

From: corridoreiswebmaster@anl.gov
Sent: Monday, January 14, 2008 9:22 PM
To: mail_corridoreisarchives; corridoreiswebmaster@anl.gov
Subject: Energy Corridor Draft Programmatic EIS Comment WVECD50085

Attachments: Bitterroot_CTVA_Comments_1_WVECD50085.pdf



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Thank you for your comment, Action Committee.

The comment tracking number that has been assigned to your comment is WVECD50085. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: January 14, 2008 09:22:11PM CDT

Energy Corridor Draft Programmatic EIS
 Draft Comment: WVECD50085

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 Comments 1.pdf

Comment Submitted:

- | | |
|---|-----------|
| 1. Power line corridors would be a great long distance recreational opportunity for motorized recreation (OHVs) motorized access. | 50085-001 |
| 2. OHV and motorized routes have been closed routes due to power line construction such as the BPA power line by Maxville to mitigate for impacts associated with the power line. Why is motorized access the first action to be used as mitigation for the impacts of others? This inequity can be corrected by designating power line corridors as motorized recreational routes. | 50085-002 |
| 3. Attached are additional comments that reflect the current state of motorized recreation in our area and the associated issues. The cumulative effects of any motorized closures by power line corridors must be addressed in order to avoid any further significant impacts on motorized recreationists as documented in the attached comments. | 50085-003 |
| 4. We generally support power line corridors as long as they do not close motorized access and motorized recreational opportunities and are used to create new motorized opportunities. | 50085-004 |

CAPITAL TRAIL VEHICLE ASSOCIATION (CTVA)

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

December 23, 2007

Travel Management Planning Team
Stevensville Ranger District
88 Main Street
Stevensville, MT 59870
comments-northern-bitterroot@fs.fed.us

Re: Comments for the Bitterroot National Forest Travel Management Plan

Dear Sir/Madam:

We have assembled the following information and issues from our members and other motorized recreationists for the project record. We appreciate the opportunity to provide our comments for the Bitterroot Travel Management Plan project. We enjoy riding our OHVs on primitive trails and roads in the Bitterroot National Forest. All multiple-use land managed by the Forest Service provides a significant source of these OHV recreational opportunities. We feel strongly about OHV recreation for the following reasons:

Enjoyment and Rewards of OHV Recreation

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

Acknowledged Responsibilities of Motorized Visitors

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

We feel that we are representative of the needs of the majority of public land visitors who may recreate and not be organized with a collective voice to comment on their needs during the public

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

Many federal actions have led to the continual closure of motorized recreational opportunities and access and at the same time the number of OHV recreationists has grown to 50 million. OHV registrations in Montana grew 24% from 2004 to 2005. Multiple uses of the forest are marginalized every time a forest plan or travel management plan comes up for action. The motorized closure trend has created significant cumulative effects and has reached the point where it is causing severe public distress. Reasonable alternatives to motorized closures must be pursued. The continual loss of motorized recreational opportunities is our primary concern. Because of the significant cumulative effect of motorized closures at this point in time, we feel strongly that there can be “no net loss” of motorized recreational opportunities with the Bitterroot Travel Management Plan. We would ask that this project address the attached checklist of issues and address the goals and needs identified. Using this checklist will help identify and address concerns and, hopefully, the needs of the public will be adequately met by implementing a more reasonable multiple-use alternative.

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

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

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fast as possible. We are asking that this project establish a baseline evaluation and address this significant impact.

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

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

Sincerely,

/s/ Ken Salo for

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

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

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Information and Issues That Affect Motorized Recreation

December 23, 2007

INTRODUCTION

NEPA and CEQ guidance require that the proposed action be issue-driven. Additionally, many past actions have enacted wholesale motorized closures. The cumulative effect has become significant and this trend is no longer acceptable. (FSH 1909.15, Chapter 10, Section 15.1 - Cumulative Effects *For the definition of "cumulative effects" and other terms, see section 05. Individual actions when considered alone may not have a significant impact on the quality of the human environment. Groups of actions, when added together, may have collective or cumulative impacts which are significant. Cumulative effects which occur must be considered and analyzed without regard to land ownership boundaries. Consideration must be given to the incremental effects of past, present, and reasonably foreseeable related future actions of the Forest Service, as well as those of other agencies and individuals.*)

Therefore, meeting the unanswered needs and frustrations of over 50 million motorized recreationists is the most significant issue at hand for this proposed action. FSH 1909.15 Chapter 10, Section 12.32 - Identify Significant Issues *Recommend to the responsible official the significant issues to be addressed, taking interested and affected agency, organization, and public comments into account. The responsible official, not the ID team or the analyst(s), approves the list of significant issues used to develop alternatives and may adjust and refine the issues as new insights and information emerge during analysis.*

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

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

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

Information and Issues:

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

1. Many comments by motorized recreationists are being dismissed by the agency as not being substantive comments because they did not show up on a list of significant issues developed by the agency. The injustice is that the agency is not identifying and addressing issues that are significant to motorized recreationists including importance of each existing route, cumulative effects of all motorized closures, and need for more not less motorized recreational opportunities, and others discussed in the following comments. The NEPA process should have been an issues driven process and the significant issues for a travel plan should be those that have the greatest impact on motorized recreationists. The agency is avoiding and selecting issues that circumvent the requirement to address significant issues that affect motorized recreationists. We request that this evaluation address all of the significant issues that affect motorized recreationists.
2. A motorized travel plan is a plan that specifically designates roads, trails and areas for motorized use, designates which vehicles will be allowed on which routes and if seasonal restrictions apply. A comprehensive trail designation plans does the same thing except it includes all trail uses, including mountain bike, equestrian and hiking. This is a very important distinction because the anti-access groups will attempt to convince the planning team to develop a "comprehensive" travel plan by using only the existing inventory of motorized routes. They do this by identifying existing motorized trails that are good for mountain bikes, equestrians and for bird watching... or whatever. The current approach is inequitable because it takes the current motorized route inventory and tries to make it the route inventory for all users. It leaves out possibilities for constructing or otherwise developing non-motorized trails and ignores existing non-motorized trails that exist in both the planning area and adjacent lands. Now, that doesn't mean the agency can't take into consideration the effect each alternative will have on non-motorized visitors. It can - and it should be part of the NEPA analysis. But that is totally different from specifically providing a non-motorized trail system via the existing inventory of motorized routes. We support the creation, designation and management of non-motorized trails, but not at the expense of motorized visitors. We request that the agency not use the existing motorized trail inventory for designating non-motorized trails. Instead, if there is a need for non-motorized trails, then the agency should consider options that do not reduce the existing opportunity for motorized users.
3. NEPA, CEQ, and Forest Service Handbook (FSH) require consideration of all reasonable alternatives (FSH 1909.15, Chapter 10, Section 12.33 - *Explore Possible Alternatives Consider a full range of reasonable alternatives to the proposed action that address the significant issues and meet the purpose and need for the proposed action.*) The project has a critical flaw which is the lack of a true "pro-recreation" alternative that adequately addresses motorized recreation. All of the alternatives developed for consideration represent a significant reduction in routes available for motorized use. Not one Alternative even sustains the current opportunity. Conversely, virtually every project has developed a "preservation" alternative, where a maximum amount of closures are considered. The increasing demand for OHV recreation opportunities on public lands is extensively documented. Therefore, it is incumbent upon the project team to formulate at least one alternative that maximizes motorized recreation, or at least does not reduce motorized recreational opportunities in the planning area. Therefore, we request that the project team formulate a wide range of alternatives including at least one Alternative that maximizes motorized recreational opportunities in the project area and addresses the following:

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- The project team must formulate at least one alternative that emphasizes OHV use in Roaded Natural and Semi-Primitive Motorized opportunity settings for recreation.
 - The pro-recreation alternative should strive to provide for the current and future demand for OHV recreational routes.
 - Alternatives should include areas where OHV trails can be constructed and maintained when demand increases.
 - Where appropriate, the agency should use this process to analyze the impacts of any future route construction and include those in the decision.
 - Direction for the required process to construct new routes should be incorporated into each alternative.
 - At least one alternative should maximize the ability to construct new sustainable trails to meet the current and future need.
 - The project team should develop management alternatives that allow for proactive OHV management.
 - All alternatives should include specific provisions to mark, map and maintain designated roads, trails and areas in cooperation with OHV users.
 - All alternatives should include direction to engage in cooperative management with OHV groups and individuals.
4. One of the specific requirements under NEPA is that an agency must consider the effects of the proposed action in the context of all relevant circumstances, such that where “several actions have a cumulative . . . environmental effect, this consequence must be considered in an EIS.” *Neighbors of Cuddy Mountain v. U.S. Forest Serv.*, 137 F.3d 1372, 1378 (9th Cir. 1998) (quoting *City of Tenakee Springs v. Clough*, 915 F.2d 1308, 1312 (9th Cir. 1990)). A cumulative effect is “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions.” 18 40 C.F.R. § 1508.7. 3. The cumulative effect of all motorized closures has been significant and is growing greater every day yet they have not been adequately addressed. Ignoring cumulative effects allows the agency to continue to close motorized routes unchecked because the facts are not on the table. CEQ guidance on cumulative effects was developed to prevent just this sort of blatant misuse of NEPA.
 5. Because of the cumulative effects on motorized recreationists from all past and reasonably foreseeable closures and the growing need for motorized access and motorized recreational opportunities, there can be no net loss of these opportunities with this action. This can be accomplished by implementing a route designation for all existing routes.
 6. The route designation process was supposed to inventory all existing motorized routes and designate them for motorized use. Instead it is being used to produce wholesale motorized closures contrary to the understanding with motorized recreationists. The process needs to be re-directed back onto the right path.
 7. Past actions that have had a significant impact on motorized recreationists in Montana including the Elkhorn, Clancy-Unionville North Belts, and Sleeping Giant travel management plans. Reasonably foreseeable actions include the Gallatin National Forest travel plan, BLM RMP, North Divide, South Divide, and Blackfoot travel plans, Little Belt, Castle, and Crazy Mountains travel plan, and the Beaverhead-Deerlodge Forest Plan. These actions have produced or will produce a significant debt in the mitigation bank for motorized recreational opportunities

- in the Bitterroot National Forest and immediate surrounding areas and this issue must be adequately addressed.
8. Because of the shortage of OHV routes necessary to reasonably meet the needs of the public, every existing motorized route is extremely important.
 9. All roads to be closed to full-size vehicles should be converted to atv routes. This is a reasonable alternative for all existing roads.
 10. The needs of the public for motorized recreational opportunities include a variety of trails for different skill levels. Also, routes with minimal traffic are needed as practice routes for beginning riders.
 11. The availability of motorized single-track trails has declined dramatically. At the same time, nearly all of the single-track trails see very little hiking or other use. Therefore, it is a reasonable alternative to designate all existing single-track trails on multiple-use lands within the project area open to motorcycle use.
 12. Single-track challenge trails are needed for expert riders and trials type motorcycles.
 13. National Forests in Idaho have a long and successful history of sharing single-track trails with motorcycles and we request that this strategy be used in the project area.
 14. Figure 2.2 and 2.7 on page 14 of Chapter 2 in the 3-State OHV EIS and Decision clearly shows that existing tracks used by motorcycles are to be considered as motorized trails (<http://www.mt.blm.gov/ea/ohv/Chapter2.pdf>). The evaluation must consider these routes and is in violation of the 3-State OHV agreement.
 15. The majority of visitors to the project area is associated with multiple-use opportunities including motorized access and motorized recreation opportunities.
 16. These are multiple-use lands as designated by congress and must be managed as such. Recreation is a stated purpose for multiple-use lands.
 17. Wilderness is closed to motorized vehicles and equipment. Therefore, multiple-use lands should be open to motorized vehicles and equipment. Wilderness criteria and standards should not be applied to multiple-use lands.
 18. Any measurable impact from OHV use is automatically and incorrectly judged to be significant. OHV impacts are a small fraction of natural actions. Nature should be used as the standard for comparison of OHV impacts.
 19. Why are motorized recreationists the only ones to lose in an action that is supposed to address the needs of the public for motorized access and motorized recreational opportunities? In other words, the travel planning process should work to justify existing motorized recreational opportunities and create new ones. Instead it is being used as a massive motorized closure process.
 20. The public that enjoys motorized access and recreation is not going to participate in a process where they lose every time.
 21. Why are the needs of so many motorized recreationists being largely ignored?
 22. In too many cases a couple of non-motorized users have been able to displace hundreds of motorized users. It is not reasonable or fair to allow a few non-motorized recreationists to convert a motorized trail used by hundreds of motorized recreationists for their exclusive use.
 23. Motorized recreationists have been losing ground starting with the wilderness designations in the 1960's and continuing on with the roadless rule, forest plans, resource management plans and travel plans. Please explain why the needs of non-motorized recreationists are provided for at a much higher level (quality and quantity) than motorized recreationists?
 24. Why are motorized recreationists put on the defensive in this action and virtually every other Forest Service action? In other words, why must motorized recreationists always start with a

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proposal for radically less motorized access and recreational opportunities and then battle the process just to get a lot less than status quo every time? Why do non-motorized recreationists gain in every action and why do motorized recreationists lose in every action? It appears to us that cumulative effects on motorized recreationists are being ignored because it would expose this built-in defect in the process.

25. Why is the Forest Service trying to eliminate all meaningful motorized access and OHV recreation?
26. When the agency is considering closing a route, please also think of how you would respond to somebody who asks "We have been going there or camping there for years and what has been hurt? Why do we have to give it up now? Where do we go?"
27. The site specific analysis of each road or trail to be closed must address or identify where the public would go to replace the motorized resource proposed for closure. In other words, the analysis must adequately evaluate the site specific value of a road or trail proposed for closure to motorized recreationists. It must also quantify the significant negative cumulative impact experienced when motorized recreationists could not find a trail or road with a similar experience in the area. The quality of our experience has been significantly reduced. It must also quantify the significant cumulative impact that the closure of a system of road and trails would have collectively when enough routes are closed to eliminate a good motorized day outing. An incomplete analysis is not acceptable under NEPA requirements.
28. Site specific monitoring of motorized versus non-motorized use must be provided for each route.
29. Each route must be evaluated on the basis of whether it will see more use as a motorized route or a non-motorized route and then the appropriate decision should be made on that basis.
30. Each route must include a socio-economic analysis that includes the impacts on the public owning OHVs and looking for opportunities to use them and landowners who purchased property with the intent of being able to access and recreate using motor vehicles.
31. The quality of our experience has been reduced in other ways. For example, every time we ride on a road or trail we wonder or talk about whether this will be the last time and what sort of fight it will take to keep it open. This dark cloud ruins the recreation experience that is so badly needed.
32. What is the cumulative effect on the public of this motorized access and motorized recreational closure combined with all other motorized access and motorized recreation closures in the state?
33. Motorized recreationists gave up 97% of the area historically available to them under the 3-State ROD as the ultimate act of mitigation so that we would continue to have use of existing motorized routes that cover or provide access to an area estimated at less than 3% of the total 3-State area. Now motorized recreationists have been given almost no credit for our cooperation during that action and we have only been penalized for our past cooperation by current route designation plans, resource management plans, forest plans and travel plans that seek to close 50% to 75% of the existing motorized routes.
34. The action must develop a preferred alternative that mitigates the significant impacts on the public from the loss of motorized access and motorized recreational opportunities from the proposed action and the combined cumulative effect of all other actions in the state.
35. There are no compelling reasons to close as many motorized access and motorized recreational opportunities as has been enacted by the Bitterroot National Forest. It is simply contrary to the public need and the way that the public has historically used all multiple-use areas in the Bitterroot National Forest.

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

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46. The Bitterroot National Forest has far less than the desired number of motorized trails. This creates two problems. First, the public will tend to “explore” closed routes in an attempt to salvage a decent outing. Secondly, it produces an unsatisfactory OHV experience.
47. The scope of the project must address both existing routes and new construction. This is necessary and reasonable because a certain percentage of the existing routes are likely to be closed. Putting a sideboard on the project scope that prevents the evaluation and creation of any new trail segments also eliminates the opportunity to mitigate the overall level of motorized closures. This approach, if pursued, would preclude the evaluation of a reasonable alternative and also preclude any opportunity for mitigation and enhancement. Therefore, limiting scoping of the project to existing routes only would produce a significant built-in disadvantage for motorized recreationists, i.e., the overall number of motorized routes are destined to be reduced and nothing can be considered to enhance existing routes and to mitigate the overall loss to motorized recreationists. We are concerned that the process will not provide motorized recreationists with an equal opportunity in the outcome and we are only destined to lose. We would appreciate an independent evaluation of this situation as soon as possible so that the proper scoping direction can be corrected early in the process.
48. We have heard the explanation for this sideboard is that it is needed because of the schedule for completion of the travel plan. We have also been told that the forest could evaluate new routes at a later date. First, we strongly recommend that the Bitterroot National Forest take whatever time is necessary to adequately address the public's needs. The schedule is not an adequate or reasonable amount of time especially considering that the public has been able to access and enjoy this area for decades. Secondly, we have requested the reopening of routes before the Forest Service has no history of reopening or creating any new routes for OHV use at a later date. Thirdly, whenever we suggest a new route, the agency is hesitant to reopen or pursue the environmental analysis required to address it. Therefore, we are uncomfortable banking any hopes of mitigation and enhancement on a new project at a later date. And lastly, a later date probably means 10 to 15 years out (if ever) and many of us who are impacted now may not be able to take advantage of any new opportunities at a “later date”.
49. Every action starts and ends with a proposal to close motorized opportunities (Gallatin, Clancy-Unionville, North Belts, South Belts, Little Belts, Rocky Mountain District, Custer, Beaverhead-Deerlodge, Dillon RMP, Butte RMP, etc.) and provide considerably less motorized access and recreation. There has not been one action that included an alternative to perpetuate existing motorized opportunities, mitigate for cumulative effects and create motorized recreational opportunities to address the growing needs of the public. Motorized recreationists are put at an immediate disadvantage in every process and that disadvantage is carried through to the end.
50. There has been a tremendous loss of routes in the area, therefore, a mitigation bank to cover the debt for motorized route closures in the Bitterroot National Forest should include all of past and reasonably foreseeable closures in Region 1.
51. Note that non-motorized recreationists can use routes that are both open and closed to motorized recreationists including roads and the evaluation of the opportunities available to non-motorized recreationists must be based on the total of all existing roads and trails. Additionally non-motorized recreationists can use an infinite amount of cross-country opportunity and motorized recreationists can not. This detail must be adequately considered in the allocation of recreation resources.
52. Basically, as shown in the table below, there is too little motorized access and too few motorized trails in the Bitterroot National Forest. Therefore, every mile of existing road and

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motorized trail is very, very important. The evaluation must adequately consider and address the fact that motorized access to the Bitterroot National Forest is relatively limited as shown by the miles of roads versus the number of acres in the following table. The miles of motorized trails are exceptionally inadequate for the thousands of OHV recreationists looking for those opportunities. Additionally, the miles of motorized trails and especially single-track is way out of balance with the needs of thousands of motorized recreationists in the region surrounding the Bitterroot National Forest. At the same time, the miles and percentage of non-motorized trails is excessive compared to the use that they receive and this does not consider the endless cross-country opportunities that are available. The total route opportunity available to non-motorized recreationists is 4,177 miles and the total miles of exclusive non-motorized trails are 774 (50%) and the cross-country miles are infinite. The total miles of roads open to motorized recreationists are 2,236 and the total miles of trails open to motorized recreationists is 790 (50%) and the miles of cross-country opportunity is zero. Existing motorized single-track trails total 758 miles and 48%. The overall allocation of **existing** non-motorized versus motorized access and trail riding opportunities in the Bitterroot National Forest is a **reasonable starting point** given the needs of the public for motorized access and the recreational needs of motorized recreationists. We request that this data be used to guide the decision-making to a preferred alternative that adequately meets the needs of the public by **increasing motorized recreational opportunities** in the project area.

Region	Forest	District	NFS Acres	Current Status	Projected Date for Designation	Existing NFS Roads	Existing NFS Roads Open to Motor Vehicle Use	Existing NFS Trails	Existing NFS Trails Open to Motor Vehicle Use	Existing NFS Trails Open to Motor Vehicle Use (Single-Track)	Acres Currently Open to Cross-Country Motor Vehicle Use
1	Bitterroot	All	1,589,876	Existing	12/9/2006	2,613	2,236	1,564	790	758	0
		Totals	1,589,876			2,613	2,236	1,564	790	758	0
						Miles of Open Road per Square Mile =		0.86			
						Total Roads and Trails Open to Non-Motorized Use, Miles		4,177			
						Non-Motorized Trails, Miles =		774			
						Non-Motorized Trails, % =		49.49%			
						Motorized Trails, miles =		790		758	
						Motorized Trails, % =		50.51%			
						Trails Open to Motorcycles %		48.47%			
						http://www.fs.fed.us/recreation/programs/ohv/					
						http://www.fs.fed.us/recreation/programs/ohv/travel_mgmt_schedule.pdf					

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

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

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

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

This final rule requires designation of those roads, trails, and areas that are open to motor vehicle use. Designations will be made by class of vehicle and, if appropriate, by time of year. The final rule will prohibit the use of motor vehicles off the designated system, as well as use of motor vehicles on routes and in areas that is not consistent with the designations. The clear identification of roads, trails, and areas for motor vehicle use on each National Forest will enhance management of National Forest System lands; sustain natural resource values through more effective management of motor vehicle use; enhance opportunities for motorized recreation experiences on National Forest System lands; address needs for access to National Forest System lands; and preserve areas of opportunity on each National Forest for nonmotorized travel and experiences.

Clearly the rule intended to identify existing routes being used for motorized access and recreation and preserve existing non-motorized routes by elimination of cross-country travel. Additionally, the rule preserves existing non-motorized routes by not allowing them to be converted to motorized routes and it does not state anywhere that non-motorized travel and experiences were to be significantly enhanced by a wholesale conversion of motorized routes to non-motorized routes. We request that the intention of the final OHV Route Designation rule be followed by the Bitterroot Travel Plan decision and that the rule not be used inappropriately as an action to create wholesale motorized closures and a wholesale conversion of motorized to non-motorized routes.

57. A reasonable goal for the split of trails should be 50/50 motorized/non-motorized which the existing condition is close to. Remember that 25:1 is justified based on actual usage. The proposed plan is way out of balance with the split of routes meeting the definition of a motorcycle or ATV trail. We request that a more reasonable starting proposal based on all existing routes and future motorized routes to meeting increasing needs be developed.
58. The thousands of motorized recreationists that use the existing network of motorized routes should not be displaced for a handful of non-motorized recreationists that use these routes yet this is exactly what is proposed. Preferential treatment for non-motorized recreationists must cease and mitigation for past motorized closures must be implemented.
59. Given the evidence in support of continued use of existing motorized routes and the need for additional motorized routes, the extent of the motorized closures in the proposed alternative is

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clear evidence that the agency is predisposed to motorized closures despite the needs of the public and the facts.

60. Skewed Data - On Page 1 the footnote states, "Solutions that incorporate the interests of the diverse parties will be given strong consideration by the Forest." On page 3, footnote #4 lists the eleven organizations that the Forest Service met with to develop the Proposed Travel Management Plan to gather input on their current recreational use etc. This seems discriminatory to us – the Forest Service only met with one, maybe two, motorized users group(s). It seems to us that the Forest Service was soliciting "skewed" data? The hunters are one of the primary recreational users of the Forest. Did the Forest Service meet with any of those groups? Economics is a vital issue to this valley and should have been given extensive consideration.
61. Purpose and Need for Action – Table 1 on Page 3 has biased input or was poorly prepared. The number of recreational vehicle sales is drastically increasing. The purpose statement should be modified to provide quality and quantity of routes to sufficiently meet the needs of the public and the objective should be changed to resolve conflicts between motorized and non-motorized users. Every time the Forest Service closes another area, road or trail it is limiting motorized recreation and amplifying the resource damage done to the reduced/limited areas left to motorized recreation.
62. Proposed Changes to Existing Condition – We request an appropriate Environmental Justice Impact study on motorized recreationists. Table 3 reflects a proposed decrease in motorcycle trails by nearly 50%. We request that the Forest Service include an alternative with proposed increases in motorized recreation. We strongly suggest the Forest Service develop some alternatives that include increasing access roads and trails for all wheeled motorized recreation groups and increasing areas for snowmobilers. Our philosophy is that public lands should be available to all users and we should learn to co-exist. But if that is not possible, then we recommend that the Forest Service develop an alternative to designate the West side of the Bitterroot Valley on the Stevensville and Darby RD for quiet users. Allow motorized users access to the East side of the valley. That would meet an objective of all public land users to resolve some user conflicts. Maybe both groups could co-exist on the Sula and West Fork RD's?
63. Statistics –The graphic comparison on page 8 is very deceptive and misleading. The graph should reflect all public lands, including the Wilderness area. We are very concerned that this information skews the information found in table 4 and table 5.
64. Dispersed Campsites – Page 10 - Camping should be allowed within 300 feet of any designated route.
65. Trail 313 – Forest Service admits it has historically provided access for fire protection and the trail was historically open to motorized use. This entire Trail should allow public access for all user groups.
66. No More Wilderness – With approximately 50% of the BNF being wilderness, and the wilderness areas are large areas, there is no need to propose eliminating motorized use on trails within a short distance of designated wilderness areas and to preclude motorized use to protect

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wilderness characteristics in selected unroaded areas. This is just a “ploy” to create more defacto wilderness and hard to manage areas, and generates “more” conflicts among users. It seems the Forest Service forgets that Wilderness restricts management of fires and diseased trees, greatly increases costs of trail and dam maintenance, while restricting the public to enjoy their public lands.

67. Snowmobiling – Snowmobiling causes minimal, if any, resource damage and has minimal, if any, impact on wildlife. Why restrict snowmobiles, except in the wilderness.
68. Economics – The greater the recreation opportunities the greater the economics to the Valley.
69. Legalities – Current laws, rules, and policies allow the operation of snowmobiles in Wilderness Study Areas on routes established prior to the passage of the Montana Wilderness Study Act. Closure of any of these areas or routes because they lie within a WSA is unlawful. It is our understanding that only the 1987 BNF Management Travel Plan can be used. Later proposed travel plans are still in litigation and cannot be enforced.
70. There is no recreational activity on the forest that is friendlier to the resource and wildlife than snowmobile activity. Over-snow travel by snowmobiles leaves virtually no trace at all in the forest; travel by snowmobiles is most frequently accomplished in alpine areas that are inaccessible to other forest users; there is no credible evidence that the operation of snowmobiles at high elevations influences the habitat of the few species of wildlife that winter in these elevations. The operation of snowmobiles in the Bitterroot National Forest is rapidly growing in popularity. The Bitterroot Ridgerunners have found it necessary to increase the grooming frequency on popular groomed trails as a result of this increase. It is a stated purpose and objective of the Travel Planning process to provide adequate routes and areas to accommodate present and future recreational uses in the forest. Given that snowmobiling is a low-impact activity and rapidly growing in popularity with the public, we are very concerned that the Proposed Action reduces areas and routes available to snowmobiles.
71. It is one of the most fundamental principles of recreational Forest management to keep recreational activities as widely dispersed on the forest as is possible in order to avoid stress to the resource. How the Bitterroot National Forest proposes to comply with this principle by crowding an increasing population of snowmobilers into smaller areas and onto fewer routes defies all logic and reason. The Proposed Action reduces areas available to snowmobiles by 17% and the miles of snowmobile routes by 21%.
72. Many of the areas and routes proposed for closure to snowmobile travel in the Proposed Action appear to be based on the BNF Revision to the Forest Land Management Plan. This is inappropriate and possibly illegal. The Forest Land Management Plan Revision is not in place; it may not be in place for many years and/or a whole new plan may be required as the result of current litigation in California by conservation groups; no one knows what the specific provisions of the Revision may ultimately be after all of the challenges are resolved. The Forest cannot base the Travel Management Plan on a process whose outcome is unknown.
73. The BNF Management Plan that is currently in place is the 1987 Plan. This plan does not prohibit operation of snowmobiles in Recommended Wilderness Areas and it is therefore

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unlawful for the BNF to close any area or trail because it lies within Recommended Wilderness Areas or “comes close to” Designated Wilderness Areas.

74. Similar arguments apply to Wilderness Study Areas. Current laws, rules, and policies permit the operation of snowmobiles in WSAs in areas and on routes established prior to the passage of the Montana Wilderness Study Act. Closure of any of these areas or routes because they lie within a WSA is unlawful.
75. “Preserving Wilderness Character”. Many routes and areas identified in the Proposed Action are recommended for closure to snowmobiles because they are adjacent to or near Designated or Recommended Wilderness Areas. There is no law, rule, or policy currently in place that permits closures on this basis. If an area or route is recommended for closure to “preserve the wilderness character” of a Designated Wilderness area, it is necessary to demonstrate a history of violations or incursions into the Wilderness Area by snowmobiles. Such history must be documented in detail with numbers and frequencies of incursions that have been investigated by the Forest Service. This documentation must be included in the DEIS so the public can evaluate the validity of the data.
76. Closing a route simply to “Preserve Wilderness Character” is subjective, non-specific, and unlawful.
77. In the Proposed Action, there are vague references to “some people” who have “expressed concerns” about supposed impacts of snowmobiles on wildlife. We would like to emphasize that, in the event the closure of an area or route is justified on the basis of potential adverse impacts on wildlife, adequate justification and documentation of such adverse impacts must be supplied as part of the DEIS. Acceptable documentation would include multiple scientific studies from refereed scientific journals, including references both “pro” and “con”. Vague references to “some people” do not constitute adequate evidence to justify a closure.
78. The Skalkaho Basin. The Proposed Action calls for the seasonal closure of snowmobile routes in this area during hunting season. This is in contradiction to a long-standing practice of early opening of this area for snowmobiles. Since this has been a long-standing and successful practice in the past, We see no reason to change the use of this area. This is the only accessible area on the entire forest that has enough snow to support early-season snowmobiling. We request that the Forest honor their previous agreements to open this area to snowmobiles yearlong.
79. Lost Horse Area. The Proposed Action closes most of the Lost Horse Salient apparently in anticipation of the outcome of the Forest Plan Revision. We do not support this closure for reasons cited above.
80. The Lost Horse Area is one of two readily accessible alpine areas available to snowmobiles. Snowmobilers have enjoyed this area for at least four decades, and should continue to be able to do so.
81. Trail 59 and the areas accessed by trail 59 are especially important for snowmobile use.

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82. In view of the high recreational value of this area for snowmobile use and the lack of legitimate, documented reasons for closure, we recommend the area remain open for snowmobilers.
83. Former Darby Lumber Sections. A large area locally known as "The Darby Lumber Sections" has unexpectedly and arbitrarily been closed to over-snow travel. Because many of these sections have been clear-cut in the past, they offer exceptional opportunities as "play areas" for snowmobiles. These activities are accomplished without impact to resources, there are no user conflicts and no adverse effects on wildlife. We recommend these areas be kept open to snowmobiles since there appear to be no legitimate reasons to close them.
84. Trail 313. Portions of Trail 313 have been used by snowmobiles for decades. The Proposed Action recommends closure of Trail 313 from its intersection with Trail 39 northward. No justification for this closure is offered in the Proposed Action.
85. There is no law, rule, or policy currently in effect which permits the closure of any part of Trail 313 northward from the Anaconda-Pintlar Wilderness boundary.
86. If the Forest Service cites wildlife conflict as justification for this closure, then documentation of this conflict must be provided as part of the DEIS so that the public may evaluate the legitimacy of the claim.
87. Blue Joint Area. The Proposed Action recommends closure of the Blue Joint area and Trails 614 and 627, among others, "to preserve wilderness character". The area recommended for closure is identical to Recommended Wilderness areas in the Forest Plan Revision. In either case, there are no laws, rules, policies or plans currently in place that permit this closure for these reasons.
88. The Blue Joint Trail 614 forms one leg of a series of highly valued snowmobile loops. Closure of this trail would interrupt these loop routes and have serious consequences from a snowmobile recreational value point of view.
89. In view of the facts that use of this trail by snowmobiles has no adverse resource or wildlife impacts and no user conflicts, and since there are no legitimate reasons for closure, we recommend this area remain open to snowmobile traffic.
90. The most glaring deficiency of the Bitterroot National Forest Travel Plan is that substantiated, legitimate reasons for closures have not been provided. Thus, the burden of proof has fallen upon those who have used the winter areas to show why they should not be closed. Clearly all areas in the proposed plan in question have documented historical use for well over a century. If closure is required due to uncontrolled damage of some sort, it should be incumbent upon those proposing such closure to provide reasonable and adequate evidence supporting said claim.
91. Other than walking, it is very easy to argue the point that human activity in any form, including horse and cattle use, is detrimental to existing natural landscape. To argue to the contrary is very difficult. In the final analysis the issue boils down to human recreational and/or economic use, i.e. should such use be allowed and what damage would occur that could not be repaired.

“Wilderness” as it was several centuries ago no longer exists. To attempt to reinvent what can no longer be considered 'wild' is ludicrous.

92. Over snow travel creates little if any ground degradation, rarely disturbs the ecology of an area, and while there is some noise associated with machines, it occurs in limited areas of high country. The vast majority of forest is quiet.
93. When considering wildlife habitat, winter activity is normally in elevations with snow cover unsuitable for excessive animal activity. But more important, snow travel is limited by it's very nature to narrow avenues of geographical access. Winter snow travel/recreation is in reality, quite limited.
94. We request that the following snowmobile areas remain open including:
- a. A portion of Bitterroot/Rock Creek Divide Trail 313;
 - b. Trail 87 intersects Trail 313 – A designated snowmobile trail back down Trail 102 to Mosquito Meadows. Snowmobiles come off the trail between Divide Creek and Shadow Lake to Frog Pond basin.
 - c. Darby Lumber Sections 1,3,5,7,9,11,13 & 15; These sections of play area are exceptionally good for family use of all ages. In good snow years it is easily accessible with no avalanche danger. In recent past years, snow conditions have not been conducive to riding the area. No doubt that will change and the area will provide a broader geographical use, thus reducing a concentration of machines.
 - d. Camas and Kidney Lake; Only high alpine experience and only one of two areas accessible on the west side of the Bitterroot National Forest. The designated wilderness is inaccessible from this area by virtue of the terrain and cliffs.
 - e. Skalkaho Dam Lake seasonal closure; About ten years ago, the Forest Service agreed to leave this area open during hunting season for snowmobiles. Skalkaho Highway was signed to let hunters know. This was the only area on the forest that gave snowmobiles access to early snow.
 - f. Continental Divide Trail between Lost Trail Pass and Trail 462 (Balsamer) to Trail 172. Portions of this trail were originally to be left open as they were used to access Bender cabin from Hogan cabin. Area is accessed from several directions, including the Beaverhead National Forest.

Issue:

Forest Service and BLM law enforcement has taken the position that OHVs cannot legally ride on forest or BLM roads unless the road is designated dual-use. Cumulative decisions have closed OHV trails to the point that there is not an inter-connecting network of routes. At the same time, the agencies have not designated a functional network of dual-use routes to inter-connect to OHV routes. Dual-use is essential for the family OHV experience. Therefore, these closure decisions are

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forcing the OHV recreationists to ride non-designated dual-use routes illegally. The proposed action must include these designations in order to provide a network of OHV routes with inter-connections, where required, using dual-use roads in order to be functional. This will allow OHV enthusiasts to operate legally on forest and BLM roads. We request that a system of dual-purpose roads, and OHV roads and trails that interconnect be one of the primary objectives of the travel management plan and that this objective be adequately addressed in the document and decision. The issue of speed can be adequately and easily addressed by specifying maximum speeds and signing.

Issue:

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

Issue:

Recently Governor Schweitzer spoke to more than 80 members of the Public Lands/Water Access Association at a rally at the Copper King Hotel (http://www.mtstandard.com/articles/2007/04/01/state_top/20070401_state_top.prt). "These bright young families are choosing Montana because we can still access our public lands," he said. Schweitzer urged policy makers not to shut the state's economy down. "Make sure the gates are open to our public lands."

Issue:

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

Issue:

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

Issue:

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

Issue:

The continual closure of motorized trails has forced OHVs to be operated on forest roads in order to provide a reasonable system of routes and to reach destinations of interest. The lack of dual-use designations on forest roads then makes OHV use on these routes illegal. The cumulative negative effect of motorized closures and then combined with the lack of a reasonable system of roads and trails with dual-use designation have not been adequately considered in past evaluations and decision-making. We request that all reasonable routes be designated for dual-use so that a system

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of roads and trails can be used by motorized recreationists. Additionally, we request that the cumulative negative effect of all past decisions that have adequately considered dual-use designations be evaluated and considered in the decision-making and that this project include an adequate mitigation plan to compensate for inadequate consideration in the past.

Issue:

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

Issue:

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

Issue:

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

Issue:

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

Issue:

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

Issue:

The Ravalli County Off-Road Users Association has found that “at the end of 2006, there were approximately 2500 “stickered” OHV’s in Ravalli County. For the past five years, the growth rate of “stickered” OHV’s has been about 20% per year. If this growth rate continues, the number of OHV’s in the forest will double every four years. On the Bitterroot National Forest there have been no new OHV “system” routes designated for OHV travel since 1996. History, experience and common sense tell us that when adequate, responsible, sustainable routes with attractive destinations are provided, OHV enthusiasts will ride responsibly. On the Bitterroot National Forest this means more routes, not more restriction.”

The same analysis must be done for the Bitterroot National Forest and it will find the same no growth trend and a lack of an adequate number of existing routes that is further made worse by a lack of new routes to address growth.

Issue:

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

Issue:

Motorized recreationists endorsed and accepted millions of acres of area restriction under the Off-Highway Vehicle Environmental Impact Statement and Proposed Plan Amendment for Montana, North Dakota and South Dakota (3-State OHV) decision (<http://www.mt.blm.gov/ea/ohv/FSROD.pdf>) and the Travel Management, Designated Routes and Areas for Motor Vehicle Use, Final Rule (<http://www.fs.fed.us/recreation/programs/ohv/final.pdf>) as a positive action to control environmental impacts. We accepted area restriction and not area closure. Area closure is permanent. Area restriction allows flexibility as needed to address site specific conditions. Each motorized road and trail exists because it serves some multiple-use need. Every road and trail is important to some individual for some purpose. Each motorized road and trail must have adequate site-specific analysis to determine all of its values including motorized recreational value. Motorized recreationists gave up 97% of the area historically available to them under both the 3-State ROD and the National Route Designation rule as the ultimate act of mitigation so that we would continue to have use of existing motorized routes that cover or provide access to an area estimated at less than 3% of the total area. Now motorized recreationists have been given almost no credit for our cooperation during that action and we have only been penalized for our past cooperation by current route designations, resource management plans, forest plans and travel plans that seek to close 50% to 75% of the existing motorized routes. This outcome was not part of the 3-State OHV and National Route Designation agreement and this level of closure is not acceptable to us for that reason. The 3-State OHV and National Route Designation agreements were not made with the intention of massive closures beyond that agreement. We ask that all BLM and Forest

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Service actions include proper recognition of the agreement behind the 3-State OHV and National Route Designation decisions which allow continued use of the existing networks of motorized roads and trails without massive motorized closures.

Issue:

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

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

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

Forest Service Chief Dale Bosworth recognized the true popularity and magnitude of motorized recreation in his January 16, 2004 speech which stated "Off-highway vehicles, or OHVs, are a great way to experience the outdoors. But the number of OHV users has just gotten huge. It grew from about 5 million in 1972 to almost 36 million in 2000." We agree with the Forest Chief that 36 million is a significant number of recreationists. Additionally, the USDA Southern Research Station has recently validated the growing popularity of OHV recreation in their Recreation Statistics Update Report No. 3 dated October 2004 (www.idahoparks.org/assets/content/docs/2004_usfs_RecStatUpdate3.pdf). This document reports that the total number of OHV users has grown to 49.6 million by the fall 2003/spring 2004. Based on the 2000 estimates OHV and motorized recreationists are about 64% of the population that actually visits the forest (36 million / 56 million).

This is further substantiated on page 9 of a report prepared by National Survey on Recreation and the Environment (NSRE 2000) titled Outdoor Recreation Participation in the United States (<http://www.srs.fs.usda.gov/trends/Nsre/summary1.pdf>) which asks the question "During the past

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

12 months. Did you go sightseeing, driving for pleasure or driving ATVs or motorcycles?" The percent responding "Yes" was 63.1% and the total number in millions was estimated at 130.8 million.

Additionally, the Southern Research Station in their report Off-Highway Vehicle Recreation in the United States, Regions and States (http://www.fs.fed.us/recreation/programs/ohv/OHV_final_report.pdf) determined that of the total U.S. population in the West 27.3% participated in OHV recreation and that out of the total population in Montana 29.1% participated in OHV recreation. It appears that the study is diluting the actual percentage of OHV recreationists by using total population and not the population actually visiting and using the forest. As discussed above only 20% of the total U.S. population visits the forest. The percentage of Montanans that actually visit our national forests is higher than the national average and is estimated at 1/2 of the total state population. Based on this estimate, it is our opinion that about 60% ($29.1\% \times 2$) of the actual visitors to Montana national forests participate in OHV recreation.

These surveys and data demonstrates the significant popularity of motorized and OHV recreation and the tremendous public support and need for motorized and OHV recreational opportunities. We maintain that motorized recreationists are the main group of visitors out of the total population of visitors to the national forest visiting the forest 5 or more days per year. The needs and support of motorized recreationists must be adequately addressed in this planning effort by preserving all reasonable existing motorized recreational opportunities. This planning effort must also adequately address the increasing popularity by creating new motorized recreational opportunities. OHV and dual-sport registrations in Montana grew by at least 24% from 2004 to 2005 (<http://www.snowtana.com/News/Stories/OHVregister.html>).

Issue:

The Southern Research Station in their report Off-Highway Vehicle Recreation in the United States, Regions and States (http://www.fs.fed.us/recreation/programs/ohv/OHV_final_report.pdf) determined that out of the total population in Montana 29.1% participated in OHV recreation. The U.S. census determined that the population in 2005 was 935,670 (<http://quickfacts.census.gov/qfd/states/30000.html>). Therefore, the number of OHV recreationists in Montana is 935,670 times 0.291 = 272,280. Additionally, the total population from the Bitterroot Valley and surrounding areas that visit the Bitterroot National Forest is estimated to be at least 100,000 and the number of OHV recreationists in the immediate area is estimated to be at least 29,100.

These numbers demonstrate the immense popularity of OHV recreation. These numbers demonstrate that there are not enough existing motorized recreational opportunities. These numbers demonstrate that the agency's motorized closure trend is contrary to the needs of the public. The magnitude of the number of motorized recreationists is real. The misrepresentation of visitor numbers must be discontinued. Proper emphasis must be given to motorized recreation. Additionally, the agency must understand and accept that many motorized recreationists do not participate in the NEPA process. Therefore, the agency should not be driven by the number of perceived participants and comments received. As originally envisioned and stated in law, the NEPA process should be driven by issues and needs and motorized recreationists have significant issues and needs. Motorized recreationists believe and hope that the Forest Service as a public

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agency will look out for their issues and needs in an even-handed way. In other words, the agency must not be overly influenced by the comment writing and legal campaigns of organized non-motorized groups and adequately emphasize the needs of lesser organized and funded motorized recreationists. The travel plan must address the needs associated with the numbers and popularity of at least 29,100 motorized and OHV recreationists by providing for adequate motorized recreational resources. The current proposal does not meet these needs in a multiple-use area that is ideal for motorize use.

Issue:

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

Issue:

Access to and use of public land should be the highest of priorities for multiple-use lands. However, current decision-making is out of touch with these priorities. The minority interests (non-motorized recreationists) are recipients of new recreational opportunities with each decision while the majority interests (motorized recreationists) lose opportunities with each decision. The evaluation and decision-making must take into account that the total area of the Bitterroot National Forest equals 1,581,000 acres and out of that total 862,000 acres or 54.5% is already designated wilderness. The forest plan for the Bitterroot National Forest identifies (inappropriately) that roadless areas, even though they are designated multiple-use lands, will be largely managed as non-motorized. Therefore, this ratio could be even more lopsided toward non-motorized opportunities at 80.2% assuming that defacto wilderness areas including 406,000 acres of roadless areas are largely managed for non-motorized recreation. We maintain that the management of all of the remaining 719,000 congressionally designated multiple-use acres (including roadless) or 45% of the forest should be for multiple-uses. Every multiple-use acre must remain available for multiple-uses in order to meet the needs of 97% of the public who visit the Bitterroot National Forest for multiple-uses. Every reasonable multiple-use acre must remain available for multiple-uses in order to maintain a reasonable balance of opportunities. The proposed plan must not meet the basic needs of the public for multiple-use opportunities, a proper allocation of multiple-use recreation opportunities and the laws requiring multiple-use management of these lands.

Issue:

The Forest Service and BLM do not have the authority to create de-facto wilderness. It is critical that the agency differentiate between the powers of rule promulgating and enforcement agencies (like the BLM and Forest Service) and our federal rulemaking body (Congress). Rulemaking agencies cannot create areas that are wilderness in all but name. Wilderness study areas and non-motorized areas are managed as wilderness areas and are simply a mechanism to evade the measures set forth in the Wilderness Act. If these lands are important wilderness-type lands, then the agency must follow the laws set forth in the Wilderness Act (Public Law 88-577 - 16 U.S. C. 1131-1136) including:

Presidential recommendation to Congress. The President shall advise the United States Senate and House of Representatives of his recommendations with respect to the designation as "wilderness" or other reclassification of each area on which review has been completed, together with maps and a definition of boundaries...

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Congressional approval. Each recommendation of the President for designation as "wilderness" shall become effective only if so provided by an Act of Congress.

Issue:

There simply is no justification for creating more wilderness or defacto wilderness areas on our forests. If forest management continues to allow anti-access groups to use the travel planning process to further their agendas the travel plan will certainly fail! It should not be the purpose or intent of the travel planning process to exclude OHV travel or to crowd these users into small areas. To do so will produce unacceptable impacts on the forest and ultimately result in inappropriate use brought on by the travel plan itself.

Issue:

Further evidence that the public widely supports multiple-use management of roadless areas was demonstrated by a ballot initiative in Montana. Flathead County voters have once again shown that they want federal roadless areas managed for multiple-uses, with 65 percent saying roadless lands "should be managed for multiple use purposes including motorized recreation and roaded timber production." With most of the votes counted, 7,796 voters supported that option, while 4,321 supported the alternative of managing roadless areas "for non-motorized recreation and roadless timber production." (<http://www.dailyinterlake.com/articles/2006/06/07/news/news06.txt>)

Issue:

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

Issue:

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

Issue:

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

Issue:

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

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

Furthermore, we request that the data in the next two tables be updated to reflect the significant reduction in miles of roads and motorized trails that decisions have produced since this data was assembled. This revised data should be used to guide the decision-making to forest plan and travel plan alternatives that adequately meet the needs of the public by increasing motorized recreational opportunities in the national forest system.

Region	Forest	District	NFS Acres	Current Status	Projected Date for Designation	Existing NFS Roads	Existing NFS Roads Open to Motor Vehicle Use	Existing NFS Trails	Existing NFS Trails Open to Motor Vehicle Use	Existing NFS Trails Open to Motor Vehicle Use (Single Track)	Acres Currently Open to Cross-Country Motor Vehicle Use
						395,634	286,445	124,941	31,853	15,526	65,887,245
						Miles of Open Road per Square Mile =					
								0.74			
						Total Roads and Trails Open to Non-Motorized Use, Miles =		510,575			
						Non-Motorized Trails, Miles =		93,088			
						Non-Motorized Trails, % =		74.51%			
						Motorized Trails, miles =		31,853		15,526	
						Motorized Trails, % =		25.49%			
						Trails Open to Motorcycles %				12.43%	
						http://www.fs.fed.us/recreation/programs/ohw/					
						http://www.fs.fed.us/recreation/programs/ohw/travel_mgmt_schedule.pdf					

Issue:

The evaluation must adequately consider and address the fact that motorized access to the national forest in Region 1 is relatively limited as shown by the miles of roads versus the number of acres in the following table. The miles and percentage of non-motorized trails is excessive compared to the use that they receive and this does not consider the endless cross-country opportunities that available to non-motorized recreationists. The total route opportunity available to non-motorized recreationists in Region 1 is 73,348 miles, the total miles of exclusive non-motorized trails are 14,521 or 66% of the total existing miles of trail. The miles of cross-country opportunity are infinite.

The total miles of roads open to motorized recreationists are 26,259 and the total miles of trails open to motorized recreationists are 7,521 or 34% of the total existing miles of trail. The miles of cross-country opportunity are or will be shortly equal to zero. Therefore, the overall allocation of non-motorized versus motorized access and trail riding opportunities in Region 1 is way out of balance with the needs of the public for motorized access and the recreational needs of motorized recreationists.

Issue:

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

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

Issue:

Based on our estimate that 40% of the visitors are OHV recreationists, we estimate using the NVUM data for total visitors that the total number of OHV visits to the Bitterroot National Forest is $292,400 = (731,000 \times .40)$.

Issue:

Based on past decisions in the Bitterroot National Forest, it looks like the unstated objective of the Bitterroot National Forest is to manage at least 100% of the forest as wilderness or defacto wilderness even though the NVUM and other documents including the B-DNF Social Assessment show that at least 98% of the visitors can be characterized as multiple-use visitors that need and want motorized access and/or motorized recreation.

Congress has designated 54.5% of the Bitterroot National Forest as wilderness and designated the remaining 45.5% for multiple-uses (http://roadless.fs.fed.us/documents/feis/data/sheets/acres/appendix_forest_acres.html). The Bitterroot Travel Plan must not be yet another action that is contrary to the needs of the public and the directions given by congress. Where will all of the motorized closure proposals end? We know the answer and it is "permanently eliminated" unless the inappropriate direction and actions being pursued are corrected. While the agency's have a responsibility to self-correct, that self-correction is not happening. We request that the correction begin with this action.

Issue:

In addition to the studies cited above, we have observed that 97% of the visitors to multiple-use areas are enjoying multiple-use activities based on motorized access and motorized recreation as shown in Table 1.

Table 1

TOTAL ANNUAL OBSERVATIONS ON MULTIPLE-USE PUBLIC LANDS										22-Dec-07
Date	Vehicles Motorized Access (Note 1)	OHV/Snow	FWD/Woodc	MTN Bike	Equestrian	X-C Skiers	Hikers / Runners	General Area/Comment	Vehicles at Hiking Trailhead (Note 2)	National Forest
1999	5	342	37	11	10	0	25	See specific years and notes below	0	
2000	11	223	49	26	3	7	15	See specific years and notes below	0	
2001	433	425	58	28	36	3	12	See specific years and notes below	15	
2002	626	499	87	72	23	7	23	See specific years and notes below	46	
2003	904	651	17	66	18	10	27	See specific years and notes below	26	
2004	869	571	62	21	13	19	11	See specific years and notes below	35	
2005	1,322	847	89	38	29	6	20	See specific years and notes below	80	
2006	990	655	55	21	7	0	35	See specific years and notes below	18	
2007	948	603	27	42	22	17	2	See specific years and notes below	69	
Column Total	6,108	4,816	481	325	161	69	170		289	
Total Observations on Multiple-Use Lands									12,130	
Mechanized Total				11,730	Non-mech Total		400			
Mechanized %				97%	Non-Mech %		3%			

Note 1: Motorized access counted as vehicles being used for **fishing only** in 1999. Counted as vehicles (not occupants) which under-estimates actual motorized visitors.

Note 1: Motorized access counted as vehicles being used for **fishing and hunting only** in 2000. Counted as vehicles (not occupants) which under-estimates actual motorized visitors.

Note 1: Motorized access counted as vehicles being used for fishing, hunting, sightseeing, picnicing, dispersed camping, rock climbing, and wildlife viewing not counted in other categories from 2001 forward. Counted as vehicles (not occupants) which under-estimates actual motorized visitors.

Note 2: Vehicles at hiking trailhead from 2001 forward are shown to demonstrate magnitude of use but are not counted because they are not visiting multiple-use

Our observations of recreationists on multiple-use public lands from 1999 through 2007 is summarized in the table above (yearly data sheets available upon request) and demonstrates that out of 12,130 observations, 11,730 recreationists or 97% of the visitors were associated with motorized access and multiple-uses. Additionally, of the total number of people visiting public lands, 40% (4,816 / 12,130) were associated with OHV recreation. Furthermore, and most importantly, out of the 5,541 (4,816+325+161+69+170) visitors that we observed using trails, 4,816 or 87% were OHV recreationists and 725 or 13% were non-motorized recreationists which includes mountain bikes (8:1 motorized versus non-motorized). Therefore, nearly all (97%) of the visitors to public lands benefit from management for multiple-use and benefit from motorized access and mechanized recreational opportunities which are consistent with our observations. Therefore, 87% of the trail users are motorized and 93% when including mountain bikes. Therefore, 87 to 97% of the public land should be managed for multiple-uses including motorized access and recreation.

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

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

Issue:

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

Issue:

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

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

Issue:

Out of the 12,130 recreationists that were observed, 170 were hikers and all of the meetings were pleasant. We have not experienced any user conflict in eight years of observations.

Issue:

The Travel Planning Process allows closure of a route due to user conflicts. It is our position that such conflict can be resolved by closing the route to either conflicting party. It is inappropriate that conflicts always be resolved by closure to motorized users. Closure to hikers or stock users is an equally effective resolution. According to NVUM data, 16% of all forest visitors list hiking as their primary activity. Yet few of these so-called "Quiet" users actually require a quiet experience as evidenced by the fact that fewer than 4% of all forest visitors go into Wilderness areas where they are guaranteed a quiet experience. For people who absolutely require a quiet experience it is reasonable to expect that they should take advantage of the wilderness and designated non-motorized areas.

Issue:

Telephone or other off-trail surveys to establish the percent of visitors who are hiking are inaccurate because everyone will respond that they "hike" but it may only be from the tent to the outhouse or a ¼ mile out in a meadow or a two mile roundtrip. Surveys have not established whether the respondent actually hikes any appreciable distance or uses a specific route. Surveys based on actual

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observations of activity in the field are a far more accurate determination. Surveys must ask how far did you hike, how long did you hike, and did you use a trail? Once accurate survey information is compiled then it will establish that the majority of hiking experiences are less than 1 mile and that many hikes do not involve trails. This accurate information must be developed immediately and hiking trails should be reduced to meet the factual level of need and use.

Issue:

Surveys conducted by Citizens for Balanced Use (CBU) in Bozeman (available upon request) show that motorized users travel on average 50 miles per day per visit to our public lands while non-motorized travel on average 2 miles per day per visit. Therefore, a quality experience for motorized recreationists requires about 25 times the amount of trail needed for non-motorized recreationists. The results of this survey shows a definite need for more trails for the motorized community yet the Forest Service is continuing to close trail after trail to motorized use. The ratio of motorized versus non-motorized trails should be 50 miles per day of use versus 2 miles per day of use or 25:1. Non-motorized proponents may say that the agency does not have an obligation to provide 25 times the miles of motorized trails. However, 95% of the visitors are motorized recreationists and the ratio of motorized versus non-motorized visitors is 95:5 or 19:1, so 25:1 is not an unreasonable goal.

Issue:

A poll conducted by the BlueRibbon Coalition (http://www.sharetrails.org/uploads/PL/GMUG/GMUG_Survey_Key_Findings.pdf) found that the public widely opposed any further any further reductions in recreational access to the national forest. "Fully 73% of local residents say the Forest Service should not reduce public access on local National Forests. Sportsmen are particularly opposed, as 81% of the hunters and 76% of the anglers say the Forest Service should not change regulations to reduce access or increase roadless areas."

Issue:

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

Issue:

The agency needs to emphasize data and real observations such as ours to establish public need and resources allocation versus paid representatives, attorneys, and form letter comments sent in by non-motorized groups because they are not an indicator of actual visitors to the project area. We ask that the evaluation and alternative development carefully consider the true needs of the public for

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multiple-use recreational opportunities as demonstrated by the references cited above and implement recreation resource allocation based on the large number of visitors that enjoy multiple-use and motorized recreational opportunities and the relatively small number of wilderness visitors.

Issue:

Resource allocation must include access to an equal number of quality recreational opportunities including alpine lakes, rivers, streams, and overlooks. We are not aware of any law that precludes motorized recreationists from enjoying equal access and allocation of the same resources that non-motorized recreationists enjoy. Equal opportunity laws, case law precedents and agency guidance have clearly established that the goal for the agency should be equal opportunity for all visitor groups. Motorized recreationists should have a reasonable allocation of quality recreational opportunities but they do not under existing conditions and the disparity must not be worsened by the proposed action.

Issue:

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

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

Issue:

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

Issue:

The process used puts the average working class citizen at a great disadvantage. The process is inordinately confusing, cumbersome and intimidating to the members of the public who are not organized or experienced which is the majority of the public. The process is inordinately demanding of participation and has unreasonable expectations for the involvement of individuals and families. A 300+ page draft environmental document is too much for the general public to understand and participate in. Coupled with the current number of other ongoing actions shown in Table 2 the situation is overwhelming. The size of the environmental document is being used as a mechanism to overwhelm the public and allow the agency to effectively ignore the needs of the public for

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motorized access and motorized recreation. Council on Environmental Quality regulations for the proper implementation of NEPA can be found at http://ceq.eh.doe.gov/nepa/regs/ceq/toc_ceq.htm. Sec. 1502.7 Page limits. *The text of final environmental impact statements (e.g., paragraphs (d) through (g) of Sec. 1502.10) shall normally be less than 150 pages and for proposals of unusual scope or complexity shall normally be less than 300 pages.* The agency is ignoring the page limit guidance and the documents produced are way beyond what the public can process. Again, this completely baffles and intimidates the public. A lengthy, unmanageable document especially impacts motorized recreationists and multiple-use interests because we have everything to lose in each action if we chose to ignore it while non-motorized recreationists can ignore the document and still have everything to gain.

Issue:

Because of the long trend of motorized closures by the agency combined with the lack of acknowledgement of the needs of motorized recreationists or any action on those needs, most motorized recreationists have given up on the public involvement process. This should not be taken as an acceptance by motorized recreationists of the agency's direction and decision. Rather it is a huge socio-economic-environmental justice issue that was significantly ignored by the process and decision. The proper reaction to this condition would be to adequately address the comments that are received, develop alternative processes that would successfully get input from motorized recreationists, and then develop alternatives and actions that meet the needs of motorized recreationists.

Issue:

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

Issue:

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

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motorized water travel (motorized access and mechanized recreation); other motorized activities (motorized access and mechanized recreation), horseback riding (motorized access); bicycling (motorized access and mechanized recreation); non-motorized water travel (motorized access); and other non-motorized activities (motorized access).

Issue:

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

Issue:

Dispersed campsites are very desirable camp sites. Closure of these sorts of dispersed campsites would have a very significant impact on the public and we request that they remain open. If water quality concerns are the basis for these closures, then there are reasonable alternatives to mitigate these concerns, such as allowing only self-contained camping units to use them. Additionally, a sense of magnitude needs to be applied when assessing the water quality impacts from camping. For example, it appears that cattle grazing along the stream have a much greater impact than any camp site that we observed. Now don't get us wrong, we support all reasonable multiple-uses of the forest including cattle grazing. We are concerned that the incremental impacts on the public of closing dispersed camp sites are relatively significant while the real improvement to the environment will be relatively insignificant. Again, we request that all reasonable camp sites located along water courses remain open.

Issue:

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

Issue:

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

Issue:

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

Issue:

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We are very concerned that the 3-State OHV decision and agreement with OHV recreationists is not being honored in two areas.

First, the 3-State OHV decision and agreement included definitions of existing routes that were to be used to develop comprehensive route inventories in future planning actions. The new National OHV policy includes the same requirement. Comprehensive inventories of existing routes meeting the 3-State definitions must be included in this evaluation. In addition to 3-State route definitions, comprehensive inventories must also include all historic mining routes in the project area. If a motorized route is not identified during the combination of forest and travel planning, then it will be closed to the public at the end of those two processes. Therefore, comprehensive inventories are extremely critical and this is a significant issue.

Secondly, in addition to comprehensive route inventories, the 3-State agreement provided that routes would not be closed until addressed by the travel planning process. This is not always occurring. For example, the Mormon Gulch route in the B-DNF was closed outside of a travel planning process as part of a timber harvest action and without adequate consideration of its recreational value and public input. Motorized recreationists gave up many recreational opportunities as part of the 3-State agreement and we request that it be fully honored in recognition of that loss.

Issue:

Motorized recreationists accepted area closure and cross-country travel closures as part of the 3-State OHV decision without any mitigation for that loss. Given the significant cumulative effects on motorized recreationists, the time has come to mitigate this significant loss of motorized recreational opportunity.

Issue:

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

Issue:

The new Forest Service rule for forest planning has determined *The environmental review has documented that writing management plans has no effect on the environment, which qualifies the individual plans of each National Forest for categorical exclusion from individual study under the National Environmental Policy Act.Under the 2005 planning rule, full environmental analysis*

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will continue at the project level where public involvement and the best available science can inform on the ground decision-making. (<http://www.fs.fed.us/news/2006/releases/12/ce-statement.shtml>) The basis for this guidance is that from here forward forest plans will not produce any significant changes from the existing condition and if a proposed future action does produce significant impact it must include specific analysis and public input developed as part of that project. Additionally, any guidance found in the forest plan must yield to the site specific project analysis. Therefore, the role of the forest plan has been greatly diminished and guidance from the forest plan must not be cited as reasons for justifying a proposed course of action, i.e., convert an area or route from motorized to non-motorized. This direction is to come from the analysis of a specific proposed action (http://www.helenair.com/articles/2007/01/01/montana/ao510101_2.prt). Therefore, the use of "consistency with the forest plan" is no longer a valid reason to close motorized recreational resources and only site specific data and reasons should be used to address motorized recreation needs and resources. We support this rule because otherwise motorized recreationists would be subject to double jeopardy, i.e., must defend motorized routes in first the forest plan action and then the travel plan action.

Issue:

Timber harvests have included many motorized closures as associated actions. Many timber harvests such as those in the area of Treasure Mountain and Bison Mountain in HNF have had associated motorized closures that were done without adequately addressing the impact on motorized visitors. Many of these motorized closures were done as a concession to those opposed to the timber sales and without input from motorized recreationists. Many of the closures and obliterations included historic travel ways used for exploration, mining, and travel since the pioneer days. Planning actions must adequately address these impacts and re-open the routes that were unfairly closed.

Issue:

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

Issue:

The impact of OHV recreation on wildlife has been overstated by the agency and wildlife biologists. First, wildlife populations are at all time high (<http://www.mtstandard.com/articles/2005/11/30/outdoors/hjjeigjicefjb.txt>, <http://fwp.mt.gov/FwpPaperApps/hunting/ElkPlanFinal.pdf>) at the same time when OHV use is increasing. If there is any impact to be identified, it appears that it should be that the positive impact associated with increasing OHV use and increasing wildlife populations. Secondly, OHV use does not kill wildlife. Wildlife coexists just fine with OHVs. This was recently confirmed again by a study in Yellowstone Park which found that "Most elk, bison and trumpeter swans barely reacted last winter to the presence of snowcoaches and snowmobiles in Yellowstone National Park,

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according to a study released Tuesday. Scientists watched more than 2,100 interactions between over-snow vehicles and wildlife last year to try to determine how they responded. Of those, 81 percent of the animals had no apparent response or they looked and then resumed what they were doing, the study said” (http://www.helenair.com/articles/2005/12/14/montana/a10121405_04.prt and <http://www.nps.gov/yell/parkmgmt/upload/winterrec05.pdf>).

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

Issue:

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

Issue:

Some interests are pushing the wildlife corridor concept as a reason to close areas to motorized use. We have not seen adequate documentation or reasoning to justify this position and suspect that it is being used inappropriately as a reason to justify defacto wilderness by non-motorized interests. Significant issues must be answered before this concept can be given any credibility. Issues include:

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

Issue:

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

Recently, Utah Counties were challenged in court for their actions similar to the challenge at Jarbidge Road in Nevada. The foundation in both cases is the fact that the Counties even without a

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charter form of government have the authority to exercise rights afforded to them by the federal government. Until the federal government completely repeals the 1866 Act, (Revised by the 1872 Act) in its entirety the citizens of the United States still have the right to access lands for the benefit of the people of the United States. The recent decision rendered by the 10th circuit re-affirms this (<http://www.kscourts.org/ca10/datefile/datefile.htm> look under 9-8-2005, and then 04-4071 - Southern Utah Wilderness Alliance v. Bureau of Land Management).

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

Issue:

On August 16, 2006, a federal judge in Salt Lake City dismissed a decade old lawsuit designed to diminish or eliminate those public access rights. The lawsuit was filed in 1996 against the Bureau of Land Management in Utah by the Southern Utah Wilderness Alliance and the Sierra Club. In his ruling, the Utah District Court cited a 10th Circuit Court of Appeals decision. For info on that key decision please read: R.S. 2477: The Legal Battle Continues <http://www.sharetrails.org/magazine.cfm?story=705> . Joe Baird of the Salt Lake Tribune reports the news: Environmentalists: Court rules issue is settled, suit is moot http://www.sltrib.com/utah/ci_4194188

Issue:

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

Issue:

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

Issue:

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

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quickly obliterate motorcycle tracks. We observed this condition again recently when the tracks of 7 motorcyclists that we observed using a single track trail were quickly erased with one light rain shower.

Issue:

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

Issue:

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

Issue:

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

Issue:

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

Issue:

Motorized closures are being enacted incrementally and without adequate disclosure and consideration of the cumulative effects. Travel plans are created or revised every 10 years. If 25 to

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50% of the existing motorized recreational opportunities are closed in each successive travel plan (a typical range), then over the course of 3 travel planning cycles or about 30 years in a given area, only 13 to 42% of the original motorized recreational opportunities will remain at the end of the third cycle. This trend is being ignored at all levels including the actions listed in Table 2. The plan for this project area does not recognize and address this trend. The forest plan for the Bitterroot National Forest does not adequately recognize and address this trend. The national planning policy does not recognize and address this trend. Therefore, this cumulative effect is being effectively ignored and that failure to notice will result in the ultimate loss of any meaningful motorized recreational opportunities and the creation of defacto wilderness from large blocks of multiple-use lands. *Facts do not cease to exist because they are ignored.*--Aldous Huxley. We ask that this significant negative cumulative effect on motorized recreationists be adequately recognized, evaluated and mitigated at all levels starting with this project.

Issue:

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

Issue:

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

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

Issue:

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

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

Issue:

Agency planning including travel management projects should be a process to quantify and address the needs of the public for motorized access and motorized recreational opportunities. Instead, it is approached in just the opposite direction as a closure process that ignores the needs of the public for motorized access and motorized recreational opportunities. Every travel planning process listed in Table 2 has reduced motorized access and motorized recreation. A travel planning process has never resulted in increased recreational opportunities for motorized recreationists. The travel management process as currently practiced is not equitable because: (1) it does not adequately address the needs of the public for multiple-use recreational opportunities including motorized access and motorized recreation, and (2) it is deceptive to represent the process as a travel management process that will address the needs of the public when it is really just the opposite, i.e., a closure process that does not fairly and adequately address the needs of the public. We request that the process either be renamed to "Travel Closure Process" in order to end the deception of the public OR (as we strongly prefer) that the process be redirected to meet the needs of the public for a functional network of motorized roads and trails for access and recreation with practical and reasonable consideration of the environment.

Issue:

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

Issue:

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

Issue:

The negative social and economic impact experienced by motorized recreationists when motorized recreational opportunities do not exist in nearby public lands must be adequately evaluated and considered in the decision-making. This is especially significant now that fuel is over \$2.00 per gallon. These impacts include the complete loss of recreational opportunities and the cost of having to travel farther and farther in search of fewer and fewer motorized recreational opportunities in times of increasing travel costs. For example, the lack of adequate OHV systems in the Helena National Forest requires us to travel at least 180 miles to adjacent national forests and many more

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miles to other states including Idaho and Utah. A 180 mile roundtrip costs at least 3 hours and \$70 and that cost will increase substantially in the future. This added cost is a waste of time and energy resources and has not been adequately considered by the agency.

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

Issue:

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

Issue:

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

Issue:

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

Issue:

The planning team should formulate an Alternative that maximizes all existing recreational opportunities, as well as anticipates and plans for an increase in recreational use in the future. None

of the Draft Alternatives maximize recreational alternatives and most of them fail to provide adequate recreational opportunity to meet the current need.

Issue:

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

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

An accurate No Action alternative provides for a clear, logical and comprehensive analysis process and disclosure of effects, both to the human environment and especially in this case, effects to visitors. An accurate No Action alternative is the prescribed way the agency discloses existing conditions of Federal lands and serves as a baseline for discussion of guidance and rationale for proposed changes to travel management direction and programs for implementation. Under the existing conditions motorized recreationists have a reasonable number of choices and variation of opportunities. Under most proposed conditions, motorized recreationists have a significantly reduced number and variety of opportunities. We do not want to be forced to go to the same place over and over nor do we want to be squeezed out from public lands. Therefore, the No Action (existing condition) alternative must be accurately and reasonably evaluated.

Issue:

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

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

This [growing OHV] popularity is evidenced by the fact that recreational enthusiasts are buying OHV’s at the rate of 1,500 units per day nationwide, with nearly one-third of them doing so as first-time buyers.” “[BLM’s OHV] Strategy recognizes, as does policy outlined in BLM Manual 8340 (May 25, 1982), that off-road vehicle use is an ‘acceptable use of public land wherever it is compatible with established resource management objectives.’ As established by the Federal Land Policy and Management Act of 1976 (FLPMA), the BLM is required to manage public lands on the

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basis of multiple use and sustained yield, while protecting natural values. ... Motorized OHV use is now firmly established as a major recreational activity on BLM-administered public lands".

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

Suggestions:

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

Issue:

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

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

Suggestions:

- a) The public wants the existing roads and trails left open to vehicle use.
- b) The existing network of roads and trails in the planning area should be considered an inventory with which to develop recreational trail systems.
- c) The Planning Team should look for management alternatives that provide for mitigation instead of closure. Options other than closure should be emphasized in each alternative.
- d) Alternatives, or management guidance, directives etc that require closure as the first or only option when resource impacts are identified should be avoided.
- e) The Planning Team should carefully consider displaced use. Assuming that closures are eminent in some areas, one could calculate approximately how much existing motorized will be displaced to

other areas. The Planning Team should develop alternatives that allow for additional access and additional recreational opportunities in suitable areas in order to properly manage the displaced use. f) The Planning Team should avoid overly restrictive management prescriptions that limit the land manager's ability to respond to changing recreational patterns.

Issue:

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

Issue:

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

Issue:

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

Issue:

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

Issue:

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

Issue:

Similar to non-motorized recreationists, motorized recreationists also like plenty of dispersed recreational opportunities and the current trend is limiting motorized recreationists to a very few locations. Additionally, eliminating dispersed motorized recreational opportunities and concentrating the few remaining motorized recreational opportunities in relatively small areas significantly increases negative impacts on both the natural and human environments to the point that the impacts become unacceptable and this trend is neither reasonable nor equitable. The following are some typical comments found on the different OHV forums: *This area gets a lot of traffic. I wouldn't dare go on a weekend, it's almost like Hollister with the crowds. Just too small of an area for the amount of riders.*

Issue:

Requiring motorized visitors to identify and inventory roads and trails is seen as part of a strategy to reduce the number of motorized routes because the public cannot undertake this huge effort. Additionally, the 3-State OHV decision required that site-specific planning be analyzed at a number of different scales and across different boundaries. Site specific planning includes an adequate evaluation by the agency of all of the impacts being experienced by motorized recreationists including motorcycle trail riders in both the project area and the surrounding region. The scale and boundaries of impacts being experienced by motorized recreationists are discussed in throughout these comments. Site specific analysis was an important part of the 3-State OHV decision and was discussed many times in that document. The agency should commit the resources and has an obligation to evaluate the needs of OHV recreationists at a least the same level of detail as key wildlife and natural resource areas. Site specific analysis includes adequate identification and inventory of all existing motorized routes and adequate evaluation of the public's need for those routes. An example of adequate site specific analysis to be used as a guideline are the comments dated May 1, 2004 and prepared by John Borg for the Caribou Travel Plan Revision. A copy of these comments can be obtained from the project record for the Caribou Travel Plan Revision or at www.mtvra.com.

Issue:

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Another example of predisposition in the current setting includes the fact that motorized recreationists endorsed and accepted millions of acres of area closure under the 3-State OHV decision as a positive action to control impacts but we have not been given credit for that action and have only been penalized for our past cooperation and initiative. The preferred alternative must adequately consider that past cooperation and it must move in a direction that gives motorized recreationists credit for their cooperation and the environmental improvements that resulted.

Issue:

The 3-State OHV EIS and the new National OHV Policy describe the second level of planning involving the analysis and implementation of management practices referred to as "site-specific" planning. Site specific planning detailed information including the location, condition, and current uses of individual roads and trails, and the identification of when and where individual roads and trails will be open or closed to various types of use. We supported the restriction of cross-country travel because we felt the document assured the identification of on the ground trails and their consideration as designated routes. Currently in Montana, the only forest to conduct an inventory that includes adequate detail and includes trails that are current routes on the ground is the Lewis and Clark National Forest in the Little Belt Range. Adequate site specific planning as outlined above must be provided as part of this project.

Issue:

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

1. Where else can motorized recreationists go within a reasonable distance and with equal recreation value?
2. Do motorized recreationists have an adequate selection of the recreational resources with the proposed motorized closure(s)?
3. What is the balance of recreational opportunities in the area and region as demonstrated by the information developed from the outline shown in Table 3?
4. Are the existing motorized recreational opportunities sufficient for the needs of the public?
5. Are there documented user conflict and can the recreational resources be reasonably shared? Note that it is not reasonable to define user conflict a merely seeing someone else on a trail.
6. What are the cumulative effects of this motorized closure combined with all other motorized closures?

Issue:

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

Table 3
Comparison of Non-motorized and Motorized Opportunities

1. the miles of non-motorized recreational opportunities available in the project area including all possible cross-country routes and the number of acres available for cross-country non-motorized recreation under the existing condition (it is infinite),
2. the miles of roads and trails and number of acres to be closed to non-motorized recreationists in the proposed condition,

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3. the miles of existing motorized roads, atv trails, and motorcycle trails in the project area meeting the 3-States OHV decision definitions,
4. the acres within the project area open to motorized recreationists under existing and proposed conditions,
5. the percent of motorized and non-motorized recreational opportunities in the project area,
6. the miles of atv trails, motorcycle trails and roads and acres closed to motorized recreationists under both existing and proposed conditions,
7. the cumulative miles of roads, atv trails, motorcycle trails meeting the 3-State OHV definitions and number of acres closed to motorized recreationists over the past 35 years at 5 year intervals in both the project area and regional area.

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

Issue:

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

Issue:

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

Issue:

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

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Issue:

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

Issue:

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

Issue:

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

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

Issue:

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

Issue:

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

Issue:

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

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

Issue:

The amount of use that a route receives is not a criterion for non-motorized routes (see later comment about solitude on CDNST) and should not be a requirement for motorized routes. Solitude, challenging, and remote motorized routes are highly valued by motorized recreationists also.

Issue:

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

Issue:

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

must be a measurable and significant improvement. Additionally, there must be monitoring to backup the claimed improvements to the natural environment.

Issue:

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

Issue:

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

Issue:

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

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would be provided at 2 to 4 times the length of the closed route. Where equivalent access and/or areas cannot be found, then mitigation would be applied at 2 to 4 times the area closed depending on the quality of the closed route or area.

Issue:

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

Issue:

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

Issue:

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

Issue:

The process is predisposed because without adequately considering the needs of the public it immediately proposes to add to the vast opportunities for non-motorized recreationists that are not over-used and further impacts multiple-use visitors, who make up 97.45% of the visitors by further

limiting their recreational opportunities. It has now reached the point now where multiple-use recreationists do not have an equal opportunity to enjoy our public lands. Multiple-use recreationists feel like they are being treated as second class citizens. It is bad public policy when that policy affects 97% of the public in a negative way.

Issue:

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

Issue:

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

Issue:

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

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

The Federal Land Policy and Management Act of 1976 (FLPMA) states that “(7) *goals and objectives be established by law as guidelines for public land use planning, and that management be on the basis of multiple use and sustained yield unless otherwise specified by law; and, (c) In the*

development and revision of land use plans, the Secretary shall -- (1) use and observe the principles of multiple use and sustained yield set forth in this and other applicable law;”.

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

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



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

Issue:

Beginning in the early 1970's, Congress and the American people began a debate on whether or not to change national policy for vast areas of the west known as "public lands". Congress wanted to change the policy from "disposal" to "retention". This policy shift meant the Federal government would stop holding lands until they were sold (or otherwise transferred to the states), and would retain and manage the lands for the benefit of the general public.

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

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

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There are 4 important elements within FLPMA:

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

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

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

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

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

Issue:

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

Issue:

Under the Organic Act of 1897, 16 U.S.C. § 475, ("Organic Act"), National forests were expressly reserved for two purposes: to maintain favorable conditions for water flows and to ensure a continuous supply of timber. With passage of the Multiple Use and Sustained Yield Act, 16 U.S.C. § 528 et. seq. ("MUSYA"), Congress allowed the Forest Service to manage "renewable surface resources of the national forest for multiple use and sustained yield of the several products and services obtained therefrom." However, while the "multiple use" mandate of MUSYA broadened

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the purposes for which National forests may be managed, the Act did not further reserve National forests for multiple use purposes. See *United States v. New Mexico*, 438 U.S. §§ 696, 706-18 (1978). MUSYA defines "sustained yield of the several products and services" as "the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of various renewable resources of the national forests without impairment of the productivity of the land." 16 U.S.C. § 531(b). Nowhere does MUSYA mention ecological sustainability or authorize it as a dominant use.

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

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

Second, the proposed alternative wrongly assumes that all sustainability must be predicated upon ecological sustainability. The proposed alternative assumes that sustainability (or sustained yield) of any sort cannot be achieved without first achieving ecological sustainability. However, this assumption is false. While biological diversity undisputably affects certain legitimate uses of National forests, it is not essential to multiple use and sustained yield, as defined by the MUSYA. For example, timber harvest and water flows can be managed on a sustainable yield basis (as required by statute) with little species diversity. On the other hand, some uses, such as recreation, may require a high degree of species diversity (fishing, research, wildlife watching), while recreational uses of the forest require little or no species diversity (rock climbing, skiing). Still others, such as mining, require no species diversity whatsoever. Certainly, ecological sustainability and species diversity are important considerations in forest land use planning, and are often essential to maintaining certain legitimate uses on a sustained basis. However, the assertion that species diversity is absolutely necessary to maintain the sustained yield of multiple goods and services is unsupportable, and cannot justify elevating the primary focus of land use planning to species diversity. In sum, the proposed alternative should report and reflect the true nature and role of ecology in multiple use and sustained yield management not elevate it over the Congressional mandates.

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

the needs of the American people; this presumption is in error and must be established on a case by case basis.

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

In summary, the proposed alternative is built upon a tenuous foundation which assumes that: (1) various statutes require that ecological sustainability be the dominant consideration for all management of National forests; (2) sustained yield of various goods and services derived from the forests cannot be achieved without first achieving ecological sustainability; and (3) that ecological sustainability in all cases is the highest and best use of the forests for the American people. To be supportable, these assumptions would require significant legal, scientific, and economic data. As it is, such data has not been provided and these assumptions are false, therefore, the proposed alternative is flawed and should not be adopted.

Issue:

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

1. This standard is illegal and inappropriate under applicable law. First, legitimate multiple use activities such as timber harvest and mining rarely occurred on a large scale prior to European settlement. Thus, to achieve ecological sustainability, such activities must be excluded. This is a violation of the Organic Act, MUSYA, and NFMA.
2. Second, no statutory authority exists which mandates that ecological conditions of any kind must reflect pre-European settlement conditions.
3. Third, the assumption that ecological conditions prior to European settlement are better than conditions at any time since then is a purely subjective value judgment, and is not appropriate to consider during the planning process.
4. Finally, the scientific evidence which suggests what ecological conditions were like prior to European settlement is highly speculative. Basing all planning and management around a range of variability which can never be definitively determined is illusory, arbitrary and capricious and violates the Organic Act, MUSYA, and NFMA.

Issue:

Identification of "high social, cultural, or economic value" and "desired" levels are subjective and requires an assessment and balancing of public values. For example, a particular species may have a high social value to a particular segment of the population, but a low social value to another.

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

Issue:

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

1. The Organic Act has long been interpreted as requiring that National forest lands be managed to promote the local economic and social stability of the dependant communities. The first Chief of the Forest Service, Gifford Pinchot wrote: *"In the management of each reserve, local questions will be decided upon local grounds . . . sudden changes in industrial conditions will be avoided by gradual adjustment after due notice . . ."* Forest Service, United States Department of Agriculture, The Use Book (1906 ed.) at 17. The first congressional concerns for the stability of communities dependent on the resources of the National forests arose during debates surrounding passage of the Organic Act. The National Academy of Sciences had criticized past land management practices that allowed companies and individuals to cut excessive quantities of timber without monetary charge. Nevertheless, the debates surrounding the Organic Act centered on protecting the forests from fire and insect damage, ensuring that the forests serve to conserve water resources for the arid West, and managing the forests for economic purposes. S. Rept. No. 105, 10, 19. In fact, after describing the depredations of fire, livestock, and illegal timber cutting, one Senate report concluded: *A study of the forest reserves in relation to the general development of the welfare of the country, shows that the segregations of these great bodies of reserved lands cannot be withdrawn from all occupation and use and that they must be made to perform their part for the economy of the nation. According to a strict interpretation of the rulings of the Department of the Interior, no one has the right to enter a forest reserve, to cut a single tree from its forests, or to examine its rocks in search of valuable minerals. Forty million acres of land are then theoretically shut out from all human occupation or enjoyment. Such a condition of things should not continue, for unless the reserved lands of the public domain are made to contribute to the welfare and prosperity of the country, they should be thrown open to settlement and the whole system of reserved forests be abandoned.* S. Rep. No. 105, 22.
2. The notion of community stability grew out of Congress' concern for the impacts on local communities. During the passage of the Organic Act, Congressman Safford echoed this concern: *The forestry question is not a matter of great concern from a national stand point, because the purposes for which these reservations are set aside are merely local. It is a matter of interest to people in the West only as to whether these reservations are properly established. It is on account of the waters which are to irrigate our agricultural lands that we are interested in forest reservations. . . . The timber reserves of that region can never be a subject of national concern although they may be of great interest to the people of that*

particular locality -- the people of Colorado, Utah and other Western communities. 30 Cong. Rec. 984 (1897).

3. Congress has never changed its concern for local communities. Eleven years following the passage of the Organic Act, Congress passed the Twenty-Five Percent Fund Act, under which 25 percent of the revenues from the national forests are returned to the states. 16 U.S.C. § 500. In 1913, Congress directed that another 10 percent of the National forest revenues be spent on road construction and local road maintenance. 16 U.S.C. § 501. In 1976, Congress amended the Twenty-Five Percent Fund Act to provide that the disbursement to state and local governments would be calculated from gross revenues, rather than stumpage prices. 16 U.S.C. § 500, National Forest Management Act of 1976, Report of Senate Committee of Agriculture and Forestry, S. Rep. 94-893 (May 1976) 1, 22-3.
4. These examples clearly illustrate that Congress intends National forests to be a driving force in promoting and sustaining state and local communities and governments, both economically and socially. The multiple use and sustained yield of several goods and services mandate of MUSYA and NFMA reinforce this concept. Accordingly, the proposed alternative should give more weight to these concerns. Economic and social impact analysis should be mandatory at all levels of forest planning and management.

Issue:

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

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

Issue:

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

(http://roadless.fs.fed.us/documents/rule/roadless_fedreg_rule.pdf) included the following directive "The proposed rule did not close any roads or off-highway vehicle (OHV) trails". The agency must honor this commitment. The Roadless Rule is all about preventing new roads from being constructed; it is not about banning motorized use of existing motorized roads and trails. United Four Wheel Drive Associations reached a settlement agreement with the Federal Government prohibiting the US Forest Service from categorically closing roads or using the term "unroaded" in establishing roadless areas for Wilderness designation. Under the terms of the settlement agreement the Forest Service is banned from using the Road Moratorium to close a single mile of road". United obtained evidence that many, if not all, of the national forests were using the Temporary Road Moratorium to create de facto wilderness areas as part of forest planning. Carla Boucher of United predicted in early 1998 that this was the plan of the Forest Service all along. "This

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agreement prevents the creation of de facto wilderness, protecting nearly 347,000 miles of access for motorized recreationists", remarked Boucher. Additionally, the ruling in the State of Wyoming v. USDA by U.S. District Court Judge Clarence Brimmer blocked implementation of the Roadless Area Conservation Rule. This project must include proper interpretation of the Roadless Rule and the roadless rule should not be used to close existing motorized routes in roadless areas.

Issue:

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

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

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

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

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

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

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Issue:

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

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

Issue:

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

<http://www.helenair.com/articles/2002/03/11/stories/headline/1a2.txt>,
<http://www.helenair.com/articles/2002/03/10/stories/headline/7a1.txt>, and
<http://www.helenair.com/articles/2002/03/10/stories/headline/1a1.txt> and the Sacramento Bee at
<http://www.sacbee.com/static/archive/news/projects/environment/index02.html>, at Activist Cash
<http://www.activistcash.com/index.cfm> and at Green-Watch
<http://capresearch.brinkster.net/search/search.asp>.

The greening of the environmental movement

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

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

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

Source: Bee research

Sacramento Bee/Scott Flodin

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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.

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/newspecialreports/hjjfjejcffhb.txt>

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<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/dea_2002.htm
<http://responsiblecreationpolicy.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:

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:

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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 Jammik, Ontario Federation of Trail Riders, February 2007, http://www.oftr.org/OFTR_Fitness_Study.pdf). While jogging is considered a very healthy activity it is not that appealing to everyone and OHVs are very popular form of recreation and physical workout. We request that the evaluation include adequate recognition of the serious physical fitness problem affecting all age groups of our population. We also ask that the tremendous value of OHV recreation for both mental and physical health benefits (equivalent to jogging) be recognized in the evaluation and used to justify an increase in motorized recreational opportunities.

Issue:

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

Issue:

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

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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.

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:

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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.

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.

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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.

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.

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Issue:

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

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

Issue:

We request that the analysis include an adequate benefit-cost analysis of non-motorized versus motorized trail use. This analysis should include the annual cost of the non-motorized trails per the actual and documented number of non-motorized trail user. The economic analysis should also compare the annual benefit-cost per non-motorized user versus the annual benefit-cost per motorized user if the trails and funding were used as multiple-use/motorized trails. Motorized trail users out-number non-motorized trail users at least 25 to 1 (see summary of local observations). Motorized recreationists need approximately 5 times the miles of trail per day compared to non-motorized recreationists (CBU analysis). Therefore, motorized recreationists need 125 times (25 x 5) the miles of trails as do non-motorized recreationists. However, the current allocation of resources in the forest is significantly weighted towards non-motorized and is no where near this ratio. Additionally, the allocation is moving in the wrong direction towards more non-motorized opportunities with each decision (refer to Table 2 past and current actions). An increased allocation of exclusive non-motorized trails is not a good use of the taxpayer's money. Additionally, non-motorized trails benefit a very limited number of recreationists who already have more than adequate recreational resources when compared to motorized recreationists. It is more reasonable for the decision to focus on multiple-use trail projects and invest our limited financial resources in those types of projects.

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

Issue:

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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 State University, Estimated CO recreational use and expenditures for OHV in FY 1988.
3. Tyler & Associates, 1990, CA DOT, A study of fuel tax attributable to OHV and Street Licensed vehicles used for recreation off-highway.
4. CA OHMVR Division, 1994, CA Department of Parks and Recreation, A 26 page study of the \$3 Billion economic impact of OHV use in CA.
5. Oak Ridge National Laboratory, 1994, Federal Highway Administration, Report ORNL/TM-1999/100, Federal Highway Administration, An 80 page summary of the fuel used for OHV recreation, <http://www-cta.ornl.gov/publications/offroad.pdf>.
6. CA OHMVR Division, 1991, CA Department of Parks and Recreation, A 119 page summary of the status of OHV recreation in CA.
7. Schuett, Michael, 1998, West Virginia University, 14 page report on OHV user values and demographics.
8. Motorcycle Industry Council (MIC), 1998, 20 page statistical report of motorcycle population, sales and usage.
9. Generoux, John & Michele, 1993, Minnesota DNR, 33-page report on feasibility of Iron Range OHV Rec'n Area.
10. Hazen and Sawyer, 2001; Colorado Off-Highway Vehicle CO, 144-page analysis of economic impact of OHV recreation in Colorado which is estimated at \$230 million, (<http://cohvco.org/economics/main.html>).
11. Tennessee OHV Economic Impact, A \$3.4 Billion Industry, <http://www.state.tn.us/environment/ohv/ohvimpacts.pdf>, <http://www.state.tn.us/environment/ohv/econimpact.pdf>.
12. March 2003 Presentation at the National OHV Managers Meeting in Charlotte, North Carolina, <http://www.etra.net/Newsletters/2003/July2003.htm>.
13. Nelson, C.M., Lynch, J.A., & Stynes, D.J. 2000. Michigan Licensed Off-Road Vehicle Use and Users, 1998-99. East Lansing, MI: Department of Park, Recreation and Tourism Resources, Michigan State University, <http://www.prr.msu.edu/miteim/orvspend.pdf>.

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14. Jonathan Silberman, PhD. The Economic Importance Of Off-Highway Vehicle Recreation, Economic data on off-highway vehicle recreation for the State of Arizona and for each Arizona County Study, Prepared by School of Management, http://www.gf.state.az.us/pdfs/w_c/OHV%20Report.pdf
15. Hazen, S. (2001). Economic Contribution of Off-Highway Vehicle Use in Colorado, Colorado Off-Highway Coalition.
16. Ingrid E. Schneider, Ph.D. and Tony Schoenecker, Graduate Research Assistant, All-terrain Vehicles in Minnesota: Economic impact and consumer profile, University of Minnesota Tourism Center, 2005. <http://www.tourism.umn.edu/research/ATVReport.pdf>
17. <http://sundaygazette.com/section/News/2007062328>

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

Issue:

There has never been an accounting of the cumulative negative impact of all motorized closures that have occurred over the past 35 years. Actions that have contributed to the significance of the cumulative negative impact on motorized recreation include millions of acres and thousands of miles of roads and trails associated with Endangered Species Act; Continental Divide National Scenic Trail; forest fires; timber harvests, forest plans; view shed plans; resource plans; watershed plans; roadless plan; creation of wildlife management areas, monuments, non-motorized areas, wilderness areas, and wilderness study areas; area closures, and last but certainly not least, travel plans. This cumulative negative impact has not been quantified and it is significant.

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

Issue:

We are concerned that the lack of accounting for the cumulative negative impact of all forms of motorized closures over the past 35 years is an undisclosed strategy to squeeze motorized recreationists into the smallest possible area. Once this is accomplished, then the agencies will take

the position that the impacts on that small area left for use is significant and everything will be completely shut down. All of the plans, strategies, actions, and evidence support this concern.

Issue:

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

Issue:

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

Issue:

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

Issue:

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

Issue:

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

Issue:

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

Issue:

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

We do not understand why the public's needs do not carry any weight in the process. Why is it acceptable to make decisions that fly in the face of public need? It appears to be done as conscious and organized efforts to eliminate a sector of the public from public lands. The needs of the public are being ignored in favor of a management agenda that is contrary to the needs of the public. Why are the needs of non-motorized recreationists given such priority? When it comes to assessing needs it seems that only non-motorized recreationists exist. The problem is that you will only find what you are looking for and the agency is only looking for reasons to justify more and more non-motorized opportunities and less and less motorized opportunities. The priorities for management of public land have swung to this ridiculous extreme. We request that the hidden agenda of closure of motorized roads and trails which is so contrary to the needs of the public be addressed and corrected.

Issue:

During a House Resources Committee hearing in San Diego 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

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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.

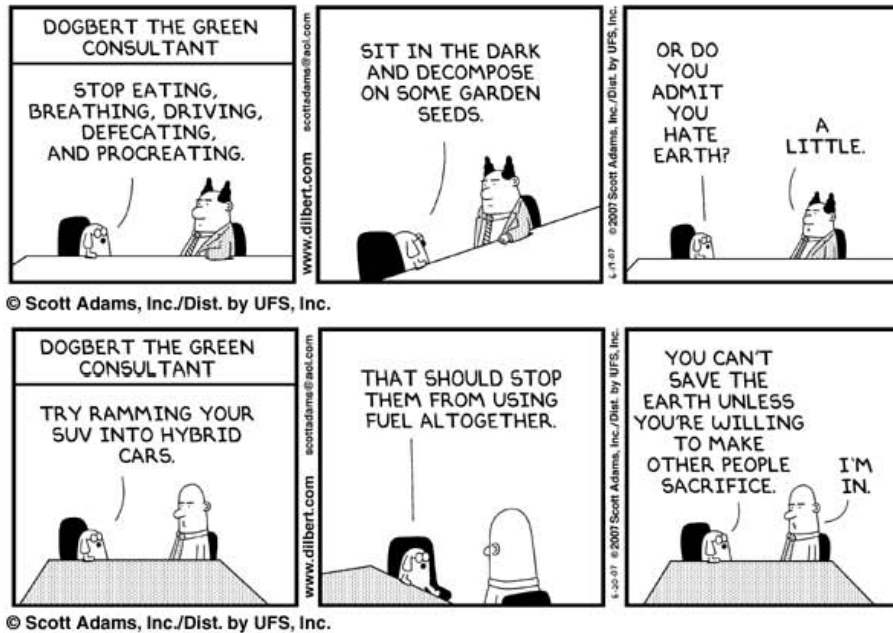
Issue:

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



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Issue:

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

Issue:

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

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is limited to a relatively small corridor and network of roads and trails. We request that the difference in visitor use between designated wilderness/non-motorized/exclusive-use lands and multiple-use lands be acknowledged and adequately addressed in the evaluation. We also request a motorized recreation alternative with a recreation opportunity spectrum (ROS) comparable to the surrounding ROS available for non-motorized recreationists be adopted as the "proposed action".

Issue:

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

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

Issue:

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

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