Northern Rockies Ecosystem Protection Act HR 1975

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.

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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.

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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. Segregation has not been a goal of the federal government since the Civil Rights Act of 1964.

Issue:
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

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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:

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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 in 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:
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.

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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 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-county 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

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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

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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

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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

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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, carbon dioxide production (http://www.cbmjournal.com/content/pdf/1750-0680-2-10.pdf), 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 hectare[4] (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 conditions[6]. The increase in sediment production and deposition and impacts on the stream

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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

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channel and over-bank areas following a forest fire is documented in the July 2006 and January 2008 editions 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	Year	Fires	Acres
2006 (1/1/06 - 10/30/06)	86,545	9,442,610	1982	174,755	2,382,036
2005	66,552	8,686,753	1981	249,370	4,814,206
2004*	77,534	6,790,692	1980	234,892	5,260,825
2003	85,943	4,918,088	1979	163,196	2,986,826
2002	88,458	6,937,584	1978	218,842	3,910,913
2001	84,079	3,555,138	1977	173,998	3,152,644
2000	122,827	8,422,237	1976	241,699	5,109,926
1999	93,702	5,661,976	1975	134,872	1,791,327
1998	81,043	2,329,709	1974	145,868	2,879,095
1997	89,517	3,672,616	1973	117,957	1,915,273
1996	115,025	6,701,390	1972	124,554	2,641,166
1995	130,019	2,315,730	1971	108,398	4,278,472
1994	114,049	4,724,014	1970	121,736	3,278,565
1993	97,031	2,310,420	1969	113,351	6,689,081
1992	103,830	2,457,665	1968	125,371	4,231,996
1991	116,953	2,237,714	1967	125,025	4,658,586
1990	122,763	5,452,874	1966	122,500	4,574,389
1989	121,714	3,261,732	1965	113,684	2,652,112
1988	154,573	7,398,889	1964	116,358	4,197,309
1987	143,877	4,152,575	1963	164,183	7,120,768
1986	139,980	3,308,133	1962	115,345	4,078,894
1985	133,840	4,434,748	1961	98,517	3,036,219
1984	118,636	2,266,134	1960	103,387	4,478,188
1983	161,649	5,080,553		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 sediment predicted by the project evaluation. This basic check should be conducted so that the increase in sediment production and associated negative impacts are note 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

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

environment was not always required and impacts to the natural environmental 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 environmental 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 environmental 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 that 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.

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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 team should include an adequate number of atv, motorcycle and 4x4 enthusiasts. 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 lead 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

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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.

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.

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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.greatfallstribune.com/apps/pbcs.dll/article?AID=2006612240302). Furthermore, a study released in September 2008 found that there were at least 765 grizzly bears (http://www.helenair.com/articles/2008/09/17/top/55st_080917_grizzlies.txt . It is clear that the grizzly bear populations are healthy and that motorized recreationists should no longer be shut out of grizzly bear habitat.

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).

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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.

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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

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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.

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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 pended 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 adequte.

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

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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; the public routes should be closed at the private property line to all motorized use and, where the route has access from the other end on public land, it should remain open so that it can provide an out and back motorized opportunity.

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

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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 grand fathered 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.

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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 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:
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

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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).*

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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*

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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
(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.fseee.org/990/).

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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 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.

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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 is 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:
In group settings, the Delphi or Collaboration Techniques can be unacceptable manipulative methods of achieving consensus on controversial topics when they are used in the following manner. Both methods use facilitators who can deliberately escalate tension among group members, pitting one faction against another to make a preordained viewpoint appear sensible, while making opposing views appear ridiculous. Both methods can be used by those in power to preserve the illusion that there is community participation in decision-making processes, while in fact lay citizens are being squeezed out. The setting or type of group is immaterial for the success of the technique. The point is that, when people are in groups that tend to share a particular knowledge base, they display certain identifiable characteristics, known as group dynamics, which allows the facilitator to apply the basic strategy. In an unacceptable process, the facilitators encourage each person in a group to express concerns about the programs, projects, or policies in question. They listen attentively, elicit input from group members, form task forces, urge participants to make lists, and in going through these motions, learn about each member of a group. They are trained to identify the leaders, weak or non-committal members, and those who are apt to change sides frequently during an argument. Then the amiable facilitators become professional agitators and

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devil's advocates. Using the divide and conquer principle, they manipulate one opinion against another, making those who are out of step appear ridiculous, unknowledgeable, inarticulate, or dogmatic. They attempt to anger certain participants, thereby accelerating tensions. Many facilitators are well trained in psychological manipulation and in an unacceptable process they are able to predict the reactions of each member in a group. Individuals in opposition to the desired policy or program will ultimately be shut out or so heavily discounted when the process is used in the above manner. A process with these characteristics must be considered unacceptable for public participation.

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

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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 is 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.

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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

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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.

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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
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.

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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.

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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.marysvale.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

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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

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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 request that the loss of motorized recreation and access opportunities due to millions of acreas 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 under-estimate 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.