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Title: President

Comments: Please find attached an electronic copy of our objection to the revised Custer Gallatin Forest Plan.

A paper copy has been sent by mail also.

#### Background on Capital Trail Vehicle Association

We enjoy visiting our public lands for family outings, family camping trips, weekend drives, ATV rides, UTV rides, motorcycle rides, mountain biking, sightseeing, grazing leases, exploring, picnicking, hiking, rock climbing, skiing, camping, hunting, RV camping, shooting, timber harvesting, fishing, viewing wildlife, snowmobiling, accessing patented mining claims, collecting firewood, collecting natural foods, prospecting and collecting rocks, and other multiple-use activities.

The multiple-use visitors mentioned above use roads and motorized trails for their recreational purposes. The Custer Gallatin Forest Plan Revision #50185 did not adequately consider how motorized designations serve many different recreational activities. Multiple-use visitors also include physically challenged visitors such as the elderly and veterans who must use wheeled vehicles to visit public lands. We and others have observed that 97% of the visitors to our national forests are using and enjoying recreation based on some form of motorized access. Additionally, the current pandemic has increased the need for recreational opportunities to levels that we have never seen before.

In the long-term, the Custer Gallatin Forest Plan Revision #50185 will reduce much needed multiple-use recreational opportunities including reduced dispersed camping, roads, and motorized trails. Contrary to the assertions by exclusive-use interests, a reasonable level of recreation is acceptable on lands designated by congress for multiple-use. Contrary to the claims asserted by exclusive-use interests, plants and animals can coexist with a reasonable amount of recreation. The Custer Gallatin Forest Plan Revision #50185 will reduce multiple-use recreational activities and benefit exclusive-uses. The Forest Plan Revision did not adequately consider a wide-ranging recreation alternative that would adequately provide for the future multiple-use needs listed above. The Forest Plan Revision does not promote a reasonable expectation for all visitors to share our multiple-use public lands. And lastly, the Forest Plan Revision does not adequately address the needs of the public for motorized access to the forest during a pandemic which is a significant changed condition that was not adequately addressed.

#### List of CTVA Comments to Custer Gallatin National Forest on revised Forest Plan

- 1) CTVA CGNF Forest Plan Comment Letter 6 4 2019
- 2) CTVA CGNF Forest Plan Comment Letter 5 30 2019
- 3) CTVA Comments Custer Gallatin Forest Plan Revision 2 17 2018
- 4) CTVA Comments Custer Gallatin Forest Plan 7 15 2017

5) CTVA Comments Custer Gallatin Forest Plan 12 20 2016

6) CTVA Comments Custer Gallatin Forest Plan 12 19 2016

7) CTVA Comments Custer Gallatin Forest Plan 12 18 2016

Our Club objects to the revised Custer Gallatin Forest Plan for the following reasons:

#### Reason #1

The Draft Record of Decision on page 1 states [ldquo]the Custer Gallatin National Forest has a history of multiple co-existing uses, including recreation[hellip][hellip][rdquo], yet the Custer Gallatin National Forest Draft Plan focuses on segregating uses to in their words, [ldquo]avoid user conflict.

In our time of recreating in the Custer Gallatin National Forest we can honestly say conflict between users is very rare, if ever. People wishing to enjoy our area of public lands are inspired by the unique landscape and appreciate others they meet and share their experiences. We believe that the Forest Service should not be making decisions based on prejudice, discrimination, intolerance, and bias but this is what has been included in the plan.

The Forest Plan decisions on appropriate recreation activity is not being based on science but rather arbitrary land allocations based on an assumed condition. We request the Forest Service revisit this decision and adjust these land allocations more fairly based on their statement of having [ldquo]a history of multiple co-existing recreation uses.[rdquo]

#### Reason #2

The Forest Service is creating wilderness without the consent of Congress. The Custer Gallatin National Forest Draft Record of Decision (CGNFDRD) states on page 26 and in additional locations:[rdquo] I have decided to include a plan component that motorized and mechanized transport is not suitable in recommended wilderness.[rdquo] This is an arbitrary decision which circumvents Congress and their sole authority to designate wilderness. Although the plan states the Forest Plan will not make site specific decisions on specific motorized and mechanized use, the decision to remove motorized and mechanized use in areas recommended as wilderness in future planning actions is in fact a site-specific decision being made in the Forest Plan on where motorized and mechanized use is allowed.

This intentional play on words in the Forest Plan is in fact making site specific decisions which WILL be implemented in future travel planning decisions. During the tenure of Region 1 Forest Supervisor Tidwell a white paper was created by Tom Puchlerz which stated the philosophy of Recommended Wilderness Area management. This philosophy paper implemented an action to remove all historic motorized and mechanized use in areas the Forest Service proposed as recommended wilderness. This philosophy, which was never stated as policy, has been challenged over the years by groups like Citizens for Balanced Use and others. The argument that the Forest Service is creating wilderness without congressional designation has great merit.

Recent letters from the Forest Service Chief Christiansen dated August 6, 2019 to several of the Idaho congressional delegation along with a letter dated April 23, 2019 from current Region 1 Forest Supervision Leanne Marten state: [ldquo]All prior (RWA) direction has been superseded[rdquo]. This indicates the philosophy initiated and actions taken to remove motorized and mechanized use in areas recommended as wilderness in past decisions by Region 1 has changed both nationally and in Region 1 but the Custer Gallatin National Forest

Supervisor Mary Erickson is not recognizing this change. We request the Custer Gallatin Forest Supervisor recognize the recent change in management direction of recommended wilderness and allow existing and current historic use to continue.

### Reason #3

We object to the designation of 77,631 acres of recommended wilderness in the Gallatin Crest of the Hyalite Porcupine Buffalo Horn (HPBH) Wilderness Study Area. When recommending areas for wilderness, the Forest Service must look at both the eligibility and the suitability of these areas for designation by congress. When Forest Service ID Team leader Virginia Kelly was asked during a meeting of the Custer Gallatin Working Group collaborative whether the Forest Service was performing eligibility and suitability analysis of these areas being considered for recommended wilderness her reply was: [ldquo]We are not doing a suitability analysis for recommended wilderness, but only completing an eligibility analysis.[rdquo]

On page 8 of the Draft Record of Decision under [ldquo]Key Elements of the Decision #3[rdquo], Supervisor Erickson makes the following statement: [ldquo]Plan components that identify motorized and mechanized transport, communication facilities, and public rental use of the Windy Pass Cabin are not suitable in areas being recommended for wilderness.[rdquo] The Windy Pass Cabin has been an important destination and structure historically used by the public. Her decision to remove this opportunity simply because she is recommending this area as wilderness must be reversed. The public continues to lose more and more recreation opportunities and the Windy Pass Cabin has great recreational value.

The Supervisor[rsquo]s decision to not allow communication facilities is another area of concern. These facilities provide critical communications for search and rescue, law enforcement, fire suppression, and are vital infrastructure to protect the health, safety, and welfare of the public. Over 3 million visitors travel through Yellowstone Park every summer season. Many, if not most, travel the Highway 191 corridor between West Yellowstone and Bozeman. Communication towers and facility placement is critical to allow connection in the steep canyon of the Highway 191 corridor. To restrict additional communication facilities in the future that may be needed is a poor decision. We request this restriction be reviewed and removed.

The 77,631 acres of the Gallatin Crest in the HPBH may indeed meet the eligibility criteria for recommended wilderness because of its size but according to the data collected by the University of Montana Wilderness Institute this area does not meet the suitability criteria of the 1964 Wilderness Act because of soundscape intrusions. In fact, the Forest Service failed to report soundscape intrusions that were collected in 2011 in the final report released in October of 2012.

Bozeman is the busiest airport in Montana, surpassing Billings, and most incoming flights from the south descend in the flight pattern over the HPBH and significantly affect the soundscape of the HPBH. Commercial passenger and freight flights along with private jet traffic generated by the community of Big Sky have resulted in continuous low flying aircraft over the HPBH WSA.

The final Wilderness Character report was issued in October of 2012 and the noise incursion information collected by the field crews was missing. The report did address the missing base data information in the report by making the following statement on page 92. [ldquo]Reason not used: During the summer of 2011, Wilderness Institute field crews opportunistically monitored the duration and intensity of noise intrusions within the HPBH WSA. The field crews recorded a total of 182 motorized noise intrusions. The majority of recorded noises were from airplanes (89%), with the remaining attributed to vehicles (6%), and helicopters (2%). The opportunistic nature of this data collection precluded and kind of repeatable, standardized survey of auditory intrusions. There are ongoing efforts to replace the 2011 survey methods with more robust sampling methods, and a new protocol is being piloted by the Wilderness Institute crews in 2012. Once a standardized method is established, this measure can be implemented.[rdquo]

Discussions with Region 1 and the Custer Gallatin Forest Plan ID Team Leader on this issue acknowledge no further protocols have been established in the past 8 years nor any efforts underway to establish a standardized method in order to record this information in the future. Nearly 8 years later and the Gallatin Airport is busier, the flights are more frequent, yet the Forest Service does not seem interested in including soundscape incursions in any report. This is a significant deficiency. These soundscape intrusions in the HPBH WSA should prevent this area from being recommended or designated as wilderness. The Custer Gallatin Supervisor Mary Erickson and since retired Kimberly Schlenker, author of the Wilderness Character Monitoring Report, were aware of this information on flight noise intrusions missing from the final report. Supervisor Erickson is fully aware of the amount of noise intrusions from aircraft in the HPBH yet she has recommended 77,631 of new wilderness on the crest of the HPBH in the new Forest Plan. We object to the decision of recommending wilderness in an area that does not meet wilderness suitability.

The U of M Wilderness Institute monitored the HPBH periodically during the summer months of 2011. They were not in the area every day and not in the HPBH WSA all of the time. Field notes record 189 noise intrusions with notes included which state: [ldquo]3 airplanes during 1-hour lunch[rdquo] and [ldquo]airplane, heard many throughout the night[rdquo]. This information is critical in making any decision regarding recommending this area as wilderness but Supervisor Erickson has ignored the facts of this study, the raw data collected, and the intentional exclusion of this information in the final report. Instead Supervisor Erickson makes the following statement on page 15 of the Draft Record of Decision under [ldquo]Gallatin and Madison Mountains[rdquo] she states: [ldquo]Many individuals and groups provided input on recommended wilderness areas, and I reviewed and found information and insights of value in all of them. For this landscape, I found the work of the Gallatin Forest Partnership to be the most compelling. This was due to the area specific recommendations combined with local knowledge, and the outreach and coalition-building across diverse interests that accompanied their proposal.[rdquo]

In accepting the Gallatin Forest Partnership, Supervisor Erickson has ignored the science and facts when it comes to recommending the 77,631 acres of the HPBH WSA as new wilderness. This is an arbitrary decision based on user preference rather than science and facts. The fact remains the recommended wilderness in the HPBH WSA does not qualify for wilderness because of the recorded noise intrusions. In addition, her statement that the Gallatin Forest Partnership is made up of diverse interests is false. This coalition did not have any motorized recreation interests. When the Gallatin Forest Partnership was asked to include motorized recreation in their discussions, they were rejected. The Gallatin Forest Partnership did not include any winter and summer motorized recreation interests. The Gallatin Forest Partnership did not include any agriculture representation. The Gallatin Forest Partnership did not include any timber representation. The Gallatin Forest Partnership did not include any mining interests, rock and gem hunters, private land in holders, and they certainly did not include any state or local government.

#### Reason #4

The Draft Record of Decision sets the projected timber sale quantity at nearly  $\frac{1}{4}$  of the sustained yield capacity of the Custer Gallatin National Forest. This decision will result in continued increase of fuel loads resulting in more frequent and severe fires across the forest. The estimated 10 million board feet of timber harvest annually on a forest of 3 million acres is way out of balance.

Montana legislature provided both financial and FTE personnel assistance to the Forest Service in additional NEPA analysis expertise. The Forest Service in this decision has ignored the additional capacity to move projects to completion. In fact, the projected timber harvest projects being proposed by the Forest Service over the next 4 years will not come close to moving this forest back towards a healthy condition. The Forest Chief released a Secretarial Memorandum on June 12, 2020 directing the Regions and districts to [ldquo]Increase the productivity of National Forests and Grasslands[rdquo]. This mandate has been has ignored in the proposed Custer Gallatin

Forest Plan.

Over the past 20 years the Forest Service in Montana has closed nearly 22,000 miles of roads according to the final report for HJ 13 conducted by the 2015 Montana Legislature. See final report at: <http://leg.mt.gov/content/Committees/Interim/2015-2016/EQC/Committee-Topics/hj-13/hj13-finalreport.pdf>

Roads are the very infrastructure that provide agencies the ability to access these lands for proper management. Once the infrastructure is destroyed, management options are reduced along with public access. Roads previously closed to the public should be reopened for firewood gathering and other activities. Firewood is an important resource of supplemental heat and with the current COVID issue, the Forest Service must adapt to the issue of COVID and assist the public in providing a source to gather firewood to help heat their homes and possible income opportunities.

Wildlife habitat has been adversely impacted by the deterioration of public lands by fuel loads and down timber litter. Wildlife has been shown in studies such as the recent Elkhorn Mountains Elk Study Report which shows elk are moving to private property for habitat at an alarming rate. The study states the Forest Service should harvest more timber in this area to increase elk habitat. The same is happening in the Custer Gallatin National Forest. Elk numbers on private property have skyrocketed because of poor forest management and lack of timber harvests. This movement of elk to private property has resulted in property damage, reduced forage for cattle, lower hay production, cost of fences and fence repair, damage to irrigation equipment and facilities, and increased risk of disease transmission such as brucellosis and CWD.

Increased fuel loads are putting entire watersheds at risk when catastrophic fires burn the landscape and soils are baked, wildlife is destroyed, our air is polluted with cancer causing carcinogens, and our streams are polluted when burned landscapes lack vegetation to hold the melting snow and spring rains. These are incidents which could be reduced by increasing timber harvests but the Custer Gallatin Forest Plan has reduced these opportunities to just [frac14] of the sustained yield capacity of this forest.

In regard to the litigation costs the Forest Service is facing. As stated on page 24 of the Draft Record of Decision by Supervisor Erickson; [ldquo][hellip].and the increasing cost of litigation related to forest management activities.[rdquo] These are real concerns but active forest management should not be curtailed or reduced by the threat of litigation. The Forest Service needs to do what is right for the public at large.

We request the Forest Plan decision be amended to allow the maximum sustained yield of 38.25 million board feet per year. This will allow industry to create a business plan, increase mill capacity, hire more people, and clean up our forests which have continually declined in health over the last 40 years.

#### Reason #5

The Draft Record of Decision addresses the Wild and Scenic rivers that have been proposed in the new plan. Under Wild and Scenic Rivers on page 27 the following statement is made: [ldquo]The plan includes 30 eligible wild and scenic rivers totaling about 433 miles based on the eligibility study (appendix E of the plan).[rdquo]

Five of these rivers and creeks are in Gallatin County. They include Cabin Creek, the Gallatin River, Hyalite Creek, Maid of the Mist Creek and Shower Creek. The classification of Wild and Scenic in a proposed Forest Plan would not have an adverse effect on the Forest Service[rsquo]s ability to manage lands if current management could continue until congress formally designated them as Wild and Scenic but in the case of the revised Custer Gallatin Forest Plan the Forest Service will manage them as if they were formally designated.

The Gallatin County Commission (the highest local government) recognized the danger of designating rivers and streams as Wild and Scenic in Gallatin County. A wild and scenic designation affects land management activities

within a quarter mile buffer on each side of the river or stream measured from the high-water mark. The Wild and Scenic river and stream designations would affect forest management activity in a  $\frac{1}{2}$  mile wide corridor. The commission presented a letter to the Forest Service requesting NO wild and scenic rivers and streams be proposed in Gallatin County, but Revised Forest Plan did not adequately address this request.

#### Reason #6

The revised Custer Gallatin Forest Plan would close a significant amount of additional access to multiple use recreation. This action is contradictory to the new June 12, 2020 directive from the Chief of the Forest Service. The Secretarial Memorandum which states the purpose of this directive is to "Establish vision, priorities, and direction on:"

- \* [bullet] Increasing the productivity of National Forests and Grasslands
- \* [bullet] Valuing our Nation's grazing heritage and the National Grasslands
- \* [bullet] Increasing Access to our National Forests
- \*
- [bullet] Expediting environmental reviews to support active management

According to the Forest Service and their NVUM survey less than 3% of the public recreate in wilderness areas yet more than 1/3 of the Custer Gallatin National Forest is designated wilderness and closed to all motorized and mechanized use. Nearly another million acres is designated as roadless and has additional restrictions on motorized and mechanized use. All in all, 2/3 of the Custer Gallatin National Forest restricts multiple use recreation of both motorized and mechanized use. The 2004 Travel Plan closed nearly 50% of the trails once open to motorized use. Closure after closure in the past 20 years has caused more crowding on the remaining open roads and trails. There has never been a planning action where the Forest Service increases areas of access for motorized recreation. The cumulative effect of all motorized closures is an incredibly significant impact that has been ignored in the revised forest plan.

Most of the public desires motorized and mechanized use. These uses provide public land access opportunities for the elderly, disabled, handicapped, and physically challenged. Access to our public lands provide more than just recreation value, they provide a sense of mental wellness. Sharing outdoor experiences with families of multiple generations is an important aspect of many people's lives. Closing more access to these families and different age groups is unacceptable.

Motorized use is the fastest growing outdoor recreation activity in the nation and Montana but the revised Custer Gallatin Forest Plan has ignored this activity along with the new directive from the Forest Service Chief. The revised Custer Gallatin Forest Plan is proposing an additional 125,000 acres of wilderness that will remove all motorized and mechanized use in these areas as soon as possible. Public needs of more multiple use recreation are real. The Custer Gallatin National Forest is failing to provide for those needs.

The Forest Plan failed to provide an alternative and evaluation that would increase motorized and mechanized recreational access to the Custer Gallatin National Forest. Comments were submitted to the Forest Service requesting an alternative that increased access for both motorized and mechanized use. This is a clear violation of NEPA in not providing a wide range of alternatives for the public to comment on. We object to the decision to reduce motorized and mechanized use areas, the lack of an alternative that increases motorized and mechanized access, and the fact the Custer Gallatin draft record of decision does not follow the new June 12, 2020 directive from Forest Chief Christiansen. We request the decision be remanded and a new alternative be developed that follows the Chief's directive to increase productivity, increase grazing opportunities, and increase access. We request the revised Custer Gallatin Forest Plan be remanded and a new plan be developed

that addresses the needs of those in need of motorized access and motorized recreation in order to access and enjoy their public lands.

We look forward to a reasonable settlement of these significant issues with the revised Custer Gallatin Forest Plan.

#### Reason #7

The following are significant overarching issues that were not adequately addressed in the Custer Gallatin Forest Plan Revision #50185 and draft record of decision. We ask that the Forest Service review these issues and work on refinements to the analysis and plan that will adequately address and mitigate these significant issues. We ask the Forest Service to use these objection points to reverse the massive motorized closure trend and as justification for the development of enhanced motorized access and recreational opportunities on the Custer Gallatin National Forest.

#### 1. Lack of Reasonable Alternative to Address the Public's Need for More Motorized Access and Motorized Recreational Opportunities

##### 1.

a. There are over 50,000,000 OHV recreationists in the United States and over 100,000 active OHV recreationists in Montana.

##### 1.

1. a. The decision fails to adequately or reasonably recognize and address that motorized access and motorized recreation are the #1 use of the project area.

2. b. The analysis does not include an alternative that would provide a reasonable level of motorized trail opportunities to meet the existing and future needs of OHV recreationists.

3. c. The agency must adequately identify the needs of motorized recreationists and OHV recreationists including those motorized recreationists that the process does not comfortably accommodate and reasonably provide for those needs.

4. d. The public needs to be able to camp and picnic at least a 300-foot setback from roads for the safety of children and pets.

5. e. E-bikes have become popular.

6. f. E-bikes have significant positive impacts on the human environment.

7. g. E-bikes do not have any greater impact on the natural environment than mountain bikes.

8. h. E-bikes should be allowed on all non-wilderness trails.

9. i. The agency has not given E-bikes proper procedural consideration including public input on their use on all existing non-wilderness trails.

10. j. E-bikes should be legal to use everywhere except for congressionally designated wilderness for people who are over 55 years of age or have a qualifying physical limitation.

11. k. There is an inadequate number of motorcycle single-track trails.

12. l. The evaluation must adequately understand the needs of motorcycle single-track recreationists and provide for those needs.

13. m. The public prefers dispersed camping spots and that is consistent with the need for social distancing. The preferred alternative must address this significant issue.

14. n. There is an inadequate number of dispersed camping spots in the project area. The preferred alternative must address this significant issue.

15. o. The pandemic and social distancing requirements have significantly increased the public need for more OHV opportunities.
16. p. The pandemic and social distancing requirements have significantly increased the public need for more dispersed camping opportunities.
- 17.

## 2. Lack of a Reasonable Alternative to Address the Need for Motorized Access and Motorized Recreation for Youth

1. b. The analysis does not include any alternatives that would provide motorized opportunities to replace the closure of opportunities close to town.
2. c. The project areas close to town are used extensively by youth and are being taken away without adequate consideration of the need.
- 3.
- d. Consideration for motorized trail riding opportunities for the youth has not been given a hard look.

## 3. Lack of a Reasonable Alternative to Address the Need for Motorized Access and Motorized Recreation for the Elderly, Handicapped, and Disabled

1. a. The analysis does not include any alternatives that would provide motorized opportunities to replace the closure of opportunities close to town.
- 2.
- b. The project area is used extensively by elderly, handicapped, disabled and veterans and is being taken away without adequate consideration of this significant public need.
1. c. The analysis does not include reasonable alternatives that would provide motorized opportunities that adequately meet the needs of the elderly, disabled and veterans.
- 2.
- d. Consideration for motorized trail riding opportunities for the disabled, elderly, and veterans has not been given a hard look.

## 4. Fails to Adequately Address the Impacts On and Benefits of Motorized Recreation on the Human Environment

1. a. A healthy human environment includes adequate motorized access and motorized recreational opportunities as required to meet the needs of the public.
2. b. The public is losing a lifetime of motorized access and motorized recreational opportunities for reasons that are not significant when judged with a reasonable sense of magnitude.
3. c. The motorized closure trend being enacted by the Custer Gallatin National Forest is destroying a Montana culture which is based on motorized access and motorized recreation in the forest. The analysis has not given

this significant issue a hard look.

4. d. Our pursuit of happiness has been significantly impacted by all the motorized closures.
5. e. The significant closing of motorized routes in the project area does not meet the basic requirement of the NEPA act of 1969 as stated in [ldquo]Sec. 101 (b) (5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life[rsquo]s amenities[rdquo].
6. f. The decision significantly affects our pursuit of happiness and the quality of the human environment.
7. g. Non-motorized recreationists do not spend as much as motorized recreationists and there are fewer of them. Therefore, the positive impact on the economy is less.
8. h. We have over 300,000 motorcycles in Montana and an inadequate number of single-track trails to ride them on.
9. i. Because of the excessive motorized closures our memories and conversations are dominated by places that we used to go and can no longer access with our OHVs.
10. j. The agency puts significantly more effort into the search for reasons to close motorized opportunities and does not give a hard look at the importance and value of motorized recreation to the human environment.
11. k. Where are the motorized single-track trails in the plan?
12. l. Where are the motorized ATV trails in the plan?
13. m. Where are the motorized SxS trails in the plan?
14. n. Where are the motorized full-size routes in the plan?
15. o. Where are all the driving for pleasure routes (greatest single use of our public lands) in the plan?
16. p. The positive impacts on the human environment from dispersed camping spots is significant. The impact analysis must recognize and be based on this fact.
17. q. By releasing the FEIS and draft ROD at this time, the agency has not adequately recognized that a pandemic restricts our ability to participate in and comment on their planning actions.
18. r. The evaluations and document are out of date now that the quality of the human environment has been significantly impacted by a crippling pandemic.
19. s. Recreation opportunities must now become the first priority for land management plans now that the quality of the human environment has been significantly impacted by a crippling pandemic.
20. t. Abundant dispersed camping sites and motorized trails are essential to keep the public healthy and sane during this pandemic.

#### 5. Over-Represents the Public[rsquo]s Need for More Wilderness

1. a. Less than 3% of the visits to the forest are for wilderness recreation and 97% of the visits are for multiple-use.
2. b. Management of the forest must reflect the ratio of visitors and meet their needs in an equal manner.
3. c. Current wilderness is poorly managed and to create more only compounds the problem.
4. d. The current planning process is being used as a backdoor process to create defacto wilderness areas by closing motorized access and motorized recreation on lands designated for multiple-use.

#### 6. Improperly Considers Roadless Areas

1. a. The proposed alternative effectively converts multiple-use lands to defacto wilderness lands which circumvents congressional law and the wilderness designation process.

## 7. Does Not Adequately Consider Cumulative Impact of All Motorized Closures

1. a. Motorized recreationists have been hammered by motorized closure after motorized closure in the Custer Gallatin National Forest and surrounding public lands.
2. b. The analysis does not adequately disclose the amount of motorized access and motorized recreation that has been lost to public use since the 1960's.
3. c. Travel plan and other planning actions have closed 25 to 75% of the historic motorized routes and all cross-country opportunities.
4. d. The significant negative cumulative effect of all motorized closures on the public have not been adequately evaluated and mitigated in this proposal.
5. e. The significant negative cumulative effect of all motorized closures on the youth, disabled, elderly, and veterans has not been adequately evaluated and mitigated in this proposal.
6. f. The recent motorized closures enacted by surrounding forests and BLM actions have not been adequately considered and mitigated in this proposal.
7. g. The public has been squeezed into too small of an area with too few motorized routes. Every weekend when we talk to fellow motorized recreationists, they ask us where they can go to ride trails and camp.
8. h. The cumulative effect of this decision combined with many other similar motorized closure decisions significantly affects our pursuit of happiness and the quality of the human environment.
9. i. The continual closure of motorized access and motorized recreation on lands managed by the Agency demonstrates its intent to eliminate motorized access and motorized recreation without adequately disclosing their intent and the cumulative effect.
10. j. Significant cumulative effects have occurred because motorized recreationists cannot successfully change or challenge the agency's predisposition to motorized closures.
11. k. The cumulative effect of motorized closures has severely impacted the quality of life for motorized recreationists.
- 12.
- l. The multiple use community has lost more than 22,000 miles of roads and trails on federally managed public lands in Montana since 1995.

## 8. Fails to Recognize the Lack of Long-Distance Motorized Trail Systems

1. a. Fails to address past illegal motorized closure actions used to create non-motorized trail systems
2. b. The agency has developed many long distance non-motorized trail systems similar to the CDNST and PCT.
3. c. The agency has not developed any long-distance trail systems for motorized recreationists.
4. d. Long distance motorized trail systems would see far more use than non-motorized trails.
- 5.
- e. Long distance motorized trail systems would provide far more benefit to the human environment including economic benefit.

## 9. Fails to Adequately Identify and Address the Imbalance of Trail Opportunity in our Public Lands including national forest, BLM, and NPS.

1. a. There are far more miles of high quality non-motorized trail in the Custer Gallatin National Forest.
2. b. The miles of non-motorized and motorized trail in the Custer Gallatin National Forest has not been

adequately disclosed.

3. c. Miles of trail in wilderness areas and quality must be adequately disclosed.

4. d. Non-motorized opportunity must be compared to motorized opportunity including the miles of trails, quality of experience, costs and conditions, and number of users.

5. e. Every Custer Gallatin National Forest action creates more non-motorized trail opportunities.

6.

f. Non-motorized recreationists have hundreds of potential opportunities in the project area. Motorized recreationists have very limited opportunities as demonstrated by the travel plan map.

#### 10. Does Not Provide for a Reasonable Level of Multiple Use

1. a. The decision fails to adequately or reasonably recognize and address that motorized access and motorized recreation are the #1 use of the project area.

2. b. The lands in the project area are designated by congress for multiple-use.

3. c. Sharing must be the expectation on all multiple-use land otherwise multiple-use land becomes special-use land.

4. d. The proposed action is illegally converting lands designated for multiple-use by congress into defacto wilderness areas.

5. e. The existing routes, mines, historic use, and current use demonstrate that the area does not qualify as wilderness and, therefore, should not be treated as wilderness.

6. f. Management for multiple-use best meets the overall needs of the public.

7. g. Congress recognized that management for multiple-use best meets the needs of the public and gave their direction in the law.

8. h. The agency is applying wilderness standards to lands designated for multiple-use.

9. i. Some visible use of the land for the good of the public is reasonable.

10. j. The proposed land use actions would effectively convert congressional designated multiple-use lands to defacto wilderness which circumvents congressional law and the wilderness designation process.

11.

k. Public lands need to be made great again by restoring wide-ranging multiple-use management to all multiple use lands.

1. l. Too much multiple-use land has been set aside for elite/exclusive use. Multiple use land must be used for the greatest good and not manipulated for elite/exclusive use only.

2. m. The agency must stop rewarding those that want exclusive use of resources.

3. n. Closing opportunities to the public on multiple-use land is inappropriate and illegal.

4. o. Public land is for all the public which can only be reasonably accomplished by management for multiple-uses.

5. p. It is not reasonable to reward individuals not willing to share multiple-use lands with exclusive-use of those lands.

6. q. The project area is not designated wilderness. Some visual use of multiple-use land is reasonable and acceptable.

7.

r. Managing lands designated by congress for multiple uses by wilderness standards is illegal.

#### 11. Unreasonable Use of Climate Change as a Reason to Eliminate Motorized Access and Motorized Recreation

1. a. Motorized recreation is not a significant factor.
- 2.
- b. If CO2 is a significant factor, then forest fires and prescribed burns are a significant impact and this impact must be adequately addressed.

#### 12. Required to Provide Adequate Coordination with Local and State Government

- 1.
- a. Coordination with all surrounding counties is required and has not been adequately provided.

#### 13. Fails to Adequately Recognize and Address RS2477 Route Standing

- 1.
- a. The proposed action closes and obliterates many routes that have RS2477 standing and should be perpetuated for public motorized access and use as originally allowed by the law.

#### 14. Arbitrary and Capricious Analysis and Decision-Making

1. a. There are no site-specific studies and analysis of OHV recreation as required by the 3-State OHV record of decision.
2. b. Reasons are being used to close motorized opportunities that do not have data and studies to back them.
3. c. Studies that support OHV recreation or give an unbiased analysis are being ignored.
4. d. Impacts on fish and wildlife are being assumed (imagined) without adequate site-specific data and studies.
5. e. Impacts on the natural environment are being assumed (imagined) without adequate site-specific data and studies.
6. f. The Agency is creating and using bogus issues to justify the closure of valuable motorized access and motorized recreational opportunities.
7. g. The road density criteria assigns equal impacts to single-track motorcycle versus ATV trails versus forest roads versus highways. This criterion is not site-specific as required by the 3-State ROD and NEPA and is obviously false.
- 8.
- h. The reasons to close motorized opportunities are weak at best and are not adequate for closure of multiple use land.

#### 15. Fails to Adequately Address NEPA and Justice Issues

1. a. The Agency is simply overwhelming the general public with involvement requirements and catering to environmental groups with paid representatives so that they can further their protectionist agenda in the end.
2. b. The agency must adequately identify the needs of the silent majority including motorized recreationists and

OHV recreationists and reasonably provide for those needs.

3. c. The proposed action includes many non-motorized trail opportunities.

4. d. The proposed action does not include any OHV trail opportunities.

5. e. The USDA presents itself as [ldquo]USDA is an equal opportunity provider, employer and lender.[rdquo]

6. f. The Custer Gallatin National Forest has considerably many more miles of high quality non-motorized trails than motorized trails.

7. g. There is not an equal opportunity in miles of trail and quality of experience for ATV recreationists.

8. h. There is not an equal opportunity in miles of trail and quality of experience for motorcycle single track recreationists.

9. i. The inter-disciplinary team does not include ATV, motorcycle single track, UTV and full-size 4x4 enthusiasts.

10. j. Motorized recreationists are the only group to lose in every Custer Gallatin National Forest action and are bearing a disproportionate share of the negative consequences.

11. k. The Agency is making decisions that ignore the overall needs of the public for motorized access and motorized recreation, equal opportunity requirements, and congressionally directed management for multiple-uses.

12. l. Motorized recreationists cooperated with the travel management rule believing that travel management planning would be reasonable. Travel management planning has been a massive motorized closure process and our trust has not been honored.

13. m. Motorized had been marginalized since the 1960[rsquo]s without adequate disclosure and analysis of the significant negative impacts on the public and the needs of the public for motorized access and recreation.

14. n. The lack of adequate and full disclosure of significant impacts on motorized recreationists and the lack of adequate and meaningful consideration of the needs of motorized recreationists including OHV recreationists by the agency must stop with this action.

15. o. In the past OHV recreationists trusted the agency with the belief that they would look after our needs and we agreed to cooperate and be managed based on that belief. However, in return our needs were ignored, and OHV recreationists were rewarded with excessive motorized closures. It is time to compensate and mitigate for this injustice.

16. p. Motorized recreationists including our members have worked hard to maintain all of the existing routes in the project area for over 40 years and have received no recognition for that effort and dedication.

17.

q. The proposed action is overly influenced by well-funded elitist environmental groups that represent less than 3% of the visitors but seek exclusive rights to everything. Their excessive influence on public land managers is taking excessive amounts of public land from the public.

1. r. By continuing to ignore the significant needs and issues of motorized recreationists the Agency is creating the need for a significant corrective action to address those needs and issues in the future.

2. s. The proposed plan caters to environmentalists at the expense of most of the public who enjoy motorized access and motorized recreation.

3. t. The complicated NEPA planning process used by the agency is not effectively reaching most of the public.

4. u. Environmental groups who have the money, time, and expertise required to participate skillfully negotiate the complicated NEPA planning process.

5. v. Recreationists who believe that they are [ldquo]better[rdquo] than other recreationists must not be rewarded in this action.

6. w. Motorized recreationists are losing our freedom of choice because we cannot comment on thousands of agency planning actions that ultimately close our recreational opportunities.

7. x. The agency is predisposed to follow their motorized closure agenda in the face of the overwhelming need and enjoyment of motorized access and motorized recreation on public land by the public.

8. y. The agency[rsquo]s NEPA process for this action has been significantly influenced by the number of visits, meetings, telephone calls, correspondence, and information provided by environmental groups.

9. z. The agency must stop catering to the 3% of the public land visitors who use wilderness and adequately

address the needs of the 97% who seek motorized access and motorized recreation.

10. aa. The agency must evaluate whether it is providing preferential treatment to non-motorized recreationists compared to motorized recreationists including the adequacy and level of opportunities, quality of opportunities, internal staff representation, and levels of maintenance.

11. bb. Non-Motorized Recreationists have received preferential treatment by the agency for the past 40 years in the practice of motorized closures in every planning action.

12. cc. Closing opportunities to the public on multiple-use land in the name of conservation is [ldquo]code[rdquo] for suppression of motorized recreationists.

13. dd. Motorized recreationists have been squeezed into an inadequate area because of other users (hikers and mountain bikers) who find motorized users, refuse to share with motorized recreationists, and then force motorized recreationists out so that they have exclusive use. The agency must not accept the demands of recreationists who refuse to share our resources and demand exclusive uses for themselves.

14. ee. The agency[rsquo]s process has been subject to undue influence by professional influencers.

15. ff. It is unconscionable that the significant positive benefits of motorized recreation including OHV trails have not been given a hard look and that purported negative impacts of motorized recreation are evaluated without sufficient and appropriate data and studies.

16. gg. The agency is creating issues without adequate site-specific data and evaluations as required by the 3-State OHV ROD and then using those issues to close motorized recreational opportunities.

17.

hh. The agency has created a new form of discrimination by accepting the influence of well-funded, vocal and organized groups and ignoring the reasonable needs of the multiple-use public who are not well-funded, non-vocal, and not well-organized but represent the majority of the visitors and the greater good of the public.

1. ii. The decision creates special access and recreation entitlements for hikers and equestrians at the expense of valuable and much needed access and recreation resources for motorized recreationists.

2. jj. We enjoy mechanical things. We are not bad people nor do we deserve to be second class citizens because of our appreciation of mechanical things.

3. kk. It is not reasonable to reward those who for selfish reasons frame everyone else as unacceptable.

4. ll. The project area is not designated wilderness. Some visual use of multiple-use land is reasonable and acceptable.

5. mm. Motorized recreation and dispersed camping opportunities are being closed by the agency without site-specific data as required by NEPA and the 3-State OHV record of decision.

6. nn. There is no site-specific data that demonstrates any impact of significance to the natural environment by motorized recreation and dispersed camping when compared to naturally occurring levels.

7. oo. There is no site-specific data that demonstrates that motorized and dispersed camping closures produce any significant benefit to the natural environment.

8. pp. There are no significant measurable impacts from motorized recreation and dispersed camping.

9. qq. The agency[rsquo]s newest strategy is to close dispersed camping spots using vegetation, resource management, and travel management plans. This strategy is not aligned at all with the public need for these recreational opportunities. The preferred alternative must address this significant environmental justice issue.

10. rr. The Agency must pursue the desegregation of back country access and embrace a tolerance for recreational preferences.

11. ss. The selected alternative rewards recreationists who cannot accept sharing with anyone that is not closely aligned with their form of recreation.

12. tt. The agency clears fallen trees and maintain non-motorized trails at a higher level than motorized trails. The agency caters to non-motorized interests.

13. uu. The agency recreation team did not visit the project area during the weekends and seek out motorized recreationists and consequently did not adequately evaluate the number of motorized recreationists and types of motorize uses that are using the project area.

14. vv. Seasonal motorized closure dates such as September 1st take away the opportunity for motorized

recreationists to enjoy fall weather and fall colors.

15.

ww. The agency has purposively hired more staff with non-motorized interests even though 97% of the visitors to the project area are associated with motorized recreation.

#### 16. Overstates the Impact of Motorized Access and Motorized Recreation on Fish and Wildlife

1. a. The analysis has not adequately considered data and studies that supports an unbiased and a balanced view of how motorized recreation impacts the natural environment.

2. b. The analysis does not have adequate site-specific data and studies as required by the 3-State OHV ROD to justify motorized closures.

3. c. Impacts from all user groups and natural impacts must be adequately compared to demonstrate a true sense of magnitude for impacts.

4.

d. Alternatives to wholesale motorized closures that would mitigate fish and wildlife concerns were not given a hard look.

1. e. The common claim that [l]states own wildlife[r] is incomplete, misleading and needlessly deepens divisions between federal and state governments and creates unnecessary conflicts and impacts on the public that uses federal lands.

2. f. The road density impact criteria being used is not site-specific.

3. g. The road density impact criteria being used grossly over-estimates the impact on wildlife.

4. h. The road density impact criteria being used is not a reasonable measure of motorized impact on wildlife habitat.

5. i. Topography is a significant factor affecting wildlife habitat. Topography such as in the project area greatly reduces the impact on wildlife and is just as effective as or more effective than cover. The analysis does not reasonably consider topography.

6. j. A motorized trail does not have the same impact on wildlife as a road. The impact analysis assumes one size fits all. A criteria and impact analysis must be developed that differentiates between different treads and level of use.

7. k. OHVs cause less severe disturbance of wildlife because the relatively low level of noise that they emit provides a soft warning of their presence and especially compared to non-motorized recreation. For example, OHVs have never had a damaging encounter with a grizzly bear while hikers and hunters have had many that have ended badly for both the humans and the bear.

8. l. Motorized closures are being enacted using the Endangered Species Act as the reason when there is no real significant connection between OHV recreation and significant impacts on a species. Other factors have more significant impacts than OHV recreation. The lack of a sense of magnitude is evidence of arbitrary and capricious evaluation and decision-making.

9. m. There are other impacts on fish and wildlife including natural processes that are far more significant than motorized recreation.

10. n. The analysis of purported OHV impacts in the document does not compare them to natural levels and changes, and therefore, the analysis is arbitrary and capricious.

11.

o. The reality is that fish and wildlife can coexist with OHV recreation.

## 17. Overstates the Impact of Motorized Access and Motorized Recreation on the Natural Environment

1. a. The analysis has not adequately considered data and studies that supports an unbiased and a balanced view of how motorized recreation impacts the natural environment.
2. b. The analysis does not have adequate site-specific data and studies as required by the 3-State OHV ROD to justify motorized closures.
3. c. Impacts from all user groups and natural impacts must be adequately compared to demonstrate a true sense of magnitude for impacts.
4. d. Alternatives to wholesale motorized closures that would mitigate natural environment concerns were not given a hard look.
5. e. A motorized trail does not have the same impact on the natural environment as a road. The impact analysis assumes one size fits all. A criteria and impact analysis must be developed that differentiates between different treads and level of use.
- 6.
- f. Motorized closures are being enacted using based on purported impacts on the natural environment as the reason when there is no real significant connection between OHV recreation and significant impacts on the natural environment. Other factors have more significant impacts than OHV recreation. The lack of a sense of magnitude is evidence of arbitrary and capricious evaluation and decision-making.
- 7.
- g. There are other impacts on the natural environment including natural processes that are far more significant than motorized recreation.
1. h. The analysis of purported OHV impacts in the document does not compare them to natural levels and changes, and therefore, the analysis is arbitrary and capricious.
2. i. The negative impacts on the natural environment from dispersed camping spots is relatively insignificant when compared to the natural level of environmental impacts. The impact analysis must recognize and be based on this fact.
- 3.
- j. Any significant negative impacts on the natural environment from dispersed camping spots can be mitigated to a reasonable level in most locations. The impact analysis must recognize and be based on this fact.

## 18. Motorized References need to be adequately considered

- 1.
- a. The analysis has not adequately considered information that supports the need and value of motorized recreation.

## 19. Maintenance, Funding and Gas Tax Issues

1. a. An equitable percentage of the gas tax paid by OHV recreationists has not been returned to OHV recreation.
2. b. An equitable percentage of the gas tax paid by OHV recreationists has not been returned to OHV recreation

for a very long time and the cumulative effects are extremely significant.

- 3. c. The analysis has not adequately considered information that identifies significant issues surrounding maintenance, funding and gas tax issues.
- 4. d. If motorized is removed, then motorized funds should not be used in the area.
- 5. e. If motorized is removed, then motorized funds used previously in the area should be returned for use on motorized projects.
- 6. f. There is significant new funding available for motorized trails.
- 7.
- g. Motorized trail maintenance must be the first priority for funding.

We are looking forward to a revised Custer Gallatin Forest Plan that adequately addresses the public need for a multiple-use recreation alternative.

Sincerely,

Mike Sedlock, President CTVA on behalf of our 240 members and their families and friends