

Ben Burr, Executive Director
BlueRibbon Coalition

January 10, 2023

McKenzie River Ranger District
Attn: Dean Schlichting
57600 McKenzie
Highway McKenzie Bridge, OR 97413

Dear Mr. Schlichting,

BlueRibbon Coalition (BRC) is writing to provide scoping feedback for the Calloway Project. 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 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 this land for motorized recreation, snowmobiling, 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.

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Many of our members hold organized events that include organized rides in this area. A significant portion of the education mission of organizations like ours and the fundraising that supports organizations like ours comes from these 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.

Project Specific Comments

Overall BRC supports the broad objectives of this thinning project. We believe that the largest threat to wildlife is wildfire as it can completely obliterate wildlife and habitat. BRC supports the project objectives to keep forests healthy and reduce the risk of wildland fires and the full 8,213 acres should be treated through this project. We recommend using commercial treatment in the maximum amount of land possible. Best available science should be used in making these decisions. Past forest fires that have burned rampant because of the lack of forest projects should be looked at when making decisions.

BRC strongly opposes closing or decommissioning roads. The 25 miles of temporary roads should be considered to be made part of the permanent road system, they are being constructed in the first place because they have a purpose and need. These roads serve various purposes. Roads not only act as a natural wildfire barrier to help protect the forests and protect wildlife and habitat but also are needed for fire treatments and emergency response teams. The plan fails to mention the economic benefits to keeping roads open and available to recreational use. According to the Bureau of Economic Analysis, outdoor recreation had a record breaking year in 2021. Outdoor recreation now accounts for \$821 billion in economic activity. For reference, the oil and gas industry is \$812 billion. Outdoor recreation is popular. It is an economic juggernaut. Motorized forms of recreation account for a shocking \$78 billion in economic value. For this reason, BRC strongly supports the maintenance proposals on all 222 miles of roads within the project area.

Outdoor recreation has only grown in popularity since then. The USFS should not stifle potential economic benefits through road closures. None of the 44.6 miles of roads should be closed the the USFS needs to analyze the effects of closure on any of these routes. If any road is being proposed for closure or decommissioning due to resource impacts BRC recommends rerouting the road rather than closures. All management strategies should be exhausted before closure and decommissioning of roads. Even roads that appear to have little recreation value are often used for dispersed camping access and other uses.

Users with Disabilities

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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 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.

Management policies focused on “minimizing” the environmental impacts of motorized recreation has 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.

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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 Calloway plan would disproportionately harm disabled users' ability to access public lands.

Any approach to 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.

NEPA

The Forest Service is required to show a broad range of alternatives when undertaking a NEPA process. In order to adequately comply with NEPA the USFS must have alternatives that explore a range of alternatives. In the case of the Calloway Project, we hope USFS will consider the feedback of BRC and our members to come up with a range of management alternatives to meet the purpose and need and not go into the EA with the decision more or less already made. USFS often creates a "conservation" alternative, then it is typical to present several other alternatives that include varying levels of closures and restrictions from the baseline. The USFS has conditioned itself to believe that it must never expand or enhance recreation access through the planning processes is an inherent and fundamental flaw of this process and a violation of NEPA. This inequitable privilege of one stakeholder's interest over the interests of other stakeholders taints the integrity of the NEPA process. USFS should form a range of alternatives where each of the alternatives accomplishes the goal of the project. The purpose and need of this plan is to create better management strategies, not to simply close and restrict use. Closure is not management. These areas provide a purpose and need for outdoor access that improves physical and mental health for public land users.

Conclusion

We would like to close by saying we support "shared use". As long as overall visitation numbers

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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

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