

September 13, 2004

Proposed Rule for Designated Routes and Areas for Motor Vehicle Use
c/o Content Analysis Team
PO Box 221150
Salt Lake City, UT 84122-1150

Dear Chief Bosworth:

On behalf of the more than 90,000 members of the Appalachian Mountain Club (AMC) who enjoy hiking and human-powered recreation of all kinds on our national forests, we appreciate the opportunity to provide comments on the USDA Forest Service's Proposed Rule for Designated Routes and Areas for Motor Vehicle Use as published in the *Federal Register* on July 15, 2004. The AMC, founded in 1876, is the oldest recreation and conservation organization in the United States. The AMC promotes the protection, enjoyment, and wise use of the mountains, forests, and rivers of the Appalachian region; and our members' value and utilize the recreational opportunities provided by the entire National Forest system. As such, our members are extremely interested in any proposals to change the management priorities of the USFS that might affect their enjoyment of the trails they support, maintain, and enjoy.

We are pleased that the Forest Service has chosen to address this important issue proactively. As you are well aware, the explosive growth in popularity of ORVs has put great pressure upon those responsible for managing our public lands and created significant damage to lands in some places. It is laudable that the Service is attempting to reduce the impacts and to create consistency in managing such a controversial use of the forests.

Many of our members volunteer thousands of hours to assist the Forest Service with maintaining the trails they use. A lack of effective regulation and enforcement of motorized recreation could put pedestrian recreation and the stewardship contributions of these volunteers at risk, in addition to increasing impacts on the diverse natural resources of the forests, including: drinking water sources, important airsheds, wildlife habitat, wetlands and other sensitive natural areas, and the timber resources of the forests. The general direction of the draft rules is appropriate to address some of these challenges, but a number of the provisions will only be functionally useful if they are strengthened, clarified, and implemented on the ground.

We are also concerned about other components of the draft rules and some of the proposed changes to existing regulations. We urge the Service to strengthen and revise

the regulations to better address the serious and growing challenge of uncontrolled off-road vehicle (ORV) use.

There are several provisions within the rule that we believe deserve special attention.

§ 212.50 (Purpose and Scope) and §212.56(Identification of designated roads, trails and areas) Limiting Wheeled Vehicles to Roads, Trails and Areas Designated as Open on Use Maps: The AMC strongly supports the idea that ONLY those roads or trails that are designated as open on readily accessible maps should be available for motorized use. It is extremely important that motorized users and human-powered recreationists understand where ORV use may occur. While signage on routes open to motorized use is important, the fact that signs may be damaged, altered, or missing requires there to be effective and accessible maps, including on the web, to ensure that the regulations and allowable uses are understandable and clear. Hikers, wildlife viewers, and others that value a quiet experience need to be able to find places that will support a quality experience for these long-standing uses if the national forests and grasslands are to be accessible by motorized vehicular recreationists.

§212.51 (Designation of roads, trails and areas)

Cross-Country Motorized Access Should Not Be Authorized: The AMC strongly recommends that motorized access off of regularly maintained and monitored trails, roads, or routes not be allowed by the Forest Service. The risk of damage to the many important natural resources in our nation's forests and to the enjoyment so many visitors get from quiet recreation is too great to open this door. The increased management and natural resource protection challenges for the Forest Service, if off-designated trail use were permitted, would clearly strain the Forest Service's diminishing fiscal and staff resources. Such use would also compound the potential for conflict and tension between motorized and non-motorized recreational users.

§ 212.52 (Public involvement in the designation process)

Public Input Should be Strengthened: The AMC firmly believes that opportunities for public input into siting and access decisions regarding ORV use on our national forests must be strengthened. We are concerned that the proposed rule reduces opportunities for public participation in off-road vehicle management, specifically the potential effects of Section 212.52(b)(2), which addresses actions required when off-road vehicles are causing considerable adverse effects. The public has an on-going interest and right to participate in off-road vehicle management and, in many cases, has considerable expertise that can be helpful to the agency in carrying out its duties. At a minimum, the agency should amend Section 212.52(b)(2) in any final rule by inserting "and public input" following "§212.57" in order to make clear that information about the impacts of off-road vehicle use can be provided to the Forest Service by the public. Furthermore, the agency should clarify that local managers have an obligation to consider this information, in addition to the monitoring conducted by the agency, when evaluating whether or not such use is causing or will cause considerable adverse effects.

Annual Review of Management Plans: The AMC strongly opposes the change from existing policy requiring Annual Review of ORV Management Plans that currently exists

in 36 CFR Section 295.6. **§ 212 Subpart B should be modified in the Final Rule to include this important provision as current regulations require.** Review of these management plans insures that managers have the opportunity to curtail access if damage is occurring; prior to that damage becoming so bad that mitigation might be overly costly. ORV use, unlike many forms of pedestrian recreation, can quickly cause severe damage, and such damage can be costly to repair. Currently the Forest Service is fiscally challenged to meet its existing management obligations. The ORV regulations should be designed to reduce, not add to that burden. It is vital that effective provisions such as these not be removed from Forest Service Rules. The agency clearly has the management authority to require annual review of off-road vehicle management plans or any other aspect of agency planning. In addition, retaining the requirement for annual review is important given that the Service acknowledges that the challenges it faces today are in part due to a failure to effectively manage this use in the past. As off-road vehicle use continues to grow, it is not prudent to remove specific direction to local managers to regularly review pertinent plans and make changes as warranted. The final rule must maintain the existing requirement for annual review of off-road vehicle management plans and revision as necessary along with the opportunity for public participation in such revisions. § 212.57 might be an appropriate location for inclusion of this vital component.

Require NEPA Compliance for New Access: The AMC believes that any proposals to site new trails for motorized recreational access or to allow motorized recreational access on existing trails, roads, or routes must be subject to the full requirements of NEPA at the Environmental Impact Study level. When considering a new use of this magnitude, one that if sited inappropriately or managed haphazardly can cause degradation of so many resource values supported by our national forests, it is vital that all available tools to assess potential risks and hazards be used. The Final Rule should make clear that the NEPA process be undertaken for all new trail siting and for ORV access to existing routes. This requirement would also set a parameter such that the cumulative impacts of ORV use would be appropriately analyzed.

Cease All Unauthorized Access and Use by ORVs: With the goal of consistent management of the Forests, it is essential that the Forest Service immediately stop all renegade routes, trail access, and other unauthorized ORV access currently occurring in the National Forest system. If the Service is to effectively manage recreational ORV access in our national forests, it cannot knowingly allow illegal and unauthorized access to continue.

In addition to these comments on the Proposed Rule as drafted, the AMC requests that the USFS consider providing additional protections to the existing human-powered recreation that has been a vital component of USFS management for decades. These specific protections we would like to see included in the Final Rule are:

- 1) The rules should clearly state that no National Forest is obligated or required to designate any trails for ORV use. Given the variability of conditions and uses across the National Forest system, individual forest managers should have the authority to determine whether such use is compatible with existing uses on the forest as well as the

necessary level of environmental protection. A national mandate requiring ORVs to be allowed on every national forest would be misguided and inappropriate.

2) ORV access should be completely restricted from those trails traditionally utilized by hikers. These paths have been created and maintained for specific purposes, in some cases for more than 100 years. Our members, and hundreds of thousands of other hikers, are extremely concerned at the prospect of being forced to share these quiet trails with ORV riders. ORV access should only be considered on roads or on trails specifically designed and managed for use by motorized vehicles. The needs of different trail users are not the same; the trails they use should not be the same. It is unwise for the Forest Service to intentionally create user-conflicts when they can be easily avoided.

3) ORV access should be considered only to the extent that monitoring and enforcement are annually funded, implemented and used to determine appropriate levels of any authorized off-road vehicle use. It is essential that Forest Service Units ensure that they can afford, maintain and manage any system of trails, roads, or routes designated for off-road vehicle use. Should funding for monitoring and enforcement of the ORV regulations on a forest not be adequate in annual budgets, then the areas open to ORVs should accordingly be reduced.

4) The AMC firmly believes that those land classifications intended to preserve the wild and unspoiled character of some portions of our national forests should be specifically made off limits to ORV use in the Final Rule. In addition to National Scenic trails such as the Appalachian Trail and Wilderness-designated lands, which are ensured these protections by law, the USFS should make clear that ORV access will not be considered in lands classified as, but not limited to: Roadless, Wilderness Study, and other similar areas.

The AMC greatly appreciates this opportunity to provide comments on the Forest Service's Proposed Rule for Designated Routes and Areas for Motor Vehicle Use. We would be happy to provide further clarification on any information we have provided herein. We support the Forest Service' desire to create consistency and predictability in the management of motorized access on our nation's important forests and look forward to working with the Service as it implements the Final Rule.

Sincerely,

Andrew J. Falender
Executive Director
Appalachian Mountain Club