

# *Back Country Horsemen of America*



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April 29, 2013

USDA Forest Service  
Planning Directives Comments  
P.O. Box 40088  
Portland, OR 97240

**RE: FSH 1909.12-Land Management Planning Handbook, Chapt. 70, Wilderness Evaluation (version 02/14/2013)**

To Whom it May Concern:

Please accept these comments regarding the above-referenced draft handbook on behalf of Back Country Horsemen of America (BCHA). It is the mission of BCHA to perpetuate the common sense use and enjoyment of horses in America's back country and wilderness and to ensure that public lands remain open to recreational stock use. A large part of our mission includes assisting the various government and private agencies in the maintenance and management of public trails and horse camps, and to educate, encourage and solicit active participation in the wise use of the back country resource by horsemen and the general public commensurate with our heritage.

We appreciate the opportunity to submit these comments. BCHA recognizes the myriad values reflected in our National Forest System. In addition to enormous societal benefits derived from the National Forests with respect to its diversity of recreational opportunities, BCHA understands that National Forests and their associated roadless areas are critical in contributing to our Nation's collective wealth in terms of:

- Cleansing the air we breathe and serving as a sink for atmospheric carbon;
- Serving as natural sources of filtration to provide clean water for fisheries and municipal drinking water supplies;
- Providing important habitat for game animals, watchable wildlife, and threatened and endangered species; and
- Producing timber and forest products that are necessary to sustain local communities and economic vitality.

We are pleased with the agency's revisions to Chapter 70 regarding the Wilderness Evaluation process. These revisions represent an improvement over the previous version and appear to be generally consistent with the BCHA's position, as expressed in our 12 April 2012 letter to Chief Tidwell (attached). In that letter, we asked Chief Tidwell to "ensure that potential wilderness areas are properly inventoried and evaluated" in the forest plan

revision process. Further, the revisions to Chapter 70 as reflected in the current Draft Directives appear largely oriented toward capturing “all unroaded lands with wilderness character,” during the wilderness inventory process in firm adherence to criteria cited in the Wilderness Act, as also requested in BCHA’s letter.

We agree that the current improvements create an inventory that “is intended to be broad and inclusive...” (Chapter 71). In doing so, the agency is able to infuse greater accountability and transparency into the wilderness inventory and evaluation process while, at the same time, retain sufficient latitude and discretion for line officers with respect to a given Land Management Plan’s recommendations with respect to wilderness suitability.

Our specific comments follow.

## **Chapter 71.22a – Roads Improvements**

When considering road-related criteria, the draft directives propose to include in the inventory of lands with wilderness characteristics:

- a. Areas that contain forest roads maintained to level 1;
- b. Areas with any routes that are unauthorized or temporary, or forest roads that are identified for decommissioning;
- c. Areas with forest roads that are anticipated during other planning processes for disinvesting future road maintenance activities to a level 1; and
- d. Areas with historical wagon routes, historical mining routes, or other settlement era transportation features considered part of the historical and cultural landscape of the area.

The draft directives define Maintenance Level 1 roads as follows (Chapter 70.5, Definitions):

These are roads that have been placed in storage between intermittent uses. The period of storage must exceed 1 year. Basic custodial maintenance is performed to prevent damage to adjacent resources and to perpetuate the road for future resource management needs. Emphasis is normally given to maintaining drainage facilities and runoff patterns. Planned road deterioration may occur at this level. Appropriate traffic management strategies are to "prohibit" and "eliminate" all traffic. These roads are not shown on motor vehicle use maps.

We support the proposal to include these areas within the wilderness inventory. The definition provided for level 1 roads, found above, clearly indicates that management of level 1 roads precludes public motorized use and place such roads in a category of custodial, if any, maintenance. Common sense dictates that an inventory of wilderness characteristics intended to be broad and inclusive should include roads that have potential to be decommissioned and/or restored in the near future. Without their inclusion in the wilderness inventory, the presence of level 1 (closed) roads could serve alone to disqualify vast tracts of otherwise undeveloped and “unimproved” landscapes from the wilderness inventory.

The proposed inclusion of level 1, temporary, unauthorized and proposed decommissioned roads and historical transportation features appears wholly appropriate when the Forest Service is evaluating lands that possess, or have potential to possess, wilderness character. The inclusion of these features would not serve to prejudice a line officer’s discretion when it came time in the Land Management planning process to recommend (or not recommend) a given landscape for wilderness designation.

Using similar rationale, we support the proposal to evaluate, in the wilderness inventory, “areas that contain forest roads maintained to level 2, or levels 3, 4 or 5 where those roads are anticipated to be disinvested to a level 2.” Level 2 roads are considered “open for use by high clearance vehicles” (Chapter 70.5, Definitions) and

that traffic on level 2 roads “is normally minor, usually consisting of one or a combination of administrative, permitted, dispersed recreation, or other specialized uses...Appropriate traffic management strategies are either to “discourage” or “prohibit” passenger cars.” Consequently, BCHA’s membership, whose enjoyment of stock trails typically is accompanied by vehicles towing trailers, is highly unlikely to utilize level 2 roads with their motor vehicles. Moreover, we are not aware of designated trailheads and formal parking areas on National Forest lands currently accessible via level 2 roads. [Note: BCHA would likely resist any proposal to disinvest to a level 2 status any road (level 3, 4 or 5) that currently provides access to trailheads used by saddle and pack stock. Yet we recognize that such a decision does not fall within the scope of the current draft directives. We therefore will reserve judgment in challenging any such actions.]

## **Chapter 71.22b – Other Improvements**

We support the proposed list of other human improvements (currently comprised of a dozen items) to be included in a wilderness inventory. BCHA agrees that landscapes should be included in the inventory where wilderness character can either be maintained or restored through appropriate management action. This appears consistent with the Wilderness Act, which defines wilderness as an area that “...generally appears to have been affected primarily by the forces of nature, with the imprint of man’s work substantially unnoticeable...” (Section 2(c)).

## **Chapter 71.4 – Documentation for the Identified and Inventoried Areas**

With respect to land management designations found in a current land management plan, we believe item 3 should be expanded to include semi-primitive non-motorized and semi-primitive motorized designations. Reliance on the primitive non-motorized classification alone appears to be neither broad nor inclusive with respect to wilderness inventory when applying Recreational Opportunity Spectrum (ROS) designations. This reflects the fact that some currently roadless areas are classified in the ROS for non-motorized or motorized recreation in current land management plans.

## **Chapter 72.1 – Evaluation of Wilderness Characteristics**

This chapter contains many revisions that we heartily endorse. It contains many aspects for the evaluation of wilderness characteristics that we view as consistent with the Wilderness Act. Yet text contained within item 2 regarding factors that influence a visitor’s opportunity to experience solitude states:

Consider impacts that are pervasive and that influence a visitor’s opportunity for solitude. Factors that may be considered include topography, presence of screening, distance from impacts, degree of permanent intrusions, **and sights and sounds from outside the area** (emphasis added).

We view the latter criterion as unnecessary and inconsistent with existing law and policy. As specified in BCHA’s 12 April 2012 letter to Chief Tidwell (attached), we feel strongly that “The agency should (apply the directives in a manner) to finally eliminate the so-called “sights and sounds” doctrine, and similar approaches, which have long been disavowed by Congress, but are still used in some regions to improperly eliminate lands from wilderness inventories and evaluations.” In contrast, inclusion of this evaluation criterion in the draft directives implies that “sights and sounds” could be applied as a rationale in evaluating whether or not to include a given landscape in its wilderness recommendations. BCHA is opposed to inclusion of the “sights and sounds” criterion, particularly

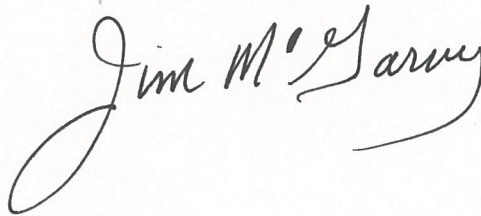
given the history of its use by the agency to forego wilderness recommendations for many otherwise qualifying landscapes.

## **Conclusion**

We appreciate the depth and breadth of the draft directives as they relate to wilderness evaluation. We believe the vast majority of proposed changes reflect a return to the spirit and intent of the Wilderness Act and Congressional intent. What is abundantly clear is the agency's intent to promote open, public dialogue and engagement while maintaining a process that is relatively transparent and easy for the public to understand. These concepts will serve to promote broader public engagement in the wilderness inventory, evaluation and land management planning process.

BCHA stands ready to assist the U.S. Forest Service in ensuring that the Nation's existing and potential wilderness lands are properly protected for the enjoyment of present and future generations.

Sincerely,

A handwritten signature in black ink that reads "Jim McGarvey". The signature is written in a cursive style with a large, looping initial "J" and a long, sweeping underline.

Jim McGarvey  
BCHA Chairman