



Eldorado National Forest Travel Management Meadow Court Order 040312

Questions and Answers

What did the Eastern District Court order?

Portions of 42 off-highway-vehicle routes that cross meadows in the Eldorado National Forest may be closed to motor vehicle travel this recreation season while the Forest Service completes an environmental analysis, announced Eldorado National Forest Supervisor Kathy Hardy.

The potential travel prohibitions are the result of a February 2012 court order by U.S. District Court Judge Lawrence Karlton. The order said the Forest Service failed to comply with the National Forest Management Act in 2008 when it designated “open for public motor vehicle use” portions of 42 routes that cross meadows. Judge Karlton ordered the Forest Service to “set aside” the decision that designated these segments as open and to reconsider the decision.

A final court order, with further direction to the Forest Service, is pending. In the interim, Karlton ordered the 42 routes remain closed to public use. The final order will specify the exact locations where routes will be closed, if that is required.

What routes will be closed before the final court order is in place?

The Judge ordered that the 42 routes remain closed until his final decision is made.

What will happen if the seasonal closure on native surface (dirt) routes is lifted before the judge makes his final decision?

The judge said that these routes will remain closed until he makes his final decision.

What decision does the judge still need to make?

The Forest Service will need to know the exact location where travel will be prohibited (i.e. at a meadow’s edge or before arriving at the meadow where a vehicle turnaround may be easier), if there is any instruction on how a route might be closed, and any direction that may affect exactly what needs to be analyzed.

Why can't you leave the routes open like they did after the first court order?

Every court order is different depending on the violation and how the Judge wants the Forest Service to implement the order. In the case of the 2005 court order, the Judge allowed travel on Forest Service roads and trails that had route numbers on them and restricted travel everywhere else. He also gave the Forest Supervisor a limited amount of time to complete the environmental analysis. The deadline was April 2008, which the Forest Service met.

What additional harm could come from leaving the routes open until the EIS is completed?

Meadows are very important to how water runs through the forest ecosystem. Healthy meadows store water, prevent erosion, and support a variety of meadow related species. We will be analyzing how water moves through the meadow and the effect the road has on that movement.

Can private landowners get to their property on routes that cross meadows?

The decision that was contested (on which the Judge ruled) dealt with where public wheeled motor vehicle use is allowed. If private landowners wish to use roads not open to public use, they contact the District Ranger.

What about fire access to these lands?

Fire personnel and equipment will be allowed to travel on the closed segments of the routes.

How will people know which routes are closed?

The Forest will post signs or other markers on segments of routes where use is prohibited. In addition, the Motor Vehicle Use Map will identify which routes are open. If the route is not on the map, then it is closed.

The maps will be available at all Eldorado National Forest offices by June 2012. It may be available sooner. It depends on when the Judge makes his final decision and how soon we can get the maps printed.

Route information will be posted on the Eldorado National Forest website as soon as the information is known.

The affected routes will be highlighted on a map in every ENF office.

How will you notify people?

This is always a challenge. We will post information on the Forest website beginning in April 2012. All forms of mass media will be notified. Information will be distributed to chambers of commerce, recreation vendors near the forest, concessionaires, OHV organizations, partners, private landowners, recreation residence owners, hunting organizations, etc.

The closed routes will also be signed closed with red signs, unless we are ordered to physically close the roads.

If you knew the routes went through meadows, why did you designate them open to motorized vehicles in the 2008 TM decision?

The Forest Service acted on the best information it had at the time and followed the direction we thought was correct. We defended the decision we made in court and on this challenge the judge saw our responsibility differently.

How can I be involved in the decision making process?

A Supplemental Environmental Impact Statement (SEIS) is being prepared to analyze the impacts of designating individual route segments on specific meadows. The Forest Supervisor will begin the public process by proposing a solution to the problem. This is called a proposed action. Official public involvement in the SEIS begins with the proposed action.

Information about how to participate in the SEIS can be found on the Forest website at: www.fs.fed.us/r5/eldorado. Future meetings will be advertised and posted on the Forest website.

Will I get a ticket if I travel on a route that is closed?

The Forest Supervisor will sign a Forest Order that legally prohibits travel on the affected routes to wheeled motor vehicles. Forest officers have the same enforcement responsibilities as they do for other closed routes.

What is a Forest Plan?

The Forest Land and Resource Management Plan provides overall direction for the types of activities that can take place on a given piece of national forest land. It provides standards that must be met when activities are allowed and outlines practices to achieve the standards. The Plan also includes direction on how monitoring will occur. An activity that does not meet the standards and guidelines can be allowed if an environmental analysis has been completed and the plan is amended to allow it.

What is the Sierra Nevada Forest Plan Amendment?

In 2001 and 2004, analyses were completed that looked at environmental issues affecting multiple National Forests. Out of this analysis and subsequent decision came new standards and

guidelines that amended many Forest plans, including the Eldorado. Meadow management was one of the areas of interest in the Sierra Nevada Forest Plan Amendment.

What are you trying to accomplish with this SEIS?

The decision maker (Forest Supervisor, in this case) will make an informed public decision based on the analysis what to do with the routes that go through meadows. The decision must be consistent with the Forest Plan, or, if it's not, then the Plan must be amended to make it consistent. That's the law.

What work will you be doing between April 2012 and April 2013?

- An interdisciplinary team (IDT) of resource specialists has been appointed by the Forest Supervisor to analyze the impacts of the 42 routes on segments of the affected meadows.
- The Forest Supervisor's proposed action as to whether to continue to allow motor vehicle use on the routes will be shared with interested publics.
- The public will be asked for their insight into anything else that might need to be considered or an alternative to what the Forest Supervisor is proposing. This is called scoping.
- The IDT and the Forest Supervisor will review the public comment and may suggest alternatives to the proposed action.
- A range of alternatives will be framed up and the IDT will assess the impacts of the alternatives on the environment.
- Once the draft analysis is completed, a draft SEIS will be sent out for 45 public review and comment.
- The comments will be analyzed and any additional work on the SEIS will be completed.
- A final EIS will be sent to interested people and they will have 30 days to review and comment on it.
- The Forest Supervisor will make her decision and describe it in a document called a Record of Decision.
- Any Forest Plan amendments that are necessary will be made at that time.
- The decision can be implemented at that time.
- Anyone who participated in the EIS can appeal the decision within 45 days of the Forest Supervisor's decision.

Are you trying to keep people out of the Forest?

No. In 2008 we designated a system of routes that provided a significant transportation backbone throughout the National Forest. More than 4,000 people participated in the environmental analyses that lead to the decision. We called the decision that designated the system of trails a 'starting point' in Eldorado National Forest travel management.

Our conservation goal is to provide public access to the national forest while conserving the resources that sustain the health of the Forest through time. Recreation is very important to people's wellbeing and the OHV opportunities provided by these routes are important to many people. We'll have to wait to see what the analysis presents.

Is there anything I can do to help?

Respect the closures at this time and get involved in the SEIS by sharing your thoughts and concerns. You may be able to get a permit from the District ranger to work on certain routes.

Are other Forests likely to have the same problem?

Don't know. The lawsuit and the court order only apply to the Eldorado.