



BlueRibbon Coalition
P.O. Box 5449
Pocatello, ID 83202
208.237.1008
brc@sharetrails.org

Ben Burr, Executive Director
BlueRibbon Coalition
P.O. Box 5449
Pocatello, ID 83202

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Beartooth Ranger District
6811 Highway 212 South
Red Lodge, MT 59068

BlueRibbon Coalition/ShareTrails (BRC) is writing to provide feedback for the East Rosebud Creek Comprehensive River Management. BRC is a national non-profit organization that champions responsible recreation and encourages a strong conservation ethic and individual stewardship. We champion responsible use of public lands and waters for the benefit of all recreationists by educating and empowering our members to secure, protect, and expand shared outdoor recreation access and use by working collaboratively with natural resource managers and other recreationists. Our members use motorized and non-motorized means of recreation, including OHVs, horses, mountain bikes, snowmobiles, and hiking to enjoy federally managed lands throughout the United States, including those of the Forest Service. Many of our members and supporters live in Montana or travel across the country to visit Montana and recreate on USFS managed lands throughout Montana. BRC members visit the East Rosebud Creek area for motorized recreation, sightseeing, photography, rockhounding, hunting, wildlife and nature study, camping, observing cultural resources, and other similar pursuits. BRC members and supporters have concrete, definite, and immediate plans to continue such activities in the future.

Project Specific Comments

Section 2(b)(2) of the Wild and Scenic Rivers Act defines scenic river areas as “Those rivers or

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sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.” The scenic river designation of the East Rosebud Creek should not be used to justify road closures that are around or near the river.

We oppose any creation of buffer zones and believe they contradict the statutory language which prohibits the creation of buffer zones in lands adjacent to this area. The statutory language and Congressional intent is so clear on the topic of buffer zones and the need to preserve existing uses, we see no authority in the Wild and Scenic Rivers Act which would allow USFS to create any form of buffer zone.

BRC supports the broad objectives to keep forests healthy and we commend the Forest Service for the work that is being proposed in the Upper Cheat River system and look forward to working together as a valuable partner. As treatments are done effectively and responsibly this will improve overall quality of the land and allow for future access. Improvements to forests to prevent wildfires need to be made a priority. These wildfires cause temporary and often permanent closures and irreparable damage to wildlife and habitat. It is the USFS obligation to pursue these treatments to prevent these fires to protect public lands. As the prescribed burn goals are carried out, maintaining current and future access on roads should be a top priority. No roads should be permanently closed throughout the burning processes. BRC recommends using commercial treatment in the maximum amount of land possible. Best available science should be used in making these decisions.

BRC’s concern with prescribed burn, is if a wildfire arises at any point, that wildfire should be treated as such and the USFS should not allow the wildfire to burn in order to meet prescribed burn objectives. This involves a lot of risks and wildfires should always be treated with as much urgency to suppress the fire as possible.

We recommend looking at all possibilities to create any new roads that would be beneficial to the public for access as well as fire mitigation. We support the proposed new roads. The plan addresses adequately managing the public land which allows for continued access while treating the area. This should not be a means in which to permanently close areas to motorized use as that would need to go through travel management planning. USFS should strongly consider the 2.1 miles of road that is proposed to be closed. There has clearly been a purpose and need for these routes and believe there is still a purpose and need.

Economic Benefits

Local communities rely on recreation for economic opportunities. There has been a surge of use throughout the nation on public lands as well as in this area. Local groups have worked hard to

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put the area on the map so that they could reap the economic benefits. Many local tour businesses use and access the routes in this area. Many local organizations and businesses recognize the influx of traffic and believe that any user conflict can be mitigated through better signage and education. The designation specifically comments on the economic value this creek brings and the economic benefits need to be preserved at all costs.

Dispersed Camping

We do not support closing dispersed camping and limiting routes to areas of high value would limit access for campers. BRC believes that all users can and should be accommodated. This plan should ultimately identify reasonable standards for allowing dispersed camping. Keeping open roads will allow use for dispersed camping and help mitigate impact as campers won't be concentrated into small areas. Management strategies should be exhausted before restrictions and closures of areas to any type of recreational use. BRC supports all recreational activities if done responsibly. The proposed projects for this area need to consider the growing interest in dispersed camping, overlanding, boondocking, and RV camping. Each dispersed camping user group seeks a different type of experience on public land that often requires different access requirements, trail conditions/maintenance standards, remoteness, and locations with high scenic and recreational value. In many cases spurs, pullouts, and routes near bodies of water and unique geological formations are what determine the value of a dispersed camping site.

Users with Disabilities

We recommend that the USFS use this planning process to finally begin to reverse its decades-long systematic discrimination against those with mobility impairment-related disabilities. In April 2022 the Department of Interior released its Equity Action Plan which states, "Public land visitation data collected from the Department's bureaus suggests that certain underserved communities are underrepresented as public land visitors, relative to their presence in the U.S. population at large." This includes persons with disabilities and limited physical access. This project proposal will help increase access within this area and is a positive step in the right direction.

On his first day in office, President Joe Biden issued an "Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government." This executive order established "an ambitious whole-of-government equity agenda" which focuses on addressing "entrenched disparities in our laws and public policies," and mandates a "comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty

and inequality.”

Under this executive order, “The term ‘equity’ means the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as ... persons with disabilities....” Historically, there has been no group more greatly marginalized and excluded by public land management policies, and motorized travel management policies in particular, than people with disabilities. Outdoor enthusiasts with ambulatory disabilities frequently rely on motorized travel as their sole means to enjoy recreating on public lands. Not everyone has the ability to hike into a remote wilderness area, but many such people are still able to drive Jeeps, side-by-sides, and ATVs, which are restricted to the designated motorized route network.

Travel management policies focused on “minimizing” the environmental impacts of motorized recreation have resulted in a dramatic decrease in motorized recreation opportunities on public lands over the last 20 years which has disproportionately impacted people with disabilities. Wilderness focused environmental groups with extreme ableist biases have pushed for more and more areas to be closed to motorized recreation and reserved exclusively for hikers, mountain bikers, and other “human powered” and “quiet use” forms of recreation in which many people with disabilities are unable to participate.

Every time motorized routes or areas are closed, people with disabilities that require the use of motorized means to access public lands are barred from those areas forever. There has been little recourse for such people in the past because the Americans With Disabilities Act does not require public land management agencies to consider disproportionate effects on the disabled community, but only requires that they be given access to public lands on equal terms with everyone else. As a result, the USFS has historically failed to give any real consideration to the impacts of motorized route closures on the disabled community when developing travel management plans.

The Biden Administration’s focus on equity, however, changes the equation. While the ADA focuses only on equality of opportunity, equity inherently focuses on equality of outcome. Any policy that is facially neutral but disproportionately harms a disadvantaged or marginalized group is considered inequitable. The USFS is therefore required by this executive order and others mandating that federal agencies consider “environmental justice” in NEPA proceedings to consider whether any route closures in the East Rosebud Creek CRMP plan would disproportionately harm disabled users’ ability to access public lands.

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Any approach to travel management that presumes the superiority of non-motorized forms of recreation like hiking over motorized recreation, or that justifies closing motorized access on the basis that people can still hike on those routes, is inherently discriminatory toward people with disabilities. Any large-scale closures of existing routes would unfairly and inequitably deprive people with disabilities of the ability to recreate in the area using the only means available to them. It is imperative that the USFS consider the access needs of disabled users in drafting the alternatives for this travel plan and ensure that people with disabilities who depend on motorized means do not lose access.

Conclusion

We would like to close by saying we support “shared use”. As long as overall visitation numbers are appropriate for the affected resources, motorized and non-motorized users can be compatible with one another so long as individual users understand designations and plan their activities accordingly. Indeed, motorized and nonmotorized recreation use often overlap as OHV’s often increase accessibility to non-motorized recreational activities such as hiking, camping, equestrian use, etc. We also hold that responsible recreational use of public lands can exist in harmony with ecosystem needs.

BRC would like to be considered an interested public for this project. Information can be sent to the following address and email address:

Ben Burr
BlueRibbon Coalition
P.O. Box 5449
Pocatello, ID 83202
brmedia@sharetrails.org

Sincerely,

A handwritten signature in black ink, appearing to be 'B Burr', followed by a long horizontal line.

Ben Burr
Executive Director
BlueRibbon Coalition

A handwritten signature in black ink, appearing to be 'Simone Griffin'.

Simone Griffin
Policy Director
BlueRibbon Coalition