

CAPITAL TRAIL VEHICLE ASSOCIATION (CTVA)

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December 3, 2017

Travel Management Project
Shoshone National Forest
333 East Main Street
Lander, WY 82520
travel_management_comments@fs.fed.us

Re: Comments for the Shoshone National Forest Revised Proposed Action for the Travel Management Project

Dear Travel Management Team,

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 Shoshone National Forest Revised Proposed Action for the Travel Management Project. We enjoy riding our OHVs on primitive trails and roads in the Shoshone National Forest. All multiple-use land managed by the Forest Service provides a significant source of these OHV recreational opportunities. We are passionate 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.
- We like to build and maintain trails for use by everyone.
- 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.

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- Responsibility to educate the public on the responsible use of motorized vehicles on public lands.

Our position is that the existing system of OHV routes does not adequately meet the needs list above. The benefits to the public would greatly benefit from an enhanced system of OHV routes.

Motorized recreation represents and supports many different interests of forest visitors. Supporting motorized recreation is the best way to support diversity of uses and multiple-use. This over-arching fact must be adequately addressed in the purpose and need and adequately considered in the analysis and decision. We are representative of the needs of the majority of visitors who recreate on public lands but may not be organized with a collective voice to comment on their needs during the public input process. These independent multiple-use recreationists include visitors who use motorized routes for family outings and camping trips, 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 have been observed 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 including the elderly and veterans 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. Our position is that the existing system of OHV routes does not adequately meet the needs listed above. The agency has a responsibility to adequately identify the needs of the public including those not comfortable with the agency's process and reasonably provide for those needs. The benefits to the public would greatly benefit from an enhanced system of OHV routes. The Shoshone National Forest Revised Proposed Action for the Travel Management Project must adequately address this needed and reasonable alternative.

OUTLINE OF SIGNIFICANT ISSUES

Significant overarching issues associated with the proposed action include:

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

- There are over 100,000 OHV recreationists in Wyoming and many more that enjoy visiting Wyoming from other states.
- 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 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.

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.
- 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.
- 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 Shoshone National Forest is destroying a 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 of 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.

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 Shoshone 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 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 it intent to eliminate motorized access and motorized recreation without adequately disclosing their intent and the cumulative effect.

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

- 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 develop 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 Shoshone National Forest

- There are far more miles of non-motorized trail in the Shoshone National Forest.
- The miles of non-motorized and motorized trail in the Shoshone 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, costs and conditions, and number of users.
- Every Shoshone 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.

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

- The lands in the project area are designated by congress for multiple-use.
- 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.

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 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 NEPA.
- 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.

15. Fails to Adequately Address 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 Shoshone National Forest has considerably many more miles 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 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. In reality 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.
- 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.

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 NEPA to justify motorized closures.
- Impacts from all users 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.

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- 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.

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 NEPA to justify motorized closures.
- Impacts from all users 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 treads and level of use.

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

- 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.

Motorized recreationists including our members have worked hard to maintain all of the existing routes in the Shoshone National Forest for over 40 years.

Motorized access and recreation is the means to provide the majority of the public access to and enjoyment of our public lands. We are not a special use group. We are representative of the majority of

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the public yet we are singled out and denied our right to enjoy public lands on an equal basis. We are looking forward to your careful consideration of our issues and concerns. The project analysis and decision must include the development of a reasonable Pro-Recreation alternative that adequately addresses the needs of the public for motorized access and recreation.

Please use our comments to support the development of OHV opportunities and to counter any anti-OHV comments.

Thank you for considering our comments.

Sincerely,

/s/ CTVA Action Committee on behalf of our 240 members and their families and friends
Capital Trail Vehicle Association (CTVA)¹
P.O. Box 5295
Helena, MT 59604-5295

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¹ CTVA is also a member of Montana Trail Vehicle Riders Association (mtvra.com), Blue Ribbon Coalition (sharetrails.org), and New Mexico Off highway Vehicle Alliance (nmohva.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), Snowmobile Alliance of Western States (snowmobile-alliance.org), and United Four Wheel Drive Association (ufwda.org)

Important Note

Important information that would expose the significant issues associated with the Shoshone National Forest Revised Proposed Action for the Travel Management Project have not been adequately disclosed to the public and, therefore, are not available to us. To demonstrate the information that must be developed and evaluated, we are providing the following comments that include highlighted information that serve as examples of the type of information that must be developed as part of the evaluation of the Shoshone National Forest Revised Proposed Action for the Travel Management Project.

Highlighted Information on the following pages are provided to demonstrate the type of information that must be developed as part of the public disclosure process and used in the evaluation and decision-making process. The information needed to fill in the highlighted comments for the Shoshone National Forest Revised Proposed Action for the Travel Management Project is not available to us. Additionally, the data that is available to us is seriously out of date following all of the changes originating from the overwhelming number of designations and actions that are taking place on public lands. The **highlighted Information** is provided as an example of the information that must be collected and the analysis that must be undertaken for an adequate NEPA analysis and for full and honest public disclosure. The development of this information and the analysis is the agency's responsibility. Full and adequate consideration of these issues, comments, and information will easily justify an alternative to enhance existing motorized recreational opportunities. We look forward to an analysis that adequately addresses these comments. We would appreciate receiving copies of the highlighted information when it developed by the agency.

Again, Highlighted Information for the Helena National Forest is used as the example in the following comments with the request that the **Helena National Forest examples** be used to develop the appropriately information for the Shoshone National Forest Revised Proposed Action for the Travel Management Project in order to adequately identify and address the significant issues and needs of motorized recreationists in the Shoshone National Forest Revised Proposed Action for the Travel Management Project.

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Remember: **Yellow Highlight** is provided as an example of the information that must be developed for this plan in order to adequately identify and address significant issues.

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

1. The agency has a responsibility to adequately identify the needs of the silent majority including motorized recreationists and OHV recreationists. Once properly identified, then the agency must adequately and reasonably provide for the needs of the silent majority including motorized recreationists and OHV recreationists.
2. There is an estimated **147,828 OHV** visitors to the **Helena and Lewis and Clark National Forests** each year. At 20 miles per visit, OHV visitors log a total of **2,956,560 miles** on OHV routes. We have observed that there is significantly more construction and maintenance provided for non-motorized trails in the Shoshone National Forest when compared to motorized trails and the amount of use that they receive. As a result, non-motorized trails are in better condition and there are more miles of non-motorized trail per user. Construction and maintenance efforts for motorized trails should be at least equal to that expended on non-motorized trails. This inequity is a significant issue that must be adequately addressed. For example, the Forest Service provides hundreds of wilderness rangers to patrol the wilderness, and educate wilderness visitors. Multiple-use Rangers are almost non-existent even though the ratio of multiple-use visitors to wilderness visitors is over 100:1. As required by NEPA, the evaluation and document must disclose the dollars expended annually in the **Shoshone National Forest** for construction and maintenance efforts for motorized trails and non-motorized trails. The decision must move in the direction of a motorized trail system that is equal to the non-motorized trail system. The decision must also move in the direction of an equal allocation of maintenance dollars.
3. 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 Helena National Forest is 203,200 = (508,000 x .40)**.
4. In addition to the studies cited above, we have observed that 98% 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

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TOTAL ANNUAL OBSERVATIONS ON MULTIPLE-USE PUBLIC LANDS 30-Dec-16

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	
2008	1,437	690	38	39	10	30	24	See specific years and notes below	12	
2009	1,227	894	85	35	7	17	4	See specific years and notes below	59	
2010	1,352	1,037	49	11	2	26	16	See specific years and notes below	5	
2011	1,194	766	80	16	14	9	14	See specific years and notes below	7	
2012	1,072	758	44	17	4	8	15	See specific years and notes below	15	
2013	1,000	673	47	15	0	0	29	See specific years and notes below	2	
2014	837	618	72	7	13	0	2	See specific years and notes below	0	
2015	1,071	695	67	13	3	0	15	See specific years and notes below	0	
2016	963	639	53	21	2	0	18	See specific years and notes below	0	
Column Total	16,261	11,586	1,016	499	216	159	307		389	
Total Observations on Multiple-Use Lands									30,044	
Mechanized Total					29,362	Non-mech Total		682		
Mechanized %				98%	Non-Mech %		2%			

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 lands.

Data Source: Capital Trail Vehicle Association

Our observations of recreationists on multiple-use public lands from 1999 through 2016 is summarized in the table above (yearly data sheets available upon request) and demonstrates that out of 30,044 observations, 29,362 recreationists or 98% of the visitors were associated with motorized access and multiple-uses. Additionally, of the total number of people visiting public lands, 39% (11,586 / 30,044) were associated with OHV recreation. **Furthermore and of utmost importance, out of the 12,767 (11586 + 499 + 216 + 159 + 307) visitors that we observed using trails, 11,586 or 91% were OHV recreationists and 1,181 or 9% were non-motorized recreationists. The group of 9% includes mountain bikes which are a form of mechanized travel. All mechanized trail users add up to 12,085 observations or 95% of the total 12,767 using trails. Therefore, the use of trails is 11.1:1 motorized versus non-motorized and the use of all routes is 20:1 mechanized versus non-motorized.** Therefore, nearly all (98%) 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, 91% of the trail users are motorized and 95% when including mountain bikes which enjoy using the same trail tread and trails. Therefore, in order to be reasonably responsive to the needs of the public at least 90% to 95% of the trails system and public land should be managed for multiple-uses including motorized access and recreation.**

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5. Out of the 30,044 recreationists that were observed, 307 were hikers and 216 were equestrians and all of the meetings were pleasant. We have not experienced any user conflict in 18 years of observations.
6. The National Recreational Trails Advisory Committee identified trail-user conflicts on multiple-use trails as a concern that needed attention. The Committee worked with the Federal Highway Administration to produce a report (https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/9849/GV_191.67_T7M66_1994.pdf?sequence=1) to promote a better understanding of trail conflict, and identify approaches for promoting trail-sharing. The goal of the report was to promote user safety, protect natural resources, and provide high-quality user experiences. It reviews management options such as trail design, information and education, user involvement, and regulations and enforcement. The report found very sound ways to promote cooperation and understanding among trail users and presented ideas that will help reduce conflict on multiple-use trails. The report provides 12 principles for minimizing conflicts on multiple-use trails and we ask that each of these principles be incorporated into the travel management plan.
7. Based on Southern Recreation Report estimates that 29.1% of the visitors are OHV recreationists, the total number of OHV related visits to the Helena National Forest is 147,828 (508,000 x .291) (see NVUM citation for total number of forest visitors above). Given the 148 miles of existing motorized trails, there are 985 (147828 / 148) OHV visitors per mile of motorized trail or 1 OHV visitor every 5.3 feet. Given the 541 miles of non-motorized trail and 3,000 wilderness visitors, there are 5.55 (3,000 / 541) non-motorized visitors per mile of trail or 1 non-motorized visitor every 952 feet. Note that these statistics are at least 6 years old and do not reflect the motorized closures that have occurred during the last 6 years. This imbalance of opportunity cannot be considered equal program delivery and the proposed action must address this significant issue by creating more motorized trails. Clearly the current proposal would be a step in the wrong direction.
8. 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%. 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.

The agency 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

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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 (<http://www.srs.fs.usda.gov/recreation/RECUPDATES/RecStatUpdate3.pdf>). This document reports that the total number of OHV users has grown from 36 million to 49.6 million or 38% 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 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, NSRE is often referenced by the agency but the summary statistics are skewed against motorized recreation because driving for pleasure and OHV use are split out as separate groups. These two groups represent motorized recreation and if they are added together they are as large as any other group in the survey which correctly demonstrates the magnitude of motorized recreation.

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 ½ of the total state population. Based on this estimate, it is our opinion that about 60% (29.1% x 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> and FWP licensing data).

9. 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

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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.

10. 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% or 272,280 individuals participated in OHV recreation. 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 agency will look out for their issues and needs in an even-handed way. In other words, as the process works now, the needs of largely unorganized motorized interests including individuals and families are largely ignored. The agency must not be overly influenced by organized non-motorized groups and their significant lobbying, organized comment writing and legal campaigns. The agency must adequately emphasize the needs of lesser organized and funded motorized recreationists by developing a motorized travel plan that addresses the needs associated with the numbers and popularity of at least 272,280 motorized and OHV recreationists. The current proposal does not meet these needs in a multiple-use area that is ideal for motorized use.
11. Motorized recreationists including motorcycles, ATVs, and 4x4 value highly semi-primitive and primitive motorized recreational opportunities. There is a great need for these opportunities and there is a real shortage of these opportunities due to current management trends. Also, motorized recreationists like to ride on motorized trails to remote trailheads, park, and hike from there.
12. The Montana Outdoor Recreation Plan, also known as the 2014-2018 Montana Statewide Comprehensive Outdoor Recreation Plan (SCORP) has recently been released (<http://stateparks.mt.gov/about-us/scorp.html>). This plan is the state's comprehensive plan for outdoor recreation and conservation management and planning. The document helps all levels of public land managers and private recreation providers meet needs pertaining to outdoor recreation. The 2014-2018 plan represents a collaborative effort between Montana's diverse recreation providers, the tourism community, and residents; and provides a strategy to guide management of Montana's outdoor recreation resources. Motorized recreation categories consistently rose to the top in the plan including:
 - a. Chapter 1, page 15. *...there is a pronounced need for more trails and paths on public lands. Motorized recreation has also significantly grown in users, with a 300% increase in off-highway vehicle registration and a close to 200% increase in snowmobile registration since 2000.*
 - b. Chapter 2, Page 42. *Overall, the findings from this survey suggest there are key areas where Montana outdoor recreation managers can focus in the next five years. This includes walking, hiking, and biking paths and trails, motorized trails, ...*

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- c. Chapter 3, page 49. Table 1 shows the gross imbalance of miles non-motorized to motorized trails on national forest lands in Montana with 63% of the total trails being non-motorized versus 37% motorized. A 50/50 sharing of trail resources is the most equitable solution. Therefore, either 4,812 miles of new motorized trails must be created or 2,406 miles of non-motorized must be converted to motorized trail.

TBL 1. TOTAL MILES OF TRAILS ON NATIONAL FORESTS IN MONTANA

NATIONAL FOREST	MILES OF NON-MOTORIZED	MILES OF MOTORIZED	TOTAL MILES OF TRAILS
BEAVERHEAD-DEERLODGE	1,827	1,278	3,206
BITTERROOT	945	547	1,492
CUSTER	297	566	863
FLATHEAD	1,758	513	2,271
GALLATIN	2,040	682	2,722
HELENA	648	503	1,149
KOOTENAI	1,283	532	1,816
LEWIS AND CLARK	1,298	1,133	2,431
LOLO	1,457	1,085	2,542
TOTAL MILES	11,651	6,839	18,490

Source: US Forest Service, 2013

Note that the miles of trails on lands managed by the BLM was not disclosed or considered.

- d. Chapter 3, page 55. *The national trend is that access with motorized vehicles determines most recreational pursuits.*
- e. Chapter 4, page 119. *Motorized recreation has increased significantly from 2000, with a 300% increase in OHV registration and a close to 200% increase in snowmobile registration. Nearly 30% of Montanans age 16 and over participate in OHV recreation, putting Montana in the top 10 states for OHV recreation.*
- f. Chapter 4, page 134. Entire page including *When looking at regional demographics of OHV users, the West had the highest OHV participation rate of all the regions, especially among young people where more than 40% under the age of 30 were OHV user.Population growth will most likely result in more OHV users in the future.*
- g. Chapter 5, page 155. One of the top three facility needs in the Glacier Country region was off-road/ATV trails.
- h. Chapter 5, page 162. The top facility needs in the Southwest region was off-road/ATV trails.
- i. Chapter 5, page 175. ATV riding was identified as a popular form of recreation in the Central Region and needs were identified in the top six.

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- j. Chapter 5, page 187. The top five facility needs in the Southeast region was off-road/ATV trails.
- k. Chapter 6, page 195. Made the statement that *Close to home trail development also improves the ability for motorized recreation users to access trail systems and engage in the mental and social benefits of outdoor recreation.*
- l. Chapter 7, page 200. Made the recommendation similar to our OHV Mine Tour. *Encourage the development of natural, cultural and/or heritage themed tours of communities, public lands, and Tribal Nations across Montana that connects visitors to recreation resources for both motorized and non-motorized modes of travel. Evaluate amenities and overnight opportunities that will enhance these experiences.* • *Tourism Regions, MDC, CC, BID, Federal partners, FWP, Counties, Cities, Tribes*
- m. Appendices, page F-2. Expansion of motorized recreation and multiple-use trails (4) Motorized recreation provides access to public lands for senior citizens and people with disabilities. I endorse public ownership of properties throughout the state, but would like it to be available to all people, not just the 20-60 year old public. It is very disheartening to see how severely motorized access has been eliminated on public lands that rightly should have remained open to motorized access. We ask that management of our trail systems be focused on multiple-use and sharing. There should be a 50/50 balance between motorized and non-motorized trails. Motorized recreation supports the economy through equipment purchases, fuel, and travel. There is a great shortage of ATV and motorcycle trails in Montana that justifies more not less motorized recreational opportunities. Provide specific metrics for ATV trail development. No new roads are needed, just open existing roads.
- n. SCORP FINAL Resident Report, page iii. *five facility types came to the top of the list to increase the numbers. These facilities are: Hiking trails, Bike lanes, Off-road ATV trails, Rifle/handgun ranges, and sledding/tubing areas.* And on page 11, Off-road ATV trails was listed as third most needed.
- o. SCORP FINAL Resident Report, page 28. Summary. At the state level, four facility/area types emerged as the highest need in terms of the facility/area which needed to be increased and those facility/areas that had more people saying there was a need for an increase compared to those who said the facility number was adequate. The four facility types are:
- Bike lanes
 - **Off-road ATV trails**
 - Rifle/handgun ranges
 - Sledding/tubing areas
13. A significant legal issue exists with the current management of State lands that SCORP and State law have failed to identify and address. Currently OHV routes are not allowed on State lands. Therefore, there is a taxation without opportunity that must be adequately addressed and corrected. Therefore, there is a serious discrimination and lack of equal opportunity that must be immediately recognized and addressed.
14. OHV recreationists need beginner loops near camping areas for those learning to use their machines and those not able to go on longer excursions.
15. The Shoshone National Forest project area has significant potential for a system of motorcycle single track trails.

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16. There are very few designated motorcycle single track trails in the project area.
17. Motorcycle cycle single track trails are a highly sought after experience that is in short supply.
18. The number of “single track” motorcycle trails that motorcycle riders seek has been significantly reduced over the last 35 years.
19. In past planning actions the agency did not give a hard look at the need for and use of motorcycle single track trail. This would be a good time to correct that issue.
20. “Single track” is a narrow trail that is approximately the width of the motorcycle. It contrasts with double track or fire road which is wide enough for ATV, UTV, and/or full-sized four-wheeled off-road vehicles. Single track is frequently smooth and flowing, but it may also exhibit technical rocky sections and may be crisscrossed with tree roots and other obstacles. Some trails are winding and flowing, while others are bumpy and challenging. Many single track trails offer features such as roots, logs and rocks. All of these experiences and challenges are highly sought after by motorcycle riders. Single track trails can also be used by other recreationists including mountain bikers and hikers.
21. A program similar to the following is needed to help the agency better understand the needs of motorized single-track trail riders which have been ignored in the analysis.

Single Track Summit - AZ State Park OHV Program

Arizona State Parks Off-Highway Vehicle Program is excited to host this first ever event focused on bringing riders and land managers together to understand the unique trail requirements of motorcycle riders, building partnerships between rider groups and agencies, developing project proposals, and how to pay for all this work using YOUR OHV Fund. Everyone should leave this event with knowledge and contacts to help develop single track opportunities statewide.

Please join us for what will prove to be a productive day with just enough fun stuff sprinkled in to make it exciting. We have a video short on single track riding, GoPro footage of local technical riding, and will screen the recently released adventure riding film about the Arizona Backcountry Discovery Route. Plus we will have some motorcycles on display that are used for single track riding and adventure touring.

SINGLE TRACK SUMMIT SCHEDULE OF EVENTS

Saturday 8:00am - 9:00am: Continental Breakfast and check-in
 9:00am: Summit Kickoff & Morning Presentations
 noon - Lunch and screening of the Arizona Backcountry Discovery Route
 1pm Afternoon Presentations & Meet the Land Managers
 4pm Summit Wrap Up

Presenters

Coconino National Forest & Coconino Trail Riders - The Kelly Canyon Experience
 Trail Riders of Arizona - Developing Partnerships
 Bureau of Land Management - Project Design and Long Distance Connections
 Arizona State Parks - Making it Rain, Project Funding Mechanisms and Doing Business with the State
 Tonto Recreation Alliance - Keys to Being a Good Partner
 Surprise Guests

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Sunday (optional)

Trail Ride - Location to be determined, bring your own motorcycle

22. Motorcycle single track trails issue: New low impact motorcycle tires motorcycle single track trail riding are now available from Kenda, Goldentyre, Michelin, Pirelli, IRC, Dunlop and other manufacturers. These tires allow low impact cross country and single track trail use by motorcycles. This new technology must be given a hard look in an alternative that provides for more motorcycle single track trail opportunities.
23. Public understanding of the proposed alternatives would be greatly improved by implementing a mapping tool similar to the one developed by Idaho Parks and Recreation. This tool can be tried out at <http://www.trails.idaho.gov/trails/> . Zoom in and click on a particular trail to see the information provided for each route. Earlier versions of this tool included GPS downloads for each route which would help assure that the public was on the right trail. This tool would also be useful after the analysis and decision to inform the public of the route designations.
24. OHV recreation is extremely popular in Montana. Registration statistics in 2012 show that there are 77,868 OHVs with both plate and OHV stickers, and 69,378 vehicles with OHV stickers for a total of 147,606 licensed OHV vehicles. The total number of OHV registrations equates to about one OHV for every 6 residents. Note that many OHVs are used by multiple residents. At 500 miles per year per OHV (a very conservative estimate), the total miles driven per year in Montana would equal 75,000,000 miles. At an average speed of 18 miles per hour, the total hours of OHV recreation per year in Montana is estimated at 4,167,000 hours. <https://doj.mt.gov/driving/mvd-by-the-numbers/2012-total-vehicle-registrations-statewide/>. At a value of \$25 per hour the total value to the economy on Montana is \$104,175,000 and the share attributable to the Lincoln area is a significant part of the economy.
25. Using a conservative estimate of 30 miles per visit and an average speed of 18 miles per hour, OHV visitors to the Helena National Forest travel 4,380,000 miles (146,000 x 30) and recreate at least 243,000 hours on their OHVs. The magnitude of these values indicates a significant need for OHV routes and a significant value in the use of those routes.
26. The Government Accounting Office (GAO) has recently released a report with recommendations on long- and short-term improvements that could reduce maintenance backlog and enhance the sustainability of trails on the public lands (<http://www.gao.gov/products/GAO-13-618>). Specific recommendations include Agency officials and stakeholders GAO interviewed collectively identified numerous options to improve Forest Service trail maintenance, including (1) assessing the sustainability of the trail system, (2) improving agency policies and procedures, and (3) improving management of volunteers and other external resources. In a 2010 document titled A Framework for Sustainable Recreation, the Forest Service noted the importance of analyzing recreation program needs and available resources and assessing potential ways to narrow the gap between them, which the agency has not yet done for its trails. Many officials and stakeholders suggested that the agency systematically assess its trail system to identify ways to reduce the gap and improve trail system sustainability. They also identified other options for improving management of volunteers. For example, while the agency's goal in the Forest Service Manual is to use volunteers, the agency has not established collaboration with and management of volunteers who help maintain trails as clear expectations for trails staff responsible for working with volunteers, and training in this area is limited. Some agency officials and stakeholders stated that training on how to collaborate with and manage volunteers would enhance the agency's ability to capitalize on this resource. CTVA has a long history of collaboration on trail construction and maintenance projects that we would like to continue to build on.

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27. The House and Senate have passed H. R. 845 the National Forest System Trails Stewardship Act. The bill requires the U.S. Forest Service to develop a national strategy to maximize the use of volunteers to maintain trails on Forest Service land. CTVAs members contribute hundreds of hours of labor and thousands of dollars in equipment and travel costs to maintain hundreds of miles of motorized trails. We are quite willing to build on this capability and, in turn, ask for recognition of our efforts and additional miles of multiple-use trails that we can maintain.
28. Additionally, OHV recreation generates millions of dollars in OHV gas tax revenues which should be used to for trail maintenance (see additional comments and 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/cta/Publications/Reports/ORNL_TM_1999_100.pdf). Unfortunately, these dollars are not being applied to OHV trails. Bringing volunteers together with funding would solve nearly all of our OHV trail maintenance needs.
29. Motorized recreationists value high quality trails with destinations, views, vistas, and challenging riding.
30. Because of the significant number of motorized visits to the forest and significant issues associated with motorized closures (both points are documented in our comments and the comments of other motorized recreationists), the preferred alternative must not reduce motorized opportunities. Moreover, in order to address the issues and needs of the public, a reasonable preferred alternative would provide for an increase in motorized opportunities.
31. There are many motorcycle single-track trail riding enthusiasts in the project area and surrounding communities. There are no significant motorized single-track trails in the proposed action. This is a significant need and the significant issue associated with not addressing this need has not been adequately addressed.

32. Motorized recreationists support the use of mountain bikes on the motorized trails. A reasonable alternative would be to share any proposed mountain bike trails with motorcycles. Both vehicles create and use the same “single-track” trail foot print. As proposed there are no motorcycle trails. Furthermore, based on our experience keeping trails free of downfall in the last 5 years, mountain bikers without chainsaws will not be able to maintain the trail system and it will not be functional. For example, on our last outing to the Helmville-Gould trail at the end



of the season last fall, we had to remove 50-60 downed trees to get through even though it was late in the season. The Brooklyn Bridge route in the Clancy-Unionville area is another example of a route that is becoming closed by downfall. Motorcyclists would be quite willing to help build

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and maintain a motorcycle/mountain bike single-track trail system. This is a reasonable alternative that must be adequately addressed.

33. We have observed that motorized trails that have been closed to provide “non-motorized opportunities” see very little or no use. Another example is the Upper Hellgate Gulch trail closed as part of the North Belts Travel Plan. As shown below there is no evidence of use and the trail is now closed by downfall.



Upper Hellgate Gulch Non-Motorized Trail

34. The number one concern of OHV recreationists as documented by Montana Fish Wildlife and Parks in their report Montana Off-Highway Vehicles 2008 is “Access to trails”.
35. OHV recreationists have a strong interest in long distance routes where they can pack their camping gear with them and travel 90 to 125 miles. The concept is to camp 2 to 4 along the way similar to the Magruder trail in Idaho (<http://fs.usda.gov/nezperce>) and cover 90 to 125 miles as part of the experience. This opportunity could be developed by creating boundary trails around areas such as the Elkhorn WMA, Big Snowys and Pioneer Mountains and using connecting trails through the interior to create figure 8 opportunities. We request, as a reasonable alternative, that this type of opportunity be evaluated as part of the planning process and that motorized recreationists be involved.
36. Most residents of Montana are 1st, 2nd, 3rd, or 4th generation Montanans who have been raised with motorized access to their public lands. They have driven their jeeps and motorcycles to places in the project area for decades and now many of them enjoy recreating on ATVs. This is a very important cultural issue that must be adequately considered by a travel management plan.
37. Another significant issue that goes along with historic motorized access is associated with the way that the level of involvement in a NEPA process is used to justify motorized closures. Grandpa did not have to participate in a confusing and intimidating NEPA process and NEPA as currently practiced is not reaching most Montanans. Please do not interpret a lesser level of participation as acceptance of motorized closures and use it as a reason to support grant and foundation funded, non-profit non-motorized environmental groups with paid staff. The level of participation is due to the lack of an adequate public involvement program that reaches or involves the majority of residents including motorized recreationists. At the same time, the NEPA process should seek communication with motorized recreationists equal to that afforded non-motorized environmental groups. We request that the agency carefully assess this situation and implement a NEPA public involvement program that adequately compensates for

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these conditions and adequately identifies the significant issues and needs of motorized recreationists.

38. In order to understand the needs of OHV recreationists, the agency project team must be interdisciplinary and include at least one OHV motorcycle cycle enthusiast and one ATV enthusiast, a UTV enthusiast, and a full-size 4x4 enthusiast. An OHV enthusiast is defined as an individual with at least one of the four interest areas that puts on at least 1500 miles per year riding with friends and family on trails ranging from easy to challenging and understands the needs of OHV recreationists.



39. There is a significant need for Youth Loops. Youth Loops would include a small area of several acres, either contained by fencing or clearly marked boundary, with short, tight trail system that is designed to entertain kids under adult supervision. The youth loop offers an alternative to unauthorized routes near camp areas and riding in campgrounds. A good example to refer to is the Lewis and Clark National Forest Travel Plan for the Little Belts. We request as a reasonable alternative that this important need be adequately addressed in the preferred alternative.
40. 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.
41. An adequate and reasonable preferred alternative would include an adequate quantity and quality of beginning, intermediate, and advanced routes and trails for a wide cross-section of motorized visitors including motorcycles, ATVs, and four-wheel drive vehicles. Additionally, the quantity and quality of motorized routes would be at least equal to the quantity and quality of

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non-motorized routes. This is the yard stick that the team should measure travel plan alternatives by.

42. Road density does not equal motorized trail density. Impact information developed based on roads should not be used to estimate impacts from ATV and single-track motorcycle trails. ATV trails has far less impact than roads in all resource areas and motorcycle single-track trails have far less impact than roads in all resource areas. Motorized trails have less impact than roads and this condition must be recognized during the analysis and decision-making.
43. Because of the shortage of OHV routes necessary to reasonably meet the needs of the public, every existing motorized route is extremely important.
44. All roads to be closed to full-size vehicles should be converted to atv routes. This is a reasonable alternative for all existing roads.
45. 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.
46. 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. It is not reasonable to segregate users on single-track trails. We can all get along and have done so for years. Sharing should be a primary goal for use of these lands. It is also consistent with the desegregation of public places as required by the Civil Rights Act of 1964. 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. Additionally, single-track challenge trails are needed for expert riders and trials type motorcycles.
47. The loss of high quality motorized routes in the Shoshone National Forest is not a reasonable alternative given the historic use of these routes and the needs of the public for access and motorized recreation. Specifically, the lack of motorcycle single-track trail does not adequately address the issues and the needs of the public for these routes. The reasons used are completely unreasonable. Motorcycles can negotiate and prefer to use trails of the same specifications as hiking and pack stock trails. This proposal does not reasonably acknowledge or consider that motorcycle riders are; willing to share, practice Tread Lightly, have maintained these trails for years, would rather ride their motorcycles on single-track trails and have developed the skills necessary to ride a motorcycle on single-track trails. We are very concerned about the lack of understanding of the needs of single-track motorcycle riders and the complete disregard for their needs. We ask that this very important issue be adequately addressed in the document.
48. National Forests in Idaho have a long and successful history of sharing single-track trails with motorcycles and we request, as a reasonable alternative, that this strategy be used in the project area. . Details on the trail system in Idaho are shown by zooming in on the map at <http://www.trails.idaho.gov/>.
49. Motorcycle trail riders enjoy riding single-track trails. Motorized single-track recreation trails are limited at this time and continue to decline. The process has not differentiated between ATV and motorcycle trails in the travel plan alternatives. In order to recognize the different needs and impacts, the evaluation must be differentiated between ATV and motorcycle trails. Figure 2.2 and 2.7 on page 14 of Chapter 2 in the 3-State OHV EIS and Decision clearly shows that

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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 in order to meet the requirements of the 3-State OHV agreement.



Figure 2.2 Motorcycle traveling on single-track trail is not considered cross-country travel.



Figure 2.7 Livestock or game trail used by motorcycles for regular and continuous passage is not considered cross-country travel.

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50. With respect to the position that there is not enough money to mitigate problems, motorized recreationists can work with the Forest Service as partners to obtain many different grants.
51. Also, motorized recreationists generate significant levels of funding that would be available if the agency would pursue them and the system was working to distribute them equitably. The magnitude of gas tax paid by OHV recreationists is significant. Fuel used for off-road motorcycle, atv and 4-wheel drive recreation in Montana is estimated at 18,537,060 gallons per year (Report ORNL/TM-1999/100, Federal Highway Administration http://www-cta.ornl.gov/cta/Publications/Reports/ORNL_TM_1999_100.pdf). Federal gas tax paid by OHV recreationists living in Montana is significant and is estimated at \$3,410,819 (\$0.184 tax per gallon times 18,537,060 gallons per year). The present worth of this annual amount over the past 30 years is about \$58,973,000.

The State of Montana fuel tax is \$0.2775 per gallon (<http://www.mdt.state.mt.us/administration/gastaxrefund.html>). Therefore, an estimated \$5,144,034 in state fuel tax (\$0.2775 per gallon times 18,537,060 gallons per year) is paid annually by Montana off-road recreationists. The present worth of this annual amount over the past 30 years is about \$88,940,000.

The amount of gas tax being returned to Montana OHV recreationists through State Trails Program (STP) and Recreational Trails Programs (RTP) is less than \$200,000 per year (<http://www.fwp.state.mt.us/parks/trails/trailgrantapps.asp> and <http://www.fwp.state.mt.us/parks/ohvgrantaward.asp>) or less 3% of the total annual gas tax paid by OHV recreationists. Basically OHV recreationists generate a significant amount OHV gas tax but it is not being returned for use in OHV trail projects. These monies should be used to maintain, develop, and provide environmental enhancement of OHV recreational resources but, unfortunately, it is being diverted elsewhere. This significant issue must be addressed.

52. 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. Each region could set up a program similar to the Trails Unlimited program (<http://www.fs.fed.us/trailsunlimited/>). 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.
53. CTVA has trained equipment operators available to provide trail maintenance if the Agency would provide access to mini-excavators and SWECO trail machines.
54. Where cattle grazing has established a network of cow trails, a reasonable alternative would be to allow motorcycle use on these single-track trails as there would be no change in impact or visible use of the trails.
55. The Stream Systems Technology Center found that installing water bars at a reasonable spacing was a very effective way to reduce the sediment discharge from trails and roads (July 2007 Stream Notes at <http://www.stream.fs.fed.us>). Many other best management practices are available to control sediment production at demonstrated by the bibliography at http://www.fs.fed.us/t-d/programs/wsa/pdfPubs/road_bmp.pdf .

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56. The Shoshone 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.
57. 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 (50/50 sharing of motorized to non-motorized trails) 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.
58. 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. A reasonable evaluation of this condition will conclude that motorized recreationists are already squeezed into insignificant and inadequate system of routes. This point must be adequately considered in the allocation of recreation resources.
59. The following are examples of adequate OHV trail systems that should be used to guide development of this project. The alternatives for this project should be compared to these OHV trail systems. Also, it would help the project team understand the needs of OHV recreationists by visiting these area and experiencing them on an OHV. Examples of the types of systems that should be developed in the project area include:
- a. Michigan Cross Country Cycle Trail MCCCT (https://www.michigan.gov/documents/dnr/ORV-Map-ofLP_Legal_2_331706_7.pdf , <https://www.vvmapping.com/trails/MCCCT.html> and <http://www.fs.usda.gov/recarea/hmnf/recarea/?recid=30298&actid=93>)
 - b. Danskin Mountain in the Boise National Forest (<http://www.stayontrails.com/assets/content/maps/Danskin-Mountains-map.pdf>)
 - c. South Fork Boise River in the Boise National Forest (see MVUM at <http://www.fs.usda.gov/detail/boise/maps-pubs/?cid=STELPRDB5053223>)
 - d. Idaho City area in the Boise National Forest (see MVUM at <http://www.fs.usda.gov/detail/boise/maps-pubs/?cid=STELPRDB5053223>)
 - e. Sawtooth National Forest (see Fairfield Ranger District MVUM map at <http://www.fs.usda.gov/detail/sawtooth/maps-pubs/?cid=stelprdb5421960>)
 - f. Winom-Frazier OHV area in the Umatilla/Whitman National Forest, see maps at <http://www.fs.usda.gov/detail/wallowa-whitman/recreation/ohv/?cid=stelprdb5303096>
 - g. Prospect OHV area in the Rogue River National Forest (contact Rogue River-Siskiyou National Forest for map).

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- h. Paiute OHV System in the Fishlake National Forest (http://www.marysvale.org/paiute_trail/contents.html)
- i. East Fork Rock (<http://www.fs.fed.us/r6/centraloregon/recreation/cohvops/efrindex.shtml>),
- j. Mendocino National Forest (<http://www.fs.fed.us/r5/mendocino/recreation/ohv/>), and
- k. High Lakes and Blue Lake Trail System in the Gifford Pinchot National Forest (<http://www.fs.fed.us/gpnf/recreation/trailbikes/documents/trails5269small.pdf>).
- l. Canfield Trail System near Coeur d'Alene, Idaho Panhandle National Forest, <http://www.stayontrails.com/assets/content/maps/Canfield-Butte-trail-map.pdf>.
- m. These types of motorized route systems can be referred to as "High Quality" OHV trail systems.
- n. In order to meet the public's need for motorized recreational opportunities, the project area and every national forest and BLM district must have OHV systems comparable to these examples.

60. Specific references from the new National OHV Policy that must be adequately addressed include:

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. Why is a process that was intended to eliminate cross-country travel and designate existing motorized routes been allowed to turn into a massive closure process?

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. The intention of the final OHV Route Designation rule must be

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followed by the Shoshone National Forest Travel Management 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.

61. In order to be responsive to the needs of motorized recreationists, the plan must specifically allow for amendments as required to create new trails, connect trails to create motorized loops, extend trails, make minor boundary adjustments to allow a motorized trail, etc.
62. 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 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, as a reasonable alternative, 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. 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.
63. 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, as a reasonable alternative, that all reasonable routes be designated for dual-use so that a system 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.
64. 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 pro-actively manage motorized recreation.
65. 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.
66. 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.

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67. 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 project area 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.

68. The Government Accountability Office (GAO) report on OHV recreation has been prepared and released to the general public (<http://www.gao.gov/Products/GAO-09-509>). GAO investigators interviewed agency personnel, OHV rider and industry representatives and environmental group representatives. GAO issued a number of findings in terms of OHV recreation on public lands. GAO highlights include that OHV recreation is growing in popularity and that more Americans are seeking access to federal public lands via their OHVs. Second, the report found that the federal land agencies could do a better job of providing signage and general outreach to the recreating public so that visitors to public lands have a better understanding of where they can and cannot ride their OHVs. The report also focused attention on the inadequacies of law enforcement and the inconsistent scale of fines and penalties for inappropriate behavior on public lands. GAO found that the land agencies were stretched, both in terms of financial resources and personnel, and that other pressing concerns, such as fighting wildfires, apprehending drug criminals and border control issues kept agency personnel from devoting the necessary time to make public lands more accessible to recreation visitors. GAO looked into the issue of environmental damage caused by OHVs and found such damage is far less than some observers believed to be the case. Another finding was that agency personnel worked well with OHV user groups on trail maintenance projects. The report’s conclusions confirm what we have known for a long time about OHV recreation on public lands and provide further reason to continue working on our priority issues. Motorized recreationists will continue to carry on our efforts to support law enforcement reform legislation as well as seek additional funding for better signage, maps and trail maintenance. Working with the Congress and our land agencies, we can create an environment where OHV recreation can continue to grow in popularity as more American families look to explore and enjoy the great outdoors.

69. CTVA believes the agency should develop travel management strategies as a solution to mitigate our access concerns and that those should be included in the planning process:

- a. **ML 3 Roads to Trails** - Reclassify ML3 roads to ML2 roads. Reclassify ML2 road to motorized trails or manage appropriate ML2 roads as "roads managed as trails." Manage appropriate ML1 roads as “motorized trails.”
- b. **ML 2 Roads to Trails** - Convert "roads-to-single track trails" or "roads-to-motorized trails less than 50 inches in width" and "roads managed as motorized trails greater than 50 inches in width" as a tool to help the agency achieve its budget objectives while still providing a substantive and high quality recreational route network.
- c. **Single Track Trails** - 2005 Forest Service Travel Management Rule (TMR) Subpart B planning efforts in the Western States resulted in the loss of many, if not most, of our historic single-track motorcycle trails. Historic and legal motorized single-track opportunities such as enduro trails, old pack-mule/mining or pioneer trails were

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eliminated from consideration due to inadequate determination and analysis by the Agency.

- d. During those early planning efforts, agency representatives promised the OHV community that once these initial "foundational" route networks were established and codified that they would work with the users to either bring some of these historic single-track opportunities "back onto the system" or construct new engineered single-track system trails.
 - e. A strategy should be developed to replace the lost single-track experience. Retention or enhancement of high quality single-track dirt-bike trails is no different than keeping or enhancing "quiet" single-track hiking, equestrian, and mountain-bike trails.
 - f. **Wet Weather Closures** - Any TMR-based wet weather closure strategy should allow for native surfaced trails and roads to be open when soil conditions/lack-of-rainfall permits. If a wet weather closure is needed, the implementing Forest Order should be for the shortest period of time rather than a longer time period. In NEPA, it is always easier to extend a short closure versus repealing a longer closure.
 - g. **Mitigate Trail Impacts from Non-Recreation Projects** - The impacts from non-recreation projects often include obliteration of the trail or removal of water control structures such as rolling dips and catch basins. Those soil erosion measures can often cost \$15,000 to \$20,000/mile to install (or replace). Other sections such as at-risk species, water quality, and ecosystems have the same recreation mitigation deficiencies. CTVA recommends that "trail mitigation" guidelines be added to relevant non-recreation projects.
 - h. **Review Non-Motorized Land Designations** – We believe the Forest should review current non-Wilderness areas that could be reclassified, reopened, or have cherry-stemmed routes designated for connectivity and/or touring opportunities. Many 1980-1990s-era Forest Plans used non-Wilderness "non-motorized" classifications to restrict or prohibit summer wheeled recreation. In many cases, OHV was simply not at the table or given substantive consideration during these programmatic planning efforts. In some areas these classifications such as "Near Natural" or "Semi-Primitive Non-Motorized" had the effect of functionally banning OHV use including designation of cherry-stemmed routes. The Forest Plan Revision process is the appropriate planning tool to reclassify lands for managed OHV recreation.
70. The BLM public lands host over 55 million recreation visitors annually – an increase of over 80% since 1990. BLM estimates that 22 million of these visitors participate in motorized recreation.
(http://www.blm.gov/wo/st/en/prog/Recreation/recreation_national/travel_management.print.html)

71. The Government Accounting Office (GAO) has recently released a report with recommendations on long- and short-term improvements that could reduce maintenance backlog and enhance the sustainability of trails on the public lands



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(<http://www.gao.gov/products/GAO-13-618>). Specific recommendations include Agency officials and stakeholders GAO interviewed collectively identified numerous options to improve Forest Service trail maintenance, including (1) assessing the sustainability of the trail system, (2) improving agency policies and procedures, and (3) improving management of volunteers and other external resources. In a 2010 document titled A Framework for Sustainable Recreation, the Forest Service noted the importance of analyzing recreation program needs and available resources and assessing potential ways to narrow the gap between them, which the agency has not yet done for its trails. Many officials and stakeholders suggested that the agency systematically assess its trail system to identify ways to reduce the gap and improve trail system sustainability. They also identified other options for improving management of volunteers. For example, while the agency's goal in the Forest Service Manual is to use volunteers, the agency has not established collaboration with and management of volunteers who help maintain trails as clear expectations for trails staff responsible for working with volunteers, and training in this area is limited. Some agency officials and stakeholders stated that training on how to collaborate with and manage volunteers would enhance the agency's ability to capitalize on this resource. CTVA has a long history of collaboration on trail construction and maintenance projects that we would like to continue to build on.

72. Additionally, OHV recreation generates millions of dollars in OHV gas tax revenues which should be used to for trail maintenance (see additional comments and 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/cta/Publications/Reports/ORNL_TM_1999_100.pdf). Unfortunately, these dollars are not being applied to OHV trails. Bringing volunteers together with funding would solve nearly all of our OHV trail maintenance needs.
73. Motorized trail maintenance and enhancement projects would make good stimulus projects and help preserve the human and natural environment. The agency has been allocated millions of dollars in stimulus funding but has not used it for motorized trail projects. We support and encourage the use of stimulus funding motorized trail projects.
74. 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.
75. There are compelling reasons to maintain and enhance the existing level of motorized access and motorized recreation in the project area.
76. 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.
77. 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.
78. We have been keeping observations of the types of visitors in multiple-use areas since 1999 and have found that 98% of the visitors are motorized recreationists. The Forest Service does not have similar data. The public comments and votes by how they use the forest, and more motorized access and recreation is what they are asking for with every visit.

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79. 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.
80. 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.
81. 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. Each region could set up a program similar to the Trails Unlimited program (<http://www.fs.fed.us/trailsunlimited/>). 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.
82. Many motorized clubs including CTVA have trained equipment operators available to provide trail maintenance if the Agency would provide access to mini-excavators and SWECO trail machines.
83. The Stream Systems Technology Center found that installing water bars at a reasonable spacing was a very effective way to reduce the sediment discharge from trails and roads (July 2007 Stream Notes at <http://www.stream.fs.fed.us>). Many other best management practices are available to control sediment production as demonstrated by the bibliography at http://www.fs.fed.us/t-d/programs/wsa/pdfPubs/road_bmp.pdf .
84. Wilderness trails including those in the Scapegoat, Bob Marshall, and Anaconda Pintlar have been constructed and maintained with water bars every couple of hundred feet and boardwalks across sensitive areas. These types of facilities are hardly ever seen on motorized trails and then erosion and environmental impacts are used as reasons to close motorized routes. This is an example of an obvious bias in the construction and maintenance of non-motorized trails versus motorized trails.
85. The 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.
86. In order to be responsive to the needs of motorized recreationists, the plan should specifically allow for amendments as required to create new trails, connect trails to create motorized loops, extend trails, make minor boundary adjustments to allow a motorized trail, etc.
87. The Government Accountability Office (GAO) report on OHV recreation has been prepared and released to the general public (<http://www.gao.gov/Products/GAO-09-509>). GAO investigators interviewed agency personnel, OHV rider and industry representatives and environmental group representatives. GAO issued a number of findings in terms of OHV recreation on public lands. GAO highlights include that OHV recreation is growing in popularity and that more

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Americans are seeking access to federal public lands via their OHVs. Second, the report found that the federal land agencies could do a better job of providing signage and general outreach to the recreating public so that visitors to public lands have a better understanding of where they can and cannot ride their OHVs. The report also focused attention on the inadequacies of law enforcement and the inconsistent scale of fines and penalties for inappropriate behavior on public lands. GAO found that the land agencies were stretched, both in terms of financial resources and personnel, and that other pressing concerns, such as fighting wildfires, apprehending drug criminals and border control issues kept agency personnel from devoting the necessary time to make public lands more accessible to recreation visitors. GAO looked into the issue of environmental damage caused by OHVs and found such damage is far less than some observers believed to be the case. Another finding was that agency personnel work well with OHV user groups on trail maintenance projects. The report's conclusions confirm what we have known for a long time about OHV recreation on public lands and provide further reason to continue working on our priority issues. Motorized recreationists will continue to carry on our efforts to support law enforcement reform legislation as well as seek additional funding for better signage, maps and trail maintenance. Working with the Congress and our land agencies, we can create an environment where OHV recreation can continue to grow in popularity as more American families look to explore and enjoy the great outdoors.

88. 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 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. 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, as a reasonable alternative, 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 (Single-Track)	Existing NFS Trails Open to Cross-Country Motor Vehicle Use	Currently Open to Cross-Country Motor Vehicle Use
Totals			194,015,494			385,634	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					
Motorized Trails, % =						25.49%					
Trails Open to Motorcycles %						12.43%					
http://www.fs.fed.us/recreation/programs/ohv/ http://www.fs.fed.us/recreation/programs/ohv/travel_mgmt_schedule.pdf											

NOTE: This data is out of date by at least 8 years and does not reflect significant motorized closures that have occurred since this table was put together.

89. 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

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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.

90. 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 comments and 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.
91. 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.
92. 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.
93. 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.
94. 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 a good 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.
95. The following are examples of adequate OHV trail systems that should be used to guide development of this project. The alternatives for this project should be compared to these OHV trail systems. Also, it would help the project team understand the needs of OHV recreationists by visiting these area and experiencing them on an OHV. Examples of the types of systems that should be developed in the project area include:
 - o. Danskin Mountain in the Boise National Forest (<http://www.stayontrails.com/assets/content/maps/Danskin-Mountains-map.pdf>)
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- p. South Fork Boise River in the Boise and Sawtooth National Forests
- q. Winom-Frazier in the Umatilla/Whitman National Forest
- r. Prospect OHV area in the Rogue River National Forest
- s. Paiute OHV System in the Fishlake National Forest
- t. East Fork Rock
(<http://www.fs.fed.us/r6/centraloregon/recreation/cohvops/efrindex.shtml>),
- u. Mendocino National Forest (<http://www.fs.fed.us/r5/mendocino/recreation/ohv/>), and
- v. High Lakes and Blue Lake Trail System in the Gifford Pinchot National Forest
(<http://www.fs.fed.us/gpnf/recreation/trailbikes/documents/trails5269small.pdf>).
- w. Canfield Trail System near Coeur d'Alene, Idaho Panhandle National Forest,
<http://www.stayontrails.com/assets/content/maps/Canfield-Butte-trail-map.pdf>
- x. In order to meet the public's need for motorized recreational opportunities, the project area and every national forest and BLM district must have OHV systems comparable to these examples.

96. 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.

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

98. Dispersed camping is widely enjoyed by the public and is a reasonable use of multiple use lands. Adequate dispersed camping depends on the network of existing motorized routes.

99. 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.

100. 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.

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101. 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. This condition has been documented as “confirmation bias” and it is a serious problem. It is closely related to “junk science” and “fake science”. 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.
102. 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.
103. 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, as a reasonable alternative, 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.
104. The evaluation and decision-making must also take into account that millions of acres of public land near the project area are designated national parks, monuments, wilderness and non-motorized areas where motorized access and recreation is not allowed or severely restricted. Therefore, the project area includes a significant number of non-motorized recreational opportunities that can be quantified in many ways including acres, miles of trails, an infinite number of miles of cross-country travel opportunities, and acres per visitor. At the same time motorized access and recreation is limited to a relatively small corridor and network of roads and trails. We request that the difference in visitor use between designated wilderness/non-motorized/exclusive-use lands and multiple-use lands be acknowledged and adequately addressed in the evaluation. We also request a motorized recreation alternative with a recreation opportunity spectrum (ROS) comparable to the surrounding ROS available for non-motorized recreationists be adopted as the “proposed action”.
105. From our perspective the agency does not want to; (1) accept or acknowledge the public need for OHV recreation, and (2) the responsibility as a public agency to provide adequate management for that recreation. OHV recreation is something that the public wants and enjoys and the agencies must get off the fence and accept the responsibility to develop OHV recreational resources and manage public lands for OHV recreation.
106. Motorized recreation is recognized as the fastest growing activity on federal lands yet recreation opportunities for motorized recreationists are always being reduced. In order to be responsive and fair to the public, there should be, at the very least, no net loss of motorized recreational opportunities associated with travel management plans. Moreover, in order to be responsive to this growing public need, the travel management plan should allow for growth and enhancement of motorized recreational opportunities.

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107. Motorized recreationists prefer an interesting assortment of loop and spur routes for a variety of purposes. Each road and trail should be inventoried and viewed on the ground to determine its recreational value and any significant problem areas that require mitigation measures. Each road and trail should be evaluated for its value as a motorized loop or connected route. Each spur road and trail should be evaluated for its value including: a source of dispersed campsite(s), exploration opportunities (especially for young and older riders), destination such as an old mine and viewpoint or as access for all multiple-use visitors. Every problem has a solution. Every impact has a mitigation measure. We request that travel management alternatives be developed with the objective of including as many roads and trails as possible and addressing as many problems as possible by using all possible mitigation measures.
108. Motorized trail recreationists have been very reluctant in the past to give up the “open” designation because we believe we may lose legitimate and historic trails that are located in “open areas” that are crucial to loop opportunities. Our fear has been, and remains, that the agency will define key trails we currently utilize as “user created” because they are not on a current travel plan or forest map and because they are not identified that they will be closed. Many of these trails are recorded on earlier maps but others are not. While in fact they may have been created to access an activity such as mining or logging in the late 1800’s or early 1900’s when these uses and activities were more popular.
109. The Recreation Opportunity Spectrum (ROS) for motorized recreationists should consist of an equivalent number, type and quality of opportunities as compared to non-motorized recreationists including access to back country recreation areas, long distance back country discovery routes, back country airstrips and destinations including historic areas, lakes, vistas, streams and rivers.
110. Any significant closing of motorized routes in the project area does not meet the basic requirement of the NEPA act of 1969 as stated in “Sec. 101 (b) (5) *achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life’s amenities*”. High standards of living and a wide sharing of life’s amenities should include recognizing and meeting the need for motorized access and recreation opportunities in the project area. All visitors should be expected to share the project area with others and to tolerate the presence of others. We have met very few hikers on the multiple-use roads and trails that we use. We have not perceived any problems with the non-motorized visitors that we have met. We ask that the analysis and decision-making be based on sharing and tolerance and to avoid unreasonable accommodation of visitors to public lands that are not reasonably tolerant and sharing.
111. The first sentence on the inside cover of most federal environmental documents includes a statement similar to “*The United States Department of Agriculture (USDA) is a diverse organization committed to equal opportunity in employment and program delivery.*” We are greatly concerned about the lack of equal recreation opportunity and quality within public lands. Everyone should have equal access and opportunity to enjoy the natural environment. There is a need for motorized recreation and access opportunities (areas and trails including inter-forest and interstate routes, OHV back country discovery routes, and OHV byways) equal to our non-motorized/wilderness opportunities (examples include the Lewis and Clark and Nez Perce National Historic Trail, Continental Divide Trail, Pacific Crest Trail, National Recreation Trails, and the recently created Pacific Northwest Trail). We request, as a reasonable alternative, actions that will develop regional (inter-forest and interstate connections) motorized recreational opportunities such as the Great Western Trail and Oregon Back Country Discovery Route. OHV back country discovery routes and OHV byways are required to provide

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opportunities for motorized recreationists equal to existing long-distance non-motorized opportunities.

112. Our vision for motorized recreation includes opportunities such as the Great Western Trail and Oregon Back Country Discovery Route, and other regional opportunities that include connections between forests and adjoining states. A system of OHV back country discovery routes and OHV byways could provide loops and interconnecting trails to points of interest including lakes, streams, rivers, ghost towns, and scenic overlooks. This system of OHV routes could also include connections to small towns for access to motels and restaurants and could be a significant source of economic revitalization for the project area. OHV recreation and tourism could be a significant boost to many local economies. This potential has yet to be recognized and tapped. Examples of OHV tourism can be found at: <http://www.visitid.org/Outdoor/ATV.html> , <http://www.marysvale.org/> , <http://www.trailscout.com/> , <http://www.transamtrail.com/main.htm> , <http://www.motorcycleexplorer.com/> , and <http://www.visitnorthidaho.com/wallace.html> . We request that the positive benefits of OHV recreation and tourism be considered as part of the evaluation and implemented for this action.
113. OHV recreation and tourism has not been reasonably addressed and promoted by both state and federal agencies as aggressively as recreation and tourism associated with fish and wildlife programs. Be clear that this is not a reflection on the dedicated OHV staff assigned to the MDFWP OHV program; rather it is a function of perceived conflicts of interest and lack of management directives that exists between the agencies with respect to OHV tourism. We request, as a reasonable alternative, that the agencies collaborate and actively promote OHV recreation and OHV tourism.
114. Inadequate attention and passive support of OHV recreation by agencies in a position to support and manage OHV recreation has contributed to the issues impacting OHV recreationists. Again, motorized access and motorized recreation including OHV recreation are the most popular, fastest growing and most fundable forms of recreation and should be given a much higher priority. We request that the cumulative negative impact on OHV recreation resulting from less than adequate and enthusiastic support from managing agencies be adequately evaluated in the document and adequately considered during the decision-making. Additionally, we request, as a reasonable alternative, that an adequate mitigation plan be included as part of this action to compensate for past cumulative negative impacts.
115. We request evaluation of the loss of opportunities for off-highway vehicles due to the lack of a continuous system of roads and trails on which off-highway vehicles can be legally ridden and the formulation of a preferred alternative to address that issue. In areas where OHVs must use a roadway, we request that a reasonable travel management alternative be developed that includes the designation of a reasonable network of dual-use roads to allow inter-connection access to OHV recreational resources.
116. The preferred travel management alternative should maintain existing travel ways that provide motorized access to recreational loops and destinations. We also request that the preferred alternative avoid cutting off access to motorized looped trail systems, exploration opportunities, destinations, and motorized access areas located outside the project area. The cumulative negative effect and lack of motorized access to loop trail systems and destinations outside of the project area should be adequately addressed in the analysis and decision-making.
117. A reasonable travel management alternative is needed in order to avoid contributing to the significant impacts that motorized recreationists have experienced from the cumulative effect of all closures. A reasonable alternative would incorporate all existing motorized roads and trails

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and restrict motorized travel to those travel ways. Under the requirements of NEPA, all reasonable alternatives should be addressed in the environmental document and decision-making. In order to avoid contributing to further cumulative negative impacts, we request that an alternative based on incorporating all existing motorized roads and trails and restricting motorized travel to those travel ways be included in the analysis and selected by the decision-makers.

118. Identify any reroutes that are part of the travel plan proposal because the reroutes are often of lesser quality and the reduction in quality needs to be mitigated.
119. The analysis and decision must recognize that semi-primitive motorized opportunities are the highest quality and most sought after experiences.
120. We ask that trails being rerouted not be closed until the reroute is complete so that the public can continue to use the much needed motorized recreational opportunity.
121. We ask that an alternative that includes the conversion roads to atv trails instead of closing the roads be included. Each road should evaluate on a site specific basis. The alternative should also include new construction to connect and complete atv loops where reasonable.
122. Unfortunately rules oftentimes go to the lowest common denominator, i.e., the guy doing the most irrational things. Agencies are encouraged to keep rules as simple as possible and focused on addressing problems that are common and not the exceptions. Motorized recreationists can be called upon to help address the exceptions.
123. Agencies are encouraged to keep all existing trail systems open to motorized visitors.
124. Agencies are encouraged to add all existing road and trails that are not on the trail system inventory to the roads and trail inventory.
125. Agencies are encouraged to return trails that used to be on trail inventories to the current inventory.
126. Where possible, agencies are encouraged to provide trailheads for motorized trails that are convenient to urban areas.
127. Where possible, agencies are encouraged to provide trailheads for motorized trails that are located at the boundary of urban areas and trails that connect urban areas to public lands and form motorized recreation opportunities similar to the Paiute Trail in Utah (http://www.marysvale.org/paiute_trail/contents.html).
128. Agencies are encouraged to insure that access to trails is not blocked by private lands and that private landowners do not have special access privileges. Where private landowners have elected to block public access to public lands, the boundary between that landowner and public land should be closed to motorized access using a "boundary closure" in order to avoid special access privileges for private landowners onto public land. Motorized access for the public on the public lands side should remain open to the boundary closure and the acquisition of public right-of-way should be pursued with the private landowner.
129. Agencies are encouraged to keep motorized access through private land open to the public. Every public access closure through private land should be challenged and protected by

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asserting legal right-of-ways. The cumulative negative impact of this lack of action has created private motorized reserves on public lands or defacto wilderness/non-motorized/exclusive-use areas accessible only to private landowners.

130. Agencies are encouraged to acquire private land and right-of-ways to provide access to public land that is now blocked off to the public. This action is necessary to reverse the prevailing trend over the past 35 ± years of less access to public land and the significant impact that the cumulative effect of closure after closure has had motorized access and motorized recreation.
131. Implement seasonal closures, where required, with input and review by OHV recreationists that will: (1) provide the maximum amount of OHV recreational opportunity during the summer recreation season in order to disperse all forms of trail use and thus minimize impacts to trail users; (2) provide winter OHV recreation opportunities in low-elevation areas that are not critical winter game range; (3) provide OHV recreation and access during hunting season by keeping major roads and OHV loops open while closing spur roads and trails necessary to provide reasonable protection of game populations and a reasonable hunting experience; and (4) provide OHV recreation opportunities during spring months in all areas where erosion and wildlife calving conditions reasonably allow.
132. Existing seasonal closures tend to separate the motorized and non-motorized peak use seasons. One size does not necessarily fit every circumstance but standardize or simplify seasonal closure dates as much as possible. The number of different closures periods should be kept to a maximum of two, if possible, in order to avoid confusion and resulting misunderstandings.
133. Motorized recreationists would be willing to accept area closure when necessary to protect the natural environment in exchange for a reasonable network of OHV roads and trails.
134. In areas where OHVs must use a roadway, travel management plans should include the designation of dual-use roads to allow OHV's to move from one trail segment to another.
135. Provide open or play areas for motorized recreation opportunity and trials bikes where acceptable in selected areas.
136. Motorcycle trail riders enjoy riding single-track trails. Motorized single-track recreation trails are limited at this time and continue to decline. Some BLM and FS districts do not differentiate between ATV and motorcycle trails in their travel plans. Evaluations and travel plans should differentiate between ATV and motorcycle trails.
137. We have observed that single-track motorcycle trails require less maintenance for erosion and use. We have also observed that ATV enthusiasts do a good job of clearing downed trees from trails. These characteristics must be adequately considered.
138. Single-track trails that are not appropriate for ATV use should be kept open for motorcycle use.
139. Trails designated for motorized single-track use but do not physical features to prevent ATV use should include adequate signing and barriers to inform ATV enthusiasts and prevent inadvertent use.
140. The integrity of the "loop" trail system should be maintained. Loop systems minimize the number of on-trail encounters because non-motorized trail users don't encounter motorized

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users going both directions, as they do on non-loop trails. Loop trails also offer trail users a more desirable recreational experience. Agencies are encouraged to provide opportunity for "motorized loop trail systems" to lessen impacts and to provide a better recreational experience. Spurs are useful for exploration and reaching destinations.

141. Agencies are encouraged to allow use of specific roads for OHVs that are not licensed for the street use in order to develop a network of roads that tie OHV trails together.
142. Agencies are encouraged to utilize standardized trail signing and marking in order to lessen confusion. Trails closed unless otherwise marked open are not reasonable. Trails, when closed, should be signed with an official, legitimate reason. Monitoring should be implemented to justify the reasons stated.
143. Agencies are encouraged to utilize all trail maintenance and upgrading management techniques, such as, bridging, punchon, realignment, drains, and dips to prevent closure or loss of motorized trail use. Trails should not be closed because of a problem with a bad section of trail. The solution is to fix the problem area or reroute the trail, not to close it. If funding or manpower is a problem, then other resources should be looked to including local volunteer groups, state or national OHV funding.
144. Agencies are encouraged to develop OHV programs that address more than law enforcement needs. OHV programs should actively promote the development, enhancement, and mitigation of OHV recreation opportunities.
145. Agencies are encouraged to develop and use State Trail Ranger Programs similar to Idaho's program through the State OHV Fund, as well as volunteer trail maintenance programs.
146. Agencies are encouraged to clear trails early in the year to insure maximum availability and reduction of diversion damage caused by routing around obstacles.
147. Agencies are encouraged to avoid yearlong trail closures if wildlife concerns are valid only during certain seasons. In these instances, closures should be seasonal only with the dates consistent with the requirements to protect wildlife.
148. Agencies are encouraged to avoid trail closures associated with other actions including timber sales, mining, and livestock grazing. Corrective action should be taken where trail closures in the past have resulted from these sorts of past actions. Loss of motorized trails because of past timber sales should be mitigated by connecting old and new travelways to create looped trail systems.
149. Agencies are encouraged to re-establish and/or relocate all trails and roads disturbed by other actions such as timber harvest, mining, and livestock grazing.
150. Agencies are encouraged to seek outside review and input by OHV recreationists on all proposed management decisions affecting motorized recreation opportunities including closures.
151. Agencies are encouraged to establish greater credibility with motorized recreationists by having motorized recreation planners on the interdisciplinary team and a board of motorized recreationists.

152. Agencies are encouraged to align non-motorized area boundaries so that they do not encroach or eliminate trails located at the edge of the boundaries.
153. Agencies are encouraged to provide for motorized trails and vista points on the boundaries outside of the non-motorized areas so the motorized visitors can view those areas.
154. Agencies are encouraged to establish OHV census collection points at road and trail collection points. Include an OHV category on all trail and road census sheets.
155. Agencies are encouraged to treat hiking, horses and mountain bikes as a form of transportation, just as motorized recreation is a form of transportation.
156. Agencies are encouraged to correct the signing at trailheads that suggests that motorized visitors are more damaging than other visitors.
157. Agencies are encouraged to keep trails in proposed non-motorized/wilderness/roadless areas open. Motorized-use on trails in these areas does not detract from the wild characteristics in the proposed non-motorized/wilderness area. Additionally, the Roadless Rule specifically allows for OHV activity in Roadless areas.
158. Agencies are encouraged to provide good statistics on the level of use by the various public land visitors and use these statistics in the decision processes.
159. Agencies are encouraged to avoid the closure of trails to motorized use as the "easy way out" in dealing with issues created by non-motorized users.
160. Agencies should recognize that many roads and trails were not originally laid out with recreation in mind and that changes should be made in some road and trail segments to address environmental and safety problems. In most cases, problems can be mitigated to a reasonable level and closures can be avoided.
161. Agencies are encouraged to recognize, in the form of access, groups who expend effort and money in maintaining and improving roads and trails.
162. Agencies are encouraged to promote multiple-use and not exclusive-use. Exclusive-use is the antithesis of public access and recreational opportunities within public lands. Management for exclusive-use runs counter to Congressional directives for multiple-use.
163. Agencies are encouraged to make Travel Plan maps more readily available. Vending machines could be placed in areas that are accessible at any time of the day or week at BLM and FS offices.
164. Agencies are encouraged to publish all Travel Plan maps in the same format and in an easy to read format. The Travel Plan map and Visitors map should be the same. All visitors need to clearly understand what areas, roads or trails are open for motorized travel and what areas, trails, or roads are closed to motorized travel. Current maps lead to misunderstandings by both non-motorized and motorized visitors.
165. Agencies are encouraged to implement a standard signing convention that is easily understood. For example, there are often misunderstandings about seasonal motor vehicle restrictions due to the "No" symbol with the actual closure period shown below in small text that

is often not seen or understood. In this example, the road or trail is open except during the period below but it is often misinterpreted as closed.

166. There needs to be better coordination between adjoining National Forest and BLM lands when making maps, laying out trails, and establishing travel plans. In some cases a trail is open in one jurisdiction but becomes closed when it crosses over the boundary to another jurisdiction resulting in an overall loss of motorized recreation opportunity.
167. Agencies should not use motorized access in areas closed to motorized access by the public because: (a) the public will see the tracks and could become upset that the motorized closure is being violated and/or (b) the public will see the tracks and conclude that motorized access is acceptable.
168. The difficulty of a particular route required can be identified by a signing system similar to ski runs so that recreationists are made aware of the skill levels required and so that a wide variety of routes for all skill levels can be enjoyed.
169. Winter ATV riding has become very popular and winter ATV areas should be considered as part of the proposed action.
170. A new standard for motorized recreational trails could be developed that would be more beneficial for the environment and motorized recreationists. This new standard would be as non-linear as possible (as curvilinear as possible). The original system of roads and trails was constructed with the shortest distance from point A to point B in mind. The new standard for motorized recreational trails would not necessarily follow the shortest distance and would include many curves to keep the speed down and increase the fun factor. Advantages of this approach would include: routes could easily be moved to avoid cultural resources and sensitive environmental areas; less visible on the ground and from the air; aesthetically pleasing; lower speeds and greater safety; easily incorporates dips and swales for diversion of water from the route (environmental protection) and greater enjoyment by motorized recreationists. These sorts of trails could be built as mitigation for any motorized closures required as part of an action. Please contact Doug Abelin of CTVA for more information on the non-linear approach to trail construction.
171. Ruts caused by ATVs in corners are often due to the solid drive axles which do not allow the wheels to turn at different speeds due to the difference in between outside and inside curve radiuses. These ruts could be significantly reduced by encouraging all manufacturers to develop machines with differential axles that allow the outside and inside tires to turn at different speeds.
172. We have seen a low level of use used as a factor to close motorized routes. This criterion should also be applied equally to non-motorized routes. For example, a low level of use by motorcycles was used as a reason to close the Nez Perce trail in the Beaverhead-Deerlodge National Forest. This same reason should be used to open up non-motorized trails experiencing a low level of use to motorized use.
173. When considering the level of use for either keeping a road or trail open or closed, the evaluation must recognize that motorcycle use and tracks are far less obvious on the ground than ATV tracks.
174. The underlying strategy of past travel management actions has been to eliminate as many motorized recreational opportunities as possible and to avoid the creation of any new motorized

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opportunities. We request that the underlying principle of all new travel management actions be to maintain the existing level of opportunities for motorized visitors. We also request that the document and decision-making; (1) evaluate the cumulative negative effect of past strategies to eliminate motorized recreation opportunities including the conversion of multiple-use lands to all designations of non-motorized areas including pre-Columbian scheme, monuments, wilderness, wilderness study areas, roadless areas; and (2) enact actions that will offset the cumulative negative effect of past strategies to eliminate motorized recreational opportunities.

175. A new strategy for travel management actions should be to enhance the level of opportunities for motorized visitors in order to be responsive to the needs of the public. Enhancement could include roads and trails systems with loops, exploration destinations such as lakes, mines, scenic overlooks, and inter-connections to other public lands and regional trails. We request that the preferred alternative include the enhancement of motorized recreational opportunities.

176. The environmental document should consider the following visitor profiles in addition to OHV enthusiasts as motorized visitors who use roads and trails within public lands. People out for weekend drives, sightseers, picnickers, campers, hunters, hiking, rock climbing, target shooters, fisherman, snowmobile enthusiasts, woodcutters, wildlife viewing, berry and mushroom pickers, equestrians, mountain bikers, and 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 request that the significant impact from all cumulative statewide-motorized closures on all of these visitors be included in the environmental document. A statewide analysis is required because cumulative negative effects are forcing all motorized visitors to travel farther and farther to fewer and fewer places to find motorized access and recreation opportunities.

177. We request, as a reasonable alternative, a network of national recreation trails for motorized recreationists equivalent to the Continental Divide Trail (CDT), Pacific Crest Trail, National Recreation Trail and other national non-motorized trails that travel and interconnect with other forests such as the Michigan Cross Country Motorcycle Trail 1200 miles (http://www.fs.fed.us/r9/hmnmf/pages/Recreation/Baldwin/bwc_Oo_atvmoto_txtonly.pdf), Pacific Crest Quest (<http://www.advrider.com/forums/showthread.php?t=111885>), Lassen Backcountry Discovery Trail (<http://www.backcountrydiscoverytrail.com/index.html> and http://www.intergate.com/~sue/4wd_Trails/cbd_t_lassen/lassen_cbd_t.htm), the Modoc Backcountry Discovery Trail (http://www.fs.fed.us/r5/modoc/recreation/ohv/mcbcd_t.shtml and http://www.intergate.com/~sue/4wd_Trails/cbd_t_modoc/modoc_cbd_t.htm), the California State Motorized Trail System (<http://www.smts.info/>), and the Idaho Centennial Trail (http://4x4stories.typepad.com/4x4/2007/01/idaho_centennia_7.html#more). The interest and adventure of long-distance cross-country trips is captured in trip reports including <http://www.quadtrek.net/> (click English), <http://www.advrider.com/forums/showthread.php?t=255950>, <http://www.advrider.com/forums/showthread.php?t=402442> and <http://www.advrider.com/forums/showthread.php?t=147232>.

178. If motorized recreationists had trails of regional and national significance, they would see considerable use. Non-motorized recreationists have considerably more national trail recreation opportunities than motorized recreationists. We request, as a reasonable alternative, that the needs of motorized recreationists for regional and national travelways be evaluated. We request an evaluation of the cumulative negative impacts and environmental justice issues surrounding the lack of regional and national motorized trails for motorized recreationists. We

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request, as a reasonable alternative, that regional and national motorized recreational trails be identified and actions be taken to implement those trails.

179. Motorized camping on summer weekends is what Montanans live for. This need must be considered a significant issue in the Purpose and Need.

180. Electric motorcycles and electric mountain bikes are here and will completely take the sound issue off the table. This planning action must adequately accommodate the future use of electric motorcycles and mountain bikes on **all** existing single track trails as a reasonably foreseeable development.

<https://www.altamotors.co/redshiftsm/>

<http://www.ktm.com/e-ride/>

http://www.trekbikes.com/us/en_US/bikes/collections/electric-bikes/c/B507/

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

181. One measure that must be adequately addressed is the hours of motorized recreation lost due to the closure of OHV routes and the complete closure of Sweeny Creek. These hours must be broken down by age class ranging from teenage visitors (important as Sweeny Creek is the last area close to Helena that younger people can use) to senior and disabled individuals and veterans.
182. All travel plans in the Helena area have included significant motorized closures that have left the public with an inadequate network of OHV routes including Clancy-Unionville, South Belts, Scratch Gravel Hills, Sleeping Giant, Blackfoot and the Butte Resource Management Plan. Helena based OHV recreationists including the youth are now forced a significant distance in order to enjoy OHV opportunities at a significant cost in time and money. This lack of adequate and reasonable OHV opportunities through cumulative impact has become a significant issue that must be addressed and mitigated in the Forest Plan.
183. The forest plan must adequately consider the need for motorized access and motorized recreational opportunities close to Helena including the need demonstrated by the 430 signatures on the Sweeny Creek petition, over 300 signatures on the Scratch Gravel petition, and the input of 150 very concerned motorized recreationists who attended the Elliston meeting.
184. There is a significant need for Youth Loops. Youth Loops would include a small area of several acres, either contained by fencing or clearly marked boundary, with short, tight trail system that is designed to entertain kids under adult supervision. The youth loop offers an alternative to unauthorized routes near camp areas and riding in campgrounds. A good example to refer to is the youth loops found in the Lewis and Clark National Forest Travel Plan for the Little Belts. This need and providing for it was not adequately addressed.
185. Sweeny Creek was the last place close to Helena where motorized recreationists can go including high school kids and the older generation. The forest plan must adequately address and mitigate the loss of Sweeny Creek and the Scratch Gravel Hills.
186. ATV trails provide excellent venues for people to recreate on public land where they might not otherwise be able--young children, older adults and people with disabilities can enjoy riding our two-tracks on ATVs or UTVs. The following recent letter to the editor of the Bozeman Daily Chronicle in which the writer is able to recreate on ATVs despite his disability. Older citizens and citizens with disabilities need and want access to the National Forest from senior citizens.

Thanks to those who keep ATV trails open

I am a handicapped individual and the only way I am able to enjoy the forests is by use of an ATV. My wife and I have in the last few years ridden in the Gallatin south of Bozeman, the Fairy Lake and Flathead pass area, the Tobacco Roots and recently the Shields River drainage.

I want to commend the Forest Service and especially their trails group for their work in the building and maintaining of the ATV trails in this area.

On our recent Shields River ride we encountered several volunteers who were clearing existing trails of debris in order to keep them open. Thank you to the volunteers as well who spend their own time in this worthy cause.

*Jim and Coral Hall
Belgrade*

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

187. Excessive restrictions such as motorized closures of existing routes and the August 31st closure date does not provide equal access to enjoy the beautiful fall period including handicapped, disabled, retirees, veterans, and elderly who must use ATVs and UTVs for access. This significant issue was not adequately addressed in the forest plan document.

188. Consideration of both the 30' and 70' rule on the needs of the handicapped, elderly, retirees, veterans and disabled citizens has not been adequate. The unique needs of this group require more room to safely camp, picnic, park and recreate.

189. The socio-economic benefit of OHV recreation in the Project Area has not been given a hard look in the forest plan document. CTVA comments submitted for the public record have identified numerous socio-economic benefits and significant socio-economic issues that were not adequately considered with site-specific data and evaluation. This information and evaluation would justify a Pro-Recreation Alternative and the lack of it led to an uninformed decision. Adequate consideration of the needs, historic use, and culture of motorized recreationists would result in a more balanced preferred alternative that would be far better accepted by the public. Our Montana heritage is based on access and enjoyment of our public lands. One measure that must be adequately addressed is the hours of motorized recreation lost due to the closure of OHV routes in the both national forests. These hours must be broken down by age class ranging from teenage visitors (a significant issue for areas such as Sweeny Creek is the last area close to Helena that both young and older people can use) to retired, senior, disabled individuals, retirees, handicapped, and veterans.

190. Shoshone National Forest provides far more non-motorized trail opportunities. The USDA states that it is an equal opportunity provider and employer. The motorized access and motorized recreational needs of retired, senior, disabled individuals, retirees, handicapped, and veterans has not been given a hard look in the forest plan document.

191. Retired are the largest population group are the retired (<http://www.census.gov/population/age/data/2012.html>) and their needs for motorized access and motorized recreational opportunities are the greatest. The forest plan document misses this fact and need. The semi-retired and retired have worked incredibly hard all of their lives with the dream of retiring and enjoying their OHVs. The forest plan must adequately consider and provide for this need.

192. The needs of the aging baby boomer population and their desire for adequate motorized access and motorized recreation is a significant issue that is brought up continually at our monthly meetings and in many discussions with other motorized recreationists. This significant issue must be recognized and given a hard look in the Purpose and Need, adequately addressed as part of the human environment and adequately addressed by the development of a reasonable Pro-Recreation alternative.

193. 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.

194. Many handicapped, elderly, or physically impaired citizens can only access and recreate on public lands by using motorized roads and trails. The needs of these citizens should be adequately considered. On November 10th, 1998, President Clinton signed Public Law 105-359, requiring the Secretary of Agriculture and the Secretary of the Interior to conduct a study to improve access for persons with disabilities to outdoor recreation opportunities made available to the public. This law states: *(a) STUDY REQUIRED. – The Secretary of Agriculture and the Secretary of the Interior shall jointly conduct a study regarding ways to improve the access for persons with disabilities to outdoor recreational opportunities (such as fishing, hunting, trapping, wildlife viewing, hiking, boating and camping) made available to the public on the Federal lands described in subsection (b).*

(b) COVERED FEDERAL LANDS. – The Federal lands referred to in subsection (a) are the following:

- (1) National Forest System lands.*
- (2) Units of the National Park System.*
- (3) Areas in the National Wildlife Refuge System.*
- (4) Lands administered by the Bureau of Land Management*

The Study prepared to address P.L. 105-359 (Improving Access to Outdoor Recreational Activities on Federal Land, prepared by Wilderness Inquiry, June 27, 2000) found and recommended the following areas of action:

- 1) Agencies must re-dedicate their efforts to achieve the goal of equal opportunities for access to outdoor recreation by persons with disabilities.*
- 2) Agencies should conduct baseline assessments of existing facility and programmatic accessibility, and develop and implement transition plans for facilities and programs that are not now accessible to bring them into compliance.*
- 3) Increase accessibility related awareness and educational opportunities for agency personnel, service providers, and partners.*
- 4) Increase funding to federal land management agencies for accessibility.*
- 5) Increase accountability and oversight in implementing accessibility initiatives.*
- 6) Improve communications about opportunities for outdoor recreation to persons with disabilities.*
- 7) Clarify the balance between resource protection and accessibility.*

195. We request, as a reasonable alternative, that the proposed action adequately address and comply with the recommendations of the Study conducted to address P.L. 105-359 including items 1 and 7.

196. We are extremely concerned about the loss of access and impact on the handicapped, elderly, and physically impaired produced by each motorized closure to historic sites and traditional use areas. The proposed closures deny these citizens access to public lands that

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are especially important to them. We request, as a reasonable alternative, that all the roads, trails, and features of interest be analyzed for the access and recreation opportunity that they provide for handicapped, elderly, and physically impaired visitors.

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

197. Our pursuit of happiness has been significantly impacted by all of the motorized closures.

198. The Forest Service must give a hard look at the impact of motorized closures on the human environment. Per CEQ guidance, NEPA documents are to be driven by significant issues. Motorized closures and the lack of adequate motorized opportunities have a significant impact on motorized recreationists. The impact of motorized closures on the health of our members and the loss of the benefits of OHV recreation are significant issues to motorized recreationists. In order to make a reasonable decision, the Forest Service must adequately consider the issues and impacts associated with motorized closures on the mental and physical health of the public. These issues are critical due to the cumulative effect of all motorized closures. As one example, consider the motorized closure of the Scratch Gravel Hills near Helena. Members of our group collected over 300 signatures on a petition protesting that closure. Many of the signatures were from high school students. Now there is no place close to Helena that young people can go. What are they doing now? It is not as positive as riding their dirt bike or ATV in the hills. Now multiply that by the thousands of miles of roads and trails that have been closed to the public. The following health issues and benefits of OHV recreation must be addressed in order to arrive at a reasonable decision for this action.

A. Sadly, one indicator of the condition of the human environment in Montana is the suicide rate. Montana ranks number 2 in the nation (<http://www.suicide.org/suicide-statistics.html>). This significant problem has been specifically identified as requiring special attention by the Department of Health and Human Services <http://www.dphhs.mt.gov/amdd/statesuicideplan.pdf> . Motorized recreation is popular and it is a very healthy and positive human activity that can help address this significant human issue (<http://www.marketwire.com/press-release/The-Results-Are-in-Off-Road-Vehicle-Riding-is-Good-for-Your-Body-and-Soul-1310189.htm>). The Forest Service can help address this significant problem by providing an adequate quantity and quality of motorized recreational opportunities. We ask that you adequately address this significant issue associated with the human environment.

At a rate of 23.4 deaths per 100,000 people, Montana's suicide rate continues to be nearly twice the national average. Montana, along with Wyoming, continues to post the highest suicide rate in the nation and has for nearly four decades.

http://helenair.com/lifestyles/health-med-fit/montana-suicides-continue-to-creep-up-rate-remains-twice-the/article_fd11ebda-c84f-51ba-9940-4d692ecf2bd3.html?print=true&cid=print

B. Videophilia - the new human tendency to focus on sedentary activities involving electronic media has become a significant social problem in the U.S. (Pergams, O. R. W. and P. A. Zaradic. 2006. Is love of nature in the US becoming love of electronic media? 16-year downtrend in national park visits explained by watching movies, playing video games, internet use, and oil prices. Journal of Environmental Management 80:387-393). The study shows that people in the US and other developed nations are spending far less time in

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nature than ever before. The study tested trends in nature participation in 16 time series in the categories of visitation to various types of public lands in the US, Japan, and Spain; number of various types of game licenses issued; amount of time spent camping; and amount of time spent backpacking or hiking. The four activities with the greatest per capita participation were visits to Japanese National Parks, US State Parks, US National Parks, and US National Forests, with an average individual participating 0.74-2.75 times per year. All four are in downtrends and are losing between 1% and 3% per year. The longest and most complete time series show that these declines in per capita nature participation typically began between 1981 and 1991, are losing about 1% per year, and have so far lost between 18% and 25%. At the same time, the interest and desire to participate in OHV recreation in the outdoors is increasing and strong as previously documented. OHV recreation is a reasonable alternative to increase participation in outdoor activities. We request that this issue and solution be adequately addressed by this plan by implement more OHV opportunities.

C. 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 and counters the epidemic of videophilia.

D. Research by the Ontario Federation of Trail Riders studied 310 off-road motorcycle enthusiasts and found that the physical exertion was on the order of 60% of VO₂max, or 80% HRmax, or 9.3 METS which is slightly greater than jogging (Characterizing the Physical Demands of Off-Road Motorcycling, Executive Summary, Jamie Burr, Norman Gledhill, Veronica Jamnik, Ontario Federation of Trail Riders, February 2007, http://www.oftr.org/OFTR_Fitness_Study.pdf).

E. The July 2010 issue of Medicine & Science in Sports & Exercise, the Official Journal of the American College of Sports Medicine (ACSM), “Physiological Demands of Off-Road Vehicle Riding”) focuses specifically on the physiological demands of off-road vehicle (OHV) riding, compares them to the demands of other recreational activities, and explores the health and fitness benefits that OHV participation can provide (<http://www.nohvcc.org/Tools/TopicLibraries/Health.aspx>). The study concluded that the health benefits of OHV recreation include:

- Off-road vehicle riding was found to require “a true physiological demand that would be expected to have a beneficial effect on health and fitness according to Canada’s current physical activity recommendations”.
- Off-road vehicle riding was determined to be a recreational activity associated with moderate-intensity cardiovascular demand and fatigue-inducing muscular strength challenges, similar to other self-paced recreational sports such as golf, rock-climbing and alpine skiing.
- Oxygen consumption, which is an indicator of physical work, increased by 3.5 and 6 times the resting values for ATV and ORM riding respectively – which falls within

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moderate intensity activity according to the American College of Sports Medicine guidelines and is in line with Canadian physical activity recommendations.

- The duration of a typical ride (2-3 hours for ATV, 1-2 hours for ORM) and the frequency of the rides (1-2 times a week) create sufficient opportunity to stimulate changes in aerobic fitness which falls within the physical activity guidelines (American College of Sports Medicine recommends between 450 – 720 MET minutes per week).
- Using heart rate measurements alone, the demands of riding belong to the category of “hard” exercise – this increase of intensity may be linked to heightened psycho emotional responses (i.e. adrenalin), an effect of heat stress while riding, or a response to repeated isometric squeezing of the handlebars.
- When considering muscular force and power involvement, study results indicate a greater impact on muscular endurance as opposed to an increase in strength.
- Off-road vehicle riders perform considerable physical work using their arms and upper body. This upper body strength requirement “could lead to beneficial training increases in musculoskeletal fitness”.
- Study findings also picked up on the psycho-social effects of riding – the “enhanced quality of life and stress reduction effects of off-road riding”.
- Findings also reflect the importance of alternative physical activity such as off-road riding to promote physical activity in a group who might otherwise forego exercise altogether.

F. Research by a leading neuroscientist has determined that riding a motorcycle helps keep riders young by invigorating their brains. The brain functions was measured by devices put on the heads of 22 males while riding motorcycles. The researchers found that the riders brains prefrontal areas became highly activated. This is the area of the brain that covers memory, information processing and concentration functions. The research was conducted by Ryuta Kawashima, the scientist behind popular "Brain Training" computer software at Nintendo.

One experiment involved 22 men, all in their 40s and 50s, who held motorcycle licenses, but had not taken a ride for at least a decade. They were randomly split into two groups. The first group was asked to resume riding motorcycles in everyday life for two months, the other group was asked to kept driving their cars or trucks. "The group that rode motorbikes posted higher marks in cognitive function tests," Kawashima said.

Another test, required the men to remember a set of numbers in reverse order, “the riders' scores jumped by more than 50 percent in two months, while the non-riders' marks deteriorated slightly,” said Kawashima. It should also be noted that the riders in the study mentioned that they made fewer mistakes at work and felt happier.

"Mental care is a very big issue in modern society," says Kawashima . "I think we made an interesting study here as the data shows you can improve your mental condition simply by using motorbikes to commute." The study goes on to display that a motorcycle rider's brain becomes more tense and is in a heightened alertness in order to process information

actively during riding. The obvious payoff is that riding a motorcycle helps keep riders young by invigorating their brains.

http://www.dijitokyo.org/events/SMP_DAY1_Kawashima.pdf
<http://motocrossactionmag.com/Main/News/MOTORCYCLES-MAKE-YOU-SMARTER-Japanese-Study-Discov-5756.aspx>

We have observed that the same benefits that Kawashima has documented for motorcyclists also extends to all OHV recreation. We ask that the tremendous value of OHV recreation for both mental and physical health benefits be recognized in the evaluation and used to justify an increase in motorized recreational opportunities.

G. Wind in her hair: 86-year-old Darby woman has been riding motorcycles for 70 years.

http://helenair.com/news/local/wind-in-her-hair--year-old-darby-woman-has/article_2f235871-baa3-5747-9a9d-3c6c77e7ef2c.html

199. The positive economic impact on the economy of the area is another socio-economic factor that must be adequately considered in the decision-making and especially during this times of economic recession. 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).

200. An adequate system of roads are needed to provide the public with an adequate level of fire protection. Risk of fire is at an all-time high. Reasonable management would keep all existing roads and trails open to motorized use so that they can provide adequate fire access and firefighting protection.

a. In 2011 two-thirds of Americans, or nearly 212 million, lived in counties beset by wildfire smoke two years ago, according to the analysis by the Natural Resources Defense Council. "It affects a much wider area of the United States than people realize," says author Kim Knowlton, an NRDC senior scientist and Columbia University health professor, adding the smoke can drift up to hundreds of miles. She says the smoke contains fine-particle air pollution and can not only cause asthma attacks and pneumonia but also worsen chronic heart and lung diseases. The health impacts can be dire. The 2003 wildfire season in southern California resulted in 69 premature deaths, 778 hospitalizations, 1,431 emergency room visits and 47,605 outpatient visits, according to a study led by Ralph Delfino of the University of California, Irvine.
<http://www.usatoday.com/story/news/nation/2013/10/24/wildfires-smoke-climate-change-harm-health/3173165/>

201. Smoke from forest fires is reducing the lifespan of the public. The lifespan lost in person-years must be estimated and adequately considered in the evaluation. This loss of life and pursuit of happiness must be compensated by offering new motorized recreational opportunities to the public.

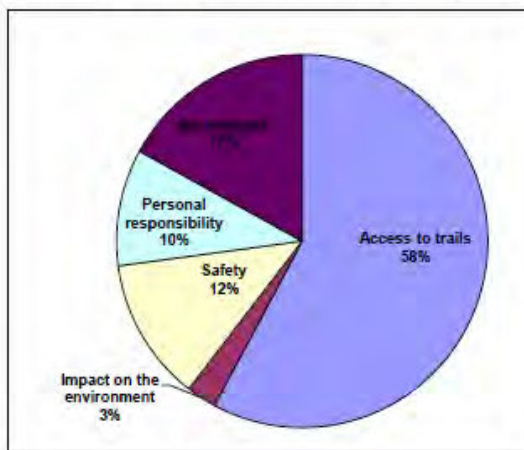
202. The access and fuel breaks provided by motorized roads and trails help to manage wildfires and lessen the impact on the human environment.

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203. The Outdoor Industry Association estimates that off-highway-vehicle enthusiasts add more than \$66 billion in direct economic activity to local economies, supporting more than 650,000 jobs (page 18 https://outdoorindustry.org/pdf/OIA_OutdoorRecEconomyReport2012.pdf). Because the economy and job creation are crucial issues, CTVA stresses the financial benefits of off-highway motorcycle and all-terrain-vehicle recreation and tourism when countering arguments from those attempting to deny access to public lands or otherwise restrict OHV recreational opportunities.

204. "About 77,200 off-highway vehicles (OHVs) were registered for off-highway use in Montana during 2013. These vehicles are used both for pleasure and work. OHV-owning households own an average of two machines, and two family members usually participate in outings. Montana OHV users spend between 4.2 million and 5.9 million days recreating. Residents spend about \$208 million per year on OHV activities, and nearly all their entire out-of pocket trip costs are for gasoline. We estimate that OHV users buy about 6.6 million gallons of gasoline per year. With a base tax of \$0.27 per gallon, resident OHV users in Montana generate over \$1.8 million in revenue for the state highway trust fund."

Figure 4: The Most Important Issue Facing Off-Highway Recreation?



(Source:

<http://www.bber.umt.edu/search/..%5Cpubs%5Csurvey%5CMontanaOHVStudy2013.pdf>)

205. Motorized recreationists carry chainsaws and keep trails open for everybody. This is a significant point given the amount of beetle killed trees that are falling across trails. On a recent ride on the CDNST between Champion Pass and Lowland Campground, motorized recreationists had recently cleared over 100 fallen trees from the trail. On a following weekend motorized recreationists cleared over 200 fallen trees from the CDNST near Bull Ranch. Our observations indicate that if motorized recreationists are not allowed to clear the trails through their use then the trail will be largely closed by downfall within two years.

206. Small towns surrounded by wilderness areas such as the project area and surrounding communities are struggling with the existing economic conditions which confirm that an economy based largely on wilderness recreation will be limited. Further decisions that force the economy to rely solely on wilderness and non-motorized recreation will move the Project area and surrounding communities in a direction that will result in further economic hardship. At the same time, project area and surrounding communities are surrounded by a significant amount of land intended for multiple-use. Managing for reasonable multiple-use on all federal lands

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would allow the project area and surrounding communities to further develop an economy based on snowmobile recreation in the winter and OHV recreation in the summer which would bring better economic conditions to the area. This concept would not infringe on wilderness and is an entirely reasonable alternative. Therefore, a Pro-Recreation Alternative must be developed for the Shoshone National Forest Travel Management Plan. The project area and surrounding communities area could become as successful Marysvale, Utah area (<http://www.marysvale.org/>) which is based on the Paiute trail and the Caliente and Pioche, Nevada area which is based on the Chief Mountain and Silver State Trail systems (<http://nvtrailmaps.com/trail.php?trail=708>). These trail systems bring in thousands of motorized recreationists who buy lodging, meals, parts, fuel, and goods in adjacent towns. The project area and surrounding communities area has a lack of adequate OHV and snowmobile access and opportunities. When snowmobiles and OHVs are forced to use the highway borrow ditches confirms that there are inadequate motorized recreational opportunities in the area. This is not a desirable nor equitable situation and especially when considering the thousands of acres of multiple-use land designated in the Shoshone National Forest. These and other reasons support a hard look at a reasonable Pro-Recreation Alternative for the forest plan project.

207. Therapy – The treatment of stress or disorders, as by some remedial, rehabilitating, or curative process. Unfortunately, there is a significant need for OHV opportunities for therapy for our wounded warriors. We have found that riding OHVs can be some of the best therapy available for those that have served our country in the armed forces and now have a need for a curative process.

208. The positive economic benefit of OHV recreation in Montana is significant as documented by Montana Fish Wildlife and Parks in their report Montana Off-Highway Vehicles 2008 published in January 2009 (www.bber.umt.edu/pubs/survey/MT_OHV_2008.pdf). This report was prepared by By James T. Sylvester, Bureau of Business and Economic Research, The University of Montana-Missoula and found that total OHV recreation expenditures by Montana residents was \$122,900,000 in 2008. There is also a significant out-of-state expenditure that was not evaluated by this investigation. This is an especially significant issue during these tough economic times. OHV recreation based on a network of trails that attracts visitors to the area will produce a significant positive economic impact that must be given a hard look during the development of alternatives and the evaluation.

209. 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.

210. The following definition of “sense of magnitude” needs to be incorporated into the analyses and decision-making. In theory a motorized recreational activity might produce some level of negative impact but when employing a “sense of magnitude” the impacts are compared to the impact of reasonable benchmarks including impacts associated with naturally occurring processes. If a purported impact associated with motorized recreation is compared to the natural level and found to be less, then that recreational impact is not significant and would be reasonable to accept. For example, the annual amount of erosion directly attributable to motorized recreation is not significant when compared to the annual level of naturally occurring erosion. For example, the mortality of fish and wildlife from OHV recreation is negligible and especially when compared to natural levels of fish and wildlife mortality. For example, the loss of vegetation from OHV recreation is insignificant when compared to the impacts of beetle epidemics and fires. Additionally, positive impacts associated with motorized recreation must

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be evaluated with a sense of magnitude. For example, a 100 miles of motorized trail and dispersed camping opportunities provide valuable recreation opportunity for the public which is estimated at 12,000 visitor hours (1500 visitor days times 8 hours), 100,000 miles of trail use and 1,000 days of camping and trail riding with family and friends with a value to the economy of well over \$2,500,000. Not employing a sense of magnitude when evaluating motorized recreation impacts contributes to significant discrimination and arbitrary and capricious decision-making.

211. Dispersed campsites are very desirable camp sites. Closure of these sorts of dispersed campsites would have a very significant impact on the public. We request, as a reasonable alternative, 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.
212. If dispersed camp sites are proposed to be closed based on water quality concerns, then the analysis must 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.
213. 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, as a reasonable alternative, 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.
214. 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 Shoshone National Forest requires us to travel at least 180 miles to adjacent national forests and many more 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.
215. 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 be adequately evaluated.

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216. 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.
217. 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.
218. 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.
219. 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.
220. We respectfully maintain that the agency cannot 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 analysis 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

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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.

221. 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.*

222. 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.

223. 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.

224. 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.

225. 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:

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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?

226. 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,
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.

227. 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.

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We request an adequate evaluation and consideration of these imbalances be made part of this project and actions taken that will correct these imbalances.

228. 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.

229. 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.

230. 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.

231. 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.

232. 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.

233. 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

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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.

234. 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.

235. 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.

236. 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.

237. 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.

238. 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.

239. 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.

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240. 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 concerns are 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.
241. 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. 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.
242. 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 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.
243. 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.

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244. 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:



245. 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.

246. 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 nowhere near this ratio. Additionally, the allocation is moving in the wrong direction towards more non-motorized opportunities with each decision

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(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.

247. 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:

- a) Gilmore Research Group, 1989, Washington DNR, Assessment of ORV impact and use in Roslyn-Cle Elum, WA.
- b) Haas, Glenn et al, 1989, Colorado State University, Estimated CO recreational use and expenditures for OHV in FY 1988.
- c) Tyler & Associates, 1990, CA DOT, A study of fuel tax attributable to OHV and Street Licensed vehicles used for recreation off-highway.
- d) 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.
- e) Oak Ridge National Laboratory, 1994, Federal Highway Administration, Report ORNL/TM-1999/100, Federal Highway Administration, An 83 page summary of the fuel used for OHV recreation, http://www-cta.ornl.gov/cta/Publications/Reports/ORNL_TM_1999_100.pdf.
- f) CA OHMVR Division, 1991, CA Department of Parks and Recreation, A 119 page summary of the status of OHV recreation in CA.
- g) Schuett, Michael, 1998, West Virginia University, 14 page report on OHV user values and demographics.
- h) Motorcycle Industry Council (MIC), 1998, 20 page statistical report of motorcycle population, sales and usage.
- i) Generoux, John & Michele, 1993, Minnesota DNR, 33-page report on feasibility of Iron Range OHV Rec'n Area.
- j) Hazen and Sawyer, 2001; Colorado Off-Highway Vehicle CO, 144-page analysis of economic impact of OHV recreation in Colorado which is estimated at \$230 million, (<http://cohvco.org/economics/main.html>).

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- k) 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> .
- l) March 2003 Presentation at the National OHV Managers Meeting in Charlotte, North Carolina, <http://www.etra.net/Newsletters/2003/July2003.htm>.
- m) 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> .
- n) 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
- o) Hazen, S. (2001). Economic Contribution of Off-Highway Vehicle Use in Colorado, Colorado Off-Highway Coalition.
- p) 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>
- q) <http://sundaygazette.com/section/News/2007062328>
- r) Economic Value of Off Highway Vehicle Recreation 2007-Journal of Leisure Research <http://www.trailsintrouble.org/References/EconomicValueOfOHV-2007.pdf>
- s) Colorado Off-Highway Vehicle Coalition, www.cohvco.org , Economic Contribution of Off-Highway Vehicle Recreation in Colorado https://cohvco.org/forms/2009_Economic_Contribution_Full_Report.pdf

248. 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.

249. Agency staff has told us that they intend to focus on resource management issues. Issues related to the management of natural resources have received most of the attention during the evaluation while socio-economic issues surrounding motorized access and recreation are largely ignored. This lack of adequate recognition has led to the creation of significant socio-economic issues affecting the quality of the human environment for motorized recreationists. Land management agencies must acknowledge that public land has significant meaning and socio-economic value to the public. We request that all significant issues involving the human environment for motorized recreationists be adequately considered during the evaluation and decision-making process.

250. Travel management documents have historically over-emphasized the potential positive impacts to some resource areas and under-emphasized the impacts to other resource areas both in numbers of pages devoted to a resource and in the conclusions. For example, in the Clancy-Unionville FEIS and DSEIS there are about 100 pages discussing potential positive impacts to wildlife and fisheries and less than 2 pages discussing negative impacts to motorized recreationists. This emphasis in the process has pre-determined that the human environment will be sacrificed for incrementally small benefits to some resources. The emphasis in the analysis does not reasonably consider incrementally small improvements (0-5%) to the natural environment against an incrementally significant impact (50%) to the human

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environment. We request that significant human environment issues involving motorized recreationists be adequately considered and weighed in the travel management process.

251. The existing level of motorized access and recreation was developed by the community through years of involvement in direct relation to the need for motorized access and recreational opportunities. The community is accustomed and relies on this level of access and recreation. We request that the project area remain open to multiple-use and the public and that a reasonable preferred alternative be based on the existing level of motorized access and motorized recreation.

252. Why use so many indirect attempts such as public meetings and open houses to gather feedback from motorized recreationists? Why not just go directly to motorized recreationists in the field and at club meetings and ask them? NEPA encourages direct coordination with the impacted public instead of a process tailor made for special-interest environmental groups.

253. The following statement on Page 117 of the Big Snowy EA is made in regards to cumulative negative effects and OHV recreation; *“It would appear that the combination of all these actions by land management agencies may have a cumulative effect on opportunities for OHV recreation. It is impossible to quantify the effect, because the Forest Service does not have a State-wide tally of number of miles of roads and trails open to OHVs. Likewise, no one has an estimate of numbers of miles of roads and trails needed to meet the demand for motorized OHV recreation.”*

Page 262 of the Supplement to Big Snowy EA. *“In looking deeper into the issue of equitable opportunities, we found that the Forest Service reported 133,087 miles of trail nationally in 1996, but unfortunately there is no breakdown of how many miles of these trails are open to motorized travel versus non-motorized travel.”*

Page 263 of the Supplement to Big Snowy EA. *“Region 1 of the Forest Service reports 18,024 miles of trail within just Montana. Unfortunately, none of these reports break down the information into miles of road or trail open to motorized use.”*

These statements in the Supplement indicate that the agency was not able to assess whether the needs of motorized recreationists are being met because data does not exist. It appears that OHV user data is not being collected because the agency does not want to quantify or recognize OHV use and popularity. Our observations of recreationists on multiple-use public lands from 1999 through 2006 (available upon request) indicate that 97% of the visitors were associated with multiple-uses involving motorized access and/or mechanized recreation. This is also consistent with the Social Assessment for the Beaverhead-Deerlodge National Forest which reported that 97.45% of the visitors to Region 1 in year 2000 enjoyed recreation opportunities found in multiple-use areas.

These statements also indicate that the agency was not able to assess the cumulative negative impacts on motorized access and recreationists because data does not exist. This lack of information is a significant reason why motorized recreationists are suffering such significant reductions in recreation opportunity. Because data does not exist, agencies cannot quantify the individual and cumulative negative impacts of each motorized access and recreation closure on motorized recreationists. This lack of data and consideration is being used to the advantage of non-motorized interests because the agency is not recognizing the significant need for multiple-use opportunities including motorized access and motorized recreation.

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If the present trend continues for a few more years, the loss of motorized access and recreation will be so significant that the collection of meaningful data will be precluded because motorized opportunities will be largely eliminated and motorized visitors will be permanently displaced (absent from public lands). Based on our observations, we estimate that motorized access and recreation opportunities have been reduced by at least 50% since the 1960's by the significant cumulative negative effect of wilderness designations, wilderness study areas, national parks, monument designations, roadless designations, non-motorized area designations, travel management, wildlife management areas and other restrictive management designations.

Motorized visitors are continually losing significant recreational opportunities by conversion of multiple-use areas to non-motorized areas. This is a significant impact that has occurred cumulatively by a process of thousands of individual closures. The lack of data does not justify imposing a significant impact on motorized recreationists. We request that this cumulative negative impact be addressed by the collection of data and the fair evaluation of the need for motorized access and motorized recreation. Additionally, we request, as a reasonable alternative, that an adequate mitigation plan be included as part of this action to compensate for past cumulative negative impacts.

254. Mailings and telephone interviews as done in past studies do not accurately locate the people visiting public lands. Our field observations of trail use in multiple-use areas and the Social Assessment for the Beaverhead-Deerlodge National Forest have found that over 97% of the visitors were associated with multiple-uses that involved motorized access and/or mechanized recreation. We request that effective methods be developed to involve and account for motorized access and mechanized recreationists.

255. Examples of the positive benefits OHV recreation on the human environment can be found in ride reports including the following:

- a. <http://ktmtalk.com/index.php?showtopic=319611>
- b. <http://www.chadman.net/upload/Ouray2008.wmv>
- c. <http://ktmtalk.com/index.php?showtopic=317728>
- d. <http://www.wsatva.org/id4.htm>
- e. <http://ktmtalk.com/index.php?showtopic=311192>
- f. <http://ktmtalk.com/index.php?showtopic=260664>
- g. <http://www.advrider.com/forums/showthread.php?t=402442&highlight=montana>

256. The use of the existing network of motorized roads and trails is part of local culture, pioneer spirit, heritage and traditions. All of these values have ties to the land. Visitors to public lands benefit from all of the motorized roads and trails that exist today. The quality of life for the multiple-use public is being impacted by the cumulative negative effects of all motorized and access 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*". We request that the criteria for high standards of living and a wide sharing of life's amenities include the preservation of motorized roads and trails based on the recognition of the values (ties to the land) that they provide to local culture, pioneer spirit, heritage, traditions, and recreation.

257. The proposed action promotes management of our public lands as if they are public lands close to the large urban areas in California. If and when our population is equal to California, then an alternative could reasonably consider requirements necessary to manage urban impacts. Until then, local standards and culture should be the over-arching criterion.

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258. The prevailing trend of the past 35 ± years has been to close motorized recreation and access opportunities and not create any new ones. Additionally, roads or trails closed to motorized access are seldom, if ever, re-opened. The underlying objective of the Bureau of Land Management and Forest Service has been to restrict the public to a few major roads within public lands. We request that the cumulative negative effects of these policies be thoroughly evaluated so that a reasonable travel management decision is made. The evaluation of cumulative negative impacts should include all associated impacts such as social, economic, cultural, and the recreation needs of motorized visitors. It should also address the dilemma facing motorized recreationists after so many closures, i.e., Where can motorized visitors go when a functional network of roads and trails is eliminated? How can the public enjoy public lands when there is a lack of adequate access and recreational opportunities? Where can our children and grandchildren recreate?

259. We are concerned about the preservation of historic mines, cabins, settlements, railroads, access routes and other features used by pioneers, homesteaders, loggers, settlers, and miners. These are important cultural resources and should not be removed from the landscape. Western culture and heritage has been characterized by opportunities to work with the land and preservation of all remnants of this culture and heritage is important. Current management practices are not adequately protecting western culture and heritage including the opportunity to work with the land. We request that the ties to the land that are part of our local western culture and heritage be protected and that the preferred travel management alternative include opportunities to visit these features as part of motorized interpretative spur destinations and loops.

260. We live in this area and accept the economic compromises of living here so that we can access and recreate on our public lands. We are fortunate to have an abundance of public lands and there is no valid reason why we should not have reasonable opportunity to enjoy them. Our local culture is built on the foundation of access to visit and use these lands. Now travel planning and other initiatives are severely restricting that access and recreational opportunities. We have only one lifetime to enjoy these opportunities and these opportunities are being systematically eliminated. The impacts of lost opportunities on motorized recreationists are significant and irretrievable and irreversible. We won't be living this life again. NEPA requires adequate evaluation and consideration of irretrievable and irreversible impacts. We request that the evaluation and decision-making adequately identify and address these impacts. NEPA also requires adequate mitigation of irretrievable and irreversible impacts. We request that the decision-making provide for adequate mitigation to avoid the irretrievable and irreversible impacts of lost opportunities on motorized recreationists.

261. The roads and trails in the project area are not new or "user created" travelways. These roads and trails have existed for many years. The public has relied on them for access for many years and for many purposes. This pattern of use is well established. A reasonable travel management alternative would use area closure to prevent the creation of unwanted trails by visitors and, at the same time, allow the public to use all of the existing motorized routes. Too many management actions have been enacted without the development of this reasonable alternative. The cumulative negative impact of the travel management process on motorized access and recreation opportunities has been significant. We request that the preferred alternative be based on the existing motorized routes that are considered important resources by motorized recreationists.

262. A reasonable Travel Management alternative would maintain existing travelways that provide motorized recreationists with a system of loops and destinations. The preferred alternative should provide access to motorized looped trail systems, spurs for exploration and

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destinations, and motorized access to areas located outside the project area. We request that the cumulative negative effect of reduced recreation and access opportunities for motorized visitors within the project area be adequately considered in the document and decision-making. The cumulative negative effect of eliminating motorized access to loop trail systems, provide exploration opportunities and destinations outside of the project area should also be adequately considered in the document and decision-making.

263. Current management trends are attempting to restrict public access to narrow corridors along major roads. This management trend is widespread among all agencies. If allowed to continue, this trend will concentrate over 95% of the visitors to less than 10% of the area. The cumulative negative impact from concentrating visitors to narrow corridors will result in poor management of public lands and unreasonable access to public lands and recreational opportunities. We request the evaluation of the cumulative negative impacts from management goals that tend to concentrate visitors to narrow corridors and reduce recreation opportunities for motorized visitors. Other associated negative impacts that should also be evaluated include loss of dispersed recreation opportunities, reduced quality of recreation, loss recreation diversity, and unequal of recreation opportunities.

264. OHV and other motorized recreationists seek the challenge and sense of exploration that primitive roads and motorized trails provide. The preferred travel management alternative should not restrict motorized access and recreation to narrow corridors along a few major roads. This restriction would not provide for the type of experiences that most motorized visitors are seeking and, therefore, does not meet the needs of motorized visitors. We request that the analysis and decision-making avoid restricting motorized access and recreation opportunities to narrow corridors along major roads.

265. In some cases conflict of uses has been created by Visitors Maps that are not consistent with Travel Plan maps. All visitors (motorized and non-motorized) need to clearly understand what areas, roads or trails are open for motorized travel and what areas, roads, or trails are closed to motorized travel. We have experienced a number of misunderstandings by both non-motorized and motorized visitors. We recommend that the Travel Plan Map and Visitors Map be the same and that this combination map should include as much detail as possible (such as contour information) so that the public can better determine the location of roads and trails that are open or closed.

266. There is a significant need to standardized signs within and across all agencies. For example, there are often misunderstandings about seasonal motor vehicle restrictions due to the "No" symbol with the actual closure period shown below in small text that is often not seen or understood. When a picture of a motorcycle, 4x4, ATV and snowmobile are shown at the trailhead with a circle and red strike through them, it portrays to the non-motorized user that this trail is closed to motorized users. Many people do not notice the dates that are associated with the sign showing when the motorized closure applies. This confusion created by the agencies signs creates many of reported conflicts between users which are then used against motorized recreationists. A standardized multiple use sign for these areas must be posted to clearly inform people of the uses allowed in these areas. This corrective action would stop many complaints that the FS receives on user conflicts and would be more equitable to motorized recreationists.

267. We suggest that travel management signs be made easier to understand and standardized. Signs are the backbone of a good management program. Some examples of how signs could be used to implement management are:

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- h. Signs should be displayed at key access points to public lands explaining the basics; “OHV’s allowed on designated routes to protect foliage and prevent erosion”; “Expect to see other visitors on the trails – shared trail area”; “Report violations to 1-800-TIP-MONT”; etc.
- i. Trailhead signs should not only list restrictions but should also tell visitors what to expect. Signs that say “expect to see other trail users” with universal symbols indicating the uses they can expect to see would work well. This approach is used successfully in nearly every forest across the country except those in Forest Service Region 1.
- j. Reinforce travel allowed and restricted at intersections.
- k. Reinforce important messages; say the same thing in a different way.

268. Along with the standardization of signs, there is also a significant need to standardize or simplify seasonal closure dates as much as possible. We suggest that the number of different closures periods should be kept to a maximum of two, if possible, in order to avoid confusion and resulting misunderstandings.

269. We request that the process include consideration of the negative impacts that proposed motorized road and trail closures will have on fire management, fuel wood harvest for home heating, and timber management. The analysis should include an analysis of the benefits to the public from the gathering of deadfall for firewood from each of the roads and trails proposed for closure. These analyses are especially significant following a devastating fire season and a period of rising energy costs. The need for firewood gathering is increasing given the increasing energy costs (http://www.helenair.com/articles/2003/11/02/montana/a01110203_05.txt) and we have noticed a significant increase in firewood gathering this past year. The closure of roads and trails is occurring at a large scale on all public lands. Therefore, the analysis should also evaluate the cumulative negative impacts of motorized road and trail closures and the conversion of multiple-use lands to limited-use lands on fire management, timber management, and firewood gathering.

270. We are unaware of any documented or justifiable reports of user conflict in the project area. We request copies of any documentation of user conflicts in the area and request that it be categorized and weighed against the overall number of visitor-days to the area. Additionally, a difference in opinion about whether certain recreationists should be able to visit multiple-use public lands should not be considered a user-conflict.

271. We are now seeing significant negative impacts from past travel plan decisions. For example on two consecutive weekends we observed campers getting out to Helena and Lewis and Clark National Forests and Beaverhead Deerlodge National Forests on a Friday afternoon and not able to find an open camp spot. All campground and dispersed sites were occupied and these people went back home. What should have been a relaxing weekend was an awful non-recreational experience.

272. We are now seeing significant negative impacts from past travel plan decisions. We are asked over and over where can we go to ride our OHVs. We are also asked over and over whether such and such trail is still open? No, that trail is closed now. This is a completely unreasonable situation and especially given the amount of multiple-use land that should be managed for the public’s enjoyment instead of locking them out.

273. Both the House and the Senate have passed the Outdoor Recreation Jobs and Economic Impact Act of 2016 (H. R. 4665/S. 2219). This is an important legislative step to properly recognize the value of outdoor recreation. Private economic studies funded by the recreation

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industry indicate that the economic value of outdoor recreation exceeds \$646 billion annually with motorized recreation making up at least 40% of that number. This is significant value and a significant issue to motorized recreationists. The new legislations will provide a more complete picture on the value of outdoor recreation on our national economy and are a reasonably foreseeable action that must be adequately considered. We have always felt the value of motorized recreation was huge and now the data will prove it. This information will be helpful as priorities are established on the best uses of our public lands for years to come and will easily justify more motorized recreational opportunities and not less as proposed by this action.

274. The significant negative impact of destroying all of the feelings and memories of camping and riding our OHVs in places closed by the decision must be adequately considered and mitigated in the analysis and decision.

5. Over-Represents the Public's Need for More Wilderness

275. The majority of the population in the United States lives in big city urban settings and their definition and understanding of "wilderness" is settings like Central Park. Therefore, the work "wilderness" is used by the majority of the public to describe any outdoor setting.

276. Ninety-nine percent of the self-reported hikes are taken either on a road or motorized trail or within a mile of a road. Actual wilderness visits and hikes are very limited in number. Most wilderness areas are not accessible to the public. The evaluation and decision must adequately recognize this condition and the important that roads and motorized trails play for the majority of the public.

277. 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 cannot 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.

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

279. 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 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.

280. 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.

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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)	Currently Open to Cross-Country Motor Vehicle Use	Acres
			Totals	194,015,494		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						

NOTE: This data is out of date by at least 8 years and does not reflect significant motorized closures that have occurred since this table was put together.

281. 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.

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)	Currently Open to Cross-Country Motor Vehicle Use	Acres
			Totals	26,254,667		51,306	26,259	22,042	7,521	5,052	4,352,849	
						Miles of Open Road per Square Mile =	0.51					
						Total Roads and Trails Open to Non-Motorized Use, Miles	73,348					
						Non-Motorized Trails, Miles =	14,521					
						Non-Motorized Trails, % =	65.88%					
						Motorized Trails, miles =	7,521		5,052			
						Motorized Trails, % =	34.12%					
						Trails Open to Motorcycles %			22.92%			
						http://www.fs.fed.us/recreation/programs/ohw/ http://www.fs.fed.us/recreation/programs/ohw/travel_mgmt_schedule.pdf						

Note that this data was assembled in 2006 does not reflect the motorized closures that have occurred in the last 11 years due to lack of adequate evaluation and disclosure by the agencies. The percentage of non-motorized trails is even higher than 65.88% now.

282. Additionally, specific NVUM data for Montana **National Forests** shows that there were **10,055,000** total site visits to the forest and only **304,000** wilderness visits (http://www.fs.fed.us/recreation/programs/nvum/revised_vis_est.pdf). Therefore, wilderness visits in Montana are only **3.02%** of the total visits yet past decisions have produced both a disproportionately large and an increased number of recreation opportunities for non-motorized and wilderness visitors and at the expense of the multiple-use and motorized visitors. The remaining **96.98%** of the visitors are for the most part associated with multiple-uses. The public comments and votes by how they use the forest, and more motorized access and recreation is what they are asking for with every visit regardless of whether they provide comments in a cumbersome NEPA process.

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Table of Wilderness Visits to Montana National Forests versus Multiple-Use Visits

Forest	All Site Visits (000's)	Wilderness Visits (000's)	Wilderness Visits (%)	Multiple-Use Visits (%)
Beaverhead-Deerlodge	1,377	15	1.09%	98.91%
Bitterroot	731	122	16.69%	83.31%
Custer	845	12	1.42%	98.58%
Flathead	1,514	24	1.59%	98.41%
Gallatin	1,650	46	2.79%	97.21%
Helena	508	3	0.59%	99.41%
Kootenai	1,400	32	2.29%	97.71%
Lewis & Clark	536	26	4.85%	95.15%
Lolo	1,494	24	1.61%	98.39%
Total	10,055	304	3.02%	96.98%

http://www.fs.fed.us/recreation/programs/nvum/revise_vis_est.pdf

283. Additionally, specific NVUM data for the Helena National Forest shows that there were 508,000 total site visits to the forest and only 3,000 wilderness visits (http://www.fs.fed.us/recreation/programs/nvum/revise_vis_est.pdf). Therefore, wilderness visits in the Helena National Forest are 0.59% of the total visits yet past decisions in Region 1 and the proposed plan by the Helena National Forest have produced both a disproportionately large and an increased number of recreation opportunities for non-motorized and wilderness visitors and at the expense of the multiple-use and motorized visitors. The remaining 99.41% of the visitors are associated with multiple-uses. The public comments and votes by how they use the forest, and more motorized access and recreation is what they are asking for with every visit regardless of whether they provide comments in a cumbersome NEPA process.

284. The NVUM and Southern Research Station reports cited prove that there are 146,000 (508,000 forest visitors x 29.1% OHV) OHV visitors to the Helena National Forest and 3,000 wilderness visitors. The ratio of trail users is 49 motorized to 1 non-motorized yet the balance of existing trails is 21% motorized versus 79% non-motorized. Clearly there is an imbalance of opportunity that justifies more (not less) motorized recreational opportunities.

285. As demonstrated by Table 3, the ratio of acres available to wilderness/non-motorized visitors versus the acres available to multiple-use visitors is way out of balance in the existing condition with 39 acres per wilderness visitor and 1.70 acres per multiple-use visitor for a ratio of about 23:1. The proposed action to designate all roadless areas non-motorized areas makes this inequity even worse by providing 187 acres per wilderness visitor and 0.82 acre per multiple-use visitor for a ratio of about 228:1. The available multiple-use (MU) acres and acres per MU visitors is less than this example because even though lands are designated as MU by congress the agency is effectively managing many multiple-use acres as non-motorized/defacto wilderness. Therefore, the acres per MU visitor are significantly less than shown and the imbalance of the ratio of defacto wilderness acres per visitor to MU acres per visitor is significantly greater than this example.

Table 3 Acres per Forest Visitor and Ratio

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Total Annual Forest Visitors =	508,000
Wilderness Visitors =	3,000
Multiple-use Visitors =	505,000
Forest Acreage =	977,000
Existing Wilderness Acreage =	117,000
Existing Multiple-use Acreage =	860,000
Proposed Defacto Wilderness Acreage =	445,000
Total Proposed Defacto Wilderness =	562,000
Total Proposed Multiple-use Acreage =	415,000
Existing Acres/Wilderness Visitor =	39.00
Proposed Acres/Wilderness Visitor =	187.33
Percent Increase =	380%
Existing Acres/Multiple-use Visitor =	1.70
Proposed Acres/Multiple-use Visitor =	0.82
Percent Decrease =	-52%
Existing Ratio of Defacto Wilderness to MU Acres per Visitor	22.90
Proposed Ratio of Defacto Wilderness to MU Acres per Visitor	227.96
Note 1: Total Proposed Defacto Wilderness includes all Roadless Areas which the Agency is inappropriately managing as non-motorized.	
Note 2: The available multiple-use (MU) acres and acres per MU visitors is less than this example because even though lands are designated as MU by congress the agency is effectively managing many multiple-use acres as non-motorized/defacto wilderness. Therefore, the acres per MU visitor is significantly less than shown and the imbalance of the ratio of defacto wilderness acres per visitor to MU acres per visitor is significantly greater than this example.	

286. 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, it is entirely reasonable to conclude that there is adequate wilderness area. Given that vast areas of our forests have been set aside for the exclusive benefit of this relatively small group of quiet visitors, it is not reasonable to set aside more areas and trails for their needs.

287. There is no need for additional Wilderness for recreational usage based on the following information. Wilderness also includes all defacto Wilderness areas (in practice but not ordained by law) such as non-motorized Roadless areas and designated non-motorized areas such as proposed for the Shoshone National Forest Travel Management Plan.

- a) The huge lack of wilderness use is documented in an article on a 20 day, 200 mile hike through the Bob Marshall and Mission Mountains in the Montana Standard (http://mtstandard.com/lifestyles/outdoors/photographer-retraces-bob-marshall-s-epic-hike-in-spirit/article_a84bfa47-f841-5ae8-9f95-a9fc08e20a07.html). "Other than some scattered encounters, he found the solitude remarkable. On the Swan Crest, he only saw only four hikers on 40 of the 48 miles before reaching the Jewel Basin. In the Bob Marshall portion, he saw only four hikers in 90 miles, not counting outfitters and horse riders."
- b) Twenty percent of USFS trails are in Wilderness areas (Source #1 below), and these areas receive only 4% of all visitor days to USFS lands (Source #2). Routes in Wilderness areas are difficult and exceptionally expensive to maintain, due to strict

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management limitations (Source #3). Teams of horses and mules can move large amounts of materials but are not cost effective when compared to a pickup truck, and the maintenance equipment cannot be left on the mules overnight.

- i. #1. United States Government Accountability Office Report GAO-13-618; Forest Service Trails; Long- and Short-Term Improvements Could Reduce Maintenance Backlog and Enhance System Sustainability; June 2013 at page 30. Complete report is available here: <http://www.gao.gov/assets/660/655555.pdf>
 - ii. #2. USDA Forest Service; National Visitor Use Monitoring Results USDA Forest Service National Summary Report Data collected FY 2008 through FY 2012 Last updated 20 May2013; at page 8.
 - iii. United States Government Accountability Office Report GAO-13-618; Forest Service Trails; Long- and Short-Term Improvements Could Reduce Maintenance Backlog and Enhance System Sustainability; June 2013 at page 30.
- c) The Government Accountability Office (GAO) recently identified that motorized users are the only ones who “pay to play” on USFS trails. And even with this funding, only 25% of all routes are financially sustainable due to high percentages of routes in Wilderness designations (Source #4). If motorized funding is not available for management of dispersed recreational opportunities, the resources available to maintain any trail greatly diminish and possible impacts expand.
- i. #4. United States Government Accountability Office Report GAO-13-618; Forest Service Trails; Long- and Short-Term Improvements Could Reduce Maintenance Backlog and Enhance System Sustainability; June 2013 at page 30.
- d) The true economic driver for local economies is multiple-use recreation on public lands. USFS comparisons of user group spending profiles, made as part of the National Visitor Use Monitoring process, estimate that the motorized user spends 2 to 3 times the amount of money spent by non-motorized users (Source #5). This compounds the possibility of negative economic impacts to local communities from significantly lower levels of visitation after Wilderness designations.
- i. #5. USDA Forest Service; White and Stynes et al; Updated Spending Profiles for National Forest Recreation Visitors by Activity November 2010 at page 6.
- e) Many Wilderness Proposals erroneously rely on the newly released Outdoor Industry Association (OIA) Report that concluded that \$646 billion is annually spent on outdoor recreation. Wilderness Proposals frequently assert this was the result of quiet use recreation. This is simply incorrect, as the 2012 OIA study included motorized usage in their analysis (Source #6). Previously, versions of the OIA study attempted to only include non-motorized usage.
- i. #6 Outdoor Industry Association; The Outdoor Recreation Economy; Take it Outside for American Jobs and a Strong Economy; 2012 report.
- f) A recent USFS report to Senator Mark Udall (D-CO) specifically stated that Wilderness Areas are a significant factor contributing to poor forest health and the outbreak of mountain pine beetle throughout the western U.S. (Source #7). This position has been repeatedly stated by the Colorado State Forest Service, which has found management restrictions in Wilderness Areas have caused significant outbreaks of Spruce Beetle infestations (Source #8). USFS guidelines for management and protection of watersheds identify the critical need for active management of watersheds to insure

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water quality (Source #9). This management is impossible in a Wilderness Area. Limited forest management is specifically identified as a major factor negatively impacting endangered species such as the Canadian lynx (Source #10).

- i. #7. USDA Forest Service; Review of the Forest Service Response: The Bark Beetle Outbreak in Northern Colorado and Southern Wyoming; September 2011; at pages i, 5, 12. Complete report is available here: <http://www.fs.usda.gov/detail/barkbeetle/home/?cid=stelprdb5340741>
 - ii. #8. Colorado State Forest Service; 2012 Report on the Health of Colorado's Forests; Forest Steward Ship through Active Management; at page 5. A copy of this report is available here: <http://csfs.colostate.edu/pdfs/137233-forestreport-12-www.pdf>.
 - iii. #9 Executive Summary; PROTECTING FRONT RANGE FOREST WATERSHEDS FROM HIGH-SEVERITY WILDFIRES AN ASSESSMENT BY THE PINCHOT INSTITUTE FOR CONSERVATION FUNDED BY THE FRONT RANGE FUELS TREATMENT PARTNERSHIP. A complete copy of this report is available here. http://www.pinchot.org/gp/Colorado_watersheds
 - iv. #10 Interagency Lynx Biology Team. 2013. Canada lynx conservation assessment and strategy. 3rd edition. USDA Forest Service, USDI Fish and Wildlife Service, USDI Bureau of Land Management, and USDI National Park Service. Forest Service Publication R1-13-19, Missoula, MT. 128 pp. at page 75.
- g) The critical need for motorized access to multiple-use recreation was recently identified by the National Shooting Sports Foundation (NSSF). It found that a lack of motorized access was the largest single barrier to those wanting to hunt and fish (Source #11). A lack of multiple-use access is also identified as a significant limitation to herd management and herd health (Source #12).
- i. #11. National Shooting Sports Foundation; Issues Related to Hunting Access in the United States; Final Report November 2010 at page 7, 13, 56.
 - ii. #12 National Shooting Sports Foundation; Issues Related to Hunting Access in the United States; Final Report November 2010 at page 11.
- h) Agency inventories and determinations on possible designations of Roadless Areas are not management decisions, but are rather inventories of characteristics of that area. Roadless areas are still governed by multiple-use management and changes to management require NEPA analysis or Congressional action. There are significant limitations on the scope of the Roadless Rule, as it only applies to new road construction or major reconstructions. Trails, even those over 50 inches wide, are not impacted by the Roadless Rule. Many areas that are involved in citizen Wilderness Proposals have been inventoried and found to be unsuitable for Roadless designation and this should weigh heavily against any suitability for Wilderness designation.

288. 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*

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of each area on which review has been completed, together with maps and a definition of boundaries...Congressional approval. Each recommendation of the President for designation as "wilderness" shall become effective only if so provided by an Act of Congress.

289. 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.
290. 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>)
291. Additionally, general public support for motorized access and recreation is demonstrated by the Flathead County Natural Resources Plan which has objectives of keeping at least 75% of the roads and trails outside of Wildernesses open at least seasonally to motorized access. (<http://www.co.flathead.mt.us/fcpz/Natural%20Resource%20DOC.pdf> See Recreation section on page 43).
292. The Debate section of the April 2008 issue of Costco Connection (<http://www.costcoconnection.com/connection/200901/?u1=texterity>) asked the question "Are we doing enough to protect our national wilderness?" Results were reported in the May 2008 issue with 75% of the respondents answering Yes and 25% responding No. Clearly this demonstrates that the overall public opinion is that an adequate amount of our wilderness areas are protected under current conditions.
293. 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.
294. 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.
295. If Roadless acres are included in this total, it becomes even more unbalanced with at total of 103,437,000 acres or 54% in wilderness or roadless designation while only 2.55% of the visitors are wilderness visitors.

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296. 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, it is entirely reasonable to conclude that there is adequate wilderness area. Given that vast areas of our forests have been set aside for the exclusive benefit of this relatively small group of quiet visitors, it is not reasonable to set aside more areas and trails for their needs.

297. It is more reasonable and fair to allow continued motorized use of existing routes in inventoried roadless and wilderness study areas until such time as congress approves the area as wilderness. The courts have already established this precedent as supported in Judge Molloy's ruling in 2001 on the Montana Wilderness Study Act and the Big Snowy Mountains travel plan which was upheld in 2006.

298. 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.

299. 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.

300. Current land management trends are applying wilderness standards and criteria to lands intended for multiple-use. For example, total National Forest area equals 191,856,000 acres (http://roadless.fs.fed.us/documents/feis/data/sheets/acres/appendix_forest_acres.html). Total designated wilderness/protected areas equal 42,351,000 acres or 28% of the total forest area. Additionally, there are other non-motorized designations that effectively eliminate motorized access and motorized recreation in large areas of the forest.

Other designations that preclude unrestricted multiple-uses include roadless areas which total 54,327,000 acres or 22% of the total forest area. First, the rules governing identified roadless areas clearly allow motorized recreation and roadless areas currently provide many important motorized recreational opportunities. However, in practice roadless areas are managed with restrictions that severely restrict multiple-use and access of those areas by the public. Therefore, the national forest area with severe access and use restrictions totals at least 96,678,000 acres or 50% of the total forest area.

Similar trends have occurred on lands managed by the Department of Interior (DOI) which total 507 million acres which is about one-fifth of the land in the United States. Acreages managed by each Interior agency include: 262 million acres managed by the Bureau of Land Management, 95 million acres managed by the Fish and Wildlife Service, 84 million acres managed by the National Park Service, 8.6 million acres managed by the Bureau of

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Reclamation, and 56 million acres managed by the Bureau of Indian Affairs. Statistics summarizing acres of multiple-use and restricted-use on DOI lands are not readily available to the public, however, a significant portion of these lands have limited motorized access and limited motorized recreational opportunities. DOI should adequately disclose these land use statistics to the public including motorized recreationists as quickly as possible.

Therefore, the cumulative negative effect of the pre-Columbian scheme, wilderness designations, wilderness study areas, national parks, monument designations, roadless designations, non-motorized area designations, travel management, wildlife management areas and other restrictive management designations over the past 35 ± years have restricted the public land area (USDA and DOI) available to multiple-use visitors seeking motorized access and/or mechanized recreational experiences (over 95% of the public land visitors) to less than 50% of the total national forest and public land area.



It is not reasonable to close this area to the majority of uses. In order to be responsive to the needs of the public all of the remaining (100%) multiple-use public lands should be managed for multiple-uses including motorized access and motorized recreation. Therefore, all public lands such as those in this project area must remain open as multiple-use lands in order to avoid contributing to the significant cumulative negative effect associated with the trend of converting multiple-use lands to limited-use lands. We request that the document and decision adequately evaluate the needs of multiple-use and motorized recreationists and adequately evaluate the cumulative negative impacts that have resulted from inadequate evaluations in past actions. We also request that an adequate mitigation plan be included as part of this action to compensate for past cumulative negative impacts.

301. Sign-in kiosks are routinely provided at wilderness trailheads to record the use of wilderness areas. We have never seen an equivalent facility or program and this lack of data puts motorized recreation at a disadvantage.
302. The wilderness designation is not good for recreation and an alternative designation is needed. Many U.S. citizens do not trust our federal land managers to manage our natural resources responsibly. Wilderness advocates have taken advantage of this situation to promote the Wilderness designation and now the Roadless designation as a means to protect these areas. Wilderness designation was originally conceived, by the Wilderness advocates involved in the passage of the 1964 Wilderness Act, as appropriate for about ten million acres of administratively designated Primitive Areas. Present day Wilderness advocates have since expanded the concept to a system of over one hundred million acres and they say we need much more.
303. An alternative land designation is needed to resolve the Wilderness and Roadless area debate. Off-highway motorcycles, aircraft, snowmobiles, 4X4s, mountain bikes, ATVs, and personal watercraft are not allowed in designated Wilderness areas. Therefore, these popular recreation pastimes are severely impacted by the Wilderness and Roadless designation. Motorized uses that have been grand fathered into some Wilderness areas, such as use of aircraft and powerboats, are subjected to harassment. Horseback riders, hunters and other non-motorized recreationists are also increasingly under attack from Wilderness advocates

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who push more restrictive regulations in existing Wilderness areas and those areas proposed for that designation.

The U.S. Congress should act on legislation establishing a federal designation that is less restrictive to recreational use than Wilderness and the Roadless designation. It should be called "Back Country Recreation Area" (<http://www.sharetrails.org/index.cfm?page=39> and <http://www.sharetrails.org/index.cfm?page=40>). This designation should be designed to protect and, if possible, enhance the backcountry recreation opportunities on these lands while still allowing responsible utilization of these areas by the natural resource industries.

This designation should be used for those areas currently identified by the federal land management agencies as "roadless" and thus currently under consideration for Wilderness designation. Areas considered may or may not be recommended for Wilderness designation or classed as Wilderness Study Areas. In addition, the Forest Service (FS) and Bureau of Land Management (BLM) have administratively developed non-Congressionally designated Wilderness-like reserves or buffer zones. The Forest Service's buffers are called natural and near-natural areas. The BLM's reserves are named primitive and semi-primitive. These non-Congressionally approved land classifications should be receive the Back Country Recreation Area (BCRA) designation.

Many roadless areas have been under consideration for Wilderness designation for over 35 years. The opposition to Wilderness designation in many of these areas has been largely from recreationists whose preferred form of recreation isn't allowed in Wilderness areas. Recreational resources need not be sacrificed for responsible resource extraction. The BCRA designation will encourage cooperation, not only between diverse recreation interests, but also between recreationists and our resource industries.

A recent public opinion survey shows majority support for a Backcountry Recreation Area alternative to a proposed 300,000 acre Wilderness Bill in Northern California (<http://www.sharetrails.org/index.cfm?page=42&magazine=50>). In Del Norte County, 66 percent of people surveyed supported a Backcountry alternative instead of a Wilderness designation. Fifty-three percent of respondents in Humboldt County said it was wiser to designate land as a Backcountry Recreation Area. We request that all "roadless" federal lands, not currently designated as Wilderness, be reviewed for their importance to back country recreationists and designated as Back Country Recreation Areas.

304. Page 215 of the Supplement to Big Snowy Mountains EA. *Solitude is a personal, subjective value defined as isolation from the sights, sound and presence of others, and the development of man.* We acknowledge the value of solitude and point out that there are many acres of wilderness/non-motorized/exclusive-use available to provide that solitude. Our concern is in regards to the diminishing amount of multiple-use lands and the unreasonable concept that multiple-use lands should be managed as wilderness/non-motorized/exclusive-use lands. Managing multiple-use lands by wilderness criteria and for perfect solitude does not meet the communal needs of the public and is not a reasonable goal for multiple-use lands.

305. The opportunity for solitude must be reasonably balanced with the multiple-use needs of the public. For example, the Montana Standard in an article on December 14, 2000 reported that hikers on the Continental Divide trail "walked for 300 miles without seeing another human being". This article illustrates a significant long-distance interstate recreational opportunity available to non-motorized visitors and the negligible use that it sees. Additionally, we have been camping in the Telegraph Creek drainage for 27 years and we have met only 2 people

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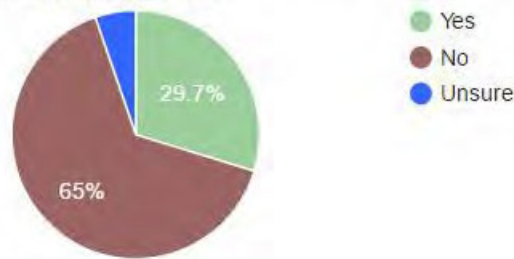
using the CDNST in that area. In contrast, a long-distance interstate recreational opportunity similar to the CDNST does not exist for OHV recreationists.

306. It is not equitable to provide recreationists seeking solitude and wilderness experiences exclusive access to tens of millions of acres and thousands of miles of non-motorized trails while restricting the public seeking multiple-use opportunities access to an inadequate road and trail system. In other words, it is not reasonable to allow a very limited group of individuals who do not want to meet other people to displace thousands of other people. We request an equitable and balanced allocation of motorized access and recreational opportunity.

307. The need for more wilderness is not backed up by facts, site specific studies, data, and monitoring, and overall public need and must not be used as a ploy to close motorized recreational opportunities.

308. Additionally, the public does not support the use of Presidential orders to create monuments and other non-motorized, defacto wilderness designations as demonstrated by a recent poll in the Helena Independent Record:

Should the president have unilateral authority to create national monuments from federal lands?



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6. Improperly Considers Roadless Areas

309. 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. This commitment was recently upheld as part of appeal Number 07-05-10-0005 dated January 10, 2008 for the Smith River NRA travel management plan in the Six Rivers National Forest filed by Blue Ribbon Coalition (<http://www.sharetrails.org/releases/media/?story=556> and www.sharetrails.org/files/SmithRiverNraBrcAppealDecisionJan14.pdf). 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.

310. Jim Angell, the Denver-based Earth Justice attorney, says that's why it's too simplistic to liken roadless protections to those of full-blown wilderness designations - which take an act of Congress. "And it didn't bar things like oil and gas, which often takes place without the building of roads by angling the drilling from elsewhere; it didn't apply to ORV use which can continue without any stop," Angell says. <http://www.publicbroadcasting.net/kunc/news.newsmain/article/1/0/1622248/Regional/Oral.Arguments.Heard.in.Roadless.Appeal>

311. The evaluation and decision-making must take into account that the total area of the National Forest equals 192,300,000 acres and out of that total 44,919,000 acres or 23.36% is already designated wilderness. Current forest planning actions seek to convert roadless lands to defacto wilderness even though they are designated multiple-use lands. Therefore, this percentage will be even more lopsided toward non-motorized opportunities at 53.79% assuming that 58,518 acres of roadless areas are converted to defacto wilderness areas and managed for non-motorized recreation. We maintain that the management of all of the remaining 147,381,000 congressionally designated multiple-use acres (including roadless) or 76.64% of the forest should be managed for multiple-uses. Every multiple-use acre must remain available for multiple-uses in order to meet the needs of 96.41% of the public who visit our National Forests 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 does not meet the basic needs of the public for multiple-use opportunities, does not provide a proper allocation of multiple-use recreation opportunities and does not meet the laws requiring multiple-use management of these lands.

312. 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

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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.

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315. Note that the Final Roadless Rule published on January 5, 2001 (http://roadless.fs.fed.us/documents/rule/roadless_fedreg_rule.pdf) included the following directive "The proposed rule did not close any roads or off-highway vehicle (OHV) trails". The agency must honor this commitment. The Roadless Rule is all about preventing new roads from being constructed; it is not about banning motorized use of existing motorized roads and trails. United Four Wheel Drive Associations reached a settlement agreement with the Federal Government prohibiting the US Forest Service from categorically closing roads or using the term "unroaded" in establishing roadless areas for Wilderness designation. Under the terms of the settlement agreement the Forest Service is banned from using the Road Moratorium to close a single mile of road". United obtained evidence that many, if not all, of the national forests were using the Temporary Road Moratorium to create de facto wilderness areas as part of forest planning. Carla Boucher of United predicted in early 1998 that this was the plan of the Forest Service all along. "This agreement prevents the creation of de facto wilderness, protecting nearly 347,000 miles of access for motorized recreationists", remarked Boucher. Additionally, the ruling in the State of Wyoming v. USDA by U.S. District Court Judge Clarence Brimmer blocked implementation of the Roadless Area Conservation Rule. This project must include proper interpretation of the Roadless Rule and the roadless rule should not be used to close existing motorized routes in roadless areas.

316. 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

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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.

317. Page 279 of the Supplement to Big Snowy EA. *As previously stated in our response to 3c – Roadless/Wilderness comments, we fail to see how the Roadless Rule has a cumulative effect on multiple-use recreationists. The Roadless Area Conservation Strategy did not prohibit motorized use on roads and trails that already exist within inventoried roadless areas. It also did not prohibit construction of new motorized trails. It did not designate the areas as wilderness. It did not prohibit the Forest Supervisor from making local decisions about motorized travel within roadless areas. Therefore, we consider this comment beyond the scope of the project.*

We disagree with the conclusion that the Roadless Rule will not have a cumulative negative effect on motorized recreationists. The Final Roadless Rule published on January 5, 2001 included the following directive “The proposed rule did not close any roads or off-highway vehicle (OHV) trails”. Even though motorized recreation is allowed by the Roadless Rule, non-motorized groups will contest every inch of motorized trail in roadless areas. The comments submitted by non-motorized use groups as part of this proposed action are representative of their position. All too often, the preferred alternative implements a significant reduction in motorized access and recreation. Every action involving travel management in the region has had significant motorized access and recreation closures associated with it. There is no evidence that future actions will be any different.

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Montana has a total of 16,843,000 acres in National Forests. Of that area, 3,372,000 acres or 20% are designated wilderness. Areas subject to the Roadless Rule total 6,397,000 acres or 38% of our National Forest area. Therefore, 9,769,000 acres or 58% of the National Forest in Montana is either wilderness or subject to the Roadless Rule. This number of acres must be balanced with the fact that wilderness visits account for only 2.55% of the visits to public land (Table 2-7 in the Social Assessment of the Beaverhead-Deerlodge National Forest dated October 2002). Therefore, nearly all (97.45%) visitors to public lands benefit from land management for multiple-use and benefit from motorized access and mechanized recreational opportunities.

Based on our experience with past actions and current proposed actions, motorized recreationists will lose significant recreational opportunities and suffer cumulative negative impacts from the Roadless Rule. Therefore, we disagree that this issue is out of scope. We request that the cumulative negative impact of the Roadless Rule, past actions and future actions be considered a significant issue and adequately considered in the document and decision-making. Additionally, we request that an adequate mitigation plan be included as part of this action to compensate for past cumulative negative impacts.

318. The need to protect and create more roadless is not backed up by the law, facts, site specific studies, data, and monitoring, and overall public need and must not be used as a ploy to close motorized recreational opportunities.

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

319. Our pursuit of happiness has been significantly impacted by all of the motorized closures.

320. 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.

321. 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.

322. This following table is only a partial list that is meant to demonstrate that a significant impact and a significant issue exist. The Agency must prepare their own table and evaluation that is complete with all planning actions that have impacted motorized access and motorized recreation in the project area and region. The last 20 years has been a very aggressive program to take away, take away, take away motorized recreational opportunities from the public. A starting list of actions that should be evaluated in a cumulative effect analysis include:

Table 2
Partial list of Current and Immediate Past Actions With
Significant Cumulative Impact on Multiple-Use/Motorized Recreation

Table of Cumulative Effects on Motorized Recreationists									
Action	Acres Affected	Miles before	Miles after	Miles closed	% closed	Mitigation of Motorized Losses	Agency	Year	
Iron Mask, Butte BLM	26,235	19.3	0.6	18.7	96.89%	No	BLM	2015	
Sleeping Giant BLM	7,900	29.0	21.6	7.4	25.52%	No	BLM	2004	
Elkhorn Management plan	300,000			75*	50%*	No	FS	1986	
Clancy-Unionville TP	33,000	136.0	108.0	28.0	20.59%	No	FS	2001	
North Belts TP	250,000	370.4	164.9	205.5	55.48%	No	FS	2005	
South Belts TP	83,000	173.6	140.2	34.0	19.59%	No	FS	2008	
Beaverhead-Deerlodge FP	3,364,000						FS	2009	
Roads		4,157.0	4,053.0	104.0	2.50%	No			
Motorized trails		1,237.0	1,037.0	200.0	16.17%	No			
Gallatin NF TP	1,807,000						FS	2006	
4x4 Roads		417.0	347.0	70.0	16.79%	No			
ATV and motorcycle trails***		680.0	145.0	535.0	78.68%	No			
Little Belt, Castle, and Crazy TP	1,050,000						FS	2007	
Roads		1,546.7	740.3	806.4	52.14%	No			
ATV trails***		226.0	208.0	18.0	7.96%	No			
Motorcycle trails		658.0	443.0	215.0	32.67%	No			
Rocky Mountain Front TP	391,700						FS	2007	
Motorized Trails		209.0	74.0	135.0	64.59%	No			
Badger-Two Medicine TP	130,000	190.6	8.6	180.0	94.44%	No	FS	2009	
Dillon RMP BLM	901,000	2,102.0	1,342.0	760.0	36.16%	No	BLM	2004	
Butte RMP BLM	307,300	629.3	416.9	212.4	33.75%	No	BLM	2009	
Helena area		52.2	9.8	42.5	81.42%	No			
Blackfoot TP	376,000	***	*	*	over 50%	No	FS	2017	
Divide TP	155,000	***	*	*	over 50%	No	FS	2016	
Custer NF Beartooth TP	580,000						FS	2007	
Roads		225.0	210.0	15.0	6.67%	No			
Motorized trails		341.0	267.0	74.0	21.70%	No			
Custer NF Ashland TP and Forest Plan	437,000	**	??	??	??	No	FS	Ongoing	
Custer NF Sioux TP and Forest Plan	436,000	**	??	??	??	No	FS	Ongoing	
Bitterroot NF TP	1,589,000	**	*	*	over 75%	No	FS	2015	
Upper Missouri River Breaks RMP	378,000	592.0	404.0	188.0	31.76%	No	BLM	2008	
Whitetail-Pipestone TP	185,700	679.0	406.0	273.0	40.21%	No	BLM	2007	
Bruce Creek to Napa Point TP	141,990	60.0	40.0	20.0	33.33%	No	FS	2009	
Keep Cool Hills Management Plan	14,500	20.0	0.0	20.0	100.00%	No	FS FWP	2008	
Owyhee Front Travel Plan BLM	484,873	834.0	398.0	436.0	52.28%	No	BLM	2009	
Salmon Challis NF Travel Plan	4,359,000						FS	2009	
Motorized trails		1,110.0	838.0	272.0	24.50%	No			
Tellico OHV area	6,000	39.5	24.0	15.5	39.24%	No	FS	2009	
Moab RMP BLM	1,822,562	6,199.0	3,693.0	2,506.0	40.43%	No	BLM	2007	
Monticello RMP BLM	1,800,000	3,069.0	2,820.0	249.0	8.11%	No	BLM	2007	
Richfield RMP BLM	2,100,000	4,315.0	3,739.0	576.0	13.35%	No	BLM	2007	
Greater Yellowstone Grizzly Bear Plan	5,893,000					25%*	No	FS	2006
Cabinet-Yaak-Selkirk Grizzly Plan	2,918,400	3,008.0	2,811.0	197.0	6.55%	No	FS	2008	
Big Snowy Mountains TP*	150,000			100*	50%*	No	FS	2002	
Targhee NF TP	1,789,000						FS	1997	
Inyo National Forest TP	1,977,000	3,725.0	2,934.0	791.0	21.23%	No	FS	2009	
Kootenai NF Three Rivers RD*****	638,000						FS	2009	
Roads		2,222.0	500.0	1,722.0	77.50%	No			
Trails		161.0	0.0	161.0	100.00%	No			
KIPZ Forest Plan	5,513,000	**	**	**	**	No	FS	Ongoing	
Lolo Forest Plan	2,083,000	**	**	**	**	No	FS	Ongoing	
WMPZ Forest Plan	6,043,000	**	**	**	**	No	FS	Ongoing	
Subtotal	50,494,925	39,413.3	28,343.3	11,068.7	28.08%	No			
Other Significant Measures of Closed Motorized Opportunities									
Yellowstone NP snow machines****		1400	318	1082	77.29%	No	NPS	2009	
National Forest Cross Country opportunity (acres)	192,300,000	192,300,000	0	192,300,000	100%	No	FS	2005	
BLM Cross Country opportunity (acres)	258,000,000	258,000,000	100,000*	257,900,000	99.40%	No	BLM	2006	
All completed, ongoing and reasonably foreseeable FS Travel Plans	192,300,000	192,300,000	??	??	??	No	FS		
All completed, ongoing and reasonably foreseeable BLM RMP and Travel Plans	258,000,000	258,000,000	??	??	??	No	BLM		
Notes:									
*	estimated impact, inadequate public disclosure by a public agency, public does not have access to the overall data								
**	underway with expected significant impact								
***	additional impact associated with significant loss of quality trails and substitution with roads								
****	number of snow machines								
*****	All motorized trails closed								
??	Needs to be identified and tabulated and disclosed by the agencies per NEPA disclosure requirements, actual cumulative effect of all closures is greater than 11,068 miles and 28.08% when full disclosure is made.								

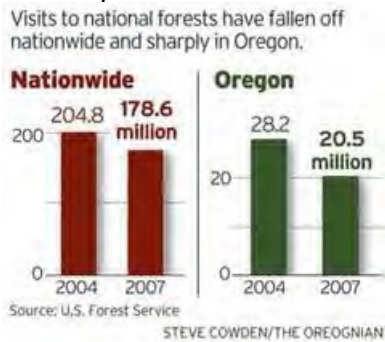
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323. Past actions that have had a significant impact on motorized recreationists in Montana as shown in the table above. Reasonably foreseeable actions including travel plans, forest plans and resource management plans will produce additional significant impacts. These actions have produced or will produce a significant debt in the mitigation bank for motorized recreational opportunities in the Shoshone National Forest and immediate surrounding areas and this issue must be adequately addressed.
324. New information from the Montana Environmental Quality Council (EQC) shows that, accounting for roads that have been decommissioned along with roads considered “unauthorized,” the mileage of road closures on U.S. Forest Service (USFS) land in Montana balloons to 21,951 miles. A study (<http://mediatrackers.org/assets/uploads/2015/09/MT-National-Forest-Roads.pdf>) commissioned by the state legislature in 2015 and reported to the EQC found that 9,784 — or nearly 31 percent — of the nearly 32,000 miles of roads in Montana managed by the USFS were “level 1 roads,” meaning they are closed to motorized traffic and only open for “administrative use.” However, the 32,000 total miles of roads does not include the 5,796 miles of officially decommissioned roads or the estimated 6,191 miles of “unauthorized” roads. Counting the decommissioned and unauthorized roads in the total, there are almost 44,000 miles of open and closed roads in Montana and 21,951 miles of those roads on USFS managed land are CLOSED. The report states that there are 22,047 miles of roads open to motorized traffic. By this measure, 50% of the road mileage under the control of the USFS is CLOSED. Based on our observations, a similar percentage of motorized trails have been closed. A similar percentage of roads on BLM managed lands have been closed and the BLM rarely identifies motorized trails. The cumulative effect of all motorized closures is significant and cannot be ignored. The public does not want any more motorized closures.
325. All travel plans in the Helena area have included significant motorized closures that have left the public with an inadequate network of OHV routes including Clancy-Unionville, South Belts, Scratch Gravel Hills, Sleeping Giant, Blackfoot and the Butte Resource Management Plan. Helena based OHV recreationists are now forced a significant distance in order to enjoy OHV opportunities at a significant cost in time and money. The Helena National Forest must address this significant issue. This significant issue must be adequately addressed and identified including all of the closures that have affected the area going back to the 1960’s. This lack of adequate and reasonable OHV opportunities through cumulative impact has become a significant issue that must be addressed and mitigated in the Shoshone National Forest Plan.
326. Cumulative effects of locked gates that now prevent public motorized access. This is an ever increasing issue that now significantly affects the public.
http://helenair.com/news/state-and-regional/locked-gates-prevent-access-to-national-forest/article_0428b09d-0fa2-516c-a989-e5738c8aee9a.html?print=true&cid=print
http://helenair.com/news/local/road-accessing-national-forest-land-gated-locked/article_f9d0dbde-4655-11e2-a8d3-0019bb2963f4.html?print=true&cid=print
327. Motorized recreationists are being squeezed out of the high quality places on our public lands including high elevation mountains, high elevation lakes, and other scenic areas. This trend has created significant socio-economic issues including equal access and cumulative effects that must be adequately addressed and mitigated as part of this action.
328. Since 1988, forest fires have eliminated many motorized roads and trails. These losses have occurred due to deadfall, re-growth, and loss of trail tread associated with the forest fire. These losses are occurring with every fire. For example, the motorcycle single-track trail #418 from Snowbank Lake to Stonewall Mountain and road #771 the Snow-Talon fire area in the Lincoln

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Ranger District of the Helena National Forest has been lost to motorized use. Motorized losses due to forest fires are occurring in every National Forest in our area. The loss of motorized opportunities from fires has become a significant cumulative impact and issue to motorized recreationists. The cumulative loss and negative effect on motorized recreationists due to loss of recreational opportunities due to fires within the project area, forest and region is a significant issue that must be evaluated as part of this travel plan. The evaluation should also address mitigation measures necessary to reduce the significant impact of losses due to fires on motorized recreationists.

329. The current trend of excessive motorized access and motorized recreational closures is having a significant impact on the number of visitors to the forest as shown in the recently released NVUM report (http://www.fs.fed.us/recreation/programs/nvum/nvum_national_summary_fy2007.pdf, <http://billingsgazette.net/articles/2008/12/04/features/outdoors/18-woods.txt>) and the following graphic based on that data. This trend has created a significant issues in regards to adequate public access and adequate motorized recreation which much be analyzed adequately during the process.



Forest Service Region	National Forest Visits 2004 (000s)	National Forest Visits 2007 (000s)	Change in Visitation (000s)	% Change
01 Montana, Northern Idaho, Northeast Washington, North Dakota	13,200	11,265	-1,935	-15%
02 Colorado, Kansas, Nebraska, South Dakota, Wyoming	32,500	31,025	-1,475	-5%
03 Arizona, New Mexico	20,500	20,502	2	0%
04 Nevada, Utah, Southern Idaho	23,300	21,315	-1,985	-9%
05 California	30,700	28,702	-1,998	-7%
06 Oregon, Washington	28,200	20,495	-7,705	-27%
08 Southeastern US, Puerto Rico	31,000	25,867	-5,133	-17%
09 Northeastern US	22,500	17,033	-5,467	-24%
10 Alaska	2,900	2,421	-479	-17%
TOTAL	204,800	178,625	-26,175	-13%

330. Federal actions are systematically eliminating western culture with its ties to the land. The significant negative cumulative impact of actions that reduce the public's access to and use of federal land including travel planning, forest planning, resource management planning, grazing permits, minimal timber harvest activity, reduced mineral, oil, and gas leases, and actions associated with endangered species, must be adequately evaluated and significant cumulative impacts must be mitigated. This analysis and recognition has yet to be done in any action and must be given priority.

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331. 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.

332. The cumulative negative impact of multiple-use and motorized recreational closures (in acres of unrestricted area, miles of roads and trails, and recreational opportunities) by all past decisions including plans, and the creation of wildlife areas, wilderness, wilderness study areas, roadless areas, monuments, national parks and non-motorized areas has not been adequately recognized and it is significant. We have not seen the agencies tabulate the amount of motorized recreational opportunity lost during the past 35 ± years. Additionally, most of the past actions that have involved motorized closures have not included a comprehensive route inventory. Therefore, many motorized closures have occurred because the routes were not identified during the process and the process ended with a closed unless posted open conclusion. We have experienced the significant cumulative loss first hand. We estimate that today’s motorized recreational opportunities are less than 50% of the level available in 1970.

Now consider the 3 inch document that goes with each action and the involvement required to participate in the scoping process, review of draft EIS and comments, review of final EIS and comments, and review of the record of decision. It is simply impossible to keep up with. The motorized closure movement has the upper hand given the process and volume of actions and is effectively eliminating motorized access and motorized recreation at an astounding rate.

The projects listed in Table 2 have typically proposed to or have reduced motorized recreation from 20% to 100%. Additionally, each time an action involving travel management is updated it typically closes another 20% to 50% to motorized access and motorized recreation. The cumulative negative effect of past actions has contributed to a reduction in motorized access and motorized recreational opportunities over the past 35 ± years that is greater than 50%. The magnitude of the cumulative effect of the motorized closure trend must be identified and evaluated as a significant impact on motorized visitors.

333. We request an adequate evaluation of the significant cumulative loss in miles, acres, and quality of motorized recreation and access opportunities within public lands as required under 40 CFR 1508.7 and 1508.25, and guidelines published by the Council on Environmental Quality “Considering Cumulative Effects Under the National Environmental Policy Act”. Table 2 is provided as a starting point of the projects that need to be considered as part of that evaluation.

334. Past actions that have had a significant impact on motorized recreationists as shown in the Cumulative Effects Table 2. Reasonably foreseeable actions including travel plans, forest plans and resource management plans will produce additional significant impacts. These actions have produced or will produce a significant debt in the mitigation bank for motorized recreational opportunities in our National Forest and this issue must be adequately addressed.

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335. 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 and nation?
336. 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.
337. 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.
338. 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.
339. 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 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 current management trend and forest plan 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.
340. 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

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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.

341. 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.

342. 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.

343. 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.

344. 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.

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345. 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 Shoshone National Forest during the evaluation of BLM projects in the area and vice versa.

346. If allowed to continue the trend of closure after closure of motorized access and motorized recreational opportunities will result in an extremely limited number of motorized access and motorized recreational opportunities. If allowed to continue to that end as proposed by current management schemes, motorized access and motorized will become so concentrated that the impacts on natural resources will become significantly greater than the alternative of continuing to allow a reasonable level of motorized access and motorized recreation on all multiple-use lands. We believe that it is time that this trend to terminate motorized access and motorized recreation on public be evaluated. We request that the trend of cumulative closures, the cumulative negative impacts associated with that trend and the reasonable alternative of maintaining the existing level of motorized access and motorized recreation must be adequately addressed. We also request that the proposed action include an adequate mitigation plan to compensate for the significant impact from the cumulative effect of all past actions that have affected motorized access and motorized recreationists.

347. Motorized visitors are continually losing significant recreational opportunities by conversion of multiple-use areas to non-motorized areas. We are greatly concerned about the cumulative negative impact associated with the reduction of multiple-use and OHV recreation opportunities because it is significant. We do not expect to have the freedom to go anywhere and do anything that we want. However, we are losing the basic opportunity to travel to places and experience outdoor recreation that we have enjoyed for decades. We are losing routes that fathers have taught sons and daughters and even grandchildren to ride on. People are calling us and asking where they can go to ride. What are we supposed to tell them? The continual loss of motorized access and recreational opportunities is seriously degrading the local culture and quality of life. Public land is a cultural resource and access to the project area for many uses is part of the local culture. The decision for this project must consider the impacts that any closures will have on this culture.

348. We are opposed to any proposed action that further contributes to this cumulative negative impact on multiple-use and OHV recreationists because it is already significant. Recreation opportunities for multiple-use and OHV recreationists are being significantly reduced at a time when the need for these categories of recreation is growing. There is no reasonable justification for closing these lands to multiple-uses. Management of public lands for multiple-use is the most equitable and responsive approach available to meet the needs of all citizens including motorized recreationists. We request that the evaluation and proposed action adequately address this condition and not contribute further to this cumulative negative impact because it is already having a major impact on motorized recreationists.

349. The trend of closure after closure after closure after closure of motorized access and motorized recreational opportunities and the associated cumulative negative impacts of that trend is no longer acceptable without adequate mitigation. A reasonable mitigation plan must be developed for each action in order to avoid contributing to significant cumulative impacts on motorized access and motorized recreationists.

350. The cumulative negative effect of management trends over the past 35 ± years has significantly increased non-motorized recreational opportunities while motorized recreational

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opportunities have been significantly decreased. Non-motorized recreationists have many choices while motorized recreationists have few choices. We request that the document evaluate the significant cumulative negative effects of this trend and that the decision be based on correcting this trend in order to equitably meet the needs of motorized recreationists.

351. We are greatly concerned about the prevailing management trend for public lands that has significantly reduced or eliminated motorized recreation and access opportunities. Why does the closure of public lands permeate the current management mind set? This mind set is not in line with the best interests of the public. The closure of any existing motorized trail will add to the significant cumulative loss of motorized recreation and access opportunities that has occurred within public lands during the past 35 ± years. In order to avoid contributing further to the significant cumulative loss of motorized recreation and access, we request, as a reasonable alternative, that the closure of a motorized trail or access should be offset by the creation of a new motorized trail or access of equal value.
352. The elimination of public access to public lands through private property has also contributed to the loss of motorized access and motorized recreation opportunities. We request, as a reasonable alternative, that agencies acquire private land and right-of-ways to provide access to public land that is now blocked off to the public. This action is necessary to reverse the prevailing trend of significantly less public access to public land over the past 35 ± years and the cumulative negative impact of that trend on multiple-use recreationists.
353. If a private property owner closes a historic motorized access or route to public land through their property, then in order to be fair, to avoid special privileges; the public routes should be closed at the private property line to all motorized use and, where the route has access from the other end on public land, it should remain open so that it can provide an out and back motorized opportunity.
354. Private property owners that border public land should not benefit from public land without providing access to the public. Any private landowner that owns land that borders public land and does not provide public access to that public land should also be denied access to that public land under the principles of fairness and reciprocity. This action is necessary to reverse the prevailing trend of significantly less public access to public land over the past 35 ± years and the cumulative negative impact of that trend on multiple-use recreationists.
355. Anytime there is a land exchange between private and public entities, a public access easement or right-of-way should be required in order to offset the trend of less public access to public land over the past 35 ± years and the cumulative negative impact of that trend on multiple-use recreationists.
356. Motorized visitors are extremely concerned over the significant cumulative loss of many historic travelways. Motorized visitors are unwilling to compromise any further because of the cumulative loss of motorized access and recreation opportunities that has resulted in the lack of equivalent recreation and access opportunities within public lands. Motorized visitors have the need for trail systems and areas equal to those available to non-motorized visitors (areas and trails including inter-forest, interstate routes, Continental Divide Trail, Pacific Crest Trail and National Recreation Trails). There are no new opportunities within public lands to make-up for the closure of roads and motorized trails. Therefore, a substantial need for motorized recreation and access opportunities will not be met if a substantial number of roads and trails are closed. We request that the impacts associated with the significant loss of motorized recreation and access opportunities be adequately addressed in the environmental document and decision-making, i.e. Where will displaced motorized visitors go? And, due to the lack of

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any reasonable motorized access and recreation opportunities, what will they do? Additionally, we request, as a reasonable alternative, that an adequate mitigation plan be included as part of this action to compensate for past cumulative negative impacts.

357. We request, as a reasonable alternative, that the loss of motorized recreation and access opportunities due to millions of acres of area closure (motorized travel restricted to designated routes) be adequately addressed in the document and decision-making. The area closure action without closing of any existing roads and trails is a significant loss of recreation and access opportunities to motorized visitors. The lack of adequate consideration of the negative impact of area closure on access and motorized recreation has produced a cumulative negative impact that is significant. We request, as a reasonable alternative, adequate consideration of area closure impacts on motorized visitors in the project area and the cumulative negative impact of all area closures. Additionally, we request that an adequate mitigation plan be included as part of this action to compensate for past cumulative negative impacts.

358. The environmental document should evaluate how the number of policy proposals over the past several years has overwhelmed the public. There is no way that the public could evaluate and comment on each proposed action (see partial listing of actions in Table 2 Cumulative Effects). The cumulative negative impact of the overwhelming number of proposals has been decision-making that does not provide for the needs of the public and a significant reduction in multiple-use and motorized access and recreation opportunities. We request that this cumulative negative impact be adequately evaluated and factored into the decision-making for this action. Additionally, we request that an adequate mitigation plan be included as part of this action to compensate for past cumulative negative impacts on the public associated with the overwhelming number of NEPA actions.

359. Motorized visitors have had to devote the majority of their available energy and time addressing local and national level travel management actions. The combination of these actions has created a significant cumulative negative effect on motorized visitors by consuming their free time and money, and significantly impacting their quality of life.

360. Additionally, this cumulative negative effect has led to the loss of opportunity for motorized recreationists to further the awareness and education of other motorized visitors in areas such as proper riding ethics, safety, and environmental protection. This cumulative negative effect has also reduced the opportunity for motorized recreationists to improve and maintain existing motorized opportunities. This cumulative negative impact includes reduced maintenance of trailheads and trails and reduced ability to undertake mitigation projects to protect the environment and public safety. We request that these cumulative negative effects be addressed in the analysis, preferred alternative and decision-making.

361. Over the past 35 years (and it is accelerating in recent years) the overarching public land management trend has been to close access to and use of public lands. This trend of closure upon closure has become epidemic and is out of control as demonstrated by popular public opinion. A sampling of different users and perspectives is provided below to demonstrate this trend and the cumulative negative impacts that it has produced.

<http://www.billingsgazette.com/index.php?display=rednews/2004/04/25/build/local/32-land-use-protest.inc>

<http://www.mtstandard.com/articles/2004/05/14/newsspecialreports/hjifjeigjcffhb.txt>

<http://www.billingsgazette.com/index.php?id=1&display=rednews/2003/11/11/build/wyoming/30-blm.inc>

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<http://www.dailyinterlake.com/NewsEngine/SelectStory.tpl?command=search&db=news.d&eqskudata=57-816431-10&search-var=multiple>
<http://www.dailyinterlake.com/NewsEngine/SelectStory.tpl?command=search&db=news.d&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/Trespas-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://responsiblerecreation.policy.net/newsroom/>
http://www.helenair.com/articles/2003/06/01/opinions/a04060103_02.txt
<http://www.maccusa.com/>
<http://www.sportsmenslink.org/programs/hunter/Issues.html>
<http://www.ssfta.com/land/land.htm>

362. 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.
363. 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.
364. Similar to the lack of adequate evaluation of the cumulative effect of all motorized closures, the agency has also inadequately evaluated and given a hard look at the cumulative effect of all public land management actions that have effectively converted public lands from multiple-use to defacto wilderness. Defacto wilderness designations include wilderness designations, monument designations, roadless areas, non-motorized areas and other designations which eliminate motorized and multiple use. Land management actions that have contributed to this significant negative cumulative impact include forest plans, travel management plan, resource management plans, and monument designations. The evaluation and decision must

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adequately quantify the magnitude of the conversion of multiple use lands to defacto wilderness and the impacts associated with this conversion and adequately disclose that cumulative impact to the public and adequately disclose those impacts to the public with narrative, facts, figures, and tables in the environmental document.

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8. Fails to Address Requirements of National Trail System Laws and Past Illegal Actions

365. The Continental Divide trail between McDonald Pass and Jericho Mountain, and Bison Mountain South was illegally closed to motorized recreationists by a past action. The Shoshone National Forest Travel Management Plan should re-evaluate that closure and mitigate for that illegal closure by re-opening this section of CDNST to motorized recreationists as required by the original legislation. Further documentation of this significant issue is provided in a separate set of comments.
366. If further motorized closures of the CDNST are pursued, then a significant issue to motorized recreationists is the re-opening of all CDNST motorized closures enacted to date including Homestake Pass north and south, Bison Mountain North and South, Sugarloaf Mountain, Black Mountain North, Flesher Pass to Rogers Pass, McDonald Pass to Jericho Creek, Bison Mountain, and Thunderbolt Mountain. These motorized closures were enacted without the correct consideration of the requirements of the CDNST enabling law, and CDNST EIS and ROD. They were illegal motorized closures and corrective action must be taken to resolve these past illegal motorized closure actions as part of this decision.
367. The Continental Divide trail between Stemple Pass and Rogers Pass was illegally closed to motorized recreationists by a past action. The Blackfoot travel plan should re-evaluate that closure and mitigate for that illegal closure by re-opening this section of CDNST to motorized recreationists as required by the original legislation. Further documentation of this illegal closure is provided in the followings sections.
368. Non-motorized reaches of the CDNST receive very little use. Recent inspection of a new non-motorized section of the CDNST near Burnt Mountain in the Beaverhead-Deerlodge National Forest (photographs available upon request) could not find any sign of foot prints or use. A CTVA member monitored game cameras on a section of the CDNST near Helena for a 3 month period from June to August of 2013. These cameras did not pick up any non-motorized users during this period. At the same time, we have observed that motorized sections of the CDNST see significant motorized use and corresponding benefits. By looking at actual miles traveled and hours spent recreating the obvious best use of the CDNST is for shared multiple-use. This is also true when considering our limited and valuable public taxes and funds. Single-track reaches should be designated for motorcycle and mountain bike use, 48" width areas should be designated for ATV use, and reaches wider than 48" should be designated for UTV and 4x4 use.
369. Motorized recreationists keep trails open for all users including motorcycle single-track trail. This issue is especially important during this period of intense downfall from trees killed by beetle infestations. A once a year trail clearing by a Forest Service trail crew is no longer adequate to keep trails open. Past closures have proven that motorized trails that have been closed to motorized use have become impassable within 3 to 5 years. Examples include the Brooklyn Bridge route in the Helena National Forest and the Middle Fork of Rock Creek in the Beaverhead-Deerlodge National Forest. At the same time motorized recreationists have proven that they are willing to work to keep trails open so that all visitors are able to enjoy them. This

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ability to keep trails open for use by everyone is a significant advantage to designate all routes within the project area open for motorized use.

370. We are very concerned about the closure of any motorized routes to create CDNST. The closure of any existing motorized route to create a non-motorized segment of the CDNST was not authorized by the National Trail Systems Act and in the direction given in a policy memorandum by the Deputy Forester in 1997.

371. Specifically, the National Trails System Act (16 U.S.C. 1241) (<http://nplnews.com/toolbox/fedlaws/68natrtrails.pdf>) was the authorizing law for Continental Divide National Scenic Trail. The general criteria as stated in the National Trail Systems Act, is that “the use of motorized vehicles by the general public along any national scenic trail shall be prohibited”. However, in the case of the Continental Divide National Scenic Trail (CDNST), an exception is made for “the use of motorized vehicles on roads which will be designated segments” (Section 5 (5), page 2-6). The law also allows uses (including motorized vehicle use) along the CDNST “which will not substantially interfere with the nature and purposes of the trail” where such uses are permitted at the time of designation (Sec. 7 (c), page 2-21).

372. Specifically, the National Trails System Act (16 U.S.C. 1241) provided for “(6) DIVERSIFIED TRAIL USE.—(A) REQUIREMENT.—To the extent practicable and consistent with other requirements of this section, a State shall expend moneys received under this part in a manner that gives preference to project proposals which—(i) provide for the greatest number of compatible recreational purposes including, but not limited to, those described under the definition of “recreational trail” in subsection (g)(5); or (ii) provide for innovative recreational trail corridor sharing to accommodate motorized and non-motorized recreational trail use.

Both sections of proposed trail are outside the wilderness area and would make outstanding shared-use (motorized and non-motorized) trails. Development as shared-use trails would better meet the guidelines of the National Trail Systems Act for “innovative” solutions.

373. Specifically, the National Trails System Act (16 U.S.C. 1241) defined RECREATIONAL TRAIL.—The term “recreational trail” means a thoroughfare or track across land or snow, used for recreational purposes such as bicycling, cross-country skiing, day hiking, equestrian activities, jogging or similar fitness activities, trail biking, overnight and long-distance backpacking, snowmobiling, aquatic or water activity and vehicular travel by motorcycle, four-wheel drive or all-terrain off-road vehicles, without regard to whether it is a “National Recreation Trail” designated under section 4 of the National Trails System Act (16 U.S.C. 1243).

374. The language cited above from the National Trails System Act clearly indicates the intent of the original act. The creation of non-motorized sections of the CDNST by converting motorized sections is not within the intent of the original act.

375. The Beaverhead-Deerlodge National Forest has properly acknowledged the National Trails System Act and has not closed any motorized sections of the CDNST since the CTVA appeal of the Nez Perce trail in 2004. Recent CDNST projects in the BDNF have used the strategy of constructing non-motorized routes parallel to existing motorized CDNST trail sections. We support this strategy to avoid illegal closure of motorized sections of the CDNST.

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376. 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. Unfortunately, sections of the CDNST have been created with this approach. This approach must not be perpetuated and past motorized closures should be mitigated.

377. Now the 1997 Policy Letter by the Deputy Chief of the Forest Service (<http://www.mtvra.com/Docs/CNDST%20July%201997%20Memo.pdf>) is being used by the Forest Service to justify conversion of motorized, multiple-use sections of the CDNST to non-motorized use only. Our interpretation of that policy memo is completely different. The 1997 directive to Regional Foresters clearly says that conversion of the CDNST to non-motorized applies only to "newly constructed trail segments" and that reaches of the existing CDNST that use existing roads and trails should continue to accommodate motorized use.

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File Code: 2350
Route To : *

Date: July 3, 1997

Subject: Continental Divide National Scenic Trail - Motorized Use

To: Regional Foresters

This memorandum is to clarify Forest Service policy concerning whether the Forest Service may open to motorized use newly constructed portions of the Continental Divide National Scenic Trail (CDNST).

The National Trails System Act ("Trails Act") is ambiguous as to motorized use on the CDNST. Section 7(c) of the Trails Act sets a general standard for prohibiting motorized uses on National Scenic Trails. 16 U.S.C. 1246(c). However, there is special language in subsections 5(a)(5) and 7(c) of the Trails Act referring to motorized uses on the CDNST. That special language provides that motorized use may be permitted on segments of the CDNST where such use will not "substantially interfere" with the nature and purpose of the trail and where, at the time of designation, such use was allowed by administrative regulations.

To clarify our policy regarding newly constructed segments of the CDNST, the following additional direction is provided.

When designated by Congress, the route of the CDNST followed some segments of primitive roads on which motorized vehicle use was allowed. The special language of subsections 5(a)(5) and 7(c) was intended to allow continued motorized use of such roads. However, as the CDNST is further developed, it is expected that the trail will eventually be relocated off roads for its entire length.

It is the intent of the Forest Service that the CDNST will be for non-motorized recreation. As new trail segments of the CDNST are constructed to link existing non-motorized trail segments together, and to reroute the CDNST off of primitive roads or other routes where motorized travel is allowed, motorized use should not be allowed nor considered. Allowing motorized use on these newly constructed trail segments would substantially interfere with the nature and purpose of the CDNST. If any newly constructed trail segments of the CDNST are currently allowing motorized use, that motorized use should be stopped as soon as practicable, but not later than January 1, 2000.

This Office of the General Counsel has reviewed and concurs in this policy directive. Questions or comments about the above direction should be directed to Jim Miller at J.B.Miller:w01c or by telephone at 202-205-1313.

/s/ Janice H. McDougale (for)

ROBERT C. JOSLIN
Deputy Chief, NFS

cc: Glacier National Park, Yellowstone National Park, BLM - MSO, American Hiking Society, Continental Divide Trail Society, Continental Divide Trail Alliance

378. Past NEPA action which addressed continued motorized use of the CDNST is being completely ignored by the Forest Service. The Decision Notice and Finding of No Significant

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Impact for Continental Divide National Scenic Trail Montana-Idaho Section dated April 7, 1989 established that 795 miles would be designated CDNST in Idaho and Montana. This document can be downloaded at

<http://www.mtvra.com/Docs/1989%20CDNST%20Decision%20Notice.PDF> and

<http://www.mtvra.com/Docs/1989%20CDNST%20Decision%20Notice%20Maps.PDF> or

available upon request. The decision also established that 510 miles out of the 795 miles would be open to motorized travel. Out of the remaining 285 miles, approximately 222 miles are in designated wilderness areas and would be non-motorized and the remaining approximately 63 (59 identified in the decision notice) miles would be newly-constructed trail. Therefore, we ask that the 510 miles of motorized CDNST established by the 1989 decision be honored as part of this planning project.

379. Additionally, the Regional Forester in a letter dated February 1, 2006

(<http://mtvra.com/Docs/Kimbell%20Letter%20CDNST%20Feb%201%202006.PDF>) committed that "As the travel management process goes forward it is likely that some portions of the CDT will be certified to remain motorized. If we complete a NEPA document (including public involvement) that results in a decision to remove motorized from the CDT, we will make every effort to develop alternative motorized routes." This commitment to no net loss of motorized recreation along the CDNST is extraordinarily important to motorized recreationists and must be honored by this project.

380. If motorized recreationists had trails of regional and national significance, they would see considerable use. Non-motorized recreationists have considerably more national trail recreation opportunities than motorized recreationists. We request, as a reasonable alternative, that the needs of motorized recreationists for regional and national travel ways be evaluated. We request an evaluation of the cumulative negative impacts and environmental justice issues surrounding the lack of regional and national motorized trails for motorized recreationists. We request, as a reasonable alternative, that regional and national motorized recreational trails be identified and actions be taken to implement those trails.

381. There is a significant equal opportunity issue associated with the CDNST that must be evaluated and resolved in a manner that is fair to motorized recreationists.

382. The thousands of motorized recreationists that use existing motorized sections of the CDNST should not be displaced for a handful of non-motorized recreationists that use the trail. Preferential treatment for non-motorized recreationists must cease and mitigation for past motorized closures must be implemented. Mitigation for past motorized closures should include those motorized routes closed in the past to create a non-motorized section of CDNST trail including McDonald Pass to Telegraph Creek and Flesher Pass to Rogers Pass.

383. We request that the analysis include a benefit-cost analysis of any new CDNST trail construction. This analysis should include the annual cost of the CDNST per actual and documented 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 funds were used elsewhere to construct motorized trails. Basically the funding proposed for non-motorized trail construction under the proposed alternative would see far more use if used for motorized trail construction and maintenance. Additionally, this funding could be part of a mitigation plan required to address the significant cumulative effects of all motorized trail closures on motorized recreationists. These are significant issues that must be evaluated.

384. 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

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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 nowhere near this ratio. Additionally, the allocation is moving in the wrong direction towards more non-motorized opportunities with every recent decision. Construction of new CDNST trail for exclusive non-motorized use is not a good use of the taxpayer's money. Additionally, the proposed CDNST project will benefit a very limited number of recreationists who already have more than adequate recreational resources when compared to motorized recreationists. It would be more reasonable for the Forest Service to focus on multiple-use trail projects and invest our limited financial resources in those types of projects. These are significant issues. We request that the viable alternative of putting the project money into multiple-use trails be adequately evaluated.

385. The benefit-cost analysis should also recognize the significant economic benefit associated with motorized recreation. Motorized economic benefit would far exceed the economic benefit from the limited number of non-motorized recreationists that use the CDNST. 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.

386. It is our understanding that some interests are pushing the wildlife corridor concept and trying to associate it with the CDNST 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 (in practice but not ordained by law) by non-motorized interests. Significant issues must be answered before this concept can be given any credibility. Issues include:

- a. 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.
- b. Where is the 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-intuitive to the types of habitat that different species require in order to survive. There is a significant lack of credible evidence to support these claims.
- c. The lack of authorization or mandate from congress.
- d. The socio-economic issues associated with the attempt to use the wildlife corridor concept to convert multiple-use lands to defacto wilderness (in practice but not ordained by law).

387. Any closure of the CDNST to motorized recreationists represents yet another significant loss of recreational opportunity for multiple-use and motorized recreation interests. The uncontrolled, unmeasured, undisclosed, and immensely significant cumulative effect on multiple-use and motorized recreationists must be considered as part of this CDNST action. Therefore, the Continental Divide National Scenic Trail act must be re-considered based on the current state of significant negative cumulative impacts on motorized recreationists.

388. The requirement for non-motorized sections in the original CDNST in the National Trails System Act was precipitated by un-restricted noise levels that were prevalent at that time. The motorized recreational industry and motorized recreationists have addressed this issue by

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implementing mechanical mitigation measures that have significantly reduced sounds levels and effectively addressed and eliminated this concern. Additionally, the State of Montana has passed a sound testing and enforcement law (MCA 61-9-418, 61-9-435, and 61-9-518) which further diminishes this issue. Therefore, the requirement for non-motorized sections of the CDNST should be re-considered.

389. It is our understanding that at the time of creation of the CDNST that there were about 719 miles of CDNST trail in Montana and 596 miles were motorized, multiple-use. The 1997 Policy Letter by the Deputy Chief of the Forest Service to Regional Foresters clearly says that conversion of the CDNST to non-motorized applies only to "newly constructed trail segments" and that reaches of the existing CDNST that use existing roads and trails should continue to accommodate that motorized use.

390. We are concerned that any conversion of the CDNST in Montana will have a significant negative impact on motorized access and motorized recreation. We are very concerned that adequate NEPA compliance including an adequate mitigation plan is not be carried with any conversion of the CDNST from motorized to non-motorized. Conversion of sections of the CDNST from motorized to non-motorized is a very significant federal action and is subject to NEPA compliance. However, NEPA compliance for this decision has not been addressed. Also, a policy that is this different from the authorizing legislation is not legal. We respectfully ask that the agency address this lack of authorization, and NEPA compliance surrounding the conversion of the CDNST from motorized to non-motorized.

391. We request an adequate evaluation of the cumulative negative impact on motorized recreation and access opportunities that occurs when motorized routes are converted to non-motorized routes to establish the CDNST because we believe that they are significant. We request, as a reasonable alternative, a network of national recreation trails for motorized recreationists equivalent to the Continental Divide Trail (CDT), Pacific Crest Trail, National Recreation Trail and other national non-motorized trails that travel a long distance and interconnect with other forests such as the Michigan Cross Country Motorcycle Trail 1200 miles (http://www.fs.fed.us/r9/hmnf/pages/Recreation/Baldwin/bwc_Oo_atvmoto_txtonly.pdf), Pacific Crest Quest (<http://www.advrider.com/forums/showthread.php?t=111885>), Lassen Backcountry Discovery Trail (<http://www.backcountrydiscoverytrail.com/index.html> and http://www.intergate.com/~sue/4wd_Trails/cbd_t_lassen/lassen_cbd_t.htm), the Modoc Backcountry Discovery Trail (http://www.fs.fed.us/r5/modoc/recreation/ohv/m_bcd_t.shtml and http://www.intergate.com/~sue/4wd_Trails/cbd_t_modoc/modoc_cbd_t.htm), and the Idaho Centennial Trail (http://4x4stories.typepad.com/4x4/2007/01/idaho_centennia_7.html#more). The interest and adventure of long-distance cross-country trips is captured in trip reports including <http://www.quadtrek.net/> (click English) and <http://www.advrider.com/forums/showthread.php?t=147232>.

392. If motorized recreationists had trails of regional and national significance, they would see considerable use. Non-motorized recreationists have considerably more national trail recreation opportunities than motorized recreationists. There is a significant fairness issue involved with this decision. We request, as a reasonable alternative, that the needs of motorized recreationists for regional and national travel ways be evaluated. We request an evaluation of the cumulative negative impacts and environmental justice issues surrounding the lack of regional and national motorized trails for motorized recreationists. We request, as a reasonable alternative, that regional and national motorized recreational trails be identified and actions be taken to implement those trails.

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393. The opportunity for solitude must be reasonably balanced with the multiple-use needs of the public. For example, the Montana Standard in an article on December 14, 2000 reported that hikers on the Continental Divide trail “walked for 300 miles without seeing another human being”. This article illustrates a significant long-distance interstate recreational opportunity available to non-motorized visitors and the negligible use that it sees. Additionally, we have been camping in the Telegraph Creek drainage for 27 years and we have met only 2 people using the CDNST in that area.

394. It is not equitable to provide recreationists seeking solitude and wilderness experiences exclusive access to tens of millions of acres and thousands of miles of non-motorized trails while restricting the public seeking multiple-use opportunities access to an inadequate road and trail system. In other words, it is not reasonable to allow a very limited group of individuals who do not want to meet other people to displace thousands of motorized recreationists. We request, as a reasonable alternative, an equitable and balanced allocation of motorized access and recreational opportunity.

395. In contrast, a long-distance interstate recreational opportunity similar to the CDNST does not exist for OHV recreationists. It is not equitable to provide recreationists seeking solitude and wilderness experiences exclusive access to tens of millions of acres and thousands of miles of non-motorized trails while restricting the public seeking multiple-use opportunities access to an inadequate road and trail system. We request, as a reasonable alternative, an equitable and balanced allocation of motorized access and recreational opportunity.

396. We have seen a low level of use used as a factor to close motorized routes. This criterion should also be applied equally to non-motorized routes. For example, a low level of use by motorcycles was used as a reason to close the Nez Perce and Mormon Gulch trails in the Beaverhead-Deerlodge National Forest. This same reason should be used to open up non-motorized trails such as the CDNST that experience a low level of use to more public use by allowing motorized use.

397. Given the evidence in support of continued use of existing motorized routes and the need for additional motorized routes, any proposed CDNST alternative that would close motorized routes is clear evidence that the agency is predisposed to motorized closures despite the needs of the public and the facts. We strongly support the position that no existing motorized routes should be closed as part of the CDNST based on the evidence submitted.

9. Fails to Adequately Identify and Address the Imbalance of Trail Opportunity in the Shoshone National Forest

398. Basically, as shown in the table below, there is too little motorized access and too few motorized trails in the Shoshone National Forest. Therefore, every mile of existing road and motorized trail is very, very important. The evaluation must adequately consider and address the fact that motorized access to the Shoshone 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 **Helena 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 available. The total route opportunity available to non-motorized recreationists is **2836 miles** and the total miles of exclusive non-motorized trails are **541 (78.52%)** and the cross-country miles are infinite. The total miles of roads open to motorized recreationists are **1410** and the total miles of trails open to motorized recreationists is **148 (21.48%)** and the miles of cross-country opportunity is zero. Existing motorized single-track trails total about **38 miles or 5.52%**.

Given the number of motorized recreationists and the miles of routes available, it should be very obvious that motorized recreationists are already squeezed into an inadequate system of routes.

Under the existing condition, **12.00% of the Helena National Forest is** set-aside for segregated exclusive non-motorized use for **3,000 or 0.59%** of the visitors to the forest. The remaining **505,000 or 99.41%** of the visits are associated with multiple-use. Multiple-use lands are public places. Segregation in public places has not been acceptable since the Civil Rights Act of 1964. In order to reasonably meet the requirements of integration a reasonable management goal for the remaining **88.00% of the** forest would be for shared multiple-use that would produce a forest-wide 50/50 sharing of non-motorized/motorized trail opportunities and correct the current **imbalance** as shown in the table below.

The overall allocation of **existing** non-motorized versus motorized access and trail riding opportunities in the **Helena National Forest** is a **does not reasonably meet** 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 (Single-Track)	Existing NFS Trails Open to Motor Vehicle Use (Country Motor Vehicle Use)	Acres Currently Open to Cross-Country Motor Vehicle Use
1	Helena	Townsend	274,000	Existing	9/7/2006	719	414	228	45	13	0
1	Helena	Lincoln	376,000	Existing	9/8/2006	563	437	229	71	22	0
1	Helena	Helena	325,000	Existing	9/8/2006	865	559	232	32	3	0
Totals			975,000			2,147	1,410	689	148	38	0
Miles of Open Road per Square Mile =						0.66					
Total Roads and Trails Open to Non-Motorized Use, Miles						2,836					
Non-Motorized Trails, Miles =						541					
Non-Motorized Trails, % =						78.52%					
Motorized Trails, miles =						148					
Motorized Trails, % =						21.48%					
Trails Open to Motorcycles %						5.52%					
http://www.fs.fed.us/recreation/programs/ohv/ http://www.fs.fed.us/recreation/programs/ohv/travel/mgmt/schedule.pdf											

NOTE: This data is out of date by at least 8 years and does not reflect significant NFS closures that have occurred since the data used to produce this table was put together by the Forest Service. This data must be updated to disclose the true balance of recreation opportunities.

399. While we do not support segregation, if segregation is to be implemented on multiple-use lands (which must be considered public places), then a corresponding goal would be to demonstrate an absolutely perfect 50/50 sharing of non-motorized and motorized trails as part of that segregation. Therefore, if the proposed plan further promotes segregation on multiple-use lands, then it must include a corresponding 50/50 sharing and it must not tip the balance further in favor of non-motorized trails and at the expense of motorized routes.

400. It is not reasonable to reward recreationists who create and promote a culture of non-sharing on public lands.

401. In order to bring equality to the allocation of non-motorized to motorized trails in the Helena National Forest must either convert 197 miles ((689/2)-148) of non-motorized trails to motorized trails or 393 miles (541-148) of new motorized trail must be constructed. The Helena Forest Plan must adequately address this imbalance and it was a step in the wrong direction by creating an even greater imbalance.

402. Collaboration is defined by Merriam-Webster as “to cooperate with or willingly assist an enemy of one’s country and especially an occupying force”. It is not reasonable to use a collaboration process to award non-motorized interests with more non-motorized opportunities for their participation in a “collaboration process” when they already have a significant unjustified advantage in non-motorized trail opportunities when compared to motor trail opportunities (541 miles and 78.52% non-motorized trails versus 148 miles and 21.48% motorized trails). Moreover, it is not equitable to use a process that is pre-determined to provide one group or selected group’s additional advantage with the outcome of the process when that group or groups has a significant advantage at the initiation of the process. Therefore, in order to address this inequality any collaboration efforts used in the process must be directed to address creating more motorized trails and the outcome of any collaboration efforts must be an increase in motorized trails.

403. The agency must recognize that the silent majority has little time left after their contribution to the economy, their families and other obligations that benefit society and are extremely important to our culture and quality of life. The silent majority needs agencies to reasonably

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consider and provide for their necessities and especially when it involves motorized recreation on public lands. Because of the significant and important commitments that the silent majority undertakes they are seldom able to participate in an extended agency or collaboration process and especially when considering how many land management actions are ongoing. The agency must adequately recognize the motorized recreational needs of the silent majority and at the same time recognize that the majority of participants in the agency driven process are agency staff or groups who have adequate free time and/or are paid to participate and represent a small fraction of the visitors to our public lands.

404. Significant issues involving the fair and equal treatment of motorized recreationists is the creation of “collaboration” groups whose purpose is to create a forum to promote their special interests, influence the agency, and gain more privileges than those of the common citizen. By design collaboration groups seldom involve motorized recreationists. A recent example of this strategy is the Montana Forest Collaboration Network. The agency must be vigilante about undue influence from these groups, and giving special status or privileges different than those of a common citizen including motorized recreationists to these special interest “collaboration” groups.
405. The 20 miles of proposed motorized trail is not adequate to meet the needs of the public. The comments and information that we have provided in this submittal and others provide adequate justification to support this statement. Certainly a motorized trail system equal to the miles of non-motorized trail system in the Helena National Forest is justified for motorized trail users. Moreover, there are over 200 miles of non-motorized trail in the immediate area just outside the project boundary so several hundred miles of motorized trail can easily be justified. Therefore, a reasonable alternative would be to at least provide a motorized trail system in the project area equal to the non-motorized trail system in the immediate area of the project. This objective can be accomplished by eliminating the conversion of motorized trails to non-motorized trails, re-opening the illegal closures of the CDNST, and incorporating old logging roads with the construction of new connector segments to create loops. We request that this reasonable alternative be developed and promoted as the preferred alternative.
406. The proposed action does not adequately consider that there are hundreds of miles of non-motorized trails available to the public in the immediate area. The balance of recreational opportunity must recognize the availability of the non-motorized trails in the adjacent wilderness area. Because the adjacent non-motorized trails were not adequately factored in to the analysis, the proposed balance of recreational opportunities does not adequately address the needs of motorized recreationists. Because of the vast wilderness area adjacent to the project area, all multiple-use land within the Shoshone National Forest must be managed for multiple-use. This significant issue and a reasonable alternative to address it were not adequately considered.
407. In addition to a tabulation of non-motorized versus motorized trails, a visual representation of non-motorized versus motorized trails in the project area and Shoshone National Forest similar to the mapping tool developed for the Idaho trail system must be evaluated. The Idaho mapping tool can be viewed at <https://idaho.maps.arcgis.com/apps/webappviewer/index.html?id=2252207eb95b49f99b2c05228831dfbb>. Zoom in once to observe the extents of non-motorized routes in red and motorized routes in yellow. This information shows the relatively equal balance of non-motorized versus motorized trails that exists in Idaho. A similar analysis for the Shoshone National Forest and Montana would demonstrate the unequal allocation of non-motorized versus motorized trails and the need to perpetuate and develop more motorized trails.

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

408. Motorized recreation represents and supports many different interests of forest visitors. Supporting motorized recreation is the best way to support diversity of uses and multiple-use. This over-arching purpose and need must be adequately considered in the analysis and decision.

409. Under the existing conditions with a typical width of no more than 12 feet, the 1410 miles of roads in the Helena National Forest would cover about 2051 acres ($1410 \times 5280 \times 12 / 43560$). At a typical width of no more than 48 inches, the 110 miles of ATV trails cover about 53 acres. At a typical width of no more than 24 inches the 38 miles of motorized single-track trails cover about 9.2 acres. The total Helena National Forest is covers 977,000 acres. The percentage of the total forest used by roads, ATV trails, and single-track motorcycle trails under existing conditions is respectively, 0.3760%, 0.0109%, and 0.0000%.

The total area of roads and trails under Existing Conditions far less than 1% of the project area. The total area used by motorized routes under Existing Conditions is 602 acres or 0.3869% of the 155,500 acre area. These values demonstrate that the area occupied by motorized roads and trails under Existing Conditions is relatively insignificant and is an entirely reasonable level of use on multiple-use lands. The reduction under the draft ROD produces a significant impact on the public's ability to access and recreate and is not a reasonable level of use for lands designated for multiple-use by congress. Furthermore, a Pro-Recreation Alternative that increases motorized access and motorized recreational opportunities in the project area is an entirely reasonable alternative for these multiple-use lands.

Acres and % of Forest for Existing Motorized Routes				
Total Project Area (acres) =			155,500	
	Miles	Feet width	Acres	% of Forest
Miles of road	402.0	12	584.73	0.3760%
Miles of ATV	35.0	4	16.97	0.0109%
Miles of Motorcycle	0.0	2	0.00	0.0000%
		Total	601.70	0.3869%

recent article (http://www.helenair.com/articles/2008/08/01/national/80na_080801_drill.prt) about a lawsuit regarding drilling in New Mexico on the Otera Mesa, the BLM manager stated "While up to 90 percent of BLM lands are open to drilling under the plan, Childress said only 800 to 900 acres of Otero Mesa's 1.2 million would be permanently disturbed by roads, footpads and other drilling related activities. "I think that's a pretty reasonable percentage," he said." We agree and find that this is a relatively insignificant percentage of the total area and quite acceptable management for multiple-use lands.

411. We have been keeping observations of the types of visitors in multiple-use areas since 1999 and have found that 98% of the visitors are motorized recreationists. The public comments and

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votes by how they use the forest, and more motorized access and recreation is what they are asking for with every visit.

412. 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.
413. Sharing of multiple-use lands is a reasonable expectation for all visitors to lands designated by congress for multiple-use. Coexistence with all visitors is a reasonable expectation for everyone visiting multiple-use lands. A reasonable alternative must be developed around sharing and coexistence of visitors to the project lands designated by congress for multiple-use.
414. The proposed action renders the motorized access and motorized recreation currently enjoyed by 97% of the public who now visit the project area an illegal activity. Making a popular and much needed recreational pursuit an illegal activity is not a reasonable proposal for lands designated by congress for multiple-use. The proposed action is ignoring the laws of congress. The proposed action must adequately address these laws. The proposed action must develop a reasonable multiple-use alternative for evaluation.
415. A significant issue to us is that the Forest Service is not meeting the requirements of the Multiple-Use Act and Sustained Yield Act. We request documentation in the EIS on how the Forest Service feels they are meeting the requirements of the Multiple-Use Act and Sustained Yield Act.
416. The Multiple Use Sustained Yield Act of 1960 (16 U.S.C. 528 et seq.) and National Forest Management Act of 1976 are congressional laws which state “*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. Furthermore NEPA states *avoid or minimize adverse impacts or enhance the quality of the human environment*. NEPA was very clear that the total complement of the environment was to be considered in the impact analyses and decision-making including the guiding purpose statement “*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)). Giving wildlife priority over the human environment as has been done in the draft EIS violates NEPA, MUSYA and NFMA. This serious violation must be adequately corrected.
417. The most equitable management of public lands is for multiple-uses. Congress 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 Forest Service has 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*

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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;”*

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. Multiple-use lands are public places. Segregation in public places has not been acceptable since the Civil Rights Act of 1964.

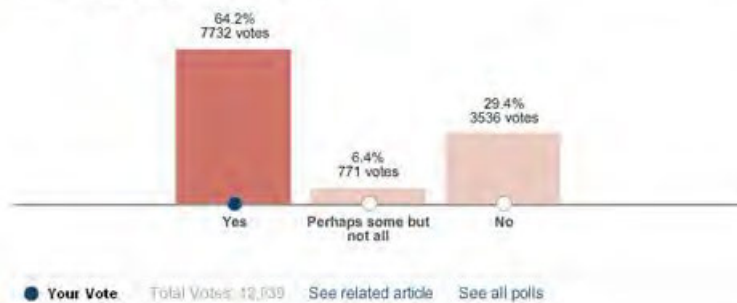


418. A significant closing of roads and motorized trails in the project area is not consistent with meeting the needs of the public and the goals of Multiple-Use Management as directed under Federal Land Policy and Management Act of 1976 (FLPMA), Multiple Use Sustained Yield Act of 1960 and P.L. 88-657. Legally designated multiple-use lands must not be managed for limited-use instead of multiple-use. This is a significant issue and must be adequately addressed. We request full compliance with multiple-use policies and laws and the development of a Pro-Recreation preferred alternative that will support these policies and laws and the needs of the public.

419. A poll in the Wall Street Journal demonstrates the overwhelming support for multiple-use of our public lands.

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Should 40 million acres of land be removed from federal protection and opened to mining, logging and other uses?



<http://online.wsj.com/community/groups/question-day-229/topics/should-40-million-acres-land>

420. We would all rather not have to share with anyone else BUT rewarding those users who cannot share with other multiple-use visitors on multiple-use lands is WRONG.

421. The majority of visitors to the project area are associated with multiple-use opportunities including motorized access and motorized recreation opportunities.

422. These are multiple-use lands as designated by congress and must be managed as such. Recreation is a stated purpose for multiple-use lands.

423. 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.

424. There are no compelling reasons to close as many motorized access and motorized recreational opportunities as has been enacted by the Forest service. It is simply contrary to the public need and the way that the public has historically used all multiple-use areas in the National Forest.

425. 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."

426. 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 National Forest equals 192,300,000 acres and out of that total 44,919,000 acres or 23.36% is already designated wilderness. Current forest planning actions seek to convert roadless lands to defacto wilderness (in practice but not ordained by law) even though they are designated multiple-use lands. Therefore, this percentage will be even more lopsided toward non-motorized opportunities at 53.79% assuming that 58,518 acres of roadless areas are converted to defacto wilderness areas and managed for non-motorized recreation. We maintain that the management of all of the remaining 147,381,000 congressionally designated multiple-use acres (including roadless) or 76.64% of the forest should be managed for multiple-uses. Every multiple-use acre must remain available for multiple-uses in order to meet the needs of 96.41%

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of the public who visit our National Forests 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 does not meet the basic needs of the public for multiple-use opportunities, does not provide a proper allocation of multiple-use recreation opportunities and does not meet the laws requiring multiple-use management of these lands.

427. 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, as a reasonable alternative, that the project area including the semi-private areas, continue to be managed for multiple-use including motorized recreation.

428. 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.

429. 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. 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. Additionally, it is not reasonable to reward recreationists who create and promote a culture of non-sharing on public lands.

430. The most equitable management of public lands is for multiple-uses. Congress 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.*”

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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. Multiple-use lands are public places. Segregation in **public** places has not been acceptable since the Civil Rights Act of 1964.



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, as a reasonable alternative, compliance with multiple-use policies and laws and a preferred alternative that will support these policies and laws and the needs of the public.

431. 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

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consider the needs and concerns of adjacent communities when formulating land use plans. Thus the FLPMA (Federal Land Policy and Management Act) was adopted.

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.

432. 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.

433. 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 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

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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 unsupported, 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

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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.

434. 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.

435. 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. 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.

436. 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:

- a. 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

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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.

- b. The notion of community stability grew out of Congress' concern for the impacts on local communities. During the passage of the Organic Act, Congressman Safroth 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).
- c. 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.

437. The information above 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.

438. The over-arching management goals for all multiple-use public lands should be to:

- (1) Manage multiple-use lands for the greatest benefit to the public;
 - (2) Manage multiple-use lands in an environmentally sound and reasonable manner;
 - (3) Manage multiple-use lands in a way that avoids the pursuit of environmental extremism;
- and

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(4) Multiple-use lands are public places. Segregation in public places has not been acceptable since the Civil Rights Act of 1964. Manage multiple-use lands in a way that promotes the shared-use that they were intended for versus segregated-use or exclusive-use.

439. National Forests and BLM lands are effectively being managed as “National Forest Park” or “limited-use” or “exclusive-use” areas because of the volume of lawsuits filed by environmental groups. This is contrary to the needs of the public who enjoy or depend on lands managed for multiple-uses including motorized access and motorized recreation. The concepts of “Multiple-Use” and the “Land of Many Uses” need to be restored as envisioned by the first Forest Service Chief, Gifford Pinchot who directed that “... National Forest lands are managed for the greatest good for the greatest number of people...”. This is no longer the case and, consequently, the Forest Service no longer has any credibility with the public. We request, as a reasonable alternative, that the document address restoration of these concepts and steps be taken to restore reasonable multiple-use management and decision-making to public lands.

440. A CNN poll (available upon request) asked the question “Do you think off-road vehicles (ORVs) should be banned from unpaved areas of natural forest land?” and found about 15% said yes and 85% did not think ORVs should be banned. A poll taken by Backpacker magazine (<http://www.backpacker.com/poll/0,3189,00.html>) found that out of 21,000+ responses 96% of the respondents answered “yes” to the question “Should off-road vehicles be allowed in national parks?” Therefore, elimination of motorized access and recreation on public lands is not widely supported. We request, as a reasonable alternative, that the document and decision-making reflect citizens’ support for motorized access and recreation.

441. It is obvious from aerial observation of the project area that under the existing conditions so much of the area is inaccessible to motor vehicles and that the existing level of motorized access and motorized recreation is entirely reasonable. Reduced motorized road and trail density is often used as a desired management goal but is not reasonable. The trend of reduced motorized access and motorized recreational opportunities is not necessary and is not consistent with multiple-use management of the area.

442. Each and every travel management plan has significantly reduced motorized access and motorized recreation. Therefore, non-motorized recreationists gain more opportunities with each and every travel plan compromise that closes motorized roads and trails and areas to motorized recreation. This trend is effectively converting significant areas of multiple-use public land to defacto wilderness/non-motorized/exclusive-use land. This conversion is being repeated over and over and the cumulative negative impact of this trend on motorized access and motorized recreation is significant and must be evaluated as part of this action.

443. Management of public lands to maximize wild game populations at the expense of other uses is not reasonable and does not meet the requirements of multiple-use laws and policies. We support hunting but we question why hunting’s impact on wildlife is acceptable and non-destructive viewing by motorized visitors is not acceptable. We are concerned that public lands that were designated for multiple-use management are not being managed for multiple-use as required under:

- d. The Multiple Use Sustained Yield Act of 1960 (16 U.S.C. 528 et seq.) defined Multiple-Use 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.

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- e. 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”*.
- f. 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;”*.
- g. 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.”*

We request, as a reasonable alternative, careful and adequate consideration of the multiple-use needs of the public and implementation of the objectives of multiple-use laws and policies as part of the proposed action.

444. The Elkhorn Wildlife Management Area in the Helena National Forest is an example of management of an area for a relatively narrow range of public needs. The underlying management criterion in the Elkhorn area is for ideal wildlife conditions and not for the diverse needs of the public. The diverse need of the public can only be met by management for multiple-use. While there are designated routes within the area, they are mostly roads with no challenge and limited access to interesting areas and features. There are few OHV loops or destinations. Roads and trails such as those in Section 1 and 11, T6N, R2W; Sections 13 and 4, T6N, R3W; Sections 31 and 31 in T7N, R2W; Section 36, T7N, R3W; Sections 25, 35, and 36, T8N, R1W and others could have been kept open for summer season recreation use and closed during calving and hunting seasons where necessary for wildlife management. Instead, they were closed. The alternative of seasonal closures would have benefited far more people and still maintained a more than reasonable wildlife habitat.

445. In order to be in compliance with multiple-use laws, lands designated by congress for multiple-use must not be used to create wilderness areas, defacto wilderness areas, non-motorized areas, roadless areas, and wilderness buffer zones.

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

446. There are 17 references to climate change in the NOI for the forest planning rule (http://fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5110264.pdf). Climate change is mentioned far more than any other issue. This apparent focus is not balanced with objective science and the needs of the public. The existence of climate change and any positive or negative impacts are simply not known at this time. There are many in the scientific community that support this position (<http://www.sepp.org/Archive/NewSEPP/LtrtoPaulMartin.html>, http://sciencepolicy.colorado.edu/admin/publication_files/resource-2803-2010.06.pdf, <http://www.climatewatch.org>, <http://epw.senate.gov/speechitem.cfm?party=rep&id=263759>). The climate has always been changing. Twelve thousand years ago North America was covered by ice. Before that dinosaurs roamed the area in a humid climate. The planning rule should not create impacts on the human environment because it “presumes” that the climate is changing any more or less than it always has. The planning rule must be based on extensive long-term credible scientific study. The quality of people’s lives cannot be compromised by a ghost issue without adequate basis. We only get one shot at this life and we want to experience the positive benefits of OHV recreation. Extensive long-term credible scientific conclusions on climate change do not exist at this time and, therefore, it would be unreasonable to make any assumptions about climate change and use those assumptions to impose any impacts on the human environment including motorized recreation in the planning rule.

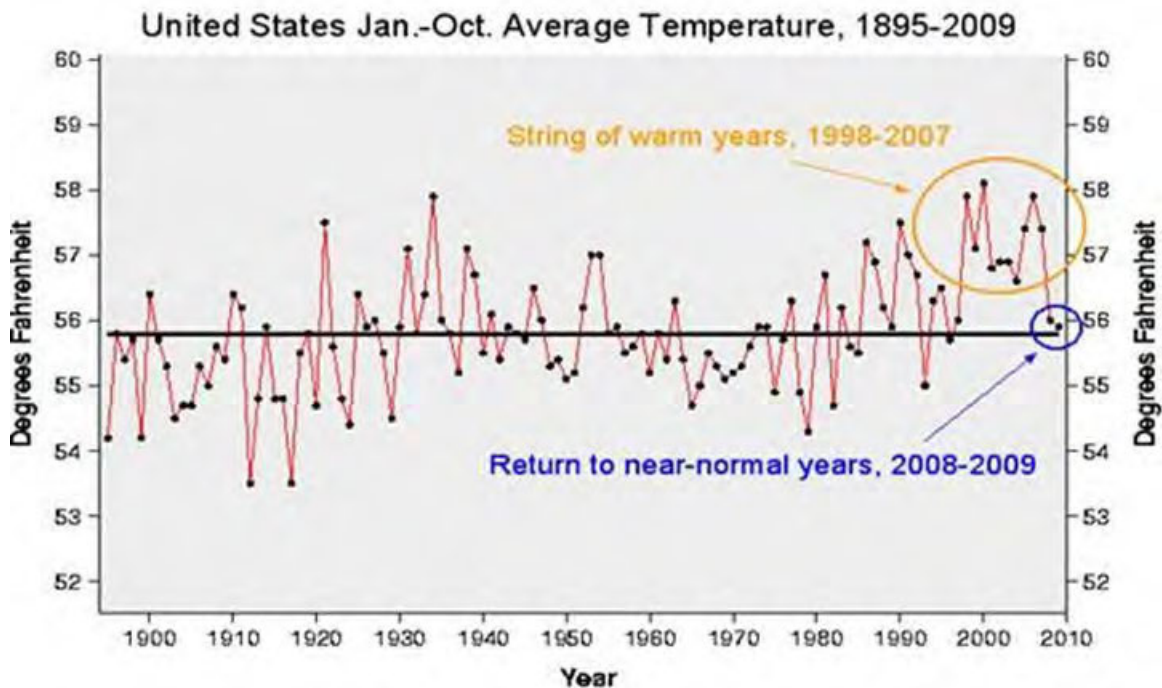
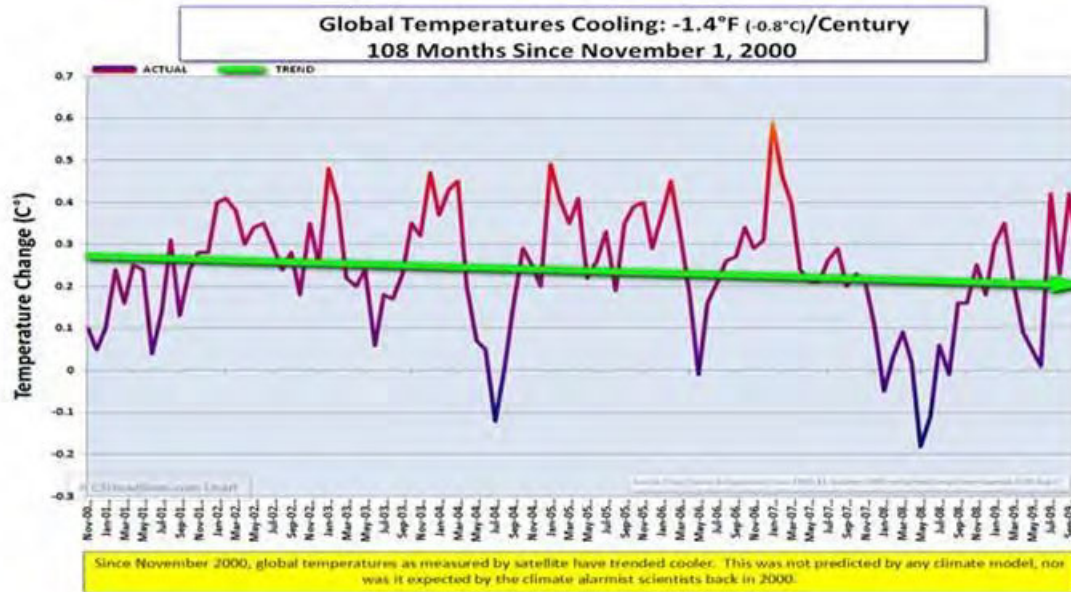
Additionally,

- Global temperatures are not warming. Since 1998, global temperatures have decreased almost half a degree C.
- The average temperature in the US in 2009 was lower than every year since 1996 and lower than the overall average for the last 114 years.
- Manmade CO2 concentrations in the atmosphere are about 19 PPM (5% of 387 PPM overall CO2) which is 1 part in 51,680 total parts – in no way significant. (Hydrogen cyanide gas is one of the most poisonous gases known to man and allowable working conditions for this gas in most of the US are 20 ppm. Carbon dioxide is harmless and actually helpful to plant life and total concentrations of it in the atmosphere by manmade causes are only 19 ppm. Carbon dioxide concentrations at present are near the LOWEST in geologic history. (<http://co2now.org/>)
- There is no statistical correlation between CO2 concentrations in the atmosphere and global temperatures. (Source: <http://www.drroyspencer.com/2010/01/december-2009-uah-global-temperature-update-0-28-degree-c/>)
- Global sea ice has increased by 200,000 square kilometers since 1980. (Arctic Sea Ice – down 900,000 Sq Km, Antarctica Sea Ice – up 1.1 Million Sq Km).

Global Sea Ice:		1980	2009
Southern Hemisphere	Antarctic	4.7	5.8
Northern Hemisphere	Arctic	15	14.1
	Total Global	19.7	19.9

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- Polar bear populations are much higher today than they were 30 years ago. (<http://www.telegraph.co.uk/comment/columnists/christopherbooker/5664069/Polar-bear-expert-barred-by-global-warmists.html>)
- Over 95 % of the so-called “greenhouse effect” is caused by water vapor (evaporation of the oceans).
- There is no evidence that would purport that motorized recreation has a significant impact on the climate or climate change.



The average temperature in the US in 2009 was lower than every year since 1996 and lower than the overall average for the last 114 years.

447. Increasing levels of carbon dioxide have been blamed for a warming trend or climate change. Many studies have found that forest fires are a tremendous source of carbon dioxide.

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<http://www.sciencedaily.com/releases/2007/11/071101085029.htm> Why are forest fires with such a significant production of carbon dioxide acceptable and other sources not acceptable? Why aren't we doing more to proactively prevent forest fires and manage our forests?

448. Urban areas cover less than 3% of the world's land (<http://www.newgeography.com/content/001689-how-much-world-covered-cities>) and 97% of the world remains as open space. The percentage of weather stations influenced by urban conditions and used to predict global warming exceeds 3% which does not accurately represent the actual proportion of land use. This lack of proportion skews the results towards urban conditions which have higher temperatures.

449. Why do people persist in believing things that just aren't true? Research conducted by Brendan Nyhan, a professor of political science at Dartmouth and Lewandowsky professor at the University of Western Australia has concluded that it is when there's no immediate threat to our understanding of the world, we change our beliefs. It's when that change contradicts something we've long held as important that problems occur. If information doesn't square with someone's prior beliefs, he discards the beliefs if they're weak and discards the information if the beliefs are strong. Even when we think we've properly corrected a false belief, the original exposure often continues to influence our memory and thoughts. Strongly held beliefs continued to influence judgment, despite having the correction information and correction attempts—even with a supposedly conscious awareness of what was happening.



450. Earth has been going through climate change every year since year one. That is 4.5 billion years of climate change. Climate change is natural. Closing of any motorized access or motorized recreational opportunities as an effective way to control climate change is not reasonable and would constitute arbitrary and capricious decision making.

451. Climate change is being used as an inappropriate reason to support a non-motorized agenda that seeks to maximize the closure of motorized access and motorized recreation in the forest. The evaluation and document must be corrected so that it does not include the inappropriate use of climate change as an excuse to take motorized access and motorized recreation away from the public.

452. We should be far more concerned with global cooling than global warming and the issues presented against fossil fuels in the following article http://mtstandard.com/news/opinion/guest/global-cooling-far-more-devastating-than-global-warming/article_64881f44-dfd0-59e6-be31-afca10a84bff.html

453. Believing that we can control the world's temperature is a seriously flawed conjecture. http://helenair.com/news/opinion/samuelson-can-we-set-the-world-s-temperature/article_77d8e350-a70e-5795-b78b-f1d196d2ab94.html

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454. In response to our changing climate, the use of fixed opening and closure dates should be dropped. With the open spring and fall conditions that we are experience, the OHV season could be longer and not impact wildlife and the environment. Opening and closure dates should be established each year based on adaptive management guidelines that reflect the specific conditions being experienced. Seasonal closures need to be adaptive in order to truly reflect what is happening on the ground due the changing climate. For example, May and June seasonal closures are no longer needed for winter range as the wildlife has moved out of those areas by the end of April. The same is true of fall closures. Wildlife remain in the high country through October and November and into December in many years. Existing seasonal closures need to be re-evaluated based on adaptive management to reflect the reality of climate change. Any new proposed seasonal closures must be based on adaptive management to reflect the reality of climate change.

455. Myths about global warming are not facts.

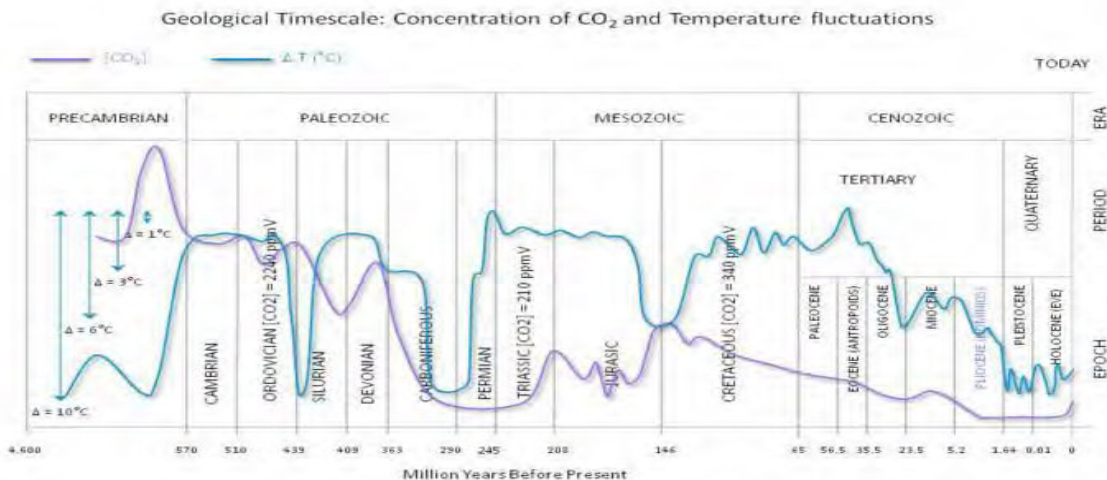
<http://www.greatfallstribune.com/story/opinion/guest-opinions/2016/05/05/global-warming-myths-facts/83973362/>

The most inclusive report debunking global warming I have found is a broad mega-study done by a team of national scientists and presented as the Petition Project: www.petitionproject.org .

That petition presents massive scientific information disclaiming global warming. It is signed by 31,487 degreed scientists, professionals, and qualified specialists including 9,085 PhDs; 3,805 scientists trained in atmospheric, environmental and earth-related subjects; 5,812 professionals who specialized in physics and aerospace; 2,965 biological and agricultural specialists; 3,046 medical professionals; 10,102 engineers and general scientists; and a broad spectrum of other eminently educated and qualified individuals.

The petition clearly states there is “... no convincing scientific evidence that human release of carbon dioxide, methane, or other greenhouse gases are causing or will, in the foreseeable future, cause catastrophic heating of the earth’s atmosphere and disruption of the earth’s climate.”

456. As shown in the following figure there is no correlation between the temperature of the world and CO2 levels.



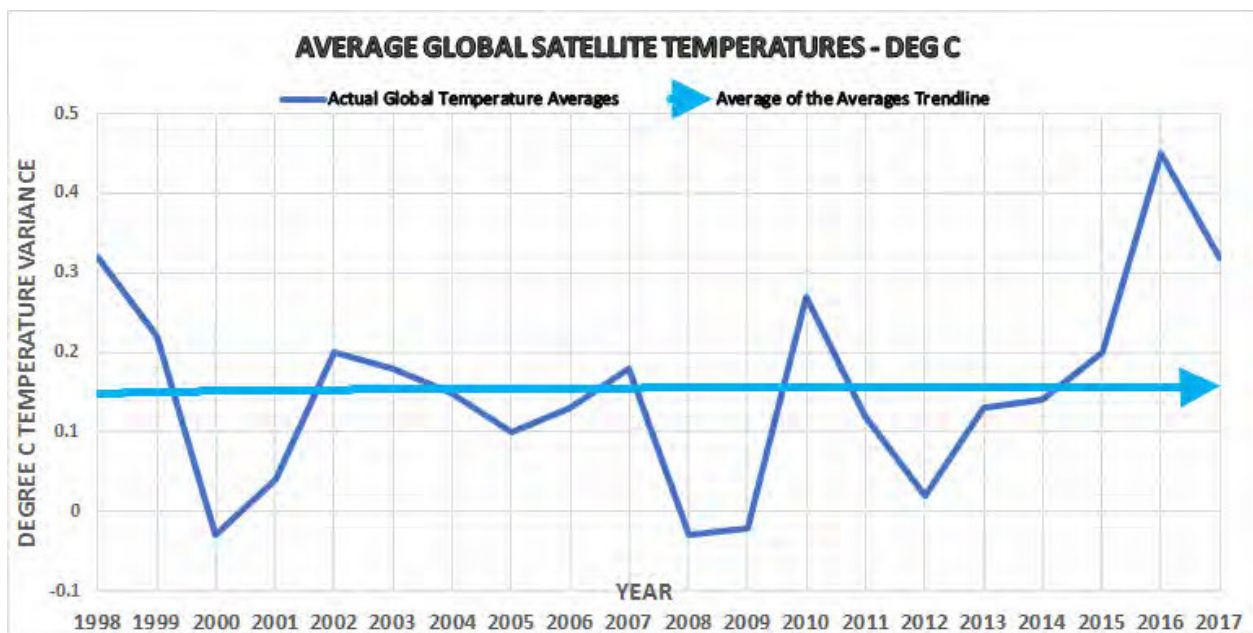
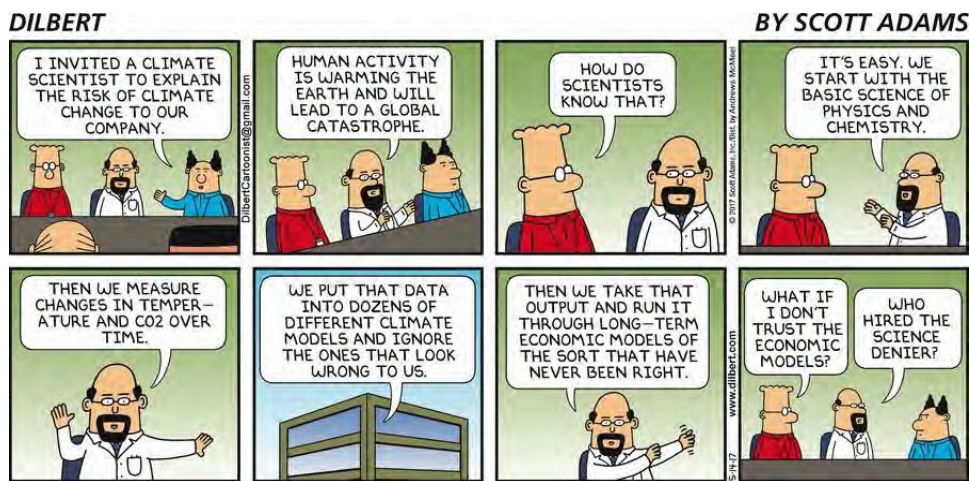
1- Analysis of the Temperature Oscillations in Geological Eras by Dr. C. R. Scotese © 2002. 2- Ruddiman, W. F. 2001. *Earth's Climate: past and future*. W. H. Freeman & Sons. New York, NY. 3- Mark Pagani et al. *Marked Decline in Atmospheric Carbon Dioxide Concentrations During the Paleocene*. Science: Vol. 309, No. 5734; pp. 600-603, 22 July 2005. *Conclusion and Interpretation* by Nasif Nahle ©2005, 2007. Corrected on 07 July 2008 (CO2: Ordovician Period).

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457. The idea that the ultimate lie can be found in statistics is often attributed to Mark Twain, although he attributed it Disraeli. Research shows Twain was wrong; that it was Leonard H. Courtney who first wrote it in 1895. Statistics, or data as we now refer to it, can be selectively assembled to "prove" whatever the advocate wants. Climate change deniers are a modern classic example. In the absence of monitored testing that can be independently verified, data isn't much better than a good story, which at least makes no pretense to factuality.

458. Climate activists are associated with "let it burn" activists who in the end create more CO2 than everyone else.

459. Climate activists are using normal long-term climate swings as an excuse to eliminate the pursuit of happiness by the public and to discriminate against others. Climate change must not be used as a ploy to close motorized recreational opportunities and discriminate against motorized recreationists.



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460. The graph above is developed from global temperature readings taken from satellites over the past 20 years and demonstrates that there is no significant upward trend in temperature on a world-wide basis.

461. Additional Climate Change References and Comments:

Global Warming is a Business <https://youtu.be/3DpxP7R4aLw>

http://www.telegraph.co.uk/science/2017/09/18/immediacy-threat-climate-change-exaggerated-faulty-models/?WT.mc_id=tmgoff_ob_usa_popular_articles_651510304&utm_source=tmgoff&utm_medium=ob&utm_content=usa_popular_articles&utm_campaign=tmgoff_ob_usa_popular_articles_651510304

<https://realclimatescience.com/2017/07/latest-from-the-greenland-meltdown/>

https://www.youtube.com/watch?v=TCy_UOjEir0

<https://www.youtube.com/watch?v=s99z2yRmqiM>

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

462. The Draft Desired Conditions for the Helena and Lewis and Clark National Forests does not adequately make reference to the Forest Service requirement of coordinating they plan with local and state government. County governments have the ability to coordinate with the Forest Service by using their Growth Policies.

463. The federal government is required to complete a consistency review by making sure their new plan meets the needs of the counties. The Forest Service must coordinate with local county commissioners and ask them to formally submit their County Growth Policy to the Forest Service for the required consistency review.

13. Fails to Adequately Recognize and Address RS2477 Route Standing

464. 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.

465. 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 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).

466. 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 National Forest project 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.

467. 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 1976 Act modified or repealed. 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 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. The project area

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includes many important RS 2477 routes that were established by miners, loggers, and early settlers. We request that this project include adequate research of the county records and adequate formal consultation and coordination with the county to identify RS 2477 routes and include them as historic motorized routes.

468. 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.

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469. 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

470. The Agency has chosen to use an unreasonable view of roads and trails that they refer to as “user-created” or “unauthorized” or “illegal”. The Agency is creating an issue that does not exist by suggesting that we are asking for illegally created routes. We are not. The terms “user-created trails”, “unauthorized trails” and “illegal trails” are being used inappropriately. These terms are referring to historic routes that have not been properly included in an inventory or have been dropped from the inventory at some point in time. Many of the routes on public lands were created legally as part of mining and grazing activities and before the 3-State OHV 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 inappropriate to represent these routes otherwise. We are asking for continued use of routes that are legitimately defined by the 3-State OHV FEIS and ROD, USFS and BLM route definitions, RS-2477 access laws, all agency mapping including past and current travel plan mapping and historic and current visitor mapping. It is not fair nor reasonable to represent

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routes as “user-created” or “unauthorized” or “illegal” when they were created in times when it was appropriate and legal. The travel plan evaluation and decision must adequately consider this reasonable view of all existing routes.

471. Most of the motorized roads and trails in the project area have served as important public access routes since the turn of the century. This is demonstrated by the number of historic mines and structures that are located along these routes. We have observed that these travel ways are currently significant recreation resources for motorized visitors in the area including ATV, motorcycle, and four-wheel drive enthusiasts. Many of these travelways have right-of-ways as provided for under the provisions of Revised Statute 2477. These roads are shown on older mapping sources including: aerial photographs, 15-minute USGS quadrangle sheets, and older county maps. The cut and fill sections and obvious roadbed indicate that these roads were constructed and used by the citizens for access to the forest. RS 2477 was created to provide adequate access to public lands. Now this public access is being eliminated. We request, as a reasonable alternative, that these travelways remain open based on; (1) their history of community access, (2) the access that they provide to interesting historical sites, and (3) their importance to community access. We request that the document evaluate all of the issues surrounding RS 2477 including the cumulative negative impact of all past closures of RS 2477 routes which has become a significant impact on motorized recreationists.

472. On July 26, 1866, as part of a move to grant access to western lands, the United States Congress enacted the 1866 Mining Act, section 8 of which granted a right-of-way to all persons over unreserved federal lands when it stated “the right-of-way for the construction of highways over public lands, not reserved for public uses, is hereby granted”. In 1873, the 1866 grant was re-codified into section 2477, Revised Statutes of the United States, and rights-of-way granted by that section have since become known as the “RS 2477 rights-of-way”.

Throughout the later half of the 19th century and the first three-quarters of the 20th century, the use of “RS 2477 rights-of-way” over federal land in the western United States became a standard method of legal access across federal lands for commercial, industrial, and recreation pursuits to such an extent that the use of the RS 2477 rights-of-way has become an inherent part of western heritage and a capital asset for the public that should be preserved for future generations.

The use of RS 2477 rights-of-way over nearly a century has resulted in an extensive body of case law in the state and federal courts, in which owners of various types of rights-of-way have competed with holders of RS 2477 rights-of-way and in which the availability of those various rights-of-way has been decided by the courts, including the modern State Supreme Court as well as the federal 9th Circuit Court of Appeals, in such cases as Robertson v. Smith, Supreme Court Montana Ten., 1871; Butte v. Mikosowitz, 39 Mont. 350, 102 P. 593, (1909); Moulton v. Irish, 67 Mont. 504, 218 P. 1053 (1923); and Shultz v. Dept. of Army, 10 F.3d 649 (9th Cir. 1993).

RS 2477 rights-of-way have been given a liberal interpretation by state and federal courts in those judicial decisions interpreting what constitutes a “highway” within the meaning of RS 2477, those judicial opinions holding that even the barest foot trail could qualify as a “highway” and that no particular way across federal lands has even been identified, it being sufficient that travelers used an area of federal land as a method of access between two geographic points. After 110 years of public use of RS 2477 rights-of-way, the U.S. Congress repealed the most recent version of RS 2477, 43 U.S.C. 932, but that repeal was, by 43 U.S.C. 1701, specifically made subject to valid rights-of-way existing as of the date of repeal which was 1976.

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473. Schiller, chairman of the High Desert Multiple-Use Coalition, told the Kern County Board of Supervisors at a meeting held on February 19, 2002 to address RS 2477 issues that “the roads represent our custom, our culture, our economy and our family traditions. I know it's been argued that this is about OHV uses and off-highway vehicles,” said Schiller. “It is really about access”. We request, as a reasonable alternative, that any routes proposed for closure and in existence before 1976 be considered as having RS 2477 rights-of-way in order to provide citizens with access to public lands.

14. Arbitrary and Capricious Analysis and Decision-Making

474. With respect to impact assessment, if you cannot measure or have not measured an impact then it is not a real impact.
475. Another example of theoretical impact with no real magnitude would be the lighting of a match theoretically increases the temperature of the earth's climate but in reality the magnitude is so insignificant that it is not real. All theoretical benefits to the environment must include a magnitude of the benefit. A sense of magnitude has not been used in the impact assessment and must be adequately incorporated into the impact assessment.
476. Impacts associated with beetle-killed trees, fires, and floods are acceptable to the agency. OHV impacts are insignificant when compared to beetle-killed trees, fires, and floods. A comparison to natural impacts such as beetle-killed trees, fires and flood is a reasonable test for magnitude of impacts.
477. A small level of theoretical negative impact from OHV recreation does not reasonably equate to the need for massive motorized closures.
478. In order to be legally defensible the following two tests must be used to identify any proposed motorized route closures: 1) the proposed closure of a motorized route must be based on site specific data and documentation of actual significant impacts caused by motorized recreation, and 2) the documented impacts from motorized recreation must be substantially more significant than naturally occurring events.
479. Because of the significant negative cumulative impact of all motorized closures and if the two tests outline above are met, then a reasonable alternative that must be included for public input is a trade of the closed motorized route for a motorized route of equal opportunity and value in a different location.
480. An adequate sense of magnitude must be employed within the analysis and decision-making. For example, the total naturally occurring loss of soil from the Cibola National Forest is estimated to be on the order of 1,577 acre-feet per year (1,892,000 acres total forest area times a depth of 0.008 feet of soil loss per year). The loss associated with OHV use is on the order of 52 acre-feet (5,200 acres of roads and trails times a depth of 0.01 feet of soil loss per year). Therefore, the soil erosion associated with OHV recreation is relatively insignificant compared to the naturally occurring erosion rate and acceptable for multiple-use lands. Moreover, there are many mitigation measures that can be employed to reduce soil erosion on roads and trails while still allowing the public to enjoy them. Other examples that should be part of the evaluation include the naturally occurring mortality rate of fish and game compared to the mortality rate associated with OHV recreation. The evaluation and disclosure to the public must include the analysis and a comparison of the magnitude of OHV impacts to naturally occurring impacts for all resource areas used to assess impacts based on site-specific data. Lack of the comparison of impacts to naturally occurring levels combined with the lack of site-specific data would be a procedural deficiency that could allow inaccurate statements and opinions due to the lack of an adequate sense of magnitude.

481. Past travel plans have suffered from “confirmation bias. Confirmation bias is a tendency to favor information that confirms an individual’s or group think preconceptions or hypotheses regardless of whether the information is true (http://en.wikipedia.org/wiki/Confirmation_bias). In past travel plans only studies with negative motorized conclusions have been cited. We request that the evaluation include a broad screening of issues, information, data, opinions, and needs so that it is not based on confirmation bias and meets NEPA procedural requirements. One important component required to avoid confirmation bias is the inclusion of OHV and other motorized recreationists on the inter-disciplinary team.
482. Theoretical or assumed impacts must not be used to close motorized recreational opportunities. This is happening way too often. For example, an impact on wildlife by OHV recreation is assumed on a theoretical basis but there is no site specific data or monitoring to back that statement. A similar situation is happening in other resource areas including sedimentation and noxious weeds. Decisions to close motorized recreation must not be made on the basis of theoretical or assumed impacts to the natural environment. In order to avoid arbitrary and capricious decisions, site specific data and monitoring must be presented and demonstrate a measure significant impact.
483. 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 normal runoff, floods, and fires. The recent fires in the Shoshone 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. Another example is the assertion that groomed snowmobile trails affect the lynx. Groomed snowmobile trails cover less than 0.001% of the total area and the impact on the lynx is of a similar magnitude. Additionally, if snowmobile trails affect the lynx, then so do cross-country and snowshoe ski trails. Again, we doubt that these impact the lynx but if snowmobiles do, then so do trails packed by non-motorized uses. Quite often non-motorized impacts are equal or greater and they must be fairly assessed also.
484. Confirmation of the significant magnitude of the impacts of fire versus the relatively minor impacts of recreation are further substantiated by the following article from the Helena IR: *The popular Meriwether picnic area, located along the Missouri River in the Gates of the Mountains corridor, also will be closed until the area is deemed safe for public use. Following the 2007 Meriwether Fire, debris and numerous floods continue to flow through the picnic site, creating a serious safety hazard. The public docks will not be installed this year; instead, people should use Coulter campground. The Meriwether Picnic Area closure could remain in effect for several years, until hydrologic conditions improve in Meriwether Canyon. “Flash floods, as those happening at this site, occur when the ground becomes saturated with water that cannot be absorbed quickly enough,” said Mike Cole, acting Helena District ranger. “Without live vegetation to absorb the precipitation up on the mountain, the water runs off and floods the picnic area.”* http://helenair.com/news/article_633fdef8-6a1c-11df-8dcf-001cc4c002e0.html?print=1
485. The ROD must be backed up by site specific analysis, data, and common sense.
486. The purported impacts from OHV recreation must be clear, specific, and measurable as required by the courts in EDC v EPA 2003.
- a. Additionally, the courts have ruled that there must be clarity and certainty in the evaluation process which also applies to the assessment of OHV impacts. Just because

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an assertion about OHV impacts such as on fish, wildlife and the natural environment has been repeated a millions times does not make it true. Decisions based on unsubstantiated assertions including positions that have been repeated over and over but never substantiated by site specific data and site specific studies are not acceptable and must be identified and corrected.

- b. Motorized recreation was evaluated against a super-sized set of potential impacts on the natural environment. Other uses were evaluated against a smaller set of potential impacts on the natural environment.
- c. Furthermore, impacts associated with OHV recreation are not being compared to the natural level of impacts but rather to some unnatural ideal.
- d. Positive impacts of motorized recreation on the human environment was not given a hard look.

487.



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Fails to Adequately Address:

a. Justice Issues

488. The Independent Record documented in an article published on November 9, 2014 the details on how litigation has become the predominant force shaping Forest Service land management plans and environmental documents for projects (http://helenair.com/news/local/law-of-the-land-how-litigation-has-shaped-the-forest/article_75dab06b-cc05-5e1d-be2d-2e524c6c596f.html). Facts included “The Society of American Foresters study found that of the 1,125 lawsuits filed over federal land management between 1989 and 2008, the Forest Service won 53.8 percent of the cases while losing or settling the rest. Of those lawsuits, 78.9 percent sought less resource use and development”. The IR and other sources have also been reporting on the magnitude of financial and legal influence that environmental groups have developed in articles going back to 2002 including “for many protecting the environment has become a big bucks business in Montana” (http://helenair.com/news/from-backpacks-to-briefcases-for-many-protecting-the-environment-has/article_01b70cbe-04dc-5656-bca5-d0e517b58d73.html). The Forest Service has allowed itself to be directed by environmental groups able to file lawsuit after lawsuit regardless of what is right for the populace. Ordinary citizens including motorized recreationists simply do not have the resources to counter the lawsuits and constant daily pressure being applied by environmental groups. This is a serious environmental justice issue that must be adequately resolved by developing and implementing a Pro-Motorized Recreational alternative for this project and defending it for the good of all citizens.
489. A significant issue is the amount of public funds spent to build and maintain non-motorized trails versus the amount of public funds spent to build and maintain motorized trails. To address this significant issue the EIS must adequately evaluate the following information and disclose it to the public:
- a. Cost of closure of motorized routes following the ROD.
 - b. The annual amount spent in the Shoshone National Forest on maintenance and construction of non-motorized trails during the past 5-years.
 - c. The annual amount spent in the Shoshone National Forest on maintenance and construction of motorized trails during the past 5-years.
490. The significant impacts of the proposed motorized closures on the human environment and specifically motorized recreationists has not been given a hard look in the DEIS. This continues to be a serious deficiency in the analysis that must be adequately addressed. For example, the cost in human terms can be illustrated by one of our members who has ridden 40 to 50 miles loops in the national forest with his family for the past 21 years. These opportunities have recently been closed by a travel plan decision. This example and the cost to the human environment will be repeated thousands of times with the level of motorized closures proposed. Additionally, our club has sponsored the annual MTVRA State Ride in the national forest in the past and, again, the level of closures proposed will eliminate the network of routes used by that event and preclude the opportunity to sponsor it in the future. The hours of lost motorized recreation opportunity must be estimated in the DEIS and disclosed to the public. The DEIS must also adequately address the issue what will motorized recreationists do in place of the hours of motorized recreation lost due to the proposed closures. This evaluation must recognize the high value of time with family and friends spent on OHVs in the planning area

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including the importance of opportunities to re-create ourselves on our OHVs. The quality of the human environment is important and be given a hard look.

491. The lack of adequate site specific data, studies and analysis as required by the 3-State OHV FEIS and ROD continues to be a serious deficiency in the analysis that must be adequately addressed. This inadequacy includes lack of site specific studies for each route proposed for closure including wildlife studies and site-specific user data. The old standard reasons that have no factual basis include erosion (fire and floods), noxious weeds (animals and birds spread them too as much or more), etc. which can all be adequately mitigated and are no greater than natural events and conditions. The old standard reason "To provide a non-motorized experience" is not reasonable either as non-motorized recreationists have more trail opportunities and endless cross-country opportunities. Adequate consideration of the needs, historic use, and culture of motorized recreationists would result in a more balanced preferred alternative that would be far better accepted by the public.

492. The following quotation is an example of an all too common non-sharing attitude was recently published in the Great Falls Tribune. *However Monty Pirtle said he thinks there's too much motorized use already allowed in the forest. He said he doesn't want to be hiking and run into a motorcycle. "From my point of view, the forest service here is going to hell in a handbasket," said Pirtle, a former wilderness ranger in Washington. "I like bikes, but not on the (forest) trails."* <http://www.greatfallstribune.com/story/news/local/2014/06/30/public-gives-input-forest-plan/11822303/> We maintain that this sort of non-sharing attitude is not appropriate for visitor expectations on lands designated by congress for multiple-use and should not be rewarded by imposing motorized closures on multiple-use lands. Furthermore, wilderness lands are under-utilized and a more reasonable solution for individuals that feel strongly about meeting a motorcycle or ATV is to select wilderness areas for their visits.

493. The final 3-States OHV Rule (<http://www.fs.fed.us/recreation/programs/ohv/final.pdf>) included graphic examples of ATV and motorcycle single-track trails that must be adequately identified and addressed as part of the required site specific analysis for each and every road and trail as part of the environmental analysis for any future travel planning. We request, as a reasonable alternative, that all routes currently in use be identified in the analysis using the pictures included in the final decision.

494. The use of "unauthorized trails or roads or user-created routes" is not an appropriate term as many of these routes were created during periods going back to the 1800's when the forest was managed without designated routes, cross-country travel was allowed, and access and use of the forest was encouraged. Many of these routes have been used for decades and are "historic routes". Many of these routes are shown on versions of the forest map, and 7.5 minute and 15 minute USGS quadrangle mapping. The use of "unauthorized trails or roads or user-created routes" is an inaccurate representation of the management conditions and uses allowed in the past. These are also terms developed by non-motorized interests that have been given an inaccurate negative connotation through their campaigns. We request that this term be dropped from the text and that these routes be recognized as appropriate routes in the analysis.

495. A video produced by Carl Adams presents many of the significant issues and concerns that are frequently expressed by members of our club and other motorized recreationists in the community. http://www.youtube.com/watch?v=0kUhLMi97dq&feature=g-user-lik&context=G23216abUCGXQYbcTJ33bB0U1oCKI_9bcFlhATY2tUW6mr0rddyBQc

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496. The Forest Service Travel Management Rule

(<http://www.fs.fed.us/recreation/programs/ohv/final.pdf>), was presented to OHV recreationists as a “route designation” process that would designate motorized routes for the appropriate type of motorized use (motorcycle, ATV, UTV, 4x4, etc.). Some form of route designation was referred to 404 times in the final rule. The rule did not state that it would be a huge motorized closure process and it was presented and accepted by motorized recreationists on that basis. In fact, the rule specifically allows new motorized routes. The rule did not authorize or direct a massive motorized closure process. However, in actual implementation, the travel management rule is being used as a massive motorized closure tool contrary to the wording of the rule and the presentation of the rule to the public during the rule making process. Implementation of the rule has included very few new routes. Proper implementation of the travel management rule is a significant issue. We request that this evaluation carefully consider the intent of the Final OHV Rule and use it to designate existing motorized routes and create new motorized routes. We also request that this action monitor the process for any misuse of the rule.

497. It would be a huge step backward for society if we had to comment on every foot of road, water line, sewer pipe, sidewalk, and motorized trail that the public needs. Gauging public need by the number of comments is not the norm in our society and should not be used in this process.

498. 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 Shoshone 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.

499. 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 Service actions include proper recognition of the agreement behind the 3-State OHV and National Route Designation decisions which allow

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continued use of the existing networks of motorized roads and trails without massive motorized closures.

500. OHV recreationists like to ride in all of the national forests in Idaho and Montana. There are 46 ranger districts in Idaho national forests. There are 39 ranger districts in Montana national forests. Travel management planning is conducted at the ranger district level or within ranger districts. Expecting motorized recreationists to comment on at least 85 travel management plans on national forest lands is an unreasonable expectation. Additionally, travel management is addressed in each forest plan. There are 28 national forests in Region 1 and 4. Moreover, there are an equal number of travel management actions on BLM managed lands. The travel management, forest, and resource management planning process is impenetrable to individual citizens including motorized recreationists. It is even further insolent to motorized recreationists when their input is dismissed as insignificant or inappropriate. This impenetrable process allows both the BLM and the Forest Service to close an unreasonable amount of motorized access and motorized recreational opportunities. This is a momentous issue that must be adequately addressed and corrected in an equitable manner.

501. Public land should be managed for the good of the public. The process does not reasonably recognize the current needs and use of these routes by the public. The process also includes undocumented environmental impacts and/or exaggeration of environmental impacts. How far out on this limb do you want to go?

502. 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.

503. 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.

504. The public that enjoys motorized access and recreation is not going to participate in a process where they lose every time.

505. Why are the needs of so many motorized recreationists being largely ignored?



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506. 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.
507. 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 adequately evaluate why the needs of non-motorized recreationists are provided for at a much higher level (quality and quantity) than motorized recreationists and then evaluate measures necessary to correct this unequal program delivery problem.
508. 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 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.
509. Why is the Forest Service trying to eliminate all meaningful motorized access and OHV recreation?
510. When the agency is considering closing a route, please also consider 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?"
511. 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.
512. 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 cannot. A reasonable evaluation of this condition will conclude that motorized recreationists are already squeezed into insignificant and inadequate system of routes. This point must be adequately considered in the allocation of recreation resources.
513. While we do not support segregation, if segregation is to be implemented on multiple-use lands (which must be considered public places), then a corresponding goal would be to demonstrate an absolutely perfect 50/50 sharing of non-motorized and motorized trails as part of that segregation. Therefore, if the proposed plan further promotes segregation on multiple-use lands, then it must include a corresponding 50/50 sharing and it must not tip the balance further in favor of non-motorized trails and at the expense of motorized routes.
514. Because of the gross imbalance of trail opportunities presented in our previous comments (currently it is heavily in favor of non-motorized), routes constructed or maintained in the past

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using motorized funds, including agency, gas tax and RTP, should not be converted to non-motorized routes. Motorized funds are being diverted non-motorized projects and motorized funds have been used to construct motorized trails but then those trails are converted to non-motorized. This objective is necessary in order to work towards a 50/50 balance of opportunities and to address equity and fairness issues associated with the manipulation of motorized funds.

515. A reasonable goal for the allocation of trails should be 50/50 sharing of non-motorized/motorized trails. Remember that 25:1 or more is justified based on actual usage as demonstrated in our previous comments. The proposed plan is way out of balance with the split of routes meeting the definition of a motorcycle or ATV trail. We request, as a reasonable alternative, that a more reasonable starting proposal based on all existing routes and future motorized routes to meeting increasing needs be developed.

516. 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.

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

518. 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, as a reasonable alternative, that the process include an adequate mitigation process to address this issue.

519. Non-motorized/wilderness interests are extremely organized and aggressive with comment and letter writing campaigns. Motorized recreationists reflect the long-standing traditional pioneer culture of the area which is characterized by a long history of access to and use of the land. This situation creates a very real clash of cultures which must be recognized and dealt

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with in the planning process. Non-motorized/wilderness interests should not be given more privileges simply because they are more aggressive, organized and better funded. Again, the public comments and votes by how they use the forest, and more motorized access and recreation is what they are asking for with every visit regardless of whether they provide write letters to the editors and provide comments in a NEPA process that is foreign to them. This is a very real issue which must be address during the preparation of this planning document.

520. The agency should bolster its legal staff by retaining private law firms to defend their multiple-use land management decisions and protect the best interests the public.

521. 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.

522. 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 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, and was it in a designated wilderness area? 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 designated wilderness areas and trails. This accurate information must be developed immediately and hiking trails should be reduced to meet the factual level of need and use and OHV trails increased to meet the current and future needs.

523. NVUM surveys are conducted in a manner on major roads that does not intercept many OHV recreationists. Additionally, in the two NVUM surveys that we have participated in, several OHVs passed by the station and no attempt was made to survey them. To more accurately reflect motorized use NVUM surveys should survey OHVs passing through the station and count vehicles and types of vehicles including the number of OHVs being transported. Additionally, NVUM surveys should also be conducted at OHV trailheads.

524. 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 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.

525. 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

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precedents and agency guidance have clearly established that the goal for the agency should be equal opportunity for all visitor groups. Equal opportunity in a travel plan should be defined as 50/50 sharing of motorized to non-motorized trails. 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.

526. 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.
527. 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.
528. 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.
529. 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 600+ 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 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.
530. 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

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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.

531. 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.

532. 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); 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).

533. 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

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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.

534. 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.

535. We read the 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. It also puts motorized recreationists in the disadvantage 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.

536. 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 issues and impacts and re-open the routes that were unfairly closed.

537. 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.

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.

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538. 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 (Cumulative Impacts) 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.

539. Agency managers have been 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.

540. 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.

541. 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 (50/50 sharing of motorized to non-motorized trails) 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.

542. 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.

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543. 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.

544. 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.

545. 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: *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*

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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.

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

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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, as a reasonable alternative, 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.

546. 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>)

547. This is an often repeated example of "managing to avoid litigation." This has become a huge issue with the current management of public lands. Neither the butterfly nor the buckwheat plant is threatened or endangered at Sand Mountain. No "critical habitat" is defined or required. But the threat of appeals and lawsuits by environmental groups is real and that's what drives the decision-making. If you don't sue, you lose. In our area, 3 foundation supported environmental groups sue on nearly action. We have yet to sue. Motorized recreationists have not used lawsuits to the extent that the environmental groups have and consequently, motorized opportunities are being eliminated because they are a "lesser threat" of lawsuit and the overarching needs of the public are being ignored. This is the "new" environmental justice issue and we are listing it as an issue. Furthermore, the Forest Service represents one-half of

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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.

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

549. Because of the large number of projects affecting the public (Table 2 as an example or Google travel management planning, resource management planning and forest planning) and the limited amount of time that individuals have including most working class citizens, agencies can not expect the level of public participation to be high. This does not justify taking recreation opportunities from the public including working class citizens.

550. Motorized recreationists cannot hold full-time jobs and, at the same time, be able to compete with the paid staff of non-motorized for recreational resources. Unfortunately, the agency has adopted the expectation that motorized recreationists must demonstrate a level of involvement equivalent to the involvement of paid staff from non-motorized groups in order to get a reasonable allocation of recreational resources. We have been told that we are politically insignificant by forest supervisors, district rangers and BLM managers. There are many socio-economic and environmental justice issues associated with this setting if it is not adequately addressed by this action ranging from the allocation of near-term motorized recreational opportunities and the level of human health that it promotes to the ultimate elimination of motorized recreation from public land in the long-term.

551. The first sentence on the inside cover of most federal environmental documents includes a statement similar to "*The United States Department of Agriculture (USDA) is a diverse organization committed to equal opportunity in employment and program delivery.*" We are greatly concerned about the lack of equal recreation opportunity and quality within public lands. Everyone should have equal access and opportunity to enjoy the natural environment. There is a need for motorized recreation and access opportunities (areas and trails including inter-forest and interstate routes, OHV back country discovery routes, and OHV byways) equal to our non-motorized/wilderness opportunities (examples include the Lewis and Clark and Nez Perce National Historic Trail, Continental Divide Trail, Pacific Crest Trail, National Recreation Trails, and the recently created Pacific Northwest Trail). We request, as a reasonable alternative, actions that will develop regional (inter-forest and interstate connections) motorized recreational opportunities such as the Great Western Trail and Oregon Back Country Discovery Route. OHV back country discovery routes and OHV byways are required to provide opportunities for motorized recreationists equal to existing long-distance non-motorized opportunities.

552. Equal treatment and access to public lands must be provided for all people including motorized visitors. One example of unequal treatment is demonstrated by the agency

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sponsored hikes. We have never seen an agency sponsored OHV outing. Another example is the number of agency publications and information on agency web sites promoting non-motorized recreation versus the publications and web site information pages provided for motorized recreationists. Non-motorized recreation opportunities are easy to find using agency web sites and printed information. Yet another example is the use of hiking information signs posted along highways at ranger stations and the the lack of the same signs and information for OHV recreation. The Condon Ranger Station is one of many examples of this situation. Most often little or no information is provided about motorized recreation opportunities. The one good example of a motorized web site can be found at <http://www.fs.fed.us/r6/centraloregon/recreation/cohvops>. There is a need for every forest and district to have a similar motorized recreation web site. Another example of bias is the fact that signs say “Non-motorized Uses Welcome” and we have never seen a sign that says “Motorized Uses Welcome”.

553. Our motorized recreation experience has been ruined by travel management signs:
Sign, sign, everywhere a sign
Blockin' out the scenery, breakin' my mind
Do this, don't do that, can't you read the sign?

554. If we don't all share, then there will not be enough resources to go around. First priority should be given to those who are willing to share with all others.

555. The analysis and decision adequately address not giving private landowners more opportunities at the expense of less opportunities for the public.

556. The U.S. Environmental Protection Agency has a definition for environmental justice: “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.” The EPA means by fair treatment — “No group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.”
<https://www.epa.gov/environmentaljustice>

- a. Motorized recreationists are the only ones to lose in every planning action and the cumulative impact is significant.
- b. The U.S. Environmental Protection Agency has implemented an environmental justice program to prevent this sort of abuse. \
- c. Corrective actions must be taken starting with this project.

557. Motorized recreationists have participated in the comment and public input process. The proposals and decisions that have been made confirm that our comments, issues and needs have been largely ignored. Motorized recreationists are legitimate stakeholders. Because of the lack of two-way interaction and similar to circumstances in the inner city, the agency must now come to motorized recreationists and seek meaningful stakeholder input and interaction.

558. The Agency develops and uses processes that the majority of the public are unlikely to participate in. The needs of the public are overlooked because of this approach and the Agency makes unreasonable management decisions because of this approach. The underlying motivation is the goal to eliminate as much motorized access and motorized recreation as possible. The Agency simply needs to observe the needs of the public including motorized

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recreationists without prejudice and then make decisions that adequately and reasonably address those needs.

559. The agency is substituting lesser quality routes (roads) in order to mask the miles of real OHV trails being closed. In other words, the table of comparing miles of routes after the decision are distorted by miles of much lesser quality routes. The quality of the OHV routes closed by the alternatives/decision and proposed by the alternatives/decision must be accurately and honestly disclosed to the public.

560. Non-motorized trails and trail systems with special cultural significance, history, and use to the public are given special use designations including National Recreation Trails, USFS Special Recreation Management Areas, Pacific Crest Trail, and Wild and Scenic River. In order to provide an equal opportunity to motorized recreationists similar designations must be made for motorized trails and areas that have special cultural significance, history, and use to the motorized public.

561. Studies cited in our comments clearly establish that other forms of recreation including hiking, horseback riding, fishing, and mountain biking have as much or more impact on fish, wildlife, and the natural environment. However, motorized recreation is singled out as the only recreation group to have significant impacts. This erroneous supposition has been used to justify massive motorized recreational closures. When motorized closures are made other forms of recreation are rewarded by these closures even those they have similar impacts. This discrimination of motorized recreationists must be recognized and corrected in the analysis and decision. Impacts from all forms of recreation must be equally recognized. Impacts on fish, wildlife and the natural environment associated with other forms of recreation are well documented including the references presented throughout these comments.

562. We are very concerned about the predisposition against motorized recreation among federal agencies. Recent evidence includes the decision to close Glacier National Park to motorized watercraft while allowing non-motorized watercraft because of concerns about mussels. Clearly mussels don't know the difference between a motorized and non-motorized hull and the potential impact is equal yet motorized recreationists are the only users to lose.

http://missoulian.com/news/state-and-regional/glacier-park-easing-boating-restrictions-due-to-mussels/article_c2c6ca03-24b2-5caf-89ba-14ab7c0c02de.html

563. The basic problem is that the agency is not adequately:

- a. Recognizing the public's need for motorized access and motorized recreation.
- b. Disclosing the public's need for motorized access and motorized recreation.
- c. Developing reasonable alternatives to address the public's need for motorized access and motorized recreation.
- d. Developing reasonable alternatives to mitigate the significant issues that exist with the treatment that motorized recreationists have received during the past 20 years of excessive motorized closures and the associated significant negative cumulative impacts.

564. Agency staff supporting multiple-use have been replaced with staff that believe in limited and non-use of public land. Individuals with non-motorized interests have established control of the agency management decisions and are pushing decisions in a non-motorized direction even though it is contrary to the over-arching needs of the public for motorized access and motorized recreation. In other words, the process as currently practiced by the agency allows the agency to do whatever it wants regardless of what the public wants and needs.

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565. There is an inherent problem with the concept of public involvement processes such as focus groups, collaborative groups, etc. Motorized recreationists are not likely to participate in these type of formal processes. Most motorized recreationists simply want to go out and enjoy the outdoors using our motor vehicles in what little spare time we have. This is what re-creation is for us. The rest of our time is filled with work, families and other obligations. Motorized recreationists are legitimate taxpaying citizens and have a valid need to recreate on public land. Processes such as focus groups, collaboration, etc. must adequately recognize and account for the needs of motorized recreationists without the “you must play by our rules and participate in our game or lose your form of recreation” that the agency sets as the ground rules. Otherwise these types of processes are simply different schemes to eliminate legitimate use by motorized citizens from our public land. The best solution is for agency staff to get out of their offices and the meeting rooms and go out to our multiple-use public lands every weekend and observe what the public is doing and what they need to enjoy what they are doing. In other words, a process that is not proven to be effective with motorized recreationists cannot be legitimately used to eliminate motorized recreationists from public lands.
566. The public meeting and formal comment processes as practiced by the agency are simply schemes devised to avoid adequate consideration of those sectors of the public who are not comfortable participating in them. By using this scheme the agency is avoiding adequate analysis and consideration of multiple-use opportunities including motorized access and motorized recreation.
567. The agency is supporting an elitist platform promoted by wilderness and non-motorized groups. The elitist platform is based on limiting access to public lands to those who enjoy hiking or other non-motorized access. The elitist platform is not a reasonable or legal platform for the management of public lands designated for multiple-use.
568. The agency must stop discriminating against motorized recreationists.

b. NEPA Compliance Issues

569. NEPA requires the Shoshone National Forest Travel Management Plan to address all significant issues and provide full public disclosure on those issues. A significant issue is the use of public funds for land management plans that have the purpose of removing access and use of public lands from the public. To address this significant issue the EIS must adequately evaluate the following information and disclose it to the public:
- a. The cost of the EIS process cost since it was initiated in 2001 including any pre-planning costs.
 - b. Total projected cost at completion of the EIS and ROD.
570. The public expects a travel management process to give their historic use and need for motorized access and motorized routes a hard look. All other public agencies operate with the goal of meeting the public’s needs. There is adequate multiple-use land in the project area to meet all of the public’s needs. No one group such as motorized recreationists need to be sacrificed. The Shoshone National Forest has chosen to direct the forest planning process and associated travel management plans and other planning actions as a “motorized closure” process demonstrated by the fact that all alternatives presented at this time represent significant reductions in motorized access and the quality of the motorized experience. NEPA requires adequate public disclosure. The use of the term “Travel Management Plan” does not

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really represent what is really being proposed and that is significant motorized closures. If the Shoshone National Forest Travel Management Plan is to continue on its current course of significant motorized closures, then in the interest of public disclosure the process must be re-started and presented to the public as a “Motorized Closure Plan” so that the public understands the true intent of the process and can become involved accordingly.

571. The lack of a comprehensive route and trail inventory must not be used as a back door approach to close undisclosed existing routes. The 3-State OHV ROD and NEPA guidance require site-specific analysis and adequate public disclosure of all existing routes and a comprehensive route and trail inventory must be part of the process.

572. NEPA law requires adequate public disclosure including adequate public involvement, and discussion of potential impacts in the environmental document. NEPA and CEQ guidance includes 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.* In order to adequately meet disclosure requirements the environmental document must include an accurate estimate of the magnitude of the benefit to the natural environment versus an accurate magnitude of the impact including dollars, measures of recreation time and benefit on the human environment. For example, the public needs to know that a salmon run can be increased by 1,000 fish but at an annual loss in energy production of \$10,000,000 for a cost \$10,000 per fish. Another example would be the closure of 50 miles of OHV routes so that 2 lynx are not minimally disturbed resulting in the loss of 5,000 person days of recreation at a value of \$150 per day for a cost of \$750,000 per year. An adequate sense of magnitude must be employed in the impact determinations. This information must be disclosed to the public so that they are adequately informed and can adequately comment on significant issues surrounding impacts on the human environment. Adequate disclosure of this information will also allow decision-makers to better evaluate all reasonable alternatives and make more reasonable decisions based on a realistic sense of magnitude.

573. The underlying definition of the “environment” that the Forest Service has chosen to use in the impact analyses and decision-making places an emphasis and priority on the “resource” environment in the project area. NEPA was very clear that the total complement of the environment was to be considered in the impact analyses and decision-making including the guiding purpose statement “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 resource environment and population or human environment. NEPA was not intended to be used to put an end to human access and use of the resources. However, the Forest Service is using the NEPA process inappropriately by creating significant cumulative impacts on the human environment through a series of travel plan decisions aimed at removing the public from public lands. This trend does not conform to Public Law 91-190 and must be corrected by implementing a pro-recreation alternative as part of this action.

574. The final OHV Rule (<http://www.fs.fed.us/recreation/programs/ohv/final.pdf>) required site-specific analysis as part of the route designation process. Motorized recreationists agreed to

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accept the rule on this basis. Site-specific analysis was mentioned 11 times throughout the rule and this project must meet the requirements for site-specific analysis.

575. An adequate site-specific analysis should include monitoring and quantification of existing motorized use versus non-motorized use, types of motorized use and visitors, and effects of motorized closures on the quality of the human environment. Examples and goals of site-specific analysis include: 1) single-track trails should be designated for motorcycle and mountain bike use, 2) 48" width routes areas should be designated for ATV use, 3) routes wider than 48" should be designated for UTV and 4x4 use, 4) open riding areas should be designated for trials bikes which have different riding area requirements than trail riding, and 5) motorized trail systems should be provided for all skill levels and types of popular motorized vehicles so that the needs of all motorized users are adequately addressed. Site-specific analysis in the motorized route designation process should also adequately consider the mileage of trails required for weekend camping trips, adequate destinations, and other factors. We ask that motorized recreationists be adequately queried as part of the site-specific evaluation process and that the site-specific conditions that they identify be considered as required by the Final 3-States OHV Rule.

576. The Purpose and Need for this action is to implement the Final OHV Rule. The Final OHV Rule was written to designate existing motorized routes for appropriate uses and create new motorized routes where needed. Implementation of the Final OHV Rule should not result in a massive motorized closure. The Purpose and Need for this project must follow through on the Final OHV Rule as a route designation process as it was presented to motorized recreationists during the rulemaking.

577. Our observations in the project area confirm that most visitors are out to enjoy motorized access and motorized. The Purpose and Need does not adequately address and recognize the current highly popular level of motorized access and recreation and the need for increased motorized opportunities. Therefore, the current Purpose and Need is destined to produce a decision that does not meet the needs of the public and will not be willingly accepted by the public. To avoid this disconnect, we request that the Purpose and Need for this action be written to address the significant need for motorized access and motorized recreation in the project area including adequate recognition of the positive impact on the quality of the human environment. This approach will avoid the creation of a significant issue with the process and a serious procedural deficiency in the Purpose and Need.

578. 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.

579. Site specific monitoring of motorized versus non-motorized use must be provided for each route as required by the National OHV Rule.

580. 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.

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581. 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.

582. National OHV criteria and standards are not entirely applicable to conditions in the Shoshone National Forest and Wyoming, 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.

583. 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.

584. 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 this 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.

585. The underlying definition of the "environment" that the Forest Service has chosen to use in the impact analyses and decision-making places an emphasis and priority on the "resource" environment in the project area. NEPA was very clear that the total complement of the

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environment was to be considered in the impact analyses and decision-making including the guiding purpose statement “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 resource environment and population or human environment. NEPA was not intended to be used to put an end to human access and use of the resources. However, the Forest Service is using the NEPA process inappropriately by creating significant cumulative impacts on the human environment through a series of travel plan decisions aimed at removing the public from public lands. This trend does not conform to Public Law 91-190 and must be corrected by implementing a pro-recreation alternative as part of this action.

586. 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.

587. 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:

- 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.

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- 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.

588. All alternatives should include direction to engage in cooperative management with OHV groups and individuals.

589. 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.

590. Site specific monitoring of motorized versus non-motorized use must be provided for each route as required by the National OHV policy.

591. 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.

592. 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.

593. 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.

594. Motorized recreationists gave up 97% of the area historically available to them as cross-country travel under the 3-State ROD and National OHV policy 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.

595. 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.

596. 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 (50/50 sharing of motorized to non-motorized trails) 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.

597. 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 Forest Service 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".

598. 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 National Forest should include all of past and reasonably foreseeable closures in all Regions including Region 1.

599. 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.

600. Specific references from the new National OHV Policy that must be adequately addressed include:

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.

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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. Why is a process that was intended to eliminate cross-country travel and designate existing motorized routes been allowed to turn into a massive closure process?

601. 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 this Forest Service Planning Action 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.

602. The Forest Service has created very serious disclosure issues that are producing a growing wide-spread distrust of the agencies. The 3-State OHV agreement, National OHV Policy, forest planning, resource management planning, and travel planning processes were never presented to motorized recreationists as massive motorized closure processes but in practice that is what they are. In fact, the 3-State OHV agreement and National OHV Policy were presented as a positive agreement and action that would recognize the legitimate use of existing motorized routes. Our society expects public agencies to assess and provide for their needs as demonstrated by the adequate water, sewer, and roads systems; and other public facilities that are routinely provided. We are very concerned about the growing animosity towards the agencies and urge you to address this issue. Much of this distrust originates from a failure to honor past agreements and/or the lack of adequate disclosure of the true intent of the agencies actions. We urge you to recognize the need for sincere disclosure followed by accurate assessment of the needs of motorized recreationists and the decisions required to provide for those needs.

603. 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 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, as a reasonable alternative, 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

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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.

604. The summary dismissal of dual-use designations is neither reasonable nor acceptable per NEPA requirements. Dual-use is allowed per Forest Service Regional Supplement No. 7709.59-99-1. 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.

605. 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.

606. 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.

607. 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.

608. 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.

609. 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 Forest Service. 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.

610. 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,

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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 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.

611. 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, as a reasonable alternative, that dual-use or unrestricted width trail designation be used for all of the motorized routes except single-track trails.

612. 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 outcome.

613. 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, as a reasonable alternative, that all reasonable routes be designated for dual-use so that a system 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.

614. 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 pro-actively manage motorized recreation.

615. 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 process discriminates against the working class because they work at least 40 hours per 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.

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616. 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 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.

617. 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.

618. 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.

619. OHV recreationists have been very effective with “tread lightly” practices. Now we have been informed that trails were closed because they “saw very little motorized use” as part of travel planning actions including 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 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. Additionally, people upset with the observation of tracks in multiple-use areas do not have reasonable expectations when visiting multiple-use lands.

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620. 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.
621. 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.
622. 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".
623. 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.
624. 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.
625. 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.
626. 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

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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.

627. 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.
628. 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 reasonable 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.

629. 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

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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 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.

630. 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

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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.

631. 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.

632. 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.

633. 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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634. We request, as a reasonable alternative, 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*

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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.

635. Well-funded and organized non-motorized groups have systematically attacked and reduced economic and recreational opportunities associated with multiple-use of public land by ordinary citizens. This attack has included the introduction of an unreasonable expectation into all NEPA and land management processes. This unreasonable expectation is built around the concept that non-sharing of public lands is acceptable and that conversion of multiple-use public lands to non-motorized, narrow-use or defacto wilderness lands is acceptable. Non-motorized special-interests do not use the existing roads and trails as much as the public uses them for motorized access. Non-motorized special-interests simply do not want anyone using them or want to share them with anyone else. This is not a reasonable expectation, it is inequitable to the public and these unreasonable expectations must not be rewarded any further. It is not acceptable to reward people who seldom or never use a road or trail and allow them to shut out those that use them frequently.

636. The endorsement of this unreasonable expectation by agency actions has significantly impacted multiple-use opportunities on public lands and the public in general. The cumulative negative impact of this unreasonable expectation is significant. Adequate recognition of this trend and mitigation must now be implemented in order to counter the inequities that have been created by allowing this unreasonable expectation to have so much influence on our land use decisions.

637. The use of the name “Travel Management” for the process is deceiving the public. History has demonstrated that this is a closure and restriction process. New motorized roads or trails are seldom created by the process. When we ask visitors that we meet about the process they will either tell us; (1) that they expect the Forest Service to look out for their needs, or (2) that the Forest Service has already made up their mind on travel planning decisions and that it is pointless to participate in the process.



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638. The maps and figures are not easily understood. There are no identifiable or named features and no road and trail numbers on the maps. It is very difficult for the public to orient themselves and to interpret the proposed action for each specific road and trail. Therefore, the public cannot adequately evaluate the proposal and cannot develop comments with reference to specific roads and trails. Additionally, there is no consistency between the maps and legends used in each travel management plan which is equally confusing to the public.
639. National Forest officials have stated that all challenging motorized roads and trails would be eliminated due to their concerns about hazards on those routes. For many of us, these are the very routes that we consider to have the greatest recreational value. Again, this is another example of predisposition and discrimination. Discrimination is to make a choice, a distinction. We all make choices, every day. Discrimination becomes illegal when choices made limit the possibilities of some groups or some individuals. Other forest visitors and their recreation opportunities are not subjected to this criterion. For example, this concern has never been used to limit the opportunities for hunters, fisher folks, woodcutters, equestrians, river floaters, campers, hang gliders, rock climbers, hikers, skiers, anyone driving anywhere in the forest, etc. We request that this unreasonable and discriminatory criterion be dropped immediately from the process and that the process be restarted without this criterion.
640. The forest, watershed and view shed planning processes tends to influence motorized access and motorized recreation in an undisclosed manner that is deceiving the public. For example, forest plans, watershed plans and view shed plans such as the Helena National Forest Plan, Beaverhead-Deerlodge National Forest Plan, draft Helena and Lewis and Clark Forest Plans, Little Blackfoot River Watershed Plan, Tenmile Creek Watershed Plan and Scenery Evaluation Plan for the Rocky Mountain Front often set management goals for areas that will ultimately result in the elimination of motorized recreation yet motorized recreationists are unaware that these actions will ultimately affect them. This back door process does not meet the NEPA requirement for adequate public disclosure of the impacts of the proposed action. Adequate public disclosure in these cases would require direct means of communication with motorized recreationists to inform them of the potential changes that will result from the respective plan. This process of non-disclosure has been used to effectively eliminate many motorized access and motorized recreational opportunities and contributes to the cumulative negative impact of closures on motorized recreationists. We request that the cumulative negative impact of past planning actions on motorized recreationists be adequately evaluated and considered during the decision-making process.
641. The dominant direction taken by the agencies is to use the travel planning process as a process to eliminate motorized access and recreation opportunities. Instead, the travel management process should be directed to meet the needs of the public for multiple-use, motorized access and motorized recreation on public lands. NEPA requires that agencies “Rigorously explore and objectively evaluate all reasonable alternatives....” [40 CFR 1502.14(a)]. We ask that you develop a preferred alternative that preserves and enhances multiple-use interests and motorized recreation.
642. Managing public lands for exclusive-use by a few people or non-use is not in the best interest of the community. There are limited public lands available. We need to manage those lands for maximum communal benefit. We request, as a reasonable alternative, that available uses of the project area be maximized as required by NEPA so that life’s amenities can be enjoyed by as many people as possible.

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643. The over-arching intent of NEPA was not to eliminate humans from the natural environment as proposed by some. Instead, the intent of NEPA was to provide for a practical and reasonable protection of the natural environment while providing for a wide sharing of life's amenities. Note that NEPA specifically used the word "sharing". Sharing can only be accomplished by managing public land for multiple uses.
644. Travel management started from the beginning with a proposal to close the majority of existing roads and trails to motorized recreation and access with the exception of a few major roads. This practice forces motorized visitors and recreationists to start with the worst case scenario and then expend great effort (that is not very successful) to add routes currently in use back into the process. This practice places an enormous burden on motorized visitors just to maintain the status quo. This process, in effect, provides preferential treatment for non-motorized visitors who do not have to identify routes and challenge the process to protect their recreation opportunities. We request that the travel management process be practiced in a manner that does not put motorized visitors at a disadvantage.
645. A fair travel management process would start with a comprehensive inventory of all existing motorized routes in use by the public. Then, in order to avoid further cumulative loss and significant impact on motorized access and recreation opportunities, we request that the travel management process include a preferred alternative based on preserving all existing motorized routes. Existing motorized roads and trails have been around for decades and have not caused any significant problems. Therefore, it is not reasonable to close a significant number of existing motorized routes. Any significant negative impact associated with a specific motorized route should be the basis for an evaluation to close or keep that route open and should carefully consider all reasonable mitigation measures. The cumulative loss of motorized recreation and access opportunities within public lands has been significant. In order to avoid further cumulative negative impacts, we request, as a reasonable alternative, that the majority of existing motorized routes remain open and the closure of an existing motorized route be offset by the creation of a new motorized route.
646. Oftentimes, many of the motorized roads and trails proposed for closure are primitive roads and trails that provide the ideal experience sought by motorized visitors. We request that the analysis adequately evaluate the type and quality of experiences that motorized visitors enjoy and want maintained in the area.
647. Motorized recreationists would accept area closure (restriction of motorized vehicles to designated routes and elimination of cross-country travel) when reliable documentation demonstrates that it would provide measurable and significant improvement to the natural environment in exchange for a reasonable number of designated motorized routes. We request that the analysis develop a preferred alternative with a reasonable number of designated routes in exchange for the environmental improvements that have been realized by motorized visitor's acceptance of millions of acres of area closure under all plans including the 3-State OHV Plan, travel plans, forest plans, and resource management plans.
648. In most locales, visitors to public lands have given up motorized cross-country travel opportunities and accepted millions of acres of area closure. Therefore, motorized recreationists cannot travel cross-country using motorized vehicles and motorized recreational opportunities are limited to existing roads and trails that are open to motorized use. At the same time, non-motorized recreationists can hike cross-country. Therefore, hiking opportunities are unlimited.

649. In most locales, public land visitors have given up motorized cross-country travel opportunities and accepted many acres of area closure. However, most often motorized recreationists have not been given credit for the benefits associated with the implementation of cross-country travel restrictions and area closures. Then along comes travel planning which seeks to further restrict motorized access and motorized recreation. We request that these trends and the significance of the cumulative negative impacts of these trends on motorized access and motorized recreationists be evaluated and that motorized trail projects be undertaken to mitigate the cumulative negative impacts on motorized access and motorized recreationists.
650. The maps used in the environmental document should be familiar and easily interpreted by all citizens. The public is most familiar with Forest Visitors Maps and other common visitors maps. The environmental document mapping should follow the guidelines required by 40 CFR 1502.8 which states that "*Environmental impact statements shall be written in plain language and may use appropriate graphics so that decision-makers and the public can readily understand them*". Many visitors who traditionally use roads and trails in the project area may not comment during travel management process unless they understand which roads and trails are proposed for closure. This lack of understanding could lead to resentment and poor support of the closures by the community because a wide range of needs have not been adequately addressed. We request that mapping identify streams, road numbers, trail numbers, landmarks and key topographic features in a manner that all citizens can easily interpret.
651. Many citizens have not understood the extent of the motorized closures proposed in past travel management processes. This lack of understanding is due to inadequate communication in many forms including mapping, documents, and on-the-trail public involvement. We are concerned that this lack of public understanding and buy-in will lead to poor support and resentment of closures. We request that public understanding and buy-in be stressed throughout the process.
652. Site-specific analysis should be provided for every road and trail so that the benefits of keeping each motorized travel way is adequately addressed and accounted for in the decision. Site-specific questions will need to be discussed during the process. that the mapping be adequate to allow site-specific analysis.
653. It is time to implement a practical and sensible application of NEPA. The intent of NEPA when it was created in the late 1960's was to better incorporate environmental concerns into proposed actions while still meeting the needs of the public. Up until that time, consideration of the natural environment was not always required and impacts to the natural environment were not always adequately considered. A significant correction has been made since then. Concerns with the natural environment now receive considerable attention and natural resource issues are adequately considered for nearly all proposed actions. Additionally, many ways and means have been developed to mitigate impacts to the natural environment and still meet the needs of the human environment.

There may have been a time when NEPA decisions struck an ideal balance between the natural and human environments but now NEPA is used by environmental organizations to rigorously pursue environmental perfectionism. Environmental perfectionism occurs when significant impacts are imposed on the human environment in return for relatively minor or unaccountable improvements to the natural environment. The pursuit of environmental perfectionism has contributed to the significant cumulative negative effect of converting public land from the land of many-uses or multiple-uses to the land of limited-use or exclusive-use. The mindset of environmental perfectionism has pushed agencies far beyond the original intent of NEPA to better protect the natural environment from proposed actions. The pursuit of

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environmental perfectionism is attacking one of the basic requirements of NEPA to “achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life’s amenities” (Public Law 91-190, Title I, Section 101 (b) (5)). The wording of NEPA was carefully chosen and was intended to produce a balance between the natural and human environment. Practice and interpretation since the law has strayed far from that intent. We request, as a reasonable alternative, the development and implementation of a practical and sensible alternative that achieves a balanced and wide sharing of life’s amenities as originally envisioned under NEPA.

654. The environmental document has not taken into consideration the fact that motorized multiple-use designation serves all recreation activities, instead of the few served by non-motorized/wilderness designations. For example, motorized roads and trails allow access to dispersed camping sites for RVs, the collection of firewood, access for fishing and hunting, target shooting, access for bird and wildlife viewing, walking and bicycling opportunities, and family picnics. We request that the analysis and decision-making fully recognize all of these activities and the cumulative negative impact that closing roads and trails have had on all multiple-use recreationists which has become very significant. Additionally, we request, as a reasonable alternative, that an adequate mitigation plan be included as part of this action to compensate for past cumulative negative impacts.

655. Management decisions should be based on input from a management team that is representative of all citizens needs. This is especially necessary to provide a balanced perspective on the travel management team and when consulting and coordinating with other agencies. There is an inherent bias on management teams that do not include OHV enthusiasts. We request that the interdisciplinary team (IDT) include motorized recreation planners and enthusiasts in order to adequately speak for the needs of multiple-use and motorized visitors. A multiple-use and motorized recreationists advisory board could also be used to advise the IDT and decision-makers.

656. Presently, very few agency staff are OHV enthusiasts and can represent OHV recreation interests in day-to-day operations and long-term management decisions. OHV enthusiasts understand how to educate, manage, and meet the needs of OHV recreationists. Agency personnel are not able to relate to the needs and challenges of OHV recreationists because they are not familiar with OHVs nor are they typically OHV recreationists. There is an inherent bias on management teams that do not include OHV enthusiasts. We request that the staff on each project team include an adequate number of OHV enthusiasts in order to adequately represent and address the needs of OHV recreationists. The team should include an adequate number of atv, motorcycle and 4x4 enthusiasts. The test for an adequate number of OHV enthusiasts on a team should be based on the percentages of visitors. Information from NVUM, USDA, and CTVA cited earlier document that OHV recreationists represent from 25 to 60% of the visitors and the management team should also reflect these percentages.

Additionally we request that an adequate number of agency staff be licensed and safety trained to operate OHVs, have an adequate number of OHVs for their use and spend an adequate amount of time riding OHVs along with OHV recreationists so that they can adequately understand the needs associated with motorized access and motorized recreationists.

657. Many visitors who traditionally use roads and trails in the project area may not participate in a formal NEPA process. The process is both time consuming and confusing to many citizens. Multiple-use interests oftentimes struggle to provide participants due to many other time commitments. At the same time, non-motorized groups funded by foundations have well-organized, trained and experienced staffs that are readily available to participate in the NEPA

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process and collaborative sessions. These groups are able to participate on a wide front of actions from travel management to timber sales to non-motorized designations. The magnitude of foundation funding available to non-motorized groups tends to amplify their limited-use interests in comparison to the needs of the public. The number of groups and the magnitude of their funding can be found at <http://www.green-watch.com/search/directory.asp>. For example, there are over 45 special-interest environmental groups operating in our area. This setting often results in non-motorized interests getting undue benefits by creating and manipulating the process. This setting is not based on the principles of addressing public need and technical merit. We request that the effectiveness and impact of foundation-funded organizations versus the needs of all citizens be evaluated and factored into the agencies decision-making.

658. Given the current setting (number of actions and time required to address each), most of the public not associated with foundation-funded special-interest environmental organizations does not have the time and money to adequately protect their recreation rights. This characterization typifies most motorized and multiple-use recreationists who already struggle to balance family obligations with work obligations. It is not reasonable to require major involvement in the NEPA process from the working public in order to protect their recreation rights. Conversely, it is not reasonable to reward those groups backed by foundation funding and paid positions with an advantage in the NEPA process and undue recreational opportunities. We request that the cumulative negative impact associated with this setting be adequately evaluated and factored into the decision-making for this action.

659. We have also observed from past NEPA travel management processes that the lack of participation by motorized recreationists has been due to the cumulative effect of confusing and poor documentation of the proposals, which included maps that did not have clearly defined characteristics, landmarks, trails, roads, routes and historical sites that would be removed from communal use by the proposed closure action. We are concerned that this lack of understanding will lead to resentment and poor support of motorized closures by the community. We request that the travel management process seek out and document the needs of all motorized visitors including those who traditionally use the primitive roads and trails, plus the handicapped, elderly, and physically impaired as required under 40 CFR 1506.6 (a) *Make diligent efforts to involve the public in preparing and implementing the NEPA process,* (3) (vii) *Publication in newsletters that may be expected to reach potentially interested persons.* (ix) *Posting of notice on and off site in the area where the action is to be located, and (d) Solicit appropriate information from the public.* Additionally, NFMA requires the Forest Service "*shall publicize and hold public meetings or comparable processes at locations that foster public participation in the review of such plans and revisions.*" 16 U.S.C. § 1604(d).

660. Many multiple-use and motorized recreationists have expressed a concern about the general lack of trust in the travel management process. They feel that travel management decisions are pre-determined, that it is pointless to participate in the process, and that travel management is not intended to meet their needs. These opinions could be easily confirmed by publishing a request in local newspapers and on local television channels asking for a response to the question "Do you feel that you have been adequately involved in the closure of roads and trails on public lands to motorized use? Yes or No" and "Do you feel that the needs of multiple-use and motorized recreationists have been adequately considered in the travel management process? Yes or No".

We request that the process adequately meet public involvement requirements with respect to motorized visitors. The process should include methods of public involvement that effectively reach motorized visitors and methods to account for the needs of citizens who may not participate for diverse reasons. Some public involvement methods that would be effective include; (1) the use of trail rangers (who are motorized enthusiasts) to count and interview

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visitors using the travel ways and distribute Travel Management materials to them, (2) publication in the newsletters of motorized association, (3) attendance at motorized club meetings, (4) posting of information packets at motorized trail head areas, and (5) mailings to OHV enthusiasts and owners.

661. We are concerned with the way that comments are being used by agencies in the decision-making process. Agency management has said that the total number of comments received during the process is considered during the decision-making. There is a clear indication that decisions are being made based on those interests producing the most comments. We strongly disagree with a decision-making process using comments as a voting process where the most comments wins the most trails and recreation opportunities because motorized recreationists and working class citizens have a low participation rate in NEPA processes for reasons discussed further in this document.

The intent of National Environmental Policy Act (NEPA) when seeking comments during scoping and document comment processes is to solicit input in order to assure that significant issues were brought forward and considered. This intent is stated in NEPA Section 1501.7 as *“There shall be an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action.”* And in NEPA Section 1503.1 as *“(4) Request comments from the public, affirmatively soliciting comments from those persons or organizations who may be interested or affected.”*

Clearly, comments under NEPA were intended to bring issues and concerns to the attention of the team preparing the environmental document and the decision-makers. NEPA did not suggest that comments were to be used as a voting process to indicate support of alternatives. Nor did NEPA anticipate that the scoping and citizen input would be dominated by well-funded special interest groups. And finally, NEPA did not intend citizens to comment on every possible NEPA as a requirement to protect their interests, needs, and quality of life. It would be a huge step backward for society if we had to comment on every foot of road, water line, sewer pipe, sidewalk, and motorized trail that the public needs. Gauging public need by the number of comments is not the norm in our society and should not have been used in this process.

Unfortunately, the comment process has been considered a voting process to gauge communal opinion and agencies have not always recognized their responsibility to adequately address the needs of all citizens. This misuse of the comment process has resulted in agencies overlooking the needs of all citizens and decisions have been made that do not adequately address the needs of the public. NEPA requires decision-making that adequately addresses the needs of all members of the public. This direction was stated in Title 1, Sec. 101 of NEPA Policy Act of 1969 as *“achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life’s amenities...”*. Under NEPA, decision-makers have a responsibility to seek out, determine, and make decisions that address the needs of all citizens and not just those that submit comments.

Communal needs are best met by management of public lands and programs for multiple-uses. Motorized roads and trails are a significant source of recreation for all of the public. The public expects decision-makers to adequately protect the existing standards of living and opportunities (human environment) in their decisions. The public expects and needs public agencies to be on their side. NEPA did not intend for citizens who do not comment on NEPA actions to give up their standard of living to those that do. We ask that public comments not be used as a voting process and that the needs of all citizens be fairly addressed in the document and decision-making.

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662. The NEPA process is complicated and unapproachable to most of the public yet there has never been a program to inform, educate, and increase the public's awareness and ability to work with the NEPA process. The lack of widespread information, education, awareness and NEPA skills has contributed to extremely low participation in the NEPA process by some sectors of the public. Public participation for even the most controversial proposed action (roadless rule) has involved less than 1% of the affected public. Additionally, the general lack of understanding of the NEPA process has resulted in poor acceptance and opinions of the process by the public.

Moreover, those with significant NEPA knowledge, training, and skills are able to successfully manipulate the NEPA process and have benefited significantly from the process and the ability to influence its decisions.

A quantification of the level of public understanding and participation in the NEPA process has never been undertaken. Additionally, a quantification of the level of public acceptance of the NEPA process has never been undertaken. We request that the significant negative impact on the majority of the public resulting from the lack of information, education, training, understanding and acceptance of the NEPA process be evaluated and that the cumulative negative impacts which have become significant on the public be adequately mitigated.

663. We have been told that motorized recreationists must participate in the travel management process and/or collaborative sessions in order to realize future motorized recreational opportunities. While we agree that motorized recreationists have the opportunity to participate in the NEPA process, the level and effectiveness of participation should not be the deciding factor when making decisions about who gets what recreational opportunities within public lands. NEPA does not identify the quality and quantity of individual and group participation as a decision-making criterion. Agencies should not be overly influenced by the network of influence groups that foundations and environmentalists have established. The network of influence groups has a significant advantage over common citizens in areas including funding, staffing, training and advertising through radio, television, web sites, and newspapers. This setting allows environmental groups to get undue benefits by manipulating the NEPA process. This setting does not address the principles of meeting public need. NEPA and other laws do not intend for independent individuals who are less organized to give up their life's amenities to better-organized and funded groups.

The establishment of recreational opportunities on public lands should be based on public need. Other government entities are directed to address and meet the needs of the public. For example, cities provide water and sewer systems based on public need. Highways are constructed based on public need. The need for these facilities is not based on the level of citizen involvement. The need for these facilities is based on an assessment of need developed by water and sewer usage, traffic counts, etc. The public has a basic expectation that agencies will look out for all of their interests and the best interests of the public are met when agencies respond to the needs of the public in this manner. If members of the public did not comment on the upgrade of a water treatment plant or the construction of a highway does not mean that their water is shut off or that they can't drive to Bozeman. We request that the use of public participation in decision-making for this proposed action be monitored to assure that it does not obscure the needs of all citizens who rely on the project area for their recreation and livelihoods.

664. It has been stated that motorized recreationists should participate in collaborative sessions with non-motorized groups in order to obtain motorized recreational opportunities on public lands. The agencies may think that the definition of a collaborative effort as "working together

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to develop a solution that reasonably meets the needs of all parties” but the dictionary definition of collaborate is “To cooperate treasonably, as with an enemy”.

Additionally, British Prime Ministry Lady Margaret Thatcher describe consensus which is another closely related process as “...the process of abandoning all beliefs, principles, values and policies in search of something in which no one believes, but to which no one objects; the process of avoiding the very issues that have to be solved, merely because you cannot get agreement on the way ahead”.

Both sides would be further down the trail towards measurable protection of the human and natural environment if multiple-use, motorized access and motorized recreation were accepted at a reasonable level and we all focused our energy on visitor education, site-specific problems and site-specific mitigation measures. Consensus and collaborative processes cannot by nature produce reasonable results and motorized recreationists should not be forced into these processes where they are guaranteed to lose.

665. In group settings, the Delphi or Collaboration Techniques can be unacceptable manipulative methods of achieving consensus on controversial topics when they are used in the following manner. Both methods use facilitators who can deliberately escalate tension among group members, pitting one faction against another to make a preordained viewpoint appear sensible, while making opposing views appear ridiculous. Both methods can be used by those in power to preserve the illusion that there is community participation in decision-making processes, while in fact lay citizens are being squeezed out. The setting or type of group is immaterial for the success of the technique. The point is that, when people are in groups that tend to share a particular knowledge base, they display certain identifiable characteristics, known as group dynamics, which allows the facilitator to apply the basic strategy. In an unacceptable process, the facilitators encourage each person in a group to express concerns about the programs, projects, or policies in question. They listen attentively, elicit input from group members, form task forces, urge participants to make lists, and in going through these motions, learn about each member of a group. They are trained to identify the leaders, weak or non-committal members, and those who are apt to change sides frequently during an argument. Then the amiable facilitators become professional agitators and devil's advocates. Using the divide and conquer principle, they manipulate one opinion against another, making those who are out of step appear ridiculous, unknowledgeable, inarticulate, or dogmatic. They attempt to anger certain participants, thereby accelerating tensions. Many facilitators are well trained in psychological manipulation and in an unacceptable process they are able to predict the reactions of each member in a group. Individuals in opposition to the desired policy or program will ultimately be shut out or so heavily discounted when the process is used in the above manner. A process with these characteristics must be considered unacceptable for public participation.

666. Collaboration is defined by Merriam-Webster as “to cooperate with or willingly assist an enemy of one's country and especially an occupying force”. It is not reasonable to use a collaboration process to award non-motorized interests with more non-motorized opportunities for their participation in a “collaboration process” when they already have a significant unjustified advantage in non-motorized trail opportunities when compared to motor trail opportunities ([redacted] miles and [redacted]% non-motorized trails versus [redacted] miles and [redacted]% motorized trails) in the Shoshone National Forest. Moreover, it is not equitable to use a process that is pre-determined to provide one group or selected group's additional advantage with the outcome of the process when that group or groups has a significant advantage at the initiation of the process. Therefore, in order to address this inequality any collaboration efforts used in

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the process must be directed to address creating more motorized trails and the outcome of any collaboration efforts must be an increase in motorized trails.

667. Any significant closing of motorized routes in the project area does not meet the basic requirement of the NEPA act of 1969 as stated in "Sec. 101 (b) (5) *achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities*". High standards of living and a wide sharing of life's amenities should include recognizing and meeting the need for motorized access and recreation opportunities in the project area. All visitors should be expected to share the project area with others and to tolerate the presence of others. We have met very few hikers on the multiple-use roads and trails that we use. We have not perceived any problems with the non-motorized visitors that we have met. We ask that the analysis and decision-making be based on sharing and tolerance and to avoid unreasonable accommodation of visitors to public lands that are not reasonably tolerant and sharing.

668. Past actions have closed many roads and trails to motorized recreation and access without addressing the merits of each one. We are concerned with the lack of site specific analysis for past road and trail closures. Justification has included reasons such as non-system roads or trails, ghost roads, user created roads etc. that are not site specific and do not provide adequate justification. The fact is that many roads and trails in use today have been created by visitors going back to the early days of history when all public lands were "open" to motorized access. Agencies cannot select which roads are useful to keep and which are not without a site-specific analysis by referring to them as "un-authorized" or "user-created" or "illegal" routes. The cumulative negative effect of not analyzing each road and trail segment is tremendous. All existing routes must be referred to as "valid historic routes" or "valid existing routes" and fully incorporated into the route system analysis. We request that the decision-making be based on the individual and site-specific merits of each travel way. Additionally, we request, as a reasonable alternative, that an adequate mitigation plan be included as part of this action to compensate for past cumulative negative impacts of not adequately considering all "valid historic routes" or "valid existing routes".

669. Non-system roads and trails are a significant OHV recreation resource. However, non-system roads and trails are, most often, not inventoried and considered in the travel management process. Failing to identify and consider non-system roads and trails in the travel management process will under-estimate the existing use and needs of motorized recreationists. Therefore, the impact that the resulting closure of non-system roads and trails by non-consideration will have on motorized recreationists will also be under-estimated. NEPA requires adequate disclosure of all impacts and this is not happening with respect to all existing non-system roads and trails that are in use by the public. We request that adequate consideration be given to a comprehensive inventory and analysis of all non-system roads and trails and the current recreational opportunity that they provide to motorized recreationists.

670. All public lands were largely open to motorized access prior to the 1960's. Many existing roads and trails were created by legal logging, mining and public access during this period. Nearly all of the roads and trails in the project area have been in existence for many years with many dating back to the turn of the century. The term "unclassified road or ghost road" may give the impression that these roads evolved illegally. We request a clarification in the document that travel ways with these origins are legal travel ways as recognized by all policies and decisions including the 3-States OHV ROD, national OHV and route designation policy, and BLM OHV policies. We are extremely concerned that the agencies are not honoring this agreement and decision. Additionally, we request that these roads and trails continue to

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provide recreation opportunities for motorized visitors and that mitigation measures be used, as required, to stabilize or address any environmental concerns.

671. The concept of area closure is not consistent with Forest Service regulations as established by appeals to the Stanislaus National Forest Travel Management Plan (http://www.fs.fed.us/r5/ecoplan/appeals/1998/fy98_stanislaus.htm). We request that the findings of that appeal including the following excerpts be included in this evaluation:

- 1) *Pursuant to regulations and policy, the Forest Service shall "Designate all National Forest System lands for off-road vehicle use in one of three categories: open, restricted, or closed" (FSM 2355.03-3). Restricted is defined as "Areas and trails on which motorized vehicle use is restricted by times or season of use, types of vehicles, vehicle equipment, designated areas or trails, or types of activity specified in orders issued under the authority of 36 CFR 261" (FSM 2355.13-2).*
- 2) *The Forest Supervisor decided to manage motorized use as closed unless designated (signed or mapped) as open (DN, p. 3). This affects over 2,500 miles of Level 2 roads and trails on the Stanislaus. His decision is inconsistent with Federal regulations, which require signage for closed routes, not open ones.*
- 3) *I found the Forest Supervisor's decision on signing inconsistent with Federal regulations, which require signage for closed routes, not open ones. The Forest Supervisor is directed to managed motor vehicle travel as restricted to designated routes unless signed or physically closed. Vehicle restrictions must be processed in accordance with 36 CFR 261.50 and posted in accordance with 36 CFR 261.51. 36 CFR 295.4 addresses additional requirements for public information regarding Use of Motor Vehicles Off Forest Development Roads. Restrictions on motor vehicle travel will be addressed through site specific NEPA analysis with consideration of any civil rights impacts.*
- 4) *Where RS 2477 rights are asserted, these routes may be considered for motor vehicle use.*
- 5) *Route maps were not included in the planning documents and the quad maps of the Opportunity Classes were difficult to read due to their scale.*

672. The signing of "closed unless posted open" is not consistent with the 3-States OHV ROD and national OHV policy. It is also very confusing to the public. The 3-States OHV decision and national OHV policy logically defines what constitutes an open road or trail and the appropriate vehicle for that route. This is a more reasonable approach than "closed unless posted open".

673. Closed unless posted open is an impractical concept because signs do not last very long for many reasons including vandalism, animals and weather knocking them down, rotting of posts, etc. It is not fair to the public and will be very confusing to have somebody pull down a sign and then it is technically illegal for the public to travel on that route. Signs will become damaged and/or destroyed and then the public does not know whether they are legally open or closed. Additionally, "closed unless posted open" will have a huge annual maintenance cost that will be difficult to fund. Also, posting signs as required to adequately define open routes under "closed unless posted open" will be extremely unsightly which should not be considered reasonable or acceptable.



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674. The environmental document should be an issue driven document as required under NEPA and the Council on Environmental Quality guidelines. The driving issue is the development of a reasonable travel management alternative that addresses the needs of the public. NEPA requires that agencies “Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated” [40 CFR 1502.14(a)]. We request that the environmental document adequately addresses the social, economic, and environmental justice issues associated with multiple-use access and motorized recreation. We request that the environmental document include a travel management alternative for the project area that adequately responds to these issues and the needs for multiple-use access and recreation.

675. Visual and other impacts associated with motorized trails have been cited as significant negative impacts. Many non-motorized trails have environmental impacts similar to motorized trails. Existing wilderness and non-motorized areas include many trails that are visually and functionally similar to primitive motorized roads and motorized trails. For example, the Mount Helena trails, and the main trails into the Bob Marshall and Scapegoat Wilderness at Benchmark, Holland Lake, and Indian Meadows and the main trails into the Anaconda Pintler Wilderness are similar visually and functionally to many primitive motorized roads and motorized trails. Additionally, trails resulting from activities including wild animals and Native Americans have always been a part of the natural environment. We request that the existence of trails be considered part of the natural landscapes, and that the visual appearance of motorized trails and non-motorized trails be recognized as equal in most cases and that the environmental impacts of motorized and non-motorized trails be addressed fairly and equally.

676. If the issue of cross-country motorized travel is significant enough to justify closures, then the issue and restrictions should also be applied to cross-country hiking and mountain climbing. Motorized recreationists relinquished cross-country travel opportunities as part of the Three-State OHV and National BLM Record of Decision. Because of this wholesale action, motorized recreationists gave up recreational opportunities such as retrieval of big game and trials bike riding in areas where cross-country travel was acceptable. Cross-country hiking and mountain climbing also create trails that provide visible evidence of human activity. Non-motorized trails and motorized trails are often equal in visual and resource impact.

677. Page 57 of Big Snowy Mountains Access and Travel Management Decision Notice.
Specifically, the following table on motorized and non-motorized roads/trails on the Lewis and Clark National Forest indicates a mix of opportunities.

With the elimination of cross-country travel and millions of acres of area closures, motorized recreational opportunity can only be expressed as miles of roads and trails open to OHV visitors. Land area in acres cannot be used as a measure of motorized recreational opportunity. However, non-motorized recreational opportunities can be measured in acres of cross-country travel area available and miles of trails available. It is not equitable weigh motorized use on the same scale as non-motorized use. Non-motorized users are not held to the same standard as motorized use in that they are not confined to only trail access. Therefore, motorized recreational opportunities are limited to a set number of designated motorized routes while non-motorized recreational opportunities can include cross-country travel opportunities and are, therefore, unlimited. This distinction has not been adequately recognized and we request that this distinction and advantage be recognized in the analysis, formulation of motorized alternatives and decision-making.

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678. With the agency's commitment in the current management plan to the application of "Limits of Acceptable Change" (LAC) for determining management strategies there is an inherent obligation on the agency's part to provide specific direction that certain measures, such as visitor education and the provision of new facilities, would be implemented before limiting use. A common thread in LAC application nation-wide is that these regulations apply to all visitors, not to specific groups. Why are motorized recreationists being disenfranchised from this directive? There has not been an adequate attempt by the agency to educate the public that areas and trails in the project area or anywhere else must be shared by all users and that new facilities are needed to address the needs of motorized recreationists. The decision for this project must correct this deficiency.

679. Motorized recreationists are very concerned that a reasonable alternative will not be adequately addressed in the environmental document and decision-making and that the process is predisposed. To prevent this from happening again, we request a Multiple-Use Review Board be established to assure that the decision-making reflects the multiple-use management goals and the needs of the public. We request, as a reasonable alternative, that a Multiple-Use Review Board look into all past travel management decisions within public lands to determine whether all decisions have adequately considered the needs of multiple-use and motorized recreationists. Where decisions have not adequately considered the needs of multiple-use and motorized recreationists, we request that the reasons be identified and that corrective actions be taken.

680. The text and maps in travel management documents do not effectively communicate or describe to motorized visitors the trails and roads that they are accustomed to visiting. Therefore, motorized visitors do not realize that the Agency proposes to close many of the roads and trails that have been used for decades by generations of motorized visitors.

The public has not developed a clear understanding as to what is about to happen to the roads and trails that they routinely visit because the travel management process has not effectively communicated the extent of the roads and trails proposed for closure. Instead, the public will go out to their favorite road and trail and find it closed to their use after the proposed action is enacted.

It will take different approaches to effectively communicate to the public, which roads and trails are subject to the proposed action. For example, one alternative communication method could include posting of the roads and trails proposed for closure with signs for a period of 1 year prior to the EIS process stating "Road or Trail Proposed for Closure, for more information or to express your opinion please call zzz-zzzz or send written comments to zzzzz."

Other methods could include the use of information kiosks and trail rangers as discussed in other sections. We request a commitment by the agencies to these sorts of direct communications with motorized visitors to reach and involve them. NEPA does not preclude these types of methods and, in fact, requires the process to be user friendly.

681. Current management philosophy seems to be that the only way to address a problem is by closing access to public lands. Eliminating opportunities does not solve problems. An approach that is more reasonable to the public including motorized visitors is to maintain recreation opportunities by addressing problems through mitigation measures such as education, signing, seasonal restrictions, user fees, and structural improvements such as water bars, trail re-routing, and bridges. There may be problems with certain motorized roads and trails but we should work to solve and mitigate them and not to compound them by enacting more closures.

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We request the agencies to support and use mitigations and education as a means to address and mitigate problems rather than closures.

682. Most problems associated with visitors can be addressed by education. Education should be the first line of action and all education measures should be exhausted before pursuing other actions. There are situations where education is far more effective than law enforcement. The elimination of much needed recreational opportunities is not reasonable without first exhausting all possible means of education to address the problem. Educational programs could include use of mailings, handouts, improved travel management mapping, pamphlets, TV and radio spots, web pages, newspaper articles, signing, presentations, information kiosks with mapping, and trail rangers.

Restrictions or closures are not always obvious to the public. Education can also be in the form of measures such as the use of jackleg fences with signs at the end of motorized trails in sensitive areas so that public is made aware of the end of the motorized trail and the surrounding area closure. The use of public education to address problems may require effort and time but it is more reasonable than the use of closures. We request, as a reasonable alternative, the full use of education to address visitor problems. Additionally, individual motorized recreationists and groups can be called upon to assist with the implementation of the educational process.

683. An alternative to motorized closures in many cases would be to keep motorized opportunities open and use education on principles such as those found in the Tread Lightly program and Blue Ribbon Coalition Recreation Code of Ethics and Principles to address and eliminate specific issues associated with motorized recreationists. These efforts could include the use of pamphlets, information kiosks, and presentations. Education can also be used to address and eliminate issues associated with non-motorized recreationists by encouraging their use of reasonable expectations, reasonable tolerance of others, and reasonable sharing of our land resources.

To date, educational measures have not been adequately considered, evaluated or implemented. We request, as a reasonable alternative, that educational measures be incorporated as part of this proposed action and that the cumulative negative impact on motorized recreationists of not using education in all past actions involving motorized recreational opportunities be addressed. Additionally, we request that an adequate mitigation plan be included as part of this action to compensate for past cumulative negative impacts associated with inadequate use of education measures in past actions.

684. In addition to the education initiative discussed above, we also request that the agency undertake a special management initiative that would evaluate areas where the public is not following the designated system of routes. This initiative should include evaluations before and after the respective travel plan, forest plan or resource management plan. In order to adequately understand the needs of the public, it is important for the agency to determine why the public is resisting the plan in effect. Reasons may include an attractive destination or loop that was not adequately addressed and an overall inadequate level of opportunities. This management initiative should also include a mitigation process to allow use of these routes where logical and reasonable. One example is the Globe-Sailor-Branham Lakes area in the South Fork Boulder River drainage in the Deerlodge National Forest. A long-time motorized route was closed 20 years and the public is still struggling to accept it. There are no other similar atv opportunities in the area. There are several high quality non-motorized routes in the area so there is an imbalance. It appears to be logical and reasonable to use the existing

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historic mining route to meet the needs of the public for a high quality motorized opportunity in this area.

685. The environmental document should be an issue driven document as required under NEPA and guidelines published by the Council on Environmental Quality. The driving travel management issue is the development of a reasonable alternative that meets the needs of the public. NEPA requires that all reasonable alternatives be evaluated. We request that the environmental document include a travel management alternative that is responsive to the public's multiple-use needs. A reasonable alternative would incorporate all existing motorized roads and trails and restrict motorized travel to those travel ways. A reasonable travel management alternative should provide a continuous system of roads and trails on which off-highway vehicles can be legally ridden. A reasonable travel management alternative is needed in order to avoid contributing to the significant impact that cumulative negative impacts have had on motorized recreationists. In order to avoid contributing to further cumulative negative impacts we request that the preferred alternative be based on incorporating all existing motorized roads and trails and restricting motorized travel to those travel ways.

686. The evaluation team is being strongly directed to seek segregation of visitors for this action. This is not a reasonable goal. Multiple-use lands are public places. Segregation in public places has not been acceptable since the Civil Rights Act of 1964. We do not seek to separate the public in other public facilities and, in fact, it is illegal. Sharing of public resources among all visitors and especially on multiple-use lands is the over-arching goal that is most reasonable expectation for visitors to those lands. Additionally, segregation of visitors is being used to manipulate recreation resource allocation such that motorized visitors are ending up with a less than adequate and less than representative share of access and recreational opportunities, (miles, acres, and number of quality opportunities). Moreover, the use of segregation as a goal is also a tactic that works against the majority multiple-use/motorized recreationists by dividing and conquer the different interests within that large sector.

687. A reasonable alternative instead of all motorized closures is a sharing of resources. A reasonable alternative for accomplishing this can be done by designating alternating weeks for motorized and non-motorized use. Another reasonable approach to sharing would be to share areas with non-motorized use allowed one year and then motorized use in the following year. The schedule can be communicated to the public by signs at each end of the trail segments, newspaper articles, and through local user groups. This alternative eliminates any reasonable concern about conflict of users (which we think is over-stated and over-emphasized based on reasons discussed elsewhere in this submittal).

c. Undue Influence Issues

688. National Foundations are providing significant funding to special-interest environmental groups. For example, Turner Foundation provided \$14,174,845 in year 2000 to over 40 organizations that are active in our area (<http://www.green-watch.com/search/gmdisplay.asp?Org=581924590>).

Pew Foundation provided \$37,699,400 in 2001

(<http://www.green-watch.com/search/gmdisplay.asp?Org=236234669>).

Weeden Foundation provided over \$65,000 in 2003 and 2004

(<http://www.weedenfdn.org/grantsummaries.htm>) with \$20,000 going to the Wildlands Center for Preventing Roads with a stated mission of *limiting motorized recreation*.

Another example, Forest Service Employees for Environmental Ethics had a total revenue of \$837,550 in year 2000 with \$810,853 originating as gifts from 5 foundations

(<http://www.fsee.org/990/>).

Financially significant national foundations providing funding to environmental groups in the project area include;

Bullitt Foundation (<http://www.green-watch.com/search/gmdisplay.asp?Org=916027795>),

Banbury Fund (<http://www.green-watch.com/search/gmdisplay.asp?Org=136062463>), Edward

John Noble Foundation (<http://www.green-watch.com/search/gmdisplay.asp?Org=061055586>),

Richard King Mellon Foundation (<http://www.green-watch.com/search/gmdisplay.asp?Org=251127705>),

Charles Engelhard Foundation (<http://www.green-watch.com/search/gmdisplay.asp?Org=226063032>),

Ford Foundation (<http://www.green-watch.com/search/gmdisplay.asp?Org=131684331>),

William & Flora Hewlett Foundation (<http://www.green-watch.com/search/gmdisplay.asp?Org=941655673>), and W.K. Kellogg (<http://www.green-watch.com/search/gmdisplay.asp?Org=381359264>).

Cary Hegreberg in the January 2004 edition of the Montana Contractor News described the current situation as “Montana-based environmental groups that specialize in stopping development generate millions of dollars each year selling their “services” to out-of-state donors... Montana certainly doesn’t need to produce any more environmental advocacy than our own residents pay for”. We are concerned about the magnitude and influence of foundation funding to non-motorized organizations. The level of funding provided to non-motorized organizations from national foundations is tens of thousands of times greater than that available to individuals and local organizations representing multiple-use and motorized recreationists. This level of funding provides non-motorized organizations with significant staffing, management, and legal support. Local residents are closest to the land and should have a major say in the way that the land is managed but they cannot counter the influence of the organized environmental groups.

We request the significant impact that national foundation funding to environmental groups has on motorized recreationists be adequately evaluated and considered including; (1) the impact that foundation funding has on the NEPA process, (2) the impact that foundation funding has on the decision-making, and (3) the impact that foundation funding has on the NEPA process through significant use of legal challenges to nearly every decision involving multiple-use

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proposals for public lands. In addition, the document and decision-makers should evaluate the cumulative negative impact national foundation funding has had on all past NEPA actions involving multiple-use and motorized recreation.

689. Multiple-use recreationists are receptive to reasonable actions that benefit both the human and natural environment. The intent and goals of non-motorized groups can be examined by reviewing their comments submitted on this action and other similar proposed actions, reviewing the list of legal actions that they have sponsored, and browsing websites such as: <http://www.greateryellowstone.org> ; <http://wildmontana.org/orvspubland.htm> ; <http://www.wildlands.org> ; <http://montana.sierraclub.org> ; <http://www.sierraclub.org> ; <http://www.wildmontana.org> ; <http://www.wildrockies.org/> ; <http://www.wildrockies.org/TECI/> ; <http://www.wildlandscpr.org> ; <http://maps.wildrockies.org/orv/> ; <http://www.wildrockiesalliance.org> ; <http://www.friendsofthebitterroot.org> ; and <http://www.montanawildlife.com> (click on “activism” or “issues” or “news” or “take action” or “opinions” or search for “OHV” or “ATV”, etc).

A common stated goal of non-motorized groups is the elimination of as much multiple-use on public lands as possible and the establishment of as much wilderness/non-motorized/exclusive-use area as possible (<http://www.weedenfdn.org/grantsummaries.htm>). While collaborative agreement on a travel management plan between two opposing interests is a desirable solution from an Agency’s perspective, the reality of the current setting is that collaborative sessions have failed because a reasonable allocation of recreational opportunities that would meet the needs of all citizens never stays on the table. The approach to travel management taken by the agencies is to pit user groups against each other in the process. Furthermore, the lack of a reasonable multiple-use alternative combined with the significant cumulative negative effects that motorized recreationists have experienced (loss of over 50% of motorized recreational opportunities during the past 35 ± years) precludes motorized recreationists from accepting any additional unbalanced proposals coming out of collaborative sessions. The collaborative approach must produce reasonable multiple-use alternatives for all (100%) of the remaining lands intended for multiple-use.

Additionally, we must make decisions based on adequate consideration of the needs of both the human and natural environment. Recreational opportunities should be established based on the needs of the public and not the negotiating skills of participants in collaborative sessions.

The reality of the current setting is that we must share public lands with all visitors. Sharing requires coexistence among exclusive-use and multiple-use recreationists. It is not reasonable to take the position that motorized and non-motorized recreationists cannot coexist at the levels of use typical in the project area. The motive behind a non-coexisting attitude is a selfish one. Collaborative sessions and decision-makers must not yield to those unwilling to share or accept diversity. All parties must accept diversity and coexist. All parties must be responsive to and willing to meet the needs of the public. The reality of the current setting is that we must make balanced decisions that meet the needs of the public. We have been told that motorized recreationists must participate in the travel management process and/or collaborative sessions in order to realize future motorized recreational opportunities. While we agree that motorized recreationists have the opportunity to participate in the NEPA process, we disagree that the level and effectiveness of participation should be the factor deciding when making decisions about who gets what recreational opportunities within our public lands.

690. Decisions should be based on;
a. accurate and unbiased information,

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- b. fairness to all members of the public and their needs,
- c. the principles of sharing and tolerance, and
- d. an equitable distribution of benefits to all interests.

691. NEPA does not require or suggest that the quality and quantity of individual and group participation be used as a decision-making criterion. Agencies should not be overly influenced by the network of influence groups that environmentalists have established. The network of influence groups has a significant advantage over common citizens in areas including funding, staffing, training and advertising through radio, television, web sites, and newspapers. Collaborative sessions or other types of negotiations often result in undue benefits for environmental groups because they have manipulated the process. The decision-making process should be solidly founded on the principles of unbiased information and public need.

692. Environmental groups have the funding and legal backing to pursue their agenda. Court rulings and negotiations favorable to environmental groups are a heavy influence on the agency decision-making including:

- e. The Bitterroot timber salvage settlement (<http://www.helenair.com/rednews/2002/02/08/build/headline/1A2.html>) is an example of an unreasonable compromise with environmental groups. The Forest Service developed a reasonable proposal to harvest 44,000 acres (14%) out of 307,000 acres burned during the fires of 2000. The final negotiated settlement will allow just 14,770 acres (5%) to be harvested.
- f. This pattern of unreasonable negotiation was repeated with the Cave Gulch fire settlement (http://www.helenair.com/articles/2003/01/23/helena_top/a01012303_03.txt). Again, the Forest Service developed a reasonable proposal to harvest 2,767 acres (10%) out of a total of 27,660 acres burned during 2000. The final negotiated settlement in January 2003 allowed just 1,191 acres (4%) to be harvested.
- g. This pattern of unreasonable negotiation was repeated with the Snow Talon fire settlement (http://www.helenair.com/articles/2005/12/07/helena/a09120705_01.txt). Again, the Forest Service developed a reasonable proposal to harvest 2,763 acres (7%) out of a total of 37,700 acres burned during 2003. The final negotiated settlement in December 2005 reduced the original proposal by 85% from 27 million board feet of timber to just 4 million board feet to be harvested.
- h. This pattern of unreasonable court rulings was repeated with the Lolo National Forest timber salvage sale proposals after the year 2000 fires. Again, the Forest Service developed a sound proposal to harvest about 4,600 acres or 6% out of 74,000 acres that were burned. Environmental groups challenged that proposal all the way to the Ninth Circuit court and successfully stopped the harvest proposal (<http://www.missoulian.com/articles/2005/12/10/news/top/news01.prt>).

Clearly, these and the many other legal actions by environmental groups with funding and resources have influenced the system and set precedent with federal agencies. Appeals and lawsuits by environmental groups greatly outnumber those of average citizens (http://www.fs.fed.us/r1/projects/appeal_index.shtml and <http://www.fs.fed.us/emc/applit/index.htm>). The current precedent is that legal actions and appeals are the most effective way to influence decisions on how public land is to be managed. Unfortunately, the true public need for management of public lands for multiple-uses is not adequately defended because agencies are so focused on countering the massive legal attack by environmental groups.

693. The final “negotiated” decision-making in these actions had nothing to do with science or public need. The final “negotiated” decision-making in these actions had everything to do with

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the amount of money and legal support that special interest environmental groups have available. These resources allow them to routinely pursue actions within the NEPA process and significantly influence the NEPA to benefit their special interests. Environmental groups are not representative of the overall public need yet their use of legal actions allowed only their perspective to be represented in a negotiating session. This inequity creates a serious flaw in the process. For example in the Bitterroot and Cave Gulch salvage harvest actions, the “negotiated” settlement conceded too many un-harvested acres (30,000 and 1,600 acres respectively) to wilderness oriented groups, was not based on sound technical information, and was not representative of the majority of public needs. The negotiated settlement will likely happen again with the Snow-Talon Salvage Sale decision (http://www.helenair.com/articles/2005/07/17/opinions/a04071705_03.txt) and the Middle East Fork (<http://www.missoulian.com/articles/2007/01/14/news/mtregional/znews08 prt>). The same sort of influence and “negotiated” settlement is repeated over and over in travel planning actions and has resulted in the closure of over 50% of the existing motorized roads and trails exceeding 50% in most cases. This “negotiated” decision-making has created a significant negative cumulative negative impact on multiple-use and motorized recreationists.

We request that the use of public participation in decision-making for this proposed action be monitored to assure that it does not obscure the needs of all citizens who rely on this area for their recreation and livelihoods. Collaborative sessions are inequitable and a travesty if they do not meet a true cross-section of public needs. The needs of the public are best met by managing public lands for multiple-uses. Multiple-use includes motorized access and motorized recreation. We request that agencies conduct collaborative sessions that produce reasonable multiple-use outcomes.

694. A sampling of the undue influence that exists:

- i. Alliance for Wild Rockies should work on projects, not lawsuits.
http://missoulian.com/news/opinion/columnists/alliance-for-wild-rockies-should-work-on-projects-not-lawsuits/article_2d7b5def-8653-5283-a8ab-c9f4414c76ea.html
- j. <http://mtrp.org/post/judge-halts-gallatin-national-forest-timber-sale>
- k. <http://mtrp.org/post/environmental-groups-suing-over-bull-trout-recovery-plan>
- l. <http://mtrp.org/post/environmental-group-sues-over-cabinet-yaak-grizzlies>
- m. <https://allianceforthewildrockies.org/awr-files-lawsuit-east-reservoir-project/>
- n. <https://allianceforthewildrockies.org/judge-hebgen-logging-project-needs-usfws-assessment-for-bears-lynx/>
- o. <https://allianceforthewildrockies.org/judge-clarifies-usfs-must-analyze-new-acres-before-logging-in-swan/>
- p. http://www.bozemandailychronicle.com/news/environmental-groups-no-strangers-to-courthouse/article_f7af6bb4-58d0-11e0-bf05-001cc4c03286.html
- q. <http://www.ntc.blm.gov/krc/uploads/194/2h%20-%20Native%20Ecosystems%20Council%20v%20US%20Forest%20Service%20--%20Jimtown.pdf>
- r. <http://caselaw.findlaw.com/us-9th-circuit/1510094.html>
- s. <http://caselaw.findlaw.com/us-9th-circuit/1612126.html>
- t. https://allianceforthewildrockies.org/wp-content/uploads/2015/06/04-19_BR_Complaint.pdf
- u. https://www.biologicaldiversity.org/news/press_releases/2016/monarch-butterfly-01-05-2016.html
- v. <http://abcnews.go.com/US/wireStory/species-environmental-group-added-endangered-list-37702951>

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695. A forest plan action including travel management planning should be about identifying and meeting the needs of the public for use of and access to their land. Less than 1% of the visitors to the forest are involved and comment during the plan process. In order to assure a fair and unbiased process it is necessary to separate the true issues and needs of the public from the influence of well-funded special interest groups with a limited-use agenda. We request that the Forest Service develop and implement screening procedures to identify influence groups with annual budgets greater than \$100,000. These procedures should also identify all of the different influence mechanisms in use by groups meeting these criteria. We also request that the Forest Service develop procedures that equalize the influence received from groups with annual budgets greater than \$100,000 so that this influence does not obscure the needs and benefits of 99% of the public that are less-organized, less-funded, and have a wide diversity of multiple-use interests. The forest plan must reflect the benefits and needs of the public in a fair and even-handed way. The goal of this program would be to assure that the decision produces a wide sharing of resources and life's amenities. These additions to the planning process are needed to restore the basis of public benefit and need to the process and to remove the political influence that has obscured public benefit and needs from the current process.

696. 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

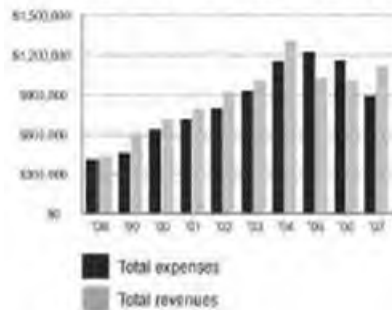
1999 figures, in millions of dollars, for 20 environmental groups with largest contributions

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

Montana Wilderness Association expenses and revenues 1998-2007



Top 10 private foundation contributors to MWA

Foundation Name	Location	Amount
Wys Foundation	Pennsylvania	\$700,000 from 2002 to 2006
The Business Foundation	Seattle	\$418,000 from 2000 to 2006
Liz Claiborne Art Foundation	Manhattan, New York	\$297,500 from 2000 to 2005
444 S Foundation	Bellevue, Wash.	\$210,000 from 2000 to 2005
US Safe Address Fund	New York	\$225,000 from 2001 to 2006
Wanderer Foundation	New York	\$115,000 from 2000 to 2006
W. Eugene Foundation	Seattle	\$125,000 from 2001 to 2006
Buett Foundation	Seattle	\$97,300 from 1990 to 2003
National Fund	Chicago	\$77,500 from 2002 to 2004
Low Land Foundation	New York	\$70,000 from 1990 to 2005

Average annual membership funding since 1990: \$125,458 per year

Source: FCS, Goodwill and MWA

ER graphics by Denny Larkin

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.

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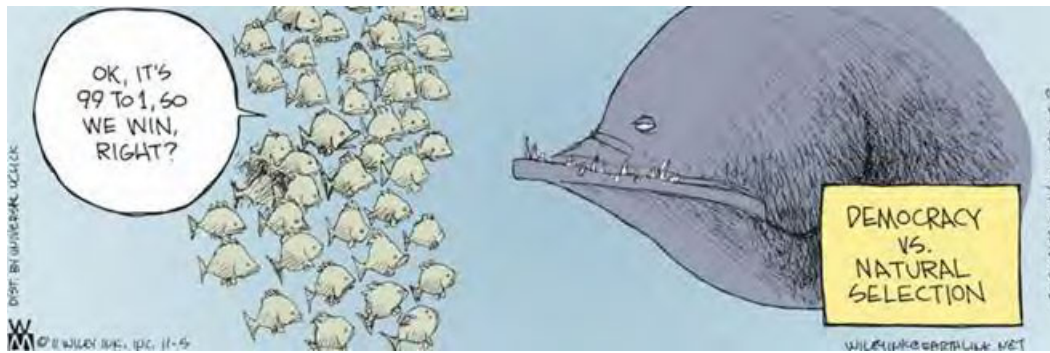


697. A major loophole in the NEPA compliance arena exists. NEPA compliance is not being applied to the actions of foundations that contribute heavily to environmental groups and the actions (campaigns) that those well-funded environmental groups use that funding on. Actions follow funding whether it 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.

Pearls Before Swine



698. 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.



699. As it exists today, environmental groups are big money, big business influence machines just as much or more than the Copper Kings of Butte; Marcus Daly, William A. Clark, and F. Augustus Heinze. The agency must remember that environmental groups only represent 3% of the forest visitors and 100% of the lawsuits challenging agency decisions. Don't give in to this undue influence and abandon multiple-use which best represents the needs of the public and is required by multiple-use laws.

700. The agency has developed an unreasonable expectation for significant public involvement in exchange for recreation opportunity. At the same time the agency has intentionally created a bewildering involvement process that the majority of the public is not comfortable participating in. The silent majority exists and has significant recreational needs. The agency is not adequately recognizing their needs. The needs of **all** of the public, not just well funded environmental and non-motorized groups, must be adequately recognized by the agency team in the development of the Purpose and Need, Alternatives, evaluations and decisions.

701. Across America, while urban areas enjoy an economic boom, rural communities are suffering unprecedented social and economic losses. Their suffering is directly linked to a bewildering array of government actions allegedly protecting the environment. The federal government is being unduly influenced to perform these actions by an equally bewildering array of agenda-driven employees, environmental organizations, and funders in private foundations. All segments of natural resource goods production – water development, farming, ranching, mining, petroleum, timber, fishing, transportation, and manufacturing projects – are being systematically attacked, thwarted, and eradicated. Natural resource production and related jobs are being forced offshore. Town and county tax revenues fall with natural resource goods production losses, aggravating an urban-rural prosperity gap. Read more about this significant issue at <http://www.cdfc.org/uploads/File/Battered%20Communities.pdf>

702. With Sacramento County reeling from a federal court jury's landmark \$107 million judgment against it, plaintiffs' lawyers said Wednesday the "undue influence" case should serve as a warning shot for any governmental entity that plays political favorites. Read more about this landmark case at <http://www.sacbee.com/news/local/article140239443.html>

703. Environmental and left-wing foundations have poured millions into "sportsmen," "hunting," and "angling" groups, using them as cover to push their pet causes. These groups have agendas that are contrary to the greater needs of the public for motorized access and motorized recreation. Unfortunately, their undue influence is affecting land management decisions. See the evidence, and learn about the fringe agendas of these organizations.at:

- a. <https://www.greendecoys.com/>
- b. https://www.greendecoys.com/wp-content/uploads/2015/05/GreenDecoys_Update_April2015.compressed.pdf
- c. <https://www.greendecoys.com/montana/>

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d. Executive Orders Justice Issues

1. Judge Molloy May 21, 2001 Order bottom of page 13. *In 1996, District Ranger Larry Timchak of the Judith Ranger District noted "While motorized users typically have a high tolerance for non-motorized recreationists, the reverse is typically not the case."* We are concerned about the protection of our western culture. This culture is characterized by access to the land for multiple-uses, friendliness, good neighborliness, tolerance and sharing. Motorized access to the land provides opportunities for sightseeing, exploring, weekend drives and picnics, hiking, rock climbing, skiing, mountain biking, riding horses, camping, hunting, target shooting, fishing, viewing wildlife, OHV recreation, snowmobiling, accessing patented mining claims, gathering of firewood, rocks, natural foods, etc. and physically challenged visitors who must use wheeled vehicles to visit public lands. Both our observations and the Social Assessment for Beaverhead-Deerlodge National Forest found that these multiple-use visitors represent over 97% of the total visitors and that these visitors rely on motorized access. We are fortunate to have extensive public lands to support the western culture. While mechanized and multiple-use recreationists are tolerant of others as noted by the District Ranger, this does not mean that non-motorized interests should be allowed to dominate resource allocation decisions. We request, as a reasonable alternative, that multiple-use management principles be used to protect western culture and values including access to the land for multiple-uses, friendliness, good neighborliness, tolerance and sharing.
2. Our public lands are a tremendous national resource both in total area and features. Public lands should be available for conflict-free use and enjoyment by everyone. Unfortunately public lands have been turned into a conflict zone by non-motorized fanatics. What is right about this situation? It is a great disservice to the public. We request, as a reasonable alternative, a management initiative be introduced that will return public lands for the use and enjoyment of everyone for once and for ever.
3. In reality, the most significant conflict of users/user conflict/conflict of uses is not out in the woods. The most significant conflict has been created by non-motorized groups and imposed on motorized recreationists in the courtroom, in the legal filings, and by the organized campaigns and continual visits to the agencies by paid staff where non-motorized groups continually work to influence the agency and the public against motorized recreationists. This conflict of users/user conflict/conflict of uses must be recognized and addressed by this action.
4. Executive Order 11644 was passed on February 8, 1972 and Executive Order 11989 was passed on May 24, 1977. These Executive Orders have been used to enact thousands and thousands of motorized access and recreation closures since the 1970's. The cumulative negative effect of Executive Orders 11644 and 11989 has been a dramatic loss of recreation and access opportunities for motorized recreationists and a dramatic increase in recreation opportunities for non-motorized recreationists.

Executive Orders 11644 and 11989 allow agencies to "minimize conflicts among the various uses". The Executive Orders did not state "minimize conflict with other users". However, the implementation of Executive Orders 11644 and 11989 has been largely based on the incorrect interpretation to "minimize conflict with other users". The bottom line is that "use" conflict is rather different from "user" conflict. There are certainly "uses" that are incompatible from an objective standpoint. For example, a ski run and a mine cannot operate in the same place at

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the same time...it is physically impossible and therefore a clear "use conflict." However, in the case of a mine located next to a ski hill, both can operate without a use conflict.

5. Whether there is a "user conflict" or not depends primarily on user attitudes. Just because someone says it is a conflict does not mean that it is a "reasonable" or "significant" conflict. We request, as a reasonable alternative, that a reasonable definition for "significant" conflict be developed and used as part of this action.
6. The use of Executive Orders 11644 and 11989 to "minimize conflict with other uses" should be evaluated from the perspective of "fair-mindedness of expectations". To provide non-motorized experiences we have designated and set-aside wilderness/non-motorized use areas. Just as motorized recreationists do not expect to be able to use motorized vehicles in wilderness/non-motorized use areas, non-motorized enthusiasts should not expect to go to multiple-use areas and experience wilderness conditions. If some non-motorized recreationists cannot accept motorized recreationists in multiple-use areas, then they need to become familiar with travel plan maps and restrict themselves to the many wilderness/non-motorized areas that are available to them.
7. Congress has recognized the need to share our lands for multiple-uses and has directed federal land agencies to manage for multiple-uses under laws including the Federal Land Policy and Management Act of 1976, Multiple Use Sustained Yield Act of 1960 and Public Law 88-657. Executive Orders 11644 and 11989 tend to conflict with these multiple-use directives.

These two executive orders interfere with the management of public lands for multiple-uses and promote non-sharing and intolerant attitudes. We request that the analysis, preferred alternative and decision-making not let Executive Orders 11644 and 11989 interfere with an equitable management of public land for multiple-uses.

8. Executive Orders 11644 and 11989 promote intolerance and non-sharing in a manner that allows one group of recreationists to eliminate another group of recreationists from public lands. The Sierra Club ORV Manual (http://www.sierraclub.org/wildlands/ORV/ORV_report.pdf) states, "Remember, one adverse impact is "user conflict". We are advising a wonderful legal tactic. Next time you are on a hike and a dirt bike roars by, get 40 friends to all call or write to the Forest Supervisor and say, We demand immediate closure of the trail to dirt bikes....". Other organizations such as Wild Wilderness provide Incident Reporting Forms (<http://www.wildwilderness.org/wi/report.htm>) to report conflicts with visitors using vehicles and encourage the use of these forms. The National Wildlife Foundation in their June and July 2004 issues of Ranger Rick Magazine presented a strongly anti-OHV cartoon to its readers. As demonstrated by these examples, some non-motorized interests are in the conflict business because they stand to gain by creating conflicts. Actions by some non-motorized special-interests have gotten to the extreme where they should be considered harassment. All visitors to public lands must respect each other and accommodate each other with reasonable expectations and reasonable actions. We have always been respectful of other visitors and have never observed a conflict between non-motorized and motorized visitors during our visits to public lands spanning 40 years.

All users of multiple-use lands must be willing to share and tolerate with all others. Motorized visitors are willing to share and tolerate other visitors. A small minority of non-motorized visitors should not be able to inflict such a large impact on the majority of visitors. We request that the significant negative and inequitable impacts that Executive Orders 11644 and 11989 have imposed on motorized recreationists be adequately evaluated, and factored into the preferred

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alternative. We request that the decision-making provide for actions necessary to provide responsible use of these two Executive Orders.



9. User conflict is vastly overstated by non-motorized recreationists for self-serving reasons. This overstatement is confirmed by data collected by the Wildlands Center for Preventing Roads (<http://www.wildlandscpr.org/bibliographic-database-search>). This organization has assembled all of the conflict of users data available from the Forest Service. Records from 134 national forests indicate a total of 1,699 noise violations, 145 smoke violations, and 1,272 safety violations for a total of 3,116 violations during the period from 1987 to 1998. The average violations per year would equal 283 or about 2 violations per forest per year. Most likely, many of these violations were not related to OHV recreationists. Motorized recreationists are committed to reducing the number of violations and using education to increase public awareness of visitor and land use ethics. However, considering the tens of millions of visitors to our national forests during this 11-year period, the 3,116 violations are statistically insignificant and do not support the argument that user conflict is a significant problem. Lastly, the total number of violations reported in Northern Region forests was zero. Therefore, the conflict myth is being perpetuated by and for the benefit of non-motorized recreationists and must be recognized as such.

10. A recent ruling by United States Court Of Appeals for the Ninth Circuit has provided clear guidance on the use of “user conflicts” and the forest plan to close motorized opportunities. In an opinion found in No. 14-35505 D.C. No. 6:13-cv-00523-TC (<http://cdn.ca9.uscourts.gov/datastore/opinions/2017/09/08/14-35505.pdf>) the court ruled:

- a. In regards to closing an area where the conflict is occurring to motorized use. *“But nothing in this provision mandates closure of any area to motorized use. It merely outlines steps that “will generally be taken” in the event of user conflicts.”*
- b. In regards to following the guidance in a forest plan the court ruled – *“The Forest Plan outlines “an aspiration, not an obligation” and therefore “there is no law for us to apply in second-guessing the agency.” Big Thorne Project, 857 F.3d at 974. The record also does not support Wild Wilderness’s claim that the Forest Service has interpreted the Forest Plan to mandate closing areas to motorized use when user conflicts persist.”*

11. Over the past 8 years we have met 168 hikers in the multiple-use public lands areas that we visit. There have been no conflicts during these meetings. In fact, most often we have stopped and visited with these hikers and exchanged information. At the same time over the past years we have observed over 10,000 motorized recreationists. We have coexisted for years without

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any measurable conflict. Why is coexistence suddenly considered such a problem by some people? We are concerned that this position has been taken for self-serving reasons. There is no evidence of any real conflict. Motorized recreationists could complain about the presence of non-motorized recreationists but we have chosen not to complain and we have adopted an attitude of sharing. Motorized recreationists should be given credit for being reasonable and willing to share.

12. In our locale, we see so few non-motorized recreationists on multiple-use trails that we cannot understand how a conflict of uses could be substantiated. Additionally, it is not reasonable for non-motorized users to claim a conflict of uses based on their observation of motorized wheel prints on a road or trail (do they feel the same way about mountain bikes?). It is not reasonable to provide one group of recreationists with the opportunity to claim a "conflict of uses" and use that as a basis to deny other recreationists equal access to public lands. This form of conflict creation and then resolution by elimination of motorized recreational opportunities is not equitable.
13. The reasonable and equitable way to deal with differences is to accept each others difference. How else can diversity survive? All of us have a responsibility to accept and promote diversity of recreation on public lands. An unwillingness to accept diversity is a fundamental failing of those who seek to eliminate things that don't fit their perspective. Diversity of recreation opportunities can only be accomplished through management for multiple-use and attitudes that promote tolerance, sharing and coexistence. Behaviors that are non-sharing or intolerant of other recreationists on public lands should not be rewarded yet it is. The continual loss of motorized access and recreational opportunities and the negative attitudes toward multiple-use recreationists is seriously degrading our culture and quality of life. We request, as a reasonable alternative, that elimination and restrictions of recreation opportunities not be imposed on motorized visitors because other visitors are not able to share and be tolerant. We request, as a reasonable alternative, that revisions to Executive Orders 11644 and 11989 be made in order to return equitable guidance to federal land-use managers.
14. During the 1970's, when Executive Orders 11644 and 11989 were created, snowmobile and motorcycles were much louder than today's machines. Concern with sound levels lead to the creation of Executive Orders 11644 and 11989. Today's technology provides machines that are significantly quieter than in the 1970's. Furthermore, the technology now exists to make vehicles even quieter. Therefore, concern with sound levels can be mitigated by establishing a reasonable decibel limit for exhaust systems. States such as California, Oregon, and Montana have enacted sound emission limits. We encourage all jurisdictions to adopt the stationary sound test procedures as set forth in the Society of Automotive Engineers J-1287 June 1980 standard. Public land-use agencies could establish reasonable sound limits and use this approach to address the sound level issue. This alternative would be more equitable than closures. We request that this reasonable alternative to motorized closures be pursued and incorporated into the preferred alternative and decision-making.
15. It is not reasonable to enact motorized closures based on the issue of sound when viable alternatives could be pursued. The Sierra Club's in their ORV Handbook makes the following statement "*The fact is that most ORV noise is unnecessary; even motorcycles can be muffled to relatively unobjectionable noise level*". We request, as a reasonable alternative, that agencies initiate an education campaign (loud is not cool) to promote the development and use of quiet machines. OHV brochures such as those published by the Wallowa-Whitman National Forest include public awareness information on the importance of sound control.

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15. Overstates the Impact of Motorized Access and Motorized Recreation on Fish and Wildlife

704. Wildlife is being given priority over human use and needs based on qualitative decision-making by those involved internally to the process. For example, the following notes are from a presentation made by Forest Biologists at the Tenmile South Helena Forest Restoration Collaborative Committee Meeting on March 11, 2015. *What was the process to rank impacted species? The FS looked at potential changes in habitat based on projects proposed, species in abundance, and which species look like they may be affected. They didn't use clear quantitative measures, but more of an analysis based on what we expect to see in the near future.*

http://www.helenamt.gov/fileadmin/user_upload/TMCWP/Documents/March_11_2015_notesFinal.pdf

http://www.helenamt.gov/fileadmin/user_upload/TMCWP/Documents/wildlife_document.pdf

- a. This form of process is unreasonable because it allows anti-motorized biases to steer the process versus fairly assessing the needs of the public and providing for them in an adequate manner.
- b. Because of the significant cumulative impacts to the quality of human recreation opportunities on public lands that involve motorized access and motorized recreation, our position is that human recreation must be given priority over wildlife and especially when wildlife impacts are presented on a "qualitative" basis.

705. The road density analysis must be based on roads in use and located only within the project area boundaries in order to be fair and reasonable. Additionally motorized trails have less impact than roads and to be fair and reasonable, the road density analysis must not consider motorized trails to be equal in impact to roads.

706. The agencies created the wolf predation on wildlife problem by their support for the re-introduction of wolves. Motorized recreationists should not be tagged as creating that problem or having anywhere near as significant an impact on wildlife as wolves or be used as mitigation for wolf problems.

707. New research in Wyoming finds that mountain lions go out of their way to avoid wolves. The research conducted by the Teton Cougar Project finds that the cats in Jackson Hole spend a disproportionate amount of time in parts of their territory that are far from wolves and tend to distance themselves from wolves. The study was published in the Journal of Zoology in late May. http://trib.com/news/state-and-regional/wyoming-study-finds-cougars-avoid-wolf-territory/article_931a0a09-4d4a-59da-9c05-b8b9ab595e6c.html It is also quite likely that wolves affect other species such as grizzly bears and lynx in a similar way.

708. The 3-State OHV Record of Decision requires site specific analysis before any motorized opportunity can be closed. There is no proof that the grizzly bear is impacted. A five year study must be done in planning area to clearly demonstrate significant impact using a sense of magnitude as defined in our objection. We would like to be partners in the study and co-sponsor a grant to fund it.

709. We support reasonable protections for wildlife when real negative impacts to wildlife are clearly demonstrated and when actions such as seasonal motorized closures for elk calving are shown to have a reasonable magnitude of positive benefit. FWP has not provided any

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documentation that clearly demonstrates the impact of OHV recreation on grizzly bears. We have not heard of a bear being killed, maimed, or otherwise harmed by an ATV or motorcycle. FWP has been wanting to close roads and trails for years in the name of grizzly habitat and it is still grizzly habitat. This is clearly demonstrated in the Swan Valley study referenced below. Additionally, FWP and other agencies clearly disturb grizzly bears more than OHV recreationists with their annual capturing, tagging, and collaring for study programs described in the following news release <http://archive.greatfalltribune.com/article/20140522/LIFESTYLE05/305220008/Biologists-begin-seasonal-grizzly-bear-capturing-research-management-Montana> .

710. Research has found that grizzly bears in the greater Yellowstone ecosystem have a varied diet and are minimally affected by the decline in the number of whitebark pine trees, federal research found. The findings were presented Thursday in Bozeman at a meeting of the Yellowstone Ecosystem Subcommittee of the Interagency Grizzly Bear Committee. The subcommittee voted 10-4 to accept the research findings. It also gave preliminary approval to a motion that recommends the U.S. Fish and Wildlife Service remove federal protections for the bears, currently listed as “threatened.” Grizzly bears are minimally affected by the supply of pine nuts and the federal protections grizzlies are in the process of being removed. Therefore, grizzly bears should not be used to close motorized routes and opportunities.

http://billingsgazette.com/news/state-and-regional/montana/research-grizzlies-not-so-dependent-on-pine-nuts/article_c2f5c901-65ad-5d5a-a975-f40864cbc563.html

711. The grizzly bear will be delisted in two years or less. More motorized closures in the name of grizzly bear protection are not warranted at this time.

http://mtstandard.com/news/state-and-regional/montana-feds-mull-repeal-of-grizzly-protections/article_c8ab2322-3597-56f2-b543-31004495a45d.html

http://helenair.com/news/local/fwp-chief-says-grizzly-delisting-nearing/article_f007e220-dcc5-11e3-a9ea-0019bb2963f4.html

712. The actual zone of influence of motorized trails on wildlife is very small as demonstrated by these comments and the lack of any studies proving otherwise.

713. There are at least 2,000 grizzly bears in the northern Rockies.

714. The Northern Continental Divide Ecosystem (NCDE), outside of Glacier National Park, has grizzly bear population densities of about 1 bear per 20-30 square miles and has human recreation consisting of motorized access, motorized recreation, hiking, fishing, camping, horseback riding, and big game hunting. Glacier National Park annually receives approximately 2-3 million visitors, does not allow hunting, and has grizzly bear population densities estimated at about 1 bear per 8 square miles. The Yellowstone Ecosystem (YE) which is comprised of Yellowstone Park and surrounding National Forests, receives more visitation than Glacier Park and has an increasing grizzly bear population estimated at 1 bear per 30-50 square miles (<http://www.r6.fws.gov/endspp/grizzly/bittereis/deischp2.htm>). All indications are that grizzly bear habitat is fully occupied and that additional road closures and obliteration will not produce any more bears and, therefore, motorized closures are not reasonable or productive. Further evidence of this condition is the fact that grizzly bears are moving out onto the prairies around Valier and Choteau. Therefore, grizzly bears can coexist at reasonable population densities with multiple-use recreation and there is no compelling reason to close roads and trails to motorized recreationists to increase grizzly populations because the most significant constraint is their need for so many acres between other grizzly bears.

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715. Kate Kendall's Greater Glacier Bear DNA study (includes all the North Fork of Flathead), which identified 367 unique individual bears with one years data not yet analyzed. The recovered population target was 600 bears for the entire Northern Continental Divide Ecosystem, so there is already known that about 2/3 of that target exist on about 1/4 of the habitat. Completion of DNA study of the rest of the ecosystem is certain to show that bear populations far exceed the recovery goal and should be de-listed. The study was released in December 2006 and indeed did confirm that there was more than 545 bears in the ecosystem (<http://www.greatfallstribune.com/apps/pbcs.dll/article?AID=2006612240302>). Furthermore, a study released in September 2008 found that there were at least 765 grizzly bears (http://www.helenair.com/articles/2008/09/17/top/55st_080917_grizzlies.txt). It is clear that the grizzly bear populations are healthy and that motorized recreationists should no longer be shut out of grizzly bear habitat.

716. Grizzly bears in the Yellowstone region were delisted in 2007 and then forced back onto the list by the courts in 2009.

717. A Grizzly Bear study in the Swan Valley of Montana found that 99 percent of the bears spent 99 percent of their time on Plum Creek property as shown in the following aerial photograph. This property has been heavily logged resulting in undergrowth plant species that support bears. Thick and overgrown timber does not allow for adequate undergrowth. As we now see by this study, critical bear habitat is quite different than what was once assumed and this new information must be incorporated into this evaluation. The Forest Service should discard the original "road density guidelines" and develop new guidelines that reflect the habitat most critical for bears as one that is timber harvested and roaded. Old outdated science formulated by assumptions should not be used when true science and actual data is now available.

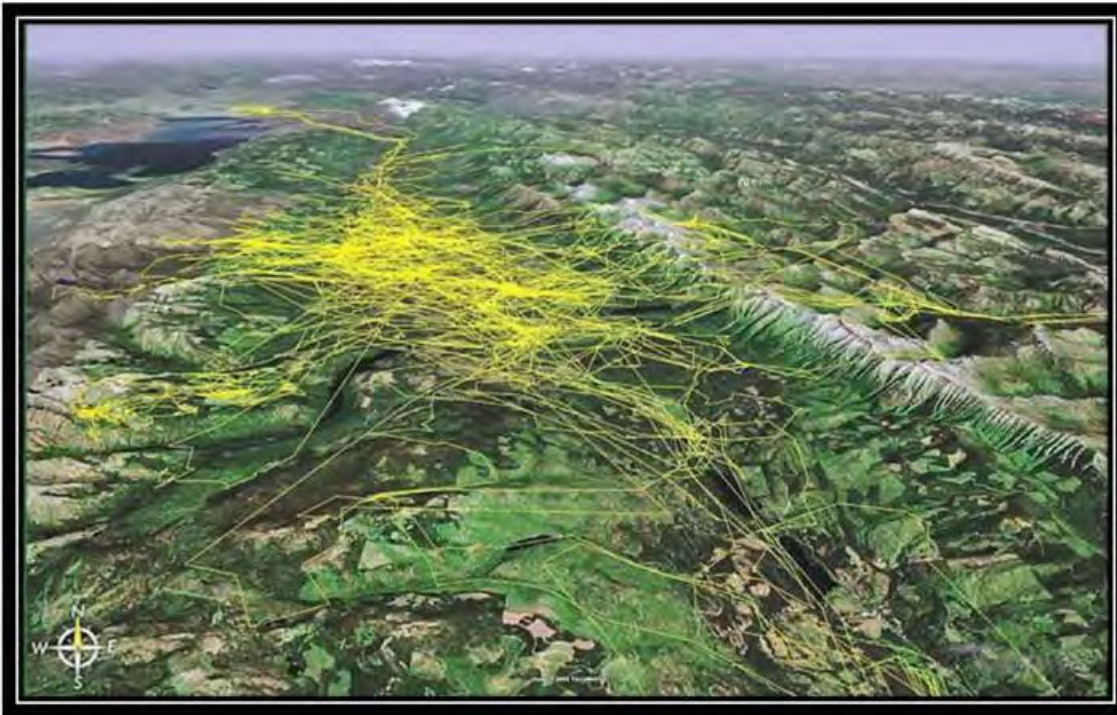


Figure 1. Grizzly bear movements based upon GPS collar telemetry studies conducted by Waller (2005) in the Swan Valley of northwest Montana (from a July 19, 2005 presentation by USFWS Grizzly Bear Recovery Coordinator Chris Servheen in Kalispell, MT).

718. Agency actions geared toward closing public access and restricting natural resource production on public lands are being justified by very old, outdated technology from the 1980's

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and 90's. Recently at the May 14-15, 2014 meeting (<http://leg.mt.gov/css/Committees/interim/2013-2014/EQC/Meetings/May-14-15-2014/may-14-15-2014.asp>) Montana's Environmental Quality Council (EQC) and 25 other elected officials requested use of current technology in agency plans and actions related to grizzly bears. Our statement acknowledged the federal government's 21 year old Grizzly bear Recovery Plan is outdated and, "is no longer based on the best available science". EQC further affirmed, "Important new research is available, recent grizzly bear studies based upon GPS satellite monitoring and DNA analysis offer better quality and more accurate data, and proper planning is critical for bears, people, and resource management." EQC concluded, "The current recovery plan, based upon outdated science, continues to impact resource management and limit access and use of public lands, land management options, and our economy." To demonstrate this point the aerial photograph shown above from a 2005 University of Montana scientific study which reveals over 20,000 GPS locations of 23 grizzly bears in NW Montana was shared with EQC. For a decade or more, state and federal agencies have failed to bring forth current scientific data such as this which may contradict their conclusion that bears avoid roads. These agencies continue to base their decisions predominantly on a substandard 1997 study of just 2 female bears which used limited technology and underwent no credible scientific peer review. The outdated reports, touted by agencies as "best available science", are being used to close and obliterate public access roads, restrict recreational activity, shut down natural resource industries, cripple our economy, and allow catastrophic wildfire fuel loads to build up on millions of acres of public lands.

719. A December 31, 2003 Federal Court ruling found that associated with actions taken under the endangered species action must be paid to the public. The case stemmed from the government's efforts to protect endangered winter-run chinook salmon and threatened delta smelt between 1992 and 1994 by withholding billions of gallons from farmers in California's Kern and Tulare counties. Court of Federal Claims Senior Judge John Wiese ruled that the government's halting of water constituted a "taking" or intrusion on the farmers' private property rights. The Fifth Amendment to the Constitution prohibits the government from taking private property without fair payment. "What the court found is that the government is certainly free to protect the fish under the Endangered Species Act, but it must pay for the water that it takes to do so," said Roger J. Marzulla, the attorney representing the water districts that brought the claim. This same standard should also be applied to the economic and motorized recreational losses that the public has suffered under the ESA including motorized closures justified by grizzly bear habitat and impacts on westslope cutthroat trout and bull trout. (<http://www.uswaternews.com/archives/arcrights/4caliwate2.html>)

720. The current analysis does not adequately consider grizzly bear delisting under the Reasonably Foreseeable actions. This action is imminent. At the same time there is so much emphasis on the management of the area and region as a non-motorized area for grizzly bears. First, we do not feel that OHV recreation has a significant effect on grizzly bears and, secondly, the analysis must be based on the impending delisting of grizzly bears. Other pended delisting of endangered species must also be considered.

721. "Present day populations of white-tailed deer and elk are at their highest levels recorded in recent history" (Montana Wolf Conservation and Management Planning Document, Montana Fish, Wildlife and Parks, January 2000 (<http://www.fwp.state.mt.us/wildthings/wolf/wolfmanagement011602.pdf>)). Additionally, "nearly 60 percent of Montana's original elk management units exceed elk-population objectives, while only 31 percent exceed harvest objectives" (www.fwp.state.mt.us/hunting/elkplan.html).

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722. The number of hunters is declining (U.S. Fish and Wildlife Service, 1996 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation. http://library.fws.gov/nat_survey_1996.pdf and <http://www.cbsnews.com/stories/2007/09/03/national/printable3228893.shtml>). Therefore, there are no compelling reasons “to elevate the level of elk security in the project area and...enhance elk populations” as frequently suggested by wildlife biologists (example; Fish, Wildlife and Parks letter dated February 27, 2002 to Helena National Forest on the Clancy-Unionville Travel Planning Project, bottom of page 9). Additionally, there are no compelling reasons to justify reduced road densities as a sought-after or necessary wildlife management criterion. Lastly, there are reasonable alternatives including permit hunting and seasonal travel restrictions that can better accomplish the outcome sought by reduced road and trail densities. NEPA requires consideration and implementation of all reasonable alternatives. Not considering and implementing reasonable alternatives demonstrates a predisposition in the process.
723. Elk Cover Requirements. Elk do well in places like Nevada without trees. Additionally, elk were originally a plains animal and survived just fine without trees. Effective elk hiding is provided by mountains, hills, ravines, ridges, rocks, brush. These land factors must be incorporated into the elk hiding cover equation. Recent analysis by the Helena National Forest for the Elkhorn Wildlife Management Area has demonstrated that a reasonable consideration of the topography in the area would meet the requirements for elk security. This reasonable and realistic approach to elk cover and wildlife security requirements was not applied to the analysis for this project area.
724. The habitat analysis does not adequately consider all of the surrounding private lands that are closed to the public and provide significant contribution to habitat functions and “hiding places”.
725. Additionally, wolves have radically changed elk behavior and use of tree canopy. Elk now avoid tree cover because the cover allows wolves to prey upon them easier. Elk now prefer open areas where they can “keep an eye” on the wolves and defend themselves. Therefore, tree cover is not a significant benefit to elk at this time and this changed condition must be recognized.
726. Research and documents including the following clearly demonstrate that OHV recreation has no more impact on wildlife than other forms of recreation and is in fact less in many cases (references available upon request):
- Chapter 6, Ungulates, Effects Of Recreation On Rocky Mountain Wildlife, A Review For Montana, 1999.
 - A Partial Literature Review Of The Effects Of Various Human Activities On Wildlife, Compiled By Nora Hamilton, Bureau Of Land Management, National Technical Assistant For Trails, September, 1997.
 - Ward, Lorin A., Jerry J. Cupal, "Telemetered Heart Rate of Three Elk as Affected by Activity and Human Disturbance", Planning for Trailbike Recreation, US Department of the Interior Heritage, Conservation and Recreation Service, 1976.
727. 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/hjeiqjcefb.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

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barely reacted last winter to the presence of snowcoaches and snowmobiles in Yellowstone National Park, 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>).

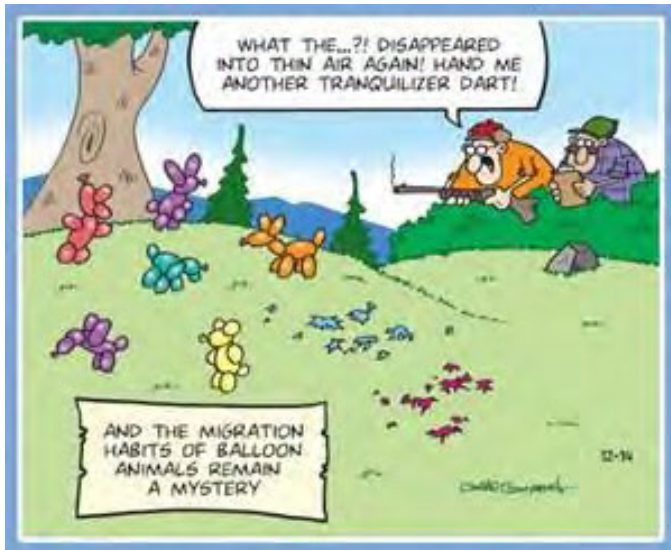
728. The disturbance of wildlife by OHV issue including wildlife corridors is being exaggerated to further the conversion of multiple-use lands to non-motorized lands. The agency is encouraged to avoid road and trail closures based on wildlife concerns except where negative wildlife impact can be specifically identified and documented. Motorized use on existing trails has little or no verified effect on game animal welfare. 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.

729. Wildlife managers need to change their attitudes about summer motorized recreation and elk populations and admit that the two are compatible. Managers are seeing the need for a shift in thinking (http://www.helenair.com/articles/2009/04/26/state/top/55st_090426_elk.txt). Elk populations are healthy. The wants and needs more motorized access and recreation. There is no plausible reason that multiple-use land cannot be managed for a better balance of motorized access and recreation.

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

731. 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:

- a. 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.
- b. 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.
- c. The lack of authorization or mandate from congress for this sort of designation and use of public land.
- d. The socio-economic issues associated with the attempt to use the wildlife corridor concept to convert multiple-use lands to defacto wilderness.



732. A study of sound levels from OHV use was found to be less than the background noise of the wind in treetops (Nora Hamilton, Mendocino National Forest, memorandum to the file, November 17, 1992). Also, the USDA FS Technology and Development Program in a report prepared in 1993 and titled "Sound Levels of Five Motorcycles Traveling Over Forest Trails" found that at distances over 400 feet, motorcycles do not raise the ambient sound level (they are no louder than background levels of noise). Absolute quiet is not a reasonable expectation. Sound from motorized sources such as airplanes exists even in the most remote areas. It is not reasonable to expect absolute quiet in areas intended for multiple-use. The sound level of motorized recreation use is not greater than natural sounds, and therefore, sound level should not be used as a reason to justify motorized recreation and access closures.

733. A study of National Park elk habituated to human activity and not hunted were more sensitive to persons afoot than vehicles (Shultz, R.D. and James A. Bailey "Responses of National Park Elk to Human Activity", Journal of Wildlife Management, v42, 1975). Therefore, hikers disturb elk more than motor vehicles and "disturbance of wildlife" should not be used as a reason to justify motorized recreation and access closures. Additionally, when there are concerns with wildlife disturbance, restrictions on hikers should be given a greater emphasis than restrictions on motorized visitors.

734. Hikers disturb nesting birds (Swarthout, Elliott and Steidl, Robert, Journal of the Society of Conservation Biology, February 2003) yet restrictions on hiking and other non-motorized recreationists to reduce impacts on nesting birds are rarely imposed.

735. Hiking, cross-country hiking and wilderness uses also causes trail impacts yet these impacts are seldom acknowledged. For example, the USDA FS Intermountain Research Station

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Research Paper INT-450 "Changes on Trails in the Selway-Bitterroot Wilderness, Montana, 1978-89" and dated 1991 found that many trail segments changed markedly, depending on site and use.

736. Additionally the report "Keeping Visitors on the Right Track - Sign and Barrier Research at Mount Rainer", Park Science 14(4) published in 1994 found that off-trail hiking is a major source of impact that creates trails and erosion throughout the several thousand acres of sub-alpine meadows.
737. Additionally the report "Erosional Impact of Hikers, Horses, Motorcycles, and Off-Road Bicycles on Mountain Trails in Montana", Mountain Research and Development, Volume 14, No, 1, and published in 1994 found that multiple comparison test results showed that horses and hikers made more sediment available than wheels, and this effect was most pronounced on pre-wetted trails.
738. There are many double-standards in the impact analyses and decision-making. If the issues surrounding motorized travel are significant enough to justify closures, then, in order to avoid introducing a bias to the evaluation and process the same issues and restrictions should also be applied to hiking, mountain climbing, cross-country hiking, wilderness users, etc.
739. A study of the heart rate of elk found that humans walking between 20 to 300 meters from the elk caused them to flee immediately 41% of the time while an OHV passing within 15 to 400 meters of the elk caused them to flee 8% of the time (Ward, A. L. and J. J. Cupal. 1976. Telemetered heart rate of three elk as affected by activity and human disturbance. USDA Forest Service, Rocky Mountain Forest and Range Experiment Station. Laramie, WY. 9 pp.). Therefore, hikers disturb elk more than motor vehicles and "disturbance of wildlife" should not be used as a reason to justify motorized recreation and access closures. Additionally, when there are concerns with wildlife disturbance, restrictions on hikers should be given a greater emphasis than restrictions on motorized visitors.
740. At the August 4th, 2015 meeting of the Custer Gallatin Working Group (CGWG) meeting in West Yellowstone a presentation from Julie Cunningham, a wildlife biologist with FWP Region 3, was provided. Ms. Cunningham made the following statement at the meeting "Non-motorized recreation can be more disturbing than motorized and non-motorized wildlife disturbance is often under estimated or under recognized." Why is motorized recreation being targeted by some biologists within the FWP when facts show non-motorized recreation has as much or more wildlife disturbance than motorized?
741. A study of mule deer found that 80% fled in reaction to encounters with persons afoot while only 24% fled due to encounters with snowmobiles (David J. Freddy, Whitcomb M. Bronaugh, Martin C. Fowler, "Responses of Mule Deer to Persons Afoot and Snowmobiles", Wildlife Society Bulletin, 1986). Therefore, hikers disturb deer more than motor vehicles and "disturbance of wildlife" should not be used as a reason to justify motorized recreation and access closures. Additionally, when there are concerns with wildlife disturbance, restrictions on hikers should be given a greater emphasis than restrictions on motorized visitors.
742. A lynx study completed in the Seeley Lake area found no adverse impact to Lynx from winter snowmobile use. The results of this study and the data that was collected must be used in evaluating areas open or closed to snowmobiles. The closure of any area because of winter motorized impact to lynx is not valid and, therefore, must not be used to initiate closures.

743. The wildlife sections of the travel plan document tends to promote two underlying themes; (1) wildlife and forest visitors cannot coexist, and (2) there are significant negative impacts to wildlife from visitors to the forest. Observations of wildlife in Yellowstone and Glacier National Parks and the 600 deer that live within the Helena city limits combined with common sense tell us that wildlife can flourish with millions of visitors and motorized vehicles. Wildlife can and do effectively coexist with motorized visitors in even the most heavily visited places. Therefore, concerns with motorized forest visitors and wildlife are over-stated and over-emphasized which unfortunately demonstrates a predisposition in the process.

744. The wildlife/visitor interaction in national parks demonstrates that the manner in which visitors coexist with wildlife is the most significant factor in the interaction between wildlife and visitors. The manner in which visitors coexist with wildlife in national forest can be shaped by adequate use of mitigation measures including seasonal closures, educational programs and trail rangers. Therefore, reasonable alternatives to the closure of motorized roads and trails exist and can be used to address wildlife concerns. We request that these sorts of reasonable alternatives to closure of roads and trails to motorized visitors be adequately considered and incorporated into the preferred alternative.



745. The road density criteria is not valid because hundreds of deer in Helena and elk in the Montanan City area exist just fine with road densities far in excess of the targets for the project area. Obviously there are other factors that have a far greater influence on deer and elk populations and the analysis must uncover and use those.

746. The actual zone of influence of motorized trails on wildlife is very small.

747. "Present day populations of white-tailed deer and elk are at their highest levels recorded in recent history" (Montana Wolf Conservation and Management Planning Document, Montana Fish, Wildlife and Parks, January 2000 (<http://www.fwp.state.mt.us/wildthings/wolf/wolfmanagement011602.pdf>)). Additionally, "nearly 60 percent of Montana's original elk management units exceed elk-population objectives, while only 31 percent exceed harvest objectives" (www.fwp.state.mt.us/hunting/elkplan.html).

748. Additionally, the Northern Continental Divide Ecosystem (NCDE), outside of Glacier National Park, has grizzly bear population densities of about 1 bear per 20-30 square miles and has human recreation consisting of motorized access, motorized recreation, hiking, fishing, camping, horseback riding, and big game hunting. Glacier National Park annually receives approximately 2-3 million visitors, does not allow hunting, and has grizzly bear population densities estimated at about 1 bear per 8 square miles. The Yellowstone Ecosystem (YE) which is comprised of Yellowstone Park and surrounding National Forests, receives more visitation than Glacier Park and has an increasing grizzly bear population estimated at 1 bear per 30-50 square miles (<http://www.r6.fws.gov/endspp/grizzly/bittereis/deischp2.htm>). All

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indications are that grizzly bear habitat is fully occupied and that additional road closures and obliteration will not produce any more bears and, therefore, motorized closures are not reasonable or productive. Further evidence of this condition is the fact that grizzly bears are moving out onto the prairies around Valier and Choteau. Therefore, grizzly bears can coexist at reasonable population densities with multiple-use recreation and there is no compelling reason to close roads and trails to motorized recreationists to increase grizzly populations because the most significant constraint is their need for so many acres between other grizzly bears.

749. As of 2007, the grizzly bears in the Yellowstone region were delisted by the agencies.

750. The number of hunters is declining (U.S. Fish and Wildlife Service, 1996 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation. http://library.fws.gov/nat_survey_1996.pdf and <http://www.cbsnews.com/stories/2007/09/03/national/printable3228893.shtml>). Therefore, there are no compelling reasons “to elevate the level of elk security in the project area and...enhance elk populations” as frequently suggested by wildlife biologists (example; Fish, Wildlife and Parks letter dated February 27, 2002 to Helena National Forest on the Clancy-Unionville Travel Planning Project, bottom of page 9). Additionally, there are no compelling reasons to justify reduced road densities as a sought-after or necessary wildlife management criterion. Lastly, there are reasonable alternatives including permit hunting and seasonal travel restrictions that can better accomplish the outcome sought by reduced road and trail densities. NEPA requires consideration and implementation of all reasonable alternatives. Not considering and implementing reasonable alternatives demonstrates a predisposition in the process.

751. In the past many of the impacts associated with motorized recreation were based on opinions about the impacts on wildlife. The courts have clearly established the prevailing standard for evaluating scientific evidence in *Daubert vs. Merrell Dow Pharmaceuticals Inc.* (DAUBERT v. MERRELL DOW PHARMACEUTICALS, INC., 509 U.S. 579 (1993)) (http://caselaw.lp.findlaw.com/scripts/prINTER_FRIENDLY.pl?page=us/509/579.html), in which the U.S. Supreme Court ruled that expert testimony must be based on a testable theory or method that has passed peer review, has a known error rate and has reliable results. In part, the *Daubert* ruling was triggered by the proliferation of experts and professional witnesses who expressed their opinion in reports and testimony as opposed to sound scientific principles and evidence. Therefore, peer reviewed reports and recommendations are mandatory in order to protect the public from personal opinion. We request that an adequate peer review plan and process be used for all impact analyses and include experts that are neutral about motorized recreation.

752. Wildlife security criteria and standards in the forest plan are out of date. The science, data and findings as far as road density and impact of motorized vehicles on wildlife have changed significantly. This new information must be considered in this evaluation as required by federal best available science and data accuracy requirements.

753. OHV use and wildlife can and do coexist. We do not see any evidence in the field that would indicate that summer motorized recreation use is a significant wildlife problem. We support motorized closures where necessary to protect wildlife during the spring calving season and hunting season while maintaining a reasonable level of access during those periods.

754. There is no actual site-specific data that shows that OHV recreation has significant impact on wildlife including the grizzly bear, lynx or elk. Studies do show that OHV recreation certainly does not have any greater impact on wildlife than hiking and horseback use which are not

restricted in any way. The evaluation and record of decision must manage OHV recreation in the same manner as hiking and horseback use.

755. Research indicates that elk avoid contact with human activities. This will come as no surprise to hunters or forest visitors who usually see elk from the rear. Flight is the primary defense mechanism for elk and they will run from almost anything that they view as a potential threat. The intensity of the flight response of elk (how far they flee, respiration and heart rates, etc.) is dependent up-on a wide variety of factors, including the extent to which they have become habituated to particular encounters. The collection of large herds of elk in pastures along state Hwy 93 in Ravalli County and in Yellowstone National Park demonstrates that elk can become habituated to traffic.

756. The primary measure of elk habitat on public land is a parameter called Elk Habitat Effectiveness (EHE). The Forest Management Plan establishes targets or standards for EHE for every watershed in the Forest. The Agency is directed to manage the Forest to meet these EHE standards. The only parameter that goes into the calculation of EHE is open road density. An "open road" is defined to be any road that is not closed to all motorized traffic yearlong. We know that a great many roads and trails on the Forest are closed during hunting season "to provide wildlife security". But these closed roads are in no way accounted for in the EHE calculation. An EHE calculation using roads open during hunting season would be a more meaningful parameter.

757. There appears to be no empirical connection between EHE calculations and elk abundance and health. For example, in the Sapphire Mountains of Montana, which have a network of roads, most drainages do not meet EHE standards established in the Forest Plan, yet elk populations in the Sapphires have doubled since the Forest Plan was established and meet population goals established by Montana FWP. On the other hand, elk populations in the Selway-Bitterroot Wilderness, which has perfect EHE scores, are at historic all-time lows. Therefore, the impact of roads on elk populations is overstated. In reality areas with a network of roads support healthy elk populations and un-roaded areas have unhealthy populations. If elk have abundant food and predators are controlled, they will thrive. It's almost just that simple. Well, you don't have to have a Ph.D. in wildlife biology to answer that question. We all know that the dominant controlling influences on elk populations and health are availability of food and abundance of predators (including humans). If elk have abundant food and predators are controlled, they will thrive. It's almost just that simple. Reliance on the EHE parameter, as currently calculated, to determine significant impact on elk populations is not reasonable. Motorized roads and motorized trails may move elk around in the forest at least temporarily, and closure of roads during hunting season may serve to manage human predation but the existence and density of road systems on the forest and their use by forest visitors seems to have little or no influence on elk populations or health.

758. In an article on road de-commissioning (<http://www.greatfallstribune.com/article/20110824/NEWS01/108240302/National-road-trail-reme>), a Forest Service fisheries technician stated that "Fish and aquatic life are adapted to natural influxes of sediment in the spring, but too much material fills spaces in the rocks where the fish lay eggs or covers the eggs." In order to establish this sort of impact and associate it with OHV recreation, the Forest Service must have site-specific data on natural sediment loads in a stream and site-specific data on the gradation of the sediment from trail erosion and where it ends up. Fine-grained material may wash through the system and cause virtually no impact to fish spawning beds. Any purported impact by OHV recreation without site-specific data and analysis that connects the relatively minor amounts of sediment produced by OHV recreation on critical fish habitat is pure conjecture. Motorized recreationists have been paying a

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significant price in the form of lost opportunities due to the lack of site-specific data and conjectures. We request that any conjectures about potential impacts be carefully evaluated and only allowed in the analysis when confirmed by actual site-specific proofs and data.

759. Gravel bottom stream crossings such as those in the project area do not produce appreciable fine sediment when crossed by OHVs because fine-grained materials have been washed out by natural high water events. In other words, these crossings are fairly clean of fine materials that impact fish spawning areas and, therefore, the impact from OHV use at these crossings on fish spawning and habitat is insignificant.

760. Elk are considered to be an indicator species for most other ungulates, so the focus of state and Federal biologists is on counting, analyzing and managing elk populations. The primary parameter that is used by the Forest Service to measure the quality of elk habitat is the Elk Habitat Effectiveness (EHE) parameter. Target values for EHE are specified for every area, and the Forest Service is tasked to try to achieve these target EHE values during any project they propose to do. Sounds great, right? After all, we are all in favor of maintaining healthy ungulate populations on public land and providing those critters with a healthy environment. It's like motherhood and apple pie - no one can object to managing our public land to maintain healthy elk populations.

- a. The problem is that EHE doesn't have anything to do with how effectively the Forest provides suitable habitat for elk or any other species. It's a **nonsense parameter** that has absolutely no correlation to elk health or abundance, yet the Agency persists in using EHE to make land management decisions that drastically affect motorized recreationists.
- b. There is only one variable that goes into the EHE calculation: Open road densities. Any Forest road that is open for any period of time during the year is included in the EHE calculation for an area. EHE does not account for the abundance or quality of food for elk, the amount of cover for elk (elk like a particular mixture of open space and forested areas), the cover effect that hilly and mountainous topography provides or the abundance of natural and human predators. Only road densities.
- c. A demonstration of EHE as a useless parameter is provided in the Bitterroot Valley. Few drainages in the Sapphire Mountains (generally roaded) meet EHE objectives, yet elk populations generally meet or exceed FWP goals in the Sapphire Mountains. In contrast, the Selway-Bitterroot Wilderness areas on the west side of the valley, which contain perfect EHE measures (no roads), have elk populations approaching historic all-time lows. Clearly, if roads were a dominant influence on elk, this situation should be reversed and the Bitterroot Mountains would be loaded with elk.
- d. Montana FWP advocates for managing open road densities during hunting season, and there is some flawed logic to that tactic, since it limits the number of human predators of elk, deer, sheep and other game species. This thinking is flawed because it concentrates hunters into small areas and penalizes the majority of hunters who first choice is to access their favorite hunting areas using motorized vehicles.
- e. Environmentalists love EHE, because it's a feel good parameter that furthers their real agenda of closing as many roads and motorized trails as possible. Providing good habitat for wildlife sounds good while the closure of roads and trails to motorized use creates widespread public outcry and resistance. So a parameter that measures road densities and then is misrepresented as having something to do with elk meets their agenda quite nicely.
- f. Making land management decisions based upon a parameter that has little to do with actual elk population produces bad management decisions. Both the Forest Service and Montana FWP should abandon EHE as a meaningful measure of the effectiveness

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of elk habitat. Both agencies should develop and pursue a mitigation to correct for all of the bad decisions that have resulted from the use of the EHE parameter.

761. Wildlife are naturally adaptable. For example, the 400 deer that live within the Helena city limits are not disturbed at all by motor vehicles. Millions of visitors have observed bison and elk on the Yellowstone National Park roadways. Additionally, we are not aware of any OHV/wildlife collisions that have killed an animal. OHVs travel relatively slow and wildlife can easily move off the route and can easily hide themselves. Moreover, OHVs are restricted to routes and the corridors are narrow and impact very little area. Scientific studies that CTVA has cited in previous travel plan documents have confirmed this readily observable fact that OHVs do not create a significant disturbance of wildlife yet the wildlife evaluation in Forest Service document continue to inaccurately paint the picture that OHVs create a significant disturbance of wildlife. This misrepresentation must be corrected.
762. There is no documentation or data to support closure of any motorized routes in the project area to improve wildlife connectivity. The existing level of roads and trails does not significantly impact wildlife connectivity, i.e. it functions as such with the existing level of roads and trails and closing any roads or trails to motorized use would not make any measurable difference. Connectivity is another concept being promoted by extreme green groups such as the Wildlands Project to further their agenda to close all land to the public. Additionally, non-motorized routes would have the same impact on wildlife connectivity as motorized routes and the evaluation must recognize this fact.
763. The road density evaluations must also consider the viable alternative of closing a reasonable number of routes during hunting season and other critical seasons and then opening them during the summer recreation season. This strategy would effectively address road density criteria without nearly as many motorized closures as proposed.
764. Road density criteria must be used with reasonable judgment and consider the mitigating effects that an adjacent block of roadless area has on a roaded area that exceeds the desired road density. Oftentimes these areas that exceed the ideal density are very valuable multiple-use motorized areas and border on large roadless areas that provide more than adequate wildlife security thereby effectively mitigating the impacts associated with the roaded area.
765. Road density does not equal motorized trail density. Impact information developed based on roads should not be used to estimate impacts from ATV and single-track motorcycle trails. ATV trails has far less impact than roads in all resource areas and motorcycle single-track trails have far less impact than roads in all resource areas. Motorized trails have less impact than roads and this condition must be recognized during the analysis and decision-making.
766. If protection of fish and game species is a significant issue, then a reasonable alternative that would produce far more positive results would be a different management scenario for fishing and hunting in the area rather than the closure of trails to OHV use. OHV recreationists have been the only recreationists to pay the price for improvements to fish and game populations. At the same time the improvements to fish and game populations from motorized closures is miniscule and the cumulative impact on motorized recreationists has been significant and negative. Motorized recreationists have been the first to be eliminated for far too long. The human environment is also important but it has been ignored and not adequately quantified. If there is some over-arching mandate to maximize fish and wildlife populations, then fishing and hunting management scenarios must be developed as reasonable alternatives to be considered. It is time for a reasonable approach to the management of fish and wildlife. If maximizing fish and game populations is that significant, then the opportunities for others

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besides motorized recreationists (who have paid their dues many times over) should be reduced. This concept is entirely reasonable and particularly when fishing and hunting closures or management would be far more effective in producing the desired outcome. We request consideration of fish and game management alternatives and a more balanced consideration of recreation versus fish and wildlife populations in the decision-making.

767. Wildlife populations are at all time highs. Wildlife has consistently been given higher priority over motorized recreational opportunities for the past 30 years. This priority has led to significant cumulative effects on motorized recreationists which must now be addressed and mitigated. The project must seek a more reasonable balance of multiple-use and motorized recreation opportunities and a lesser, yet reasonable, priority for wildlife management.

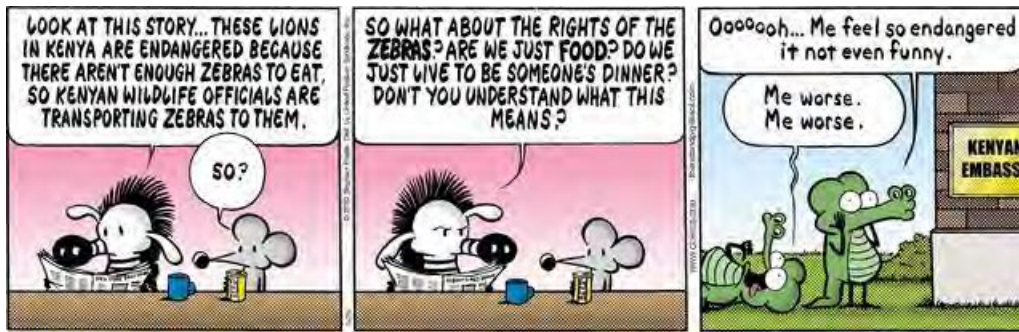
768. A December 31, 2003 Federal Court ruling found that associated with actions taken under the endangered species action must be paid to the public. The case stemmed from the government's efforts to protect endangered winter-run chinook salmon and threatened delta smelt between 1992 and 1994 by withholding billions of gallons from farmers in California's Kern and Tulare counties. Court of Federal Claims Senior Judge John Wiese ruled that the government's halting of water constituted a "taking" or intrusion on the farmers' private property rights. The Fifth Amendment to the Constitution prohibits the government from taking private property without fair payment. "What the court found is that the government is certainly free to protect the fish under the Endangered Species Act, but it must pay for the water that it takes to do so," said Roger J. Marzulla, the attorney representing the water districts that brought the claim. This same standard should also be applied to the economic and motorized recreational losses that the public has suffered under the ESA including motorized closures justified by grizzly bear habitat and impacts on westslope cutthroat trout and bull trout. (<http://www.uswaternews.com/archives/arcrights/4caliwate2.html>)

769. The Agency must support any claim that various recreational activities (e.g., off-highway vehicle use, camping, equestrian use, hunting etc.,) pose significant threats to endangered species. Claims that are highly speculative and based on little or no reliable data should be excluded from the environmental analysis.

The Agency must establish much more than a casual connection between recreation activities and any perceived declines in the population of any threatened or endangered species known to reside in the project area. At most, the technical data shows that some recreational activities, in some areas, have the potential to displace some species on a very local level. This, however, cannot establish that recreational activities pose a substantial threat to an entire population or subpopulation of a particular plant or animal.

Suggestions:

- a) The agency should not utilize technical data that displays a pronounced bias against public recreation.
- b) The agency must not jump to conclusions regarding the effects of recreation on threatened and endangered species.



770. Our observations over decades of trail riding have established that significant wildlife mortality does not result from OHV activity. We are not aware of any reports of large animals such as deer, elk, or bear being hit or injured by OHV activity. Additionally, it is extremely rare for OHVs to injure any small animals such as squirrels or chipmunks. We request that wildlife mortality from OHV activity be considered minor and that wildlife mortality not be used as a reason to close roads and trails to OHV visitors.

771. Wildlife management also depends on adequate motorized access. For example, the lack of adequate roads and motorized access for hunter access has led to reduced hunter success and reduced harvest of game animals and affected the overall number and balance of game animals. This in turn has led to the need for cow permits and special hunts. In order to be consistent with the Forest Plan and meet the goal of no net change in herd numbers requires no net change in hunter access which in turn justifies the current level of motorized roads and trails.

772. The current analysis does not adequately consider grizzly bear delisting under the Reasonably Foreseeable actions. This action is imminent. At the same time there is so much emphasis on the management of the area and region as a non-motorized area for grizzly bears. First, we do not feel that OHV recreation has a significant effect on grizzly bears and, secondly, the analysis must be based on the impending delisting of grizzly bears. Other pended delisting of endangered species must also be considered.

773. Although the agencies will not publicly disclose the real population, there are over 2,000 grizzlies in the Northern Rockies. The population has recovered and is expanding past the carrying capacity of the land and people. It is time to drop the endangered species status and begin to manage the grizzly population with limited hunting.

774. The encroachment of residences into the forest is often the most significant factor contributing to the loss of summer and/or winter wildlife habitat. First, we request that the impact of these permanent encroachments be quantified and compared to the relatively minor impact that mechanized forest visitors have on wildlife habitat. Secondly, public land visitors should not have to pay the price in the form of motorized closures required to offset the impact of permanent encroachments by private residences. Proper assignment of restrictions would rest on those private individuals who permanently encroached on the natural habitat.

775. Independent scientist should review and participate in all aspects of planning, broad-based assessments, local analysis, and monitoring. Independent scientists must review the published results of all partnership studies including those prepared by students under the direction of professors, in order to be sure that they are appropriately interpreted and documented and that the supporting data is adequate. Scientists may come from within federal or state agencies, or

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the general public, and may hold a variety of important and influential positions. The study team should:

- a. require minimum standards and criteria for qualifications which must be met before a scientist can be deemed an "expert";
- b. provide minimum standards and criteria for determining when a scientist may be deemed "independent"; and
- c. provide a minimum amount of public notice and opportunity to object whenever any such scientist is considered for such participation, whether such position is permanent or temporary, full time or part time, voluntary or compensated. Such notice should include the qualifications of the individual, the role which the individual will have in such participation, and the type and duration of the position.

Review and participation by independent scientists is a good thing, provided the process require standards which assure that such scientists are in fact qualified and independent, and provide the public the opportunity to review such factors.

776. The Elkhorn Wildlife Management Area in the Helena National Forest is an example of management of an area for a relatively narrow range of public needs. The underlying management criterion in the Elkhorn area is for ideal wildlife conditions and not for the diverse needs of the public. The diverse need of the public can only be met by management for multiple-use. While there are designated routes within the area, they are mostly roads with no challenge and limited access to interesting areas and features. There are few OHV loops or destinations. Roads and trails such as those in Section 1 and 11, T6N, R2W; Sections 13 and 4, T6N, R3W; Sections 31 and 31 in T7N, R2W; Section 36, T7N, R3W; Sections 25, 35, and 36, T8N, R1W and others could have been kept open for summer season recreation use and closed during calving and hunting seasons where necessary for wildlife management. Instead, they were closed. The alternative of seasonal closures would have benefited far more people and still maintained a more than reasonable wildlife habitat.

777. Impacts from OHV recreation on fish and wildlife must be backed up by facts, site specific studies, data, and monitoring, and overall public need and must not be used as a ploy to close motorized recreational opportunities.

778. Downfall from the intense beetle killed trees have pushed elk out of many forested area affect elk far more than summer OHV recreation use. This new condition must be adequately considered in the analysis and decision.

779. According to the study published as "U.S. Forest Service and Montana Department of Fish Wildlife and Parks Collaborative Overview and Recommendations for Elk Habitat Management on the Custer, Gallatin, Helena, and Lewis and Clark National Forests" (<http://fwp.mt.gov/fwpDoc.jsp?id=69521> September 27, 2013) the following factors should be adequately and reasonably considered besides closing roads and trails to motorized use during Archery season:

1. Length of hunting seasons
2. Timing of hunting seasons
3. Limited entry (permits, quotas, no limits) vs. general
4. Hunting area designations or closures
5. Type of season and/or license type (either sex, brow-tined bull; permit only)

The US. Forest Service publication listed above has been cited as part of the decision-making process to expand seasonal motorized closures to include the Archery season.

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Similar language about limiting hunting seasons rather than closing roads can be found in the first paragraph of page 10 of the MFWP document "Security areas for maintaining elk on publicly accessible lands during archery and rifle hunting seasons in southwestern Montana" which can be found at <http://fwp.mt.gov/fwpDoc.html?id=76099>.

Even though the MFWP lists other reasonable alternatives to motorized road and trail closures, the Agency did not include them in any of the alternatives considered. Instead, the Agency has placed the whole burden on motorized users. In other words, reasonable alternatives to motorized closures have not been given a hard look as required by NEPA.

780. Road density is aimed at controlling hunting season pressure on wildlife. There should be two different values of allowable road density, one for road density during hunting season and one for road density during the summer recreation season. Summer motorized recreationists do not kill wildlife and we coexist just fine. This approach is an accurate representation of the impacts of hunting wildlife. This approach has not been adequately studied and has not been adequately considered by the biologists and the agencies. This approach would benefit the summer motorized recreation season and provide much needed opportunity instead of unnecessary summer motorized closures and the significant cumulative impact that unnecessary summer motorized closures have had on public access and recreation. Moreover, hunting is causing the impact on wildlife and closures during hunting season are the most equitable way to mitigate those impacts while allowing motorized use during the summer recreation season.

781. Studies cited in our comments clearly establish that other forms of recreation including hiking, horseback riding, fishing, and mountain biking have as much or more impact on fish, wildlife, and the natural environment. However, motorized recreation is singled out as the only recreation group to have significant impacts. This erroneous supposition has been used to justify massive motorized recreational closures. When motorized closures are made other forms of recreation are rewarded by these closures even those they have similar impacts. This discrimination of motorized recreationists must be recognized and corrected in the analysis and decision. Impacts from all forms of recreation must be equally recognized. Impacts on fish, wildlife and the natural environment associated with other forms of recreation are well documented including the following references and the references cited within each reference.

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782. Observing increasing conflict and confusion about the authority and responsibility to manage wildlife on federal lands and wilderness, the Bolle Center for People and Forests at the University of Montana has produced an authoritative review of the legal and policy context of wildlife management on federal lands with the objective of providing a more common understanding amongst federal and state agencies. The common claim that “states own wildlife”—full stop—is incomplete, misleading and needlessly deepens divisions between federal and state governments and creates conflicts and impacts on the public that uses federal lands. The claim is especially dubious when states assert ownership as a basis to challenge federal authority over wildlife on federal lands. State assertions of wildlife ownership are subordinate to the federal government’s statutory and trust obligations over federal lands and their integral resources, including wildlife. Copies of the Bolle Center reports are available at:http://www.cfc.umt.edu/bolle/files/WildlifeonFederalLandsDRAFTArticle_June2017.pdf and http://www.cfc.umt.edu/bolle/files/Fish%20WildlifeMqmtOnFederal%20Lands_Powerpoint_August2017.pdf and http://www.cfc.umt.edu/bolle/files/WildlifeFederalBriefingPaper_June2017.pdf. Motorized recreationists agree with the findings of the Bolle Center. A significant issue is that federal agencies including the BLM and Forest Service are using the “states own wildlife” position to further a management agenda that gives wildlife greater priority than the quality of the human environment on national public lands. This management agenda has produced a significant cumulative impact from all forms of motorized closures which has caused a significant negative impact to the human environment including the pursuit of happiness. This new information must be given a hard look in the analysis and decision.

Sage Grouse Comments

783. Wildfires cause far more negative impact on Sage Grouse than motorized recreation. A sense of magnitude must be used when evaluating impacts on Sage Grouse and all impacts must be compared in relative magnitude. Lack of a sense of magnitude comparison represents arbitrary and capricious decision making.

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784. IMPLICATIONS FOR VEHICULAR RECREATION – A COMMON SENSE STRATEGY

In response to the listing decision and as the lead agency, the BLM, where most of the Grouse habitat is located, issued its National Greater Sage-Grouse Planning Strategy (Charter) and subsequent Instruction Memorandums (IM), along with various FAQ sheets, range maps and other incidental publications.

The production of a National Environmental Policy Act (NEPA) document and subsequent Environmental Impact Statement/Supplemental Environmental Impact Statement (EIS/SEIS), when completed, will guide future management decisions for the Grouse and its sage based habitat. Because of the size of the landmass involving current Grouse habitat and distribution, the CTVA considers the production of this NEPA document to be a major landscape level decision. The subsequent Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) will affect motorized recreation in the 11 states where the Grouse currently occurs (both East and West planning units).

In addition the BLM has published 2 Instruction Memorandums (IM) dated 12/22 and 12/27 2011 that will provide *“interim conservation policies and procedures for BLM field level operations”*. These will also have the potential to greatly affect/impact all aspects of motorized recreation, from traditional camping, hunting and fishing access to access for photography, bird watching, mountain bicycling, boating, cross country skiing and wilderness areas. Most of all, these IM's could have a serious negative impact on casual OHV use and permitted special events such as enduros, trials, hare-scrambles and dual sport rides to name a few. All forms and aspects of motorized recreation...off-highway/off road motorcycle, dual sport/adventure sport motorcycle, ATV, SBS, OSV, 4WD and even all street legal vehicles...may be affected if the IM's are interpreted in the wrong manner in a “one size fits all” decision.

This has occurred in the past when elements of the motorized recreation community were not included in the planning process. CTVA is very concerned that may well be the final outcome if the motorized recreation community members are not involved in this planning process from the beginning. We also believe that rather than the broad sweep of the brush as thusly painted in the most recent IM's and summaries of said, a more **“common sense”** approach (already suggested for adoption by BLM in other Grouse Management Strategy documents) needs to be implemented in order to minimize the affects/impacts on both the Grouse and the recreating public.

In order to accomplish this **“common sense”** approach to management, local land managers at the Ranger District and Field Office level need to be heavily involved with the motorized public to establish achievable goals for protection of the Grouse (lek /nest disturbance, wintering areas and sage habitat degradation) and to mitigate potential affects upon recreation through closure of existing, inventoried and managed routes. These types of closures should always be viewed as the most extreme measure to undertake after all other management techniques and measures have failed. Under the IM's, the CTVA believes that sound, proven OHV management techniques can allow the agency to protect the Grouse and habitat and to provide for responsible, family oriented OHV/ORV recreation, regardless of which form it takes.

Part of this process is to determine time and use regulations that minimize real conflicts between the recreating public and the Grouse. CTVA notes that hunting of the Grouse is still allowed in at least 8 of the 11 states where it is found and that by setting reduced seasons and bag limits, the Grouse is not considered at risk and that hunting can still occur. The same can be said for motorized access and use.

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For example, Grouse leks are concise, well-established, historic areas that can last for decades. Add to this that the leks are mostly in use for strutting/mating during crepuscular hours and that motorized recreation is generally NOT undertaken during those hours...the two can be successfully separated. CTVA also notes the BLM, like the Forest Service, state, county, local and tribal land management agencies is also moving towards a mostly "designated route" planning effort for use of roads and trails that are compatible for motorized recreation use and we support that concept. Except for OSV winter use, where snowpack allows, CTVA recognizes that unauthorized/unmanaged cross country travel can be damaging to both wildlife and habitat.

The local Ranger District and Field Office level recreation planners and managers are the best suited to work with the motorized stakeholders to establish a manageable, designated, user and nature friendly route network for motorized access. This includes access roadways away from paved highways, high clearance routes for pickups, jeeps and other 4WD vehicles that can be shared under combined use by other OHV/ORV categories such as trail bikes, ATV/SBS and or OSV in the winter. Lesser used but just as important to the motorized community are rural 2 track routes that may see little use throughout the year, ATV width trails and trail bike single track width routes. Routes that are duplicitous or fill no need or are illegally established may be considered for closure and rehab. The desired condition is an adequate system/mixture of routes of suitable length and skill levels that follow Best Management Practices (BMP) established by Best Available Science (BAS).

CTVA commends the agency(s) for identifying the concept of limiting OHV use to existing and/or designated roads and trails as a primary strategy to help protect Bi-State Sage Grouse habitat. CTVA believes this is the appropriate method by which to "minimize" environmental impacts.

CTVA also commends the agency for its comprehensive review of the recreation activities that occur in the amendment area. It is noted that said activities are mostly dispersed and do not rely on developed facilities and use is year-round and consists of varied activities including hiking, mountain biking, OHV riding, camping, hunting, and scenic touring. Day use is high, and there are very few developed facilities. Areas of concentrated use occur at popular destinations. Heavy public OHV use occurs in the north part of the Pine Grove Hills. There are many motorized special events, mostly in June. The Walker ATV Jamboree is particularly popular, with participation doubling from year to year. BLM permitted events include competitive motorcycle races, OHV and other vehicle races, competitive horse endurance rides, organized camping events, and competitive mountain bike races. These are described in further detail on pages 24-25 in the DEIS.

CTVA commends the agency for its review of the route network. As noted on page 25 of the DEIS, there are about 11,605 miles of travel routes (designated roads and trails) in the amendment area. Neither agency has designated open OHV "play areas" in the amendment area. On Forest Service lands, no off-road driving is allowed; the BLM does allow some cross-country travel. Existing travel routes on BLM have not been completely evaluated through a travel management planning process and have not been completely "designated". The current OHV designation for much of the BLM managed land in the amendment area is "open" to unrestricted cross-country travel. Approximately 45,000 acres along the Pine Nut Crest are currently designated as limited to designated routes; however, the travel management process has never been completed for this area. The Burbank Canyons Wilderness Study Area (13,395 acres), located at the southern end of the Pine Nut Mountain Range, was closed to motorized use in the 1980s through a Federal Register notice. A small portion (25,000 to 30,000 acres) of the Pine Nut Range includes lands that limit motorized use to existing routes through the 2009 Omnibus Act. The rest of the public lands in the Pine Nuts are designated open to OHV.

The DEIS also states that over the years there have been temporary restrictions on motorized use in the Pine Nuts related to recent fires. Recent fire perimeters or portions of burned areas have a “limited to existing routes” restriction on them. Typically they remain in effect for 2 years after posted in the Federal Register.

There are no public lands in Alpine County designated open to motorized use. The Alpine County Plan Amendment (2007) either limited motorized use to designated routes or closed it. A small area, between 250 to 300 acres near Harvey's Place reservoir has been closed to all public access (both motorized and nonmotorized uses). Travel management has not been completed for Alpine County.⁵

Of the designated travel routes (roads and trails) within the amendment area, 388 miles pass through active sage grouse leks and 58.4 through inactive leks.

CTVA appreciates agency management direction (including development of standards) as stated in the DEIS. The proposed OHV management prescriptions in the DEIS's preferred alternative (PA) have already identified the need to eliminate cross-country travel in the project area where BLM lands are “open” to cross-country travel.

The PA also states on page 29 of the DEIS, that while recreation special use permits would still be granted depending on need and other factors, mitigation or restrictive measures could be placed on types, locations, and timing of activities to ensure consistency with the proposed amendment. Group events could be subject to timing limitations, which could limit the ability of some participants to attend. For example, many recreation events for which permits are issued on public land take place on June 7. In June the grouse are on nests and brood rearing. If the proposed activity poses a threat, the event may be moved or timing changed in order to meet standard 2b to reduce impacts during this period. It is possible that organizers may decide not to hold their event if they cannot hold the event at a particular time. This would represent a reduction in opportunity for participants who would otherwise have been attending such events each year. However, there are many acres of BLM and Forest Service land outside of the amendment area that would be available for these types of events. Current events are evaluated and modified if necessary under the existing interim direction for both agencies, so it is expected that changes to existing events would be minor.

U.S. Fish and Wildlife Service's Proposed Rule (PR) to Designate Critical Habitat for the Bi-State Distinct Population Segment (DPS) for the Greater Sage-Grouse - 78 Fed.Reg. 64328-64355 - was published on Oct. 28, 2013.

In total, approximately 755,960 hectares (1,868,017 acres) fall within the boundaries of the proposed critical habitat designations in Carson City, Lyon, Douglas, Mineral, and Esmeralda Counties, Nevada, and Alpine, Mono, and Inyo Counties, California. If this PR is finalized, it would extend the Act's protections to this DPS's critical habitat.

In order to enhance critical habitat, inhibit degradation, and avoid unwarranted impacts to historic OHV recreation including permitted events in proposed unit lands, CTVA is recommending the FS (and BLM) review – and adopt as appropriate - the following (and proven) OHV management prescriptions into the FEIS and Record of Decision.

- a. **OHV Management Guideline One:** Limit Use to Existing and/or Designated Roads and Trails

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Overview: On Forest Service lands, no off-road driving is allowed; the BLM does allow some cross-country travel. Existing travel routes on BLM have not been completely evaluated through a travel management planning process and have not been completely “designated”. The current OHV designation for much of the BLM managed land in the amendment area is “open” to unrestricted cross-country travel. Approximately 45,000 acres along the Pine Nut Crest are currently designated as limited to designated routes; however, the travel management process has never been completed for this area. A small portion (25,000 to 30,000 acres) of the Pine Nut Range includes lands that limit motorized use to existing routes through the 2009 Omnibus Act. The rest of the public lands in the Pine Nuts are designated open to OHV.

Prescription: Prohibit cross-country travel in the unit. Limit OHV use to existing use where travel plans have not yet been completed and restrict OHV use to designated roads and trails where travel plans have been completed. Casual driving and use of existing or designated trails should be considered a diffuse disturbance with no long-term effects.

b. **OHV Management Guideline Two** – Limited Operating Period for OHV Permitted Events

Overview: According to the BLM and Forest Service, there are many motorized special events on unit lands, mostly in June. These include competitive motorcycle races, OHV and other vehicle races, competitive horse endurance rides, organized camping events, and competitive mountain bike races. Leking occurs between March 1 and May 15.

Prescription: Between March 1 and May 15, prohibit OHV events from using routes that pass through an active lek. Impose a time of day restriction (after 10 a.m.) for routes that pass within ¼ mile of an active lek.

c. **OHV Management Guideline Three** – OHV Sound Restriction

Overview: Although there are not studies specifically focused on the noise effects of OHV use on the Grouse, there are OHV noise studies related to the Northern Spotted Owl (specifically OHV events) and other wildlife. At least one project, shows that noise levels could affect the breeding success of the owl. CTVA believes that noise impacts to wildlife must be when managing routes for OHV use. Land managers in states including Nevada that do not have any statewide OHV sound laws should consider adopting sound laws for special management areas or units that have been designated as critical habitat. (40 CFR, Chapter 1, Section 201.158)

Prescription: Adopt the 2003 California State OHV Sound Law which states, “Sound emissions of competitive off-highway vehicles manufactured on or after January 1, 1998, shall be limited to not more than 96 dBA, and if manufactured prior to January 1, 1998, to not more than 101 dBA, when measured from a distance of 20 inches using test procedures established by the Society of Automotive Engineers under Standard J-1287, as applicable. Sound emissions of all other off-highway vehicles shall be limited to not more than 96 dBA if manufactured on or after January 1, 1986, and not more than 101 dBA if manufactured prior to January 1, 1986, when measured from a distance of 20 inches using test procedures established by the Society of Automotive Engineers under Standard J-1287, as applicable.” Link to CA Sound Law - http://ohv.parks.ca.gov/?page_id=23037

d. **OHV Management Guideline Four** – Invasive Species

Overview: Cheatgrass and medusahead have become the most problematic of the exotic annual grasses within the Sage-grouse Conservation Area” (Miller et al. 2011) OHVs can inadvertently

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spread invasive/noxious weeds including cheatgrass and medusahead. It is important that vehicles be weed-free before travelling off-highway. Thoroughly washing the OHVs will ensure that the seeds are removed and will help mitigate the spread of noxious weeds.

Prescription: Adopt and promote an invasive species related prevention/education program based on the tenets at - <http://playcleango.org/>

785. ISSUES WITH THE QUALITY OF SAGE GROUSE INFORMATION THAT MUST BE CORRECTED

As allowed by the information quality guidelines pursuant to Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 and 44 U.S.C. 3502 with adherence to Part 5: "Request for Correction Procedures" of the U.S. Fish and Wildlife Service Information Guidelines and Peer Review, I urge the U.S. Fish and Wildlife Services (FWS) and interconnected federal and state agencies to consider correction and subsequent removal of errant and unproven population data included in the U.S. Fish and Wildlife Service Species Assessment and Listing Priority Assignment Form for *Centrocercus urophasianus* (Greater sage-grouse) (current version as of 04/24/2013) (heretofore referred to as Sage-Grouse ESA Species Listing Form).

The following is an explanation of reasoning for this request and is intended to urge the FWS and Department of Interior (DOI) to re-examine methodology for estimating sage-grouse populations before classifying the species as a "Continuing Candidate" under petition for listing under the Endangered Species Act (ESA). A general overview and in-depth analysis of references reveals that FWS population estimates for the Greater sage-grouse are based on inaccurate/un-proven and largely un-recognized scientific methodology lacking measurable accountability metrics and comprehensive standards sufficient enough to establish habitat management plans for a state or regional delineation such as Region 6 (Mountain-Prarie Region) or Management Zones (MZ) I – Management Zone VII.

The following explanation of reasoning also includes a Point of Technical Error in Data disbursement and calls to attention of non-compliance with DOI Information Quality Guidelines as the presented in the Sage-Grouse ESA Species Listing Form applies to/affects human populations.

Point of Technical Error in Data disbursement:

The "U.S. Fish and Wildlife Service Species Assessment and Listing Priority Assignment Form" for *Centrocercus urophasianus* (Greater sage-grouse) as made available at the URL:

http://ecos.fws.gov/docs/candidate/assessments/2014/r6/B06W_V02.pdf excludes Figures and Tables from the document. Figures 1 and 2 and Tables 3, 5 and 7 do not appear on the downloadable version of this document. A properly formatted version including these missing figures and tables should be made available to the public for better data understanding prior to FWS decision making to allow for an adequate public review of this information as it is referenced within the context of the document. This exclusion of figures and tables is non-compliant with U.S. DOI Information Quality Guidelines Section II: 4 (c).

Quality of Data for Population Estimates:

Pursuant to U.S. DOI Information Quality Guidelines Section II: 4 (a), (b), (c), the population estimates described in the "Sage-Grouse ESA Species Listing Form" under the heading "Population Estimates/Status" fail to "Use the best available science and supporting studies conducted in accordance with sound and objective scientific practices...". In using these population estimates the FWS, DOI and other agencies relying on the "Sage-Grouse ESA Species Listing Form" fail to "Use data collected by standard and accepted methods..." pursuant to U.S. DOI Information Quality Guidelines (Section II: 4 (b)).

Under the heading "Population Estimates/Status" within the "Sage-Grouse ESA Species Listing Form," there are numerous cases of admission to the fact that methodology reliant upon male lek counts in extrapolating data to determine total species population estimates is "difficult as the relationship of those data to actual population size (e.g. ratio of males to females, percent unseen birds) is usually unknown (WAFWA 2008, p.3; Fedy and Aldridge 2011, p.17)." Subsequently, all

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estimates of sage-grouse populations are inadequate to qualify as quality data under the U.S. DOI Information Quality Guidelines Section II: 4 (a) and (b).

Statements such as: *“In summary, since neither pre-settlement nor current numbers of sage-grouse are accurately known, the actual rate and magnitude of decline since pre-settlement times is uncertain”* from the “Sage-Grouse ESA Species Listing Form” are unsettling given the ramifications of this document’s purpose.

Alternative studies documented in this form (e.g.: *“However, three groups of researchers using different statistical methods (but the same lek count data) concluded that rangewide...”*) still use lek count data, disregarding the document’s revelation that such methodology is unreliable and inaccurate.

The use of anecdotal information included in the “Sage-Grouse ESA Species Listing Form” is also non-compliant with U.S. DOI Information Quality Guidelines Section II:4 (a) and (b). The following statements under the “Population Estimates/Status” heading exemplify a reliance on anecdotal evidence, which is not *“sound and objective scientific practices”* or *“standard and accepted methods”* as required by U.S. DOI Information Quality Guidelines Section II: 4 (a) and (b).

“Estimates of greater sage-grouse abundance were mostly anecdotal prior to the implementation of systematic surveys in the 1950’s (Braun 1998, p. 139). Early reports suggested the birds were abundant throughout their range, with estimates of historical populations ranging from 1,600,000 to 16,000,000 birds (65 FR 51580). However, concerns about extinction were raised in early literature due to market hunting and habitat alteration (Hornaday 1916, pp. 181-185). Following a review of published literature and anecdotal reports, Connelly et al. (2004, ES-1-3) concluded that the abundance of sage-grouse has declined from pre-settlement (defined as 1800) numbers. Most of the historical population changes were the result of local extirpations, which have been inferred form a 44 percent reduction in sage-grouse distribution described by Schroeder et al. 2004 (Connelly et al. 2004, p. 6-7).

The previous passage is contradicted with the following under “Population Trends”:

“Although population numbers are difficult to estimate, the long-term data collected from counting males on leks provides insight to population trends. Periods of historical decline in sage-grouse abundance occurred from the late 1800s to the early 1900s (Hornaday 1916, pp. 179-221; Crawford 1982, pp. 3-6; Drut 1994, pp.2-5; Washington Department of Fish and Wildlife 1995; Braun 1998, p. 140; Schroeder et al. 1999, p. 1). Other noticeable declines in sage grouse populations occurred in the 1920s and 1930s, and then again in the 1960s and 1970s (Connelly and Braun 1997, p. 3-4; Braun 1998, p. 141). Declines in the 1920s and 1930s were attributed to hunting, and declines in the 1960s and 1970s were primarily a result of loss of habitat quality and quantity (Connelly and Braun 1997, p. 2).

Using estimates from the late 1800s-1950 are anecdotal and are therefore non-compliant with U.S. DOI Information Quality Guidelines Section II: 4 (a) and (b) because *“Estimates of greater sage-grouse abundance were mostly anecdotal prior to the implementation of systematic surveys in the 1950’s.”*

Lacking Comprehensive Quality of Data for Populations Affected:

Pursuant to U.S. DOI Information Quality Guidelines Section II: 4 (c), (i, ii, iii), which states:

“(c) In the dissemination of influential scientific information about risks, ensure that the presentation of information is as comprehensive as possible, informative, and understandable. In a document made available to the public, specify, to the extent practicable:

(i) Each population addressed by an estimate of applicable effects

(ii) The expected risk or central estimate of risk for the specific populations affected.

...

(iii) Each significant uncertainty identified in the process of the risk assessment and studies that would assist in reducing the uncertainty.

...

The “Sage-Grouse ESA Species Listing Form” includes no data on one of the major *“population(s) addressed by an estimate of applicable effects”* which is the human population that will be affected

by the data that would determine an ESA ruling for listing the greater sage-grouse for protection under the ESA. Data and information included in the form excludes an evaluation of the negative and positive condition of the human habitat that will be altered by decisions made using the “Sage-Grouse ESA Species Listing Form.” More comprehensive data is necessary to meet the U.S. DOI Information Quality Guideline’s requirements for quality as stated in Section II: 4: *“With respect to influential scientific information disseminated by the Department, regarding analysis to human health, safety, and the environment, the Department will ensure to the extent practicable, the objectivity of this information by adapting the quality principles found in the Safe Drinking Water Act Amendments of 1996.”* These guidelines for quality data and information hold FWS and DOI accountable to regard *“human health, safety and the environment”* in influential scientific data. The current “Sage-Grouse ESA Species Listing Form” does not meet these criteria by excluding data that calculates the impact of the sage-grouse species on human health and safety. (e.g.: Bad land management decisions using this data could lead to fuel heavy forests which burn and release smoke into the air, which harms human health and safety. Removing grazing access to public lands will lead to a decrease in beef production, beef production profitability and will in turn lead to harms on human health and safety due to the lack of economic opportunity and so on...) A comprehensive determination of the interconnected relationship that is mutually beneficial, between humans and sage-grouse must be included in the “Sage-Grouse ESA Species Listing Form” prior to listing decisions for sage-grouse under the ESA.

Effect of the Error:

Human health and safety, as well as harms to the environment would be significant without adequate and accurate population estimates and impact data on the affected populations (humans, other species and sage-grouse).

Specifically, the requester (Mitch Staley) uses this data to contribute to public comments, legislative assistance duties and other means that create public land use management plans. Without accurate population estimates, any measure of accuracy for management plans would be invalid because there is no scientifically valid base-line (control group) population count to measure any progress made by management or protection plans. Any scientific study must have a control group to measure the effect of a treatment. A management plan or protection plan for sage-grouse is the equivalent of an experiment testing a hypothesis. A hypothetical example would be: There are 100,000 sage grouse in MZ-I in 2014 (the 100,000 sage-grouse are the control group in this experiment), our hypothesis states that decreasing predators will increase the health of sage-grouse populations in MZ-I. Our treatment in this experiment is to “decrease predators.” After six-years, we will be able to determine the validity of our treatment because we knew our control group was 100,000 grouse. If we find that we have 150,000 grouse in 2020, we will know that our treatment was effective. If we find fewer than 100,000 grouse in 2020, we will know that we did not impact the issue.

Not knowing an accurate control number for sage-grouse prior to implementing any management treatment (whether its ESA listing or stricter management) is un-scientific and would determine invalid results that no proper conclusions could be drawn to infer upon the greater sage-grouse population. Planning without accurate data—planning that includes removing grazing access, hinders private land development, hinders public forest management and impacts local economies—is harmful to the requester and the human population in Region 6 (Mountain-Prairie Region) and the economies that rely on Region 6 industries. We must have accountable and scientifically valid methodology to determine control groups to draw inferable conclusions from our efforts. The “Sage-Grouse ESA Species Listing Form” does not reveal such methodology or valid control groups.

Influential Information Classification:

U.S. DOI Information Quality Guidelines Definition 9, which states:

9. Influential, when used in the phrase “influential scientific, financial, or statistical information” means that the Department can reasonably determine that dissemination of the information will have or does have a clear and substantial impact on important public policies or important private

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sector decisions. The Department, including all offices and bureaus and the NISC, is authorized to define "influential" in ways appropriate for it, given the nature and multiplicity of issues for which the bureau or component is responsible.

Adhering to this definition of "Influential," classifies the information and data (species population estimates and impact to human populations) in question by the requestor as influential as required by Part 5: "Request for Correction Procedures" of the U.S. Fish and Wildlife Service Information Guidelines and Peer Review.

The data in question holds a "clear and substantial impact on important public policies or important private sector decisions." The data in question sets a control group to measure progress of any future management plan or listing efforts while excluding data and research on the potential harms to other populations (humans and others) as required by U.S. DOI Information Quality Guidelines.

Relevant Supporting Documentation:

Electronic Communication with Montana Fish and Wildlife and Parks official:

"Hi Mitch,

I don't believe there have been any more recent estimates of population size. FWP doesn't necessarily endorse the USFWS number (but we don't refute it either). We feel that extrapolating our male counts on leks to a population estimate would be so full of assumptions that whatever number we came up with could potentially miss the true number significantly. We are having discussions internally and range-wide about some survey methods that would allow us to estimate the number of birds with more confidence. The earliest we could start that would be next spring. A lot of people want a population number. Unfortunately we don't have the right information to supply that with any confidence.

Thanks for your interest."

This correspondence provides validating evidence for the concerns expressed in this request.

Links to Concerned Documents:

U.S. DOI Information Quality Guidelines:

<https://www.doioig.gov/docs/InformationQualityGuidelines.pdf>

U.S. FWS Information Quality Guidelines:

<http://www.fws.gov/informationquality/>

U.S. Fish and Wildlife Service Species Assessment and Listing Priority Assignment Form for *Centrocercus urophasianus* (Greater sage-grouse) (current version as of 04/24/2013) (referred to as "Sage-Grouse ESA Species Listing Form")

http://ecos.fws.gov/docs/candidate/assessments/2014/r6/B06W_V02.pdf

1. The agency must review and consult with the issues raised by the affected local governments.
2. OHV and recreational access are tertiary threats, never tied to meaningful harm of grouse or habitat.
3. Travel and recreation restrictions must be based on site-specific and activity-specific science.
4. Recreational routes such as dirt two-tracks or single-track can't be treated the same as a highway.
5. Current iterations of lek buffers for OHV routes, e.g. 4 miles, are unreasonable and lack scientific basis. An example of arbitrary and capricious decision-making.

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6. Current seasonal restrictions on OHV riding within lek buffers, e.g. March 1-June 30, are irrational. An example of arbitrary and capricious decision-making.
7. There is absolutely no rational basis for the 3% disturbance cap. An example of arbitrary and capricious decision-making.
8. Whatever disturbance cap(s) are created must specify, and justify, inclusion of any recreation activities.
9. A "no net loss" requirement for future projects is unwarranted and unworkable.

16. Overstates the Impact of Motorized Access and Motorized Recreation on the Natural Environment

786. A meaningful test to determine the significance of impacts from OHV recreation on the environment must be based actual field data that allows a comparison to natural impacts. The evaluation to date lack actual field data. The evaluation to date lacks a comparison to natural impacts. The analysis must develop a reasonable alternative based on comparison of impacts to the natural level for evaluation. Incorporating these flaws into the evaluation will produce a strong anti-OHV bias in the analysis and the resulting decision. Therefore, the analysis must include actual field data and comparisons to the natural level of impacts.

787. Held to an Unnatural Standard – air quality, water quality, impact on fish and wildlife, level of erosion. Fires, floods, natural levels of erosion all produce far greater impacts on air quality, water quality, and fish and wildlife. Motorized recreationists are being held to an unnatural standard which clearly indicates a grievous bias. Impacts associated with motorized recreation including sedimentation and disturbance of wildlife are being judged as significant when in reality they are less than the natural level of sedimentation and impacts on wildlife associated with fires and floods. Being held to a level of impact that is less than the natural level is proof of a strong bias in the evaluation process and arbitrary and capricious decision-making.

788. We are very concerned about the way that the evaluation considers what is considered natural and what is not considered natural. First, the needs of the human environment for motorized recreation should be considered part of the natural environment (as required by the original NEPA) and adequately considered in the evaluation. Secondly, massive impacts from natural events such as fires, floods, and pine beetle (we have witnessed all of them recently) are considered acceptable while relatively miniscule impacts from motorized recreation are considered unacceptable. This sort of reasoning is clearly arbitrary and capricious and we ask that the evaluation define the natural level of impacts, develop a sense of magnitude for those impacts versus motorized impacts and carefully screen out any hint of arbitrary and capricious decision-making. In order to avoid being arbitrary and capricious, all impacts must be compared to natural levels. Impacts associated with OHV recreation should not be considered significant unless they are 50% or more of the natural level.

789. The goal of the agency as stated in the document is to reduce sediment production below natural levels. By reducing the rate of sedimentation to less than natural the agency will create adverse environmental impacts. This goal is not reasonable. This goal needs to be recognized and corrected by quantifying and allowing for a reasonable sediment amount based on the natural level of sedimentation and recognizing the role and benefits that sediment provides to the natural environment.

790. Erosion is the source of sediment. Erosion and sediment occur naturally in a significant magnitude. Erosion and sediment production associated with OHV recreation is insignificant compared to natural erosion and sedimentation. Work published by Andrew Simon of the USDA-ARS National Sedimentation Laboratory demonstrates this fact. Simon has established typical watershed sedimentation yields for ecoregions of the United States. As shown on Figure 7 from the paper "Evaluation of the Importance of Channel Processes in CEAP watershed Suspended-Sediment Yields" the typical rate of sedimentation in western Montana during the 1.5 year flood (common annual event) is 17 tons per day per square kilometer which is equivalent to 44 tons per day per square mile. At a typical sediment density of 90 pounds per

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cubic foot (Table 2.16, Reference 1), the natural erosion/sediment yield is at minimum equal to $(44 \times 2000 / 90) = 978$ cubic feet per square mile which equals 36 cubic yards per square mile or almost four 10-yard dump truck loads per square mile.

There are 155,480 acres or 243 square miles in the project area. Therefore, the natural erosion/sediment yield from the project area is on the order of $(243 \times 36) = 8,748$ cubic yards per year or 875 dump truck loads per year. Our observations of the project area do not show any evidence that OHV recreation produces even 1% of this naturally occurring level of erosion and sediment production. The agency has not produced any site-specific data as required by the 3-State OHV ROD that demonstrates a significant amount of erosion/sediment production originating from OHV recreation. Statements are made in the document based on a lot of hand waving and un-calibrated computer models. To claim that OHV recreation has a significant impact on erosion/sedimentation (as stated in Chapter 2 of the DEIS) is an erroneous and unreasonable statement. Erosion and sediment production associated with OHV recreation **does not** have a significant magnitude and should not be considered a significant issue.

We strongly disagree with the assertion made in the environmental document that erosion/sedimentation is a significant issue that justifies closing motorized recreational opportunities. Erosion/sedimentation is a naturally occurring process that has created mountains and valleys. Erosion/sedimentation is a necessary natural process and the analysis must adequately recognize this fact and the relative magnitude of erosion/sedimentation from OHV recreation versus the natural rate of erosion/sedimentation. We agree that erosion/sediment production is an issue of concern that can be easily mitigated by following guidance on the construction of water bars and other mitigation measures including those referenced in our comments.

Reference 1: Bunte, Kristin; Abt, Steven R. 2001. Sampling surface and subsurface particle-size distributions in wadable gravel- and cobble-bed streams for analyses in sediment transport, hydraulics, and streambed monitoring. Gen. Tech. Rep. RMRS-GTR-74. Fort Collins, CO: U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station. 428 p. http://www.fs.fed.us/rm/pubs/rmrs_gtr074.pdf

Reference 2: Evaluation Of The Importance Of Channel Processes In CEAP watershed Suspended-Sediment Yields, Andrew Simon, Research Geologist, USDA-ARS National Sedimentation Laboratory, P.O. Box 1157, Oxford, MS; asimon@ars.usda.gov, http://pubs.usgs.gov/misc/FISC_1947-2006/pdf/1st-7thFISCs-CD/8thFISC/Session%2010C-3_Simon.pdf

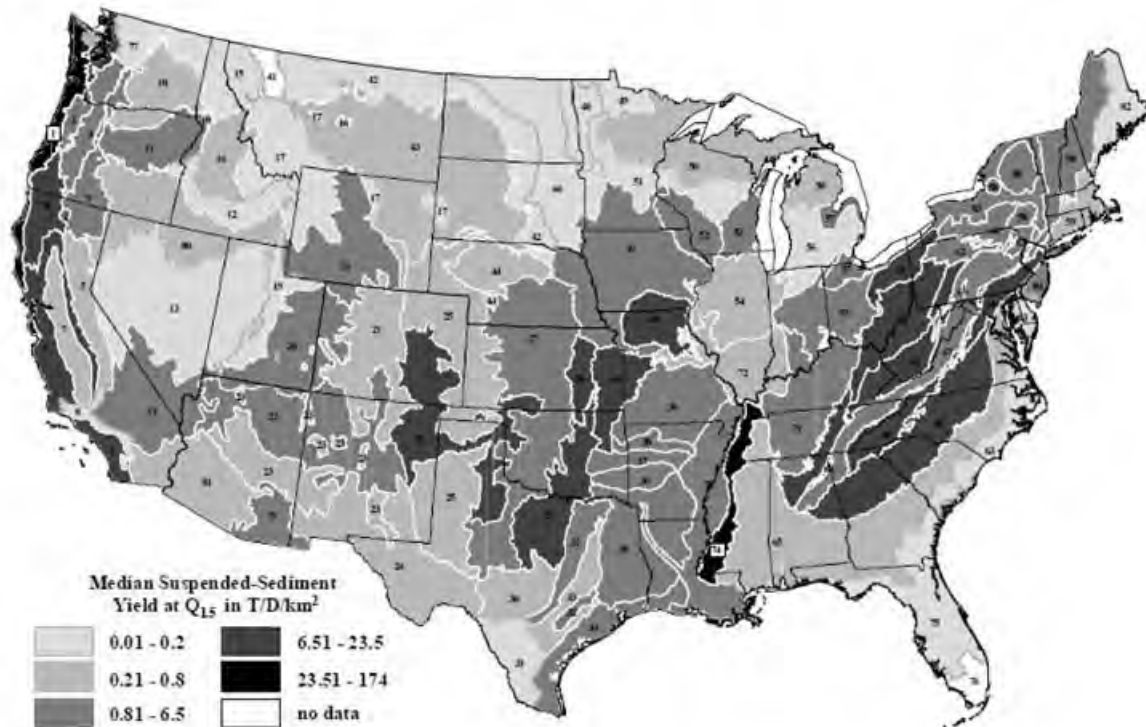


Figure 7 Distribution of median suspended-sediment concentrations and yields at the Q_{1.5} for Level III ecoregions of the continental United States.

791. Impacts should be evaluated in a fair and unbiased manner and with a relative sense of magnitude. For example, if natural events including floods, wildfires, and their associated impacts are natural and acceptable as stated by some agency personnel and environmental groups, then (in order to be consistent and equitable) impacts from OHV recreation should be compared in relative magnitude to the impacts associated with floods, wildfire, and other natural events. We are concerned about comments about OHV recreation being such a significant threat to public lands (Bosworth speech, January 16, 2004). The impact of OHV recreation in our area compared to the negative impacts from just one of the 6 significant fires in our area is miniscule (http://www.helenair.com/articles/2004/09/30/top/a01093004_01 prt). Therefore, the impact of recreation should be fairly compared to the impact of floods, wildfire, and other natural events on all resource areas. These comparisons should also include natural levels of noxious weeds, carbon dioxide production (<http://www.cbmjournal.com/content/pdf/1750-0680-2-10.pdf>), deforestation, erosion and sediment production, and loss of organic material. Impacts associated with OHV recreation should not be considered significant unless they are 50% or more of the natural level.

The use of soil erosion as a reason to close motorized recreational opportunities is an example of the predisposition that exists per the following example. Soil erosion associated with fires that have burned severely has been reported in the range of 50 tons per hectare¹ (20 tons per acre). Nearly all fires increase sediment yield, but wildfires in steep terrain produce the greatest amounts (12 to 165 ton per acre per year, 28 to 370 Mg per hectare per year) (table 5 and

¹ <http://news.bbc.co.uk/1/hi/world/europe/3164843.stm>

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figure 11)². This soil loss occurs over the burned area due to the lack of vegetative cover to hold the soil in place on steep slopes during precipitation events and increased peak rates of runoff. Flood peak flows after wildfires that burn large areas in steep terrain often produce significant impacts. Peak flow increases of 10 to 100 times are common, but some have been measured as high as 2,300 times pre-fire conditions³. The increase in sediment production and deposition and impacts on the stream channel and over-bank areas following a forest fire is documented in the July 2006 and January 2008 editions of Stream Notes (www.stream.fs.fed.us).

Since 1960 the acres burned nationally have ranged from 2.3 to 8.6 million acres and averaged 4.5 million acres. At a typical sediment yield of 20 tons per acre per year, about 90,000,000 tons of sediment has been produced by fires or about 9,000,000 dump truck loads. On a more local basis in the Shoshone National Forest several hundred thousand acres have burned since 1988. Sediment production associated with these fires would equal 4,000,000 tons or 400,000 dump truck loads. Sediment production associated with motorized recreation cannot begin to compare to this magnitude and, therefore, it is not reasonable use sediment as a basis to close motorized recreational opportunities when impacts from “Let it burn” and other management policies are a million times greater and considered acceptable.

Monitoring and evaluation must be made consistent with and pursuant to the best available scientific information, techniques, and methods, and any conclusions based on these evaluations must be statistically significant.

² Robichaud, Peter R.; Beyers, Jan L.; Neary, Daniel G. 2000. **Evaluating the effectiveness of postfire rehabilitation treatments**. Gen. Tech. Rep. RMRS-GTR-63. Fort Collins: U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station. 85 p. http://www.fs.fed.us/rm/pubs/rmrs_gtr63.pdf

³ POST-WILDFIRE WATERSHED FLOOD RESPONSES, Daniel G. Neary*, Gerald J. Gottfried, and Peter F. Ffolliott, USDA Forest Service, Rocky Mountain Research Station, Flagstaff, AZ School of Renewable Natural Resources, University of Arizona, Tucson, AZ http://www.rmrs.nau.edu/lab/4302/Publications/Neary_65982.pdf

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National Interagency Coordination Center Annual Fire Data

Total Wildland Fires and Acres (1960-2006)		
Year	Fires	Acres
2006 (1/1/06 - 10/30/06)	86,545	9,442,610
2005	66,552	8,686,753
2004*	77,534	6,790,692
2003	85,943	4,918,088
2002	88,458	6,937,584
2001	84,079	3,555,138
2000	122,827	8,422,237
1999	93,702	5,661,976
1998	81,043	2,329,709
1997	89,517	3,672,616
1996	115,025	6,701,390
1995	130,019	2,315,730
1994	114,049	4,724,014
1993	97,031	2,310,420
1992	103,830	2,457,665
1991	116,953	2,237,714
1990	122,763	5,452,874
1989	121,714	3,261,732
1988	154,573	7,398,889
1987	143,877	4,152,575
1986	139,980	3,308,133
1985	133,840	4,434,748
1984	118,636	2,266,134
1983	161,649	5,080,553

Year	Fires	Acres
1982	174,755	2,382,036
1981	249,370	4,814,206
1980	234,892	5,260,825
1979	163,196	2,986,826
1978	218,842	3,910,913
1977	173,998	3,152,644
1976	241,699	5,109,926
1975	134,872	1,791,327
1974	145,868	2,879,095
1973	117,957	1,915,273
1972	124,554	2,641,166
1971	108,398	4,278,472
1970	121,736	3,278,565
1969	113,351	6,689,081
1968	125,371	4,231,996
1967	125,025	4,658,586
1966	122,500	4,574,389
1965	113,684	2,652,112
1964	116,358	4,197,309
1963	164,183	7,120,768
1962	115,345	4,078,894
1961	98,517	3,036,219
1960	103,387	4,478,188
	Total acres	206,638,790

* 2004 fires and acres do not include state lands for North Carolina

Source: National Interagency Coordination Center (http://www.nifc.gov/stats/fires_acres.html)

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792. We have witnessed a significant increase in sediment deposits in the North Fork of the Salmon River and Blackfoot River following forest fires in those drainages. The sediment production from OHV use is insignificant compared to the production from fires. An adequate sense of magnitude must be used when assessing sediment impacts associated with OHV recreation.

793. Sediment deltas formed in the South Fork of the Boise River as shown in the following two photographs by the 2013 Kelly Fire. OHV recreation has never produced this much sediment.



794. In a fair and unbiased evaluation, the source of the impacts (natural versus human caused) should not be a factor. In a fair and unbiased evaluation, relative impact associated with natural events including floods and wildfires is thousands of times greater than impacts associated with timber harvests and OHV recreation, yet proposed action involving timber harvests and OHV recreation are considered to have unacceptable impacts. The absence of a rational connection between the facts found and the choice made has been defined by the courts as arbitrary and capricious (*Natural Resources. v. U.S.*, 966 F.2d 1292, 97, (9th Cir.'92)). A clear error of judgment; an action not based upon consideration of relevant factors and so is arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law or if it was taken without observance of procedure required by law (5 USC. 706(2)(A) (1988)). We request fair and unbiased evaluations and judgments during this evaluation and decision-making.

795. Impact Assessment. With respect to impact assessment, if you cannot measure an impact then it is not a real impact. Impacts associated with beetle killed trees and fires are acceptable to the agency. OHV impacts are minimal when compared to beetle killed trees and fires.

796. 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.

797. 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 normal runoff, floods, and fires. The recent fires in the 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. Another example is the assertion that groomed snowmobile trails affect the lynx. Groomed snowmobile trails cover less than 0.001% of the total area and the impact on the lynx is of a similar

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magnitude. Additionally, if snowmobile trails affect the lynx, then so do cross-country and snowshoe ski trails. Again, we doubt that these impact the lynx but if snowmobiles do, then so do trails packed by non-motorized users. Quite often non-motorized impacts are equal or greater and they must be fairly assessed also.

798. 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.

799. 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 back-up the claimed improvements to the natural environment.

800. 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.

801. For the most part, the existing levels of roads and trails have acceptable natural environmental impacts because of the dispersed level of use that it allows. Mitigation can be implemented in those cases where there are environmental problems. The management trend of closure after closure is concentrating recreationists into smaller and smaller areas. The cumulative negative impact of the closure trend will either produce more impact than allowing use of the existing roads and trails or squeeze us completely out from public lands. There is also a significant public safety aspect associated with squeezing everyone into a small area as accidents will increase with too many motorized recreationists on too few routes. We request that these significant issues be acknowledged and adequately addressed. We also request that the trend of wholesale closures be reversed so that public land can be managed using the most sound natural and human environmental principles.

802. There was considerably more human activity in the project area during the period from 1870 to 1940 when mining, logging, homesteading, ranching, and pioneer activity was high. Therefore, there is considerably less human activity and human-caused impact now than during any period in the last 130 years. We request that the trend of less human impact on the natural environment be adequately recognized and addressed in the analysis.

803. Non-motorized recreationists traveling cross-country produce similar impacts to cross-country motorcycle travel, i.e. impact on weeds, foot prints, and disturbance of wildlife. Therefore, any areas closed to cross-country motorcycle travel should also be closed to non-motorized cross-country use and/or the impacts should be evaluated fairly across the board for all users.

804. Positive impacts to the environment in areas such as fisheries, wildlife habitat, sediment reduction, and noxious weeds are largely based on personal judgment or predictive models. These models are not calibrated or based on data from the study area. All models are wrong, so honest modelers first report the expected uncertainty of the model and then the predictions. There are no case histories and very little data to back up any of the predictions.

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All too often actions have been enacted based on proclaimed benefit to the environment and without any tangible evidence or follow-on monitoring to document whether proclaimed benefits occurred or not. All too often these same actions have produced significant negative impacts on multiple-use interests. Significant recreational opportunities have been taken from multiple-use and motorized recreationists based on theoretical environmental improvements that may never happen. This lack of accountability is not acceptable.

We request that sufficient background data be collected to quantify the existing conditions in the resource areas of interest. Then, if a motorized closure is enacted, sufficient data should be collected to demonstrate whether or not there was significant improvement to each resource area. If significant measurable improvement cannot be demonstrated, then, in order to be accountable, motorized closure actions should be reversed. In other words, the public needs to know how the decision made, the data on which it was based on including the source, and whether the data was adequate to substantiate the claimed environmental improvements.

Additionally, we request that the cumulative negative impact from all past actions based on inadequate documentation and accountability for improvements be determined. Again, if significant measurable improvement cannot be demonstrated, then, in order to be accountable, motorized closure actions must be reversed.

805. Recent research (Sediment Production From Forest Roads In Western Montana, Brian D. Sugden and Scott W. Woods, Paper No. J05063 of the Journal of the American Water Resources Association (JAWRA)) has concluded that sediment traps are highly efficient at trapping sediment from routes (page 198-199) and are a reasonable mitigation measure, that the typical sediment yield from roads in Montana is relatively low compared to other regions for a number of reasons including the precipitation regime (page 201-202), that grading or maintenance (or removal) of roads increases sediment production (page 202-203) therefore leaving roadbeds alone is reasonable alternative, and that sediment models typically have a 30% variability in their estimates (page 203) which is probably greater than the total sediment impact from OHVs that the model(s) are trying to predict.

806. Watershed restoration and road decommissioning are designed to decrease sediment loads to fish-bearing streams over the long term, however, within the first few years of heavy equipment work, sediment loads commonly increase (Klein, R. 2003. Duration of turbidity and suspended sediment transport in salmonid bearing streams, North coastal California. 37 pp.).

807. Past analyses of the affected environment and environmental consequences have failed to adequately recognize that resources such as fisheries, wildlife, and sediment production are affected far more by nature than by motorized visitors. Drought has a significant impact on fisheries, OHV recreation does not compare. Erosion and other activities of interest such as the spread of noxious weeds occur naturally and at significant rates. Floods, fires, drought, and wildlife diseases have historically created significantly greater impacts than motorized visitors have. For example, cutthroat trout have never needed to be relocated because of



motorized recreation and motorized recreation has never caused a sediment yield anywhere close to 19 tons per acre which both occurred following the Derby fire in 2006 (http://www.helenair.com/articles/2006/11/07/montana/a07110706_02.prt).

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In many cases it is not reasonable to deem as unacceptable the relatively small increase caused by motorized recreation on natural activities. Comparing man-caused impacts to natural impacts is a reasonable approach that should be used to test for the significance of impacts and improvements. The improvements to the natural environment from this action are not significant when compared to the naturally occurring impacts. The picture shows Copper Creek near Lincoln, Montana following the August 2003 fire. Prior to the fire the Forest Service was concerned about the public camping next to the creek. The potential impacts from the public camping along this stream compared to this fire are insignificant yet closure of this recreation opportunity was being considered. Why are there so many double-standards in the impact analyses? We request that all impact analyses in all resource areas compare the relative magnitude of man-caused impacts to the background level of naturally occurring impacts or management actions such as the "Let it burn" policy.

808. Theoretical or assumed impacts must not be used to close motorized recreational opportunities. This is happening way too often. For example, an impact on wildlife by OHV recreation is assumed on a theoretical basis but there is no site specific data or monitoring to back that statement. A similar situation is happening in other resource areas including sedimentation and noxious weeds. Decisions to close motorized recreation must not be made on the basis of theoretical or assumed impacts to the natural environment. In order to avoid arbitrary and capricious decisions, site specific data and monitoring must be presented and demonstrate a measure significant impact.

809. The amount of sediment production from federal lands is relatively small compared to sediment production that ultimately reaches stream courses from non-federal lands. For example, the Bear Canyon sediment study in the Gallatin National Forest found that sediment production at the forest boundary was on the order of 3 tons per year while the sediment production at the mouth of the stream was on the order of 35 tons per year. Therefore, the sediment production from the federal lands is reasonable and any environmental benefit to the stream must be focused on the non-federal lands downstream.

810. The sediment analysis conducted for this project assumed that all of the increased sediment produced by public access and recreational use can be transported or moved. However, many sedimentation evaluations have found that the amount of sediment moved is often limited by the sediment transport capability of the stream. Hans Albert Einstein stated "The coarser part of the load, i.e. the part that is more difficult to move by flowing water, is limited in its rate by the transporting ability of the flow between the source and the section"⁴. Therefore, the transport capacity of the project streams must be established and compared to the amount of historic sediment transport to determine if there is any additional capacity to transport the increased amount of sediment predicted by the project evaluation. This basic check should be conducted so that the increase in sediment production and associated negative impacts are not over-estimated to the disadvantage of public use and motorized recreation.

811. The estimated reduced annual volume of sediment production attributed to proposed motorized closures versus the annual volume of runoff is an actual reduction in sediment production on the order of 10 or less parts per million. This level of predicted sediment reduction should not be considered significant especially when compared to the baseline

⁴ Einstein, H.A., 1964, "Sedimentation, Part II. River Sedimentation," Handbook of Applied Hydrology, V.T. Chow, Section 17, McGraw-Hill Book Co., NY.

sediment production and natural events discussed above. This level of predicted reduction in sediment production should not be used as the basis for motorized closures.

812. Confirmation of the significant magnitude of the impacts of fire versus the relatively minor impacts of recreation are further substantiated by the following article from the Helena IR: *The popular Meriwether picnic area, located along the Missouri River in the Gates of the Mountains corridor, also will be closed until the area is deemed safe for public use. Following the 2007 Meriwether Fire, debris and numerous floods continue to flow through the picnic site, creating a serious safety hazard. The public docks will not be installed this year; instead, people should use Coulter campground. The Meriwether Picnic Area closure could remain in effect for several years, until hydrologic conditions improve in Meriwether Canyon. "Flash floods, as those happening at this site, occur when the ground becomes saturated with water that cannot be absorbed quickly enough," said Mike Cole, acting Helena District ranger. "Without live vegetation to absorb the precipitation up on the mountain, the water runs off and floods the picnic area."* http://helenair.com/news/article_633fdef8-6a1c-11df-8dcf-001cc4c002e0.html?print=1

813. The transport mechanism for noxious weeds includes all visitors and uses of public lands including hikers, equestrians, and cattle grazing in addition to motorized recreationists. Many events including fire, floods, and the importation of invasive species also contribute to noxious weed problems. For the most part, vehicles do not have a surface texture that will pick up and hold noxious weeds seeds. Transport mechanisms based on hair, fur, manure, shoes, and fabrics are more effective than the smooth metal and plastic surfaces found on vehicles. Additionally, motorized recreationists practice the "Wash your Steeds" policy. However, closures due to noxious weed concerns are only placed on motorized recreationists.

We have observed an equal amount of noxious weeds in non-motorized areas as there are in motorized areas. We request that the document make a fair evaluation of all sources and uses that contribute to the noxious weed problem including hikers, mountain bikers, equestrians (non-use of weed-free hay), etc. The document should also fairly evaluate how natural processes and wildlife spread noxious weeds. The document should include a balanced discussion of the noxious weed problem. The discussions, decisions and measures used to mitigate noxious weeds should be applied impartially to all visitors and with a realistic representation of noxious weeds natural ability to spread versus a relative magnitude for every activity's contribution.

814. OHV owners in Montana, as part of their vehicle registration, contribute \$1.50 to a noxious weed abatement program. Non-motorized visitors do not contribute to a weed abatement program. We request that the analysis be based on a balanced discussion of the noxious weed problem. The discussions, decisions and measures used to mitigate noxious weeds should recognize the relatively minor impact that OHVs have on the noxious weed problem and credit OHV visitors for contributing to a program to control noxious weeds. Additionally, this is another example of predisposition because motorized recreationists have not been given credit for the positive action that they have taken and we have only been penalized for our past cooperation and the initiative taken to control noxious weeds.

815. The environmental document should accurately address the significant negative impacts associated with disturbing existing stable roadways in order to obliterate the existing roadbed. A reasonable alternative would be to reclassify the road to either restricted-width or unrestricted-width motorized trail. We request, as a reasonable alternative, that the preferred alternative make practical use of this management tool and the benefits that it provides including reduced sedimentation impact, reduced fisheries impact, reduced noxious weed

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impact, much less construction cost, reduced road inventory, reduced road maintenance and increased opportunities for motorized recreationists. Reclassifying roadways to restricted- or unrestricted-width motorized trail also avoids contributing to cumulative negative impacts on motorized recreationists.

816. Natural conditions should be used as the benchmark for the test of impacts on natural resources. All impacts should be measured against a realistic assessment of natural conditions including natural sound levels, sedimentation rates and natural events such as fires, glacial periods, and floods. We request that guidelines be developed to help determine if perceived impacts are significant or insignificant. All measures of perceived impacts should be compared to natural levels of activities over the course of time to test for significance. A significant difference in magnitude should be required before a perceived impact can be considered significant. This standard is required in order to remove personal opinions from the process and to restore impartial and reasonable judgment to the process.

For example, the lack of adequate policy and implementation of fire management practices has led to many catastrophic fires. The sedimentation resulting from these fires should be measured and compared to all OHV activity in the forest. The results will demonstrate that the rate of sediment resulting from fires is thousands of times greater than that of all OHV activity in the forest. The determination of the natural rate of sedimentation over the course of time will also demonstrate that the natural rate of sedimentation is many times greater than that of all OHV activity in the forest. These are examples of the sense of magnitude and big picture perspective that should be required when evaluating impacts in the document and decision-making.

817. The Forest Service Stream Systems Technology Center has found, in a paper published in the July 2000 issue of Stream Notes, that roads and trails can easily be hydrologically disconnected from streams. Therefore, the sedimentation concerns can be easily mitigated and should not be used as a reason to justify motorized recreation and access closures except in exceptional cases that cannot be adequately mitigated.

818. Natural resources are renewable and sustainable when reasonably managed and used. Environmental health is not significantly improved under management for wilderness or roadless character. Reasonable management and use for the benefit of all citizens is best provided under multiple-use policies. We request that decision-making be based on restoring reasonable management and use of public lands.

819. In the past, timber harvests have been conducted without consideration for maintaining existing motorized trails through the area. Therefore, motorized recreation opportunities have been eliminated as part of timber sales. The Little Blackfoot and Telegraph Creek areas are examples of motorized closures done as part of timber harvests that have fragmented the motorized road and trail system. Now as mitigation measure to offset the significant impact from the cumulative effect of all past actions, motorized trail systems should be developed using timber sale roads and trails. Existing timber sale roads and trails should be interconnected by construction of new trail segments or rehabilitation of existing trail segments to provide mitigation for lost motorized recreation opportunities. Connector trails should be constructed to avoid dead-end trails. These systems could provide recreation opportunities for a variety of skill levels and visitors.

820. The March/April 2016 issue of Water Resources IMPACT published by the American Water Resources Association in an article titled "Wildfires" concluded that "Large increases in runoff and erosion rates following wildfires have been well researched and documented (Moody and

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Martin, 2009; Miller, et al., 2011; Robichaud, et al., 2010). For example, Robichaud et al. (2010) used simulated runoff at seven locations in the western United States and Canada to compare rill erosion rates among unburned and burned forest plots. Runoff rates at burned plots compared to the unburned plots increased six times in the year of the fire and two times the rate of the unburned plots in the third year post-fire; sediment flux rates were initially 185 times the rates of the unburned plots and, in the third year post-fire, 130 times the rates of the unburned plots. In New Mexico, following the Cerro Grande fire, Hinojosa, et al. (2004) reported increases in post-fire peak flow rates by a factor of 200 times compared with pre-fire rates.



Photo 1. Rows of sediment and rock debris in the Fourmile Canyon wildfire burn area, west of Boulder, Colorado following a rainfall event with a return frequency of approximately two years. Prior to the wildfire, the same storm event would be expected to generate limited runoff.
Photo by Ian Paton

821. Impacts from OHV recreation on the natural environment must be backed up by facts, site specific studies, data, and monitoring, and overall public need and must not be used as a ploy to close motorized recreational opportunities.

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17. Motorized Recreation References That Need To Be Used In The Analyses

822. Good resources for the construction and management of OHV trails has been developed at http://www.fs.fed.us/t-d/atv_trails_site/index.html and <http://www.nohvcc.org/Resources/great-trails/resources>. Use of the practices demonstrated at this web site will minimize the impact of OHV trails.

823. An excellent reference is Tom Crimmins and NOHVCC booklet titled Management Guidelines for OHV recreation which can be downloaded at <http://atfiles.org/files/pdf/crimminsNOHVCC.pdf>. Other good references for OHV recreation can be found in the American Trails library at <http://www.americantrails.org/resources/motors/index.html> and on the NOHVCC web site at <http://www.nohvcc.org/home>.

824. The National Off-Highway Vehicle Conservation Council (NOHVCC) has created a valuable new resource that will really benefit land management agencies. The document was developed with input from more than 20 experts and funded by 30 OHV agencies and organizations. "Great Trails: Providing Quality OHV Trails and Experiences," a 350-page book, was released October 30, 2015 and is available at www.greatohvtrails.com.

825. A science-based approach to the analysis of forest roads is presented in the Forest Service publication FS-643 Roads Analysis which was published in August 1999. This document includes a comprehensive overview of considerations and issues, suggested informational needs and sources, and analytical tools that should be evaluated during the analysis of forest roads. Many of the considerations and issues presented in FS-643, if evaluated adequately and fairly, would support keeping primitive roads and trails in the project area open for motorized recreation, handicapped, elderly, and physically impaired. We request that FS-643 be used in this evaluation to determine the specific values of each motorized road and trail.

Some of the considerations and issues are:

Economic (EC)

EC (1) How does the road system affect the agency's direct costs and revenues?

EC (2) How does the road system affect priced and non-priced consequences included in economic efficiency analysis used to assess net benefits to society?

EC (3) How does the road system affect the distribution of benefits and costs among affected people?

Timber Management (TM)

TM (2) How does the road system affect managing the suitable timber base and other lands?

Minerals Management (MM)

MM (1) How does the road system affect access locatable, leasable and saleable minerals?

Special Use Permits (SU)

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SU (1) How does the road system affect managing special user permit sites?
Protection (PT)

PT (1) How does the road system affect fuels management?

PT (2) How does the road system affect the capacity of the FS and cooperators to suppress wildfires?

PT (3) How does the road system affect risk to firefighters and public safety?

Road Related Recreation (RR)

RR (1) Is there now or will there be in the future excess supply or excess demand for roaded recreation opportunities?

RR (2) Is developing new roads into unroaded areas, decommissioning existing roads, or changing maintenance of existing roads, causing significant changes in the quantity, quality, or type of roaded recreation opportunities?

RR (3) Who participates in roaded recreation in the areas affected by road constructing, maintaining, or decommissioning?

RR (4) What are these participants' attachments to the area, how strong are their feelings, and are there alternative opportunities and locations available?

Social Issues (SI)

SI (1) What are peoples' perceived needs and values for roads? How does road management affect people's dependence on, need for, and desire for access?

SI (2) What are people's perceived needs and values for access? How does road management affect people's dependence on, need for, and desire for access?

SI (3) How does the road system affect access to historical sites?

SI (4) How are roads that are historic sites affected by road management?

SI (5) How is community social and economic health affected by road management?

Civil Rights and Environmental Justice (CR)

CR (1) How does the road system, or its management, affect certain groups of people (minority, ethnic, cultural, racial, disabled, and low-income groups)?

We request full use of the FS-643 Roads Analysis Manual in order to adequately account for the social, economic, cultural, and traditional values that motorized roads and trails provide to the public. FS-643 should be used on every road and trail segment in order to adequately identify and evaluate the needs of motorized visitors and in order to avoid contributing to additional cumulative negative impacts to motorized visitors.

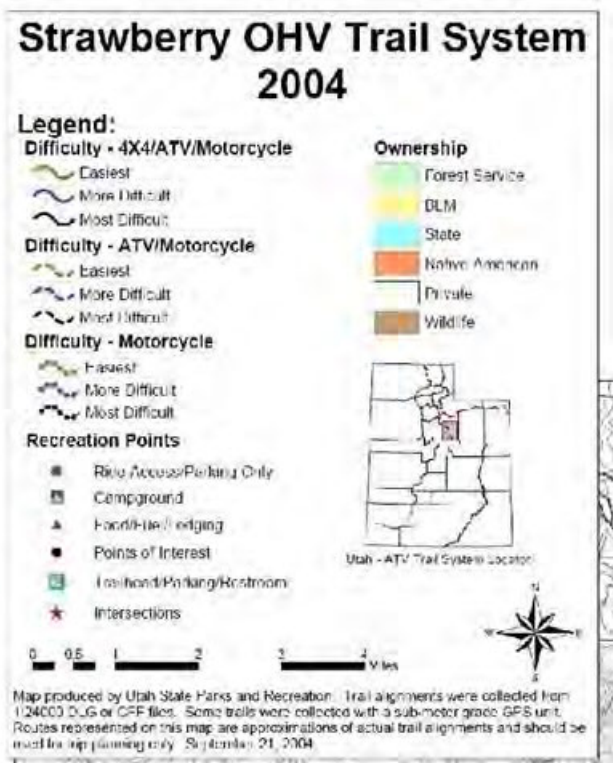
826. Conflict on multiple use trails: Synthesis of the Literature and State of Practice; Report No.: FWHA-PD-94-031 "Conflict in outdoor recreation settings (such as trails) can best be defined as "goal interference attributed to another's behavior" (Jacob & Schreyer 1980, 369). As such, trail conflicts can and do occur among different user groups, among different users within the same user group, and as a result of factors not related to users' trail activities at all. In fact, no actual contact among users need occur for conflict to be felt. Conflict has been found to be related to activity style (mode of travel, level of technology, environmental dominance, etc.), focus of trip, expectations, attitudes toward and perceptions of the environment, level of tolerance for others, and different norms held by different users. Conflict is often asymmetrical (i.e., one group resents another, but the reverse is not true).

827. The National Recreational Trails Advisory Committee identified trail-user conflicts on multiple-use trails as a concern that needed attention. The Committee worked with the Federal Highway Administration to produce a report

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(https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/9849/GV_191.67_T7M66_1994.pdf?sequence=1) to promote a better understanding of trail conflict, and identify approaches for promoting trail-sharing. The goal of the report was to promote user safety, protect natural resources, and provide high-quality user experiences. It reviews management options such as trail design, information and education, user involvement, and regulations and enforcement. The report found very sound ways to promote cooperation and understanding among trail users and presented ideas that will help reduce conflict on multiple-use trails. The report provides 12 principles for minimizing conflicts on multiple-use trails and we ask that each of these principles be incorporated into the travel management plan.

828. The following sort of motorized trail identification and rating system would be very helpful to the motorized public and would allow users to match up their experience level and equipment to the most appropriate trails. This system is similar to ski trails. Note that the easiest = green, more difficult = blue, and most difficult = black. The original map may be viewed at http://www.stateparks.utah.gov/ohv/maps/strawberry_Final2.pdf



829. A great resource to better understand motorcycle single track riding can be found in the video “Trail Masters”. The video shows the history of the trail system and how the trails are built to provide a great ride and protect natural resources. The video follows State of Oregon employees as they cut a single track trail on the side slope of a mountain. Using hand tools and the ST240, the duo work on a reroute project on the steep slopes, and talk about using proven, trail-building designs and techniques in an area that gets a lot of rain. “I was blown away by the final video,” said Brown, whose official title is OHV Specialist, Oregon Department of Forestry, Tillamook District. “I was proud to be part of the project. It made me excited to showcase a cool aspect of what we do in Oregon, and show people who don’t know anything about the sport of motorcycling what it’s like.”

<https://www.youtube.com/watch?v=CfVgMANjYlw>

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19 Funding, Maintenance and Gas Tax Issues

1. Current management directives seek to aggressively decommission non-beneficial or unclassified roads, reduce the existing backlog on road maintenance and reconstruction, and reduce the resource impacts of the current roads network. The Forest Service in the Roadless Rule EIS reported that the backlog of forest road maintenance was about \$8.4 billion. This estimate includes many primitive roads and trails that motorized recreations would prefer not to have improved except for mitigation measures such as water bars and reroutes to avoid sensitive environmental areas. The challenge and recreation value of these types of primitive roads and trails is what most motorized recreationists are looking for. Therefore, this maintenance effort is overstated and a more reasonable alternative would be to incorporate reasonable mitigation measures and convert roads to unrestricted-width or restricted-width trails to provide motorized recreation opportunities and then remove these roads from the roads inventory. We request that this reasonable alternative be included as part of the preferred alternative.
2. Motorized recreationists have a history of clearing trails. The agency's trail maintenance costs could be reduced by up to ½ if all trails were opened to motorized recreationists.
3. Motorized recreationists have historically provided a significant amount of maintenance in order to keep routes open as part of their normal use. Now because of the significant number of motorized closures, the level of maintenance has been significantly reduced. We know of many motorized routes that are now closed and have become impassable to non-motorized recreationists because of the lack of user provided maintenance.
4. Considerable trail and environmental mitigation work could be accomplished by programs similar to AmeriCorps and Job Corps if they were given that direction and organized to provide that assistance.
5. We request, as a reasonable alternative, that maintenance actions be taken before closure actions. We believe that this is a viable alternative that would address many of the issues that are driving the pre-determined decision to closure. OHV recreation generates significant gas tax revenue that could be tapped for this purpose. For more background on this issue please refer to our comments on gas tax and funding.
6. We understand the operation and maintenance budget constraints facing the agency. However, lack of maintenance funding cannot be used as a reason for motorized closures because there is significant gas tax funding that is not being returned to motorized recreationists (see comments on gas tax issues). Motorized recreationists are willing to work in collaboration with the agency to obtain trail and OHV funding for the project area. Additionally, motorized recreationists can be called upon to help with the maintenance of trails in the project area. In many cases motorized recreationists have been providing trail maintenance for many years and are quite willing to continue in return for continued access.
7. The lack of money to maintain OHV routes is being used as a reason to close OHV routes and at the same time Recreational Trails Program (RTP) and gas tax money paid by OHV recreationists is not being returned to OHV recreation. There is also unused motorized RTP

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money available each year. Additionally, the lack of money is used as a reason that new OHV routes cannot be constructed.

- a. Solution: The BLM and Forest Service must aggressively pursue and make use of all available forms of OHV trail funding including RTP, and a more equitable return of the gas tax paid by OHV recreationists. As demonstrated in the following comments, the amount of gas tax paid by OHV recreationists is enormous.
8. OHV recreation generates millions of dollars in OHV gas tax revenues which should be used to for trail maintenance (see additional comments and 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/cta/Publications/Reports/ORNL_TM_1999_100.pdf). Unfortunately, these dollars are not being applied to OHV trails. Bringing volunteers together with funding would solve nearly all of our OHV trail maintenance needs.
 9. Our observations of recreationists taking visiting the primitive roads and trails within public lands indicate that 97% of the visitors represented multiple-uses that rely on motorized access and/or mechanized recreation (data available upon request). These needs can be further quantified by researching records from the Motor Vehicle Division (MVD) and the report Fuel Used for Off-Road Recreation (Report ORNL/TM-1999/100, Federal Highway Administration). Both of these sources document OHV numbers by state.

Montana is estimated to have 32,747 off-road trucks, 18,400 off-road motorcycles, and 23,017 off-road atvs for a total of 74,164 OHV recreationists (Report ORNL/TM-1999/100). This total does not include other multiple-use visitors using automobiles, SUVs, etc. Nationally, the total estimated off-highway vehicles equal about 7,400,000 which does not include other multiple-use visitors (Report ORNL/TM-1999/100).

Additionally, there are millions of other multiple-use visitors who use motorized access for sightseeing, exploring, picnicking, hiking, rock climbing, skiing, mountain biking, riding horses, camping, hunting, RVs, target shooting, fishing, viewing wildlife, snowmobiling, accessing patented mining claims, and gathering of firewood, rocks, natural foods, etc. Mountain bikers seem to prefer OHV trails because we clear and maintain them and they have a desirable surface for biking. Additionally, many of the routes within the project area are necessary to maintain access to patented mining claims and historic districts. Also, physically challenged visitors must use wheeled vehicles to visit public lands. The needs of all of these multiple-use visitors have not been adequately addressed and the proposed negative impacts to them have not been adequately disclosed. We request that the cumulative needs of these visitors be accurately quantified and the cumulative negative impacts of closures on these visitors be considered in the decision-making.

10. Finding funding for programs can be a challenge. In the case of OHV recreationists, ample funding is being generated by OHV recreationists, however as demonstrated in the following paragraphs, a reasonable amount of this funding is not being returned to OHV recreationists.

State governments collect excise taxes on gasoline for road and highway improvements ranging from \$0.075 to \$0.389 per gallon (References 7, 9, and http://www.flyingj.com/s_tax.html). The federal government collects excise tax on gasoline for road and highway improvements equal to \$0.184 per gallon, which is earmarked for the Federal Highway Trust Fund (Reference 8 and 10). A federal excise tax refund program for gasoline used for off-road purposes does not exist at this time. Some states allow purchasers of gasoline for off-road use to collect a state tax refund for fuel used in a non-taxable manner.

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For example, the State of Montana defines fuel consumed by equipment and vehicles operating off public roads as fuel used in a non-taxable manner (Reference 2). Therefore, excise tax on gasoline used for off-road fuel use should either be refunded to off-highway recreationists or used to fund programs that benefit off-highway recreationists. Neither of these mechanisms are being implemented in an equitable manner at this time. Therefore, a reasonable amount of the gasoline excise tax paid by off-highway recreationists is not being returned to off-highway recreationists or used for their benefit at this time.

The magnitude of gas tax paid by OHV recreationists is significant. Fuel used for off-road motorcycle, atv and 4-wheel drive recreation in Montana is estimated at 18,537,060 gallons per year (Reference 1). The State of Montana fuel tax is \$0.2775 per gallon (Reference 2). Therefore, an estimated \$5,144,034 in state fuel tax (\$0.2775 per gallon times 18,537,060 gallons per year) is paid annually by Montana off-road recreationists. The present worth of this annual amount over the past 30 years is about \$88,940,000. Other states can be calculated by referring to the state gas tax amount per gallon published at http://www.flyingj.com/s_tax.html. Unfortunately, most of the state tax paid by OHV recreationists on gasoline ends up being used for other programs and not for OHV programs.

Additionally, federal gas tax paid by OHV recreationists living in Montana is significant and is estimated at \$3,410,819 (\$0.184 per gallon times 18,537,060 gallons per year). The present worth of this annual amount over the past 30 years is about \$58,973,000. There is no method for direct return of the federal excise tax to OHV recreationists. Therefore, most of the federal excise tax paid by OHV recreationists on gasoline ends up being used for other programs and not for OHV programs. In summary, OHV recreationists in Montana generate total state and federal annual gas tax revenue on the order of \$8 million and a present worth over the past 30 years of about \$150,000,000. Other states are similar or more. This level of funding would be sufficient to fund expanded and enhanced OHV programs in Montana and other states but this objective requires an equitable means of returning off-road gas tax to OHV recreationists.

The amount of gas tax being returned to Montana OHV recreationists through State Trails Program (STP) and Recreational Trails Programs (RTP) is on the order \$200,000 per year (References 3 and 4) or about 3% of the actual state and federal gas tax paid by OHV recreationists. This small percentage of return is not equitable and other states also follow this trend. We request that revisions be made to state and federal programs in order to return to OHV recreationists the full amount of gas tax paid by OHV recreationists in the form of funding specifically earmarked for enhanced and expanded OHV Programs.

Furthermore, at the national level, RTP was funded at a \$50,000,000 level in fiscal year 2002 (Reference 5). The maximum amount made available to OHV projects by RTP funds is no more than 70% (split of funds is authorized at 30% motorized recreation, 30% for non-motorized, and 40% for diverse trail use, Reference 6). If an estimated 50% (probably high given current circumstances) were returned to OHV recreationists through the RTP program, then the total amount returned to OHV recreationists at the national level would be about \$25,000,000.

Table 7.1 in Reference 1 reports the total annual gallons of gasoline used nationally by all off-road recreationists is about 1,882,191,331 gallons. Most states limit a refund of excise tax on gasoline to off-road use to agricultural or commercial off-road use and specifically do not allow a gas tax refund to OHV recreationists. Therefore, about \$470,547,832 (assuming a minimum state and federal gas tax rate of \$0.25 per gallon times 1,882,191,331 gallons per year) is paid in fuel taxes by all off-road recreationists in the country each year. The present worth of this annual amount over the past 30 years is about \$8,135,772,000. At a national level, the amount returned to OHV recreationists by the RTP program is no more than 5% of the actual state and

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federal gas tax paid by OHV recreationists. This small percentage of return is not equitable. We request that revisions be made to state and federal programs in order to return the full amount of the gas tax paid by OHV recreationists to programs that benefit OHV recreationists.

OHV recreationists have significant needs that have gone unmet for many years due to the lack of adequate funding. The lack of adequate funding and attention to these needs has also contributed to some concerns associated with OHV recreation. An adequate level of funding, as discussed above, would address all needs and concerns associated with OHV recreation including environmental protection and mitigation projects, education and safety programs, the enhancement of existing recreation opportunities and, the development of new OHV recreation opportunities necessary to meet the needs of the public. We request the development of a funding mechanism that equitably returns gas tax revenues directly to OHV recreationists.

11. Additional funding is needed for expanded and enhanced OHV programs to effectively address the concerns and needs of OHV recreationists including programs:
 - a. To provide greater promotion of responsible OHV recreation,
 - b. To provide greater promotion of OHV tourism,
 - c. To provide greater promotion of an OHV Safety program and distribution of safety educational materials,
 - d. To provide greater promotion and distribution of educational materials on land use and visitor ethics,
 - e. To provide greater promotion and distribution of educational materials on OHV and hunting ethics,
 - f. To actively promote and support the development of local OHV organizations in all areas of the state to further promote OHV educational and awareness programs,
 - g. To promote greater registration of OHVs which will produce greater support for the OHV Program,
 - h. To develop and distribute a monthly or quarterly newsletter to all registered OHV owners,
 - i. To develop and distribute OHV information including maps and listings of OHV recreational opportunities,
 - j. To develop multiple-use recreation opportunities on public lands as allowed under existing laws,
 - k. To develop and operate a collection and distribution point for OHV recreational and educational information, links to OHV clubs, etc.,
 - l. To provide a Trail Ranger program that supports OHV recreationists similar to the State of Idaho's,
 - m. To mitigate all existing concerns with OHV recreation on public lands in cooperation with federal and state agencies and in conformance with all existing laws and a Memorandum of Understanding dated February 25, 2002 between U.S. Department of Agriculture, Forest Service and the Blue Ribbon Coalition, and
 - n. To develop and promote all reasonable OHV recreation opportunities on public lands in cooperation with federal and state agencies and in conformance with all existing laws and a Memorandum of Understanding dated February 25, 2002 between U.S. Department of Agriculture, Forest Service and the Blue Ribbon Coalition.

Note that an OHV Trust Fund should be set up to collect and hold OHV gas tax monies paid by OHV recreationists in the past but not returned to them. This trust fund could also be used in the event of delays in the start-up of OHV Programs and to accommodate the scheduling of NEPA actions for on-the-ground OHV projects.

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In summary, we cite a common principle of law articulated in the Montana Codes Annotated “1-3-212. Benefit -- burden. He who takes the benefit must bear the burden.” We agree with that principle and the necessary obverse, “He who bears the burden must receive the benefit.” We request that all gas tax revenue generated by OHV recreationists be returned to OHV recreationists for their benefit and used to address; through education, mitigation, enhancement, and development projects; all of the concerns and needs associated with OHV recreation.

- Reference 1: Report ORNL/TM-1999/100, Federal Highway Administration
http://www-cta.ornl.gov/cta/Publications/Reports/ORNL_TM_1999_100.pdf
- Reference 2: <http://www.mdt.state.mt.us/administration/gastaxrefund.html>
- Reference 3: <http://www.fwp.state.mt.us/parks/trails/trailgrantapps.asp>
- Reference 4: <http://www.fwp.state.mt.us/parks/ohvgrantaward.asp>
- Reference 5: <http://www.fhwa.dot.gov/environment/recfunds.htm>
- Reference 6: <http://www.fhwa.dot.gov/environment/rtbroch.htm>
- Reference 7: <http://www.wsdot.wa.gov/KeyFacts/GasTaxRates.htm>
- Reference 8: <http://www.wsdot.wa.gov/KeyFacts/HiwayUserFees.htm>
- Reference 9: http://www.njpp.org/archives/otr_gastax.html
- Reference 10: <http://www.bts.gov/transtu/ts2/ts2.htm>

12. Past comments made in opposition to the Symms Act by non-motorized groups have tried to establish that the OHV portion of the Symms Act and RTP are subsidized by public funds, however, just the opposite is true. Off-road motorized recreationists do have a funding mechanism available in the form of the gas tax monies collected from their gas purchases and, furthermore, these monies may have been inappropriately used for non-motorized projects. Additionally, wilderness trails are routing maintained without a source of funding tied to the users. In contrast to that situation motorized trails are seldom maintained by the agency even though motorized recreationists generate more than adequate funding through the collection of gas taxes. We request, as a reasonable alternative, that corrective actions (an adequate mitigation plan) be taken to address to return all past and current off-road gas tax monies to OHV recreationists.
13. The lack of funding is often used as an excuse to avoid addressing problems associated with OHV recreation when in reality there is more than adequate funding. This is another example of the absence of a rational connection between the facts found and the choice made. Furthermore, the diversion of gas tax paid by OHV recreationists to other programs has contributed to many of the problems facing motorized recreationists. We request the evaluation of the impact and cumulative negative impacts that have resulted from the diversion of gas tax paid by OHV recreationists to other programs including impacts associated with reduced OHV safety, education, mitigation, and development programs. Additionally, we request that an adequate mitigation plan be included as part of this action to compensate for past cumulative negative impacts.
14. We have noticed that most trails in wilderness areas are adequately maintained with clearing, water bar construction and trail rerouting provided on an annual basis. All of this is done by agencies without any user-generated fees. At the same time motorized resources see very little maintenance and motorized recreationists have had to do a lot of work themselves in order to keep motorized routes open even though OHV gas tax has generated over 8 billion dollars over the last 30 years. Moreover, to top off this incredibly inequitable situation, lack of maintenance is often used as a reason to close motorized recreational resources. We request, as a reasonable alternative, that this issue be addressed and corrected by using OHV generated

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gas tax monies for maintenance, education, and construction of motorized recreational opportunities.

15. There are cases where OHV gas tax funding has been used to improve a non-motorized trail. There are also cases where OHV gas tax money has been used to improve a trail and then that trail has been closed to motorized use. The use of OHV gas tax funding for non-motorized recreation is improper. We request that these cases be identified and that they be corrected by replacing motorized recreational opportunities that have been closed with new motorized recreational opportunities of equal recreational value.