

International Mountain Bicycling Association  
and  
Bitterroot Backcountry Cyclists

36 CFR 218 Pre-decisional Administrative Review  
(Objection)

Project Information

Project Name:	Bitterroot Travel Management Planning Project
Forest:	Bitterroot National Forest
District Project is Located On:	All
Responsible Official Name:	Julie K. King
Responsible Official Title:	Forest Supervisor
Objection Reviewing Officer Name:	Dave Schmid
Objection Reviewing Officer Title:	Acting Regional Forester

Objector Information

Lead Objector Name:	Jeremy Fancher
Organization:	International Mountain Bicycling Association
Title:	Interim Director of Government Affairs
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Co-objector name(s)/Organizations:	Individuals Jeff Kern, Lance Pysker, Dean Jordan, Tim Buhl, Bret George, Tracy Devall, and Matt Radlowski (who are now organized as Bitterroot Backcountry Cyclists a Chapter of IMBA)

## **Summary of Involvement:**

The International Mountain Bicycling Association (IMBA) has been engaged on the Bitterroot Travel Management Planning Project since the Draft stage of the process. The Bitterroot Backcountry Cyclists, a Chapter of IMBA have been engaged with the Bitterroot National Forest and the trails it is home to for many years. The Bitterroot Backcountry Cyclists and other local mountain bicyclists have stewards of these trails, clearing downfall from the trails in both the Blue Joint and Sapphire WSAs. A large percentage of the trails in these areas pass through areas that were burned in the fires of 2000 and of more recent years, resulting in frequent downfall and maintenance needs. Some of the trails in these areas have seemingly been abandoned by the forest service and would likely be impassable if not for the efforts of local mountain bicyclists.

## **Issues:**

### **ISSUE 1: The Draft Record Of Decision Fails To Meet The Stated Objectives Of The Project And The 2005 Travel Management Rule.**

In publishing the final Travel Management Rule the Forest service responded to a comment requesting that bicycles be managed like motor vehicles, stating that “Since bicycles... are not motor vehicles, they are not included in the definition of “off-highway vehicle.”<sup>1</sup> Similarly, this rule governs designation of routes and areas for motor vehicle use and does not apply to nonmotorized uses, such as bicycles” They went on to explain that bicycles could be managed “with an order issued under 36 CFR part 261, subpart B.”

Using a single action, as was done in this decision, results in insufficient analysis of the effects of bicycles, a false equivalence between bicycles and motorized uses, and a convoluted process. Evidence of these effects can be seen, *inter alia*, in the FEIS, Purpose and Need Section where there is extensive discussion of the need to reduce conflict between motorized and nonmotorized uses, which includes bicycles, and then concept is convoluted by use of “motorized/mechanized.”

One of the primary objectives of the plan is to reduce conflict between motorized and non-motorized users. However, the FEIS fails to take into consideration conflict between mountain biking, as a non-motorized use, with motorized use. Mountain bikers generally prefer to ride on single-track trails that get little or no motorized use. Like other quiet users, many mountain bikers find that the noise and smells attributed to motorized use are detrimental to their experience. Additionally, trails that get excessive amounts of motorized use often have a loose surface that is detrimental to the experience and may cause unnecessary hazards to mountain bicyclists.

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<sup>1</sup> Travel Management; Designated Routes and Areas for Motor Vehicle Use, 70 Fed. Reg. 216, 68264 (November 9, 2005) at 68272.

The Proposed Action will prohibit bicycle use in Wilderness Study Areas (WSA) and Recommended Wilderness Areas (RWA), thus pushing all mountain bicycling use to areas outside WSAs, RWAs, and Designated Wilderness. These are also the only spaces where motorized use is permitted. The existing and growing, at least by virtue of overall population increases, demand for mountain bicycling and motorized uses will now be confined into a smaller space thus increasing experiential conflict and the propensity for physical conflict. This condensing effect was not give any consideration in the FEIS.

Another main objective of the travel plan is to improve the quality of the recreational experience. Clearly the decision to restrict mountain bikes from the WSAs and RWAs will be detrimental to the quality of the recreational experience of mountain bikers. The trails in the Blue Joint and Sapphire WSAs include some of our favorite places to ride in the Bitterroot National Forest, as these offer what we are most looking for in a trail. The experience mountain bicyclists are seeking matches the criteria applied by the forest service when evaluating an area's potential for primitive recreation, "*Outstanding opportunities for primitive recreation considers the sense of remoteness, closeness to nature, serenity, spirit of adventure, using outdoor skills, high degree of challenge, and risk.*"

In meeting the objective of improving the quality of the recreational experience, it is noted that "How well a trail is maintained and constructed to meet user needs is a consideration of quality." It must be noted that mountain bikers have played a substantial role in clearing downfall from the trails in both the Blue Joint and Sapphire WSAs. A large percentage of the trails in these areas pass through areas that were burned in the fires of 2000 and of more recent years, resulting in frequent downfall. Some of the trails in these areas have seemingly been abandoned by the forest service and would likely be impassable if not for the efforts of local mountain bikers. As a result of their stewardship efforts, all users are better able to enjoy the wilderness character of these areas, and will likely to have an improved quality of experience. If prohibited, it will be difficult to generate enthusiasm for continued volunteer efforts.

Using a separate process to plan and designate routes and areas for bicycle use not only avoids those pitfall but also adds the benefits of an improved user experience for bicyclists. We have long supported proactive management of all forms of recreation for this reason.

## **ISSUE 2: The EIS Alternatives And Draft ROD For RWAs Were Developed Under "Consistency Direction" That Was Improperly Interpreted As Binding Direction.**

This Travel Management Plan was developed under incorrect assumptions about the required management and RWAs. In Forest Service document B02-00005 "Access and Travel Management Consistency in Land and Resource Management Plans" the Forest Service provided some guidance on the

management of RWAs in an effort to achieve consistency in planning efforts. However, it has been taken too far and misapplied as a binding directive.

In her declaration (attached as Exhibit A) for *Idaho State Snowmobile Association v. Krueger*, Case No.: 3:12-CV-00447-BLW, a case concerning the Travel Management Plan for the Clearwater National Forest, then Regional Forest Supervisor Fay Krueger stated "there is some confusion regarding the guidance document with some Forests misinterpreting the guidance as providing management direction." Her statement was directly related to RWAs but the similar misapplication has been applied to guidance issued on the management of WSAs. We believe this same misinterpretation has unduly influenced this Travel Management Plan.

This misapplication is evidenced in that all the Alternatives included either complete access or complete prohibition of bicycle use within RWAs. Moreover, the Draft ROD alludes to this where it states, "areas are recommended for designation as wilderness, management actions and decisions must be made in a consistent manner providing for protection and preservation of those attributes; it makes sense to manage them consistent with that designation."

### **ISSUE 3: The Draft ROD Prohibits Bicycle Access in Recommended Wilderness Areas (RWAs) and Wilderness Study Areas (WSAs) Without Examination Of The Effects Of Bicycle Use.**

FEIS lacks sufficient analysis of the effects that existing mountain bicycling use has on these landscapes, and thus fails to meet the "hard look" requirements of the National Environmental Policy Act.

The Forest Service must comply with the National Environmental Policy Act (NEPA) in preparation of the Travel Management Plans (TMP). "To withstand scrutiny the agency must have taken a "hard look" at the environmental consequences of the proposed action." *Kleppe v. Sierra Club*, 427 U.S. 390, 410 (1976) citing *Natural Resources Defense Council v. Morton*, 148 U.S. App. D.C. 5, 16, 458 F. 2d 827, 838 (1972). "The "hard look" must be taken objectively and in good faith, not as an exercise in form over substance, and not as a subterfuge designed to rationalize a decision already made." *Metcalf v. Daley*, 214 F.3d 1135, 1142 (9th Cir. 2000). "Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA." 40 C.F.R. § 1500.1(b). "[G]eneral statements about possible effects and some risk do not constitute a hard look absent a justification regarding why more definitive information could not be provided." *Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1213 (9th Cir. 1998)

The Bitterroot Travel Management Planning Project does not meet these standards because it makes no direct analysis of existing mountain bicycling use and the effects on either the physical or social wilderness characteristics of the

RWAs or WSAs. With one exception, discussion of bicycles is done by simply attaching the term mechanized to motorized or the use of motorized/mechanized. The resulting decision is based on inferential presumption that mountain bicycles have the same effects as motorized use that is not supported by common sense or even given an after the fact rationalization in the FEIS.

By way of example, the Tables throughout the FEIS and Draft ROD include comparison of “highway legal vehicles,” “vehicles 50” of less in width,” “motorcycles,” and “over-snow” yet there is no evaluation of the effect on bicycles (mechanized uses).

In summarizing the Socio-Economic effect the FEIS states “Alternative 1 would likely cause a collective shift in affected areas to more nonmotorized recreation, visitor expenditures, and economic contributions compared to motorized recreation.” This statement is patently true, but as used in this analysis does not account for the loss of revenue attributable to bicycle activity due to reduced access and quality of experiences under this plan. The economic analysis indicates that altering the number of miles available will reduce the economic contributions of the activity. We do not dispute this but argue that the unconsidered quality of the miles that are being eliminated will worsen these negative effects. The economic modeling does not taking into account that not all miles of trail are equal. Mountain bicyclists seek out destinations with particular riding experiences. Local riders are not looking for the Bitterroot NF to provide the same bicycling experience that they might find on more developed forests closer to urban centers. They are expecting and coming to find the rugged backcountry of Montana. The economic contribution of mountain bicyclists is thus not given adequate consideration rendering the FEIS insufficient.

Section 3.2.3 N. Is titled “Motorized/Mechanical Transport Summer Use on System Trails” provides a narrative of trail conditions and standards. There are extensive descriptions of ATV and Motorcycle use, but not a single mention of bicycles.

Section 3.2.3 O. (Mechanical Transport) was added between the Draft EIS and the Final EIS to provide additional information, however, this section does little more than summarize input from the comments on the draft. This section clarifies the definition differences between bicycles (mechanized transport) and motorized uses but neither the legal nor practical distinctions between the two uses are made in the remainder of the analysis through out the document.

Section 3.2.3 P. titled “Nonmotorized Summer Use on System Trails” does not include any mention that bicycles are also a nonmotorized use and does not include any analysis of the nonmotorized trails other than those that lead into Designated Wilderness.

In the Rationale for Decision of the Draft ROD the first mention of bicycles or mechanized use is in the Purpose and Need section<sup>2</sup> where it states that prohibiting mechanized use “will help designate large blocks of land sufficient to provide an quiet nonmotorized recreation experience.” This statement twists both law and logic beyond comprehension. Because bicycle use is a nonmotorized use prohibiting it from and are will achieve the exact opposite purpose by depriving nonmotorized users large block of land for a quite nonmotorized recreation experience. Even if the appropriate regulatory terms were correctly used to show that mountain bicycles should be excluded the fundamental reasoning rests on the “quiet” element of the recreational experience and no analysis of the sounds of bicycle use is given.

As applied to mountain bicycles this FEIS contains only generalized assertions about the nature of bicycles and the potential effects they may have on the physical or social wilderness character of the WSAs and RWAs in the Bitterroot National Forest. Any further mention of bicycles or mechanized use was done in conjunction with and using a false equivalence to motorized use which will be discussed in the next section.

Despite the obvious differences the language and analysis of the FEIS and DROD do not adequately differentiate between motorized and mechanized uses. Throughout the documents “motorized/mechanized” is used and followed by analysis of effects or attributes that only apply to motorized uses or are substantially different for bicycles (mechanized) than they are for motorized uses.

In United States English writing the use of the / (also known as a slash or forward slash) is frequently used to indicate to the reader that there is a choice between words that does not effect the meaning of the sentences. As used in the FEIS this convention creates a false correlation between two very different modes of transportation. This evidences the Forest Services failure to distinguish between the two uses, and moreover, a failure to analyze or adequately consider the differences in the physical and social effects of the two uses.

The most common complaints or attributes of motorized use that effect wilderness character, particularly the social elements thereof, discussed in the FEIS and Draft Rod are sounds and smells of motorized use. Combustion motors do have both sound and combustion emissions that can effect a users experience. The sounds and smells of bicycle use are substantially different and are certainly consistent with other nonmotorized uses. The exact nature of these element is secondary to the fact that the Forest Service does not discuss the differences or even acknowledge them.

Because the most egregious use of this false equivalence takes place in the analysis of the effects on wilderness character of RWAs and WSAs we will focus

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<sup>2</sup> Draft ROD at 14.

on Section 3.3 of the FEIS and the Draft ROD, as it provides the only analysis of Alternative 1 Modified, though the effects can be found through out the documents.

### **Recommended Wilderness Areas**

Section 3.3 B. “Recommended Wilderness” of FEIS does state the different mileages that are open to motorized and bicycle (mechanized) uses. However the distinction ends there. There is no quantification of actual use in RWAs. Simply because the mileage is available does not mean a trail will get high volume or frequency of use. In the analysis it states, “Although motorized use (summer and over-snow) and bicycle use is not extensive in the RWAs, these uses are beginning to increase, and the public that expressed a desire to have those trails open to motorcycles and mountain bikes, may now feel some of their experience has been affected.”<sup>3</sup> This statement not only fails distinguish between which use is effecting their wilderness experience but it is also unsupported by any form of evidence.

The following paragraph states, “Prohibiting all motorized and mechanical transport use would ensure that long-term ecological processes remain intact and operating because the areas would not be subject to current or future ground disturbance associated with motorized vehicles. These areas would appear more undeveloped than at present because the sights and sound associated with motorized use would not occur.” Again this assertion is reference the need to prohibit bicycles, but only discusses the effects of motorized use. When read at face value this appears to assert that bicycles have the same ground disturbing effects as motorized uses, which is not supported by any scientific study including those cited in our previous comments. It also implies that bicycles produce the same or similar sounds to motorized uses. This does not reflect accurate scientific analysis or agency expertise and is at best a gross generalization.

Continuing to Section 3 of the Purpose and Need Section in the Draft ROD the phrase “motorized/mechanized” appears yet there is no mention of the effect on bicycle use. Further down in the Consideration of the Issues section on Inventoried Roadless Areas the title reads, “Motorized/Mechanical Transport Use on Roads and Trails in Inventoried Roadless Areas (IRAs) Impacts Their Roadless Characteristics,” yet there is no mention of bicycles anywhere in the segment. This makes it unclear whether bicycles are prohibited in IRAs and moreover it evidences an unconsidered decision that falls short of the requirements of NEPA.

### **Wilderness Study Areas**

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<sup>3</sup> We assume this should be read as “some RWA users feel their experience has been affected.”

In both documents the Forest Service responds to cyclists comments that bicycle use does not have an inherently negative effect on wilderness characteristics by stating, "While mountain biking may not always have physical impacts on the landscape, prohibiting mountain biking and other mechanical transport, along with motorized vehicles, from Recommended Wilderness Areas acknowledges there are other, social effects, to wilderness characteristics associated with these types of uses." However, neither the FEIS or Draft ROD provide an assessment of the "social effects" of mountain biking in the Blue Joint and Sapphire Wilderness Study Areas (and Recommended Wilderness Areas). While social effects relate in part to public perception, without actual visual / physical contact, it also should take into account the actual levels of use in the areas in question.

Even in forming their speculative uses numbers it appears that the Forest Service has only look at the fact that there has been an increase. Engaging in the Forest Service's speculative quantification one could show that there was a 200% increase in use, and reason that there must be an effect the opportunity for solitude. However, it does not take into account that with a starting point of 4 visitors per weekend the 200% increase still only yields 12 visitors. That still low volume of use could hardly be found to have an effect on the opportunity for solitude.

Due to the remoteness of the Blue Joint and Sapphire WSAs from major population centers, these areas see very light use from hikers, cyclists, and other users. Our experience has been that other users, of any type, are rarely encountered when recreating in these areas. Thus without some actual measurement or monitoring data we can not accept the proffered rationale.

The Draft ROD section on WSAs also clings to the false equivalence between mountain bicycles and motorized uses and epitomizes how the entire assessment of bicycle use effects wilderness character is fatally flawed. The section describes the lack of any accurate data on use on the Sapphire WSA from 1977. Thus a baseline was set using speculative numbers from a 1985 letter that were statistically modeled based on "regional and national recreation data" to determine an estimate of use for the area. No starting data was available for the Blue Joint WSA was available. The Forest Service even admits that the decision is based on assumption based on assumption which, leads to a general conclusion that "use has far surpassed the 1977 levels." While the explanation demonstrates effort to quantify the use, the end result is little better than a wild stab in the dark that does not allow the inference of the effects, if any, bicycle use may be having on the wilderness character of the areas.

In questioning the modeling procedure used we ask if the estimated absolute increase in use of these WSAs was normalized to current use levels observed in other Designated Wilderness? This additional step would take into account overall population increase has increased the absolute number of visitors to all areas of the Forest and yet the experiences is relatively similar to those found at

1977 levels. Changes in physical characteristics would then play a larger factor in the overall wilderness character of the area.

#### **ISSUE 4: The Draft ROD Drastically Altered Alternative 1 Without Public Process.**

##### **Appearance Of Impropriety By Private Meeting**

We question the validity of the drastic change from allowing access to 40 miles of trail within WSAs in the FEIS to the Draft ROD which prohibits access in the entirety of them. We noted the meeting on January 26, 2012. We find the change and this meeting to be concerning as additional public input may have taken in without opportunity for known opposing views and information to be shared. This does not comport with the letter or the spirit of due process expected in these proceedings.

##### **Conclusion & Requested Relief:**

Because: 1) the FEIS and Draft ROD do not sufficiently analyze the effects that current bicycle use is having on the wilderness character of RWAs or and the assumptions about the increases over 1977 use levels are speculative at best the "hard look" requirements of NEPA are not satisfied by this decision. 2) There is some evidence that the decision was likely influenced by misinterpreted guidance on the management of RWAs. 3) The Purpose and Need of reducing conflict between motorized and nonmotorized uses is not furthered by the prohibitions on bicycle access in the decision. 4) The FEIS was drastically altered without public input. The decision to prohibit bicycle (mechanized) use in RWAs and WSAs should be set aside and no final order pertaining to bicycle use signed.

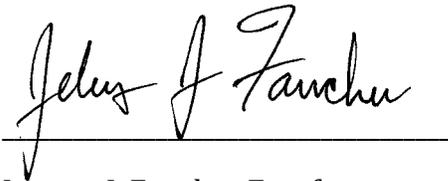
The decision in the leading authority on Montana Wilderness Study Act Areas allow the Forest Service to develop "reasonable management responses" beyond reduction or limitations of quantity of use that still manage the area to preserve the wilderness character as it existed in 1977. The lack of data in this case requires a more considered and sophisticated approach than conjectural use numbers to achieve that reasonable response.

To that end we propose that the Bitterroot National Forest engage in a separate planning action to establish a high quality mountain bicycling system that utilizes existing roads and trails, including some located in RWAs and WSAs, identifies unmet needs in the mountain bike experience spectrum (such as directional management or beginner experiences) and opportunities to meet them in the proper locations, and protects the resources in a manner consistent with the requirements of all the laws and regulations.

Even outside of this decision we recommend that this nonmotorized travel planning is conducted for all forms of recreation, including winter uses such as skiing and snowshoeing. Proactive planning efforts like this allow the Forest

Service to provide higher quality and more sustainable recreation experiences for all types of users. It also reduces potential negative effects of conflict or unauthorized trail construction due to lack of connectivity or experiential demand.

We request the opportunity to have our objections considered in person in the near future.



Jeremy J. Fancher Esq. for

International Mountain Bicycling  
Association



Lance Pysher

Bitterroot Backcountry Cyclists

# Exhibit A

000005228

June 30, 2003

## Access and Travel Management Consistency in Land and Resource Management Plans

**Topic:** Access and Travel Management Planning Process (What decisions are made in Land and Resource Management Plan Revision?)

**Purpose:** The Chief has identified unmanaged recreation use as one of four items that pose the greatest risk to National Forests/Grasslands. Unmanaged motorized recreation is of particular concern. Although there is no specific planning requirement to address travel management in Land Management Planning, it may easily be the most contentious issue in the Revision process. This paper intends to address the lack of consistency in the travel management process and the lack of consistency in travel management decisions made for similar management area allocations on different units.

**Guidance:** Land Management Plan Revisions at a minimum should establish or clarify direction for the following:

- Geographic areas suitable for motorized use during summer and/or winter seasons.
- Geographic areas suitable for non-motorized recreation use.
- Develop uniform travel management strategies for Management Areas within a specified Landscape or Geographic area.

Frame travel management direction with these types of Land Management Plan decisions:

- Desired Conditions – “why statement”
- Objectives – “what, how, and when statement”
- Standards – “prohibitions or limits”
- Special Area Designations
- Monitoring Requirements

**Desired Condition:** Travel management strategies should clearly describe the intended recreation and travel opportunities and be part of management area direction within a given landscape or geographic area. This desired condition should address appropriate uses in the area with a vision of future use trends over the planning horizon. Desired conditions for travel management should be independent of current vehicle technology.

**Objectives:** These quantify how and when the desired condition will be accomplished. If an allocation is made that can not be implemented immediately, it is recommended that an objective be used to describe the schedule for eliminating non-compatible uses.

**Standards:** When prohibitions or limits are required to meet the desired condition, they should be described as standards. Standards should be measurable and within the unit's



# Exhibit B

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IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF IDAHO

IDAHO STATE SNOWMOBILE  
 ASSOCIATION, BLUERIBBON  
 COALITION,

Plaintiffs,

v.

THE UNITED STATES FOREST  
 SERVICE, THE UNITED STATES  
 FOREST SERVICE NORTHERN  
 REGION, THE CLEARWATER  
 NATIONAL FOREST, FAYE KRUEGER,  
 in her official capacity as Regional

} Case No.: 3:12-CV-00447-BLW  
 }  
 } Declaration of Faye Krueger

Forester for the Northern Region, and  
RICK BRAZELL, in his official capacity as  
Forest Supervisor for the Clearwater  
National Forest,

Defendants, and  
GREAT BURN STUDY GROUP, IDAHO  
CONSERVATION LEAGUE, and THE  
WILDERNESS SOCIETY,

Intervenor-Defendants.

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I, Faye Krueger, in accordance with the provisions of 28 U.S.C. §1746, declare:

1. I am employed by the United States Department of Agriculture, Forest Service as the Regional Forester for Region 1 (Northern Region) of the Forest Service. As Regional Forester I am responsible for the overall management of 13 national forests and grasslands encompassing over 25 million acres of land in northern Idaho, Montana, North Dakota, and South Dakota. The Clearwater National Forest is part of the Northern Region. I have served as Regional Forester for the Northern Region since May, 2012.
2. As part of the land management planning process the Forest Service identifies and evaluates lands that may be suitable for inclusion in the National Wilderness Preservation System and determines whether to recommend any such lands for wilderness designation by congress. Management of areas recommended for wilderness designation ("RWA's")

in the original round of forest plans developed in the late 1980's has been a difficult issue that has suffered from a lack of consistency. In many cases when the original Forest Plans were developed it was anticipated that congress would act quickly on wilderness recommendations to either designate these areas as Wilderness or release the areas for non-wilderness management. In most cases that did not happen leaving the Forest Service to manage the areas under Forest Plans that, in many instances, did not anticipate long term interim management.

3. While by no means the only issue related to management of RWA's, one of the more difficult issues is to what extent, if any, should recreation uses which are prohibited in Congressionally-designated Wilderness (motorized and mechanized uses such as ATV's, snowmobiles, and mountain bikes) be allowed in RWA's. Management direction regarding RWA's is set forth in the Forest Service Manual and the relevant Forest Plans for each forest. The Forest Service Manual (FSM 1923.03) states with regard to RWA's:

A roadless area being evaluated and ultimately recommended for wilderness or wilderness study is not available for any use or activity that may reduce the area's wilderness potential. Activities currently permitted may continue, pending designation, if the activities do not compromise wilderness values of the roadless area.

4. Forest Plans addressed recreation uses in RWA's in a variety of ways. In some cases the plans provided specific direction regarding uses, areas or

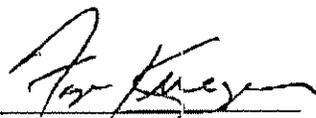
trails within the RWA. In others, the plans simply repeated the applicable Forest Service Manual provision, with little or no direction how that language was to be implemented. In some cases, Forests considered unregulated motorized uses in RWA's to be consistent with applicable management direction, reasoning that if the Congress designated the area as Wilderness, such non-conforming, but transitory, uses would cease and the areas wilderness potential would be re-established. In other cases, Forests considered the applicable FSM and Forest Plan direction as requiring maintenance of wilderness character as it existed when the area was recommended for designation in the Forest Plan and have limited expansion or development of non-conforming uses.

5. In an attempt to provide more consistent analysis and consideration of the issue of RWA management, the regional office for the Northern Region prepared guidance regarding analysis and management of RWA's. This "consistency" guidance was never intended to establish new policy or binding direction but rather provide for more consistent analysis and consideration of the issues surrounding RWA management by the Forests as they prepared travel management plans and revised their forest plans.
6. It has recently come to my attention, however, that there is some confusion regarding the guidance document with some Forests misinterpreting the

guidance as providing management direction for RWA's. Indeed, some public comments on proposed forest plan revisions regarding RWAs for the Kootenai National Forest and the Idaho Panhandle National Forest evidenced a similar misunderstanding. This was never the intent of the guidance and the applicable management direction for RWA's was, and remains, the applicable Forest Plan and the direction in the Forest Service Manual.

7. In order to avoid any misperception regarding the role of the "consistency" direction in its decision regarding management of RWA's on the Clearwater National Forest, the Forest Service seeks a voluntary remand of that portion of the Clearwater National Forest Travel Management Plan related to management of the RWA's on the Clearwater. Remand would allow the Forest Service make a decision regarding the RWA's based on a record which clearly reflects the applicable management direction.
8. I swear under the penalty of perjury that the foregoing is true and correct.

Dated this 2nd day of October, 2014.

  
Faye Krueger

Regional Forester  
Northern Region

ability to monitor. Travel management direction should only be set with standards if the intent is to implement the direction at the time of the Record of Decision.

**Area Designations:** Cross-country motorized use may be appropriate where there is high demand for motorized recreation opportunities and where the sustained use will not impair the natural resources. This should be applied to both summer and winter motorized travel considering future trends for the planning horizon.

Motorized travel (except for the areas designated above) should be limited to specifically designated routes. Motorized route designations (summer and winter travel) should generally be accomplished with project level NEPA decisions, unless issues and available data would indicate otherwise.

**Monitoring Requirements:** Implementation monitoring of travel management should focus on the quantifiable Objectives and Standards.

**Special Management Areas:** The following management areas will adopt uniform travel management strategies.

**Designated Wilderness** – Prohibit all motorized and mechanized travel year-around unless specifically provided for in legislation. Administrative use of motorized or mechanical equipment may be authorized by the Forest or Grassland Supervisor. District Rangers may authorize exceptions during an emergency.

**Congressionally Designated Wilderness Study Areas** – Administer these areas to protect wilderness character and potential for inclusion in the Wilderness system as it existed at the time of designation. Motorized recreation is only appropriate by exception if it existed at the time of designation. Discourage increases in motorized use through entrance management, minimal signing, and cartographic techniques.

**Recommended Wilderness (recommended in LMP)** – Generally prohibit motorized and mechanized travel year-around.

**Appropriate Scale:** Travel management strategies described for each management area within a landscape or geographic area provide programmatic planning direction appropriate at a forest/grassland scale.

Designation of specific roads and trails for motorized use must consider social, biological, economic, and physical factors. Typically, this level of detailed analysis must be accomplished at a project scale.

**Relationship to Other Guides:** Executive Order 11644 issued in 1972 and Executive Order 11989 issued in 1977, provide direction for federal agencies to establish policies and procedures to control the use of off-highway vehicles on public lands. Forest Service developed regulations to implement these executive orders in 36 CFR 216, 219 and 295. Under those regulations, off-highway vehicle use can be restricted or prohibited to

minimize damage to resources on public lands and to reduce conflicts between off-highway vehicles and other types of recreation.

The Region adopted the "Access and Travel Management, Northern Region Guide" as a standard for implementing ATM in a January 27, 1998 letter from the Regional Forester. This guide is available to Forest Service personnel on the R-1 Engineering website.

The Region also issued a decision for the Off-Highway Vehicle EIS that amends Land Management Plan direction for motorized wheeled vehicles on the Montana Forests and the Dakota Prairie Grasslands.

**Who to Contact:** John Favro, Chris Ryan, or Fred Bower

**References:** See the R-1 Access and Travel Management Web Site for additional information on Planning, Field Implementation, and Training and Education Programs.

<http://fswweb.r1.fs.fed.us/main/programs.shtml>