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Back Country Horsemen of America representatives attended the Trail Classification Interim Final Rule Listening Session with the USDA Forest Service held on October 6-8, 2009 in Missoula, Montana. At that time BCHA received the Interim Final Rule.

The following document prepared by BCHA Consultant Dennis Dailey explains the new rule compared to the original. It also explains our position and how we will proceed.

There is a link to the TCS Interim Final Rule on the BCHA web site

<http://www.backcountryhorse.com>

Mike Reedy, BCHA Chairman

Forest Service Trails Classification System Summary of Concerns Regarding the 2006 Draft, and Changes Made in the Interim Final

Comments concerning changes made in the interim final will follow each of the concerns identified in the 2006 draft or previous drafts:

"Need for Proposed Directives"

Up through 2006, there had been no discussion as to why the trail standards that were time tested over most of the last century were now in need of change, nor an analysis of how the changes would impact recreational stock use!

The comments section of the interim final lists several statements to justify the need:

"... trail classes of way, secondary, and mainline did not correlate directly with the difficulty levels in FSH 2309.18... The five Trail Classes, in contrast, are keyed more precisely to the physical characteristics of NFS trails and more accurately stratify NFS trails for purposes of inventory, land management planning, visitor information, and assessment of maintenance and construction costs."

"The Forest Service transitioned to the five Trail Classes in 1999 and began using the Design Parameters in 2004. ... Therefore, it would not be cost-effective or productive to return to the earlier system."

While these explanations still lack substance, there would be little value in pursuing a more complete explanation.

During the overview of the fundamentals, the first morning of the listening session, it was explained that a 'National Trails Development Team' was formed in 1999 to develop a method of recording and reporting trail status. Some regions used the mainline, secondary, way classification and some did not. One of the "marching orders" that the team received was to reconcile the differences. Speculation is that the team took on this

task without recognizing that the public served by the trail system would insist on being involved. In their enthusiasm to complete their assignment, they revised a system that has served users well for nearly a century without consulting those very users (until BCHA brought it to their attention).

1. **Parameters** for the new trail classes in the 2006 draft were, in the case of TC1 and TC2, inadequate to support pack and saddle stock use and would result in a reduction of the experience opportunities and amount of area available to recreational stock users!

The interim final revised Pack and Saddle Design Parameters as follows:

-- increased the range for Design Tread Width for single-lane trails in wilderness areas in TC3 from 12 to 24 inches to 18 to 24 inches.

-- increased the Design Clearing Width for TC2 from a range of 3 to 4 feet to a width of 6 feet.

-- increased the Design Clearing Width for TC3 from 5 to 6.5 feet to 6 to 8 feet.

-- increased the Design Clearing Width for TC4 from a range of 6 to 8 feet to 8 feet.

These changes are significant and go a long way toward alleviating the concerns that BCHA expressed relating to parameters; however, TC1 remains inadequate to permit access by saddle or pack animals. As such, there is still a reduction in the spectrum of opportunities available to stock users. This is unfortunate since retaining the same hiker standard as for a way trail -- a minor change in the clearing height to 8' and clearing width to 3-4' -- would make it suitable for minimal passage by saddle animals.

Way trails were commonly used by hunters who accessed the backcountry on horses or mules. In some areas, that was the only, or at least the primary, use these trails received. Adopting the clearing parameters for way would accommodate saddle stock use (as well as hikers in excess of 6' height) and still allow for a range of opportunities. In some cases, way trails were constructed trails with acceptable grades, constructed treads and drainage structures. Often they were classified as ways only because of the light use that they received. Many have not been maintained for years, but have continued, with user maintenance as needed, to accommodate recreational stock use. The concern is that some 'ways' will automatically be classed as TC1 simply because use is light, and maintenance has been infrequent.

The clearing height for TC1 is 6'. With the infrequent maintenance that a TC1 is expected to receive, it is reasonable that vegetation will encroach into the corridor, and a clearing height of 6' or less is probably realistic. However, it is difficult to comprehend why the agency would 'design and construct' a trail to a clearing height that will not even accommodate a tall person walking in an upright position. An allowable clearing

height of 8' would better serve hikers and would permit a recreational stock user to clear the trail to a reasonable height if necessary to access his/her camp or to pack out game.

At present, only about 5% of the national trail system is identified as TC1. It appears that the agency has been sincere in only using this classification on trails that are clearly not intended or suitable for recreational stock use. If the TC1 classification remains as written, horsemen will need to be vigilant to insure that all trails that have regularly been used by recreational stock users (even if that use is light) continue to be "actively managed" for that purpose.

Throughout this process, BCHA has received the assurances that the classification system would not result in a change in user status without first going through an appropriate decision process (including public involvement). As such, a trail that historically provided for recreational stock use, must continue to be managed for that purpose, and should, under the system as currently described, receive a minimum classification of TC2.

Clearing widths for TC3, although improved from earlier drafts, will still allow an erosion of the clearing width if managers allow the trails to shrink to 6' width rather than maintain the 8' width previously prescribed in the mainline standard.

In the listening session, it was emphasized that Trail Management Objectives and subsequently Trail Management Classes are determined from land management plans, travel management decisions, trail-specific decisions, and other related direction rather than conditions that exist on the ground, existing or anticipated budget, or use levels. The local planning process that brought the new TCS to our attention based trail classes on existing condition and resulted in a significant reduction in trail standards. This mis-application of the process created an atmosphere of distrust regarding the 'agenda' of some of the team members. Although the appropriate instructions are contained in the training reference package that will be made available to all agency trail managers, they may easily be overlooked. Additional emphasis on the 'requirement' to base TMOs and Trail Classes on land management decisions in the training package would help to prevent future abuses.

BCHA, through the law suit and various meetings, has impressed on the agency that the public wants, and has a right, to be involved in actions that result in a change in the opportunities provided and the user types being accommodated on our trails. Along with that right comes the responsibility to be actively engaged in the management process at a local level. The greatest concern with this classification system is the potential that it provides for mis-application and abuse. With increased competition for recreation opportunities, it will be essential that we work with our managers at a local level to insure that Trail Management Objectives are not changed without public involvement and effects analysis.

Recommendations:

1. *that BCHA request TC1 clearing limits be increased to a width of 3-4' and a height of 8' (the previous hiker standard for a way trail). This standard will minimally accommodate saddle stock preserving the historical range of opportunities available to equestrians.*
2. *that BCHA request that the clearing width for TC3 be changed to reflect 8' rather than the range of 6-8' (the same as previously recommended for a mainline trail).*
3. *that BCHA request additional emphasis, in both the Training Reference Package and training presentations, requiring that TMOs and Trail Classes be derived from appropriate decision documents -- land use plans, trail specific plans, etc. -- and not use levels, current condition or current and anticipated trails budgets.*

2. Earlier drafts discouraged the use of "Full Bench Construction" in Wilderness, which would have resulted in unsafe conditions for stock users!

*There is no mention of (and no limitation on) the use of full bench construction in the interim final, and discussions on the field trip specifically recognized full bench construction as **essential** on steep side slopes.*

3. The 2006 draft directed the use of native materials for structures on TC1 and TC2 trails and emphasized that native materials will "Typically" be used on TC3 trails!

The interim final made favorable changes in the matrix regarding use of native materials. Wording in the interim final suggesting the use of "Predominantly native materials" provides managers some flexibility to use more cost effective materials. The interim final also states that structures will "Typically [be constructed of] native materials" in TC2, a change from just "Native materials" in earlier drafts. The most significant change is in TC3 which now allows use of "Native or imported materials," in place of "Typically Native materials" in the earlier drafts. The increased flexibility provides an opportunity, during the scoping process, for horsemen to encourage the agency to use the more cost effective and longer lasting option of treated materials.

4. In the 2006 draft, use of Bridges were not included as acceptable in the parameters for TC1 and TC2 trails!

*Treatment of bridges in the interim final is **a significant improvement** over earlier drafts. TC1 states "Typically no bridges"; this is an improvement over the 'absolute' restriction of "No constructed bridges or foot crossing". TC2 allows for "Bridges as needed for resource protection and appropriate access". The earlier draft limited stream crossings to "Primitive foot crossings and fords". TC3 allows for "Bridges as needed for resource protection and appropriate access". This is the same as in earlier drafts.*

5. Directional signs at trail junctions, in the 2006 draft, were not recommended until TC3. Signing in TC1 and TC2 was limited to "regulation and resource protection".

*The interim final allows for "Route identification signing limited to junctions" and "Route markers present when trail location is not evident" in both TC1 and TC2. TC3 allows for "Route identification signing at junctions and as needed for user assurance" and "Route markers as needed for user reassurance". This is a **significant improvement** over earlier drafts.*

One additional concern was identified in the Interim Final that was not recognized in the earlier drafts. It relates to the discussion of "Obstacles" in the Trail Class Matrix and the wording "intended to provide increased challenge". The wording suggests that "obstacles" may intentionally be left or created in a trail tread. This is a consequence of the shift from 'trails as part of a transportation system' to 'trails as a recreation facility'. Comments provided on the 2006 draft indicate that some users, such as mountain bikers, feel that obstacles are desirable to 'provide challenge'. Where trails were historically regarded as a means of accessing recreational opportunities, now, to some users, they are the recreational opportunity.

The fear with this wording -- "intended to provide increased challenge" -- is that it might encourage trail managers that are not familiar with the characteristics of pack animals to leave obstacles (or intentionally place obstacles) that could be removed with minimal effort during construction or maintenance. The troubling consequence of trail obstacles is that they may cause pack stock to leave the designed tread resulting in a wider than desired tread or multiple treads. As a very credible Forest Service packer stated during the session "stock take the path of least resistance". Once off the tread, stock often will remain off the tread until an off-trail obstacle forces them back. Recreational stock users are often criticized for not keeping their pack stock on the trail, but there is often very little that we can do. This is especially apparent when obstacles, standing water, and brush along the trail are not removed to create "the path of least resistance". Most horsemen accept that removal of all 'obstacles' is not always cost effective or practical (especially on the lesser developed trails), but the suggestion of leaving them intentionally to "create challenge" is tough to swallow.

Recommendation: *that a 'footnote' be included with the pack and saddle stock parameters discussing the relationship of obstacles and tread width or multiple trails.*

Several significant discussions took place during the listening session that are worth noting:

All BCHA participants agreed that the explanation of the system provided by Jaime Schmidt and Jonathan Kempff was extremely valuable. Although involvement with the public during the process has been contentious, the presentations lacked the defensiveness and territorialism that BCHA experienced in earlier meetings with Washington DC Office personnel.

It was stressed that the TCS is not a decision process, and it was acknowledged that in many cases the Forest Plans do not provide a clear decision or rationale regarding the intent of specific trails. This allows discretionary prerogatives and the potential to inject bias, and has been a source of concern for horsemen. As such, horsemen will need to become familiar with the Trail Management Objectives for trails that are of interest to them and challenge any changes from historical management that is made without first completing an appropriate NEPA public involvement and decision process. It was suggested that we accomplish this by contacting local district rangers. During the law suit, forest service personnel were instructed not to provide trails information to horsemen. There may still be confusion over what can and should be provided.

Recommendation: *A brief letter or message to line officers and trail managers from Deputy Chief Holtrup encouraging them to openly share information on TMOs and Trail Classes, when requested.*

Opportunity:

As has been mentioned in this review and by several of us during the listening session, the classroom portion of the session was very helpful. Both Jaime Schmidt and Jonathan Kempff should be complimented for the good job they did. This also suggests an opportunity -- the possibility of bringing one or both of them to our BCHA National Board Meeting next April to do a presentation on the TCS that could be recorded on DVD as an instructional tool for our membership. BCHA could also provide a short session on how to get involved at a local level to monitor the change in trail management objectives and interact with the agency to preserve equestrian opportunities.

October 23, 2008