

**A Training Program  
to assist BCH Chapters Monitor Implementation of  
The Forest Service Trails Classification System**

**Part 3 – Approach for Obtaining and Validating Data.**

**Background:** The new classification system provides a range of trail classes (development scales) from minimally developed to fully developed and different design parameters to accommodate Hiker/Pedestrian, Pack and Saddle, Bicycle, Motorcycle, All-Terrain Vehicle, Four Wheel Drive Vehicle, and several winter-sports activities. Through our law suit and subsequent communications with the Forest Service we have negotiated pack and saddle stock parameters – **a menu of choices** – that will potentially preserve our historic access to National Forest System Lands. **The menu, however, includes choices for other user types as well.** With 5 different trail classes and 6 different classes of users (excluding snow and water trails), managers could potentially select from a menu of **24 different sets of parameters -- many of which would not accommodate either saddle or pack animals!**

We are concerned that managers may assign trail classes and design parameters that will not accommodate pack and saddle stock on trails that were historically accessible to stock. Our task now is to determine if that has taken place through the implementation of the new system, and if it has, whether the agency has involved the public and followed an approved land management planning process as agreed in the court decision.

During our field review with the Forest Service in October of 2008, the Deputy Chief of the Forest Service, Joel Holtrop, assured BCHA representatives that District Rangers would make trail management information available on request. The information that we BCHA is requesting will tell back country horsemen whether the trail is or is not being managed or designed to accommodate pack and saddle stock.

**Monitoring Implementation of the TCS at the Forest or Ranger District Level:**

**Step 1** – Back Country Horsemen of America will request a listing of trails indicating Trail Class and Managed/Designed Use for each trail or trail segment on each Ranger District nation-wide. This information will be sent to each state or affiliate organization.

**Step 2** – The state or affiliate will be responsible for taking this listing and assigning districts or forests to the chapters/units within their organization so that we do not duplicate efforts and unnecessarily impact our Forest Service partners.

**Step 3** – The chapter/unit will take the list of trails and determine which trails are not managed or designed for pack and saddle stock. If there is a question regarding that management objective, the chapter may then discuss the objective with the District Ranger to determine the justification for not managing the trail for pack and saddle stock.

**A partnership approach:** BCHA would like to approach this task in a **'spirit of partnership.'** The Trail Classification System is new and the agency is still refining the data! It is not inconceivable, at this preliminary stage, that District Rangers are not yet aware that the management objectives for a trail might be a concern for horsemen or reflect a change in the historical status for the trail. The Forest

Service advised us in April, 2009, that *“the data is considered working/draft data. As we continue our training, data validation and update efforts Agency-wide the quality of the information will improve.”*

At this point, we need to consider our efforts to be that of helping the agency ‘validate and update’ its records.

**Step 4** – For trails that are not designed or managed for, or that through special provisions in the parameters will not accommodate, pack and saddle stock, request that the line officer disclose the planning document (forest plan, wilderness plan, travel management plan, or trail specific document) and the public involvement process used in determining the uses (hiker/pedestrian, pack & saddle, bicycle, etc.) for which the trail will be managed and designed.

The court, using the Forest Service’s arguments, established a standard for determining managed and designed use: ***“The managed and designed uses of a trail are established by individual forest staffs ... with the public’s active assistance, and any changes require a public involvement process in land management planning determinations, including appropriate [NEPA] review.”***

It is anticipated that some trail managers will consider that it is within their discretionary authority to determine the uses that are considered appropriate. Based on the court order, however, the managed or designed uses of a trail **must** be established **pursuant to a public process** and can only be changed pursuant to a public process. If there is no evidence that a managed or designed use was established through a public process, then, except potentially for emergency situations, the Forest Service needs to go through a public process before it can prohibit a use or intentionally limit a use by assigning inadequate design parameters.

The court also determined that *“The agency’s position is that the new TCS cannot have a significant effect on the environment because trail managers were instructed to apply trail classifications based on existing conditions and the current management plan for that trail. Therefore, the agency argues, **“physical trail characteristics on the ground have not changed, and the Trail Class Matrix will not change the characteristics.”***

In many cases, a Forest or District may not have a specific trails or transportation management plan. However, a trail inventory may have been appended to the 1<sup>st</sup> generation Forest Plans completed in the 1980s or early 1990s (prior to implementation of the new Trail Classification System about 1998). The Forests were required under the planning regulations (36 CFR.219) that were in effect during the time that the original Forest Plans were completed, *“to obtain and keep current inventory data appropriate for planning and managing the resources ...”* Most Forests included an inventory of trails as part of that data base. The Forest Plans were completed with public involvement and subjected to NEPA. If the inventory in the Forest Plan included the types of uses that each trail would be managed or designed to accommodate, it meets the intent established in the court’s decision.

The test as to whether the rationale for making managed or designed use determinations meets the intent of law is whether it was determined ***“with the public’s active assistance, and ... land management planning determinations, including appropriate [NEPA] review.”***

**Step 5** – Negotiate with the District Ranger or Forest Supervisor to have the objectives changed to reflect a managed and designed use for pack and saddle stock. The Forest or Ranger District may attempt to put the burden on us to establish that trail objectives have changed as a result of

implementing the new Trail Classification System. The problem with this is that they also control access to the information necessary to make that determination, and if they are not cooperative, it may necessitate Freedom of Information requests and other more confrontational means. At this step in our monitoring process, we prefer to avoid such confrontation. Chapters/units are asked to resolve differences in objectives through a diplomatic approach with the District Ranger and the Forest Supervisor.

**Step 6** – If you are unable to resolve the differences, report the situation to your state president/chairman or the public lands chair. The state will report to BCHA using established protocol. Once BCHA has determined the extent and magnitude of the problem, we will determine an appropriate course of action with the involvement of your national directors.

**In Summary:**

- **Step 1** – State/Affiliate obtains a listing of managed/designed uses for trails within their area of responsibility.
- **Step 2** – State/Affiliate makes assignments to chapters/units within their organization.
- **Step 3** – Chapters/Units review listing of managed/designed uses to determine that they are being managed as they were prior to implementation of the TCS.
- **Step 4** – Chapters/Units request planning and public involvement documents justifying managed/designed uses for trail objectives they feel have been changed without appropriate process.
- **Step 5** – Negotiate with District Rangers or Forest Supervisors to resolve differences.
- **Step 6** – Report irreconcilable differences to the State/Affiliate organization and BCHA.

In the interest of preserving our **spirit of partnership**, this strategy will provide the agency with every reasonable means to defend a change in the physical characteristics of a trail as the result of implementing the new classification system, or to amend their data to reflect characteristics in place prior to implementation of the TCS.