



Coalition for Public Access

P.O. Box 205
Smith, NV 89430

Email: cpa@cfpa-nv.org
Web: www.cfpa-nv.org

December 30, 2008

Via Email Attachment

Travel Management Team
Bridgeport Range District
HC62, Box 1000
Bridgeport, CA 93517

Re: Comments on the Bridgeport Ranger District Designated Routes in the Humboldt-Toiyabe National Forest Travel Management Plan, as released November 21, 2008

Dear Travel Management Team:

The Coalition for Public Access (CPA) is pleased to submit its comments on the Humboldt-Toiyabe National Forest, Bridgeport Ranger District (H-TNF, BRD) Travel Management Plan (TMP), as prescribed in the Scoping Document (SD) of November 21, 2008 relating thereto.

The CPA is a non-profit Nevada Corporation formed at the behest of numerous citizens of NV, CA, ID, UT, NM, OR, WA and AZ, many of whom live in Lyon, Mineral, Esmeralda & Douglas counties, Nevada and who use the H-TNF, BRD for recreational and economic purposes. CPA functions as an advocate for "Public Lands for Multi-Use". As such CPA is adamantly opposed to the imposition of restrictions on Public Lands. Accordingly, CPA has profound interests in the TMP of the H-TNF, BRD and the final outcome of that plan.

When CPA became aware of the TMP earlier this year, several members began to survey roads in Mineral and Lyon Counties located in the H-TNF, BRD. When CPA learned that a SD relative to the TMP had been published, copies were obtained and reviewed. CPA members attended all three public meetings (held in Smith Valley, Hawthorne and Bridgeport) called for in the Scoping Document.

Based on these surveys, review, and discussion with various H-TNF personnel at several recent meetings, CPA wishes to comment on the following specific items:

PROHIBITION OF MOTOR VEHICLES OFF THE DESIGNATED SYSTEM

Traditions, Customs and Culture

By the time the western territories of today's United States of America began to be settled, the tradition of individual freedom, free enterprise, and the right of the people as individuals to the *use and enjoyment* of the lands and resources within their communities, had been well established in America. (See U.S. Constitution, Art. 1, Sec. 8, clause 17). And so it was, as early

as 1859, people settled in this area, formed communities and began to *use* and *enjoy* those public lands (later designated as the Humboldt-Toiyabe National Forest, Bridgeport Ranger District).

Accordingly, the folks who came to this area used the public lands to provide for themselves and to recreate. They pursued such activities as prospecting, mining, agriculture, livestock grazing, hunting, trapping, fishing, wood cutting, and when time permitted, camping, picnicking, exploring and sightseeing. Merchants in towns across the west depended on goods that were freighted across the wide expanse of the public lands. From these traditions the rural culture developed into customs of use and enjoyment of public lands for production to the betterment of the people, their communities, and for recreation as well.

In pursuit of these traditions, cultures and customs many roads were created on public lands. With the introduction of a variety of motorized recreational vehicles many more roads were created. Along with these new motorized recreational vehicles came an influx of people from other areas, either on a temporary or permanent basis, to enjoy these public lands afforded by unrestricted and non-prohibited use of public lands. The creation of these roads was the natural result of the *Use and Enjoyment of Public Lands* over the past 150 years.

Now, according to the SD (see unnumbered page 2, under the heading: BACKGROUND), the TMP will prohibit the use of motor vehicles off the designated system. CPA believes such prohibition will restrict the use and enjoyment of these lands. This is contrary to the traditions, customs and culture of the people who use these lands for such purposes and deprives them of rights guaranteed to them by the Constitution of the United States.

INSUFFICIENT TIME ALLOWED FOR PUBLIC COMMENT

According to the SD, the Forest Service (FS) published its final Travel Management Rule in the Federal Register 3 years before the SD. CPA objects to the fact that a Project of this magnitude, that has been ongoing in the FS for more than 3 years, limits the time the public is allowed to prepare and submit effective comment to just over 30 days (especially since the time needed to prepare such comments fell within the Christmas holiday season). With the size of the H-TNF (1.2 million acres), the miles of roads (in excess of 2,300), the age of some of these roads (requiring historical research), and the burden of identifying roads not depicted on the draft maps; we find the time allotted to be unreasonable, unproductive, and contrary to the spirit of "Public Involvement." Unreasonable in that members of the FS have admitted to the BRD's inability to do a complete and thorough inventory of ALL the roads in the District. (No wonder, given the size and scope of the Project and the limited resources). Unproductive in that while members of the public, including CPA members, have made a concerted effort to assist the FS in doing a complete and thorough inventory, the time allotted, and resources available have precluded them from doing so.

These reasons call into question whether the FS is fulfilling its mandate to include the Public in such Projects, Programs, and Plans. Yes, it can be said, the FS has involved the Public, but the issue is that after three years the FS could not produce an accurate map and in the 30 days

allocated for public comment CPA could not produce an accurate and complete response. The final product will be inaccurate and incomplete resulting in restrictions and prohibitions of established traditions, customs and the culture of the area.

ESTABLISHMENT OF OHV AREAS

According to the SD at page 3 (under the heading of PURPOSE AND NEED), there is a *need* to: "Provide a diversity of motorized recreation opportunities (4X4 Vehicles, motorcycles, ATVs, Passenger vehicles, etc.)". CPA believes that, in order to provide such diversity, the establishment of OHV Areas is necessary for ATVs and motorcycles. CPA further believes that there exists, in the BRD, several areas that are ripe for designations as "OHV" Areas. These areas are already being used for this purpose, are absent of any foliage, and offer no threat to any watercourse. By providing such areas the FS would be simply conforming to the traditions, customs and culture already established and complying with the requirement to provide a diversity of motorized recreational opportunities. The Travel Management Rule (36 CFR 212) provides for "managing the Forest transportation system in a sustainable manner through designation of motorized NFS roads, trails and areas".

ROADS

CPA has prepared and has attached hereto as Appendix A, a list of specific roads along with comments on each road. These comments may include questions as to why the road has been selected to be unauthorized, requests for a different designations, and questions as to why a road has not been included for designation.

CPA notes, and asks the FS to also note, the quality and accuracy of the maps provided for this Project is poor - the legend is incorrect and confusing, the road numbering is incomplete and confusing, the roads are not *the complete set of roads*, and there is a lack of "landmarks" or local area names and coordinates with which to identify roads. The maps also lack proper identification of Townships and Ranges that would have otherwise aided map reviewers in better determining a more exact location of a route or road.

The directive of the Travel Management Rule requires an accurate inventory of roads within the BRD. Due to the poor quality and inaccuracy of the maps provided to the public for its review, CPA has been unable to provide the FS with a complete commentary or a more accurate inventory of the roads in the BRD. CPA believes this Project is flawed and should not proceed to the issuance of a Draft Environmental Review Statement (DEIS) as it will not properly reflect all the roads and routes that presently exist. This Project should be stopped until a complete and accurate map can be produced for further public review. By continuing to work with incomplete and inaccurate maps the FS will create confusion, subject travelers to possible violations and will most certainly be at cross purposes with the traditions, customs and culture of the public that has long been established in the BRD.

Travel Management Team, Bridgeport Ranger District
Re: Comments on the Bridgeport Ranger District Designated Routes
December 30, 2008
Page 4

Appendix A (detailed comments on the East and West maps) reflects our best effort under the aforementioned circumstances.

Thank you for this opportunity to comment. We hope the District will seriously consider properly completing its mapping of the roads and routes within the district so that more appropriate public comment may be made. Should you have any questions or require clarification of any of CPA's comments, please contact us by regular mail, email or phone.

Sincerely,

A handwritten signature in black ink, appearing to read "D L Smith". The signature is written in a cursive style with a large initial "D" and "L".

Donald L. Smith
Vice Chairman
(775) 465-2416

DLS/ss
Attachments

cc: David Loomis, Humboldt-Toiyabe National Forest
Board of Mineral County Commissioners, Nevada
Board of Lyon County Commissioners, Nevada
Doug Johnson, Douglas County Commissioner