

Committee on Resources

Subcommittee on Forests & Forest Health

Statement

Statement of
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Thank you for the opportunity to appear before you today to share some of my concerns about the current Rulemaking and planning efforts of the US Forest Service.

My name is Thomas Crimmins and I am a private Trails Consultant from Coeur d'Alene, Idaho. I am here on behalf of the BlueRibbon Coalition, a nationwide organization representing 600,000 motorized recreationists, equestrians and resource users.

Prior to becoming a consultant, I spent 32 years with the US Forest Service in the Pacific Southwest Region. When I left the agency, I was the Regional Trail Coordinator and had responsibility for trails program oversight and direction and administration of the annual \$5million Off-Highway Vehicle (OHV) grant program from the state of California. During my tenure with the Forest Service, I served in a variety of positions including a period of time on the Land Management Planning staff on the Mendocino National Forest. I have been involved in development of a number of Environmental Impact Statements.

I currently serve as an advisor to the National OHV Conservation Council and as a Board Member for the Blue Ribbon Coalition. In these capacities, I am actively working to review and understand the implications of the Road Management Strategy, the Roadless Area Conservation Rule and the Proposed revision to the Planning Rules. I must admit that I am concerned with the direction that all these actions are taking but I am extremely concerned and frustrated with the fact that these actions are being implemented simultaneously and on an extraordinarily fast track.

Rule Interrelationships

When all of the current rulemaking processes are looked at together, a disturbing trend becomes painfully

evident.

The planning rule, which will set the overriding guidance for management of the National Forests, supports a philosophy of Ecological Superiority, where ecology takes precedents over man and everything else. All decisions made will first consider the ecological situation and then if possible consider the effects on mankind. The direction to return the forests to "pre-European" conditions clearly illustrates this principle. The rule establishes the concept of "ecological sustainability" rather than the principle of sustainable production of goods and services within the context of a healthy environment, as required in the Multiple Use Sustained Yield Act.

The planning rule requires that actions must not "impair the functioning of ecological processes" [Section 219.2 (a)(1)]. While it might be argued that ecological processes continue to function in all environments, even with man's involvement, it is clear from the context of the rule that the intent is to require the maintenance of *natural* ecological process. This will have a far-reaching effect on the future of our national forests.

The planning rule also takes much of the planning process away from the local land managers, and therefore away from local control, and gives it to a higher authority. The requirement for establishment of Committees of Scientists to set the guidelines for the planning process and for review of the end product severely dilutes the emphasis on local control and local decisions. The rule further concentrates the planning authority at higher administrative levels by allowing "topics of general interest" to be decided at national, regional and /or national forest level depending on the scope of the topic or concern. This will allow a Chief who wishes to usurp local planning efforts the opportunity to declare an issue as a national concern thereby gaining authority over the decision.

The next rulemaking process that must be evaluated, keeping in mind the overriding direction of Ecological Superiority, is the Road Management Rule. The emphasis in this rule is to reduce the miles of road on the forests by an active process of "road decommissioning". Another, although more subtle, emphasis is the improvement of the quality of the roads that will remain.

The rationale for these changes are to reduce the negative environmental effects of existing roads and to bring the road maintenance costs in line with the current budgets. Everyone can support reducing the adverse environmental effects of roads. However, they may certainly disagree on the method used to achieve the result. Road closure or "decommissioning" is only one of the possible actions. Road reconstruction or relocation should also be considered. Closure can be an effective tool, particularly in areas where multiple roads provide access to the same site or area.

The budget argument loses some of its credibility when one considers that the roads slated for closure or decommissioning are the lower standard backcountry roads that consume very little of the current road budget. In addition, the direction to improve or upgrade the remaining roads could easily increase the maintenance cost per mile for these roads and thereby increase the overall budget needs.

With adoption of the Planning Rule and the Road Management Strategy, the Roadless Area Conservation efforts take on a whole new dimension. The primary problem is not with the identification of the existing Inventoried Roadless Areas because they have been well documented in the multiple Roadless Area Review and Evaluation (RARE) processes that have been completed to date. The main problem will come with the establishment of the "unroaded" areas that will occur at some later date. Once these "unroaded" areas are identified, the ability of local managers to actively manage the areas will be severely constrained by the

mandate for Ecological Superiority in the planning rule. It is a vicious circle leading to the ultimate abandonment of the national forests to the forces of nature.

Long-Term Effects

When you look at the combined effect of these three rule making processes, it is obvious that the public's ability to access and use the national forests for recreational activities will be significantly reduced. In addition the entire range of experiences that can be enjoyed by those using motorized vehicles will be shifted toward the more developed or urbanized range and away from the undeveloped or backcountry type of experiences. This will have a profound effect on the public since national forests are one of the few areas that a person can enjoy the backcountry experience. We have plenty of paved roads, developed sites or visitor centers. A significant recreational value of the national forests is the ability to easily explore the primitive backcountry environment with a motorized vehicle.

Recreation use figures have shown that the use of Wilderness has been declining and now constitutes only about 2% of the total use. The need and desire for motorized access to the forests continues to grow. Adoption of these rules will significantly reduce the public's ability to access the forest.

In addition to the significant loss of recreational opportunities, there will also be a reduction in the production goods and services available from the national forests. Access is a critical element in the effective management of forestland. The loss of access that will occur with the adoption of these rules will significantly limit the ability to protect forest health and reduce uncontrolled wildfires.

Chief Dombeck and Undersecretary Lyons have, on numerous occasions stated that the Roadless Area Conservation effort is being undertaken to reduce or resolve the controversy and litigation surrounding the existing Inventoried Roadless Areas. This is the same argument that was used to justify the first RARE process. The Forest Service would identify the areas, analyze the Wilderness suitability, make recommendations and move on. We all know how that worked out. Even though a thorough analysis was conducted, and Wilderness recommendations were made, radical environmental groups were not satisfied and pressed for designation of all areas as Wilderness.

I would suggest that this process will have precisely the same result. It will increase the controversy and litigation surrounding the existing Inventoried Roadless Areas as managers attempt to manage these areas within the constraints of the Planning Rule. In addition, it will add additional controversy as these same radical environmental groups attempt to use the Planning Rule and the Road Management Strategy to further reduce management activities on the forests and to create additional unroaded areas that can later be considered for Wilderness designation. Groups such as the BlueRibbon Coalition and others will be forced to enter into litigation to protect the public's right to access their public lands. The level of controversy and litigation will increase rather than decline.

I also have a number of other concerns with these actions that are being taken by the administration that I would like to share with the Committee.

Volume of Material

One of my first concerns is with the sheer volume of material that is being presented for review and analysis. The groups that I am involved with must monitor national actions that include, not only the Forest Service proposals but must also track actions such as the National Park Service proposal to ban

snowmobiles in the National Parks, the development of a National OHV Strategy by the Forest Service and the Bureau of Land Management and the potential effects of the numerous National Monument designations by this administration. In addition, we must remain actively involved in a number of Forest Plan revisions and other local planning efforts.

It is virtually impossible to adequately review and comment on all the documents even though we are fully aware that they will significantly affect our future activities on public lands.

Short Timeframes

The second concern I have is with the short timeframes that are being allowed for comment and even more importantly the compressed timeframes for comment analysis and document preparation. When I was working for the Forest Service, the EIS process could easily take from 18 to 24 months and in some cases, particularly controversial matters, even longer. These short timeframes can only reduce the level and extent of the analysis that can be completed.

A particular case in point is the Roadless Area Conservation effort. Following a scoping process that resulted in a significant volume of input, the Forest Service simply summarized the comments. In most cases, the DEIS did not respond to the many issues that were raised during the process as required. The other thing that amazes me is that, even with thousands of comments being submitted, the DEIS was released to the public exactly as previously scheduled. This would certainly indicate that the comments submitted received little, if any, in depth analysis.

Concurrent Development

The third concern, and probably most important, is the fact that all of these documents are being prepared simultaneously. Each document depends on decisions made in the others and should be analyzed in the context of those other documents. The problem is, the other documents have not been completed so we really don't know what they say. Simple changes in one could have a far-reaching impact on the effects of subsequent decisions.

An example of this lies with the definition of a road. The initial Road Management Strategy and the Roadless Area Conservation DEIS define a road as "a motor vehicle travel way over 50 inches, unless classified and managed as a trail." Because trails, even motorized trails, are exempted from the proposed definition of a road and because motorized recreation is not precluded in Roadless areas under the current DEIS, I would anticipate that the radical environmentalists would be pressing to change the definition of a road. If the definition is changed in the final version of the Road Management Strategy, it could have a significant impact on OHV use under the existing Roadless Area Conservation proposal. However until the decisions are made, we will never know.

Another example is the strong direction in the Road Management Strategy to reduce or decommission roads. This direction could easily be used to force a manager to close and eliminate some specific routes. Once this is done it could then be possible to connect larger areas of the forest together to meet the thousand-acre requirement for identification as an unroaded area under the Roadless Area Conservation rules. This again could have a significant impact on the future of our recreational activities.

There is nothing wrong with tiering one planning document off of another. It is done all the time. However, if you are to adequately analyze the effects of the subsequent action, you must know what the overriding

requirements are. In this case, the overriding requirements have not been finalized so any analysis is, by nature, inadequate,

Ability to get Additional Information

Another concern I have is the inability to get some background information with regard to the rulemaking processes. On June 15, 1999 I filed a Freedom of Information Act request for documents related to the development of the Proposed Planning Rule with the Secretary of Agriculture. The request was forwarded to the Forest Service and they provided the information they had on November 30, 1999. However, some of the information requested was correspondence from Undersecretary James Lyons. I have received the standard acknowledgement letter but no other response. Mr. Lyons has chosen to blatantly ignore my request for the information. Numerous letters have been sent to his FOIA officer requesting assistance. They have been forwarded to his office but have had no effect.. These actions have hampered my ability to evaluate the some of the underlying background of the rulemaking

Summary

In summary, I thank you for the opportunity to present these issues and I encourage you to take whatever action is necessary to bring sanity back into the planning process.

- The process needs to be slowed down so that we can have an effective deliberative process.
- The decisions must be made in a reasonable and sequential order.
- The decisions must seek a balance between serving the public need and protecting the environment.

The national forests belong to all the people and should be managed to provide for the needs of the people. We need to bring the Forest Service back to it's motto of "Caring for the Land **AND** Serving the People" not Serving the Environment at the Expense of the People. Proper management as has occurred in the past can meet the needs of the people, maintain healthy forests and protect the environment.

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