



3/7/19

**Proposed Resolution**  
**re: Bitterroot Travel Management Plan, Objection Resolution meeting follow up**

**Objection Reviewing Officer**  
**USDA Forest Service**  
**26 Fort Missoula Road**  
**Missoula, MT 59804**

The International Mountain Bicycling Association (IMBA) and Bitterroot Backcountry Cyclists (BBC) propose the following modified resolution for the management of the Blue Joint and Sapphire Wilderness Study Areas (WSAs) as it pertains to bicycle trail access.

Following the trails-based proposed resolution below is a listing of the laws, regulations, policies, and court orders that support this proposed resolution and make a modified FEIS/ROD to restore some bike access both feasible and consistent with the Forest Service's obligation to maintain wilderness character of the WSAs as it existing in 1977.

**Proposal Goal:**

Minimize and mitigate encounters between mountain bikers and other recreationists to maintain wilderness character as it existed in 1977. Restore bike access to specific trails in the Blue Joint and Sapphire WSAs that create both a viable bike experience and minimize user conflicts. Actively manage and monitor bike access in the Bitterroot WSAs.

**Proposed Plan:**

**Seasonal closures**

October - May for Blue Joint And Sapphire WSAs

**Trail Restrictions**

Blue Joint:

Closed:

- Blue Joint Trail
- Jack the Ripper
- Castle Rock
- Bare Cone
- Deer Point

Reopened to Bikes:

- Razorback Ridge
- Little Blue Joint
- Chicken Creek
- Deer Creek



### **Rationale:**

All encounters with other trail users have been on Blue Joint Trail.

For management purposes, Razorback Ridge and Mountain geographically separate the two regions. The only trail intersection between the proposed “open” and “closed” trail set is at the remote terminus of Blue Joint where it connects at the junction of Deer Creek /Razorback. The remaining proposed “open” trails should be considered a trail system. Deer Creek and Chicken Creek share a common trailhead and trail for the the first ¼ to ½ mile. Similarly Deer Creek and Razorback share a common trail to the far trailhead. All these remaining trails have intersections within the WSA that would make specific closures confusing and difficult to enforce.

### **Sapphire:**

#### Closed:

- Trail #313 from Rooster Comb to Beaverhead NF Boundary/ road Intersection
- Chain of Lakes and associated lake trails
- Moose Creek

#### Reopened to Bikes:

- Remainder of trail #313
- Railroad Creek
- Weasel Creek
- Jerry Lake / Skalkaho Creek
- Mosquito Meadows
- Kent Lake
- Trail #87
- Sign Creek

### **Rationale:**

In our personal experience and in discussion with stock users the Chain of Lakes Trail is by far the most popular trail in the Sapphire WSA for day-use and overnight excursions. The remainder of the WSA has significantly less traffic due to extensive previous burns, a lack water and a general lack of easily accessible aesthetic destinations for hikers. Trail #313 traverses the crest of the Sapphires and connects the remaining trails in the area. To ease management and to restrict access to mountain bikes we considered geographic obstacles and other barriers that could define manageable subsections of the WSA. The first section is from Skalkaho Pass to Rooster Comb along trail #313. Rooster Comb creates a natural barrier with an unrideable scree filled trail to the summit. While currently existing downfall creates barriers along the trail, those are potentially temporary. Weasel Creek, Railroad Creek and Jerry Lake all connect to #313 relatively close to each other of making for natural loop opportunities. In addition the Bowles Creek trail accesses #313 from the Beaverhead NF and is currently open to mountain bikes. Given these multiple access points management would be challenging for selective trail closures. Sign Creek has limited appeal to most recreational users as it “dead ends” at a private property boundary at its eastern border and provides for no destination. However it does



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allow for hunting access in the fall, and the remainder of the year, it is an enjoyable trail for mountain biking with minimal risk for encounters with other users. These restrictions will create a large bike free buffer around Chain of Lakes with natural barriers providing for ease of management.

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### **Proposal Feasibility and Consistency:**

Per the request, the following is a listing of the laws, regulations, policies, and court orders that support this proposed resolution and make a modified FEIS/ROD to restore some bike access both feasible and consistent with the Forest Service's obligation to maintain wilderness character of the WSAs as it existing in 1977. There is little to no mention of social impacts or closures without first attempting mitigation and adaptive management.

### **[Consistent with MWSA]**

#### **Montana Wilderness Study Act of 1977.**

#### **Public Law 95-150 95th Congress**

*"SEC. 3. (a) Except as otherwise provided by this section, and subject to existing private rights, the wilderness study areas designated by this Act shall, until Congress determines otherwise, be administered by the Secretary of Agriculture so as to **maintain their presently existing wilderness character** and potential for inclusion in the National Wilderness Preservation System."*

### **[Intent of current Forest Plan]**

#### **Bitterroot National Forest Forest Plan 1987 (current plan)**

##### *Blue Joint - A Montana Wilderness Study Act Area*

*"About 19,300 acres are recommended for semiprimitive management to provide wildlife security and **retain the option for mechanized recreation opportunities in a semiprimitive setting**. Governor Schwinden's Wilderness Advisory Committee recommends wilderness for 42,500 acres incorporating most of the above recommendations. I am not recommending wilderness or a semiprimitive designation for the remaining 17,500 acres because of timber values and the proximity of existing development." [P. 21]*



Sapphire - A Montana Wilderness Study Act Area  
“Governor Schwinden’s Wilderness Advisory Committee has recommended wilderness for this core area, about 6,000 acres are on the Bitterroot Forest. I strongly considered and could support a similar recommendation; however, at this time I favor the 27,500-acre semiprimitive designation in Alternative E2 which maintains the option for mechanized recreation use and Includes the Governor’s committee core area.

**[Adaptive Management per Forest Service Manual/FEIS]**

**FSM 2300 – RECREATION, WILDERNESS, AND RELATED RESOURCE MANAGEMENT  
CHAPTER 2320 – WILDERNESS MANAGEMENT [P.4-5]**

**Supplement No.: 2300-2008-1 Effective Date: September 15, 2008**

*1. Manage Montana Wilderness Study Areas (MWSA)*

*b. If wilderness characteristics have been degraded, restore the area to 1977 conditions. That is, if a trail was single track and has evolved into two-track, close the trail to two-track use and restore it to single track use, or allow natural restoration where effective. If conflicting uses are occurring, consider separating the uses geographically through an appropriate planning process. That is, identify areas for snowmobiling and areas for cross-country skiing and snowshoeing.*

*1c. Trails should not be upgraded to a more-developed standard than existed in 1977.*

*1d. Pursuant to 36 CFR 212.52 (2), the line officer shall institute closure of a trail in a Wilderness Study Area if use is causing or will cause considerable adverse effects on resource values referred to in Sec. 212.52 (2), until the effects are mitigated or eliminated.*

*2. Management of existing uses and facilities.*

*a. If negative effects are noted, implement actions as described in 1.b. of this policy.*

*3. New uses, activities, and facilities.*

*d. Mountain bikes may be allowed on trails that had established motor-bike use in 1977, or on non-motorized trails as long as the aggregate amount of mountain bike and motorcycle use maintains the wilderness character of the WSA as it existed in 1977 and the area’s potential for inclusion in the National Wilderness Preservation System.*

*4. Monitoring. Forests and Grasslands shall monitor WSAs to ensure that the wilderness character is not diminished beyond what existed in 1977 and to ensure that the areas are maintained for potential inclusion in the NWPS. Monitoring WSAs will be covered*



through the encompassing monitoring program for the Land and Resource Management Plan (LRMP).

### **Bitterroot National Forest Travel Management Planning Project Final EIS (2016) [3.2-25,26]**

*In September of 2008, a Region 1 supplement to the Forest Service Manual was published which provided clarification of the management of wilderness study areas {Project File document WSA-013.pdf}. Forest Service Manual 2300-2008-1, Section 2329 (Management of Wilderness Study Areas) states:*

1. *Manage Montana Wilderness Study Areas (MWSA) to maintain wilderness character as it existed at time of designation (1977) and potential for inclusion of the area in the National Wilderness Preservation System (NPWS).*
  - b. *If wilderness characteristics have been degraded, restore the area to 1977 conditions. That is, if a trail was single track and has evolved into two-track, close the trail to two-track use and restore it to single track use or allow natural restoration where effective. If conflicting uses are occurring, consider separating the uses geographically through an appropriate planning process. That is, identify areas for snowmobiling and areas for cross-country skiing and snowshoeing.*
  - d. *Pursuant to 36 CFR 212.52(2), the line officer shall institute closure of a trail in a Wilderness Study Area if use is causing or will cause considerable adverse effects on resource values referred to in Sec. 212.52(2), until the effects are mitigated or eliminated.*
2. *Management of existing uses and facilities.*
  - a. *At the time of designation of the areas, uses that existed in 1977 can be allowed to continue subject to 36 CFR 212.57. If increases in amount of use occur, the line officer should consider how the increases affect wilderness character and the area's potential for inclusion in the NWPS. If negative effects are noted, implement actions described in 1.b. of this policy.*
3. *New uses, activities, and facilities.*
  - d. *Mountain bikes may be allowed on trails that had established motor-bike use in 1977 or on non-motorized trails as long as the aggregate amount of mountain bike and motorcycle use maintains the*



**wilderness character** of the WSA as it existed in 1977 and the area's potential for inclusion in the National Wilderness Preservation System.

### **[Consistency with Court Order]**

#### **Bitterroot Ridge Runners Snowmobile Club v. United States Forest..., Signed 06/29/2018**

*“..the Court concludes that the Forest Service’s decision to close additional miles of mechanized transport trails in WSAs without public comment was arbitrary and capricious, the Court remands the Bitterroot Forest Plan with instructions to: (1) conduct an objection response period with respect to these additional miles of trails in the Sapphire and Blue Joint WSAs; (2) **take the objections into consideration; and (3) either modify the FEIS and Final ROD accordingly,** or show that the eligibility of the total 110 miles of mechanized use closures in WSAs is permissible under the APA.”*

### **[Congressional intent]**

#### **HOUSE OF REPRESENTATIVES- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, 2019 [P.69]**

*Wilderness Area Management.—The Committee recognizes that the management of National Forest System land recommended as wilderness is not consistent across all regions nor are the full spectrum of adaptive management steps, as provided in the Forest Service Handbook Chapter 70, consistently utilized to maintain existing uses to the extent possible. While the Service is required to protect the characteristics that provide the basis for a wilderness recommendation, **the Committee encourages the Service to allow and manage existing uses, to the extent possible, utilizing all the adaptive management steps provided in the handbook,** so that such uses do not prevent the protection and maintenance of the social and ecological characteristics that provide the basis for a wilderness designation. **The Committee also encourages the Service to fully consider historic uses that have been prevented in previous decisions that can be managed utilizing adaptive management, as appropriate.***

#### **SENATE-DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, 2019 [P. 83]**

*Recommended Wilderness.—The Committee recognizes that management of Service land recommended as wilderness in forest plans is not consistent across all regions, nor are the full spectrum of adaptive management steps, provided in the Forest Service Handbook Chapter 70, consistently utilized in plan components to maintain existing uses*





to the extent possible. The Committee recognizes the Service is required by statute to protect the characteristics that provide the basis for wilderness recommendation. The Committee encourages the Service to allow and manage existing uses, to the extent possible, utilizing all the adaptive management steps provided in the handbook, so that such uses do not prevent the protection and maintenance of the social and ecological characteristics that provide the basis for wilderness designation. The Committee also encourages the Service to reconsider historic uses that have been prevented in areas recommended as wilderness that otherwise can be managed utilizing the adaptive management steps provided in the handbook so that they do not permanently harm the social and ecological characteristics that provide the basis for wilderness designation.

### **[Other Forest Example]**

#### **Colville National Forest Land and Resource Management Plan- Chapter 3 – Management Area Direction**

##### **Desired Conditions [P.149]**

MA-DC-RW-01. Uses Prior to Congressional Designation Prior to congressional designation, mountain bike and chainsaw use are allowed to continue on existing trails and as long as their use does not compromise wilderness eligibility.

##### **Standards [P.150]**

MA-STD-RW-02. Uses Inconsistent with Wilderness Character

Recreational mountain bike use and the use of chainsaws for trail maintenance on existing National Forest System Trails are the only uses inconsistent with wilderness designation allowed in recommended wilderness. If monitoring suggests an increase of user-created mountain bike trails, mountain bike use will be curtailed in recommended wilderness. See chapter 4, monitoring.

MA-STD-RW-03. Trail Use

No newly constructed National Forest System Trails will be open to uses (mechanized or motorized) that are inconsistent with wilderness designation. User-created trails will be closed and naturalized to prevent resource damage. Use of trails closed to mountain biking or off-trail use by mountain bikes that cause resource damage will result in the closure of the recommended wilderness to mountain bike use.

##### **Guidelines [P.151]**

MA-GDL-RW-02. Trail Use Mechanized (on existing trails only) and non-motorized travel may occur in recommended wilderness, to retain wilderness character, as long as wilderness character remains intact.



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We respectfully request that the Bitterroot TMP Objection reviewing officer fully consider this proposed resolution and modify the FEIS/ROD accordingly to allow specific restored bike access.

Thank you.

A handwritten signature in blue ink, appearing to read 'A. Clark'.

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Aaron Clark  
International Mountain Bicycling Association

A handwritten signature in black ink, appearing to read 'Lance Pysher'.

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Lance Pysher  
President, Bitterroot Backcountry Cyclists