

Data Submitted (UTC 11): 7/17/2020 6:00:00 AM
First name: CTVA
Last name: Action Committee
Organization: Capital Trail Vehicle Association
Title: President
Comments: We have attached our objection.

A paper copy is in the mail also.

Our Club objects to the Helena Lewis and Clark National Forest Plan for the following reasons:

REASON 1:

CTVA provided comments to the HLCNF in regard to the continued loss of access and we are extremely disappointed the HLCNF Plan provided false information by their statement in Chapter 3 of the FEIS as emphasized in red text in the following excerpt.

3.17 Recreation Opportunities

3.17.1 Introduction To address both the challenges and opportunities in recreation management, the FS strives to provide a set of recreation settings, opportunities, and benefits that are sustainable over time. Sustainable recreation is defined as the set of recreation settings and opportunities on the NF that are ecologically, economically, and socially sustainable for present and future generations.

Issues: There were no issues raised for recreation opportunities during the scoping period for the proposed action and/or comment period on the DEIS.

Many comments, including those made by our club in the following List to the Forest Service during the scoping and development of the DEIS raised the need for additional recreation opportunities. An outline of the significant issues that our club has raised during the comment process are included as an attachment to this objection.

List of CTVA Comments to HLCNF on Forest Plan

- 1.
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- 1.
1. CTVA Comment Letter HLN LC NF Forest Plan 10 7 2018

2. CTVA Comment Letter HLN LC NF Forest Plan 9 12 2018
3. CTVA Comments HLN LC NF Forest Plan 3 25 2017

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- 1.
1. Comments for HNF Forest Plan Revision 3 5 2016
2. CTVA Comments Forest Plan Update 2 28 2016
3. CTVA Comments Forest Plan Update 1 13 2016
4. CTVA input on Forest Plan scoping process 11 28 2014
5. CTVA Comments Forest Plan Update 7 29 2014

Concerns over past closures were communicated to the Forest Service during the scoping and comment periods. Past actions of closures to access in Montana have received significant attention from our state legislature. The 2015 Legislature passed HJ 13 to assess the loss of access to our public lands in Montana. The final report can be found at <https://leg.mt.gov/content/Committees/Interim/2015-2016/EQC/Committee-Topics/hj-13/hj13-finalreport.pdf>

The results of this study showed an astounding 22,000 miles of roads closed by the Forest Service in Montana since 1995, a short 20-year period with significant cumulative impacts from excessive motorized closures. The closures of roads and access have caused concern throughout Montana and numerous comments were made to the HLCNF during the scoping and drafting period of the DEIS. The statement contained under [Idquo]issues[rdquo] 3.17 [Idquo]Recreation Opportunities[rdquo] is false, and the Forest Service has ignored public comments they received raising this issue. CTVA requests the Forest Service remand the decision and address the numerous public comments they received about the lack of, and loss of recreation opportunities in the HLCNF.

REASON 2:

The Forest Service failed to comply with the President[rsquo]s Council on Environmental Quality by omitting a cumulative impact analysis in the HLCNF FEIS. The CEQ requires the Forest Service to take a hard look at the cumulative impacts of their actions and the HLCNF has failed to include this information.

Our club requests the Forest Service complete a comprehensive and programmatic impact analysis of past, current, and proposed actions that have affected access to and on the HLCNF. One forest closure may not be

significant but multiple closures on multiple forests must be looked at in a comprehensive analysis to ascertain a clear picture of impacts. These impacts include social, economic, historical use, and cultural needs of the population. Cumulative impacts could also affect environmental conditions such as fuel load increases, poor wildlife habitat in overgrown forests, loss of water retention due to increased transpiration, and excessive tree numbers per acre. Loss of ground water recharge and the cumulative effect this loss has on municipal water delivery, irrigation, and vegetation. The HLCNF has failed to include actions of other neighboring forests in their analysis of impacts.

The HLCNF is not an island but rather a part of a bigger landscape of multiple forests. An action by the HLCNF has a direct and significant effect on other forests managed by the Forest Service. The HLCNF has failed to address the cumulative impacts of their actions and how it affects management and access in other forests such as the Custer Gallatin, Lolo, and Beaverhead Deerlodge.

REASON 3:

The HLCNF also includes 17 counties with jurisdiction and land within the project area.

The FEIS summary states on page 3:

Project or activity planning

(3) resolving inconsistency,

And below is the required law the Forest Service must follow in reviewing local Resource Plans and Growth Policies.

40 CFR 1506.2 (USFS 25.2) - Elimination of Duplication With State and Local Procedures.

(d) To better integrate environmental impact statements into State or local planning processes, statements shall discuss any inconsistency of a proposed action with any approved State or local plan and laws (whether or not federally sanctioned). Where an inconsistency exists, the statement should describe the extent to which the agency would reconcile its proposed action with the plan or law. (40 CFR 1506.2)

On page 6 of the HLCNF FEIS the following statements are made:

Government agency involvement

The 2012 Planning Rule (36 CFR [sect] 219.4(b)) requires the review of the planning and land use policies of other Federal agencies, state and local governments, and Indian tribes. As part of that outreach effort, a number of discussions with representatives from those agencies were initiated, and ongoing dialogue continues..... While certain components may not be fully

consistent, the HLC NF will continue to work with these entities to address the impacts and benefits from forest management.

Under 40 CFR 1506.2 the Forest Service is required to describe inconsistencies with local plans and describe how the Forest Service will reconcile any inconsistency. The HLCNF failed to include discussion of the inconsistencies or a description of how the agency would reconcile their proposed action with the local plans. Their statement of: [ldquo]While certain components may not be fully consistent, the HLC NF will continue to work with these entities to address the impacts and benefits from forest management.[rdquo] is insufficient. The Forest Service has failed to comply with the requirements of 40 CFR 1506.2. We request the Forest Service remand the decision and supplement their document with a complete list of inconsistencies identified in the local plans of the 17 counties and how they will reconcile these inconsistencies.

REASON 4:

The new HLC Forest Plan has failed to address comments that we submitted during the comment periods by not providing an alternative which increases access for both motorized and mechanized use. The demand for motorized and mechanized use has increased and this fact has been acknowledged by the Forest Service in their documents (one example on page 1, FEIS Summary), yet no such alternative was developed during the process which is an extreme deficiency and a blatant disregard of the needs of the public. The plan states on page 2 of the FEIS Summary that the USDA FS Strategic Plan: Fiscal Year 2015-2020 contains 4 [ldquo]outcome- oriented goals but only provides 2 of the 4 goals are mentioned or considered in the new Forest Plan. The new HLC Forest Plan is flawed By using only 2 of the 4 goals while ignoring other important goals in the USDA FS Strategic Plan.

Below are excerpts from the USDA FS Strategic Plan which we believe the HLCNF Plan must adequately consider in their decision but failed to address.

Deliver Benefits to the Public

Recognizing the importance of forest stewardship, our country set aside the national forest reserves in 1897 to [ldquo]improve and protect the forest within the boundaries, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber.[rdquo] In

1960, the Multiple-Use Sustained-Yield Act declared that the national forests should be managed [ldquo]for outdoor recreation, range, timber, watershed, and wildlife and fish purposes.[rdquo]

Delivery of forest-related goods and services is integral to our mission at the Forest Service, stimulating tangible economic benefits to rural communities, such as private-sector investment and employment opportunities. The

economic activity we support is directly attributable to the natural resource investments we make and the use of national forest and grassland resources that result in marketable products associated with outdoor recreation, hunting, fishing, timber production, livestock grazing, mineral production, land stewardship, and other activities.

Strategic Objective F. Connect people to the outdoors

We are broadening the scope of our recreational services to include more Americans, giving a wider range of access to the national forests and grasslands. We are making recreational facilities on the national forests and grasslands more accessible to everyone, including the estimated 57 million Americans with disabilities. Nationwide, we have more than 23,000 accessible recreational sites, such as campsites and picnic areas, and 8,000 accessible recreation buildings. By making our facilities more accessible, we are also providing additional recreation opportunities for senior citizens, large family groups, and families with infant strollers or young children. We are committed to inclusive participation in recreation opportunities for all people, regardless of age or ability.

The Forest Service has been selective in what National Strategic planning direction they have included in the new Forest Plan. The National Strategic Plan clearly provides direction in increasing access and additional recreational opportunities for senior citizens, large family groups, and families with infant strollers or young children. The Forest Service has ignored this National directive and instead has created a plan that reduces access opportunities. The HLCNF failed to follow the National Strategic Plan and even selectively removed some of the National goals in the new Forest Plan FEIS. This action has created a Forest Plan which should be considered arbitrary and capricious. We request review the Forest Plan for consistency with National policy and remand the decision until consistency is achieved.

REASON 5:

In a letter dated April 23, 2019 from Region 1 Supervisor Leanne Martin, to Director, Ecosystems Assessment and Planning, she states [Idquo]Any Regional memos, letters, or supplements guiding Land Management Plan revision dated before January 30, 2015 are suspended. A subsequent letter dated August 6, 2019 from Forest Service Chief Victoria Christiansen to Idaho Senator Crapo, Senator Risch, Congressman Fulcher, and Congressman Simpson states:

Thank you for your letter of June 13, 2019, cosigned by your colleagues concerning management of recommended wilderness areas in the U.S. Department of Agriculture's Forest Service Northern Region. I apologize for the delayed response.

I understand the perception that the Northern Region has a policy that differs from the national direction, based on guidance that was issued by former Regional Forester Thomas L. Tidwell before the 2012 planning regulations. I assure you the Northern Region is following national policy. Enclosed is a memo signed by current Regional Forester Leanne Martin dated April 23, 2019, that clarifies that national direction implementing the 2012 planning regulations provides the policy and procedures for all land management planning efforts[mdash]all prior

direction has been superseded.

I appreciate your ongoing collaborative engagement in land management planning and implementation efforts across the state of Idaho. The national policy provides a responsible official the discretion to implement a range of management options, provided the allowed activities and uses do not reduce the wilderness potential of an area. Government and public engagement in decisions affecting the National Forest system is critical as responsible officials apply their discretion to the management of these areas.

Thank you for your interest in the management of your National Forests. A similar response is being sent to your colleagues.

Previous guidance from Regional Forester Thomas Tidwell was to remove all motorized and mechanized use in areas recommended as wilderness. This guidance has been suspended. Helena Lewis and Clark National Forest Supervisor Bill Avey has reinstated this blanket policy in the new Forest Plan as stated throughout the plan. For example, see below an excerpt from the Draft Record of Decision.

Draft Record of Decision Page 27

A significant issue in the analysis was whether or not motorized and mechanized recreation uses affect wilderness characteristics and the potential for Congress to consider these areas as additions to the National Wilderness Preservation System. I reviewed the alternatives analyzed in the final EIS, some in which mechanized means of transportation in recommended wilderness were suitable and some in which these uses were unsuitable. I decided that motorized uses (including snowmobiles) and mechanized means of transportation (mountain biking) are unsuitable in recommended wilderness. This decision preserves the wilderness characteristics, including the sense of remoteness and the opportunities for solitude in recommended wilderness, recognizing that ample opportunities for motorized uses and mechanical means of transportation (mountain biking) are available outside of recommended wilderness. I arrived at my decision on recommended wilderness after extensive engagement with my staff, local governments, tribes, commenters, our public and consideration of all sides of the issue. There are those who prefer additional acres recommended as wilderness to protect places they consider special, or because they believe recommended wilderness management is the best strategy to protect wildlife and aquatic resources. There are also those that prefer I don't recommend any additional areas because they believe management and access in recommended wilderness is too restrictive. I considered the existing uses, current allowable uses, and the protections afforded by other management overlays. I decided on recommending wilderness areas that are manageable, currently have little to no motorized and/or mechanized means of transportation uses, and which truly add value if designated as wilderness by Congress in the future. Although several commenters expressed concern that the management of recommended wilderness creates "de facto wilderness areas" in lieu of action by Congress, the Plan does not create wilderness. The Forest Service has an affirmative obligation to manage recommended wilderness areas for the social and ecological characteristics that provide the basis for their recommendation until Congress acts. There is currently limited motorized and mechanized use within recommended wilderness areas. I have determined that this use is inconsistent with a future wilderness designation. The areas I have recommended for wilderness currently have 8 miles of open road, <1 mile of motorized trail, 8,046 acres of motorized over snow use, and 135 miles of non-motorized trails open to mechanized means of transportation (including bicycles). However, these routes receive little, if any, use based upon our monitoring and what we've heard from the public. This decision reflects public comment in favor of ensuring these areas remain suitable for inclusion in the National Wilderness

Preservation System, should Congress make that decision. While motorized and mechanized uses are unsuitable under the Plan, I will initiate site-specific NEPA decision per the Plan's

suitability direction to close these uses within the recommended wilderness areas within 3 years from the date of this decision.

The plan states that no specific current travel plans will be impacted and on page 1 of the Summary it states: "The Forest Plan does not authorize site-specific projects or actions" yet the deciding officer states in the Draft Record of Decision that he will close these areas of recommended wilderness to historic use of motorized and mechanized use within 3 years. The supervisor does have discretion as stated by Chief Christiansen's August letter, but the proposed HLC Forest Plan is implementing a blanket closure of motorized and mechanized use in areas of recommended wilderness without proper analysis of these current uses on wilderness character. We request this action be reviewed and at a minimum the Forest Service should complete site-specific analysis of the impact of the current use of motorized and mechanized use in these areas of recommended wilderness before making the decision to remove these uses. The forest wide decision to remove motorized and mechanized use in areas of recommended wilderness without site-specific analysis is both arbitrary and capricious and does not follow the agreed upon approach spelled out in the 3-States OHV record of decision.

Motorized and mechanized use provide access opportunities that follow the National Strategic Plan of increasing access for all people, regardless of age and ability as seen in the following statement from the National Strategic Plan: "we are also providing additional recreation opportunities for senior citizens, large family groups, and families with infant strollers or young children. We are committed to inclusive participation in recreation opportunities for all people, regardless of age or ability."

The HLCNF Supervisor has strayed from the National Strategic Plan by in fact reducing access to most people. Only the young and physically fit can walk or hike long distances into and on our federally managed public lands without assistance from motorized and mechanized transport.

Even the Forest Service's own surveys show an astounding 97% of the people recreate on lands open to multiple use while less than 3% recreate in designated wilderness or lands closed to motorized and mechanized use. The proposed HLCNF Plan will remove even more access opportunities.

Again, the Forest Service failed to provide an alternative to the public which would have increased motorized and mechanized use. NEPA requires a "wide range" of alternatives for the public to comment on during the process but no alternative to increase access for senior citizens, families with young children, the physically challenged, or the disabled was provided to the public. This was a specific request that we made during the scoping process but was ignored. This is a clear violation of NEPA and we request the proposed plan be remanded until the plan is supplemented with an alternative that increases access opportunities for all people. This is the purpose of having a National Strategic Plan. Local decision makers and planning teams must not ignore national direction, but in the case of the HLCNF, they have ignored the national direction of increasing

access for all people which is also contrary to the needs of the public in our area.

We look forward to a reasonable settlement of these significant issues.