

Butte County Federal/State Land Use Coordinating Committee

August 2, 2019 10:00 AM – 11:00 AM

Auditor-Treasurer Conference Room

25 County Center Drive, next to Suite 125, Oroville CA

Minutes

1) Attendees: Tim Snellings, Dennis Schmidt, Paul Gosselin, Troy Kidd, Casey Hatcher, Peggy Moak

2) Discussion: Pending change to governing Resolution adding CAO (or CAO designee) and deleting Treasurer-Tax Collector as appointed by the Board. Discussion of designation of Ex-Officio representative to the Forest Advisory Committee. Casey Hatcher explained that the format will be a “rescind and replace” resolution, and she will be providing a sample. Those present agreed that the August 27 Board meeting, when the resolution will be considered by the Board, might provide an opportunity to share an overview of the Coordinating Committee’s purpose and accomplishments, and also highlight the same for the Forest Advisory Committee. Casey will discuss this with the CAO.

3) Discussion of Draft Comment Letter for USDA NEPA Proposed revisions as recommended by the FAC at the 7-22-19 meeting.

MOTION: Approve issuance of the draft letter of support (copy attached) as submitted (adding CC to CAO) and authorize signature by Dennis Schmidt, Director of Public Works

M-Gosselin, 2nd-Snellings Approved 4-0

4) Discussion of Draft Comment Letter for CA Board of Forestry Vegetation Treatment Program Environmental Impact Report (CA BOF VTP PEIR).

MOTION: Approve issuance of draft letter of support (copy attached) for the CA BOF VTP PEIR referring to the Board’s letter of January 9, 2018 (adding CC to CAO) and authorize signature by Dennis Schmidt, Director of Public Works

M-Snellings, 2nd Kidd Approved 4-0

5) Discussion: Petition circulated by the Sierra Access Coalition requesting amendments to the USFS 2005 Motor Vehicle Use Map

MOTION: Submit a draft letter of support for the Board meeting of August 27 for Board consideration

M-Gosselin, 2nd-Snellings Approved 4-0

6) Discussion: FAC Workshop of 7/22 on recreational roads/trails/access to public lands/SPI roads. Next steps include mapping and creation of summary spreadsheet prior to further action. News article in the Chico ER was mentioned.

7) Discussion: Poe Relicensing, recreational enhancements (trails) and Bardee’s Bar Road. Paul Gosselin reported that the negotiations have been proceeding well, with a narrow focus, and that the MOU is being sent to County Counsel. Repair and maintenance of the road is not a priority for Public Works, and Dennis Schmidt offered an encroachment permit to PG&E to do this work in order to meet their recreational access requirements. This is not part of the MOU but remains an outstanding issue.

8) Public comment: Article from Sierra Forest Legacy and FAC Rep concerns about the broad nature of NEPA streamlining adversely affecting public scrutiny and environmental outcomes, including logging, road building and gas drilling was shared as a public comment. No additional public comments.

9) Motion to adjourn at 10:50: M-Snellings, 2nd Kidd Approved 4-0



BUTTE COUNTY FEDERAL/STATE LAND-USE COORDINATING COMMITTEE

7 County Center Drive
Oroville, CA 95965

August 2, 2019

Board of Forestry and Fire Protection
Attn: CalVTP
PO Box 944246
Sacramento, CA 94244-2460

Dear Board of Forestry and Fire Protection:

In response to the Notice requesting comments on the Draft Program Environmental Impact Report (PEIR) for the proposed California Vegetation Treatment Program (CalVTP), the Butte County Federal/State Land-Use Committee (Committee) is communicating its support of the proposed program. The Committee is a Board appointed, Brown Act committee, whose purpose is to provide for public input on public land management issues and communicate concerns, ideas and comment to the Butte County Board of Supervisors (the Board). The Board generated a letter demonstrating their strong support of this program dated 1-09-18 (see attached).

The Committee wishes to reiterate the Board's support of this program as it is critical to protection of our forest and grasslands, and especially to our vulnerable residents living in and near those lands. The Programmatic Environmental Impact Report (PEIR) for the VTP adequately analyzed the potential environmental impacts that may occur from undertaking the VTP. Further, the PEIR clearly identified the limitations of the program in regards to environmental impacts and the mitigation measures that will minimize those impacts. For the health and well-being of those facing wildfire risks, we strongly encourage the California State Board of Forestry and Fire Protection Board to accept the PEIR and begin implementation of the VTP.

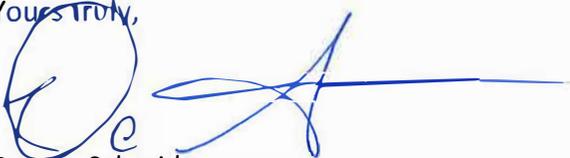
The Board's letter references Butte County's four catastrophic wildfires in 2017. We routinely face wildfire devastation along the vast wildland-urban interface (WUI). Unfortunately, 2018 brought the devastating Camp Fire to Butte County, destroying the community of Concow and the Town of Paradise along with nearby unincorporated areas. "The Butte County community, primarily through the leadership of the Butte County Fire Safe Council, have taken considerable efforts to reduce wildfire fuels and risk. However, local wildfire fuels reduction programs continue to be stymied by existing rules and procedures that are outdated, inefficient, and costly. Under current rules, wildland fire prevention programs require conducting a project-by-project Environmental Impact Report (EIR), which results in increased costs and delays without any environmental benefit. A typical project can take up to 3 years to go through the EIR process. In the case of a small 45 acre project, the EIR costs alone could be \$45,000. The cost of conducting an EIR has increased from 2-5% to 10-15% of project costs, and has become a major cost component of wildfire reduction programs. The increased cost of conducting EIRs comes at the expense of wildfire fuel reduction projects. Having the ability to work under the VTP would have enormous benefit without posing adverse impacts to the environment."

“The VTP describes a well-reasoned strategy to reduce wildfire fuel threat on SRA lands on a state wide scale. The program has undergone extensive review and refinement over the past four years. The treatment activities such as manual (hand crew work), mechanical, prescribed herbivory, and targeted ground application of herbicides are clearly described with appropriate limitations. The VTP PEIR adequately assessed the potential impact from the VTP as it is implemented in the wildland urban interface (WUI), including strategically placed fuel breaks and ecological restoration. The VTP PEIR offers the right balance of a state-wide program, local implementation and environmental safeguards. Given the enormity of statewide wildfire risks, adoption of the VTP is long overdue.”

The Butte County Board of Supervisors offered its support for the VTP in 2018, firmly believing the draft VTP PEIR adequately analyzed the potential environmental impacts that may occur from undertaking the VTP. The Committee strongly recommends the California State Board of Forestry and Fire Protection Board accept the PEIR and implement the VTP.

Thank you for the opportunity to communicate support for this vital program.

Yours truly,



Dennis Schmidt
Director of Public Works
Butte County Federal/State Land-Use Coordinating Committee

CC: Butte County Board of Supervisors
Butte County Chief Administrative Officer
Butte County Forest Advisory Committee
Butte County Fire Safe Council
Butte County/CalFire
Butte County Chief Administrative Officer



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Fifth District

January 9, 2018

Board of Forestry and Fire Protection
ATTN: Edith Hannigan, Board Analyst
VTP Draft PEIR Comments
P.O. Box 944246
Sacramento, CA 94244-2460

Dear Ms. Hannigan:

The Butte County Board of Supervisors supports the California State Board of Forestry and Fire Protection's Vegetation Treatment Program (VTP). The Programmatic Environmental Impact Report (PEIR) for the VTP adequately analyzed the potential environmental impacts that may occur from undertaking the VTP. Further, the PEIR clearly identified the limitations of the program in regards to environmental impacts and the mitigation measures that will minimize those impacts. For the health and well-being of those facing wildfire risks, we strongly encourage the California State Board of Forestry and Fire Protection Board to accept the PEIR and begin implementation of the VTP.

Butte County has first-hand experience in the dangers posed by wildfires. We experienced four catastrophic wildfires in 2017. Unfortunately, this year's impacts are not unprecedented. We routinely face wildfire devastation along the vast wildland-urban interface (WUI). The Butte County community, primarily through the leadership of the Butte County Fire Safe Council, have taken considerable efforts to reduce wildfire fuels and risk. However, local wildfire fuels reduction programs have been stymied by existing rules and procedures that are outdated, inefficient, and costly. Under current rules, wildland fire prevention programs require conducting a project-by-project Environmental Impact Report (EIR), which results in increased costs and delays without any environmental benefit. A typical project can take up to 3 years to go through the EIR process. In the case of a small 45 acre project, the EIR costs alone could be \$45,000. The cost of conducting an EIR has increased from 2-5% to 10-15% of project costs, and has become a major cost component of wildfire reduction programs. The increased cost of conducting EIRs comes at the expense of wildfire fuel reduction projects. Having the ability to work under the VTP would have enormous benefit without posing adverse impacts to the environment.

The VTP describes a well-reasoned strategy to reduce wildfire fuel threat on SRA lands on a state wide scale. The program has undergone extensive review and refinement over the past four years. The treatment activities such as manual (hand crew work), mechanical, prescribed herbivory, and targeted ground application of herbicides are clearly described with appropriate limitations. The VTP PEIR

adequately assessed the potential impact from the VTP as it is implemented in the wildland urban interface (WUI), including strategically placed fuel breaks and ecological restoration. The VTP PEIR offers the right balance of a state-wide program, local implementation and environmental safeguards. Given the enormity of statewide wildfire risks, adoption of the VTP is long overdue.

The Butte County Board of Supervisors offers its support for the VTP. The draft VTP PEIR adequately analyzed the potential environmental impacts that may occur from undertaking the VTP. We recommend the California State Board of Forestry and Fire Protection Board accept the PEIR and implement the VTP.

Sincerely,

A handwritten signature in blue ink that reads "Steve Zahner". The signature is written in a cursive, flowing style.

Chair
Butte County Board of Supervisors

cc: Butte County Fire Safe Council
Butte County Forest Advisory Committee
Butte County Federal/State Land Use Coordinating Committee



BUTTE COUNTY FEDERAL/STATE LAND-USE COORDINATING COMMITTEE

7 County Center Drive
Oroville, CA 95965

August 2, 2019

NEPA Services Group
c/o Amy Barker, USDA Forest Service
125 South State Street, Suite 1705
Salt Lake City, UT 84138

Greetings:

The Butte County Federal/State Land Use Committee supports streamlined NEPA provisions and has previously commented favorably on this matter (see attached letter dated 1-31-18). The committee believes the proposed updates will give the Forest Service the tools and flexibility to manage the land and tackle critical challenges like wildfire, insects, and disease. This has been long-needed as the agency has been overwhelmed with NEPA requirements and lacks adequate staff, funding and time to address the urgent need to implement appropriate forest management. It is imperative to better utilize the resources provided by our public lands, while protecting and preserving ecological habitats for the enjoyment of future generations of Americans.

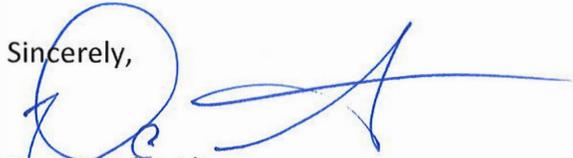
The Committee, and the Board of Supervisors, is especially supportive of the Changes to Categorical Exclusions (CE) that will enhance wildfire protection of the wildland-urban interface zones throughout Butte County, which includes lands managed by the Plumas National Forest and the Lassen National Forest. The Camp Fire of November 8, 2018, started in an area managed by the Plumas National Forest. It burned over 150,000 acres of land, much of it public land, devastated the community of Concow and the Town of Paradise and destroyed over 15,000 homes and businesses. We cannot over-emphasize the need for vastly improved forest management of public lands in order to enhance mitigation of the effects of wildfires; fuels reduction projects and increased pace and scale of timber management that should be favorably affected by the proposed NEPA streamlining.

The proposed NEPA revisions have also been reviewed at a public meeting by the Butte County Forest Advisory Committee (FAC). One particular area of discussion is the increased emphasis on collaboration between stakeholders and the Forest Service. A concern amongst environmental advocates at the meeting was that environmental safeguards will be compromised via the streamlined requirements, particularly the CE provisions. The Committee strongly endorses the implementation of collaborative planning to ensure that local community and environmental concerns are addressed during the initial Forest Service planning process for any projects.

In conclusion, the Committee believes that the proposed rules will improve forest conditions, allow for improved utilization of timber resources after wildfires, and improve public access to, and enjoyment of, public lands. The revised rules will also make it easier to maintain and repair the infrastructure people need to use and enjoy their public lands—the roads, trails, campgrounds, and other facilities.

The Committee appreciates the opportunities provided to participate and comment on this proposal, and is most supportive of its implementation.

Sincerely,



Dennis Schmidt

Director of Public Works

Butte County Federal/State Land-Use Coordinating Committee

CC: Butte County Board of Supervisors
Butte County Chief Administrative Officer
Butte County Forest Advisory Committee
Butte County Fire Safe Council
Butte County/CalFire



BUTTE COUNTY FEDERAL/STATE LAND USE COORDINATING COMMITTEE

7 COUNTY CENTER DRIVE
OROVILLE, CA 95965

February 1, 2018

NEPA Services Group, USDA Forest Service

Geospatial Technology and Applications Center

2222 West 2300 South

Salt Lake City, Utah 84119

This letter is in response to the USFS request for comments from the public on ways it can achieve the goals of increased efficiency of environmental analysis. The Butte County Federal/State Land Use Coordinating Committee (Committee) is a Board of Supervisors appointed Committee responsible for soliciting public opinion and feedback on matters affecting the use, protection and enjoyment of public lands located in and around Butte County, California. Parts of both the Lassen National Forest and the Plumas National Forest are situated within Butte County.

General Comments

The Committee recognizes and supports the Forest Service goal of streamlining the NEPA process to be more responsive to the needs of our forests and communities. Current NEPA guidelines have resulted in costly and time-consuming environmental reviews during an era in which the National Forest System has experienced massive declines in forest health, matched with massive increases in catastrophic fire, disease and insects, and a decline in timber harvests that devastated timber dependent economies across the country. Additionally, the burden of dealing with catastrophic wildfires has devastated the Forest Service budget, severely impacting staffing levels and therefore exacerbating the inability of NEPA planning staff to keep up with the demands. Related to this issue is the constant turnover in personnel, resulting in a loss of continuity and relationships with local agencies and populations. **Funding for adequate staffing levels and continuity for district assignments, including staffing of NEPA Planners, are essential to timely and effective NEPA planning.**

The Forest Service should revise the NEPA process to reduce paperwork and costs to American taxpayers, and procedures should be streamlined for critical forest health projects, as well as projects on the roughly 24 percent of the National Forest System lands that have been identified for timber harvesting.

Forest Service regulations say that Environmental Assessments (EA) are supposed to be 15 pages in length, but they routinely hit 200-400 pages. **Forest Service leadership needs to enforce oversight and**

accountability of field officers during the NEPA process to meet established timelines and goals, and to right-size documents.

The sense amongst the public involved in reviewing the NEPA process is that **the Forest Service is allowing the potential for litigation to lengthen and encumber the NEPA process**, even when there are collaborative and supportive efforts in place with the local communities and environmental advocates that should make the NEPA process much smoother and timely.

Directives curtailing references to Greenhouse Gas and climate change become problematical when states, such as California, require that these issues are addressed in CEQA documents that are generally prepared in collaboration with NEPA planning for fuels reduction projects as well as other projects. **We recommend including standardized guidance on Greenhouse Gas and Climate Change analysis pertaining to NEPA in order to have consistent application of scientific data and a basis for decisions that will not be prone to litigation and delay.**

We offer the following comments specific to NEPA:

The Forest Service should declare an emergency on all Federal lands designated as condition class 2 or 3 on wildfire risk maps, as well as lands identified as priorities for treatment in a Community Wildfire Protection Plan, and adopt streamlined NEPA compliance strategies for all such lands. In light of the aggressive advance of wildfire into communities, including 3-mile advance spot fires, **we recommend establishing landscape level NEPA provisions to accommodate establishment of a 3-mile fuel break buffer for communities at risk that are adjacent to federal lands.**

A recent example of such a document can be found at the California Board of Forestry website using this link:

[http://bofdata.fire.ca.gov/board_committees/resource_protection_committee/current_projects/vegetation_treatment_program_environmental_impact_report_\(vtpeir\)/](http://bofdata.fire.ca.gov/board_committees/resource_protection_committee/current_projects/vegetation_treatment_program_environmental_impact_report_(vtpeir)/)

The Butte County Board of Supervisors recently issued the attached letter of support for the implementation of this landscape level vegetation treatment program (fuels reduction). The Board recognizes that the cost and time required to develop individual Environmental Impact Reports or NEPA planning documents has made it impossible to plan and implement projects efficiently and timely, and that this **MUST** change in order to take timely and appropriate action to protect our forested lands and the communities in and around those forests. If the environmentally conscious State of California recognizes the need for action in streamlining the environmental review process in order to accomplish imperative goals, and has taken action to do so in the best interest of the lands and people of the State, this surely sets an example that the Forest Service can take into consideration when making necessary changes to make the NEPA process more efficient and less costly.

No-Action alternatives in NEPA documents should address the environmental effects of doing nothing which in many parts of the country will be the continuation of uncharacteristic wildfires, insect infestations and the loss of many resource values.

To increase the efficiency of the NEPA process, we recommend the following changes to the list of categorical exclusions (220.6):

1. Work to return hazardous fuels reduction activities (e) (10) to the list of categorical exclusions.

2. Increase the maximum acreage for the harvest of live trees to incorporate the recommended buffer area (e) (12).
3. Increase the maximum acreage for the salvage of dead or dying trees from 250 acres to an unlimited size in order to protect communities at risk, campgrounds, roads, and other infrastructure from dead and dying hazard trees following a wildfire or other catastrophic event. 36 C.F.R. 220.6(e)(13).
4. Increase the maximum acreage for the commercial and non-commercial sanitation harvest of trees to control insects or diseases from 250 acres to 640 acres and to include all acreage within the recommended 3 mile fuel break buffer for communities at risk (e) (14).
5. Expand the existing CE for post-fire rehabilitation activities of up to 4,200 acres, to permit the removal of dead and dying trees as part of rehabilitation activities
6. The Forest Service should maximize the effectiveness of "Categorical Exclusions" (CE) under NEPA to increase the pace and scale of forest projects.
7. The agency should develop a restoration Categorical Exclusion (CE) per the recommendation of the Western Governors' Association recent report on Forest and Rangeland Management. This CE should be based upon decisions documented in Decision Notices and Findings of No Significant Impact and may include commercial and non-commercial timber harvest, hazardous fuels removal, prescribed fire, and post-fire restoration.

We make the following comments in relation to grazing and other special use allotments:

1. Design and implement Landscape level NEPAs – to cover a lot of grazing allotments at one time where the environmental/geographical areas are similar in nature.
2. Provide for grazing allotment NEPA document to cover a 20 year period instead of a 10 year period to avoid using resources on redundant practices. The Forest Service is currently unable to complete 10 year NEPA processing due to a lack of available funding and staff resources.
3. Limit on cost of NEPA preparation, especially for lands with prior NEPA reports currently and historically being grazed. If there are no significant environmental/biological changes from the previous NEPA document, we should expedite the renewal process - just update and resubmit with the same number, season and system with a CE for grazing, assuming there are no current concerns or issues.
4. If there were issues in the interim (fire activity, yellow-legged frog and 2004 Sierra Nevada Forest Plan Amendment (SNFPA), for example), NEPA changes to the AMP/Permit should occur through a Permit Modification.
5. Establish a workable limit on the length of NEPA documents to cover truly pertinent data. A related August 31st Department of Interior memo could be instructive. Specifically, that memo suggested a 150-page limit of NEPA documents for standard projects, and a 300-page limit on “unusually complex projects.” It also directs the agency to strive to complete a final EIS within one (1) year of issuing a Notice of Intent (NOI).

The DOI memo can be found here:

<http://www.bdlaw.com/assets/html/documents/S.O.%203355%20Streamlining%20NEPA.pdf>

6. Categorical exclusions should apply to grazing allotments that have historical precedent without interruption and have been within the standards and guidelines.

In conclusion, the Committee respects and endorses the stated intent of the Forest Service to implement changes to the NEPA process to make it more effective and efficient, and less costly in terms of hard dollar costs as well as staff resources. It is essential that these changes be implemented timely, and that adequate funding for administrative staffing be available to make this work, for the benefit of healthier forests, enhanced socio-economic and recreational activities, and to allow communities at risk to be more effectively and urgently protected from the potential for devastating wildfires.

We appreciate the opportunity to comment, and strongly support a more practical application of NEPA standards that will allow significant progress in these areas.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peggy Moak".

Peggy Moak

Butte County Federal/State Land Use Coordinating Committee

cc: Butte County Board of Supervisors
Forest Advisory Committee
Dave Daley, Cattlemen's Association
Shari McCracken, Butte County CAO



BOARD OF SUPERVISORS

ADMINISTRATION CENTER
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MAUREEN KIRK
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STEVE LAMBERT
Fourth District

DOUG TEETER
Fifth District

January 9, 2018

Board of Forestry and Fire Protection
ATTN: Edith Hannigan, Board Analyst
VTP Draft PEIR Comments
P.O. Box 944246
Sacramento, CA 94244-2460

Dear Ms. Hannigan:

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Sincerely,

A handwritten signature in blue ink that reads "Steve Zahner". The signature is written in a cursive style with a large, prominent "S" at the beginning.

Chair
Butte County Board of Supervisors

cc: Butte County Fire Safe Council
Butte County Forest Advisory Committee
Butte County Federal/State Land Use Coordinating Committee

INSERT YOUR LETTERHEAD HERE

Mr. Sonny Perdue
Secretary of Agriculture
United States Department of Agriculture
1400 Independence Avenue, S.W.
Washington, D.C. 20250

Ms. Vicki Christensen
Chief
United States Forest Service
United States Department of Agriculture
1400 Independence Avenue, S.W.
Washington, D.C. 20250

**BEFORE THE SECRETARY OF THE UNITED STATES
DEPARTMENT OF AGRICULTURE AND THE CHIEF OF
THE UNITED STATES FOREST SERVICE**

INSERT YOUR NAME OR ORGANIZATION'S NAME HERE

Petitioners,

and

INSERT YOUR LETTERHEAD HERE

**SECRETARY OF THE UNITED STATES DEPARTMENT OF
AGRICULTURE AND CHIEF OF THE UNITED STATES FOREST
SERVICE,**

Responsible Officials.

**ADMINISTRATIVE PETITION SEEKING REVISION OF
THE 2005 TRAVEL MANAGEMENT RULE**

Pursuant to the Right to Petition Government Clause of the First Amendment of the United States Constitution and the Administrative Procedures Act (“APA”), **INSERT YOUR NAME OR ORGANIZATION’S NAME** files this petition in support of Amy Granat et. al.’s petition dated December 12, 2018, concerning the United States Forest Service (“Forest Service”) 2005 Travel Management Rule and Designated Routes and Areas for Motor Vehicle Use, codified at 36 CFR Parts 212, 251, 261, and 295 (“Travel Management Rule”). The purpose of the requested revision to the Travel Management Rule is to ensure that decisions on motorized travel are made in accordance with the requirements of law and years of multi-use policy that once afforded the people a better opportunity to visit their public lands. A previous administration has utilized the Travel Management Rule to effectively removed **my/our** opportunity to visit and enjoy public lands by significantly reducing the possibility of motorized travel.

We represent **NUMBER** members in **NUMBER** states. Our members have a keen interest in preserving and increasing motorized access to national forests. The Forest Service’s Travel Management Rule severely restricts motorized vehicle access to national forests. The current rule denies access to many groups of people

INSERT YOUR LETTERHEAD HERE

and its implementation requires an inordinate amount of time, energy, and resources on the part of the Forest Service.

In order to improve access to the national forests and better the current Forest Service road and trail system, we respectfully request that the United States Department of Agriculture and the Forest Service grant the petition filed by Amy Granat et. al. on December 12, 2018.

The petition requests that the Travel Management Rule be replaced or amended. By replacing the current rule, a new rule can be implemented that would provide a balanced approach to access while allocating resources more effectively. The proposed new rule would create a presumption that user-created routes would be open to motorized use. However, the government and public could take action to have them closed for conservation purposes. By amending the rule, changes to motor vehicle access could be made to balance recreational and conservation interests as set forth in the petition.

As Amy Granat's petition demonstrates, the Forest Service does not currently have the ability to implement the 2005 rule in an effective manner. Furthermore, disabled individuals are disproportionately impacted by this rule. This presents serious legal problems under the Americans with Disabilities Act. The current implementation of the Travel Management Rule denies meaningful access to a variety of individuals across the country, and as such, the rule must be amended to address these issues.

DESCRIBE YOUR PERSONAL EXPERIENCE HERE: My/Our (choose one) experience has been that _____ (for example: I was limited in my ability to visit Yellowstone because a disease restricted my ability to walk). If the rule was more favorable to public access via motor vehicles, then I would be able to visit and

INSERT YOUR LETTERHEAD HERE

enjoy the national forests. Granting Amy Granat's petition will help ensure that access to public lands is balanced favorably with conservation.

Sincerely,

Your Name

Title

Organization