

MEMORANDUM

June 27, 2008

To: Backcountry Horsemen of California
Public Lands Delegates and Interested Parties

From: Dan Clifford
BCHC Vice-President, Public Lands

Subject: Dispersed Parking on National Forrest Lands

Over the past seven weeks, I have forwarded important information to you via our email tree regarding the Eldorado National Forest Public Wheeled Motor Vehicle Travel Management Final Environmental Impact Statement (FEIS) and Record of Decision (ROD). I know that many of you are very busy and may not have understood the impact of these documents; therefore, I am taking this opportunity to condense the issues and request your support and help.

Background

At first blush, the FS plan appears to be directed at constricting the use of Off Road Vehicles (ORV) to FS trails and roads, and would have little impact on equestrian use of the national forest. If one were to reach that conclusion, he would be wrong.

When a horseman pulls his rig, consisting of a hauler and a horse trailer, on to a FS road, that rig, for FS purposes, becomes an ORV. As a result, it is bound by the same restrictions as if it were a dune buggy or some other type of “traditional” off road conveyance.

The primary issue, as outlined by Claudia Ball, Bill Ball and Patricia Gibbs of the Mother Lode Unit, is that the new regulations will force the use only of FS roads and trails (no over land travel), but importantly they will restrict camping within one vehicle length of the road or trail. One vehicle length is about 18 feet.

Now lets say that you and some friends want to horse camp in a national forest, all of your rigs would have to be lined up on either side of the road where no part of any rig is more than 18 feet from the edge of the road. Think what this will do to safety considerations when other users travel right down through the middle of your “camp.” Then consider how many trailheads do not have adequate parking for horse rigs, you would be prohibited from using an adjoining meadow, just to go on a day ride.

Interestingly, the FEIS distinguishes between “motorized” and “non-motorized” recreational experiences. Your horse rig fits into the “motorized” recreational experience, but “camping” is a “non-motorized” recreational experience. So think of it, you can camp almost any place, but if you are using a living quarters trailer, or a pickup camper, or a motorhome, or just a camper shell, you will be restricted to the one vehicle length rule.

In the FEIS there is no mention of vehicles that are purposely designed for camping: living quarter trailers, van conversions, cab over campers, motor homes, trailer tents, etc. It is as if the FS chose a blind eye to the use of the forest by a large segment of the population that purchased vehicles that are designed for the express purpose of camping. As was noted in the Mother Lode appeal, by leaving these vehicles out of the FEIS, the FS skirted having to make their owners a part of the public discussion that is required by the administrative rules for changes in the forest’s use. Whether this was deliberate or not, the result is that these people (including equestrians) were disenfranchised from their right to comment.

Analysis

In my opinion, the FS failed to meaningfully consider viable alternatives as required by 40 C.F.R § 1502.14 (“agencies shall rigorously explore and objectively evaluate all reasonable alternatives”). The alternatives section is considered the “heart” of the EIS. The NEPA analysis is invalidated by “[t]he existence of a viable but unexamined alternative.” *See Resources, Ltd v Robertson*, 35 F.3d 1300, 1307 (9th Cir. 1993). Clearly, there are alternatives to bunching camping vehicles, including horse camping vehicles, in with “traditional” OHV’s and banning all of them beyond a vehicle’s length from the road. Automatically, one thinks of an alternative that would explicitly exempt these camper type vehicles from the prohibition. Or, in the alternative, expanding the distance to the road requirement for these vehicles. Neither of these alternatives was examined in the NEPA analysis.

Procedural status

After an “informal disposition meeting” with Ramiro Villalvazo, Forest Supervisor for the Eldorado National Forest attended by representatives from the Mother Lode Unit, and no other appellants, the attendees were told that the FS intends to implement the rules as determined in the FEIS on [DATE].

What this means to you and what can you do

It is our understanding that the Forest Service intends to use the Eldorado National Forest Public Wheeled Motor Vehicle Travel Management Plan as the model for *all* such plans in *all* national forests. With just a little research, like asking your FS management,

you can find out the status of any proposed travel management plans in your forest. Clearly, if the FS has a travel management plan in your forest, you need to get involved ASAP.

Secondly, and this is where I am asking your help, we need to write to our national legislators asking their help in delaying the implementation of the Eldorado National Forest Public Wheeled Motor Vehicle Travel Management until the FS explores all reasonable alternatives to the motorize camping restrictions implied in the ROD.

As I have discussed at our prior meetings, I do not believe that a bunch of “form” letters has as much impact as well written individual letters or emails. That is why I am not attaching some form letter for you to reproduce and send. But, you can use this memorandum to devise the talking points for such letters or emails. Essentially, the letters should include a brief overview of the problem and a request for the legislator to intervene with the FS to delay the implementation of the Eldorado National Forest Public Wheeled Motor Vehicle Travel Management. Unlike this memorandum, the letter or email should be contained on one page, one and a half at most. If you chose to email, and I recommend that as the primary contact, you should follow it up with a letter. Finally, when writing a legislator it is important that in the first paragraph you explain who you are and who you represent. I would appreciate being copied on the emails or letters. Here are my addresses:

Daniel Clifford
521 Alpine Trail
Alpine, California 91901

bigeasycowboy@mac.com
dclifford@feinberggrant.com

You can use either email address.

Conclusion

This is a very important issue that needs to be addressed *now*. I know how busy you are, especially with Summer on us and plans of getting into the back country looming on the near horizon, but we need your help. Naturally, if you have any questions, I will be happy to try to answer them.

Happy trails

Dan Clifford

**The California Division Incorporated
Of the
National Pony Express Association Incorporated**

In A Matter Of A Resolution:

The Resolution requesting the **USDA Forest Service**, not implement the Parking Rule/Policy/Regulation, One Vehicle Length From the Edge Of The Road Surface

WHEREAS, the **California Division Incorporated**, one of an eight state national organization, the **National Pony Express Association Incorporated**, a non-profit organization founded in 1978 to “Re-establish, identify and re-ride,” the Pony Express National Historic Trail, is basically an equestrian and history enthusiasts organization, and having deep concerns for public access and use of the Pony Express National Historic Trail, *as well as all other trails*; and

WHEREAS, the one vehicle length parking rule/policy/regulation along a designated Forest Service road is very restrictive specifically for equestrians; and

WHEREAS, the rule as currently proposed will produce unsafe conditions for loading and unloading of horses/mule/stock; and

WHEREAS, the rule as currently proposed, a designation for a road or trail includes all terminal facilities, trailheads, parking lots, and turnouts associated with the designated road or trail. **The designation also includes parking a vehicle so that all parts of the vehicle are within one vehicle length from the edge of the road surface when it is safe to do so and without causing damage to NFS resources or facilities** (FSM 7716.1 (1) Proposed), is far too restrictive.

WHEREAS, there are very few designated dispersed camping areas that could/will/do accommodate safely parking one vehicle length from the edge of a road for individual use or group trail rides.

THEREFORE, be it resolved, the **California Division Incorporated**, of the **National Pony Express Association Incorporated**, opposes approval and /or implementation of the Parking rule/policy/regulation as it is written, in FSM 7716.1, and hereby requests that areas that have normally been used for dispersed camping and parking be left open for public use, until such time that site specific areas have been identified as problematic, and closed for valid, sound, and specific reasons.

Resolution requesting the **USDA Forest Service**, not implement the Parking Rule/policy/regulation, One Vehicle Length From the Edge Of The Road Surface

The foregoing resolution was duly passed and adopted by the Board, the California Division Incorporated, of the National Pony Express Association Incorporated, during its scheduled meeting October 19, 2008.

/s/ Rich Tatman

PRESIDENT

/s/ Pam Simmons-Dixon

VICE PRESIDENT

/s/ Dennis Larson

SECRETARY

/s/ Elizabeth Davis

TREASURER



BackCountry Horsemen of California

BCHC Public Lands U.S. Forest Service Road Parking Resolution

- 1. Whereas: the Equestrian Community was not made aware or given opportunity to identify areas where restricted parking would affect equestrian recreational use;**
- 2. Whereas: the one vehicle length parking rule along designated Forest Service Roads is very restrictive to equestrian uses in Forest Service lands;**
- 3. Whereas: the rule as currently proposed will produce unsafe conditions for handling and containment of equestrian stock;**
- 4. Whereas: very few designated camp grounds have facilities for equestrian parking/use, thus the proposed one vehicle length parking rule heavily restricts equestrian dispersed camping capabilities.**

Therefore, be it resolved: Backcountry Horsemen of California opposes approval and/or implementation of the Parking Rule contained in Forest Service Directive FSM 7716.1 and request areas normally used for dispersed Forest Service parking and camping be left open for use unless designated closed for valid site specific reasons.

October 11, 2008



File Code: 2350

Date: AUG 13 2008

Mr. Jerry Ledbetter
5121 Cosumnes Mine Road
Somerset, CA 95684

Dear Mr. Ledbetter:

Thank you for your letter of July 6, 2008, to Agriculture Secretary Edward T. Schafer regarding travel management planning on the Eldorado National Forest. Secretary Schafer has asked the USDA Forest Service to respond. I apologize for the delayed response.

You pointed out in your letter that the Eldorado National Forest had recently completed an Environmental Impact Statement (EIS) and Record of Decision (ROD) regarding Public Wheeled Motor Vehicle Travel. This decision restricted wheeled motor vehicle travel to a system of designated routes across the Forest. The decision implemented the Travel Management Rule which requires that all national forests and grasslands designate those roads, trails, and areas where motor vehicle use is allowed. Those designations will be shown on a motor vehicle use map (MVUM). Travel by motor vehicles inconsistent with the designations shown on the MVUM will be prohibited.

The Forest Service published draft policy in the Federal Register in 2007 which stated that "The designation also includes parking a motor vehicle so that all parts of the vehicle are within one vehicle length from the edge of the road surface when it is safe to do so and without causing damage to NFS resources or facilities" (draft FS Manual 7716.1(1)). The Eldorado National Forest appropriately utilized this guidance while the manual direction is being finalized. We anticipate final direction in the near future.

Eldorado National Forest Supervisor Ramiro Villalvazo has committed to addressing the concerns you have raised, through the EIS Implementation Strategy. The strategy includes working with the public in the development of a strategy for allowing motor vehicle use for dispersed camping in specific locations. The Travel Management Rule allows for including in route designations the use of motor vehicles for dispersed camping within a specified distance of certain designated routes. I encourage you and other members of the Back Country Horsemen of California to continue to participate with the Eldorado National Forest in the implementation of this recent decision, including proposed changes in the designated routes for dispersed camping.

Thank you for your interest in the management of your national forests. If you need further assistance, please contact Jason Nedlo, the Travel Management Implementation Coordinator on the Eldorado National Forest, at (530) 621-5276.

Sincerely,

JAMES S. BEDWELL
Director of Recreation, Heritage, and Volunteer Resources

cc: Deidre S StLouis, Stephanie Gomes, Kathy Mick