



June 28, 2024

Bureau of Land Management
Via Planning Portal ONLY

Re: Alaska Long Trail National Scenic Trail Feasibility Study
DOI-BLM-AK-0000-2024-0003-CX

Dear Sirs:

Please accept these comments as the input of the above Organizations with regard to the Feasibility Study being conducted for the possible designation of the Alaska Long Trail as a National Scenic Trail. ("The Proposal"). The Organizations remain vigorous supporters of multiple use access to public lands and the recognition of exceptional opportunities through special Congressional designations such those provided by the National Trails System Act. ("NTSA"). While we support the recognition of these opportunities for all users, it has become far too common an occurrence that the management of NTSA routes has become a strong dividing factor in the trails community rather than a strong uniting force in the trails community. We are submitting these comments in the hope of creating a recreational experience that unites all recreational users rather than further dividing them.

Too often once trails are designated some users immediately seek exclusive possession of these routes for their exclusive enjoyment. This is exactly the opposite result from what these designations were created to protect and immediately overlooks that a motorized trail is open to all uses all the time. We are aware that often these efforts are cloaked in wholly inaccurate summaries of the NTSA that focus on a single sentence to the exclusion of the dozens of pages of law that directly conflict with the sentence and bad economic information, that has been presented in a highly compelling manner. We have encountered these issues throughout the Western United States, in the development of forest plans and travel management plans around

the Continental Divide National Scenic Trail, the Pacific Crest National Scenic Trail, the Arizona Trail and many others that are too numerous to list.

In our discussions with our partner groups in Alaska, many of the same indicators we have seen in discussions around the possible designation and management of the Alaska Long Trail. Too often we are hearing that the Alaska Long Trail will be placed on existing OHV routes and those routes will be closed to motorized usage as part of the designation. While we support the designations of NTSA routes, application of the designation in this manner is vigorously opposed by our Organizations. Opportunities for winter motorized recreation are not expanded but at least maintained. We must do better in this process. We are providing a brief and accurate summary of the legal and economic background information on the history of the NTSA in order to avoid the immense conflict experienced in other planning efforts. This conflict was totally unnecessary as often what was proposed was simply a violation of the NTSA. We hope that in avoiding conflicts, the possible designation of the Alaska Long Trail will unite trails users and benefit communities in the manner Congress intended these designations to rather than serving as another reason to divide the recreational community.

We also hope that this input will allow the study to reflect a full range of recreational concepts in the study. While we are aware that many would take a restrictive view of the designation, we are hoping this information allows a far broader and encompassing view of the effort to be taken. Questions like “How do we improve access to the trail for everyone?” could lead to great resolutions. The Study could look at issues like expanding trail heads, providing camping infrastructure and other services, providing multiple routes to accommodate those that are looking for multiple types of trail experiences. Could an NTSA route take multiple paths to travel between two destination? It certainly could. One route could provide a Wilderness type experience and the second could accommodate all multiple uses on a trail type experience. This would allow development of alternatives that the motorized community could support. We urge planners to take a broad view of this study and move beyond merely changing existing motorized routes to non-motorized routes as a result of the designation. This scope of analysis has always been the goal of a Congressionally designated route. These designations were designed to

maximize values and experiences for all trails users. In partner discussions we are aware of we are not sure that is happening.

1. Who we are.

Prior to addressing the specific input of the Organizations on the Proposal, 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. The United Snowmobile Alliance("USA") is a nationally recognized 501 (c)(3) dedicated to the preservation and promotion of environmentally responsible organized snowmobiling and the creation of safe and sustainable snowmobiling in the United States. One Voice is a 501(c)(3) 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. 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, USA, and U4WD will be referred to as "The Organizations".

2(a) The 2020 US Supreme Court determined that NTSA designation does not alter the multiple use mandate for trails and areas adjacent to the trail.

The impacts of the existing multiple use mandates on federal public lands from an NTSA designation has been addressed by the US Supreme Court with the issuance of the 2020 US Supreme Court decision in *Cowpasture River Assoc v USFS*.¹ A copy of this decision has been attached for your convenience as Exhibit "1". As motorized recreation is protected as a multiple use, the possible exclusion of motorized usage around any routes on the Planning Area as a result of an NTSA designation must be subjected to the same planning and analysis

¹ See, *Cowpasture River Assoc v USFS* ; 590 [U.S.](#) ____ ([more](#));140 S. Ct. 1837; 207 L. Ed. 2d 186 (2020)

as any other trail closure. We are asking that Alaska Long Trail be managed in the manner that the USFS argued for in their recent Supreme Court effort where multiple uses were protected. The USFS argued successfully that the designation of any route under the National Trails System Act does not alter the multiple use mandate applied to those lands. The Court found that if Congress did not clearly and explicitly remove lands from multiple use, they must remain multiple use areas. We agree with the Court and the USFS argument that the NTSA is far from clear enough to support removal of routes from multiple uses on the trail. While there is basis in the NTSA for removal of uses that are inconsistent with the trail designation and recreational usages, such as building a large solar or wind farm on or adjacent to any designated trail, we are unable to find any portion of the NTSA that mandates any particular usage of the trail over others. Rather the NTSA specifically details the high value of all forms of multiple use recreation on and around any NTSA routes in great detail.

We would also be remiss if we did not raise the concern that the concept of single use recreation on the trail was presented to the Supreme Court by several recreational interest groups who have opposed the multiple use concept as a principal.² It is significant that the Court declined to apply the interpretation of the NTSA that these groups sought to obtain. While this interpretation of the NTSA has been soundly defeated at the US Supreme Court, this concept and effort continues in local and regional planning efforts with guidance materials from certain partner groups. We are aware that this presentation can be somewhat compelling to a lay person, this interpretation is an entirely inaccurate summary of the NTSA that fails to mention that there are provisions that repeatedly identify and protect multiple uses or that this interpretation and argument lost at the Supreme Court. While we are unable to explain this position continuing to be asserted, we will note that seeking to apply a position that the US Supreme Court declined to apply is simply not the behavior of a partner to land managers.

² Copies of these documents are available if you should desire to review them. We have not included them here simply to reduce the size of this document and avoid information that is only questionably relevant to these proceedings.

2(b) Federal law specifically protects all recreational usages of a nationally designated trails.

Given the study is exploring possible designation of an NTSA route by Congress in the future, Congressional requirements for its management and the intent of Congress in their efforts is critically important to the scope of allowed and prohibited on particular segments of trail. Since 1968, NTSA specifically identifies that **all** segments of the National Trails System shall be managed as follows:

“Development and management of each segment of the National Trails System shall be designed to harmonize with and complement any established multiple use plans for that specific area in order to insure continued maximum benefits from the land.”³

Congress clearly had the opportunity to manage NTSA routes under a single management standard, such as “horse or hike only” and specifically chose not to require such management. Rather than excluding uses, Congress specifically provides that management must be harmonized with existing multiple use goals and objectives for the areas. Congress has provided great deal of documentation regarding why the NTSA has been framed in the manner it is currently in. The NTSA also specifically identifies that all National Scenic Trails shall be managed as follows:

“(2) National scenic trails, established as provided in section 1244 of this title, which will be extended trails so located as to provide for maximum outdoor recreation potential and for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass.”⁴

³ See, 16 USC 1246(a)(2) emphasis added.

⁴ See, 16 USC 1242 (a)(2).

Further guidance on the nature and scope of what is meant with the standard of maximum outdoor recreational potential is clarified in NTSA subsection j which specifically permits motorized and multiple uses of all NTSA routes as follows:

“(j) Types of trail use allowed

Potential trail uses allowed on designated components of the national trails system may include, but are not limited to, the following: bicycling, cross-country skiing, day hiking, equestrian activities, jogging or similar fitness activities, trail biking, overnight and long-distance backpacking, snowmobiling, and surface water and underwater activities. Vehicles which may be permitted on certain trails may include, but need not be limited to, motorcycles, bicycles, four-wheel drive or all-terrain off-road vehicles. In addition, trail access for handicapped individuals may be provided. The provisions of this subsection shall not supersede any other provisions of this chapter or other Federal laws, or any State or local laws.”⁵

When subsection j was added to §7 of the NTSA in 1983 generally allowing a wide range of uses on all routes identified under any designation, Congress clearly stated the desire to permit multiple use of trails outside Congressionally designated Wilderness areas. This is clearly stated in the bill memo which provides as follows:

“A new subsection 7(j) is added to specify various types of potential uses which may be allowed on specific components of the National Trails System. The uses listed are not intended to be all inclusive, but to illustrate the wide range of recreation pursuits which may be served by various trails. While the new subsection would permit the appropriate secretaries to allow trail bikes and other off-the-road vehicles on portions of the National Trail System, the Committee wishes to emphasize that this provision gives authority to the

⁵ See, 16 USC 1246 (j).

secretaries to permit such uses where appropriate, but that it must also be exercised in keeping with those other provisions of the law that require the secretaries to protect the resources themselves and the users of the system.”⁶

The imposition of mandatory corridors prohibiting particular recreational uses or elevating some recreational uses above others not only directly conflicts with the letter of the NTSA, but also conflicts with Congressional requirements that usages of any NTSA route be addressed on a segment by segment basis rather than forest or regional restrictions of usages.

The Organizations hope that the previous information is helpful to BLM staff in addressing this issue if it should arise. Unfortunately, this has arisen on many other forests since the Supreme Court decision and addressing this issue has created unnecessary conflict once the concept is released for public review as a preferred alternative. The Organizations support the interpretation of the USFS that non-trail related multiple uses have been placed at a lower priority in conjunction with any NTSA route designation as clearly the NTSA route elevates recreation in these areas. We also support the determination that trail usages on and around the NTSA are subject to Congressional designations, such as Wilderness. We are not asking to ride in Wilderness. We are asking that recreational values on these trails and areas be maximized as the NTSA does not elevate any recreational uses above others but rather protects all recreational usages.

3. Executive Order 14008 issued by President Biden specifically requires economic analysis of agency actions and expansion of recreational opportunities in all planning efforts.

⁶ See, H.R. REP. 98-28, 1983 U.S.C.C.A.N. 112 at pg. 6.

Executive Order # 14008 issued by President Biden on January 27, 2021 and most commonly this EO is identified as the source of the “30 by 30” concept. This Executive Order entails FAR more than just that standard as this Order is 27 pages long. Executive Orders 14008 have specific requirements addressing improving recreational access and improving the economic contribution to communities from recreation. It has been our experience that these Executive Orders are often poorly understood or inaccurately applied. It is our hope that raising these issues early in the discussion and allow a balanced and complete review of these documents to occur. A full review and analysis of the various components of EO 14008 is critical to bringing balance to public lands and the Proposal is critical as there are three times recreational access and economic benefits of recreation are identified for improvement is specified in EO 14008.

§214 of EO 14008 clearly mandates improved recreational access to public lands through management as follows:

“It is the policy of my Administration to put a new generation of Americans to work conserving our public lands and waters. The Federal Government must protect America’s natural treasures, increase reforestation, **improve access to recreation**, and increase resilience to wildfires and storms, while creating well-paying union jobs for more Americans, including more opportunities for women and people of color in occupations where they are underrepresented.”

The clear and concise mandate of the EO to improve recreational access to public lands is again repeated in §215 of the EO as follows:

“The initiative shall aim to conserve and restore public lands and waters, bolster community resilience, increase reforestation, increase carbon sequestration in the agricultural sector, protect biodiversity, **improve access to recreation**, and address the changing climate.”

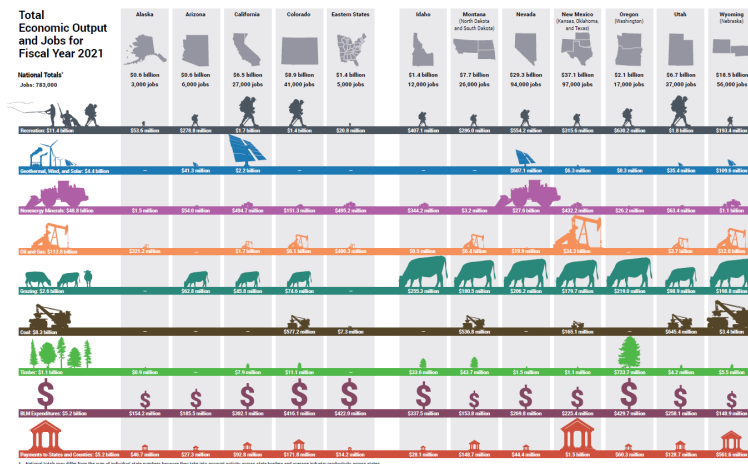
§217 of EO 14008 also clearly requires improvement of economic contributions from recreation on public lands as follows:

“Plugging leaks in oil and gas wells and reclaiming abandoned mine land can create well-paying union jobs in coal, oil, and gas communities while restoring natural assets, *revitalizing recreation economies*, and curbing methane emissions.”

The Organizations vigorously assert these requirements for NTSA designation must be complied with in the development of the Proposal. A full range of options should be created and reviewed that could achieve these goals in the development and management of the Alaska Long Trail. This type of management would achieve the goals set out by Congress and also untie the trails community and build a successful trail now and in the future rather than being just another effort that further divides the trail community.

4(a). Economic contributions from multiple use opportunities are immense and must be recognized.

The Organizations are aware that Alaska is globally recognized recreational opportunities on a wide range of lands. While energy development provides significant revenue to the state, much of this revenue is centered on the North Slope of little direct relevance to localities outside the North Slope. Like so much of the rest of the Country, these smaller communities are heavily reliant on recreation for basic revenue streams. Existing BLM documentation and analysis of economic contributions from recreation on BLM lands in Alaska as follows:



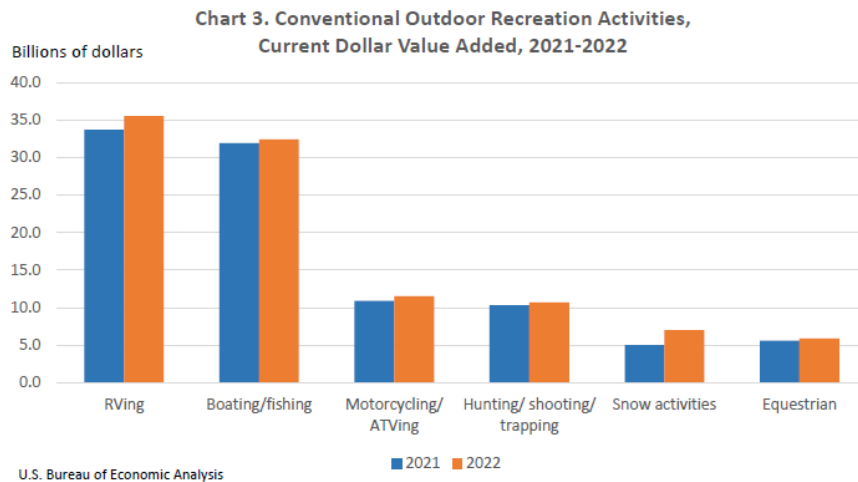
The Organizations believe the landscape scale comparisons of recreation to other forms of revenue is important in understanding the scope of values provided by recreational opportunities and the immense downside of unintended impacts to recreation. Outside of BLM management budgets and PILT type payments, recreation is the second largest economic driver on BLM lands. Understanding the current baseline of economic contributions is also critical to complying with the specific mandate of EO 14008.

4(b). Multiple use recreational opportunities are critical to the economic benefits of recreational access.

As the Organizations have addressed previously, we believe it is important to recognize the comparative value of recreational access to other uses of public lands in the planning area. Another critical step in planning will be understanding what drives recreational economics, as it has been our experience that this is poorly understood as well. Any closures or restrictions to multiple use opportunities will be more severe on developed or multiple use recreational areas, simply due to the fact that the usage of these areas has been clearly identified by the Department of Commerce as the largest economic drivers of economic contributions. Areas that are available for multiple use recreation are used much more frequently by users who spend significantly more money than those that choose to pursue recreational opportunities in areas with higher levels of protections.

The Department of Commerce's Bureau of Economic Analysis provided the following representation of the comparative spending of several sectors within the recreational economy. The BEA analysis of 2022-2023 for outdoor recreational uses provides the following breakdown of the highest value contributors for recreation as follows:⁷

⁷ See, Dept of Commerce; Bureau of Economic Analysis; Outdoor Recreation Satellite Account, U.S. and States, 2022; New Statistics for 2022; Updates for 2017–2021; No 17, 2023 at pg. 5. A full copy of this report is available here: [Outdoor Recreation Satellite Account, U.S. and States, 2022 | U.S. Bureau of Economic Analysis \(BEA\)](#)



A summary report of this research for 2022 is attached as Exhibit “2” of these comments. While many interests continue to assert that restricting recreational access to a small portion for the recreational community will be an economic driver, this simply cannot be supported by the BEA analysis. Recognition of the huge economic contributions from multiple use recreation must be addressed. We only need to ask how many tents must be purchased to offset the cost of a small camper trailer to highlight this type of imbalance. The Organizations would ask that the Study explore expanding multiple use recreation on and around the trail to accommodate these economic drivers. The Department of Commerce/BEA also provides a detailed state level analysis of spending for recreational pursuits, which again identifies the overwhelming contributions of multiple use opportunities in the creation of economic contributions. A copy of this research is attached as Exhibit “3” to these comments.

In addition to the Department of Commerce/BEA research, we have attached the most recent economic analysis from the US Forest Service that is created in conjunction with the National Visitor Use monitoring process. This is Exhibit “4”. While we are aware that there are often concerns about the sampling of visitors around this process, the economic analysis is respected, high quality and we believe accurate. We would be remiss if we did not highlight the spending profile conclusions in this work: ⁸

⁸ See, White 2017 at pg.58.

Table 35—Total visitor spending for high, average, and low spending areas by activity, dollars per party per trip in 2014 dollars^a

Activity	Nonlocal day trips			Nonlocal overnight trips ^b			Local day trips			Local overnight trips ^b		
	Low	Average	High	Low	Average	High	Low	Average	High	Low	Average	High
	<i>Dollars</i>											
Cross-country skiing	58	70	79	365	584	963	34	36	21	233	268	295
Snowmobiling	164	198	222	526	842	1,388	99	99	76	335	386	426
Hunting	85	103	115	326	371	611	48	53	41	202	233	257
Fishing	66	72	81	225	368	481	43	44	40	146	203	224
Nature-related	50	57	64	313	640	879	36	35	27	255	294	323
Off-road/ motorized trail	74	89	100	208	333	548	63	56	43	133	153	168
Driving	39	46	52	305	488	716	31	32	27	195	224	247
Developed camping	N/A	N/A	N/A	185	212	297	N/A	N/A	N/A	174	190	200
Primitive camping/ backpacking	N/A	N/A	N/A	82	142	315	N/A	N/A	N/A	114	112	124
Hiking/biking	47	57	70	256	489	718	26	24	20	173	183	201
Other	63	74	93	250	355	552	44	44	31	183	213	235
Total	63	76	85	267	427	704	38	38	29	171	197	217
Ratio to average	0.829		1.118	0.625		1.649	1.000		0.763	0.868		1.102

N/A = not applicable.

^a Shaded cells were filled using rules 1, 2, or 4 as described in the text. Other figures are estimated directly from the National Visitor Use Monitoring sample.

^b Includes visitors on overnight trips staying on or off the forest.

Again, it should be noted that this USFS research concludes the motorized community outspends the nonmotorized community at a rate of 2-3 times the amount spend. This is critical information for planning in communities that are heavily reliant on recreation on federal lands for their survival and would be equally applicable to the spending of recreational activities on BLM lands as well.

5. Conclusion.

The Organizations remain vigorous supporters of multiple use access to public lands and the recognition of exceptional opportunities through special Congressional designations such those provided by the National Trails System Act. (“NTSA”). While we support the recognition of these opportunities for all users, it has become far too common an occurrence that the management of NTSA routes has become a strong dividing factor in the trails community rather than a strong uniting force in the trails community. We are submitting these comments in the hope of creating a recreational experience that unites all recreational users rather than further dividing them.

Too often once trails are designated some users immediately seek exclusive possession of these routes for their exclusive enjoyment. This is exactly the opposite result from what these designations were created to protect and immediately overlooks that a motorized trail is open to all uses all the time. We are aware that often these efforts are cloaked in wholly inaccurate summaries of the NTSA that focus on a single sentence to the exclusion of the dozens of pages of law that directly conflict with the sentence and bad economic information, that has been presented in a highly compelling manner. We have encountered these issues throughout the Western United States, in the development of forest plans and travel management plans around

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Respectfully Submitted,



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