

# CTVA Objection to Helena Lewis and Clark National Forest Plan

Attention: Objection Review Officer  
USDA Forest Service, Objection Reviewing Officer  
Northern Region  
26 Fort Missoula Road  
Missoula, MT 59804

File electronically at: <https://cara.ecosystem-management.org/Public/CommentInput?project=44589>

**Objector's name:** Capital Trail Vehicle Association (CTVA)  
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**Name of lead objector:** Mike Sedlock, President on behalf of over 200 members and their  
**(if more than one):** families and friends

**Our Club objects to the Helena Lewis and Clark National Forest Plan for the following reasons:**

## **REASON 1:**

CTVA provided comments to the HLCNF in regard to the continued loss of access and we are extremely disappointed the HLCNF Plan provided false information by their statement in Chapter 3 of the FEIS as emphasized in red text in the following excerpt.

### *3.17 Recreation Opportunities*

*3.17.1 Introduction To address both the challenges and opportunities in recreation management, the FS strives to provide a set of recreation settings, opportunities, and benefits that are sustainable over time. Sustainable recreation is defined as the set of recreation settings and opportunities on the NF that are ecologically, economically, and socially sustainable for present and future generations.*

*Issues: **There were no issues raised for recreation opportunities during the scoping period for the proposed action and/or comment period on the DEIS.***

Many comments, including those made by our club in the following List to the Forest Service during the scoping and development of the DEIS raised the need for additional recreation opportunities. An outline of the significant issues that our club has raised during the comment process are included as an attachment to this objection.

## **List of CTVA Comments to HLCNF on Forest Plan**

- 1) CTVA Comment Letter HLN LC NF Forest Plan 10 7 2018
- 2) CTVA Comment Letter HLN LC NF Forest Plan 9 12 2018
- 3) CTVA Comments HLN LC NF Forest Plan 3 25 2017

- 4) Comments for HNF Forest Plan Revision 3 5 2016
- 5) CTVA Comments Forest Plan Update 2 28 2016
- 6) CTVA Comments Forest Plan Update 1 13 2016
- 7) CTVA input on Forest Plan scoping process 11 28 2014
- 8) CTVA Comments Forest Plan Update 7 29 2014

Concerns over past closures were communicated to the Forest Service during the scoping and comment periods. Past actions of closures to access in Montana have received significant attention from our state legislature. The 2015 Legislature passed HJ 13 to assess the loss of access to our public lands in Montana. The final report can be found at <https://leg.mt.gov/content/Committees/Interim/2015-2016/EQC/Committee-Topics/hj-13/hj13-finalreport.pdf>

The results of this study showed an astounding 22,000 miles of roads closed by the Forest Service in Montana since 1995, a short 20-year period with significant cumulative impacts from excessive motorized closures. The closures of roads and access have caused concern throughout Montana and numerous comments were made to the HLCNF during the scoping and drafting period of the DEIS. The statement contained under “issues” 3.17 “Recreation Opportunities” is false, and the Forest Service has ignored public comments they received raising this issue. CTVA requests the Forest Service remand the decision and address the numerous public comments they received about the lack of, and loss of recreation opportunities in the HLCNF.

## **REASON 2:**

The Forest Service failed to comply with the President’s Council on Environmental Quality by omitting a cumulative impact analysis in the HLCNF FEIS. The CEQ requires the Forest Service to take a hard look at the cumulative impacts of their actions and the HLCNF has failed to include this information.

Our club requests the Forest Service complete a comprehensive and programmatic impact analysis of past, current, and proposed actions that have affected access to and on the HLCNF. One forest closure may not be significant but multiple closures on multiple forests must be looked at in a comprehensive analysis to ascertain a clear picture of impacts. These impacts include social, economic, historical use, and cultural needs of the population. Cumulative impacts could also affect environmental conditions such as fuel load increases, poor wildlife habitat in overgrown forests, loss of water retention due to increased transpiration, and excessive tree numbers per acre. Loss of ground water recharge and the cumulative effect this loss has on municipal water delivery, irrigation, and vegetation. The HLCNF has failed to include actions of other neighboring forests in their analysis of impacts.

The HLCNF is not an island but rather a part of a bigger landscape of multiple forests. An action by the HLCNF has a direct and significant effect on other forests managed by the Forest Service. The HLCNF has failed to address the cumulative impacts of their actions and how it affects management and access in other forests such as the Custer Gallatin, Lolo, and Beaverhead Deerlodge.

## **REASON 3:**

The HLCNF also includes 17 counties with jurisdiction and land within the project area.

The FEIS summary states on page 3:

***Project or activity planning***

*(3) resolving inconsistency,*

And below is the required law the Forest Service must follow in reviewing local Resource Plans and Growth Policies.

*40 CFR 1506.2 (USFS 25.2) - Elimination of Duplication With State and Local Procedures.*

*(d) To better integrate environmental impact statements into State or local planning processes, statements shall discuss any inconsistency of a proposed action with any approved State or local plan and laws (whether or not federally sanctioned). Where an inconsistency exists, the statement should describe the extent to which the agency would reconcile its proposed action with the plan or law. (40 CFR 1506.2)*

On page 6 of the HLCNF FEIS the following statements are made:

*Government agency involvement*

*The 2012 Planning Rule (36 CFR § 219.4(b)) requires the review of the planning and land use policies of other Federal agencies, state and local governments, and Indian tribes. As part of that outreach effort, a number of discussions with representatives from those agencies were initiated, and ongoing dialogue continues..... While certain components may not be fully consistent, the HLC NF will continue to work with these entities to address the impacts and benefits from forest management.*

Under 40 CFR 1506.2 the Forest Service is required to describe inconsistencies with local plans and describe how the Forest Service will reconcile any inconsistency. The HLCNF failed to include discussion of the inconsistencies or a description of how the agency would reconcile their proposed action with the local plans. Their statement of: "While certain components may not be fully consistent, the HLC NF will continue to work with these entities to address the impacts and benefits from forest management." is insufficient. The Forest Service has failed to comply with the requirements of 40 CFR 1506.2. We request the Forest Service remand the decision and supplement their document with a complete list of inconsistencies identified in the local plans of the 17 counties and how they will reconcile these inconsistencies.

**REASON 4:**

The new HLC Forest Plan has failed to address comments that we submitted during the comment periods by not providing an alternative which increases access for both motorized and mechanized use. The demand for motorized and mechanized use has increased and this fact has been acknowledged by the Forest Service in their documents (one example on page 1, FEIS Summary), yet no such alternative was developed during the process which is an extreme deficiency and a blatant disregard of the needs of the public. The plan states on page 2 of the FEIS Summary that the USDA FS Strategic Plan: Fiscal Year 2015-2020 contains 4 "outcome-oriented goals but only provides 2 of the 4 goals are mentioned or considered in the new Forest Plan. The new HLC Forest Plan is flawed By using only 2 of the 4 goals while ignoring other important goals in the USDA FS Strategic Plan.

Below are excerpts from the USDA FS Strategic Plan which we believe the HLCNF Plan must adequately consider in their decision but failed to address.

*Deliver Benefits to the Public*

*Recognizing the importance of forest stewardship, our country set aside the national forest reserves in 1897 to "improve and protect the forest within the boundaries, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber." In*

1960, the Multiple-Use Sustained-Yield Act declared that the national forests should be managed “for outdoor recreation, range, timber, watershed, and wildlife and fish purposes.”

*Delivery of forest-related goods and services is integral to our mission at the Forest Service, stimulating tangible economic benefits to rural communities, such as private-sector investment and employment opportunities. The economic activity we support is directly attributable to the natural resource investments we make and the use of national forest and grassland resources that result in marketable products associated with outdoor recreation, hunting, fishing, timber production, livestock grazing, mineral production, land stewardship, and other activities.*

*Strategic Objective F. Connect people to the outdoors*

*We are broadening the scope of our recreational services to include more Americans, giving a wider range of access to the national forests and grasslands. We are making recreational facilities on the national forests and grasslands more accessible to everyone, including the estimated 57 million Americans with disabilities. Nationwide, we have more than 23,000 accessible recreational sites, such as campsites and picnic areas, and 8,000 accessible recreation buildings. By making our facilities more accessible, we are also providing additional recreation opportunities for senior citizens, large family groups, and families with infant strollers or young children. We are committed to inclusive participation in recreation opportunities for all people, regardless of age or ability.*

The Forest Service has been selective in what National Strategic planning direction they have included in the new Forest Plan. The National Strategic Plan clearly provides direction in increasing access and additional recreational opportunities for *senior citizens, large family groups, and families with infant strollers or young children*. The Forest Service has ignored this National directive and instead has created a plan that reduces access opportunities. The HLCNF failed to follow the National Strategic Plan and even selectively removed some of the National goals in the new Forest Plan FEIS. This action has created a Forest Plan which should be considered arbitrary and capricious. We request review the Forest Plan for consistency with National policy and remand the decision until consistency is achieved.

## **REASON 5:**

In a letter dated April 23, 2019 from Region 1 Supervisor Leanne Martin, to Director, Ecosystems Assessment and Planning, she states “Any Regional memos, letters, or supplements guiding Land Management Plan revision dated before January 30, 2015 are suspended. A subsequent letter dated August 6, 2019 from Forest Service Chief Victoria Christiansen to Idaho Senator Crapo, Senator Risch, Congressman Fulcher, and Congressman Simpson states:

*Thank you for your letter of June 13, 2019, cosigned by your colleagues concerning management of recommended wilderness areas in the U.S. Department of Agriculture’s Forest Service Northern Region. I apologize for the delayed response.*

*I understand the perception that the Northern Region has a policy that differs from the national direction, based on guidance that was issued by former Regional Forester Thomas L. Tidwell before the 2012 planning regulations. I assure you the Northern Region is following national policy. Enclosed is a memo signed by current Regional Forester Leanne Martin dated April 23, 2019, that clarifies that national direction implementing the 2012 planning regulations provides the policy and procedures for all land management planning efforts—all prior direction has been superseded.*

*I appreciate your ongoing collaborative engagement in land management planning and implementation efforts across the state of Idaho. The national policy provides a responsible official the discretion to implement a range of management options, provided the allowed activities and uses do not reduce the wilderness potential of an area. Government and public engagement in decisions affecting the National Forest system is critical as responsible officials apply their discretion to the management of these areas.*

*Thank you for your interest in the management of your National Forests. A similar response is being sent to your colleagues.*

Previous guidance from Regional Forester Thomas Tidwell was to remove all motorized and mechanized use in areas recommended as wilderness. This guidance has been suspended. Helena Lewis and Clark National Forest Supervisor Bill Avey has reinstated this blanket policy in the new Forest Plan as stated throughout the plan. For example, see below an excerpt from the Draft Record of Decision.

*Draft Record of Decision*

*Page 27*

*A significant issue in the analysis was whether or not motorized and mechanized recreation uses affect wilderness characteristics and the potential for Congress to consider these areas as additions to the National Wilderness Preservation System. I reviewed the alternatives analyzed in the final EIS, some in which mechanized means of transportation in recommended wilderness were suitable and some in which these uses were unsuitable. **I decided that motorized uses (including snowmobiles) and mechanized means of transportation (mountain biking) are unsuitable in recommended wilderness.** This decision preserves the wilderness characteristics, including the sense of remoteness and the opportunities for solitude in recommended wilderness, recognizing that ample opportunities for motorized uses and mechanical means of transportation (mountain biking) are available outside of recommended wilderness. I arrived at my decision on recommended wilderness after extensive engagement with my staff, local governments, tribes, commenters, our public and consideration of all sides of the issue. There are those who prefer additional acres recommended as wilderness to protect places they consider special, or because they believe recommended wilderness management is the best strategy to protect wildlife and aquatic resources. There are also those that prefer I don't recommend any additional areas because they believe management and access in recommended wilderness is too restrictive. I considered the existing uses, current allowable uses, and the protections afforded by other management overlays. I decided on recommending wilderness areas that are manageable, currently have little to no motorized and/or mechanized means of transportation uses, and which truly add value if designated as wilderness by Congress in the future. Although several commenters expressed concern that the management of recommended wilderness creates "de facto wilderness areas" in lieu of action by Congress, the Plan does not create wilderness. The Forest Service has an affirmative obligation to manage recommended wilderness areas for the social and ecological characteristics that provide the basis for their recommendation until Congress acts. **There is currently limited motorized and mechanized use within recommended wilderness areas. I have determined that this use is inconsistent with a future wilderness designation. The areas I have recommended for wilderness currently have 8 miles of open road, <1 mile of motorized trail, 8,046 acres of motorized over snow use, and 135 miles of non-motorized trails open to mechanized means of transportation (including bicycles). However, these routes receive little, if any, use based upon our monitoring and what we've heard from the public.** This decision reflects public comment in favor of ensuring these areas remain suitable for inclusion in the National Wilderness Preservation System, should Congress make that decision. While motorized and mechanized uses are unsuitable under the Plan, **I will initiate site-specific NEPA decision per the Plan's***



*suitability direction to close these uses within the recommended wilderness areas within 3 years from the date of this decision.*

The plan states that no specific current travel plans will be impacted and on page 1 of the Summary it states: "*The Forest Plan does not authorize site-specific projects or actions*" yet the deciding officer states in the Draft Record of Decision that he will close these areas of recommended wilderness to historic use of motorized and mechanized use within 3 years. The supervisor does have discretion as stated by Chief Christiansen's August letter, but the proposed HLC Forest Plan is implementing a blanket closure of motorized and mechanized use in areas of recommended wilderness without proper analysis of these current uses on wilderness character. We request this action be reviewed and at a minimum the Forest Service should complete site-specific analysis of the impact of the current use of motorized and mechanized use in these areas of recommended wilderness before making the decision to remove these uses. The forest wide decision to remove motorized and mechanized use in areas of recommended wilderness without site-specific analysis is both arbitrary and capricious and does not follow the agreed upon approach spelled out in the 3-States OHV record of decision.

Motorized and mechanized use provide access opportunities that follow the National Strategic Plan of increasing access for all people, regardless of age and ability as seen in the following statement from the National Strategic Plan: "*we are also providing additional recreation opportunities for senior citizens, large family groups, and families with infant strollers or young children. We are committed to inclusive participation in recreation opportunities for all people, regardless of age or ability.*"

The HLCNF Supervisor has strayed for the National Strategic Plan by in fact reducing access to most people. Only the young and physically fit can walk or hike long distances into and on our federally managed public lands without assistance from motorized and mechanized transport. Even the Forest Service's own surveys show an astounding 97% of the people recreate on lands open to multiple use while less than 3% recreate in designated wilderness or lands closed to motorized and mechanized use. The proposed HLCNF Plan will remove even more access opportunities.

Again, the Forest Service failed to provide an alternative to the public which would have increased motorized and mechanized use. NEPA requires a "wide range" of alternatives for the public to comment on during the process but no alternative to increase access for senior citizens, families with young children, the physically challenged, or the disabled was provided to the public. This was a specific request that we made during the scoping process but was ignored. This is a clear violation of NEPA and we request the proposed plan be remanded until the plan is supplemented with an alternative that increases access opportunities for all people. This is the purpose of having a National Strategic Plan. Local decision makers and planning teams must not ignore national direction, but in the case of the HLCNF, they have ignored the national direction of increasing access for all people which is also contrary to the needs of the public in our area.

We look forward to a reasonable settlement of these significant issues.

Capital Trail Vehicle Association

Signature: 

Printed Name  
and Title: Mike Sedlock, President

Attachment:  
CTVA Summary of Significant Issues that were not adequately address in the HLC Forest Plan

# **SIGNIFICANT ISSUES THAT WERE NOT ADEQUATELY ADDRESSED BY HELENA-LEWIS AND CLARK FOREST PLAN AND DRAFT RECORD OF DECISION**

The following are significant overarching issues that were not adequately addressed in the Helena-Lewis and Clark Forest Plan and draft record of decision. We ask that the Helena-Lewis and Clark Forest Plan Team review these issues and work on refinements to the analysis and plan that will adequately address and mitigate these significant issues. We ask the Forest Plan Team to use these objection points to reverse the massive motorized closure trend and as justification for the development of enhanced motorized access and recreational opportunities on the Helena-Lewis and Clark National Forest.

## **1. Lack of Reasonable Alternative to Address the Public's Need for More Motorized Access and Motorized Recreational Opportunities**

- There are over 50,000,000 OHV recreationists in the United States and over 100,000 active OHV recreationists in Montana.
- The decision fails to adequately or reasonably recognize and address that motorized access and motorized recreation are the #1 use of the project area.
- The analysis does not include an alternative that would provide a reasonable level of motorized trail opportunities to meet the existing and future needs of OHV recreationists.
- The forest plan is based on out of date travel plans that are 10-12 years old including Clancy-Unionville, Brooklyn Bridge, South Divide. Furthermore, the travel plans that the proposed action are based on did not adequately consider the needs of motorized recreationists at the time. Moreover, conditions and information has changed dramatically as documented in the following comments.
- The agency must adequately identify the needs of motorized recreationists and OHV recreationists including those motorized recreationists that the process does not comfortably accommodate and reasonably provide for those needs.
- The public needs to be able to camp and picnic at least a 300-foot setback from roads for the safety of children and pets.
- E-bikes have become popular.
- E-bikes have significant positive impacts on the human environment.
- E-bikes do not have any greater impact on the natural environment than mountain bikes.
- E-bikes should be allowed on all non-wilderness trails.
- The agency has not given E-bikes proper procedural consideration including public input on their use on all existing non-wilderness trails.
- There is an inadequate number of motorcycle single-track trails.



- The evaluation must adequately understand the needs of motorcycle single-track recreationists and provide for those needs.
- The public prefers dispersed camping spots and that is consistent with the need for social distancing. The preferred alternative must address this significant issue.
- There is an inadequate number of dispersed camping spots in the project area. The preferred alternative must address this significant issue.
- The pandemic and social distancing requirements have significantly increased the public need for more OHV opportunities.
- The pandemic and social distancing requirements have significantly increased the public need for more dispersed camping opportunities.

## **2. Lack of a Reasonable Alternative to Address the Need for Motorized Access and Motorized Recreation for Youth**

- The analysis does not include any alternatives that would provide motorized opportunities to replace the closure of opportunities close to town including Scratch Gravel Hills, Sweeny Creek, North Hills, Davis Gulch-South Hills, Brooklyn Bridge, Park Lake-Chessman Reservoir, McClellan Creek, Warm Springs Creek, Sound-Wood, Oregon Gulch, Figure 8 Loop/Vigilante Canyon, Sleeping Giant TMP, and York area.
- The project areas close to town are used extensively by youth and are being taken away without adequate consideration of the need.
- Consideration for motorized trail riding opportunities for the youth has not been given a hard look.

## **3. Lack of a Reasonable Alternative to Address the Need for Motorized Access and Motorized Recreation for the Elderly, Handicapped, and Disabled**

- The analysis does not include any alternatives that would provide motorized opportunities to replace the closure of opportunities close to town including Scratch Gravel Hills, Sweeny Creek, North Hills, Davis Gulch-South Hills, Brooklyn Bridge, Park Lake-Chessman Reservoir, McClellan Creek, Warm Springs Creek, Sound-Wood, Oregon Gulch, Figure 8 Loop/Vigilante Canyon, Sleeping Giant TMP, and York area.
- The project area is used extensively by elderly, handicapped, disabled and veterans and is being taken away without adequate consideration of this significant public need.
- The analysis does not include reasonable alternatives that would provide motorized opportunities that adequately meet the needs of the elderly, disabled and veterans.
- Consideration for motorized trail riding opportunities for the disabled, elderly, and veterans has not been given a hard look.

## **4. Fails to Adequately Address the Impacts On and Benefits of Motorized Recreation on the Human Environment**

- A healthy human environment includes adequate motorized access and motorized recreational opportunities as required to meet the needs of the public.

- The public is losing a lifetime of motorized access and motorized recreational opportunities for reasons that are not significant when judged with a reasonable sense of magnitude.
- The motorized closure trend being enacted by the Helena-Lewis and Clark National Forest is destroying a Montana culture which is based on motorized access and motorized recreation in the forest. The analysis has not given this significant issue a hard look.
- Our pursuit of happiness has been significantly impacted by all the motorized closures.
- The significant closing of motorized routes in the project area does not meet the basic requirement of the NEPA act of 1969 as stated in “Sec. 101 (b) (5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life’s amenities”.
- The decision significantly affects our pursuit of happiness and the quality of the human environment.
- Non-motorized recreationists do not spend as much as motorized recreationists and there are fewer of them. Therefore, the positive impact on the economy is less.
- We have over 300,000 motorcycles in Montana and an inadequate number of single-track trails to ride them on.
- Because of the excessive motorized closures our memories and conversations are dominated by places that we used to go and can no longer access with our OHVs.
- The agency puts significantly more effort into the search for reasons to close motorized opportunities and does not give a hard look at the importance and value of motorized recreation to the human environment.
- Where are the motorized single-track trails in the plan?
- Where are the motorized ATV trails in the plan?
- Where are the motorized SxS trails in the plan?
- Where are the motorized full-size routes in the plan?
- Where are all the driving for pleasure routes (greatest single use of our public lands) in the plan?
- The positive impacts on the human environment from dispersed camping spots is significant. The impact analysis must recognize and be based on this fact.
- By releasing the FEIS and draft ROD at this time, the agency has not adequately recognized that a pandemic restricts our ability to participate in and comment on their planning actions.
- The evaluations and document are out of date now that the quality of the human environment has been significantly impacted by a crippling pandemic.
- Recreation opportunities must now become the first priority for land management plans now that the quality of the human environment has been significantly impacted by a crippling pandemic.

## **5. Over-Represents the Public’s Need for More Wilderness**

- Less than 3% of the visits to the forest are for wilderness recreation and 97% of the visits are for multiple-use.
- Management of the forest must reflect the ratio of visitors and meet their needs in an equal manner.
- Current wilderness is poorly managed and to create more only compounds the problem.

- The current planning process is being used as a backdoor process to create defacto wilderness areas by closing motorized access and motorized recreation on lands designated for multiple-use.

## **6. Improperly Considers Roadless Areas**

- The proposed alternative effectively converts multiple-use lands to defacto wilderness lands which circumvents congressional law and the wilderness designation process.

## **7. Does Not Adequately Consider Cumulative Impact of All Motorized Closures**

- Motorized recreationists have been hammered by motorized closure after motorized closure in the Helena-Lewis and Clark National Forest and surrounding public lands.
- The analysis does not adequately disclose the amount of motorized access and motorized recreation that has been lost to public use since the 1960's.
- Travel plan and other planning actions have closed 25 to 75% of the historic motorized routes and all cross-country opportunities.
- The significant negative cumulative effect of all motorized closures on the public have not been adequately evaluated and mitigated in this proposal.
- The significant negative cumulative effect of all motorized closures on the youth, disabled, elderly, and veterans has not been adequately evaluated and mitigated in this proposal.
- The recent motorized closures enacted by the Divide travel plan including the Sweeny Creek area have not been adequately considered and mitigated in this proposal.
- The public has been squeezed into too small of an area with too few motorized routes. Every weekend when we talk to fellow motorized recreationists, they ask us where they can go to ride trails and camp.
- The cumulative effect of this decision combined with many other similar motorized closure decisions significantly affects our pursuit of happiness and the quality of the human environment.
- The continual closure of motorized access and motorized recreation on lands managed by the Agency demonstrates its intent to eliminate motorized access and motorized recreation without adequately disclosing their intent and the cumulative effect.
- Significant cumulative effects have occurred because motorized recreationists cannot successfully change or challenge the agency's predisposition to motorized closures.
- The cumulative effect of motorized closures has severely impacted the quality of life for motorized recreationists.

## **8. Fails to Recognize the Lack of Long-Distance Motorized Trail Systems**

- The closure of existing motorized reaches of the CDNST to motorized recreation does not follow the requirements of the originating law.
- Fails to address past illegal motorized closure actions used to create non-motorized trail systems

- The agency has developed many long distance non-motorized trail systems similar to the CDNST and PCT.
- The agency has not developed any long distance trail systems for motorized recreationists.
- Long distance motorized trail systems would see far more use than non-motorized trails.
- Long distance motorized trail systems would provide far more benefit to the human environment including economic benefit.

## **9. Fails to Adequately Identify and Address the Imbalance of Trail Opportunity in the Helena-Lewis and Clark National Forest**

- There are far more miles of high quality non-motorized trail in the Helena-Lewis and Clark National Forest.
- The miles of non-motorized and motorized trail in the Helena-Lewis and Clark National Forest has not been adequately disclosed.
- Miles of trail in wilderness areas and quality must be adequately disclosed.
- Non-motorized opportunity must be compared to motorized opportunity including the miles of trails, quality of experience, costs and conditions, and number of users.
- Every Helena-Lewis and Clark National Forest creates more non-motorized trail opportunities.
- Non-motorized recreationists have hundreds of potential opportunities in the project area. Motorized recreationists have very limited opportunities as demonstrated by the travel plan map.

## **10. Does Not Provide for a Reasonable Level of Multiple Use**

- The decision fails to adequately or reasonably recognize and address that motorized access and motorized recreation are the #1 use of the project area.
- The lands in the project area are designated by congress for multiple-use.
- Sharing must be the expectation on all multiple-use land otherwise multiple-use land becomes special-use land.
- The proposed action is illegally converting lands designated for multiple-use by congress into defacto wilderness areas.
- The existing routes, mines, historic use, and current use demonstrate that the area does not qualify as wilderness and, therefore, should not be treated as wilderness.
- Management for multiple-use best meets the overall needs of the public.
- Congress recognized that management for multiple-use best meets the needs of the public and gave their direction in the law.
- The agency is applying wilderness standards to lands designated for multiple-use.
- Some visible use of the land for the good of the public is reasonable.
- The proposed land use actions would effectively convert congressional designated multiple-use lands to defacto wilderness which circumvents congressional law and the wilderness designation process.
- Public lands need to be made great again by restoring wide-ranging multiple-use management to all multiple use lands.

- Too much multiple-use land has been set aside for elite/exclusive use. Multiple use land must be used for the greatest good and not manipulated for elite/exclusive use only.
- The agency must stop rewarding those that want exclusive use of resources.
- Closing opportunities to the public on multiple-use land is inappropriate and illegal.
- Public land is for all the public which can only be reasonably accomplished by management for multiple-uses.
- It is not reasonable to reward individuals not willing to share multiple-use lands with exclusive-use of those lands.
- The project area is not designated wilderness. Some visual use of multiple-use land is reasonable and acceptable.
- Managing lands designated by congress for multiple uses by wilderness standards is illegal.

## **11. Unreasonable Use of Climate Change as a Reason to Eliminate Motorized Access and Motorized Recreation**

- Motorized recreation is not a significant factor.
- If CO2 is a significant factor, then forest fires and prescribed burns are a significant impact and this impact must be adequately addressed.

## **12. Required to Provide Adequate Coordination with Local and State Government**

- Coordination with all surrounding counties is required and has not been adequately provided.

## **13. Fails to Adequately Recognize and Address RS2477 Route Standing**

- The proposed action closes and obliterates many routes that have RS2477 standing and should be perpetuated for public motorized access and use as originally allowed by the law.

## **14. Arbitrary and Capricious Analysis and Decision-Making**

- There are no site-specific studies and analysis of OHV recreation as required by the 3-State OHV record of decision.
- Reasons are being used to close motorized opportunities that do not have data and studies to back them.
- Studies that support OHV recreation or give an unbiased analysis are being ignored.
- Impacts on fish and wildlife are being assumed (imagined) without adequate site-specific data and studies.
- Impacts on the natural environment are being assumed (imagined) without adequate site-specific data and studies.

- The Agency is creating and using bogus issues to justify the closure of valuable motorized access and motorized recreational opportunities.
- The road density criteria assigns equal impacts to single-track motorcycle versus ATV trails versus forest roads versus highways. This criterion is not site-specific as required by the 3-State ROD and NEPA and is obviously false.
- The reasons to close motorized opportunities are weak at best and are not adequate for closure of multiple use land.

## **15. Fails to Adequately Address NEPA and Justice Issues**

- The Agency is simply overwhelming the general public with involvement requirements and catering to environmental groups with paid representatives so that they can further their protectionist agenda in the end.
- The agency must adequately identify the needs of the silent majority including motorized recreationists and OHV recreationists and reasonably provide for those needs.
- The proposed action includes many non-motorized trail opportunities.
- The proposed action does not include any OHV trail opportunities.
- The USDA presents itself as “USDA is an equal opportunity provider, employer and lender.”
- The Helena-Lewis and Clark National Forest has considerably many more miles of high quality non-motorized trails than motorized trails.
- There is not an equal opportunity in miles of trail and quality of experience for ATV recreationists.
- There is not an equal opportunity in miles of trail and quality of experience for motorcycle single track recreationists.
- The inter-disciplinary team does not include ATV, motorcycle single track, UTV and full-size 4x4 enthusiasts.
- Motorized recreationists are the only group to lose in every Helena-Lewis and Clark National Forest action and are bearing a disproportionate share of the negative consequences.
- The Agency is making decisions that ignore the overall needs of the public for motorized access and motorized recreation, equal opportunity requirements, and congressionally directed management for multiple-uses.
- Motorized recreationists cooperated with the travel management rule believing that travel management planning would be reasonable. Travel management planning has been a massive motorized closure process and our trust has not been honored.
- Motorized had been marginalized since the 1960’s without adequate disclosure and analysis of the significant negative impacts on the public and the needs of the public for motorized access and recreation.
- The lack of adequate and full disclosure of significant impacts on motorized recreationists and the lack of adequate and meaningful consideration of the needs of motorized recreationists including OHV recreationists by the agency must stop with this action.
- In the past OHV recreationists trusted the agency with the belief that they would look after our needs and we agreed to cooperate and be managed based on that belief.

However, in return our needs were ignored, and OHV recreationists were rewarded with excessive motorized closures. It is time to compensate and mitigate for this injustice.

- The Tenmile South Project closed 59 miles of motorized routes to motorized recreationists and created 18.5 miles of new non-motorized trail.
- All past travel management projects including the Tenmile South, Divide, and Blackfoot Travel Management Projects were not adequately disclosed to the public as motorized closure projects.
- Motorized recreationists including our members have worked hard to maintain all of the existing routes in the project area for over 40 years and have received no recognition for that effort and dedication.
- The proposed action is overly influenced by well-funded elitist environmental groups that represent less than 3% of the visitors but seek exclusive rights to everything. Their excessive influence on public land managers is taking excessive amounts of public land from the public.
- By continuing to ignore the significant needs and issues of motorized recreationists the Agency is creating the need for a significant corrective action to address those needs and issues in the future.
- The proposed plan caters to environmentalists at the expense of most of the public who enjoy motorized access and motorized recreation.
- The complicated NEPA planning process used by the agency is not effectively reaching most of the public.
- Environmental groups who have the money, time, and expertise required to participate skillfully negotiate the complicated NEPA planning process.
- Recreationists who believe that they are “better” than other recreationists must not be rewarded in this action.
- Motorized recreationists are losing our freedom of choice because we cannot comment on thousands of agency planning actions that ultimately close our recreational opportunities.
- The agency is predisposed to follow their motorized closure agenda in the face of the overwhelming need and enjoyment of motorized access and motorized recreation on public land by the public.
- The agency’s NEPA process for this action has been significantly influenced by the number of visits, meetings, telephone calls, correspondence, and information provided by environmental groups.
- The agency must stop catering to the 3% of the public land visitors who use wilderness and adequately address the needs of the 97% who seek motorized access and motorized recreation.
- The agency must evaluate whether it is providing preferential treatment to non-motorized recreationists compared to motorized recreationists including the adequacy and level of opportunities, quality of opportunities, internal staff representation, and levels of maintenance.
- Non-Motorized Recreationists have received preferential treatment by the agency for the past 40 years in the practice of motorized closures in every planning action.
- Closing opportunities to the public on multiple-use land in the name of conservation is “code” for suppression of motorized recreationists.
- Motorized recreationists have been squeezed into an inadequate area because of other users (hikers and mountain bikers) who find motorized users, refuse to share with



motorized recreationists, and then force motorized recreationists out so that they have exclusive use. The agency must not accept the demands of recreationists who refuse to share our resources and demand exclusive uses for themselves.

- The agency's process has been subject to undue influence by professional influencers.
- It is unconscionable that the significant positive benefits of motorized recreation including OHV trails have not been given a hard look and that purported negative impacts of motorized recreation are evaluated without sufficient and appropriate data and studies.
- The agency is creating issues without adequate site-specific data and evaluations as required by the 3-State OHV ROD and then using those issues to close motorized recreational opportunities.
- The agency has created a new form of discrimination by accepting the influence of well-funded, vocal and organized groups and ignoring the reasonable needs of the multiple-use public who are not well-funded, non-vocal, and not well-organized but represent the majority of the visitors and the greater good of the public.
- The decision creates special access and recreation entitlements for hikers and equestrians at the expense of valuable and much needed access and recreation resources for motorized recreationists.
- We enjoy mechanical things. We are not bad people nor do we deserve to be second class citizens because of our appreciation of mechanical things.
- It is not reasonable to reward those who for selfish reasons frame everyone else as unacceptable.
- The project area is not designated wilderness. Some visual use of multiple-use land is reasonable and acceptable.
- Motorized recreation and dispersed camping opportunities are being closed by the agency without site-specific data as required by NEPA and the 3-State OHV record of decision.
- There is no site-specific data that demonstrates any impact of significance to the natural environment by motorized recreation and dispersed camping when compared to naturally occurring levels.
- There is no site-specific data that demonstrates that motorized and dispersed camping closures produce any significant benefit to the natural environment.
- There are no significant measurable impacts from motorized recreation and dispersed camping.
- The agency's newest strategy is to close dispersed camping spots using vegetation, resource management, and travel management plans. This strategy is not aligned at all with the public need for these recreational opportunities. The preferred alternative must address this significant environmental justice issue.
- The Agency must pursue the desegregation of back country access and embrace a tolerance for recreational preferences.
- The selected alternative rewards recreationists who cannot accept sharing with anyone that is not closely aligned with their form of recreation.

## **16. Overstates the Impact of Motorized Access and Motorized Recreation on Fish and Wildlife**

- The analysis has not adequately considered data and studies that supports an unbiased and a balanced view of how motorized recreation impacts the natural environment.
- The analysis does not have adequate site-specific data and studies as required by the 3-State OHV ROD to justify motorized closures.
- Impacts from all user groups and natural impacts must be adequately compared to demonstrate a true sense of magnitude for impacts.
- Alternatives to wholesale motorized closures that would mitigate fish and wildlife concerns were not given a hard look.
- The common claim that “states own wildlife” is incomplete, misleading and needlessly deepens divisions between federal and state governments and creates unnecessary conflicts and impacts on the public that uses federal lands.
- The road density impact criteria being used is not site-specific.
- The road density impact criteria being used grossly over-estimates the impact on wildlife.
- The road density impact criteria being used is not a reasonable measure of motorized impact on wildlife habitat.
- Topography is a significant factor affecting wildlife habitat. Topography such as in the project area greatly reduces the impact on wildlife and is just as effective as or more effective than cover. The analysis does not reasonably consider topography.
- A motorized trail does not have the same impact on wildlife as a road. The impact analysis assumes one size fits all. A criteria and impact analysis must be developed that differentiates between different treads and level of use.
- OHVs cause less severe disturbance of wildlife because the relatively low level of noise that they emit provides a soft warning of their presence and especially compared to non-motorized recreation. For example, OHVs have never had a damaging encounter with a grizzly bear while hikers and hunters have had many that have ended badly for both the humans and the bear.
- Motorized closures are being enacted using the Endangered Species Act as the reason when there is no real significant connection between OHV recreation and significant impacts on a species. Other factors have more significant impacts than OHV recreation. The lack of a sense of magnitude is evidence of arbitrary and capricious evaluation and decision-making.
- There are other impacts on fish and wildlife including natural processes that are far more significant than motorized recreation.
- The analysis of purported OHV impacts in the document does not compare them to natural levels and changes, and therefore, the analysis is arbitrary and capricious.
- The reality is that fish and wildlife can coexist with OHV recreation.

## **17. Overstates the Impact of Motorized Access and Motorized Recreation on the Natural Environment**

- The analysis has not adequately considered data and studies that supports an unbiased and a balanced view of how motorized recreation impacts the natural environment.
- The analysis does not have adequate site-specific data and studies as required by the 3-State OHV ROD to justify motorized closures.
- Impacts from all user groups and natural impacts must be adequately compared to demonstrate a true sense of magnitude for impacts.

- Alternatives to wholesale motorized closures that would mitigate natural environment concerns were not given a hard look.
- A motorized trail does not have the same impact on the natural environment as a road. The impact analysis assumes one size fits all. A criteria and impact analysis must be developed that differentiates between different trends and level of use.
- Motorized closures are being enacted using based on purported impacts on the natural environment as the reason when there is no real significant connection between OHV recreation and significant impacts on the natural environment. Other factors have more significant impacts than OHV recreation. The lack of a sense of magnitude is evidence of arbitrary and capricious evaluation and decision-making.
- There are other impacts on the natural environment including natural processes that are far more significant than motorized recreation.
- The analysis of purported OHV impacts in the document does not compare them to natural levels and changes, and therefore, the analysis is arbitrary and capricious.
- The negative impacts on the natural environment from dispersed camping spots is relatively insignificant when compared to the natural level of environmental impacts. The impact analysis must recognize and be based on this fact.
- Any significant negative impacts on the natural environment from dispersed camping spots can be mitigated to a reasonable level in most locations. The impact analysis must recognize and be based on this fact.

## **18. Motorized References need to be adequately considered**

- The analysis has not adequately considered information that supports the need and value of motorized recreation.

## **19. Maintenance, Funding and Gas Tax Issues**

- An equitable percentage of the gas tax paid by OHV recreationists has not been returned to OHV recreation.
- An equitable percentage of the gas tax paid by OHV recreationists has not been returned to OHV recreation for a very long time and the cumulative effects are extremely significant.
- The analysis has not adequately considered information that identifies significant issues surrounding maintenance, funding and gas tax issues.
- If motorized is removed, then motorized funds should not be used in the area.
- If motorized is removed, then motorized funds used previously in the area should be returned for use on motorized projects.
- There is significant new funding available for motorized trails.
- Trail maintenance must be the first priority for funding.