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Comments: Letter of objections included as an attachment.

August 15, 2022

Objection Reviewing Officer: Deputy Regional Forester Elizabeth Berger USDA Forest Service Pacific Southwest Region

1323 Club Drive

Vallejo, CA 94592

Regarding: Sequoia & Sierra National Forests Land Management Plans Revisions

Ms. Berger,

This letter of objections is submitted on behalf of the California Four Wheel Drive Association (Cal4Wheel) regarding the Pre-Objection Versions of the Land Management Plans for Sierra and Sequoia National Forests - hereto forward referenced as the Sierra & Sequoia Revised Land Management Plans (RLMP). Many of our members and supporters live in and/or recreate in the area covered by the RLMP. This letter of comment shall not supplant the rights of other Cal4Wheel agents, representatives, clubs, or individual members from submitting their own objections; USDA Forest Service (FS) should consider and appropriately respond to all objections received to the RLMP.

Cal4Wheel is a non-profit organization comprised of over 3,500 members who champion responsible off-highway vehicle (OHV) recreation while encouraging a strong conservation ethic and individual stewardship. We champion responsible use of public lands 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 OHVs of all forms, as well as other motorized methods, to enjoy federally managed lands throughout California, including those of Sierra and Sequoia National Forests (S&S NF). Our members and supporters live in California or travel across the

country to visit California and use motorized vehicles to access FS managed lands throughout the state. Cal4Wheel members visit S&S NF for motorized recreation to participate in non-motorized and human-powered activity such as sightseeing, photography, hunting, fishing, wildlife and nature study, camping, observing cultural resources, rock climbing, boating, mountain biking, and other similar pursuits on a frequent and regular basis throughout every season of the year. Cal4Wheel members and supporters have concrete, definite, and immediate plans to continue such activities in S&S NF throughout the future.

## General Comments

We recognize the positive health and social benefits that can be achieved through outdoor recreation. We also recognize that motorized recreation provides business owners in local communities with significant financial stimulus. Of great importance to the impetus for this letter of objections: our members are directly affected by management decisions concerning public land use in S&S NF.

Our members subscribe to the tenets of:

- \* Public access to public lands now, and for all future generations
- \* Active stewardship to maintain conservation of public lands, and safety for those who enjoy them
- \* Sharing our natural heritage

Cal4Wheel members as well as the general public desire access to public lands now and in the infinite foreseeable future. Restricting access today deprives our children of the opportunity to enjoy the many natural wonders of public lands. Cal4Wheel members and the general public are deeply concerned about the condition of the environment and public safety. They desire safe means to access public lands to engage in conservation efforts as well as outdoor recreation. The public desires to share our natural heritage now and in the future. How can our children learn about and appreciate our natural heritage when access to public lands via roads and trails for motorized use are eliminated or restricted due to FS management activity, when forest landscapes are allowed to deteriorate or burn in catastrophic wildfire due to lack of proper maintenance, and historic routes are blocked or closed to use?

Cal4Wheel supports the concept of managed recreation and believes it is prudent and appropriate management to identify areas where off-highway vehicle (OHV) use is appropriate. Such use must be consistent with FS Management Plans, Plan Standards, and all other requirements found in the Plans, as well as state and federal regulations. Recreation, especially recreation off of paved or gravel roads, is the leading growth in visitors to public lands<sup>1</sup>. This is a longstanding trend, and it is critical to note, California has led the nation as the state with the highest percent of population and number of participants in OHV recreation since 2008<sup>2</sup>. Improvements in the planning process helps to minimize conflicts and potential resource damage while providing for recreation access to public lands.

Cal4Wheel members recreate throughout the Early Adopter Forests within public lands that were designated for management in adherence to the multiple use objective, as well as within recommended wilderness and/or

inventoried roadless areas via motorized/mechanized means of transport. While Cal4Wheel appreciates FS efforts to inform the public through Scoping and Analysis, as to how the RLMP process might impact the public through implementation of plan revisions, we feel the scope of the Pre- Objection RLMP falls dramatically short of FS minimum requirements to involve the public in the planning process through public comment. Furthermore, the RLMP fails to comply with legal standards for scoping, analysis, and implementation of forest management plan revisions.

To these points of failure in legal compliance, Cal4Wheel was deeply disappointed to discover that the FS neglected to include reference to multiple Congressional Acts that bear direct authority in multiple elements specific to S&S NF management policies, decisions, and practices. Specifically, the following Congressional Acts were omitted from reference within the RLMP:

- \* The National Trails System Act (1968, amended 2019)
- \* Wild and Scenic Rivers Act (1968, and amendments)
- \* National Forest Management Act (1976)

Additionally, the Comprehensive Management Plan for the Pacific Crest National Scenic Trail bears immediate and direct impact on S&S NF management policies, decisions, and practices. We have included appropriate reference to each Act noted above, as well as the Comprehensive Management Plan for the Pacific Crest National Scenic Trail, within our letter of objections that follows. We urge the FS to give grave consideration to the requirements and responsibilities they are legally obligated to abide by as contracted public land managers with respect to the laws set forth in each Congressional Act.

Lastly, the RLMP omits all reference to the original Sequoia<sup>10</sup> and Sierra<sup>11</sup> Management Plans. This is particularly problematic as the RLMP is intended to comprise a revision to the S&S NF management plans. While the FS has cited significant change in forest conditions as justification for the violation of appropriate scope to the "revisions" included in the updated plan, this justification demonstrates the FS disregard for public involvement in the plan revision process, as well as disregard for the legal limits of authority that are placed upon the FS as contracted managers of public lands. The revised plan does not represent true "revision" by definition or intent of the term. The revised plans are complete overhauls that do not in the least reflect the previous versions[hellip] the revised plans are in reality, completely new, rewritten plans. This exceeds the scope of the plan revision process and disenfranchises the public from opportunity to adequately engage in the planning process, as public participation would be dramatically different in nature if it were understood that the previous forest management plans were effectively being scrapped and replaced in full. There are multiple legal implications to consider regarding this overreach of the contracted responsibility granted to the forest service to manage our public lands.

Cal4Wheel has reviewed the RLMP and believes that the FS has failed to resolve significant, critical concerns and legal violations on the following Plan components:

1. Pacific Crest Trail Management Area (PCTMA)
2. Zoning
3. Non-Recreation Project Impacts to Recreation Program
4. Wild & Scenic River Eligibility
5. Economic Impact Analysis

Additionally, we have identified new information that directly impacts the proposed changes in S&S NF management through the RLMP, including:

1. Discrimination of Users with Disabilities and Impoverished Communities: Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (EO13985)
2. New Judicial Precedent: West Virginia et al. v. Environmental Protection Agency et al.

Some of our objections may appear repetitive, however they are only repeated where there is a new instance of objection which is examining a different point. We would appreciate detailed evaluation of each objection with staff during the objection review meeting so that Forest staff can be sure to address each point and correct all violations.

In summary reference to the items noted above, with additional detail for each following within this letter of objections, Cal4Wheel supports any additional objections from individuals, groups, associations, and the general public that encourage the USDA FS to uphold their mission and commitment to the public, to manage S&S NF in a manner that maximizes public access, preserves the health of the forest landscape, and maintains the multiple use objective through implementation of the RLMP. We strongly advocate against any components of the RLMP that would diminish or eliminate public access, effective management of the forest landscape, and compliance with the FS requirement to protect and maintain the multiple use objective.

#### OBJECTION 1: PACIFIC CREST TRAIL MANAGEMENT AREA

The RLMP text indicates the Pacific Crest Trail (PCT) would be managed as an "area". Given that the RLMP is intended and designed to function as a "programmatic" document that prescribes guidelines, the actions applied to the PCT "area" management are "site-specific" actions which set sideboards that preclude any other options for site-specific project analysis and planning. The FS has exceeded the limits of permissible action by creating a new management area that is site-specific within a forest management plan revision. The appropriate and legal forum for creation of a PCT Management Area (PCTMA) is within the PCT Comprehensive Management Plan (circa 1982). It must be noted, that "PCT Corridor" and "PCT MA" are used interchangeably in this letter of objections. This is intentional, as the FS originally referred to the new PCT MA as a Corridor, then later changed it to "Management Area" to circumvent early objections to trail-specific and site-specific detail within the DEIS for the RLMP. It is essential to note, however, that the "Corridor" and "Management Area" are identical in construct, function, concept, and purpose. Neither a "Corridor" nor a "Management Area" for the PCT are legally permissible designations that the FS may impose through the RLMP. Again, the "Corridor" or "Management Area" issue should not be addressed within the RLMP, as the RLMP is "programmatic," while the PCT Comprehensive Management Plan contains, and is explicitly intended for, "site-specific" project analysis.

The RLMP defines the PCTMA for the PCT to be up to one-half mile from the centerline of the trail. During the

Scoping and Analysis phases of the RLMP process, Cal4Wheel and other OHV stakeholders met with PCT officers and offered our support for a well-managed PCT that offers the hiker a quality backcountry wilderness-like experience as is practical. Cal4Wheel believes that any management prescription must be based in reality that recognizes the PCT traverses many "non-Wilderness" areas that include OSV, OHV, hunting, fishing, mountain-biking, and a variety of other recreational uses. In addition, the PCT directly crosses, or crosses in close proximity, many highways, ski areas, private inholdings, and other "non-Wilderness" activities.

Cal4Wheel believes defining a one-half mile from the centerline of the trail corridor is an excessive action as the management of the corridor (area) would adversely impact other recreation and management options. Legislation providing for designation of the national trails system does not include buffers zones. Legislation does provide for designation of a "trail" that is expressly for non-motorized recreation opportunity. As with other designated trails within the Forest Service trail system, no buffers are provided and strict adherence to a 30-foot centerline area with no off-trail travel permitted. That is a reasonable restriction for management of the PCT in order to accommodate multiple use types across the landscape with minimal resource disturbance from redundant, multiple parallel trail segments.

Cal4Wheel raised the above-stated concerns within the comment submitted on September 25, 2019 regarding the Revised Draft Environmental Impact Statement (DEIS) for Revision of the Sequoia and Sierra National Forests Land Management Plans, and offered the following solution: The Forest should review public comments and internal reviews with field staff and patrol agents to ensure that it designates crossings or enacts management prescriptions that retain the current form and function of the OHV/OSV program. The agency should pursue authority to designate crossings and related management prescriptions related to widths of crossings or corridors to geological or topographical features that make sense and are enforceable.

Regrettably, the suggestions for solution previously offered were not acted upon within the Record of Decision (ROD) for the RLMP. The creation of a designated management area for the PCT constitutes site specific project analysis, and therefore presents a violation of the legal scope of plan revision. Forest Plans are required to function solely as programmatic documents that merely prescribe guidelines. Area management is site specific - this is clearly outside the scope of planning objectives and procedure.

Furthermore, with creation of a PCT MA, the FS has embedded selective preference for a single form of recreation (hiking) into forest management practices. In so doing, the FS dismisses the value and opportunity for visitors who enjoy other forms of recreation from accessing public lands within the PCT MA. Within Sequoia NF, the PCT crosses many OHV trails in the Piute Mountains region. Creation of the PCT MA closes these trails for OHV use as OHV will be fully excluded from the PCT MA. While none of the trails of concern for this issue are formally designated trails, they are historically and currently used by a large volume of OHV enthusiasts. Rather than close existing OHV trails, the RLMP should function to preserve and expand OHV trails as part of the FS contractual obligation to protect and maintain the multiple-use objective within forest management protocol and policy.

We object that with creation of a PCT MA, the RLMP crosses the boundary of allowable planning protocol and

scope. By including site specific management decisions within the RLMP, the FS has disregarded the legal limitations of scope that restrict forest management plans to solely contain guidelines to define very high-level parameters that create guardrails for project- and area-specific land management decisions in the future. The FS must, in order to restore fairness, accuracy, and legality to the final RLMP, omit the PCT MA from the RLMP in full. While there may be other avenues for the FS to entertain the creation of a PCT MA, the RLMP is legally not the appropriate or permissible means to achieve this end.

Creation of a trail-specific management area violates the FS obligation to exercise management decisions within the limits of existing federal law. Specifically, the FS has violated the terms of the National Trails System Act of 1968. Violations include:

- \* Neglect to form cooperative agreement with local government agencies
- \* Neglect to obtain substantive and relevant advice and assistance in evaluating changes to trail rights-of-way from public land users
- \* Substantial relocation of the rights-of-way for trails without an Act of Congress
- \* Neglect to intentionally harmonize trail management with established multiple-use plans

Section 5 [16USC1244], (f), (1) of the National Trails System Act of 1968 (NTSA) stipulates that the PCT must be managed in accord with a "comprehensive plan for the management, and use of the trail, including[hellip] specific objectives and practices to be observed in the management of the trail, including[hellip] cooperative agreements to be consummated with State and local government agencies." The most obvious and necessary local government agencies that are relevant to form cooperative agreements, per the requirements of the NTSA, are county governments. The S&S NF RLMP does not demonstrate that the FS secured cooperative agreements with any of the counties in which S&S NFs are contained.

Page 6 of the ROD for the Sierra NF RLMP states that the FS "actively engaged[hellip] county governments to assess compatibility of the revised land management plans with other local land use plans and policies (per 36 CFR 219.4)." Page 7 asserts that the FS actively engaged 16 county governments and agencies, with input gathered from Fresno, Madera, and Mariposa Counties. The ROD also states that "counties remain in overall support of the revised plan." However, I have personally spoken with leadership of Fresno County who have informed that there is no record of Fresno County having provided verbal or written support for the Sierra or Sequoia NF RLMPs. Additionally, there is no record of engagement between the FS and Fresno County leadership, departments, or staff in the RLMP planning process.

Members of Fresno County leadership, after soliciting feedback from multiple departments and staff who are historically and regularly involved in cooperative work with the FS, expressed zero knowledge of the RLMP and its contents.

We object that the FS has not coordinated with Fresno County and perhaps other counties as required by law for the Forest Plan Revision. We object to the Sierra and Sequoia NF RLMPs incorrectly stating that Fresno County supports the Forest Plans. The Fresno County Board of Supervisors has indicated that they do not support the RLMP, the FS has not engaged with them, and the Sierra and Sequoia RLMPs may not comply with existing Fresno County plans.

Section 7 [16USC1246], (a), (2) of the NTSA stipulates that for all management decisions and actions specific to the PCT, the FS must: "In selecting rights-of-way for trail purposes, the Secretary shall obtain the advice and assistance of[hellip] local governments[hellip] and land users concerned." Within the creation of the PCT MA as noted above, feedback from Fresno County indicates that the FS has not obtained the advice and assistance of local governments via County agencies. Additionally, the FS has not obtained the advice and assistance of land users concerned.

The FS stated in the DEIS and ROD that there are no designated motorized roads, trails, or areas impacted by the creation of the PCT MA. However, during Scoping and Analysis the FS offered no maps for review of potential impacts or conflicts with the proposed changes. While maps were provided to demonstrate the new designations of roads, trails, or areas following creation of the PCT MA, there was zero reference to existing designations to demonstrate what and where a change in designation or condition would occur. Within Cal4Wheel's August 24, 2016, comment submission for the Draft Environmental Impact Statement (DEIS) and Draft Forest Plans for the Inyo, Sequoia and Sierra National Forests, Cal4Wheel suggested that local government and stakeholders should ground-truth recommended Designated [Recreation] Areas and scenery management for both current and future impacts to recreation access or opportunities. The action of ground-truthing each of these plan components was not completed.

Additionally, primitive and semi-primitive non-motorized classifications did not include OHV recreation input during classification decisions. Furthermore, historical maps and reports demonstrate prolific OHV and OSV use of lands in the PCT MA within Sequoia NF, most notably within the Piute Mountains region. OHV roads and trails within the Piute region are currently not designated, however, this is the result of FS failure to complete and finalize a Travel Management Plan for Sequoia NF. The Travel Management planning process languished for many years, resulting in disregard for proper designation of the popular, historic, prolifically used OHV trail system in the Piute.

It must also be noted that the FS has a 2011 Piute Travel Management Map showing all the existing inventoried trails which will be impacted by the PCT MA, however, the FS omitted this detail from Scoping and Analysis documents, as well as the RLMP. Omission of inventoried trails from the 2011 Piute Travel Management Map constitutes false representation of plan details to the public. This omission is blatantly misleading and disenfranchised the public from the opportunity to provide relevant comments on impact from the proposed PCT MA on existing recreation within Sequoia NF.

Furthermore, Section 7 [16USC1246], (b) stipulates that "substantial relocation of the rights-of-way for such trail [PCT] shall be by Act of Congress." As noted above, the creation of the PCT MA imposes substantial closure (relocation) of an extensive OHV trail network in the Piute Mountains region of Sequoia NF. Not only has the FS neglected to preserve and maintain the historic, prolifically used Piute OHV trail system by failing to complete a Travel Management Plan for Sequoia NF, now, with creation of the PCT MA, the FS has also violated the NTSA by imposing substantial relocation of rights-of-way on the PCT without securing an Act of Congress.

We object to the creation of the PCT MA due to the fact that the FS has not obtained substantive and relevant advice and assistance in evaluating changes to trail rights-of-way from public land users as required by the NTSA. We object to the creation of the PCT MA based on the fact that the FS has imposed substantial relocation of the rights-of-way on the PCT within Sequoia NF without securing an Act of Congress as required by the NTSA. The proper remedy for this violation of a Congressional Act is to strike the PCT MA from the RLMP in full.

Section 7 [16USC1246], (a), (2) of the NTSA stipulates that "Development and management of each segment of the National Trails System shall be designed to harmonize with and complement any established multiple-use plans for the specific area in order to insure continued maximum benefits from the land." This NTSA requirement is reinforced within the section on Effects on the Management of Adjacent Public Land within the Comprehensive Management Plan for the Pacific Crest National Scenic Trail (1982. Pages 21-22)<sup>4</sup>. With creation of a PCT MA, the FS has embedded selective preference for a single form of recreation (hiking) into forest management practices. In so doing, the FS dismisses the value and opportunity for visitors who enjoy other forms of recreation from accessing public lands within the PCT MA. Additionally, in so doing, the FS has violated the NTSA requirement to manage the PCT in such a way that it harmonizes with, and complements established multiple-use plans to insure continued maximum benefits from the land.

We object to the creation of the PCT MA due to the fact that the FS has violated the NTSA requirement to protect, maintain, harmonize, and complement the multiple-use objective to insure continued maximum benefits from the land. The proper remedy for this violation of a Congressional Act is to omit the PCT MA from the RLMP in full.

Furthermore, within the Sierra NF, the creation of a PCT MA is a moot, irrelevant, purely symbolic initiative that imposes an unwarranted, heavy-handed cloak of new regulation. The Comprehensive Management Plan for the Pacific Crest National Scenic Trail (PCT CMP)<sup>4</sup> states that "Within[hellip] Wilderness Areas the significant trail related resources (scenic, historic, natural) are protected by virtue of the legislation that created these special areas [Wilderness]. The purposes and objectives of these special areas are consistent with the purposes of the National Scenic Trails. In the event of conflicts between the trail or its use, and the legislated purpose or planned objectives for these areas, the legislated purposes or area objectives will prevail" (page 22). The S&S NF RLMP assert that creation of a PCT MA is necessary in order to adequately preserve the scenic, natural integrity of the "wilderness" experience for those who traverse the PCT. However, this goal is already accomplished by virtue of the fact that the PCT is contained wholly within Wilderness designated lands throughout the full stretch of the PCT within Sierra NF. Therefore, the justification for a PCT MA in Sierra NF is fully void of all relevance.

We are deeply concerned that the FS is adopting a management policy that caters to single-use special interests, thereby prioritizing a small sub-set of the full public who have right to enjoy access to all of Sierra NF, by further restricting management and use of lands that are adjacent to the PCT via the PCT MA. If the FS succeeds in creating the PCT MA within S&S NF through the RLMP, this will set precedent for other national forests across California, Oregon, and Washington to follow suit, and create their own PCT MA corridors for other segments of the trail. This action is in direct conflict with the PCT CMP. The section on Control of Overuse within the PCT CMP states that "The goal should be to apply the minimum level of regulation needed to accomplish the



objectives for the area" (page 21). As noted above, the very concept of a PCT MA is irrelevant and heavy-handed within Sierra NF. Thus the "minimum level of regulation needed" is already accomplished by mere fact that the PCT lies within Wilderness-designated lands in Sierra NF. Furthermore, as noted previously, the FS failed to coordinate with local governments (counties) when developing the concept and plan for the PCT MA. The FS is exerting unnecessary, overbearing, authoritarian regulatory oversight on the citizens of each county that is impacted by the PCT MA in S&S NF, as well as on the general public who travel from other areas of the State and nation to enjoy use of public lands in S&S NFs.

The most foundational element of the FS responsibility as contracted managers of national forest lands is to protect and maintain the multiple-use objective. The FS is not only disregarding this responsibility, the FS is fully trampling the multiple use objective and demonstrating biased preference for a single-use special interest through creation of a PCT MA. The section on Effects on the Management of Adjacent Public Land within the PCT CMP4 states that "Within Federal lands outside National Parks and Wilderness, the trail must co-exist in harmony with all other resource uses and activities of the land as determined through the land management planning process. The trail will cross a mosaic of areas differing in primary management emphasis. This could be grazing[hellip] developed recreation[hellip] or timber management. Viewing and understanding this array of resources and management is one of the primary recreation opportunities to be made available over these portions of the trail. Some activities such as road construction, logging, prescribed burning, herbicide application, mining, etc., will require considerable informational and interpretive skills to be placed in a positive perspective from the standpoint of the user. The agencies should look at this as an opportunity to explain the multiple-use concept" (page 22).

It is abundantly clear from this excerpt of the PCT CMP, that the core direction to the FS is to protect and maintain the multiple-use objective for all lands adjacent to the PCT. Where there may be lack of understanding or tolerance for multiple-use observance among those who traverse the PCT, it is the directive and responsibility of the FS to educate PCT users on the value and importance of the multiple-use objective. The FS is acting in gross negligence of their core responsibility as contracted public land managers by omitting the multiple-use objective by creating a PCT MA, and, abandoning their responsibility to educate PCT users on the value of the multiple-use objective by seizing opportunities to provide information and explanation in all instances where PCT users may observe or interact with multiple uses while traversing the PCT.

We object to the creation of the PCT MA due to the fact that the FS has demonstrated gross neglect to fulfill their core directive to protect and maintain the multiple use objective in management of lands adjacent to the PCT as stipulated in the PCT CMP. The FS has actively demonstrated biased preference for a single-use special interest over and above all other multiple-use groups and interests. The FS has taken action to impose unwarranted, heavy-handed new regulation that is unnecessary, that serves to restrict local citizens and visitors who bear the constitutional right to fully enjoy equal access and use of public lands in S&S NF from the opportunity to do so. The FS has acted in disregard to local governments (counties) through failure to coordinate and collaborate in the process of developing the PCT MA concept and plan. The only suitable, accurate, and legally permissible remedy for this violation of the PCT MA is to exclude the PCT MA from the RLMP in full.

## OBJECTION 2: ZONING

In comments submitted on September 25, 2019, regarding the Revised Draft Environmental Impact Statement (DEIS) for Revision of the Sequoia and Sierra National Forests Land Management Plans, Cal4Wheel asserted that the FS should review current non-wilderness areas that could be reclassified, reopened, or have cherry-stemmed routes designated for connectivity and/or touring opportunities. Many 1980-1990s-era Forest Plans used non-Wilderness "non-motorized" classifications to restrict or prohibit summer wheeled recreation. In many cases, OHV/OSV was simply not at the table or given substantive consideration during these programmatic planning efforts. In some areas these classifications such as "Near Natural" or "Semi-Primitive Non-Motorized" had the effect of functionally banning OHV/OSV use including designation of cherry-stemmed routes.

The ROD text indicates that the concept of Recreation Opportunity Spectrum (ROS) is being used to define the various zones. Within the ROD and RLMP, it is not clear as to how the ROS zones were defined and ranked into one of the ROS categories. As noted in Cal4Wheel's September 2019 comment, within the text of the DEIS, there was confusion with the verbiage of Recreation Opportunity Spectrum and Recreation Management Areas. This concern was not addressed within the ROD and confusion remains within the pre-objection version of the RLMP. The public deserves clarity and certainty about how S&S NF will be managed specific to recreation uses. That clarity and certainty is not evident in the ROD or RLMP. Sustainable Recreation and Designated Areas as defined in the recreation opportunity spectrum (Recreation Management Areas) do not account for possible changes in land ownership (or management prescription), to reflect existing management and to consider recommended wilderness areas and eligible wild and scenic rivers. Again, the public deserves clarity and certainty about how S&S NF will be managed specific to recreation uses.

The issue of zoning and ROS are further confused by the fact that the Recreation Opportunity Spectrum and the concept of "zones" are two distinct management actions. The concept of "Zones" was never codified in FS regulations. In fact, the Sierra NF is possibly the only forest in the nation to still use the antiquated and obsolete convention of "zoning."

The FS has stated in the DEIS and ROD that there are no designated motorized roads, trails, or areas in the recommended wilderness or wild and scenic river designation proposals. However, the FS offered no maps for review of potential impacts or conflicts with the proposed changes. Within Cal4Wheel's August 24, 2016, comment submission for the Draft Environmental Impact Statement (DEIS) and Draft Forest Plans for the Inyo, Sequoia and Sierra National Forests, Cal4Wheel suggested that local government and stakeholders should ground-truth both recommended Wilderness area maps, Designated [Recreation] Areas, wild and scenic river designations, and scenery management for both current and future impacts to recreation access or opportunities. The action of ground-truthing each of these plan components was not completed. Additionally, primitive and semi-primitive non-motorized classifications did not include OHV recreation input during classification decisions. Furthermore, historical maps and reports demonstrate prolific OHV and OSV use of lands within those classifications. If implemented correctly, ROS alignment within the RLMP should include restoration of historical motorized routes. However, the opposite is evident in the RLMP; OHV and OSV face further restrictions and closures through creation of RMAs.

Within the DEIS and ROD, the FS recognized that motorized recreation was considered in the screening

processes. However, there was no current travel management plan available to use for comparison throughout the Scoping and Analysis phases of this RLMP project. This is especially problematic within the Sequoia NF (Piute Mountains region) where travel management languished since 2009 with no action for over a decade. The lack of a completed travel management plan puts in question the validity of recommendation for Wild and Scenic River classification and an implied negative impact declaration.

As the RLMP is a "programmatic" document, clarity of the ROS (or RMA) and refining the defined zones is critical to the basic need to access the forests for sustainable recreation and provide sideboards for multiple use management of S&S NF. Within prior comments, Cal4Wheel had suggested that the FS provide project maps to demonstrate the interaction of various data layers. There are two data layers that were not included in the package of maps that are of critical importance - 1) recreation facilities, and 2) forest transportation layers. Without this data, it is difficult to determine the completeness of the analysis and the validity of RLMP actions. Without a clear view of all data layers, the ROS (or RMA) defined zones may preclude future activities without proper site-specific analysis.

We object to the creation of RMAs due to the fact that the integrity of the ROS is not retained. The FS has failed to review all GIS data layers for motorized and non-motorized land designations for validity of reflecting conditions on-the-ground. The Forest Plan Revision process is the appropriate planning tool to reclassify lands for managed OHV and OSV recreation and to establish guidance for future site-specific project level management to address future changes as driven by future events. The FS must, in order to restore balanced sustainable recreation that fairly represents historical and current usage of all methods of outdoor recreation, including OHV and OSV, eliminate the creation of RMAs from the language and direction of the RLMP. This includes elimination of the PCT MA, new wilderness designations, and wild and scenic river eligibility, in both S&S NF.

Analysis is sorely lacking to adequately define historical and current volume and diversity of recreation activities across the ROS. Subsequently, the public was denied the opportunity to accurately assess and comment on the proposed change in ROS through the Scoping and Analysis phases of the RLMP. This is a blatant violation of the due diligence required of the FS as contracted public land managers. Furthermore, it is a blatant violation of NEPA requirements. Therefore, the FS is grossly disregarding their responsibility and contracted directive to protect and maintain the multiple-use objective for forest management by implementing changes to the ROS, and by creating new RMAs, within the RLMP. The accurate and legally appropriate remedy for this issue is to remove all proposed RMAs from the RLMP and pause all proposed changes in the future direction of the ROS until robust analysis, with comprehensive public input, of the historic and current ROS is completed.

### OBJECTION 3: NON-RECREATION PROJECT IMPACTS TO RECREATION PROGRAM

All components of the RLMP are in an inter- and intra-connected environment where changes in one will impact another. The RLMP does not reflect how (or if) mitigation of impacts will be resolved.

Within comments submitted on September 25, 2019, regarding the Revised Draft Environmental Impact Statement (DEIS) for Revision of the Sequoia and Sierra National Forests Land Management Plans, Cal4Wheel asserted this concern, and noted that the impacts from non-recreation projects often include obliteration of the trail or removal of water control structures such as rolling dips and catch basins. Those soil erosion measures can often cost \$15,000 to \$20,000/mile to install (or replace). Other sections such as at-risk species, water quality, and ecosystems have the same recreation mitigation deficiencies. The FS should protect and mitigate engineered system trail infrastructure during any pre- or post-fire treatments or in forest health vegetative projects. Those projects should be reviewed as to how they might potentially impact motorized use on designated roads, trails, and areas.

In previous comments, Cal4Wheel shared the recommended solution that "trail mitigation" guidelines be added to all non-recreation projects where recreation areas will be impacted. Unfortunately, the FS neglected to act on this suggestion and the RLMP does not contain guidelines for trail mitigation for any non-recreation projects.

We object to the RLMP in full given that the document fails to provide direction and guardrails to proactively mitigate impacts to OHV and OSV roads and trails that result from non-recreation projects. The appropriate remedy for this issue is to pause finalization and implementation of the RLMP, conduct substantive analysis of non-recreation project impacts on S&S NF recreation programs, provide opportunities for public comment on said analysis and definition of impacts, and integrate relevant mitigation guidelines into the RLMP.

#### OBJECTION 4: WILD & SCENIC RIVERS

Cal4Wheel understands the National Wild and Scenic Rivers System was created by Congress in 1968 to preserve certain rivers with outstanding natural, cultural and recreational values in a free-flowing condition for the enjoyment of present and future generations. The Wild and Scenic Rivers Act (WSRA)<sup>5</sup> establishing the system is notable for safeguarding the special character of these rivers, while recognizing the potential for their appropriate use and development. It encourages river management that crosses political boundaries and promotes public participation in developing goals for river protection.

Cal4Wheel also understands the Forest Service 2012 Planning Rule specifically requires that during plan development or revision, river eligibility must be identified unless an inventory has been completed and no changed circumstances or new information warrant further review. The rule also requires the Forest Service to manage those eligible and suitable rivers to protect the values that support their inclusion in the National Wild and Scenic River System until Congress makes a final determination on their designation.

Cal4Wheel commends the FS for their effort to identify motorized recreation in the screening process regarding recommendations of a wild vs. scenic vs. recreation classification for a river course or segment. Within comments submitted on September 25, 2019, regarding the Revised Draft Environmental Impact Statement (DEIS) for

Revision of the Sequoia and Sierra National Forests Land Management Plans, Cal4Wheel urged the FS to further refine the classification process based on input from local user groups and individuals as it relates to motorized recreation on roads and trails within the river's sphere of influence. Regrettably, the FS failed to solicit input from local user groups and individuals as recommended.

While the FS has noted that motorized recreation was considered in the screening process, there was no current travel management plan to be used for comparison throughout the Scoping and Analysis phases of the RLMP planning process. This is especially problematic within the Sequoia NF (Piute Mountains region) where travel management has failed to progress since 2009 with no action. The lack of a completed travel management plan puts in question the validity of recommendation for Wild and Scenic River classification and an implied negative impact declaration for OHV recreation.

Cal4Wheel is concerned about the apparent management direction in FS actions to use a "Wild" or "Scenic" designation to ban or severely restrict both OHV and OSV recreation within, or adjacent to, the river corridor. In fact, OSV recreation was not included in the screening process for any of the rivers in the project area(s). It is imperative that the FS rectify this oversight. Failure to rectify will result in unwarranted imposition of restrictions or closure to OSV recreation and violate NEPA requirements for public analysis and input within the planning process.

Additionally, the three categories of wild and scenic rivers have accompanying management prescriptions. Of concern to Cal4Wheel is the process where Wild and Scenic - Wild segments are proposed that are downstream from areas with other designated uses. At issue is that WS-Wild segments are to be managed to maintain certain standards. If, for example, an activity occurring upstream were to cause degradation where the required standard would not be attained, that activity upstream would be restricted. This has the effect of providing limitations by administrative actions on activities that would otherwise be allowed without a site-specific analysis.

Within Cal4Wheel's September 25, 2019, comment on the Revised Draft Environmental Impact Statement (DEIS) for Revision of the Sequoia and Sierra National Forests Land Management Plans, we requested full transparency in the WSRA evaluation process, including discussion of segments deemed ineligible. This transparency was not afforded to the public. This approach has, in our opinion, violated notice and disclosure requirements of the WSRA, NEPA, and other law.

Cal4Wheel also requested that due consideration be provided for adjacent land uses, including upstream and downstream. Cal4Wheel recommended that the least restrictive recommendation be provided when historical use would be adversely impacted. Cal4Wheel is concerned about potential impacts to existing and future OHV/OSV opportunities that could or would be impacted by wild and scenic river designations and their associated non-motorized buffers.

The solution offered in our September 2019 comment included: ground-truth said proposals for potential impacts

to OSV/OHV recreation (or other adjacent lands prescription which may be in conflict) and either mitigate impacts or withdraw said river segment from the alternative.

Wild and scenic river designations have often resulted in the elimination or reduction of multiples activities on public lands, either directly via changes in agency management resulting from the designation, or indirectly via litigation by third parties. Wild and scenic designations also threaten private ownership, use, and enjoyment of private property because designation provides the Secretary of the Interior broad discretion to condemn lands within Wild and Scenic River corridors. Cal4Wheel asserted in previous comments during Scoping and Analysis of this project, that additional wild and scenic rivers should not be designated under the final plan because such designations have the effect of impairing the multiple-use objective.

As a result of this copious gap in analysis of impacts from Wild and Scenic River designations, the public was denied the opportunity to accurately assess and comment on the proposed change caused by designations within the Scoping and Analysis phases of the RLMP.

We object to designation of all Wild and Scenic River segments within the RLMP based on the fact that the FS neglected to ground-truth proposals for potential impacts to OHV and OSC recreation, failed to analyze impacts on adjacent lands under management prescriptions which may be in conflict, and thus failed to proactively mitigate impacts on the multiple-use objective resulting from Wild and Scenic River designations. This series of neglect and failures on the part of the FS serves as an active violation of the WSRA and NEPA requirements. The accurate and legally appropriate remedy for this issue is to remove all proposed Wild and Scenic River designations from the RLMP and pause all proposed changes in the future direction of such designations until robust analysis, with comprehensive public input, is completed.

#### OBJECTION 5: ECONOMIC IMPACT ANALYSIS

The National Forest Management Act (NFMA)<sup>6</sup> provides the statutory framework for management of the National Forest System. NFMA requires each Forest to prepare and revise a Land and Resource Management Plan ("Forest Plan"), 16 U.S.C. [sect] 1604. A Forest Plan lays out broad guidelines to advance numerous goals and objectives, including to "insure consideration of the economic and environmental aspects of various systems of renewable resource management, including the related systems of silviculture and protection of forest resource, to provide for outdoor recreation, range, timber, watershed, wildlife, and fish[hellip]."

As noted within the National Environmental Policy Act (NEPA), "[hellip]when environmental impacts are considered, these impacts are not limited to the physical environment, but also include impacts to the human environment. The human environment includes the social and economic considerations within the county."

The outdoor recreation industry jointly commissioned the firm of Southwick Associates to conduct a survey of Americans on their spending on outdoor recreation equipment and activities. The partners wanted to determine the economic impact of outdoor recreation. The findings of the survey are summarized in the report: A Snapshot of The Economic Impact of Outdoor Recreation, May 2017.

As noted in that study, "Spending on outdoor recreation is a vital part of the national and western economies. It means jobs and incomes and can be the lifeblood of many rural communities in the West. This snapshot helps highlight the value of this often-overlooked sector - one that is not otherwise measured as a traditional pillar of the U.S. economy."

The economic impacts of OHV recreation should be compared to the economic value or consumer surplus derived from OHV use for making policy decisions. Consumer surplus is the value of a recreation activity beyond what must be paid to enjoy it. It is an economic measure of an individual's satisfaction after all costs of participation have been paid.

The consumer surplus, also called net willingness-to-pay, is the theoretically preferred measure of net benefits or net economic value<sup>8</sup>. Summing individuals' net willingness-to-pay provides a measure of aggregate net benefits to society. Cost-benefit information can help policy makers and managers in making difficult decisions.

Similar types of economic impacts are frequently noted when other activities on public lands are analyzed for their economic versus environmental impact. Recreation is one of those activities that NEPA requires an economic impact to be considered within the decision-making process.

Within Cal4Wheel's September 25, 2019, comment on the Revised Draft Environmental Impact Statement (DEIS) for Revision of the Sequoia and Sierra National Forests Land Management Plans, Cal4Wheel pointed out that the DEIS did not adequately address the benefits of motorized recreation (nor non-motorized recreation) and failed to address the NEPA requirement to "[hellip]include impacts to the human environment. The human environment includes the social and economic considerations within the county[hellip]". The FS failed to adequately evaluate economic impacts and impacts to the human environment within the Analysis phase of RLMP planning. This constitutes a flagrant violation of NEPA requirements.

While the DEIS referenced Recreation Management Areas and/or Recreation Opportunity Spectrum, the included analysis did not adequately address the benefits of motorized recreation (or non-motorized recreation), nor were the economic impacts ([hellip]impacts to the human environment[hellip]) quantified within the DEIS. Additionally, the analysis lacked a comprehensive disclosure of impacts of the proposed actions on recreation along with economic impacts of the overall proposed actions.

We object to the RLMP in full given that the Analysis conducted to create this document failed to assess economic impacts and impacts to the human environment. The appropriate remedy for this issue is to pause finalization and implementation of the RLMP, conduct substantive analysis of economic project impacts on the human environment, including local communities within and surrounding S&S NF, provide opportunities for public comment on said analysis and definition of impacts, and integrate relevant guidelines for mitigation of economic impact into the RLMP.

#### NEW INFORMATION: EO13985 - DISCRIMINATION OF USERS WITH DISABILITIES & IMPOVERISHED COMMUNITIES

This is new information. Based on 36 CFR [sect] 219.53 which states, "the objection concerns an issue that arose after the opportunities for formal comment."

We recommend that the FS use the RLMP to finally begin to reverse its decades-long systematic discrimination against those with mobility-impairment-related disabilities and impoverished communities. The FS is accountable to their mission and directive to manage our public lands for public benefit.

Management policies that result in closures of areas, roads, and trails within national forest lands, including OHV road closures, eliminate or restrict motorized access and thereby create discrimination against people with disabilities. We believe that maintaining motorized access to public lands is critically important, as it provides a mode of access that persons with disabilities can use and enjoy.

On his first day in office, Biden issued the Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (EO13985)<sup>9</sup>. 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 back country 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.

Motorized access eliminates ableist bias in forest management policies, which aligns with the goals of EO13985.



Management policies that focus on minimizing motorized recreation have caused significant decrease in public access to public lands over many decades; this has disproportionately impacted people with disabilities. In alignment with EO13985, we call attention to and assert the exigence of the FS to advance equity in public access in S&S NF by removing management policy that serves to discriminate against those with disabilities. The Pre-Objection RLMP contains blatant discrimination against those with disabilities through:

- \* Creation of the PCT Management Area (Corridor)
- \* Implementation of restrictions on multiple use recreation in lands adjacent to the PCT MA for the purpose of maintaining scenic character and scenic character stability
- \* Closure of historical motorized trails that remain in current, active use within the Piute region of Sequoia NF
- \* Restriction or closure of OHV and OSV recreation within Wild and Scenic River designated segments, and in lands adjacent to the WSR segments

In regard to discrimination of disabled users, the RLMP violates the FS requirement to maintain compliance with federal regulation by imposing forest management policy that contravenes EO13985. The FS must, in order to achieve compliance with EO13985, preserve all existing designated and historic roads and trails, conduct maintenance to retain all roads and trails that are newly created, eliminate the creation of the PCT MA from the RLMP, and eliminate the designation of Wild and Scenic River segments in S&S NF.

Additionally, EO13985 requires that the FS refrain from imposing discrimination of impoverished communities through implementation of forest management plans and policies. Cal4Wheel is gravely concerned about the severe negative economic effects that the RLMP will have on rural communities throughout S&S NF. We had hoped, and rightfully anticipated, that the RLMP would preserve existing multiple-use recreation, and perhaps even set the foundation to increase multiple use recreation opportunities on which many rural economies depend for social and economic survival. However, we have been deeply disappointed that the RLMP has completely omitted many forms of recreation such as snowmobiling, rock climbing, mountain biking, boating, skiing, and rock hounding from many of the Desired Conditions for Recreation Places. Furthermore, with the proposed expansion of designated wilderness and creation of the PCT MA, the RLMP eliminates a massive volume of existing acreage within S&S NF that are currently used for OHV recreation on designated and historic OHV roads and trails.

The current Sequoia Forest Plan<sup>10</sup>, Sierra Forest Plan<sup>11</sup>, and other existing Forest Plans have identified "the best way to meet the needs of American people is the Net Public Benefit (NPB)", but the RLMP does not mention or analyze this. The RLMP is woefully lacking in adequate analysis of economic impact resulting from wild and scenic river designations, and creation of the PCT MA with correlating restrictions to multiple use opportunities in lands adjacent to the MA to maintain the scenic character of desired condition for the PCT MA. In order to maintain compliance with the standards and protocol required of a comprehensive forest management plan revision, the RLMP must carry forward the Net Public Benefit concept and structure of the original Plans. Net Public Benefit speaks to and supports the objectives of EO13985.

The RLMP has also omitted off road recreation from portions of the Recreation Place's "Desired

Conditions" in areas where popular motorized trails currently exist in Sequoia NF. This includes the trails within

the Piute area of Sequoia NF, where the creation of the PCT MA would eliminate large segments of this network of trails that are currently extremely popular and frequently used by OHV enthusiasts. The Draft RLMP that preceded the Pre-Objection RLMP characterized these existing World Class Motorized Trails as "limited". The FS has not characterized any other form of recreation as "limited". In so doing the FS has marginalized off road motorized recreation, even though it is a key aspect of year-round recreation and tourism.

While marginalizing multiple-use recreation, the FS has chosen to invest significant time and resources on recommended wilderness and changes to Pacific Crest Trail management, both of which would further restrict or prohibit existing multiple-use recreation.

The RLMP could plan for a better future for recreation on S&S NF lands, which would align with the multiple use directive for FS land management. However, the RLMP limits recreation, thereby setting the stage to negatively impact the residents and visitors to Kern, Tulare, Fresno, Madera, and Mariposa counties. The RLMP fails to acknowledge S&S NF gateway communities, such as those around Lake Isabella, Orange Cove, Woodlake, Porterville, and Glennville, which are almost completely dependent on S&S NF jobs and tourism. Closing OHV routes and camping areas is detrimental to rural communities, as noted in the USDA 2010 publication on Jobs, Economic Development, and Sustainable Communities<sup>12</sup>.

In regard to EO13985, the following towns and cities are gateway communities to S&S NF that would suffer immediate and persistent detrimental economic impact from reduced public access to multiple-use outdoor recreation opportunities that will result from expansion of acreage under wilderness designation and creation of the PCT MA:

- \* Lake Isabella<sup>13</sup>: median household income of \$26,369 with 29.8% living below the poverty level
  - \* Orange Cove<sup>14</sup>: median household income of \$27,782, with 51.56% living below the poverty level
  - \* Woodlake<sup>15</sup>: median household income of \$34,583, with 33.2% living below the poverty level
  - \* Porterville<sup>16</sup>: median household income of \$39,763, with 31.7% living below the poverty level
  - \* Glennville<sup>17</sup>: median household income of \$42,809, with 27% living below the poverty level
- The five communities noted above provide a small sample of the many communities that are equally at risk of severe, immediate, and persistent detrimental economic impact from the restrictions and eliminations of multiple use recreation opportunities through the RLMP.

Many low-income residents enjoy multiple-use recreation in S&S NF. The RLMP will harm the ability of low-income populations to enjoy motorized or mechanized recreation. Additionally, gateway communities, such as the five noted above, are vulnerable populations, and the FS neglected to adequately address economic impact on gateway communities during the scoping and analysis of the RLMP. Many of the vulnerable communities that face negative economic impact from the RLMP have expressed support for expanding multiple-use opportunities and opposed new wilderness recommendations or increased restrictions such as the PCT MA. This illuminates the critical need for the FS to ensure that no forms of recreation are reduced or marginalized, as the RLMP seeks to do by restricting multiple-use in favor of creating PCT, wild and scenic river, and wilderness based restrictions. Furthermore, considering that the FS determined during analysis that there would be no increase or decrease in PCT usage as a result of establishing a new PCT Corridor or Management Area, there is no compelling reason to implement it.

In regard to discrimination of impoverished communities, the RLMP violates the FS requirement to maintain compliance with federal regulation by imposing forest management policy that violates EO13985. The FS must, in order to achieve compliance with EO13985, conduct robust economic analysis of forest management policy on gateway communities, preserve all existing multiple-use recreation opportunities across S&S NF, expand planning and dedicated resources to increase multiple-use recreation opportunities across S&S NF, eliminate the creation of the PCT MA from the RLMP, and eliminate the expansion of designated Wilderness Areas in S&S NF.

NEW INFORMATION: NEW JUDICIAL PRECEDENT VIA WEST VIRGINIA ET AL. V. ENVIRONMENTAL PROTECTION AGENCY ET AL.

This is new information. Based on 36 CFR [sect] 219.53 which states, "the objection concerns an issue that arose after the opportunities for formal comment."

The June 20, 2022, ruling by the US Supreme Court in the case of WEST VIRGINIA ET AL. v. ENVIRONMENTAL PROTECTION AGENCY ET AL.<sup>18</sup> explicates the requirement for federal agencies to operate within the boundaries of clear congressional authorization when creating or imposing regulatory action upon the public. We object that the RLMP need to act according to statutory authority and "clear congressional authorization" according to WEST VIRGINIA ET AL. v. ENVIRONMENTAL PROTECTION AGENCY ET AL. This ruling seriously calls into question the Roadless Area Conservation Rule. Until the Roadless Area Conservation Rule is codified in statute, we believe it would not withstand judicial scrutiny according to new legal precedent set by WEST VIRGINIA ET AL. v. ENVIRONMENTAL PROTECTION AGENCY ET AL.

According to the ruling, "the Government must point to "clear congressional authorization" to regulate in that manner." 597 U. S. (2022). Under this body of law, known as the major questions doctrine, given both separation of powers principles and a practical understanding of legislative intent, the agency must point to "clear congressional authorization" for the authority it claims. *Utility Air*, 573 U. S., at 324. Pp. 16-20.

The Roadless Area Conservation Rule is not based on "clear congressional authorization". As such, we believe the RLMP needs to develop alternatives that don't rely on implementation of the Roadless Area Conservation Rule until that rule is codified by Congress or adjudicated.

We object to the RLMP in full and assert that the FS must re-analyze any Recreation Opportunity Spectrum designations that designate parts of the forest as non-motorized because those areas are designated as roadless by the Roadless Area Conservation Rule.

We also believe that the precedent set by WEST VIRGINIA ET AL. v. ENVIRONMENTAL PROTECTION AGENCY ET AL calls into question the validity of the 2015 Subpart C Travel Management Rule for management of over-snow vehicles. This is another example of an agency rulemaking process that is not grounded in clear statutory authority based on clear congressional authorization.

We object to any elements of the RLMP that contemplate implementation of the Subpart C Travel Management Rule.

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. [sect][sect] 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[mdash](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[hellip]." 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)

## CLOSING

We would like to close by acknowledging that the RLMP project presents the USDA FS with an important opportunity to uphold their mission, and commitment to the public, to manage S&S NF in a manner that maximizes public access, preserves the health of the forest landscape, and maintains the multiple-use objective. Effective design of the RLMP will not only serve to restore the forest to healthy balance, it will also maximize prevention of catastrophic wildfire, increase social and economic welfare of local communities through enhanced safety and access for outdoor recreation industry opportunities, increase economic growth and sustainability for local communities through timber harvest, tree salvage, and other forest industry opportunities, increase public access to outdoor recreation, decrease discrimination of disabled persons to access outdoor recreation, and decrease discrimination of impoverished local communities to reap the benefit of commerce with those who visit and recreate in S&S NF.

California Four Wheel Drive Association would like to be considered an interested public for this project. Information can be sent to the following address and email address:

Rose Winn

California Four Wheel Drive Association

Sincerely, Rose Winn

Natural Resources Consultant California Four Wheel Drive Association

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