



April 18, 2021

US Forest Service
Att: Brenda Yankoviak
Via email only @brenda.yankoviak@usda.gov

Re: National Sustainable Trails Strategy
Phase 1 Launch and Learn Guidebook

Dear Brenda:

Please accept this correspondence as the input of the motorized community on the Trail Stewardship Phase 1 Launch and Learn Guidebook (Hereinafter referred to as "The Guide"). The Organizations welcome the programmatic review of sustainability as this concept has been woven into the multiple use trails network on USFS lands for more than 50 years. While the sustainability concept has been woven into motorized trails for more than 50 years, the advanced nature of sustainability analysis for motorized usage compared to all other usages is not addressed in the Guide. We would like to see that remedied both to recognize a partner of the USFS but also to provide learning experiences to other trails interests on how to effectively create legally defensible sustainability of a trail or network. We submit that the motorized trails community is the closest to sustainable of all trails uses and should be recognized as such. No other usages have been subjected to the scrutiny and review of the motorized trails community around the issue of sustainability and we are also your largest funding partner for sustainability

efforts. NEPA, rulemaking, judicial review and funding collaborations are discussed in greater detail in subsequent portions of this document.

In these comments, the Organizations are going to focus on the learning component goal of the guidebook as often the resources the motorized community are providing to sustainable trails are poorly understood and not used to as a resource for other efforts. The learning component is a critical component of the Trails Challenge and is reflected in under the Key Points of the Phase 1 Guide as follows:

- “• Main outcomes of the Trail Challenge include a systematic assessment of trail workforce capacity and trail sustainability to identify gaps and take actions to close those gaps; engaging and sharing leadership with local communities and stakeholders in trail priorities; institutionalizing equity, diversity, and inclusion principles in all aspects of our collective work; developing online toolboxes with trail success stories, best practices, and reference documents; and improving Forest Service trail data and reporting systems.
- The Forest Service is leading out on methods and approaches that will benefit all trail managers and help to professionalize trail management. As a result of the Trail Challenge, the Forest Service will be widely regarded as a valued partner, conservation leader, and premier provider of exceptional trail opportunities.”¹

The Organizations believe this type of generalized understanding is critical to the long-term sustainability discussion, as we believe the motorized sustainability models that have been developed are critical learning tools for other uses that are ramping up maintenance and sustainability efforts around other uses. The Organizations have confidence in the intent of the Guide and effort is to recognize these collaborations as “unit level plans.” The Organizations are concerned these are not unit level efforts but foundational differences in the sustainability analysis that have been legally mandated for years. The Organizations are concerned that the subsequent inclusion of these unit level plans in established landscape level analysis structures does not account for these landscape level differences may be similar to trying to drive a round

¹ See, Guide at pg. 1.

peg into a square hole. This is a less than efficient model to do anything and, in the Challenge, would result in a significant missed opportunity.

This foundational difference of sustainability across uses is critical to possible future allocation of resources simply to avoid reinventing the wheel. Also important is understanding that much of the sustainability present in motorized uses, beyond decades of travel management rulemaking, NEPA and judicial review is from the voluntary user programs. This significant outside funding should be recognized as a resource to be leveraged and not as the result of inequitable allocation of resources. While there is a large disparity in funding and resources available, this does not mean there is not a need for additional resources in the multiple use community and any assertion of equity across uses would actually discriminate against the hugely successful programs on the ground rather than leverage their success. The Organizations would like to avoid this situation as well.

We welcome the collaborative nature of the strategy to date and identification of concerns such as all activity having impacts. **We vigorously support the stated goal of more sustainable trails, as in many areas there is a critical need for simply more multiple use trails.** Not everyone is similarly situated in the trails community and often there is a perception that there are plenty of trails for everyone. This has not been our experience, as the motorized community has been mandated for more than 50 years to provide sustainable routes unlike any other user group. In many areas this resulted in the loss of more than 50% of trail mileage in areas. No other user group has seen anything close to this level of lost opportunity for recreational trails.

Again, the previous closures in many areas have put the motorized community in a different position when discussing sustainability. Decisions made based on visitation levels at locations 50 years ago often create a situation where there is now a shortage of routes to satisfy the demands of multiple use interests. This shortage of opportunities can cause overuse of routes, trailheads far beyond capacity, resource impacts from the overuse which can give rise to users trying to find their own recreational experience. Only by providing more routes that are sustainable can these types of capacity issues be resolved. By providing high quality managed recreational opportunities the public will not seek out their own opportunities in less sustainable or planned

locations. The motorized community is again significantly different in any discussion as we have a proven track record of partnering with managers to sustain new trail networks. While the motorized community has been hugely successful in partnering with land managers to create sustainable trails, we have also been horrible in telling this story.

1. Who we are.

Prior to addressing the specific concerns of the Organizations regarding the Guide, we believe a brief summary of each Organization is needed. The Off-Road Business Association ("ORBA") is a national not-for-profit trade association of motorized off-road related businesses formed to promote and preserve off-road recreation in an environmentally responsible manner. One Voice is a non-profit national association committed to promoting the rights of motorized enthusiasts and improving advocacy in keeping public and private lands open for responsible recreation through strong leadership, advocacy, and collaboration. One Voice provides a unified voice for motorized recreation through a national platform that represents the diverse off-highway vehicle (OHV) community. The United Snowmobile Alliance ("USA") is dedicated to the preservation and promotion of environmentally responsible organized snowmobiling and the creation of safe and sustainable snowmobiling in the United States. United Four-Wheel Drive Association ("U4WD") is an international organization whose mission is to protect, promote, and provide 4x4 opportunities world-wide. For purposes of this correspondence ORBA, One Voice, U4WD and USA will be referred to as "The Organizations".

2. The 50-year history of sustainability analysis for motorized routes far exceeds the analysis for other uses and must be addressed in the Challenge and Guide.

The sustainable use of motorized vehicles on federal public lands over the last 50 years has easily been the most strictly scrutinized recreational usage of public lands. This usage has been the basis of numerous rulemaking efforts, directly addressing motorized access and also indirectly addressing motorized access. These rulemaking efforts directly addressing motorized usages have resulted in an almost incomprehensible amounts of NEPA analysis on almost every facet of possible impact to sustainability from motorized usages. This scrutiny of sustainability has then been continued to extensive judicial review of a huge percentage of both rulemaking and NEPA

analysis. The ongoing judicial review of decisions is exemplified by the challenge to winter grooming on 5 forests in California, overturning of the winter travel rule by a court in Idaho and recent rulings on the use of e-bikes on Department of Interior lands. No other recreational usage of trails has been subjected to this level of direct scrutiny of sustainability. An indirect challenge to sustainability would be exemplified by use of the Endangered Species Act challenging motorized access to large tracts of lands in California around concerns over the desert tortoise and many other species. When the scrutiny of sustainability and partnerships that have developed are compared at the landscape level, the motorized community is by far and away the most sustainable usage of trails on public lands.

The Organizations believe the management history around the sustainability of motorized trails, and application of the Travel Management Rule, and extensive judicial review will be highly relevant to elements B and C of the Guide, which is described as follows:

“Units should consider the results of identifying the desired trail system from Element C. Achieve Sustainable Trail Systems when completing this element. They should use the results to understand the workforce needed to manage the desired trail system and then document, the current workforce, the needed workforce, and steps to achieve that workforce in their Trail Stewardship Plans”²

As the Organizations have participated in travel management discussions throughout the Country at all levels, we have frequently encountered an erroneous assumption, mainly that the all trails have been subjected to similar levels of administrative review. This is simply incorrect and we are very concerned the concept of Travel Management, which has driven much of the sustainability of motorized routes, is not mentioned at all in the Guide. This is a foundational difference between motorized routes and almost all other trail uses on USFS lands and must be addressed in the Guide simply to create a relevant planning document. While it may be convenient to assume all trails usages are similarly situated in terms of sustainability, this simply is not factually correct.

² See, Guide pg. 7.

The Organizations believe it is highly important to recognize the wide range of management of specific trails usages that has occurred on USFS lands to date, as these management efforts will be foundational in the discussion. For the motorized community, the scrutiny of motorized usage has been occurring on USFS lands since the original issuance of EO 11644 by President Richard Nixon in 1972. As a result of 50 years of management of motorized usages on USFS lands, the concept of a designated route is the norm for those users recreating in the summer. This is simply unheard of for most other trail-based activities and will significantly impact how the challenge should be rolled out to the communities and also possibly impact allocations of funding. Not all uses are similarly situated in the trails community to address sustainability and we would be concerned about any landscape level analysis that treated sustainability of routes from a single mindset. Significant flexibility must be provided as trails are not a one size fits all issue due to the disparate management history of sustainability across the uses.

There are several large-scale models of trail sustainability that have been developed by the motorized community in collaboration with a wide range of interests that are discussed subsequently. The motorized trails community was forced to address funding of sustainability of our routes much earlier than other uses and often under intense public scrutiny and sometimes decades of legal wrangling. If trails were found to be unsustainable in the analysis process they were simply closed, sometimes decades ago. Funding of management efforts for sustainability were a major tool in mitigated trail loss. If impacts could be repaired or mitigated, opportunities could be preserved. This type of forced sustainability of motorized routes uniquely situates the motorized networks and mileage when compared to other types of trail usage. As a result of the more than 50 years of management, there is simply far more data available to justify sustainability of these routes and opportunities. This management history will result in a much stronger need to open new routes from the multiple use community than other trail interests, as there have been significant closures to motorized at the landscape, while other interests have only lost small portions of historical access.

While there is 50 years of management history available to address sustainability of motorized routes, the Organizations would be remiss if we did not mention that often this data has come at a significant price to the users. We would hesitate to support any large-scale discussions that

might provide a basis to reopen travel management decisions at the landscape level, as the travel management process has resulted in large portions of trails being closed and huge amounts of conflict between uses and between the trails community and land managers. We would like to avoid this and would support some type of assumption that motorized routes that have been subject to management at least once are per se sustainable. We believe the Guide is a significant opportunity to provide educational resources on the different management histories of different trail uses as all trail uses are not similarly situated from a sustainability perspective. This understanding will be valuable to other users and should be recognized in the Guide. Again, while the motorized community has been hugely effective in providing management resources for sustainable trails, we have also been horrible in telling our story. We are asking for help on this.

3. What we do and development or sophistication of partners in sustainable trails efforts.

Prior to addressing how the motorized community has partnered with the USFS to provide sustainable trails at the landscape level, the Organizations believe identification of some common experiences around trails highlighted is warranted. These common factors include:

1. All uses have impacts, regardless of the type of usages. Many interests believe their activity has no impact while every other usage is causing impacts
2. The removal of usages can have impacts.
3. All trails need maintenance, regardless of the trail management objective for the area or route. Even primitive routes must be periodically maintained to primitive levels.
4. Some components of sustainability are best handled by professional trained USFS staff, such as law enforcement.

It has been our experience that no matter how perfect a trail may be designed or how careful every user may be to protect resources, every trail needs maintenance to be sustainable, and maintenance simply costs money. There are numerous factors that may be able to reduce funding needs for large scale trail efforts, such as volunteers or combining trail users to reduce

trail mileage, but none can extinguish the need for funding and direct management resources. We also have found that the underestimation of maintenance costs for any route is often a key contributor to the failure of a route or system to remain sustainable. The motorized community has worked hard to address this component of sustainability for an extended period of time, as often there was no discussion around unsustainable motorized trails. If there were unsustainable routes, they were simply closed. We hope to have moved passed this mentality and seek to make the sustainable trails effort a resource in continuing the success in moving away from this mindset.

At one point, the USFS was Congressionally provided generally sufficient funding to support a wide range of large trail networks across the country. Over time these resources have dwindled and the Organizations do not anticipate the return of this long-term stable funding. Generally, the large programmatic partnerships from the motorized community are major tools in the sustainable trails discussions and are based around a voluntary created fee program involving the registration of motor vehicles used for recreation. These are generally administered through the state where the trail or area is located. These user fees are frequently used as match for federal funding such as Land and Water Conservation monies or Recreational Trail Program funds. Some states administer summer and winter funds in a single program, while other states administer each program separately. Generally, these programs have sought to provide sustainable recreational opportunities while backfilling the funding shortages that the USFS now faces and have developed in response to the closures of the Travel Management process due to sustainability concerns.

The coverage of this user pay model of sustainability is significant as each of the 22 snowbelt states have a snowmobile registration program that funds sustainable winter trails on USFS lands. The summer-based trail programs have generally encompassed more western states but this is not exclusive by any means, as numerous mid-western and eastern states have vigorous voluntary registration summer programs as well. An example of some of these programs are as follows:

California

\$60 million in annual combined budget
Total funding in excess of \$530 million dollars

Colorado

\$7 million annual combined current budget
Total funding approaching \$100 million

Idaho

\$3 million annual combined budget
Total funding approaching \$50 million

Utah

\$5 million in current combined budget

Nevada

\$5 million in annual budget

New York

\$ 6-7 million annually predominately winter

Vermont

\$ 3-4 million annually predominately winter

The Organizations submit that the value of these programs is significant alone but the value expands as this money is consistently available. This means capital purchases such as heavy equipment can be undertaken and that staff will be assured that the position, they are applying for will be on the District 5 or 10 years after they are hired. This makes these positions more appealing as they have a career path moving forward.

The Organizations vigorously assert that understanding the collaborative foundation for sustainable trails that the motorized community has developed will be a critical component in leveraging resources to ensure the most sustainable network on USFS lands. The large-scale support of sustainable trails that is present should not see as a reason to direct resources for the sustainability of routes to areas that may not have similar levels of funding based on the erroneous attempt to create equity across programs. We have frequently encountered this type of a misplaced equity concern when funding for trails is addressed at the state level. Interested

parties want to start and end discussions with the fact the motorized program may be 4 or 5 times the size of the state non-motorized program. Often the disproportional nature of the funding leads to an assertion similar to the following: “Clearly the non-motorized program must need more money.” This must be avoided.

While this type of funding equity may be acceptable to some, this is a complete failure to understand our partnership and from our perspective we are being penalized for the success of our volunteer efforts in these situations. Every one of the programs we are going to outline benefits all users of the forest often without their knowledge. The Organizations submit these partnerships are ready, willing and able to be leveraged or scaled up to address sustainability in ways that simply are not present in many other interests or uses. These large programs we hope are leveraged in larger scale efforts to address the sustainability of routes outside the motorized sphere of usage.

Our concerns around leveraging existing sustainable trails efforts extends well beyond mere funding. Often the motorized programs have encountered large scale challenges and costs that simply never are addressed with smaller scale sustainability efforts. Examples of these types of issues would include issues as simple as how data is presented; USFS hiring practices; oversight of insurance costs at a large scales and changes in management processes that could directly impact how partner funding is allocated and administered.

4a. Two general models predominate how sustainable motorized trails are provided.

Generally, our partnerships with USFS land managers to support sustainability of trails fall into two overall categories or models of effort. These categories are:

1. Those centered around multiple use summer trails and access; and
2. Those centered around winter trails and access.

We do not believe that either model is better but each of these models has strengths and weaknesses that warrant discussion in creating a collaborative partnership for sustainable trails. We will attempt to summarize strengths and weaknesses, as we believe these experiences are important pieces of data in the USFS efforts to expand sustainable trails and partnerships across

the country. While some states separate summer and winter funding streams, while others combine these streams, these funding efforts remain the predominate type of funding for the sustainability of both routes.

The Organizations believe that understanding some of the difference of the winter program to the summer program results from the fact winter models generally started earlier and in states where lands were generally privately owned. These programs rapidly expanded into other snowbelt states and into areas where USFS lands were the primary provider of recreational opportunities. The largest snowmobile states in terms of registrations are located in the mid-west and northeast and generally not associated closely with USFS management due to the large component of private lands in these models and areas. While these programs may not directly tie to USFS, we believe these experiences are important as the sustainability of these routes is critically important to the trail networks regardless of the property ownership where the trail is located.

A second significant distinction between the summer and winter efforts towards sustainability is the fact that generally snowmobile trail networks are smaller than summer networks in terms of total miles and generally winter trails are in the same location they have been for 50 or more years. Generally winter trails do not exist, are created when sufficient snow is available, are vigorously maintained over the winter and then melt away in the spring. Generally, the target audience of winter trail networks are smaller in terms of diversity, as often issues like grazing permits are not as significant (if they are present at all) and the visitation is generally lower than the summer trail networks. While these are significant differences, they are not so significant to make the experiences irrelevant.

4b. Model of sustainable winter trails.

Generally, the model for winter grooming efforts is closer to an autonomous contractor working on federal lands who provides sustainable trails than their summer equivalent. While winter grooming efforts have to obtain special recreation permits for grooming and are often the basis of significant NEPA analysis there remains a more defined division of labor between grooming and management efforts. While it is not unheard of have agency personnel operating a groomer,

this is FAR less common than agency staff operating equipment funded from summer registration programs. Winter trail grooming is almost entirely provided on USFS and private lands by the winter motorized users and their funding streams. This model heavily relies on volunteer or club efforts where significant portions of operational costs are assumed directly by the clubs and then reimbursed partially from registration monies conveyed through state programs. Much of the educational resources such as maps, avalanche safety resources and signage are created and provided entirely by the clubs or state associations.

Most non-snowmobile users of winter groomed routes are not aware this sustainable trail benefit is not provided by the USFS, but is the result of volunteer efforts of partners and voluntarily created funding programs rather than general state or federal tax revenues. It is important to note that these programmatic partnerships are entirely in addition to the more traditional partner efforts on sustainability that are common across all user groups, such as efforts through club type partners that are funded through donations or sporadic grants obtained by partners. Many of the larger scale efforts from the motorized community towards sustainable trails are so large and advanced that people outside the motorized community simply do not believe they exist. As exemplified above, significant moneys are available to work toward providing sustainable winter trails on public lands for the benefit of all members of the public. Generally, these funds are allocated through the state agency to local clubs to attempt to help clubs offset costs of operation.

The snowmobile community is intimately aware that for much of the groomed network that is provided only results from local relationships and as a result we support the bifurcated model of analysis proposed in the Guide (landscape/unit efforts). This division of labor is an important component of the success of our programs. The critical nature of these local relationships is highlighted in the more eastern based snowmobile programs, that provide much of their trail networks through rights of way on private lands for the trails to be used. Often federal lands are only a small portion of these trail networks, and federal relationships are only one of many the local clubs must maintain.

These local relationships are critically important to the success of programs as the state level funding is often more than doubled through the fundraising efforts of these local clubs. This funding is often foundational to the basic operation of the club but often comes in a variety of ways other than direct funding and as a result is rarely calculated. This money is generally administered by local clubs in a wide range of manners but all programs also assist in capital equipment such as snow groomers, trail dozers, facilities improvements. While there is significant funding available, most groomer operators and other support staff are entirely volunteer as operational costs for snow grooming have simply exploded.

4c. Model of sustainable summer trails.

The partnership model around summer sustainable trails has taken a somewhat different direction compare to the winter efforts due to the larger number of miles to be maintained and less homogenous nature of the activities in these usages. While winter trails have a somewhat defined user base, summer routes often have to provide for a large and diverse community of users such as dispersed and developed camping interests and shooting interests. Often non recreational interests, such as grazers or timber interests are heavily involved in trails discussions. Generally, the model of summer sustainable trails efforts created by the motorized registration fees and efforts are far more integrated into general land management efforts when compared to the more contractor-based type model used for winter recreation.

The summer model has been developed to backfill the critical staffing shortages for the USFS at the District level rather than following the more contractor-based model that has been used for winter. The summer model also seeks to make sure these staff are working as efficiently as possible as funding is also available for specialized equipment, such as trail dozers, skid steers, rock breakers and other project specific resources. A major component of these activities is people in trucks and shovels in dirt maintaining trails under the general vision of an ounce of prevention is preferable to a pound of cure when addressing sustainability. If a culvert is blocked, the summer crews clean it. Generally, the summer programs are developed to address one of the foundational challenges identified in the Guidebook which is:

“Employees on some units are unable to effectively engage partners and volunteers due to lack of capacity or other constraints.”³

The Organizations would state that not some units but rather most units are in this situation. Many of the summer-based programs have been forced to address this issue head-on and are now providing staffing to districts to facilitate engagement of partners and volunteers in addition to the performance of on the ground duties. An example of this would be the trained operator from the USFS, funded by the OHV program, operates a trail dozer to repair trail and then volunteers follow behind to finish the trail after the dozer has passed.

Rather than being a semi-autonomous entity working on public lands on trails issues, summer motorized usages are more wholistic in nature. Some programs provide direct funding to USFS districts to hire seasonal staff for trail maintenance; other programs hire state staff to work on USFS lands and others leverage local resources or work through programs such as AmeriCorp or local Youth Corp efforts. Despite the significant resources that are available, very few of these programs are directly hiring maintenance staff or other resources through the volunteer organization or local club. Volunteers remain a cornerstone of the sustainable efforts through clubs, and there are some exceptional clubs providing unique resources.

Generally, the barriers to this type of highly integrated hiring are significant in terms of direct costs and administrative efforts. Many local groups are poorly positioned to assume these responsibilities as these groups that are generally social in nature. This is why these functions are often moved to land managers under the summer model. Barriers to club oversight such as employee oversight, payroll taxes, medical benefits, Workers Compensation and other foundational elements of hiring employees are expensive and simply are not desirable burdens for volunteers in an Organization that was founded to recreate. In addition to these general costs of hiring employees, hiring employees to work on federal lands in an official capacity gives rise to a wide range of additional issues, such as proper training on trail issues (first aid, sawyer training or equipment training) and non-trail issues (anti-discrimination policies). These are

³ Guide pg. 2

issues 99% of volunteer-based groups simply don't want to be involved with and state or federal resources are far more equipped to deal with in a timely and cost-effective manner. It has been our experience that providing funding to the relevant land manager is simply a more efficient manner to address many landscape level issues. Not only is this more efficient but also allows clubs to engage with issues that they see value in. Doing paperwork and training simply is not appealing to most members of the public but fixing damaged trails to reopen them can be a highly desirable opportunity even for social clubs.

As efforts around sustainable trails continue to expand, there will be questions and issues encountered that no one can anticipate and existing resources are poorly situated to respond too. There are many important administrative requirements that simply do not translate well to a less integrated management model. Utilizing scales of economies on many of these issues greatly reduce costs and streamline these efforts. The motorized community has a perfect example of issues where these types of challenges can be a barrier to less integrated process, which was reflected with the “and justice for all” poster that is required to be publicly displayed by the USFS and contractors. This poster is reflected as follows:



We are intimately familiar with this poster and challenge as several years ago one of our winter clubs was told by local managers the Club had to display the poster in their grooming equipment

and at storage facilities, be responsible for all components of the program and open their facilities to the public as they were providing grooming services for winter trails under a permit. This discussion started with sheer panic from volunteers in the club who were concerned about significant fines and penalties accruing to them from their volunteer efforts, which was clearly not good for sustainable trails and partnerships.

While the motorized community ***vigorously*** supports every aspect of the program and its goals, the motorized partners providing sustainable trail opportunities are not able to provide translation services, 24 hr. reporting hotlines and ombudsman representation. Access to the resources of the club for the public consumption was a non-starter as under no circumstances would our insurance allow the general public to operate equipment or to be in storage areas for equipment.

The club explored obtaining a review of club efforts for anti-discrimination concerns and the estimate for the review exceeded the entire budget of the club for that year. Obviously, this was a non-starter for the club. After months of sometimes vigorous efforts, this issue was finally resolved when the Ranger District resources for these issues were found to be sufficient to comply with these requirements for the club. These are resources that cannot be cost effectively managed at such a small scale as a club or small non-profit group and are exactly the type of administrative efforts that are unrelated to trail sustainability that we frequently encounter. These are issues and challenges that will be faced as other interests expand their maintenance efforts in support of sustainable trails at a larger scale.

While the direct costs and burdens of employees is significant, hiring of staff by local clubs or groups creates additional liability for members, which can only be mitigated by purchasing insurance. Often clubs will not address any services approaching a contractor type relationship without specific insurance coverage for their Board members. As exemplified above, there are aspects of sustainability that most clubs are not aware of and are poorly structured to assume, but may open the club to liability. This is always a significant additional cost for clubs beyond the basic liability coverage generally provided. Insurance costs also increase for clubs as USFS permitting generally requires \$1,000,000 in general liability for any activity on USFS lands. These

types of insurance policies are becoming more difficult to obtain and costly every year for clubs given that many of the activities needed by the USFS are also difficult to insure generally. Liability insurance of the type and level needed to hire employees and work in a more advanced nature on federal lands can easily exceed \$6,000 per year for a club. This exceeds the average income for most clubs for the year. While some clubs have adapted to perform under these circumstances, these are far from the norm.

Examples of unique nature of sustainability in the motorized world

a. Law enforcement resources.

This is an important component of sustainable trails that is often overlooked. Often there are numerous other usages and management concerns woven into sustainable trails that can only be properly addressed with a professional law enforcement presence. The motorized community have worked to support that type of enforcement through direct funding, training resources and legislation and many of our maintenance crews have a Forest Protection Officer embedded in the crew. We believe there is an important role for professional law enforcement in the trails community as often sustainable trail can be impacted by other recreational uses, such as shooting or issues not related to recreation such as homelessness. Often this has become enforcement actions by your peers, as trained professional law enforcement that the motorized users are paying for are riders themselves.

While the Organizations have had success with peer-to-peer type informal enforcement action, generally our experiences with one user group patrolling or monitoring other uses have been poor. It has been our experience that often multiple use interests don't feel welcome in these areas patrolled by a group that opposes multiple uses in the area. We have had far too many instances of legal uses being the basis of enforcement by citizen law enforcement patrols that can only be resolved through the engagement of professional law enforcement. We can provide several recent occurrences, if that would be helpful, but we do not believe this information is helpful here.

b. Stay the Trail educational efforts in Colorado.

As mentioned previously the Organizations have had large amounts of success with peer-to-peer educational efforts. The Stay the Trail Program in Colorado would be an example of a successful educational effort in the motorized community. While this program is exceptionally successful, this is again a program that is expensive to provide and plays a critical component in the sustainable trails' discussion. Generally, efforts such as this have not competed well in other funding programs. Highly relevant to Element G of the Plan

c. Training of staff for sustainable trails

As we have addressed previously, the motorized community has provided significant resources to ensure trails are sustainable including direct funding of staff to work on trails. As these efforts have expanded in scope, the motorized community has identified that hiring trained staff with a trails sustainability background was becoming more and more difficult every year. As a result, the National Off-Highway Vehicle created the Great Trails Guide and training program. This program is a two-day training program where complete lay persons can be trained by national leaders in sustainable trail design including an onsite training and classroom portion. This training has now been provided to thousands of USFS, BLM and volunteers across the country to try and address this systemic lack of training for new staff. While other user groups have created trail design guides, we are not aware of training efforts around these guides that approach the efforts of motorized community. As a result of this program, the motorized community is hiring USFS staff, equipping USFS staff and training them to build and maintain sustainable trails.

5. Barriers to expanded efforts for sustainable trails.

a. USFS Staffing processes are a major barrier to sustainability

One of the major barriers we have encountered in our partnerships with the USFS is the staffing challenges that seem systemic at this point, even after funding is provided for this resource. This issues most commonly involves the hiring of recreational staff and seasonal staff that are regularly utilized in the trail crews funded through our programs. Recent modifications to existing USFS hiring practices have moved this process to a more centralized process, which has been a major barrier to hiring most seasonal employees despite the desire to streamline the hiring process. In the centralized hiring processes that have resulted, the hiring windows are

often very short in nature. The hiring of skilled or trained seasonal, such as equipment operators or blasting specialists or trained sawyers with short windows of recruitment on various federal databases is almost impossible. These types of employees often must be recruited and interest in positions may be expressed months or years before the skilled seasonal is hired. Previously Districts or Forests could build databases of employees that have expressed possible interest in positions when they should come open. The loss of this ability has greatly complicated hiring far more than any economic benefits of consolidating the hiring process.

It has also been our experience that while the consolidated staffing model may work for higher level positions, such as Forest or District leadership roles, the lower levels of staff encounter an additional barrier. This barrier is the fact that many of the staff at lower-level positions that are often critical to sustainability are unable or unwilling to relocate over long distance. This undermines one of the major benefits of the centralized hiring process.

Employee turnover within the USFS more generally is also a serious concern, as it is rare to find USFS staff that have been in a position for an extended period of time. More common is the utilization of persons in a “acting” role. While we appreciate having an acting person in a role, it is certainly better than a totally open position, this is not the same as a normal employee. We are familiar with the expectation of the acting person completing one or two projects in the acting role, this is often unrelated to long term objectives such as trail sustainability. Given the level of partnerships and trust between partners that is critical to the success of systemic integration of resources in the manner we have, this can only be achieved strategically and stability of employees is critical to these more strategic efforts. While we support staffing every position, even in an acting capacity, stability of land managers is critically important to the long-term success of the goals of the sustainable trails.

b. Changes to USFS Budget Processes

The Organizations are also concerned about the challenges that resulted from the recent large-scale reworking of the USFS budgeting processes. While we applaud the desire to streamline budgeting, the process to address programs such as our partnerships into the new budget and accounting was unclear and difficult. This caused significant confusion around the future of many

of these efforts, despite the fact the funding in many instances had been provided for decades and may have already been awarded for several years in the future. Often the partner funding for crews and other projects was more consistent than USFS budgets for trails. Despite the consistency of this funding the non-agency funding stream was often subject to significantly heightened scrutiny, and concerns about what category or classification in the new budget process was the correct one to place the funding and staff time in, which was counterproductive to the collaborative efforts that are seeking to provide sustainable trails to the public.

While we hope that this challenge will be resolved in the near future, simply due to the education process that naturally occurs around any large-scale change. Often educational efforts on these types of large process changes have some lag time to take effect and we hope that the next budgeting round will go smoother. This will facilitate better trust between partners and ensure that the maximum funds and efforts go towards sustainable trails.

c. Costs and overhead of sustainability activities on trails.

The adoption of costs and overhead expenses around sustainable trails efforts is an issue that the motorized community has significantly struggled with in the development of our efforts towards sustainable trails. While the motorized model provides significant funding in many areas, when compared to other funding streams for trails, even this funding is not enough to sustain trails and expand or improve opportunities. As a result, the cost/benefit analysis of models is an important component of any project or program. This type of overhead expense is an issue the motorized community is uniquely situated to address, given the scale of the partnerships that are already on the ground. While costs such as this may be small based on a single project, they rapidly expand to levels that become significant when landscape levels of effort that are engaged.

While a volunteer agreement may be available for partners, these documents only protect trained volunteers and training is often difficult at best to stay in compliance with. Volunteer agreements also provide no protection for the Organization that might be coordinating volunteers, so there is still a need for insurance. Moving to a cost/share challenge level agreement simply moves more overhead costs to the volunteer organizations.

It has been our experience that insurance costs quickly accumulate when you start looking at multiple crews working on a landscape. Easily consume 10% or more of the funding streams simply covering insurance costs for operations if this was all managed separately. The motorized community has worked hard to avoid consuming this level of resources for operations, as the goal of the program is to maintain sustainable trails not subsidize insurance companies. While insurance coverage is an important issue, it does not fix trail. Often these accumulated costs at the landscape level can eliminate funding that could provide crews on 4 or 5 more Districts or offices that are badly in need of maintenance efforts towards sustainable trails. While the idea of working towards a contractor type model for sustainable trails may appear easy to manage from the land manager perspective, there are significant additional costs that are associated with this model for the partner functioning as a contractor. These types of costs must be avoided.

Even when large numbers of clubs come together to try and reduce insurance and overhead costs, those costs remain significant. An example of this is available from the Colorado Snowmobile Assoc grooming partnership. Each of the 28 grooming clubs pool their resources and buy a single liability policy for grooming in the state. Even with the pooling of programs, the insurance policy costs more than \$40,000 per year to purchase and does not provide coverage for any equipment used for grooming. Those insurance costs are born by the clubs and are entirely outside the liability policy. This is \$40,000 that must be paid before any efforts towards sustainability are addressed or a groomer has even started. We believe this type of funding would be far more effective if it was applied to grooming activities instead of insurance.

Moving sustainability efforts into state or local management offices also allows for maintenance and sustainability efforts to be governed by state level caps on liability for litigation purposes. Many States have provided significant limitations on liability of the state for various actions and strict requirements for filing of claims far sooner than a traditional claim. In Colorado, this liability is generally capped at \$350,000 per occurrence. This is a limitation that is totally unavailable to partner organizations and would greatly reduce costs for similar protections.

Integration of staff into the local USFS office also has significant benefits for intangibles, such as improved communication across employees, leveraging of resources, long term staff development and the ability to timely respond to issues.

6. Conclusion.

The Organizations welcome the programmatic review of sustainability as this concept has been woven into the multiple use trails network on USFS lands for more than 50 years. While the sustainability concept has been woven into motorized trails for more than 50 years, the advanced nature of sustainability analysis for motorized usage compared to all other usages is not addressed in the Guide. We would like to see that remedied both to recognize a partner of the USFS but also to provide learning experiences to other trails interests on how to effectively create legally defensible sustainability of a trail or network. We submit that the motorized trails community is the closest to sustainable of all trails uses and should be recognized as such. No other usages have been subjected to the scrutiny and review of the motorized trails community around the issue of sustainability and we are also your largest funding partner for sustainability efforts.

In these comments, the Organizations are going to focus on the learning component goal of the guidebook as often the resources the motorized community are providing to sustainable trails are poorly understood and not used to as a resource for other efforts. The Organizations believe this type of generalized understanding is critical to the long-term sustainability discussion, as we believe the motorized sustainability models that have been developed are critical learning tools for other uses that are ramping up maintenance and sustainability efforts around other uses. The Organizations have confidence in the intent of the Guide and effort is to recognize these collaborations as “unit level plans.” The Organizations are concerned these are not unit level efforts but foundational differences in the sustainability analysis that have been legally mandated for years. The Organizations are concerned that the subsequent inclusion of these unit level plans in established landscape level analysis structures does not account for these landscape level differences may be similar to trying to drive a round peg into a square hole. This is a less than efficient model to do anything and, in the Challenge, would result in a significant missed opportunity.

This foundational difference of sustainability across uses is critical to possible future allocation of resources simply to avoid reinventing the wheel. Also important is understanding that much of the sustainability present in motorized uses, beyond decades of travel management rulemaking, NEPA and judicial review is from the voluntary user programs. This significant outside funding should be recognized as a resource to be leveraged and not as the result of inequitable allocation of resources. While there is a large disparity in funding and resources available, this does not mean there is not a need for additional resources in the multiple use community and any assertion of equity across uses would actually discriminate against the hugely successful programs on the ground rather than leverage their success. The Organizations would like to avoid this situation as well.

We welcome the collaborative nature of the strategy to date and identification of concerns such as all activity having impacts. **We vigorously support the stated goal of more sustainable trails, as in many areas there is a critical need for simply more multiple use trails.** Not everyone is similarly situated in the trails community and often there is a perception that there are plenty of trails for everyone. This has not been our experience, as the motorized community has been mandated for more than 50 years to provide sustainable routes unlike any other user group. In many areas this resulted in the loss of more than 50% of trail mileage in areas. No other user group has seen anything close to this level of lost opportunity for recreational trails.

Again, the previous closures in many areas have put the motorized community in a different position when discussing sustainability. Decisions made based on visitation levels at locations 50 years ago often create a situation where there is now a shortage of routes to satisfy the demands of multiple use interests. This shortage of opportunities can cause overuse of routes, trailheads far beyond capacity, resource impacts from the overuse which can give rise to users trying to find their own recreational experience. Only by providing more routes that are sustainable can these types of capacity issues be resolved. By providing high quality managed recreational opportunities the public will not seek out their own opportunities in less sustainable or planned locations. The motorized community is again significantly different in any discussion as we have a proven track record of partnering with managers to sustain new trail networks. While the

motorized community has been hugely successful in partnering with land managers to create sustainable trails, we have also been horrible in telling this story.

The Organizations would welcome discussions with USFS regarding the management and sustainability of trails on federal public lands and more importantly how to expand access for all forms of recreation in a more efficient and effective manner. If you have questions, please feel free to contact either Scott Jones, Esq. at 508 Ashford Drive, Longmont, CO 80504. His phone is (518)281-5810 and his email is scott.jones46@yahoo.com or Fred Wiley, ORBA's Executive Director at 1701 Westwind Drive #108, Bakersfield, CA. Mr. Wiley phone is 661-323-1464 and his email is fwiley@orba.biz.

Respectfully Submitted,



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