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Ben Burr, Executive Director

BlueRibbon Coalition
P.O. Box 5449
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December 14, 2022

Beth Peer, Forest Environmental Coordinator
3160 NE Third Street
Prineville, OR 97754

Dear Ms. Peer,

BlueRibbon Coalition (BRC) is writing to provide feedback for the Lemon Gulch Trail System Environmental Assessment. 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, and hiking to enjoy federally managed lands throughout the United States, including those of the U.S. Forest Service. Many of our members and supporters live in Oregon or travel across the country to visit Oregon and use motorized vehicles to access USFS managed lands throughout Oregon. BRC members visit the Lemon Gulch area for motorized recreation, sightseeing, photography, hunting, wildlife and nature study, camping, water sports, and other similar pursuits. We would like to add our support to any comment submitted by any other individuals or organizations that advocate for motorized use and increased recreation access overall. BRC members and supporters have concrete, definite, and immediate plans to continue such activities in the future.

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We support any additional comments that encourage the USFS to designate the maximum number of routes in this area as open. Many of our members are individuals and organizations with extensive on-the-ground experience.

Trails

There are currently no designated mountain bike trails in this area. BRC believes this provides a unique recreational experience to users and supports the project. BRC encourages the allowance of all classifications of e-bikes on current and proposed trails. Ebikes leave the same impact on the trails as a mountain bike does. If there is any concern with speed, USFS should consider speed limits and allow the use of electric bikes as it will provide more access to more users. E-bikes have grown greatly in popularity and the USFS should be considering all options to allow more use on public land and trails. The maximum amount of trails should be created and maintained.

Education and outreach should always be the first response if USFS confirms there is an issue regarding public safety, wildlife or soil impacts. Education and mitigation strategies need to be implemented before any type of closure or restriction.

No more routes or areas should be decommissioned or closed. In fact the USFS should strongly consider keeping as much area as possible open to recreation users so they are not concentrated in smaller areas to mitigate impacts that come from concentrated use. This land should benefit as many users as possible.

BRC does not support the restoration of routes as all routes have been created for a significant reason. If there is a possibility that the route could cause harm to resources the route should be re-routed or the USFS should find adequate ways to manage the impact rather than closure. Land agencies are required to manage the land through proactive management and education and not hardwire closure as the correct first response to mitigate impact.

E-Bikes

Managers should focus on riding behaviors and actual environmental impacts in how they regulate biking on the trails. For example, a speed limit is more reasonable and enforceable than determining which class setting is currently being operated on an e-bike. Not allowing e-bikes at all, would also be problematic. The innovation happening around electronically assisted and powered bikes is almost impossible to predict, and it is likely that any rigid regulatory alternative that is selected will become obsolete and exclusionary. USFS should consider modifying Alternatives to contemplate accommodating new technological

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developments and managing the Lemon Gulch Trails in a way that invites the greatest number of users to public land. If human-powered mountain bikers want to cultivate a purity culture driven trail system, nothing is stopping them from doing it on private land. Local ordinances and grant funding requirements that unnecessarily lead to limitations on e-bikes are misguided. NEPA doesn't require USFS to validate and repeat the mistakes that are being made by other jurisdictions.

Organized Events

A significant portion of the education mission of organizations like ours and the fundraising that supports organizations like ours comes from organized events, and we see the continuation of these events as an integral expression of protected rights including freedom of speech and freedom of assembly. We believe these events are protected by the First Amendment and believe they are crucial to clubs and organizations.

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 the Lemon Gulch area. Local groups have worked hard to put the area on the map so that they could reap the economic benefits. Closing and decommissioning trails would greatly hinder economic opportunity. Many local organizations and businesses recognize the influx of traffic and believe that any user conflict can be mitigated through better signage and education.

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.

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

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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 e-bikes, 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 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 Lemon Gulch Trail System plan would disproportionately harm disabled users’ ability to access public lands.

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

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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:

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Pocatello, ID 83202
brmedia@sharetrails.org

Sincerely,

A handwritten signature in black ink, consisting of stylized initials 'BB' followed by a long horizontal line.

Ben Burr
Executive Director
BlueRibbon Coalition

A handwritten signature in black ink, appearing to read 'Simone Griffin' in a cursive style.

Simone Griffin
Policy Director
BlueRibbon Coalition