

**Alpine Lakes Protection Society • Aqua Permanente • Center for Biological Diversity
Center for Environmental Law & Policy • El Sendero • Endangered Species Coalition
Federation of Western Outdoor Clubs • Friends of Bumping Lake
Friends of the Earth • Friends of the Teanaway • Friends of Wild Sky
Issaquah Alps Trails Club • Kittitas Audubon Society
Kittitas County Conservation Coalition • Mazamas
Middle Fork Outdoor Recreation Coalition • North Cascades Conservation Council
Olympic Forest Coalition • Seattle Audubon Society • Sierra Club
Washington Native Plant Society • Wenatchee Mountains Coalition
Western Lands Project • Western Watersheds Project
Wilderness Watch • Wildlands CPR**

March 11, 2012

TO: Yakima River Basin Water Enhancement Project (YRBWEP) Workgroup

RE: **Proposed National Recreation Areas**

The undersigned non-motorized recreation and conservation organizations strongly oppose the National Recreation Areas (NRAs) as proposed in the “Watershed Land Conservation Subcommittee Proposal,” a 19-page report dated January 4, 2012.¹ The NRAs would jeopardize the Yakima River basin’s ecology and water quality, and would also have negative impacts outside the Yakima River basin.

In the Land Subcommittee’s report, the proposed NRAs are described in text on pages 3-4 and 8-9 (section entitled “Public Lands Designations”) and in the map on page 13. We use the term “NRA Proposal” to refer to these portions of the Land Subcommittee’s report.

The scope of this letter is limited to the NRA Proposal; this letter does not address other aspects of the Land Subcommittee’s report or the Yakima Basin Integrated Plan.

This letter first provides a summary, then it describes the NRA Proposal, then explains our substantive objections, and then our procedural objections.

Executive Summary

Our substantive objections to the NRA Proposal include the following:

- Off-road vehicles (ORVs) have significant environmental impacts.
- The proposed NRAs would increase ORV use, which would increase impacts.

¹ The Land Subcommittee report (entitled “Proposal”) is posted on the Bureau of Reclamation website at: <http://www.usbr.gov/pn/programs/yrbwep/2011integratedplan/meetings/wtrlandssubfinal.pdf>

- Advances in technology allow ORVs to access formerly inaccessible places, and this increases the likelihood of trespass off of the designated routes that would be open to use.
- It is unclear how the proposed NRAs would protect key habitat functions, and it seems unlikely that they could do this with their limited budgets and staffing, especially for enforcement.
- ORVs cause user conflicts with non-motorized users and displace people and wildlife.
- A statutory designation is radically different from an administrative designation.
- Problems with a statutory designation include:
 - Executive Orders governing ORV use of federal lands can't be enforced.
 - The designation is redundant and unnecessary because ORV use does not need Congressional authority and designation; the use can and does occur all over Washington State.
 - The NRA Proposal would overrule current resource protections that many conservation groups have worked hard to obtain, such as Late Successional Reserve (LSR) and Adaptive Management Area (AMA) protections.

Our procedural objections to the NRA Proposal include the following:

- The Yakima Integrated Plan Draft Programmatic Environmental Impact Statement (DPEIS) failed to analyze the NRA Proposal.
- There was no extension of the DPEIS comment period, but the NRA Proposal was published the day after the DPEIS comment period closed.
- Workgroup subcommittee meetings were held without notice to the public and/or were closed to the public.
- The Land Subcommittee published the NRA Proposal without conducting due diligence, and without adequately analyzing the impacts of the NRA Proposal.
- The Land Subcommittee published the NRA Proposal without consulting or even notifying the many conservation and non-motorized recreation organizations working on these issues in the same geography.
- The Land Subcommittee published the NRA Proposal without even notifying the National Forest District personnel who would be required to manage this land and the increased number of ORV users NRAs would bring.

The NRA Proposal

The NRA Proposal characterizes the NRAs as providing “protection for key habitat functions.” The NRA designation also “raises the profile of these recreational lands and is, in essence, a powerful marketing feature that will attract more users...”

The NRA Proposal describes two NRAs that would be created:

The proposed Upper Yakima NRA on about 100,000 acres of National Forest lands would include about 21,000 acres that would be designated Wilderness, 6,000 acres that would be designated for “backcountry motorized recreational use,” and about 1,000 acres that would be designated for “backcountry non-motorized recreational use.” The map shows that this NRA is entirely within the Cle Elum Ranger District and its boundaries stretch along the south side of the existing Alpine Lakes Wilderness, from the Snoqualmie Pass area on the west, to the Blewett Pass area on the east; the proposed NRA would include almost all of the public land in the upper Teanaway River basin, as well as upper portions of the Cle Elum, Cooper and Kachess Rivers.

The proposed Manastash-Taneum NRA on about 41,000 acres of National Forest lands would include about 35,000 acres that would be designated for “backcountry motorized recreational use.” There would be no Wilderness designation, and there is no indication of any designation of “backcountry non-motorized” area within the Manastash-Taneum NRA, i.e., it would be primarily dedicated to “backcountry motorized” use. The map shows that this NRA is mostly within the Cle Elum Ranger District, with small portions in the Naches District, and its boundaries include Windy Pass and upper portions of Taneum Creek and Manastash Creek.

Although the NRA Proposal does not identify the types of machines that are used in “backcountry motorized” recreation, they are commonly understood to be off-road vehicles (ORVs), including but not limited to 2-wheeled motorcycles, 4-wheeled “all-terrain vehicles” (ATVs), and 4x4 jeeps in summer, and snowmobiles in winter.

Substantive objections

The NRA Proposal says (at page 8) that the NRA designation will “attract more users,” i.e., more “backcountry motorized” users with their machines (ORVs) and the resultant damage they bring.

ORVs (also known as off-highway vehicles or OHVs) are a growing problem in many parts of the Cascades, damaging wildlife habitat and creating use conflict with non-motorized recreationists who seek peace and quiet. In 2003, Forest Service Chief Bosworth identified unmanaged ORV use as one of the greatest threats to America’s National Forests. We have worked to protect the remaining pristine portions of the Cascades from undue developments that would affect the non-motorized recreation experience and recovery of our endangered native wildlife and fish species and the long-term survival of all native flora and fauna. Some of us have also fought to reform disproportional funding of ORV construction projects that converted former hiker-horse trails into ORV trails, displacing hikers and equestrians.

ORVs have significant environmental impacts. ORVs pollute air and water, and degrade wildlife habitat. When ORVs leave legally designated routes, they carve new unauthorized routes through sensitive habitats, erode and compact soils, degrade habitat and water quality, and spread invasive weeds. Many species of wildlife are affected by the noise as well as the sight and smell

of ORVs, and will leave an area where ORV use is occurring. Erosion caused by ORV use can fill streams with sediment, choking out popular fish species such as salmon, steelhead and trout, and harming aquatic plants.

ORV use also impacts the experience of other users of the forest, such as non-motorized recreationists, including hikers, snowshoers, backcountry skiers, equestrians, mountain bikers and climbers. “In the minds of the individuals who commented on the issue, the noise, dust, trail damage, exhaust, and safety concerns caused by ORV use significantly reduces, or eliminates, the experience they seek while in the forest.” *Northwest Motorcycle Association v. USDA*, 18 F.3d 1468, 1476 (9th Cir. 1994) (upholding Wenatchee National Forest Plan exclusion of ORVs from the North Fork Entiat area).

A March 31, 2004 letter to the U.S. Forest Service signed by 75 scientists from 25 universities (attached) identified negative environmental impacts of ORVs, such as:

- *It is well established by a large body of published scientific literature that off-road vehicles, including all-terrain vehicles (ATVs), dirt bikes and jeeps quickly strip vegetation and rut the land, leading to erosion of soil at rates much greater than are natural.*
- *Off-road vehicles crush, bruise, shred and otherwise destroy trees, shrubs, and other plant life.*
- *Off-road vehicles can disturb and be used to harass wildlife.*
- *Vehicle noise can directly impede the ability of wildlife to find prey, avoid predators, and successfully reproduce.*
- *Off-road vehicle engines, especially two-stroke engines, are highly polluting. Emissions of carbon monoxide, polycyclic aromatic hydrocarbons, MTBE, particulate matter, and other pollutants seriously degrade the quality of the air, soil, snow, and water, and have demonstrated adverse human health effects.*

The NRA Proposal says (at page 8) that it would provide “protection for key habitat functions,” but it does not describe how this could occur. On the contrary, key habitat functions would be impaired by the NRA Proposal, as increased ORV use would further damage soil, water, vegetation, and wildlife habitat suitability within the NRAs and surrounding areas.

Advances in ORV technology in recent years allow riders to more easily drive these machines illegally off of county and forest roads and trails, and to drive snowmobiles into increasingly remote areas (including trespass into Wilderness), creating a growing burden on law enforcement officials. ORVs are also increasingly causing damage to private and public lands and waters, creating a noise nuisance in neighborhoods and rural areas, and increasing the public safety risk on our roads.

Changing ORV technology was illustrated in Washington State after the Mt. St. Helens National Monument’s original management plan did not prohibit snowmobiles at the summit rim of the volcano – because nobody thought snowmobiles could go up there. A few years later the newer

machines became powerful enough to go there, causing conflicts between snowmobiles and roped climbers. In the Cle Elum District there have been increasing incidents of snowmobile trespass into Alpine Lakes Wilderness from the Teanaway basin, and it is difficult for law enforcement officials to apprehend them unless the snowmobilers injure themselves and need to be rescued at public expense. The machines' ability to reach ever-more remote areas results in harassment of vulnerable wildlife, vegetation damage, pollution, and noise that degrades the natural soundscape.

Even many law-abiding ORV advocates are concerned about the growing problem of ORV damage to our public lands and waters, fearing that the increasing degradation of public resources will lead to more restrictions on ORV use. Incidents of costly ORV damage to wetlands, meadows, and streams that often take decades to recover have grown steadily in recent years in Washington, as have other incidents of ORV conflict with hikers and horseback riders. Backcountry motorized use does not mix with non-motorized use, particularly on shared trails.

ORV-caused damage is evident in the areas proposed for NRA designation, where we must now bear the cost of restoring areas that have been damaged by ORV use. At Windy Pass, for example, the deep ruts carved by ORVs in subalpine meadows (see attached photo²) need to be filled and planted with native vegetation.

ORV users are continuing to lobby for expanded ORV use of public lands. There is pressure on many fronts, including site-specific ORV construction proposals, Forest-wide route designation processes on both trails and roads, and State legislation. Recent State legislative sessions have included new bills to require “no net loss” of motorized access to State DNR lands; to require National Parks to allow ORV use or lose trail maintenance grants; to study ways to “increase” ORV “access” to public lands throughout Washington; and to allow ORVs on more types of local streets, roads and highways.

In the unprotected roadless areas, increased ORV use continues to displace hikers. Those who seek peace and quiet will be driven away by those who make noise, and it's never the other way around. This fairness issue is compounded by the fact that quiet recreation participants greatly outnumber ORV users in Washington. The State RCO's 2002 SCORP report included the following participation numbers for outdoor recreation in Washington:

² Ironically, this photo of an ORV-carved ditch in a subalpine meadow at the headwaters of Taneum Creek in the proposed Manastash-Taneum NRA was published by Land Subcommittee member organization TWS in its Annual Report for 2007-2008, with the caption “ATVs and other off-road vehicles are damaging our national forests, but staff and funding are too limited to adequately handle this problem. Dirt bikes created this crevice at Windy Pass in Washington's Wenatchee National Forest.”

- Walking / Hiking - 53 %
- Nature Activities - 43 %
- Sightseeing - 23 %
- Bicycle Riding - 21 %
- Fishing - 13 %
- Camping - 13 %
- Off-Road Vehicles - 8.9 %

The NRA proposal says (at page 9) that its proposed uses “are consistent with the uses identified in the current OWNF Proposed Action and with current uses of this area,” but that is inaccurate. First, the Okanogan-Wenatchee National Forest (OWNF) Forest Plan Revision Proposed Action is essentially a scoping phase of that forest planning process, which has yet to reach the Draft EIS stage, let alone Final EIS, and many organizations have submitted comments asking the Forest Service to change the Proposed Action in order to reduce the number of trails designated open to ORV use and to increase protections for wildlife habitat. Second, OWNF’s current and proposed use designations are administrative, while the NRA Proposal’s use designations would be statutory, which is a critical difference.

The current OWNF Travel Management process is the long-delayed implementation of Executive Orders 11644 and 11989 issued by Presidents Nixon and Carter. They provide that in locating and designating ORV routes, agencies must minimize resource damage, minimize wildlife harassment, minimize use conflict, and close trails to ORV use whenever there are considerable adverse effects. The NRA Proposal would statutorily “lock in” ORV use, so that the land managers would no longer have the administrative discretion to minimize resource damage, minimize wildlife harassment, minimize use conflict, and close trails to ORV use whenever there are considerable adverse effects. The NRA proposal would set a poor precedent of legislatively locking in motorized use on federal lands in places where habitat degradation has already been widely documented. Additionally, by legislating ORV use, the NRA Proposal would favor recreation over ecosystem protection, and all ORV routes would be required to stay open, regardless of how badly resources are damaged.

That is one of the reasons that the Okanogan-Wenatchee National Forest opposes the NRA Proposal, as we were told in conversations with the OWNF Forest Supervisor, Cle Elum District Ranger, and Cle Elum District ORV manager. As the NRA Proposal states, the NRA designation would “attract more users”; it would cause an increase in visitation and public expectations for on-site facilities, infrastructure and agency personnel presence, thus increasing the management burden on the agency. Unfortunately, the Forest Service would not have a commensurate increase in resources (including law enforcement personnel) to deal with the increased use levels, so the NRA would be a “resource sink” for the Forest Service. The proposed increase in motorized use is especially concerning in wildlife corridors or locations

adjacent to roadless or Wilderness areas, particularly in light of the discovery of a wolf pack³ living in the Teanaway, within the boundaries of the proposed Upper Yakima NRA. Many administrative problems would arise for the Cle Elum Ranger District personnel who would be required to manage these lands, and as the Forest Service staff is stretched thinner and thinner, areas will not be monitored, and ORV use rules will not be enforced, leading to increased degradation. With the statutory mandate to provide “backcountry motorized” recreation, the agency would have limited or no authority to close areas that become badly damaged and/or unmanageable.

Washington State recently examined this scenario at Reiter State Forest in Snohomish County, managed by State DNR. Notorious unmanaged ORV use caused extensive damage to the trees, soil and water quality, bleeding sediment into salmon streams, to the consternation of the Tulalip Tribes, State DOE and State DFW. The Commissioner of Public Lands visited the site and was appalled at the damage, DNR closed the entire 10,000-acre Reiter Forest to motorized use, and it remains closed to motorized use more than two years later. Carefully designed ORV routes are now being constructed in a more limited 1100-acre motorized area, where all stream crossings must have bridges or culverts. DNR personnel are stretched thin to manage this, and a dedicated team of local conservation volunteers is also stretched thin to monitor the 1100-acre motorized area at Reiter. Yet in the Yakima Basin, the NRA proposal’s 41,000-acre “motorized backcountry” areas would be thirty-seven (37) times the size of the motorized area at Reiter, and the NRA designation would increase the current levels of ORV use in the NRAs. How will the agency be able to manage such a large motorized area with increased user numbers and expectations? How will the agency or volunteers be able to monitor that area? We believe the agency will not be able to adequately manage or monitor these large motorized areas, especially with increased user numbers. In conversations with us, Land Subcommittee members admitted they have not considered the capacity of the agency to manage or monitor the NRAs.

We also agree with the view that the Forest Service expressed in conversations with us that the goals of protecting headwaters and providing for recreation are already covered in the Forest Plan and its overlays such as the Snoqualmie Pass AMA, Alpine Lakes Land Management Plan and Teanaway Special Area, so the NRA designation is not necessary and has few measurable benefits but significant measurable costs. To the extent that the NRA Proposal conflicts with those plans, it takes away resource protections that our conservation organizations worked hard to obtain. The Snoqualmie Pass AMA and the I-90 wildlife corridor project emphasize the critical role of watersheds and wildlife, and they include sensitive places to which we do not want to draw more recreational impacts.

³ The discovery of this new wolfpack in the Teanaway was reported in the Seattle Times in a July 5, 2011 article entitled “New wolf pack confirmed — a short drive from Seattle.”
http://seattletimes.nwsourc.com/html/localnews/2015516994_wolves06m.html

The NRA Proposal would also cause negative impacts outside the Yakima River basin, potentially throughout Washington State. As DNR well knows, events at Reiter had spillover effects on other lands managed by DNR, and the same would happen here. Increased recreational expectations caused by the designation of two new motorized National Recreation Areas catering to ORVs in the I-90 corridor would drive increased sales of ORVs, and increased numbers of novice ORV users looking for new places to try out their new machines, including public and private lands along the highways they travel to get to and from the new NRAs, regardless of whether those places are legally open to ORV use. Even in areas that were previously open to ORV use, the increased levels of use will cause higher levels of damage and impacts not previously experienced by those sites and the wildlife living there, for whom the habitat may change from suitable to unsuitable.

We question whether it is good public policy for the Workgroup to decide that it must lobby for motorized recreation on National Forests as a means to solve irrigation problems in the Yakima River Basin.

Procedural objections

On November 16, 2011, the Bureau of Reclamation and Department of Ecology issued the draft Programmatic Environmental Impact Statement (DPEIS) on the Integrated Water Resource Management Plan (also known as the Yakima Basin Integrated Plan), with a 49-day comment period that ended on January 3, 2012. This “Integrated Plan” was the product of a “Workgroup” made up of 20 members, including five irrigation districts, but only one conservation organization, and no representative of the U.S. Forest Service, which manages the forests that would be inundated if Bumping Lake is expanded. An extension of the comment period was requested by a coalition of local, regional and national conservation organizations, but an extension was denied. As a result, the public was denied the opportunity to comment on the NRA Proposal, since the Watershed Land Subcommittee did not release the NRA Proposal until January 4, the day after the DPEIS comment period ended. The DPEIS failed to mention the NRA Proposal in its analysis, and thus failed to analyze the costs and effects of designating lands as NRAs within the Okanogan-Wenatchee National Forest including 41,000 acres of “backcountry motorized” areas within the NRAs. We are assessing the ways in which this process may have violated the National Environmental Policy Act (NEPA) and the State Environmental Policy Act (SEPA).

Certain meetings of Workgroup subcommittees have been held without notice to the public and/or have been closed to the public. Workgroup votes have been taken without first allowing for public comment. Although the Workgroup was not set up under the Federal Advisory Committee Act (FACA), it appears to have all the features of a Federal Advisory Committee. We are assessing the ways in which this process may have violated FACA or other statutes relating to governmental agencies’ meetings.

The Watershed Land Subcommittee members made a deal intended to statutorily “lock in” motorized use of these backcountry areas on National Forest lands, and they put their organizations’ names on the NRA Proposal, a public document on the Bureau of Reclamation website. Certain Subcommittee members lobbied our Senators and Congressional Representatives to support the NRA Proposal. They did all of this without consulting or even notifying the many other conservation and non-motorized recreation organizations working on these issues in the same geography, and without even notifying the National Forest District personnel who would be required to manage this land and the increased number of motorized users NRAs would bring (again, the Forest Service opposes the NRA Proposal).

They did not even consult or notify the off-road motorcycle, ATV and 4x4 organizations that supposedly will be moved to support the Yakima Basin Plan as a result of the NRA Proposal.

Subcommittee members finalized and published the NRA Proposal without conducting due diligence. They did not consider:

- Whether or how the NRA Proposal would impact the Mountains to Sound Greenway Trust’s National Heritage Area (NHA) bill in the same geography;
- Whether or how the NRA Proposal would conflict with existing National Forest management direction in the area including the Alpine Lakes Land Management Plan, the Snoqualmie Pass AMA Plan, and efforts to enhance wildlife corridors across I-90;
- Prior NRA proposals in other states with statutory designations of motorized use on National Forest Lands;
- The history of the conservation community’s long and deep opposition to statutory designation of ORV use on National Forest lands throughout the USA;
- The management problems commonly experienced with dispersed ORV use on large acreages of remote public lands, and resultant damage to soil, water, vegetation, and wildlife habitat suitability;
- The views of the non-motorized recreation and conservation organizations; or
- The views of the Cle Elum District Ranger, District biologists and District law enforcement personnel who are responsible for managing wildlife, wilderness, trails, roads and ORV use on this land.

Backcountry motorized use of these National Forest lands is currently being addressed with public input in the Forest Plan Revision and Travel Management processes of Okanogan-Wenatchee National Forest. That is where these issues of motorized backcountry use should be processed by the public.

For all of these reasons, we oppose the motorized NRA Proposal, and we urge you to reject it.

Thank you for considering these comments.

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Alpine Lakes Protection Society

Melissa Bates, President
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Kieran Suckling, Executive Director
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Suzanne Skinner, Executive Director
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Joan Zuber, President
Federation of Western Outdoor Clubs

Chris Maykut, President
Friends of Bumping Lake

Erich Pica, President
Friends of the Earth

Chuck Adams, President
Friends of the Teanaway

Mike Town, President
Friends of Wild Sky

Ken Konigsmark, Vice President of Advocacy
Issaquah Alps Trails Club

Gloria Baldi, President
Kittitas Audubon Society

Marge Brandsrud, Chair
Kittitas County Conservation Coalition

Doug Couch, President
Mazamas

Mark Boyar, President
Middle Fork Outdoor Recreation Coalition

Marc Bardsley, President
North Cascades Conservation Council

John Woolley, President
Olympic Forest Coalition

Shawn Cantrell, Executive Director
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Mark Lawler, National Forests Chair, Washington State Chapter
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Dean Longrie, President
Washington Native Plant Society

Rob Mullins, President
Wenatchee Mountains Coalition

Janine Blaeloch, Director
Western Lands Project

Katie Fite, Biodiversity Director
Western Watersheds Project

George Nickas, Executive Director
Wilderness Watch

Bethanie Walder, Executive Director
Wildlands CPR

Attachments

cc (w/attachs):

US Senator Patty Murray

US Senator Maria Cantwell

US Rep. Richard “Doc” Hastings

US Rep. Dave Reichert

US Rep. Jay Inslee

US Interior Secretary Kenneth Salazar

US Bureau of Reclamation Commissioner Michael Connor

Okanogan-Wenatchee National Forest Supervisor Becki Heath

Cle Elum District Ranger Judy Hallissey

Governor Christine Gregoire

Commissioner of Public Lands Peter Goldmark