

## UNITED STATE HOUSE OF REPRESENTATIVES

### Subcommittee on the Interior, Energy and Environment

Mr. Chairman, Madam Ranking Member, and distinguished Members of the Subcommittee: Thank you for giving me the opportunity to testify on Access to Public Lands, The Effects of Forest Service Road Closures.

The California Off-Road Vehicle Association (CORVA) has been advocating for responsible recreation on public land for close to 50 years. CORVA encourages community involvement in the land use planning process and maintains an educational program teaching responsible recreation practices for both motorized and non-motorized enthusiasts.

Sierra Access Coalition (SAC) is an organization made up of local businesses, user groups, and individuals located in Northern California that work to protect forest access and preserve environmentally-sound routes for a range of public uses.

CORVA and SAC believe that federal land can and should be managed for continued access by all members of the public. We request the Forest Service stay true to its byline as the “Land of Many Uses”. Additionally, we believe the Forest Service should adhere to Congressional intent contained in the Multiple Use Sustained Yield Act of 1960 that mandated forests be used as working landscapes, and: “...shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes”<sup>1</sup>



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<sup>1</sup> <https://www.fs.fed.us/emc/nfma/includes/musya60.pdf>



Since the inception of Travel Management the Forest Service has violated the Multiple Use Sustained Yield Act of 1960 by engaging in planned and systematic closures of public land to motorized access. The intent to close roads and trails was laid bare in a speech given by Former Chief of the Forest Service Dale Bosworth in 2004 entitled; “Four Threats to the Nation’s Forests and Grasslands”<sup>2</sup>. This speech delineated the major issues facing forest management; the spread of invasive species, wildfire, the loss of open space and unmanaged off-road recreation. Invasive species could be addressed through changes in forest management practices while fighting wildfire is constantly addressed through new and changing technologies. To combat the loss of open space the agency has the Forest Legacy Program assisting landowners to obtain conservation easements.

In speaking of unmanaged off-road recreation, Chief Bosworth went right to the heart of the issues by stating; *“Off-highway vehicles, or OHVs, are a great way to experience the outdoors. But the number of OHV users has just gotten huge.... We’re seeing more conflicts between users”*. This formal condemnation of one form of recreation by the Chief of the Forest Service, and by extension those who participate in this form of recreation, set the stage for forests throughout the country to classify motorized recreation, and motorized enthusiasts as an inappropriate and undesirable component in our national forests. With the encouragement from the Chief of the Forest Service in his speech, closure of public land to motorized travel became not only acceptable, but required Forest Service practice.

Chief Bosworth further explained the rationale behind the Travel Management Rule in another speech given in 2004; “OHV Use: Rising to the Management Challenge” in which he stated; *“... other forms of recreation can cause similar damage—horseback riding, bike riding, even hiking or camping in sensitive places...User impacts and conflicts have grown by the same order of magnitude—maybe more. That’s why we’ve got to change the way we manage recreation”*.<sup>3</sup> However none of the other recreational uses stated above by Chief Bosworth have ever been subject to as a closure mechanism as comprehensive as the Travel Management rule. The cause of user impacts and conflict have been placed squarely on the backs of OHV

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<sup>2</sup> <https://www.fs.fed.us/speeches/four-threats-nations-forests-and-grasslands>

<sup>3</sup> <https://www.fs.fed.us/speeches/ohv-use-rising-management-challenge>



enthusiasts, as no other uses or users have been subject to closure, curtailment, management or regulatory action.

Never before has a federal agency condemned an entire group of Americans based solely on the manner in which they enjoy national forest land. Virtually every Forest Service NEPA analysis in California since the time of Chief Bosworth's speeches have caused massive closure of roads and trails to motorized access, including over-land or over-snow travel.

The agency has never acknowledged the error of their planning or enactment of the Travel Management Rule. Travel Management mandated a 180-degree turn in management direction. Previously, forests were open for all Americans to enjoy and cross country travel was allowed. However Travel Management closed all routes to travel unless they were designated open on a map called a Motor Vehicle Use Map, (MVUM) a flimsy sheet of newsprint with no identifying characteristics, GPS coordinates, landmarks or latitude/longitude. (*See Appendix A – Plumas National Forest Motor Vehicle Use Map*).

Dispersed camping is one of the most popular activities engaged by visitors to the forest and their families. Because of these changes in policy, families experienced finding an appropriate camping space difficult and confusing. Visitors were warned they would be cited and subject to a fine of \$5000 and/or 6 months imprisonment if they were found on an undesignated route, even though they often had no idea where they were in any given forest because of the failure of this inadequate map and accompanying lack of signage. In an explanation about how the Travel Management decisions will be enforced, the Lassen National Forest Travel Management page states:<sup>4</sup> *"The MVUM is not intended to be a navigational tool. It also does not display all the features shown on a visitor map or topographic map...The MVUM will be the legally binding enforcement tool for the Travel Management Decision."*<sup>5</sup>

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[https://www.fs.usda.gov/wps/portal/fsinternet/cs/detail!/ut/p/z0/04\\_Sj9CPykssy0xPLMnMz0vMAfIjo8zjQwgvNH CwN\\_DI8zPyBcqYKBfkO2oCABZcx5g/?position=Feature.Html&pname=Forest%20Service%20-%20Resource%20Management&ss=110506&navtype=BROWSEBYSUBJECT&pnavid=13000000000000&navid=130120000000000&ttype=detail&cid=stelprdb5162025#Why\\_is\\_my\\_right\\_to\\_enjoy\\_public\\_National\\_Forest\\_lands\\_being\\_restricted\\_](https://www.fs.usda.gov/wps/portal/fsinternet/cs/detail!/ut/p/z0/04_Sj9CPykssy0xPLMnMz0vMAfIjo8zjQwgvNH CwN_DI8zPyBcqYKBfkO2oCABZcx5g/?position=Feature.Html&pname=Forest%20Service%20-%20Resource%20Management&ss=110506&navtype=BROWSEBYSUBJECT&pnavid=13000000000000&navid=130120000000000&ttype=detail&cid=stelprdb5162025#Why_is_my_right_to_enjoy_public_National_Forest_lands_being_restricted_)

<sup>5</sup> Violations of 36 CFR 261.13 are subject of a fine up to \$5,000 and/or 6 months imprisonment (18 U.S.C. 3571(e)).



In short, the Forest Service created a map, not intended to be used for navigation but the members of the public would be cited if they traveled off the routes on that non-navigational map. Aside from causing intense confusion, the deficiencies of the MVUM created criminals from average working Americans trying to enjoy public land.

During Travel Management the public was given the burden to identify the routes they chose to keep in any given forest. For many, this was an overwhelming task. The agency shifted their responsibility onto an unsuspecting and unprepared public. Not only did the agency abdicate their jobs, they ignored all the intended and unintended consequences of their proposed actions. The agency:

- ✓ Failed to understand or care about the unintended consequences of the rule.
- ✓ Failed to allow enough time for an average American to understand thousands of pages of complicated NEPA documents.
- ✓ Failed to provide maps of proposed road closures.
- ✓ Failed to reach out and engage small rural communities without internet access.

Suddenly the public were forced to become NEPA experts if they wanted to save access to their favorite areas. The Forest Service, with years of land planning experience, knew that average members of the public would be unable to cope with the complexity of a massive NEPA analysis. However they also knew that environmental organizations with scores of attorneys schooled in NEPA possessed the mastery needed to achieve their closures goals. Travel Management was clearly designed to benefit these organizations, because there was simply no way for the public to succeed in their goals to save their roads and trails. In short, the rule was designed so everyone who valued access would lose.

Environmental organizations played a key role in influencing Travel Management decision in our national forests. The Wilderness Society, a key influencer for the Forest Service wrote in 2009: *“The majority of individuals that visit our national forests participate in quiet, nature based forms of recreation such as hiking, camping, bird watching, and fishing. These same quiet recreationists provide a significant source of revenue for local businesses when they spend money during their visit. It’s important that land managers consider the economic consequences of decisions that they make — such as approving a timber harvest or constructing a dirt bike*



trail — may result in the displacement of quiet recreationists.”<sup>6</sup> The Wilderness Society actually coined the phrase ‘quiet recreation’ that has become the excuse for closure of motorized opportunities in many forests. But the Wilderness Society uses false information to determine that the majority of visitors to national forests engage in non-motorized activity. Bias in the Forest Service is so widespread, that the National Visitor Use Monitoring (NVUM) surveys used to determine visitation to national forests we have found to engage erroneous information. The chart in Appendix B illustrates a discrepancy between the information presented by the Forest Service on the NVUM versus the information given on grant funding applications submitted to the State of California. Using the Inyo National Forest as an example, the NVUM showed almost zero percent OHV activity in the forest, but the grant application submitted to the state showed 22% OHV Primary Activity Visits. Both sets of data cannot possibly be true, but the information submitted to the state was subject to close review and audit and therefore represents the true figures. *(See Appendix B – NVUM Underrepresentation)*

The Forest Service NVUM also underestimates motorized use by dividing it into multiple categories. Reality is that no one walks into a forest, and trailheads to non-motorized activities deserve access just as much as trailheads to motorized activities. By refusing to acknowledge that fact on the NVUM, the agency misleads the public in order to justify road and trail closures. *(See Appendix C – Motorized Categories)*

The following uses are all dependent on vehicular travel but are not a traditional component of off-road recreation. Access to these activities all suffer because of deceptive Forest Service policy that staunchly refuses to accept that closures of roads and trails cause great difficulties for many others engaging in activities including the following:

- Hiking
- Camping
- Hunting
- Hounding
- Mushroom Gathering
- Christmas Tree Cutting
- Driving for Pleasure
- Bicycling
- Kayaking
- Fishing
- Equestrian
- Foraging
- Firewood Cutting
- Picnicking

<sup>6</sup> <https://wilderness.org/resource/recreation-economic-impact-tool-reit>



➤ Bird Watching

➤ Wildlife Viewing

The role environmental organizations have played in determining Forest Service policy cannot be understated. Appendix D is a letter written by the Wilderness Society for a coalition of 10 environmental organizations in California in support of the analysis Subpart A of Travel Management, determining the minimum road system. *(See Appendix D – Wilderness Letter)* In that letter are references to assisting the Forest Service by providing pertinent science and data, and offering recommendations how to pull the wool over the eyes of an unsuspecting public during the analysis of more roads closures.

We intend to share this work with your biologists, engineers, and landscape ecologists, and provide as much data as we can to the region. Biologists from The Wilderness Society also provided transportation-related data to the Forest Service during the Travel Management Planning Process. We encourage the Forest Service to use these models and data as you move forward with the roads analysis process.

We also strongly recommend that you ensure that roads identified for decommissioning are put into closed status as quickly as possible after final phase two reports are published, and until the formal decision-making process is completed to take those roads off the system (regardless of how long it takes for physical treatment to occur).

The Wilderness Society recommends closing roads after an initial determination but before NEPA is completed and the public has a chance to engage, circumventing the entire purpose of the NEPA process.

The Forest Service failed to comply with NEPA requirements in regards to working with local government agencies to coordinate their planning efforts. Council for Environmental Quality regulations require federal agencies to during analysis and implementation of NEPA decisions; *“Agencies shall cooperate with state and local agencies to the fullest extent possible to reduce duplication between NEPA and comparable State and local requirements . . .to better integrate environmental impact statements into state or local planning processes, statements shall discuss any inconsistency of a proposed action with any approved state or local plan and laws.*



*Where an inconsistency exists, the statement should describe the extent to which the agency would reconcile its proposed action with the plan or law.”<sup>7</sup> (40 CFR 1506.2 (d))*

This explanation of coordination in NEPA strongly implies that a productive working relationship must exist between the agency and local and elected government officials. It also indicates that the agency must respect and comply with local planning direction and change its proposed action, if needed, to mirror already existing local decisions.

CORVA and SAC, together with Butte and Plumas Counties filed a lawsuit against the Plumas National Forest largely because of their abject failure to coordinate, collaborate or cooperate with these local counties. These issues remain a high priority that deserve clarification and consequences to the agency delineated in law. Coordination lacks teeth to require federal agencies to work in a meaningful manner with local governments. Congressional direction is direly needed to protect fragile economies, public safety and rural residents, all issues currently ignored by the Forest Service. This big federal agency continues to bully small rural communities, leading to anger and frustration for elected representatives on Boards of Supervisors throughout California and the nation.

Catastrophic wildfire might seem like an inevitable act of nature, but in recent years the effects of Travel Management decisions and resultant road closures have proved devastating to fire suppression efforts. In the past, fires were accessible to initial attack because of an adequate road system; now that so many roads have been closed, fires burn out of control as bulldozers struggle to reopen roads leading to the backcountry. Because of road closures in many areas even getting a bulldozer to a fire is simply not feasible. After the extensive road closures with Travel Management it is no coincidence that the incidence of catastrophic wildfire has increased exponentially.<sup>8</sup>

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<sup>7</sup> [https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=561&SID=1ac7bb0cf3b9db0ae5dbd79ca8470b56&ty=HTML&h=L&mc=true&n=pt40.33.1506&r=PART#se40.37.1506\\_12](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=561&SID=1ac7bb0cf3b9db0ae5dbd79ca8470b56&ty=HTML&h=L&mc=true&n=pt40.33.1506&r=PART#se40.37.1506_12)

<sup>8</sup> [https://www.nifc.gov/fireInfo/fireInfo\\_statistics.html](https://www.nifc.gov/fireInfo/fireInfo_statistics.html)

Year	Number of Acres Burned
2012	297,212
2013	250,642
2014	399,713
2015	537,446
2016	356,951
2017	644,640

Environmental groups that strongly supported the road closures in Travel Management remain satisfied and are calling for even more road and trail closures. Environmental groups often claim road closures are beneficial to the watershed, however sedimentation from a road can be mitigated, and pales in comparison to sedimentation from an entire watershed devastated by wildfire.

The Travel Management Plan has had a disproportionate impact on disabled visitors, a fact recognized by the Eldorado National Forest response to comments for their Travel Management Final Environmental Impact Statement:<sup>9</sup>

*The effects analysis does recognize that those alternatives with greater restrictions on public wheeled motor vehicle use of roads and trails impact persons with disabilities to a greater extent than those alternatives with fewer restrictions, particularly for those routes which provide access to recreation opportunities such as dispersed camping, streamside access, etc.*

As a disabled off-road enthusiast, the effect of my physical restrictions became exacerbated by the disproportionate impact on disabled access by the Travel Management Rule. Disabled individuals are barred from entering Wilderness and Wilderness Study Areas because wheelchairs are mechanical devices prohibited by the Wilderness Act of 1964. Therefore motorized access to national forests is critical for many disabled, elderly and even very young children to enjoy our national forests.

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<https://play.google.com/books/reader?id=tpk2AQAAMAAJ&printsec=frontcover&output=reader&hl=en&pg=GBS.SL3-PA42>



The Forest Service refused to consider the importance of disabled access as part of Travel Management analyses. The fact they were denying access to thousands of individuals was no cause of concern to the Forest Service; rather they dismissed the importance of disabled access in numerous public meetings, without consideration or compassion, in a very rude manner. Although the Rehabilitation Act of 1973 specifically prohibits the exclusion of the public (including the disabled, handicapped and elderly) from participating in the use of any Federal facility or program the government offers, the Forest Service claimed these restrictions did not apply to Travel Management.

*“The Rehabilitation Act of 1973, which was amended by the Americans with Disabilities Act of 1990, set the direction that no person with a disability can be denied participation in a Federal program that is available to all other people solely because of their disability. This Travel Management project is designed to provide reasonable access for public wheeled motor vehicles and the decision to be made would apply to all Forest visitors. As stated in the preamble to the national Travel Management regulations, there is no requirement to allow people with disabilities to use motor vehicles on road or trails otherwise closed to motor vehicles since such an exemption could fundamentally change the travel management program (Fed Reg V. 70, No. 216, p 68285).”<sup>10</sup>*

Loren Kingdon is an 83 year old gentleman with a prosthetic leg, living in the Plumas National Forest. Now retired, all Loren wants to do is travel in the forest he loves, strapping his prosthetic leg onto his off-road vehicle. After Travel Management, trails around his house were closed and he was locked out of the areas he traditionally. Loren’s experience mirrors that of thousands of other Americans who were purposely ignored by the agency. Considering disabled access would have forced the Forest Service to modify their plans for extreme closure of roads and trails. To this day the Forest Service chooses to disregard the disabled, elderly and wounded warriors in their zeal to implement discriminatory, exclusionary and elitist policies. When did it become acceptable for a federal agency to treat disabled and elderly like second-class citizens?

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<https://play.google.com/books/reader?id=tpk2AQAAMAAJ&printsec=frontcover&output=reader&hl=en&pg=GBS.SL3-PA42>



### 1 Prosthetic Leg Holder Over Right Front Wheel

CORVA and Sierra Access Coalition have developed common sense resolutions that could help correct many of the access issues caused by faulty Forest Service policy:

- (1) Dispersed Camping: In Region 5 in California, people are allowed to travel 30' maximum off a trail for dispersed camping. In Region 2, that distance is 300'. That allowable distance to travel must be uniform and codified.
- (2) Allow access for disabled, handicapped, and elderly people. *(See Appendix E – Motorized Mobility)*
- (3) Implement a system through the Woodcutting Program that will allow “one trip in, one trip out” to retrieve firewood regardless of distance.
- (4) Develop and implement a system for big game retrieval that will allow a “one trip in, one trip out” regardless of distance.
- (5) Develop a plan to coordinate and collaborate fully with counties including complying with local planning decisions and public safety concerns. Documentation on compliance by the Forest Service must be required.
- (6) Fire fighting planning and access to the forest must be coordinated between federal, state and local fire fighting agencies.
- (7) The FS should present the most accurate analysis possible in order to ensure the public’s trust and ensure continued volunteer efforts in the forest.



[www.corva.org](http://www.corva.org)



[www.sierraaccess.com](http://www.sierraaccess.com)

Together CORVA and Sierra Access Coalition are developing an administrative petition to be filed with the US Department of Agriculture for reconsideration of the 2005 Travel Management Rule by the end of this year with the Texas Public Policy Institute. The deficiencies in the Travel Management Rule were so broad and far-reaching, that although specific relief is requested in this testimony, it also has to be acknowledged that there is an option to reverse some of damage through the filing of the above-mentioned petition. Thank you very much for the opportunity to provide testimony to the Subcommittee regarding the effect of Forest Service road closures on recreational access, and the difficulties of coordination with the agency.

Amy Granat

Managing Director

California Off-Road Vehicle Association