



September 14, 2026

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Thank you for the opportunity to comment on the USDA Forest Service Notice of Intent (NOI) to revise the National Forest System Travel Management Rule. These comments were also submitted via www.regulations.gov docket number FS-2026-0100.

The National Association of Forest Service Retirees (NAFSR) is comprised of well over one thousand long-tenured Forest Service employees who have unparalleled experience and expertise in all facets of National Forest management. This includes the development of the 2005 Rule you propose to revise. The 2005 Rule received such across-the-board support that there were no appeals or litigation during its' adoption.

We are pleased that you considered the requests from numerous organizations and users including the motorized and non-motorized recreation community, the livestock industry, hunters and fisherman, environmental organizations, and NAFSR among others to revise the existing rule, not repeal it, and keep existing plans in place until they are revised.

You have a good opportunity to build upon the progress and relationships formed among user groups to reach local agreement on a balance of use most acceptable to all. That opportunity will depend on the agency providing adequate local public involvement in the local travel management plan revision process. Streamlining will not work if it comes at the expense of not working with the public.

The single most significant comment that can be made is that a new or revised travel management plan prepared under these revised regulations must result in a map that clearly shows the designated roads and trails that are open to different types of uses for non-winter travel. The public deserves nothing less. What is crucial is that the still growing number of off-highway vehicles (OHV's) stay on that road or trail open to their use as unregulated cross-country travel creates unacceptable resource damage.

Beyond this overriding imperative our other comments follow:

We are supportive of the intent to streamline processes and make it easier to implement minor revisions such as opening a road or trail that is now closed or vice versa. However, it is common sense to involve local users in that decision.

The NOI notes that the proposed action is deregulatory with an intent to modernize the Agency's travel planning process and be more responsive to recreational and other access needs. "Modernize" must also refer to the challenge of managing the much larger number of OHV's today rather than the much smaller number that was the norm decades ago. Failure to do that is the opposite of "modernize".

Paragraph 1 under the Preliminary Description of Proposed Action establishes the presumption that existing roads, trails, airfields, etc. are open unless closure is required by the specified list of reasons. Our key concern here is not with truly existing roads and trails. It is with user created roads and trails which, of course, can proliferate quickly without adequate agency field presence and enforcement, which continues to decline. We recommend clarity in your proposal that clearly states that such user-created routes are outside of your proposal.

Paragraph 2 would establish a requirement to consider new roads, trails, etc. where appropriate to create access. There is nothing to prohibit the agency from doing that now.

Paragraph 3 regarding airfields does not mention what the purpose or need is to revisit current policy nor the agency's relationship with the Federal Aviation Administration. Doing so in your draft would be useful.

Paragraph 4 would establish processes and conditions for authorizing limited off route motor vehicle use for, among other things, firewood collection, dispersed camping, downed big game retrieval and for designating areas for over-snow and other motorized recreation.

The 2005 rule contains a key provision in 36 CFR 212.51 (b) stating, that, when designating routes, the Forest Service may include limited motor vehicle use within a specified distance of certain forest roads or trails solely for dispersed camping or retrieval of a downed big game animal by the individual who legally took it. The 2005 rule specifically decided that firewood gathering was best handled by the local unit through its specific firewood program and firewood permits issued locally. We recommend caution in establishing new national processes that apply across the country from Florida to Alaska especially those that limit local line officer discretion. As Forest Service employees know well, an area that receives 10 users per year is vastly

different from an area that receives 10,000 users per month which is no longer uncommon near large urban areas.

The few rather innocuous words designating areas for over-snow and other motorized recreation might carry enormous implications, but it is not clear. Does that mean a wholesale revision of the winter travel management process? Winter travel management planning can be as important and controversial as non-winter travel management planning. The risk of damage to sensitive watersheds and streams is less, but motorized and non-motorized conflicts can be as intense and the risk to wintering wildlife can be greater than summer impacts. And the power and numbers of today's snowmobiles dwarf those of decades past. Do the words "and other motorized recreation" refer to areas where unlimited OHV use is allowed such as small play areas not susceptible to erosion and other damage?

The NOI states that the proposed action would add specified categories of exempt vehicles or uses to the designation or prohibition framework in 36 CFR 212.51(a) and 261. The idea of exempting entire to be determined categories of vehicles raises a red flag. The vast numbers of new vehicles coming to market quickly is part of the new modern era, but the need to protect sensitive watersheds is not new and only becomes more difficult.

The NOI also states that specific to the state of North Dakota, section lines would be considered access routes. This is in direct conflict with long held Forest Service policy and the findings of the Eighth Circuit US Court of Appeals, which affirmed the dismissal of North Dakota's lawsuit in April of 2022. This should be dropped from further consideration as it contradicts with the aforementioned Circuit Court decision and would seem to be an attempt to subvert the court's decision.

The beginning of the summary states that the proposed action would establish a uniform national policy favoring increased access while simplifying regulatory requirements and preserving local decision making. Reading the proposal in detail however leads to the conclusion that it is only motorized access that is being favored over those who ride horses, mountain bikes, hikers, hunters and fishermen, and other users who prefer to hike or use other non-motorized means of access.

If we are incorrect in this assessment, we recommend you address the concern as you move forward. It is important to note that today there are about 165,000 miles of trails on the national forests, 32,000 of which are in classified wilderness, 200,000 miles of roads open to high clearance vehicles like SUV's and another 65,000 miles of higher quality gravel or paved roads open to passenger cars. That's a lot of access. Another 100,000 miles are usually closed and categorized maintenance level 1 for a variety of reasons, but primarily because there is no money to maintain them. If they were to reopen it would be useful to ask, how will they be maintained in a fiscal environment that continually worsens?

If improving access to our national forests is a priority, as NAFSR believes it should be, the first place to start is to address the millions of acres blocked to everyone, motorized and non-motorized alike, by lack of legal easements across private land to access national forests. Once on the national forest, the job becomes to remember they are for everyone and there is room for

everyone if the agency and users work together to find the best possible balance of use. It is a difficult and controversial task, but effective travel management plans are essential to balance conservation, wildlife, recreation use, many other public land values, and to provide clarity for all users. Perhaps nothing affects the average user more than the local travel management plan.

Thank you for the opportunity to provide input to this Notice of Intent. NAFSR stands ready to assist in any manner that will help this important process.

Bill Avey

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National Association of Forest Service Retirees