



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

September 4, 2025

RE: Objection Carbon River Landscape Analysis

Dear Objection Reviewing Officer:

Please accept these objections to the Final EA (EA), Draft Decision Notice (DN), and Finding of No Significant Impact (FONSI) for the Carbon River Landscape Analysis. The Responsible Official is Erin Uloth, Forest Supervisor Mt. Baker-Snoqualmie National Forest (MBSNF). These objections are submitted on behalf of BlueRibbon Coalition (BRC), including BRC's individual and organizational members who have enjoyed, and plan in the future to enjoy, access to the Carbon River Landscape Analysis Project Area.

These objections are submitted in accordance with 36 C.F.R. part 218. BRC and its members in the Pacific Northwest 4-Wheel Drive Association, Timber Tamers Offroad Club, an the Deschutes County 4-Wheelers filed comments on the Carbon River Landscape Analysis raising the stated issues or otherwise providing a basis for these objections. The point of contact for this objection is Simone Griffin, please direct all communication regarding these objections to Simone Griffin at 800 W Main St Suite 1460, Boise, ID 83702. We formally request a resolution meeting in accordance with 36 C.F.R. § 218.11.

I. Interest of the Objector

BRC has a unique perspective and longstanding interest in motorized vehicle use in the Project Area. BRC is a nonprofit corporation that champions responsible recreation and encourages individual environmental stewardship. BRC members use various motorized and nonmotorized means to access public lands and waters, specifically including use of the MBSNF. BRC has a long-standing interest in the protection of the values and natural resources addressed in this process, and regularly works with land managers to provide recreation opportunities, preserve resources, and promote cooperation between public land visitors.

II. Objection Issues

We note at the outset that the agency has conducted a lengthy process, and addressed many of our concerns. We want to express our appreciation for the agency's thoughtful effort, support of stakeholder involvement and collaboration, and patience in this lengthy process. Still, there remain concerns with the current approach, and we raise the following objections, which provide a legal basis for our requested changes to the Draft ROD.

The objection process necessarily anticipates the possibility and potential likelihood of success in subsequent litigation brought by an objector. In such a challenge the Administrative Procedure Act (APA) waives the United States' sovereign immunity for those aggrieved by "final agency action." 5 U.S.C. §§ 702, 704; *Lujan v. National Wildlife Federation*, 497 U.S. 871, 882 (1990). APA section 706(2) provides the relevant standard of review: a reviewing court shall "hold unlawful and set aside agency action, findings, and conclusions found to be—(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; [or] (C) short of statutory right; [or] (E) unsupported by substantial evidence...." This standard of review is "narrow" but the agency:

must examine the relevant data and articulate a satisfactory explanation for its action including a rational connection between the facts found and the choice made....Normally, an agency rule would be arbitrary and capricious if the agency has relied on factors which Congress has not intended it to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.

Motor Vehicle Mfrs. Ass'n. v. State Farm Mutual Automobile Ins. Co., 463 U.S. 29, 43 (1983) (citations omitted). This is considered a deferential standard of review. Still, there always exists some level of litigation risk, and we believe the decision can be improved.

Decision Undermines Recreation Value of Evans Creek OHV Area

The Draft Decision proposes to convert 13.71 miles of highly valued OHV routes within the Evans Creek OHV Area to Maintenance Level 1 (ML1) system roads. While ML1 roads are defined as "basic custodial care" routes that are closed to motorized use and managed only for administrative access. However, the EA also states that they will be "Managed Use (ATM), 4WD >50", and designated as a Shared System Overlayed with a road." The designation status of these roads is inherently contradictory. The DN also states, "These roads will remain designated as OHV trails following project implementation and will not be open to highway legal vehicles." Many of the vehicles that use these trails are highway legal full-size 4x4 vehicles. This language makes it seem as if these routes will no longer be open to these vehicles. One could reasonably conclude from the plan's description of these routes that they would be closed to motorized use, managed for any 4WD vehicle over 50", or managed only for non-highway legal 4x4 vehicles. These are three very different standards, and the EA and DN obfuscate what use will actually be allowed and prohibited on these 13.71 miles of routes. **We object to this contradictory and unclear language. This could be resolved by removing any reference to trail width that could be seen to restrict full-size 4WD vehicles.**

Converting these trails to ML1 status will effectively eliminate their recreation value, as it reduces them from technical motorized opportunities to closed system roads with either limited or no public access. This constitutes a significant loss of recreation resources that has not been adequately analyzed in the EA, particularly given the popularity of Evans Creek among OHV enthusiasts and the lack of comparable technical opportunities elsewhere in the region and the MBSNF specifically. The agency must fully evaluate the recreation tradeoffs inherent in reclassifying these routes and consider alternatives that maintain their technical OHV function rather than downgrading them to administrative roads.

The EA provides insufficient analysis of these tradeoffs—failing to assess how the decision undermines the agency’s recreation mandate and community expectations. The agency must fully evaluate the recreational consequences of this reclassification, and consider alternatives that preserve motorized technical trail uses. **This objection could be resolved by committing to work with the OHV groups in the area to restore the trails back to technical OHV trails after project completion.**

Maps are Inadequate

It is also confusing to fully understand the project impact to the transportation system where there are no maps that correlate to the actual decision. There are only maps for each of two alternatives that weren’t selected. Without a clear map of what the transportation status will be for the routes in the project area, it isn’t clear what decision is actually being made. Figure 48 helps bring some clarity to the affected roads, but without a map the status of the following routes is unclear:

Route 792000 - This appears to be a ML3 route that is being downgraded to ML1 even though it is a main access route to picnic area and camping?

Route 7920102 - This is labeled in Alt 1 and Alt 2 as a temporary project route. This route is currently recognized as an open route with seasonal closures in the USFS official map of the Evans Creek ORV Area. We object to any routes being designated as temporary project routes in the Evans Creek ORV Area.

Route 793000 - listed as five segments in Figure 48, and it isn’t clear what routes correlate to these segments on any of the provided maps.

Route 7930519 - This is labeled in Alt 1 and Alt 2 as a temporary project route. This route is currently recognized as an open route in the USFS official map of the Evans Creek ORV Area. We object to any routes being designated as temporary project routes in the Evans Creek ORV Area.

This Objection could be resolved by producing a map that correlates to the actual DN instead of requiring users to infer the the USFS intentions.

EA Relies on Negligible Science

The EA’s justification for converting Evans Creek OHV trails to ML1 roads rests heavily on concerns about sediment delivery to the Carbon River watershed. However, the agency’s own hydrological analysis demonstrates that the Carbon River carries an enormous natural sediment load—on the order of hundreds of thousands of cubic yards annually—primarily from glacial melt, floods, and slope failures. Against this background, the additional contribution from OHV trails is acknowledged in the EA to be negligibly small, localized, and intermittent. In other words, the trails represent only a tiny fraction of one percent of the sediment already in the system. Using such a negligible effect to justify the permanent loss of unique OHV recreation opportunities is arbitrary and capricious, especially when the agency has not shown that improving these routes to the eliminate the obstacles and conditions that make them challenging and valuable OHV routes will produce any measurable improvement to water quality at the watershed scale. By ignoring the scale of the issue, the agency did not take the required “hard look” under NEPA, nor did it evaluate reasonable alternatives that would have maintained the current level of OHV access and experience.

Under NEPA, even after the Supreme Court’s recent *Uinta Basin Railway* decision narrowed the scope of indirect effects analysis, agencies are still obligated to rigorously evaluate the **direct environmental effects** of a proposed action. Here, the agency failed to provide a transparent, quantified comparison of trail sediment inputs to the Carbon River’s natural sediment regime, leaving decisionmakers and the public unable to meaningfully assess whether the proposed trail

modifications and closures will yield any measurable environmental benefit. This omission constitutes a procedural deficiency under NEPA's "hard look" requirement.

EA Fails to Consider New Information

The Environmental Assessment fails to address the imminent rescission of the Roadless Rule, which constitutes significant new information directly relevant to this decision. The Draft Decision relies on road classifications and restrictions that are premised on the continued applicability of the Roadless Rule in the project area. However, the Department of Agriculture announced in June 2025 that it planned to rescind the Roadless rule, and the agency has already advanced rulemaking to rescind or substantially amend the Roadless Rule. This change in regulatory framework is reasonably foreseeable within the life of the proposed action. Once rescinded, the limitations on road construction, maintenance, and classification in Inventoried Roadless Areas will no longer apply, fundamentally altering the management context for the project area. The EA does not evaluate how the project's transportation and recreation decisions would be affected in a regulatory environment where the Roadless Rule is no longer in effect. By failing to analyze this new information, the agency did not take the "hard look" required by NEPA and has deprived the public and decisionmakers of an informed choice among alternatives.

The Environmental Assessment also fails to address **Executive Order 13963, "Make America Beautiful Again"**, which was signed on July 3, 2025 and remains binding unless revoked or superseded. That Order explicitly directs federal agencies to **expand recreation opportunities, improve public access to public lands, and reduce unnecessary restrictions on outdoor use** while carrying out their stewardship responsibilities. The Draft Decision to convert OHV trails to Maintenance Level 1 roads, restrict dispersed camping, and frame access closures as a default management tool runs contrary to the intent of this Executive Order. Yet the EA contains no discussion of whether the proposed action is consistent with EO 13963, nor does it attempt to reconcile its restrictive approach with a policy directive that agencies should be enhancing, rather than curtailing, public recreation opportunities. This omission represents a failure to consider applicable law and policy, and undermines the adequacy of the NEPA analysis.

EA Fails to Take Hard Look at Dispersed Camping Impacts

The Environmental Assessment acknowledges that dispersed camping opportunities will be reduced or otherwise affected by the proposed action. However, the discussion of these impacts is cursory and fails to satisfy NEPA's requirement for a "hard look" at environmental consequences. Dispersed camping is a popular and unique form of recreation in the project area, providing affordable access to public lands and serving as an important complement to developed recreation infrastructure. The EA does not quantify the number of campsites or user-days likely to be lost, does not assess the displacement effects on nearby areas, and does not consider how reduced dispersed camping opportunities may compound the regional recreation access crisis as population growth and demand increase. Instead, the EA offers only broad and generalized statements that impacts will occur, without the detailed analysis necessary for decisionmakers and the public to understand the scope and significance of these losses. By failing to meaningfully evaluate the effects on dispersed camping, the agency has not taken the required "hard look" at the environmental and social consequences of the project.

Conclusion

The Draft Decision and EA are deficient in both substance and procedure. They eliminate unique OHV opportunities and restrict dispersed camping based on negligible sediment concerns, while failing to contextualize impacts, consider reasonable alternatives, or incorporate significant new information and applicable federal policy. These shortcomings demonstrate that the EA does not comply with NEPA's requirements or the Forest Service's multiple-use mandate.

We respectfully request that the agency modify the Draft Decision, prepare supplemental analysis that addresses these deficiencies, and reconsider alternatives that both protect environmental resources and maintain existing recreation experiences.

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

Sincerely,



Ben Burr
Executive Director
BlueRibbon Coalition



Simone Griffin
Policy Director
BlueRibbon Coalition