



United Four Wheel Drive Associations, Inc.

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Marlene Finley
National OHV Policy Initiative
National Implementation Team Leader
1323 Club Drive
Vallejo, CA 94592

March 22, 2004

Dear Ms. Finley;

We are writing to you on behalf of our members who use and enjoy America's National Forests for access and recreation. Combined, our organizations represent over 750,000 individuals, organizations and businesses. We have considerable expertise in recreation management and believe we may be able to offer some assistance to the Forest Service as you seek to improve management of off-highway vehicles (OHVs). We are generally supportive of the key points identified by the National OHV Policy Team, but have concerns about the manner in which that Policy will be further refined or implemented, as we have stated in our letter to Chief Bosworth dated March 4, 2004, a copy of which is enclosed herewith.

We echo these concerns to you in your role as Implementation Team Leader for the Forest Service OHV Initiative. We wish to further convey additional concerns unique to the implementation aspect of this undertaking. While the Initiative is in its early stages, we are concerned that the Policy and Implementation phases of this project appear to be moving simultaneously through parallel processes. We question the logic, if not legality, of this approach. It is hard to implement a policy that has not yet been publicly generated and formally established.

Should the agency continue on what appear to be parallel Policy and Implementation processes, we wish to bring several key issues and concerns to the Implementation Team's immediate attention.

The Forest Service should work to create sustainable, manageable and enforceable OHV route systems. This process must be open and actively engage the public in the earliest stages and must integrate the input and values from interested publics, local governments, non-governmental organizations, other land management and regulatory agencies, and Forest Service resource specialists and decision makers.

It is our belief that successful OHV route networks depend on rational and defensible project-level planning, not sweeping policy-based directives from regional or national officials. Our hope is that the Policy Team and Implementation Team will create and/or clarify a travel planning process that the appropriate line officers will follow out. Such a process must be general enough in nature to keep travel and recreation decisions at the project level, yet specific enough to give meaningful guidance to the field as they make OHV designation decisions.

We have extensive and varied experience with Forest Service travel planning under the existing regulatory framework, and look forward to providing robust input in any clarification and refinement of the travel planning process that will occur through the Initiative.

A. AN ACCURATE ROUTE INVENTORY MUST PROVIDE THE FOUNDATION FOR SUCCESSFUL PLANNING

We believe that in order to formulate sustainable, manageable and enforceable Travel Plans, the Forest Service must address the inventory need early on in the planning process. A reasonably accurate route inventory and analysis of the current use pattern will be the essential component in planning.

NEPA regulations require a meaningful “No Action” alternative so that the public and decision makers can compare and contrast various alternatives with the current situation. Such analysis should include a description of the existing OHV opportunities and OHV opportunity needs.

The agency must conduct an Inventory of all roads and trails within the planning area, on the ground, regardless of origin of route. We strongly encourage the Forest Service to make route inventory data open for public review early in the planning process. Maps of a pre-determined scale, and used uniformly by every agency subdivision, should be available for public review in all National Forest Units.

The inventory and maps must indicate the current status of each road or motorized trail, such as “system road”, “non-system road”, “classified road”, “unclassified road”, “motorized trail”, “open”, “restricted (along with an indication of the nature of the restriction whether by vehicle type or seasonal), and “closed”.

The inventory must provide a glossary for the following terms: “system road”, “non-system road”, “classified road”, “unclassified road”, and “motorized trail”. The glossary must be consistent with current Forest Service regulations where appropriate. The inventory must provide the current road maintenance level for each “classified road”, “unclassified road”, and/or “system road”

The inventory should include the “technical recommendations” made for each inventoried road by a forest-wide or project level Roads Analysis, if any, made in accordance with “Step 5” of the Roads Analysis¹. If a Roads Analysis has not been

¹ Roads Analysis: Informing Decisions About Managing the National Forest Transportation System. Miscellaneous Report FS-643, Washington D.C., 1999.
http://www.fs.fed.us/eng/road_mgt/DOCSroad-analysis.shtml

completed the inventory must indicate that. The inventory must also indicate any roads not analyzed under the Roads Analysis, particularly since many Maintenance Level 1 and 2 roads were excluded from analysis.

The agency is strongly encouraged to work cooperatively with volunteer organizations on inventory of roads and trails. Such cooperation includes education, workshops, and utilization of user-friendly global positioning software to convert data recorded by users with low-end GPS units to agency data needs, i.e. software such as OziExplorer®.

B. TRANSITION TO DESIGNATED TRAVEL AND INTERIM MANAGEMENT

Upon formulation of a well-defined policy, a primary challenge will become the manner in which the agency moves from the existing management patchwork to the goal of designated and actively-managed OHV travel systems. We offer the following suggestion for you to consider in facilitating a smooth and legally-defensible transition.

It may not be realistic to assume the entire inventory process will be completed before beginning at least some aspects of the designation process. The Implementation Team should consider guidance that includes conducting the designation process intermittently according to a pre-set schedule. For example, each Forest Supervisor should set a schedule that alternates between inventory and designation so that at the close of the timeframe both tasks are completed. We believe it makes sense to keep the “allowed, restricted, prohibited” nomenclature throughout this process.

Interim management direction will be critical in balancing legitimate recreational opportunities with resource needs. Recent OHV plans have implemented interim management that, pursuant to lawful planning procedure, implemented a “limited to existing roads and trails” designation before a route designation process is completed. For example, where appropriate and when done through proper planning pursuant to NEPA, and only when the agency has clearly demonstrated that cross-country travel is not appropriate, the agency should consider implementation of a “limited to existing roads and trails” designation.

In order to address the question of how the “existing” roads and trails are to be determined, we suggest the Team consider describing open routes not by inventory but by description. The following terms could be used to describe those routes that constitute “existing” at the time of designation.

- * Constructed roads and trails maintained by the agency. Constructed roads and trails are often characterized by a road or trail prism with cut and fill slopes.
- * Clearly evident two-track and single-track routes with regular use, common use, and continuous passage under the circumstances, of motorized vehicles over a period of years. A route is where perennial vegetation is devoid or scarce, or where wheel tracks are continuous depressions in the ground, evident to the casual observer, but are vegetated. Regular Use is determined not solely by frequency but by habitual use no matter the length of time between habitual use.
- * Travel opportunities upon sand, rock, and washes although routes cannot be clearly delineated because of geography or topography. Such routes or opportunities are

considered “existing” even though such routes or opportunities do not occur during times of seasonal water flow or in riparian areas or under other similar special circumstances.

* Use of frozen bodies of water where access to the body of water comes from existing land based routes.

* A road or trail as defined above with the presence of snow.

Naturally, the Forest service should engage in the formal route designation process as soon as possible.

Thank you for considering this input. We look forward to participating in the Initiative process and in further communicating with you regarding OHV planning.

Very truly yours,

Carla Boucher,
Attorney, United Four Wheel Drive Associations

Bill Dart,
Executive Director, BlueRibbon Coalition