

**New Mexico Off Highway Vehicle Alliance
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Elaine Kohrman, Forest Supervisor
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August 29, 2016

Dear Supervisor Kohrman,

I am submitting these comments on the draft Cibola Forest Plan Revision on behalf of the New Mexico Off Highway Vehicle Alliance (NMOHVA). NMOHVA is a statewide nonprofit alliance of motorized off-highway vehicle enthusiasts and organizations. Our mission is promoting, protecting, and preserving responsible OHV recreation through education, safety training, and responsible land use ethics. We cooperate with public and private interests to protect and preserve public land access and work to ensure a positive future for OHV recreation in New Mexico. NMOHVA represents motorized recreationists in New Mexico including 4WD enthusiasts, dirt bike riders, and ATV/UTV users. The Cibola National Forest (CNF) subject to this Forest Plan revision process provides important recreational resources to the members of the public we represent.

[All page numbers referenced below refer to page numbers as presented in the "Complete" document linked at the top of the agency's Preliminary Draft Plan web page.]

1. Add nationally significant trails to Chapter 3.

We propose adding two trails to Chapter 3. The first is the mountain bike and motorized version of the Continental Divide Trail known as the Great Divide Route. This version began in 1998 as The Great Divide Mountain Bike Route by the Adventure Cycling Association based in Missoula, Montana. It encompasses 80 percent dirt and gravel roads, 10 percent paved roads, and 10 percent single-track trails, and extends over 2700 miles from Banff, BC, Canada, to Antelope Wells, NM, on the US-Mexican border. Once the official route was mapped, it didn't take long for motorcyclists to start riding as much of it as possible, bypassing the very few sections that are off-limits to motorized vehicles. All of these "bypasses" are on legal public roads.

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This established and nationally significant trail enters the Cibola National Forest on the north side of Mt. Taylor and exits the Forest south of the Zuni Mountains. The community of Grants is a major re-supply point on the trail. An interactive map of the route can be found at:

<https://sites.google.com/site/gpskevin/adventurerides/great-continental-divide-ride>.

Here is the specific verbiage we propose for Chapter 3:

Background and Description:

The Great Divide Route is a mountain bike and motorcycle route that closely follows the Continental Divide. It travels over 2700 miles from Banff, British Columbia to Antelope Wells, New Mexico on the Mexican border. The Great Divide Route is routed through a cross-section of the American West defined by spectacular scenery, a variety of landscapes, historic mountain towns, and boundless remote and primitive terrain.

Desired Conditions:

- *The location, setting, and management of the routes comprising the Great Divide Route comply with the goal of preserving backcountry mountain biking and motorcycling opportunities for generations to come.*
- *The routes comprising the Great Divide Route are managed to provide high-quality scenic, primitive mountain biking and motorcycling opportunities and to conserve natural, historic, and cultural resources along the Great Divide Route corridor. Other activities and opportunities are allowed when compatible with the nature and purposes of the Great Divide Route.*
- *Visitors are aware of the Great Divide Route corridor and the nature and purposes of the route designation.*

Guidelines:

- *Management projects and activities within the Great Divide Route corridor should be compatible with the original intent for the route's identification and designation.*
- *To retain the character for which the Great Divide Route was identified, management actions, including special use authorizations, should be consistent with the recreation opportunity spectrum classes of the Great Divide Route.*

Management Approaches:

- *The Forest promotes roadside interpretive services along recognized national trails and routes. Signs, kiosks, exhibits, and other educational tools (such as brochures, websites, and social media) may provide interpretive, education, and safety information along the Great Divide Route, in adjacent recreation sites, and at visitor contact points such as ranger stations.*

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- *Provide consistent signage along the Great Divide Route corridor at road and trail intersections to adequately identify the route and include interpretation at trailheads.*
- *Use side and connecting routes to access points of interest or supply points away from the main route.*
- *Work closely with the local communities to promote and improve services and interpretive opportunities on the Great Divide Route corridor.*
- *The Cibola National Forest works with the New Mexico Off Highway Vehicle Alliance, other volunteer groups, partners, local governments, and adjacent landowners to maintain the Great Divide Route corridor, the condition and character of the surrounding landscape, and to facilitate trail user support that promotes Leave No Trace and Tread Lightly! principles.*

The second trail that we propose adding to Chapter 3 is the New Mexico Backcountry Discovery Route (NMBDR). The NMBDR is the sixth route developed by the Backcountry Discovery Routes (BDR) organization for dual-sport and adventure motorcycle travel. The BDR organization has a track record of making the subject states a major destination for motorcycle travel. The routes bring new tourism dollars to small towns, making a positive impact on these local economies.

The NMBDR is a south-to-north route across the state of New Mexico covering over 1,200 miles of mostly non-paved existing public roadways. The route begins in the farming community of Dell City, Texas and finishes in Antonito, Colorado. Traveling on the high quality backcountry routes, one will discover New Mexico's scenic terrain including high-elevation forests, mountains, deserts and canyons. One will experience the unique culture and history of New Mexico's rural towns, native reservations, historic locations and more. The route also presents spectacular camping opportunities and highlights the state's rich history. Like the Great Divide Route, the NMBDR traverses the heights of Mt. Taylor and crosses the Zuni Mountains and Grants is a major destination for supply and overnight accommodations.

More information, including GPS tracks of the route are at:

<http://www.backcountrydiscoveryroutes.com/NMBDR>

Here is the specific verbiage we propose adding to Chapter 3 for the NMBDR:

Background and Description:

The New Mexico Backcountry Discovery Route (NMBDR) is a south-to-north route across the state of New Mexico covering over 1,200 miles of mostly non-paved existing public roadways. The route begins in the farming community of Dell City, Texas and finishes in Antonito, Colorado. Traveling on the highly scenic backcountry roads, travelers will discover New Mexico's scenic terrain including high-elevation forests,

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mountains, deserts and canyons. They will experience the unique culture and rich history of New Mexico's rural towns, native reservations, and historic locations.

Desired Conditions:

- *The location, setting, and management of the routes comprising the NMBDR comply with the Backcountry Discovery Route organization's goal of preserving backcountry motorcycling opportunities for generations to come.*
- *The routes comprising the NMBDR are managed to provide high-quality scenic, primitive motorcycling opportunities and to conserve natural, historic, and cultural resources along the NMBDR corridor. Other activities and opportunities are allowed when compatible with the nature and purposes of the NMBDR.*
- *Visitors are aware of the NMBDR corridor and the nature and purposes of the route designation.*

Guidelines:

- *Management projects and activities within the NMBDR corridor should be compatible with the original intent for the route's identification and designation.*
- *To retain the character for which the NMBDR was identified, management actions, including special use authorizations, should be consistent with the recreation opportunity spectrum classes of the NMBDR.*

Management Approaches:

- *The Forest promotes roadside interpretive services along recognized national trails and routes. Signs, kiosks, exhibits, and other educational tools (such as brochures, websites, and social media) may provide interpretive, education, and safety information along the NMBDR, in adjacent recreation sites, and at visitor contact points such as ranger stations.*
- *Provide consistent signage along the NMBDR corridor at road and trail intersections to adequately identify the route and include interpretation at trailheads.*
- *Use side and connecting routes to access points of interest or supply points away from the main route.*
- *Work closely with the local communities to promote and improve services and interpretive opportunities on the NMBDR corridor.*
- *The Cibola National Forest works with the New Mexico Off Highway Vehicle Alliance, other volunteer groups, partners, local governments, and adjacent landowners to maintain the NMBDR corridor, the condition and character of the surrounding landscape, and to facilitate route user support that promotes Leave No Trace and Tread Lightly! principles.*

2. Add elements to the revised Forest Plan supporting the further development of motorized recreation and motorized tourism

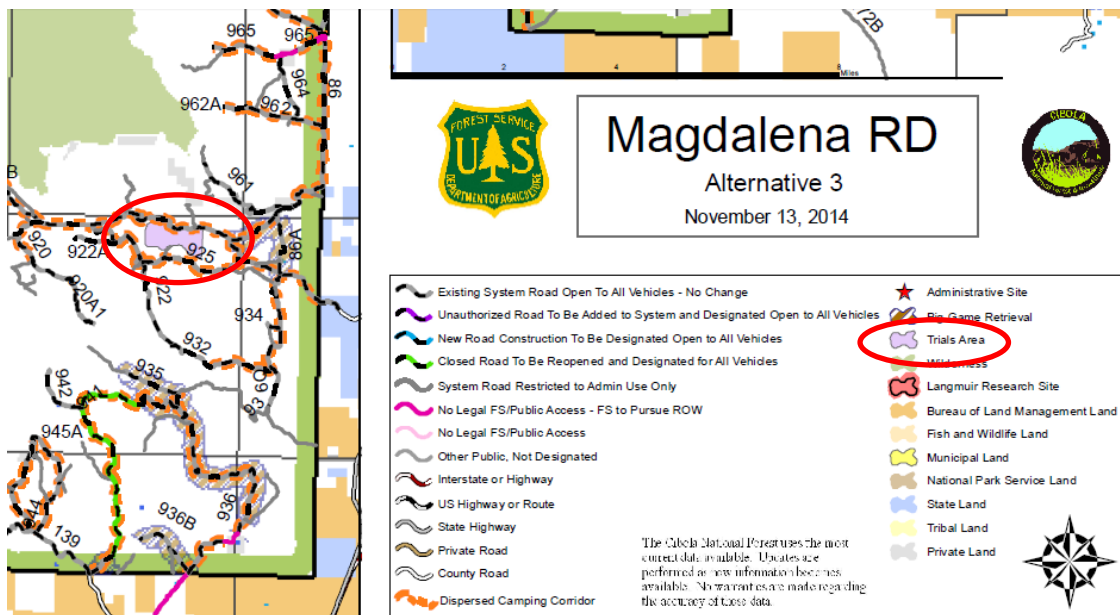
We assert that the revised Forest Plan is an excellent occasion to identify and define opportunities for developing additional motorized based recreation and tourism. In reviewing the proposed ROS classifications for the four landscape

areas, the Mt. Taylor landscape is easily identified as the area most suitable for this development with its proposed preponderance of “Semi-Primitive Motorized” and “Roaded Natural” areas. The present existence of the Great Divide Route and the New Mexico Backcountry Discovery Route, the relative proximity to the state’s major population center (80 miles, 1.33 hours) to Grants, and excellent transportation access provided by Interstate 40 all point to exciting possibilities for the Mt. Taylor Ranger District to become a major regional motorized recreation destination.

We propose that the revised Forest Plan include components that identify and support the following critical elements:

- A designated OHV trail network (consisting of existing/designated roads and trails) connecting the communities of Reserve, Gallup, Grants, and Cuba. With the passage of [SB270](#) this past legislative session and the subsequent (and ongoing) development of local ordinances taking advantage of the new statute, the rural communities of New Mexico finally have an opportunity to tap into the large economic engine of trail-based motorized tourism.
- A designated single track motorcycle trail system in the Zuni mountains consisting of:
 - A series of interconnected single track loops or single track segments that utilize existing designated roads to create a series of interconnected loop routes.
 - A “long travel” motorized single track trail spanning the Zuni Mountains from the area of Fort Wingate to Grants.
- A designated and specially managed area (per the Travel Management Rule) for observed trials motorcycle casual use/competitions and technical 4WD “rock crawling” casual use. This area was proposed by NMOHVA as part of the Magdalena District Travel Management process (and is referenced in Appendix D, page 183, line 24 in the draft Forest Plan). The area proposed is described several places in the Final EA for Travel Management on the Magdalena Ranger District (including a detailed location description at page 15 of that document) and a map of the proposed area was included in the Final EA, Appendix F, Alternative 3 dated 11/13/14:

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Specifically, we propose the agency include/modify the following items in its revised Plan (underlined passages are proposed additions, strike-throughs are deletions):

Page 111, Line 40:

Dispersed recreation occurs in mostly undeveloped, natural areas, and is managed appropriate to the setting and to emphasize a wide variety of use and high quality user experience while achieving sustainability and resource protection.

Page 112, Line 1:

Dispersed recreation occurs on designated National Forest System Trails and Forest System Roads and is consistent with respective trail and travel management objectives. ~~to prevent resource damage and user conflicts.~~

Page 112, Line 6:

A system of trails provides a variety of opportunities and settings for visitors to explore and enjoy the Forest. The system is sustainable and the design, construction, and maintenance of trails enhance the recreation opportunity and minimize potential damage to Forest natural and cultural resources. [A “sustainable” trail system prevents damage to natural and cultural resources.]

Page 112, Line 10:

The trail system is consistent with public needs and demand while achieving capability with other resource values. ~~accommodates use levels compatible with other resource values and is 10 consistent with public demand.~~

Page 112, Line 39:

Trails found to be adversely impacting natural and cultural resources should be evaluated for appropriate mitigation measures including alternative travel routes or

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location. Closure of existing trail opportunities should only be considered if mitigation is unsuccessful or not feasible.

Page 113, Line 10:

New motorized trails should be located to meet required species habitat requirements while employing seasonal restrictions as appropriate/necessary.

Page 114, Line 7:

Trail management priorities are based on preventing erosion, providing appropriate and meaningful recreation opportunities, developing trail-based motorized and mechanized tourism to help develop local rural economies, and for accommodating administrative needs.

Page 114, Line 11:

Work with the NMOHVA and other local motorized recreation interests to identify and designate an OHV trail network (consisting of existing/designated roads and trails) connecting the communities of Reserve, Gallup, Grants, and Cuba.

Work with NMOHVA and other local motorized and mechanized recreation interests to identify and designate a single track motorized trail from Fort Wingate to the east edge of the Zuni Mountains.

Page 114, Line 16:

Signing, enforcement, public information, seasonal and special closures, maintenance, construction, and restoration take place as appropriate. Emphasis is placed on providing a high quality and sustainable user experience for all user types. ~~addressing user conflicts and resource damage.~~ Educational techniques (such as brochures, signs, websites, and social media) enhance visitor knowledge of proper non-motorized and motorized trail use etiquette and educate users that there will be other users and shared use.

Page 123, line 36:

Open National Forest System roads identified as not presently needed are closed ~~(all motor vehicle traffic 36 prohibited) until they are analyzed again for potential future needs and/or value as recreation resources as designated trails.~~ Road closure methods, if required, are effective in eliminating motor vehicle traffic and are consistent with scenic integrity objectives.

Page 124, line 29:

During project planning, design, and implementation, roads identified as ~~unnneeded roads~~ should be converted to trails, decommissioned, or rehabilitated to reduce impacts on natural resources.

Page 125, line 12:

~~(Rule), as required by Executive Order 11644.~~ The Rule requires that a motor vehicle use map

Page 183, Line 24:

OHV Areas Nogal and South San Mateos- ~~Not Mapped~~ Approximately 756 acres for a motorized recreation area in the southern part of the San Mateo Mountains in Sections 2 and 3, T. 9 S., R. 5 W., south of National Forest System Road 225. The area is bounded by NFSR 225 on the north, NFSR 925 on the south, a section fence on the east, and an unnamed arroyo on the west.

a. This area is being designated based on the criteria for designation of trails and areas, as found in 36 CFR 212.55 (b).

b. This area would be managed for intensive OHV use.

c. The targeted use would be observed trials motorcycle casual use/competitions and technical 4WD "rock crawling" casual use but all OHV's would be allowed.

d. Area improvements would be limited to boundary markers, a parking area suitable for accommodating trucks and trails, an entry information kiosk, and restroom.

3. Remove all references to "user conflict".

We next turn your attention to the agency's inappropriate proposal for the "management" of "user conflict". The draft Forest Plan includes numerous inappropriate references to "user conflict":

Page 107, Line 5:

User conflicts are minimized.

Page 112, Line 1:

Dispersed recreation occurs on designated National Forest System Trails and is consistent with respective trail management objectives to prevent resource damage and user conflicts.

Page 112, Line 7:

The system is sustainable and the design, construction, and maintenance of trails enhance the recreation opportunity, and minimize user conflict and damage to Forest natural and cultural resources.

Page 113, Line 20:

Use of National Forest System trails should be consistent with the respective trail management objectives to prevent resource damage and user conflicts.

Page 113, Line 28:

Dispersed sites should be closed, rehabilitated, or otherwise mitigated when:

- Campsite conditions have deteriorated;
- Site occupancy exceeds the area's scenic integrity objective;
- There are social use conflicts; and/or
- Unacceptable environmental damage is occurring.

Page 114, Line 12:

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Management strategies, such as limiting use in certain areas and emphasizing use in others or closing areas altogether, may be implemented when there is a need to respond to resource concerns and reduce user conflicts.

Page 114, Line 16:

Signing, enforcement, public information, seasonal and special closures, maintenance, construction, and restoration take place as appropriate. Emphasis is placed on addressing user conflicts and resource damage.

All of the above references are inappropriate. NMOHVA must point out that consideration of, or concern for, “user conflicts” or “balancing social conflicts” is a clear misinterpretation a misemployment of the agency’s management mission. Basing the formulation of the agency’s draft Forest Plan revision by considering user conflicts, goal interference, and social value conflicts is an even more egregious mistake.

Let us be clear. “Conflicts among uses” is NOT the same thing as “user conflicts.” The Forest Service is entirely within their purview to manage “use conflict” or “conflict in uses”. An identifiable use conflict is one assigned to the Forest Service to resolve. Here are some legitimate examples from the draft Forest Plan:

Page 65, Line 15:

Desirable nonnative fish species provide recreational fishing in waters where those opportunities are not in conflict with the recovery of native species.

Page 109, Line 9:

Consider unique collaborative approaches with range specialists to address conflicting uses between livestock permittees and recreationists, such as use of corrals, drinkers, and related 10 range improvements, and in areas where fence lines and recreational trails intersect to minimize 11 cutting of fences.

“Values” conflicts, such as a person utilizing Forest Service lands who passionately believes motorcycles should be prohibited on Forest Service lands and is angry and offended by the sight of tire tracks on the trail or the sound of motors is NOT a situation assigned to the Forest Service to resolve. An individual’s personal belief system is not an issue the Forest Service is authorized to regulate, influence, support, or dispute under any authority.

We absolutely cannot allow the Forest Service to expand its regulatory authority into a realm where the proposed management practices are in support of, or conversely, criminalize any activity based on individual differences of cultural, philosophical, and personal values.

And, in fact, a review of the agency’s statutory authority reveals that the Forest Service is not directed to manage resources based on emotional distress, philosophy, culture, or value systems. To ensure that the agency staff is clear

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about these errors in the draft Forest Plan, we will cite the statutory authority set forth by Congress for the Forest Service's purpose and the regulatory guidance the Forest Service has set for itself for designating road, trails, and areas for motor vehicle use.

A review of the 16 U.S.C 528 states:

"...the forests that the national forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes."

36 CFR § 200.3, Forest Service Functions, lists in (2)(ii) the following:

"The National Forest System comprises about 188 million acres of land in the National Forests, National Grasslands, and other areas which have been transferred to the Forest Service for administration. On these public lands:

- (A) Forestry methods are applied in growing and harvesting timber,*
- (B) Forage is scientifically managed for the use of domestic livestock whose numbers are kept in balance with the carrying capacity of the range,*
- (C) Wildlife habitat and species are managed,*
- (D) Watersheds are managed to safeguard the water supply and stabilize streamflow,*
- (E) Recreation resources are managed for public enjoyment and benefit,*
- (F) Many forms of land and resource use are granted under permit or lease, and*
- (G) Physical and resource improvements needed to develop, protect, and use all resources are built and maintained."*

Conspicuous in its absence is any mention whatsoever of creating, restricting, or managing user values or conflicts in user values.

36 CFR § 219(1)(b) further dictates the Forest Service's goal in managing the National Forest System:

"Consistent with the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528–531), the overall goal of managing the National Forest System is to sustain the multiple uses of its renewable resources in perpetuity while maintaining the long-term productivity of the land."

And the Travel Management Rule (TMR) 36 CFR § 212.55 (a) flows from Organic Act and the Multiple-Use Sustained Yield Act:

"...the responsible official shall consider effects on National Forest System natural and cultural resources, public safety, provision of recreational opportunities, access needs, conflicts among uses of National Forest System lands,..."

In other words, the Forest Service management regulations is not and never has been the instrument which resolves conflicts and relieves tensions between users. The Forest Service has been directed to manage the Forests such that uses which conflict with its sustained, multiple-use mission are regulated.

The Forest Service has no authority to “resolve” values or philosophical differences between lawful public lands visitors. The phrase “reduce user conflicts” or “balancing social conflicts” does not appear in the language of the Organic Act, within the Multiple-Use Sustained Yield Act’s over-arching functions and goals, nor does it appear in the Travel Management Rule.

The Forest Service is limited to offering trail experiences based on the trail type, not the trail user attitudes. It is compelled by its management regulations to provide unique trail experiences based on the type of trail and not user’s attitudes, values, or belief systems.

We previously identified the agency’s response to claims of “user conflict” as a Significant Issue in our Scoping comments:

“Significant Issue #3

Non-motorized users have been successful in further reducing motorized opportunities by claiming “conflict” with motorized users. The Forest has responded to these “conflicts” in the past solely by further restricting motorized use (further exacerbating issue #1 above). The Forest is under a multiple use mandate that requires a successful shared use environment. The Forest needs to develop a specific plan for how it is going to educate other user groups and properly set user expectations in a shared use environment.

This lack of an identified plan to educate user groups and properly set user expectations is a significant issue that must be dealt with in the current Forest Plan revision.”¹

We also suggested a more appropriate response to “user conflict” in our submitted comments on the Draft Assessment document:

The agency has acknowledged that motorized use is a legitimate use of the forest:

“Motor vehicles are a legitimate and appropriate way for people to enjoy their National Forests...”

Research has shown that recreational conflict is really “goal” conflict which can be greatly attenuated by following some simple guidelines. The Federal Highway Administration has suggested a handful of principles as a good starting point:

“The existing literature and practice were synthesized into the following 12 principles for minimizing conflicts on multiple-use trails. Adherence to these principles should help improve sharing and cooperation on multiple-use trails.

1. Recognize Conflict as Goal Interference-Do not treat conflict as an inherent incompatibility among different trail activities, but goal interference attributed to another's behavior.

¹ NMOHVA Scoping comments dated 3/19/15, p. 3

*2. Provide Adequate Trail Opportunities- Offer adequate trail mileage and provide opportunities for a variety of trail experiences. This will help reduce congestion and allow users to choose the conditions that are best suited to the experiences they desire.*²

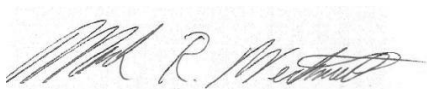
In addition to the management of “user conflict” being outside of the authority of the agency to regulate, there is an additional and more pragmatic reason why this phrase should be eliminated from the draft Plan. Historically, the agency’s (and not just the Cibola National Forest’s) action undertaken to manage “user conflict” is to simply remove one of the allowed uses. When the “user conflict” is between motorized and non-motorized uses, we challenge the agency to identify even a single case where the non-motorized use was removed. The inherent unfairness of this is exacerbated by the simple fact that motorized recreation never has exclusive use of a road or trail. Motorized use is always in a shared environment. Think about this for a moment....can a more profoundly unfair situation be found?

If such a blatantly unfair action (remove one of the conflicting uses – always motorized) is the sole “solution” to “user conflict” between motorized and non-motorized recreation, why would the agency want to encourage the concept of “user conflict” by legitimizing it in its Forest Plan? To do so, only encourages radical special interests to gin up the issue of “user conflict”. Diminishing its legitimacy by removing it from the draft Plan is a more logical solution. Or, at the very least, a more appropriate solution to “user conflict” should be identified. We have already identified a more appropriate (and science-based) solution to “user conflict”:

The Forest is under a multiple use mandate that requires a successful shared use environment. The Forest needs to develop a specific plan for how it is going to educate other user groups and properly set user expectations in a shared use environment.

Thank you for the opportunity to comment.

Sincerely,



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² NMOHVA comments on the Draft Assessment Report, dated 7/30/14, p. 4