

FOREST SERVICE FORCED TO RETHINK OFF-HIGHWAY-VEHICLE PLAN IN LIGHT OF RULING

Photo 1 of 1 | [Zoom Photo +](#)



Bikers on a gravel road in the Stanislaus National Forests are not causing any damage, but could cause erosion and water pollution if they cross streams and climb off developed roadways, environmentalists say. Courtesy of Central Sierra Environmental Resource

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SAN ANDREAS - Stanislaus National Forest officials failed to comply with a federal rule that requires them to minimize damage caused by dirt bikers and other off-highway-vehicle recreationists, a federal judge ruled last week.

The ruling by U.S. Eastern District California Judge Kimberly J. Mueller will force the Forest Service to reconsider its 2009 plan for managing forest roads and trails and possibly reduce the number of trails available for motorized recreation.

Tuolumne County-based Central Sierra Environmental Resource Center and other conservation groups sued the Forest Service in 2010, arguing that the forest plan failed in a number of ways to comply with environmental law.

Particularly controversial was the decision by forest officials to legalize the use of 137 miles of so-called "unauthorized" trails that had been created over the years by motorized vehicles.

The way the conservationists see it, the decision rewarded the same off-road-vehicle users who had been illegally causing damage and allowed the damage and erosion to continue.

"The court ruling is very clear. It describes the approval as arbitrary and capricious, which is exactly what our center had asserted," said John Buckley, executive director of CSERC.

Jerry Snyder, a spokesman for the Stanislaus National Forest, said Monday that forest officials heard that morning about the ruling handed down Friday but were not yet able to comment on it.

"No one here has yet reviewed that," Snyder said.

The 2009 Stanislaus National Forest Travel Management Plan was the result of years of often contentious public hearings and research. Both the hikers and environmentalists who had objections to legalizing the unauthorized trails and the motorized recreationists who use them are well organized, and hundreds of individuals and multiple organizations weighed in.

John Stewart, a natural resource consultant who works for the California Association of Four Wheel Drive Clubs, said the Stanislaus suit is just one of many legal battles over motorized recreation in national forests either under way or pending across the western United States.

Stewart disagrees with the idea that the trails in question are unauthorized.

"A lot of those routes in question pre-existed any management efforts. They go back 40, 50 years to when logging and grazing were big operations in the area," Stewart said.

"We believe the forest service complied with all aspects of the law ... in coming up with the travel management plan," Stewart said.

The District Court ruling says that the Forest Service did comply with National Environmental Policy Act rules on how it has to study and justify projects such as the travel management plan. The judge denied several motions by conservationists to have that aspect of the forest's work overturned.

Instead it is a subsection of the federal government's travel management rule that forest officials violated, the judge said. That rule requires national forests to have the objective of "minimizing" several types of damage caused by motorized recreation, including soil erosion, harassment of wildlife, and conflicts with users such as hikers and bird watchers who prefer a quieter experience.

Buckley said that before filing suit, representatives of CSERC and other environmental groups offered to settle the dispute if Stanislaus officials had been willing to close to motorized use just the most damaged 20 miles out of the 137 miles of unauthorized trails.

"The forest service simply resisted any compromise. That left no other option but going to court," Buckley said.

Although Friday's decision does not immediately close any trails, it does require both the plaintiffs and forest officials to return to court in a little over a month with proposals for remedying the situation.

"The specifics of what our side will ask for in February is still not developed and agreed upon by those of us who are plaintiffs," Buckley said.

But Buckley said environmentalists are seeking to limit damage to the forest and its soils and waterways, not to shut out motorized recreationists. He said that he and other plaintiffs will seek a "balanced" solution.

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