

August 10, 2006

Mr. Jonathan Stephens,
National Program Manager for Trails
and Congressionally Designated Areas
USDA Forest Service, Recreation and Heritage Resources Staff
1400 Independence Avenue, SW, Stop 1125
Washington, D.C. 20250

Dear Mr. Stephens,

The Backcountry Horsemen of America provide the following comments on the National Trail Classification System, FSM 2350, and FSH 2309.18 as identified in Federal Register/Vol. 71, No. 127/Monday, July 3, 2006.

The “Need for Proposed Directives” on page 38024, is grossly inadequate to drive a revision of this magnitude and one that will have such an adverse impact on the saddle and pack stock segment of the user public. The stated “need” is simply that “Directives provide guidance to field units...” There is no discussion as to why the trail standards/parameters for saddle and pack stock that were time tested over most of the last century are now, suddenly, in need of change, nor how that change will impact recreational stock use.

In “Background” on page 38022, the document discusses a concern that “there was no system for gathering consistent, comprehensive data on real property inventory, facility conditions, program priorities, and budget needs for Forest Service resources,” and talks about efforts the agency has expended to rectify that situation. The document goes on to state that “In 1999, the Forest Service transitioned from the three way, secondary, and mainline trail classes to five trail classes keyed more precisely to the physical characteristics of NFS trails.” There is, once again, no analysis or other data provided to explain this rationale, or documentation that the environmental consequences and potential impacts to a user public were considered.

It appears to us, that in an effort to improve the agency’s information management system as related to trails transportation and access management and without consideration of how their efforts would affect the using public, the agency has totally changed the way trail facilities would be managed, and set specific criteria and established a strategy for the allocation and zoning of trail oriented recreation experiences on National Forest System lands.

Concern #1. The National Trail Classification System as described in Federal Register/Vol. 71, No. 127, dated July 3, 2006, **reduces the spectrum of experience opportunities, and potentially the amount of**

area, available to recreational stock users in wilderness and non-wilderness backcountry (primitive and semi primitive ROS).

Prior to the trails classification system recently implemented, the Forest Service had three classes of trails: mainline (easy), secondary (more difficult), and way (most difficult). Each had trail guides (standards for construction and management) adequate to accommodate recreational stock use. Trail Guides (parameters) for a way trail were adequate to accommodate a saddle animal and rider, and secondary and mainline would accommodate packed animals. All three trail classes were acceptable in all recreation opportunity spectrum classes (based on ROS User Guide) and did in fact occur in all ROS classes and in designated wilderness.

As a result of the new classification process a portion of the existing trail system that was previously available to recreational stock users, and the area accessed by this portion, will be managed as TC-1 using design and maintenance parameters that will not accommodate recreational saddle or pack stock. (This presumption has been born out in the inventory data that we have been able to obtain.) The change from a standard that would accommodate recreational stock to a standard that would not accommodate recreational stock was, in most cases, accomplished without effects analysis and public involvement.

Historically, as much as one third of the wilderness trail system (possibly more in some wildernesses) was managed to mainline (easiest) standards. These standards, (specifically clearing widths of 8'), allowed skilled packers to lead strings of 9 or more pack animals safely, and permitted less skilled (as well as skilled packers) to walk alongside their pack animals to adjust their loads and straighten a 'slipped' pack or saddle. Parameters established for TC3 are a minimum to allow passage of packed animals offering little opportunity for the packer to access his loaded packstring --especially in heavily timbered or brushy areas and on steep side slopes. As such, the classification system offers little opportunity for lesser skilled recreational packers to access wilderness, and increases the possibility of serious accidents for packers with intermediate skills and all long string packers regardless of skill level.

The proposed classification system establishes that trail standards associated with mainline trails (comparable to those in TC4) are no longer appropriate (or will rarely occur) in wilderness. By making that determination, the agency has made the decision that the type of trail facility common in wilderness when the 1964 Act was passed, and the character of the experience that it provided, was not, or at least will no longer be, appropriate in wilderness.

As a result of these changes a portion of the trail opportunities that previously accommodated recreational stock will no longer accommodate that use, and within wilderness areas the management standards for popular trails (previously managed as mainline or easiest) will be decreased or eliminated, and the 'character' or experience opportunity they provided will no longer be available to saddle and pack stock users. The opportunity to provide the "benefits of an enduring resource of wilderness" for the use and enjoyment of" the "whole people" has been diminished.

Relief Requested:

A. Back Country Horsemen request that the continuum/spectrum of experience opportunities provided by mainline (easiest), secondary (more difficult) and way (most difficult) trails, and the related standards or parameters described in the 1991 trail guides for pack and saddle stock, be incorporated in the new classification system for TC-1, TC-2, and TC-3 trails. We further request that all three trail classes be identified as appropriate in primitive and semi primitive settings both within and outside designated wilderness. The proposed design parameters for hiker/pedestrian could be allowed to remain, as proposed, providing an alternative set of

opportunities for those trails (and the areas served by those trails) that have not historically accommodated saddle and pack stock, or that have been closed to saddle or pack stock through an appropriate decision process.

B. Back Country Horsemen also insist that recreational pack and saddle stock be accommodated within each wilderness, and within each portion of each wilderness, where it historically existed when the area was designated as Wilderness; and that customary and historical trail access be maintained to the level and character that existed when the area was designated. The exception would be where it has been determined through an appropriate decision process that the changes are the minimum necessary to preserve the character of the areas that existed when the area was added to the National Wilderness Preservation System.

C. That the Forest Service implement through the directives identified in the above referenced Federal Register, a system of ‘safeguards’ to ensure that the identification/designation of trail management objectives, trail classes, managed uses, and design parameters are consistent with and clearly trackable to land management plans, transportation plans or other appropriate planning documents that meet the requirements of NEPA and NFMA, and in which all interested publics have been given adequate opportunity to participate.

Concern #2: Use of **full bench tread construction in wilderness** was a big concern during discussions between BCHA and Forest Service personnel when we met in Washington D.C. in 2004. Agency personnel insisted that full bench construction was not appropriate in wilderness. Full bench construction is a necessary practice that has been in use since before the Wilderness Act was passed and has continued to this present day. Horses and mules tend to walk on the outside edge of trails. On steep side slopes, if a major portion of the tread of a TC2 (12-18) or TC3 (12-24”) is perched on ‘fill’, stock will punch through the outside edge resulting in tread failure and excessive erosion and potentially serious accidents.

Historically in steep mountainous country, trails that traverse side slopes do so with either partial bench or full bench construction. The 1935 Forest Trails Handbook references trail tread widths of 24” wide on slopes between 30% and 85%, 24 to 30” on slopes between 85% and 165% on Primary Trails on Primary Trails (Mainline), Secondary Trails not to exceed 24” on slopes between 50% and 85% and on slopes between 84% and 165% not to exceed width of primary trail. The construction design drawings clearly illustrate full bench construction.

There has to be an increase of allowable tread width from 12 to 18” to 24 to 36” for TC 3-4 and 12 – 24” for TC 2 to accommodate benched construction where needed. Also the standard of 24” allows for the ‘settling’ in of the trail bed in reconstruction/construction without relying on fill to accomplish tread width parameters.

Relief Requested: provide discretionary authority in the design parameters matrix to use ‘benched’ construction methods both inside and outside wilderness as necessary to protect the trail resource and provide safe passage for the intended type and volume of use.

Concern #3: Cross slope parameters (5-10% for TC2, 5% for TC3 and 4) are unrealistic in steep, mountainous areas of the west.

Relief Requested: Cross slope parameters, at a minimum, must meet the design criteria in place since 1935 and before. These parameters are evident on Trails such as the Pacific Crest Trail (a designated National Scenic Trail) and innumerable other trails throughout the west.

Concern #4: Direction to use native materials on TC1 and TC2 trails and emphasis that native materials will “Typically” be used in TC3 trails imposes unnecessary costs. Treated timber (round or dimensional) waterbars, puncheons, turnpikes, bridge members have a much longer service life than that of native materials.

Relief Requested: Provide discretionary authority in TC1 to TC3 to use treated round or dimensional timbers where it can be done in a manner that does not distract from the desired experience of a typical user. Provide discretionary authority to use laminated and steel members in the TC3 environs. These flexibilities will result in a more efficient use of limited trail budgets and increase the agency’s capabilities to protect resources and provide quality recreation opportunities.

It is also a concern that **use of bridges is not listed in the pack and saddle design parameters for TC2 trails.** Use of bridges and other trail structures has been discouraged by many wilderness managers. There is no basis for this in the law. The apparent inconsistency between the law and Forest Service policy regarding structures was noted by wilderness scholars and supporters such as Michael McCloskey, Conservation Director of the Sierra Club. McCloskey (Oregon Law Review 45(4), 1966) recognized that the “summary description of the statutory scheme suggests that there are two purposes of the act: preservation without impairment, and compatible public enjoyment. ... If the purpose of the act is broadly construed to include enjoyment as well as preservation, then the basic administration of an area may be thought to include the need for structures such as footbridges across impassible torrents. ... The failure to provide them would have to mean a failure to meet the minimum requirements for proper administration.”

The long term policy of the agency that “cost” is not a consideration in wilderness has no basis in wilderness law. The only reference to cost in the 1964 Act is the statement that “No appropriation shall be available for payment of expenses or salaries ... required solely for the purpose of managing or administering areas solely because they are included within the National Wilderness Preservation System.” Bridges and other trail structures, and use of motorized trail equipment, were common in most wilderness areas prior to passage of the 1964 law. If the methodology for reconstructing and managing trails in wilderness (including the use of non-natural materials) exceeds the cost that would be incurred if the area were not wilderness, the agency is not meeting the intent of Congress. A reference in the Congressional Record of 1959, p#2645, regarding efficient management; “The [wilderness] bill requires that, so far as practicable, machines be kept out of the areas – that road building and the use of motor vehicles, motorboats, and aircraft be held to the minimum necessary for protection and efficient management of the area,” should also be interpreted to apply to the management of the trail system in general. Adherence to the belief that cost is not a consideration has limited the agency’s ability to maintain the infrastructure necessary to provide the “benefits of an enduring resource of wilderness ... for the use and enjoyment of the American people,” and contributed to the enormous backlog in trail maintenance.

On a positive note, the discussion in p2.31b regarding fords is very good! All too often we have observed that trail construction and maintenance efforts stop at the high water mark – large rocks and obstructions are not removed nor are hazards immediately downstream from the ford removed which create an unsafe crossing situation. If fisheries or other resource considerations limit proper (and safe) management of a ford, a bridge should be constructed.

Relief Requested: Provide the flexibility to use bridges as an option over all streams that meet the criteria in paragraph 7 of 2.31b regardless of trail class.

Concern #5: Directional signs at trail junctions are not recommended until TC 3. Emphasis for signing in TC1 and 2 is limited to “regulation and resource protection.” Unskilled travelers are going to venture into the primitive and semi-primitive environs, and even experienced travelers are going to get lost when directional signs and assurance markers are not provided on low standard trails. When tread is intermittent and indistinct (as described in the trail class matrix) most users, regardless of skill level, need at least a minimum of trail signs and markers to tell them they are on a Forest Service trail and not a game trail or user established route. Junction signs and assurance markers are more important on low standard trails than on higher standard trails. User safety must be a consideration on all trails.

Relief Requested: Change the trail class matrix to indicate that minimal signing should be provided at all junctions, and reasonable assurance marking should be provided on all trails. Congress has identified signing as an appropriate feature in wilderness (see House Report 95-540).

Backcountry Horsemen of America welcome the opportunity to comment, and request that we be placed on the mailing list to receive future information regarding this topic. I am attaching a review of the National Trail Classification System prepared for BCHA by a wilderness resource consultant. It will provide additional insights as to the position we are taking regarding the proposal. If you have questions you may call me at 406 227- 6750, or Steve Didier, BCHA Public Lands Chair, at 208 926-4910.

Sincerely,

MERLYN HUSO
Chairman, Back Country Horsemen
of America