

RESPONSES TO OHV COMMENTS

Issues Relevant To Implementation

Interested parties were asked to comment on site-specific changes to the proposed off-highway vehicle (OHV) designated routes and trails on the Ozark-St. Francis National Forests (NFs). The comment period was from July 25 through September 11, 2006. After receiving several requests, the comment period was extended to September 29, 2006. We received 539 comments and 3 petitions dealing with non site-specific issues and concerns. We received 108 site- and route-specific comments and have addressed those on the final designated routes and trails map. Upon analysis of all comments received, the following issues were developed. Following each comment is the Forest Service response.

Comment Group 1

Against multi-user trails (2 Comments)

Due to the limited amount of suitable land for high impact trails, the Forest Service has combined use on some of its trail systems. These trails have been built and maintained with many user groups in mind. By educating each group on proper trail habits, a large amount of user conflict has been avoided. We will continue to educate visitors as well as maintain trails for a variety of uses in the future

Comment Group 2

Asking for single track trail only (3 Comments)

In the past year, the Ozark-St. Francis NFs celebrated the opening of the Brock Creek Trail System. This trail system offers the only single-track motorized use trail on public land in Arkansas. Local volunteer groups helped design and construct much of this trail. We hope to continue to work with these groups on possible additions and maintenance of the trail.

While single track vehicles leave a smaller imprint on the general forest area than many other vehicles, the cumulative effects of their use can be detrimental to sensitive areas. It was with this in mind that the national OHV policy included single-track vehicles. As opportunities arise during Stage Two of the OHV policy implementation, we will look at the possibility of adding more single-track trail to the Brock Creek system as well as other areas of the Ozark National Forest.

Comment Group 3

Concerns about horseback riding restrictions (6 Comments)

The Ozark-St. Francis National Forests are not currently planning on any restrictions in relation to horseback riding on the general forest. If we observe serious amounts of damage due to horse use in the future, the issue will be addressed at that time.

Comment Group 4

Request for an extension of the comment period (8 Comments)

After receiving several requests, the comment period deadline was extended from 9-11-06 to 9-29-06.

Comment Group 5

Request for better blazing of trails (1 Comment)

As we implement Stage One of the OHV Policy, we will be updating blazes on our designated trails in addition to blazing our newly designated routes. We will also be publishing a new version of the Backcountry Guide. This publication was used successfully in the past to inform riders of recommended routes on each of our districts. The new version will show the newly designated routes and trails as well as offer safety tips using the “Ride 4 Keeps” program.

Comment Group 6

Request for cemetery access (1 Comment)

By law, the Forest Service is obligated to provide for access to all known cemeteries located in the general forest area. Access in this case is defined as allowing an individual to visit the area. This definition does not specify the type of transportation used by the individual. Due to current laws and the sensitivity of these areas, the Forest Service retains the right to prohibit certain modes of transportation used in accessing these areas.

Comment Group 7

Against the format chosen for public presentation of the National OHV Policy (1 Comment)

Past experience has proven that a format that allows the general public to voice their opinion in front of group is not always the best way to find out everyone's opinions. Some people are just not comfortable speaking in front of groups. With this in mind, we decided to use the open house format. This format allowed interested parties a chance to visit one-on-one with Forest Service personnel or to visit in small groups to voice their opinions and ask questions. Maps were displayed on which the public could actually point out the areas of their concerns. Information was supplied on how to make substantive and specific comments. This format also allowed concerned citizens an opportunity to gather information at their own pace. After analyzing the seven open houses, we found this format extremely successful in informing and involving the public and plan to continue this format in the future.

Comment Group 8

Against any fees attached to OHV use on the Ozark-St. Francis National Forests
(14 Comments)

Many of the comments pointed out that all-terrain vehicle (ATV) operators are currently paying a \$10 fee. This one-time charge is a state revenue office fee that goes into the Arkansas state treasury. This fee acts as a personal property registration for ATVs. The Ozark-St. Francis NFs do not receive any funding associated with this fee. Another fact that came to light during the public open houses was that Many individuals ~~also felt~~ are under the assumption that the US Forest Service makes a great deal of money from timber sales and, therefore, has no right to charge any fee of any kind. The truth of the matter is that most of the money received from a timber sale on the national forest land goes directly into the United States Treasury. Some of this funding does stay on site and is used to rehabilitate the area but none of this revenue is passed to Recreation for use for the OHV program.

During the public presentation of the proposed plan, we asked the public their thoughts on a possible fee for OHV use on the National Forest. Ninety (90%) of this fee would go directly to management of OHV operations on the National Forests. This suggestion was presented for the public's consideration and the responses have been noted for future consideration.

Comment Group 9

Disabled user accessibility issues (42 Comments)

Members of the public have raised questions concerning disabled access where the use of OHVs (including ATVs) has been prohibited. Allowing some general use of OHVs/ATVs in these closed areas could fundamentally alter the protective purpose for which the area, road, or trail was closed to such motorized use. There is the additional concern for equality when determining who would be and who would not be eligible to use motorized access. Therefore, the laws, regulations, and policies that apply to Federal agencies, including Section 504 of the Rehabilitation Act of 1973, as amended, do not require areas restricting or prohibiting OHV/ATV use for all people to make exceptions because a person has a disability.

Areas, roads, and trails on national forests and grasslands that restrict or prohibit OHV/ATV use under Forest Plan Management Area Prescriptions, Forest Supervisor's Order, or under a Forest Travel Plan/Transportation Plan are restricted or prohibited to all people, including people with disabilities. An exception is the use of a wheelchair, which meets the legal definition that may be used wherever foot travel is permitted.

In Title V, Section 507c of the Americans with Disabilities Act and in 2350 of the Forest Service Manual, a wheelchair or mobility device is defined as a device designed solely for use by a mobility-impaired person for locomotion, which is suitable for use in an

indoor pedestrian area. A wheelchair used by a person whose disability requires the use of such a device, even a battery powered wheelchair, that meets this definition is permitted anywhere foot travel is permitted.

Comment Group 10

Supporting policy implementation (34 Comments)

These comments were noted.

Comment Group 11

Against Policy Implementation but in favor of a fee attached to OHVs on the Ozark-St. Francis NFs. (11 Comments)

These comments were noted.

Comment Group 12

Against National OHV Policy (261 Comments, 133 Form Letters, 3 Petitions with 2,779 signatures)

Implementation of this new policy is mandated by 36 CFR 212, 251, 261, 295. This law states that all forests, grasslands, and prairies in the National Forest System will prohibit the use of motorized equipment off the designated system as well as on routes and in areas that are not consistent with designations. The National Forests will provide for enhanced motorized recreation opportunities while sustaining natural resource values and preserve areas of opportunity on each national forest for non-motorized travel and experiences.

In compliance with these laws, the Ozark-St. Francis NFs developed a screening process to determine designated routes and trails with the intent of providing for the opportunities listed above while still protecting the resources for future generations. Stage One (designation of existing Forest Service roads and trails) will be implemented on January 1, 2007. In Stage Two, the districts will determine additional openings and closings of routes and trails. This process will be ongoing as the Forest Service is mandated by law to update motor vehicle use maps (MVUMs) on an annual basis. The Ozark-St. Francis NFs have interpreted and implemented the national OHV policy and the transportation laws of the State of Arkansas with the goal of providing safe and enjoyable experiences for OHV users. The Ozark-St. Francis NFs only have the authority to designate what it retains in the National Forest Roads System and will not be designating other roads outside of its jurisdiction.

Comment Group 13

Timber Harvesting Damage (8 Comments)

Timber management on the Ozark-St. Francis NFs is guided by the Land and Resource Management Plan for the Ozark-St. Francis NFs, which was revised in January 2005. During this revision process, the public had a chance to comment on all aspects of

management done on the Ozark-St. Francis NFs. After considering all comments, the plan was revised and implemented. All timber management is done by contract with local firms. If any damage does occur, these firms are held financially responsible and are required to make amends before the contract is completed. Damage that occurs from unmanaged recreation cannot be linked to a single source. This damage falls to the federal government to fix or mitigate. Upon reviewing the extent of the damage and the cost financially and physically, the new OHV policy was developed for all 155 national forests and 20 national grasslands in the United States.

Comment Group 14

Hunter Access and Game Retrieval (16 Comments)

As discussed above, allowing some general use of OHVs/ATVs in these closed areas could fundamentally alter the protective purpose for which the area, road, or trail was closed to such motorized use. This type of general forest land use has been prohibited since 1986 and will continue to remain so.

Comment Group 15

Restricting Access to National Forest Lands (13 Comments)

This policy has been implemented to protect public lands from unmanaged recreation. When designating routes and trails, we had to take into account the damage that has occurred to sensitive areas such as archeological sites found throughout the Forests. Many of these sites have been vandalized and/or looted. Because of this motorized access has been limited to some areas. User-created trails that allow access to areas that are appreciated for their scenic beauty will be considered for possible inclusion in the designated routes and trails system. It is in the users' best interest that they work with the ranger district to include the trail or road in the future. By working together in the future, users and ranger districts will be able to include the best trails and roads into the designated trails system. In emergency situations, EMS personnel will be allowed to use OHVs where it is deemed appropriate.

Comment Group 16

Concentrated Use and Safety Concerns (3 Comments)

User safety has been one of the major concerns during the screening process for determining designation of routes and trails. A qualified engineer studied the safety of selected trails and routes prior to them being added to the trail system. We will continue to study the safety of these selected routes and others that will be added into the designated system over time.

While we do receive a large amount of OHV use on the Ozark-St. Francis NFs, we have not been able to manage it effectively due to its broad nature. By concentrating use, we will be able to manage the areas more effectively, providing a safer and more enjoyable experience for the users.