

DOING YOUR LEGWORK TO BE READY FOR PUBLIC LANDS ACCESS CHALLENGES

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TODAY'S 'TOP 5' ACCESS THREATS

- ❖ MAINTAINING RELATIONSHIPS
- ❖ MAINTAINING FUNDING
- ❖ MAINTAINING VOLUNTEERS
- ❖ DEFENDING ATTACKS FROM ENVIRONMENTAL GROUPS
- ❖ WINTER TRAVEL PLANNING



THREATS TO PUBLIC LANDS ACCESS

CHALLENGES ARE GOING TO COME FROM:

1. DEFENDING ATTACKS FROM ENVIRONMENTAL GROUPS, OR THROUGH
2. WINTER TRAVEL / GENERAL LAND USE PLANNING ON PUBLIC LANDS



CLUBS WILL CONTINUE TO BE THE KEY WEAPON

PREPARING FOR AN ACCESS CHALLENGE

- **IF A LEGAL DEFENSE FUND IS YOUR ONLY PLAN FOR SNOWMOBILE ACCESS = YOU'RE PLANNING TO LOSE ACCESS**
- UNDERSTAND THAT A 'LEGAL' CHALLENGE IS OFTEN THE LAST RESORT = YOU NEED TO DO YOUR WORK EARLIER (PLANNING & PARTNERSHIPS) FOR BETTER SUCCESS
- ALSO UNDERSTAND THAT COURTS CANNOT ALLOCATE LAND USE ON PUBLIC LANDS = THEY FORCE AN AGENCY TO FOLLOW ITS PLANNING PROCESS



PUBLIC LANDS ACCESS = THRU PLANNING PROCESS

- MUST GET INVOLVED IN AGENCY PLANNING PROCESSES EARLY
- MUCH CHEAPER TO INVEST IN EFFECTIVE PLANNING INVOLVEMENT EARLY VERSUS PAYING HUGE LEGAL COSTS LATER
- MUST SUBMIT 'SUBSTANTIVE' COMMENTS DURING PROCESS TO ESTABLISH 'STANDING' IN THE EVENT OF AN APPEAL



PUBLIC LANDS ACCESS = HAVE TO WORK THE AGENCY PROCESS

- ALL PUBLIC LAND USE DECISIONS ARE MADE THROUGH A PUBLIC PARTICIPATION PROCESS
- LEARN YOUR LOCAL PUBLIC LANDS PROCESS (FEDERAL, STATE, LOCAL) AND WORK IT!
- ESTABLISH POSITIVE PARTNERSHIPS WITH AGENCIES
- BE PATIENT AND PERSISTENT — PUBLIC LAND USE DECISIONS CAN TAKE YEARS VERSUS MONTHS



WORKING WITH PUBLIC LAND MANAGERS

- THE U.S. FOREST SERVICE IS, BY FAR, THE LARGEST PUBLIC PROVIDER OF SNOWMOBILE TRAILS IN THE U.S. — SO WILL USE AS AN EXAMPLE
- THE FOREST SERVICE CHIEF, AND EVERY *WIDELY VARIED PERSONALITY* BENEATH HIM (AS WELL AS ALL OTHER PUBLIC EMPLOYEES), ARE ALL HUMAN-BEINGS REGARDLESS IF YOU AGREE OR DISAGREE WITH THEIR POLICIES; AS YOU WORK WITH THEM ON ISSUES, **ALWAYS:**
 - **BE RESPECTFUL**
 - **BE HONEST**
 - **BE CREDIBLE**



NEPA IS YOUR FRIEND – USE IT!

- THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA) AND SIMILAR STATE LAWS ALL **GUARANTEE THAT THERE IS A PUBLIC PROCESS**
- IT ESTABLISHES ‘RULES OF THE GAME’ & GUARANTEES YOU A PLACE IN THE PROCESS
- **WORK THE PROCESS!**



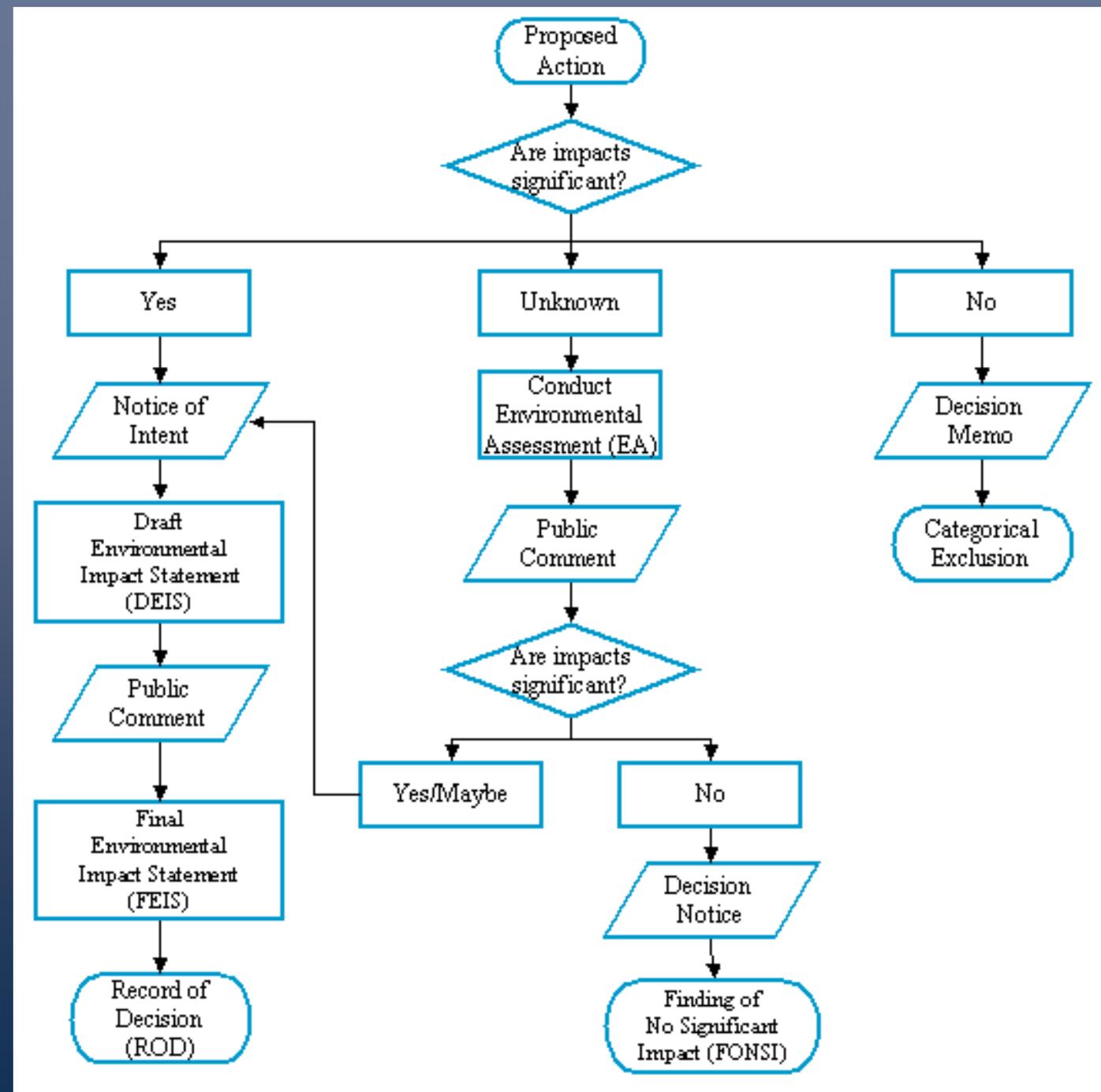
ANY 'MAJOR FEDERAL ACTION' SIGNIFICANTLY AFFECTING THE QUALITY OF THE HUMAN ENVIRONMENT REQUIRES NEPA

- FEDERAL JURISDICTION (LANDS, PROGRAMS, ETC.)
- FEDERAL MONEY INVOLVED
- FEDERAL EMPLOYEES INVOLVED



THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 DECISION-MAKING FLOWCHART

- ENVIRONMENTAL IMPACT STATEMENT (EIS),
- ENVIRONMENTAL ASSESSMENT (EA), OR
- DECISION MEMO



PUBLIC LAND USE PLANNING

- **PROGRAMMATIC ANALYSIS** = AREA-WIDE PLANNING (ENTIRE FOREST, PARK, BLM UNIT, ETC.); TYPICALLY INVOLVES AN EIS
- **SITE-SPECIFIC ANALYSIS** = PLANNING ONLY FOR A SPECIFIC TRAIL, PARKING LOT, GEOGRAPHIC SUB-UNIT, ETC.; TYPICALLY INVOLVES AN EA
- **TIERING** = SITE-SPECIFIC REFERS BACK TO PROGRAMMATIC UMBRELLA; THIS CAN ALSO CAUSE THINGS TO POP UP IN UNEXPECTED PLACES — SO YOU NEED TO PAY ATTENTION

RECREATION OPPORTUNITY SPECTRUM (ROS)

RECREATION MANAGEMENT TOOL BASED UPON 7 'SETTINGS' WHICH ASK
"WHAT IS THE DEGREE OF"

- ACCESS
- REMOTENESS
- NATURALNESS
- SITE MANAGEMENT
- VISITOR MANAGEMENT
- SOCIAL ENCOUNTERS
- VISITOR IMPACTS



6 ROS CLASSES: EACH HAVE SPECIFIC MANAGEMENT OBJECTIVES

ROS CLASSES ARE LIKE LAND USE ZONING:

1. PRIMITIVE
2. SEMI-PRIMITIVE NON-MOTORIZED
3. SEMI-PRIMITIVE MOTORIZED
4. ROADED NATURAL
5. RURAL
6. URBAN



SNOWMOBILING CAN POTENTIALLY OCCUR IN 2 THRU 6

HOW IS SNOWMOBILE USE ALLOWED IN SPNM (#2) ROS?

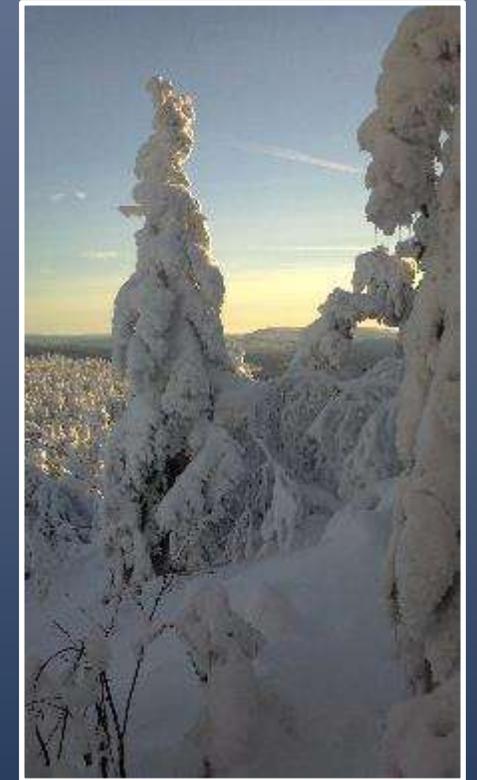
- SNOWMOBILING MAY BE ALLOWED IN SEMI-PRIMITIVE NON-MOTORIZED ROS AREAS BY HAVING A 'WINTER ROS' WITH MOTORIZED & A 'SUMMER ROS' WITH ONLY NON-MOTORIZED USE = MUST ADVOCATE FOR IT
- HURON-MANISTEE NF IN MICHIGAN IS AN EXAMPLE OF THE CONFLICT THIS CAN GENERATE



ROS IS USED TO DEVELOP MANAGEMENT AREAS

(ZONES)

- MA 1 – NATURAL PROCESSES DOMINATE
- MA 2 – SPECIAL AREAS & UNIQUE LANDSCAPES
- MA 3 – NATURAL LANDSCAPES/LIMITED MANAGEMENT
- MA 4 – HIGH-USE RECREATION EMPHASIS
- MA 5 – ACTIVE MANAGEMENT (COMMODITIES)
- MA 6 – GRASSLANDS
- MA 7 – PUBLIC & PRIVATE LANDS INTERMIX
- MA 8 – HIGHLY DEVELOPED AREAS



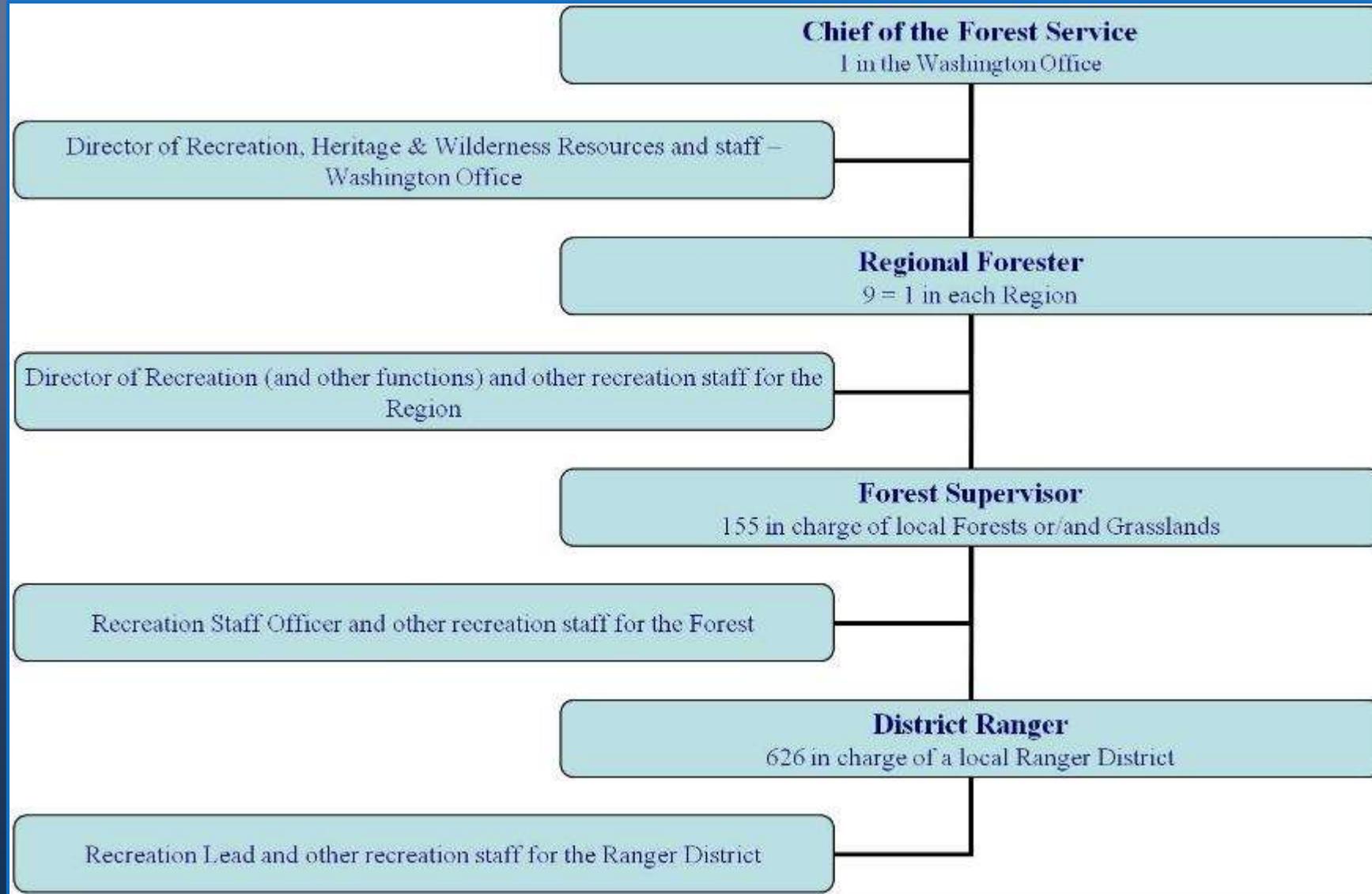
SNOWMOBILING CANNOT OCCUR IN MA 1, MAY OCCUR ON DESIGNATED ROUTES THROUGH SOME MA 2 & MA 3NM, AND GENERALLY CAN BE OPEN IN REST OF MA 3 THROUGH MA 8

KNOW YOUR DECISION MAKERS

- CULTIVATING YOUR AGENCY RELATIONSHIPS *WILL LEAD TO BETTER DECISIONS & STRENGTHEN YOUR ACCESS = **GET THEM OUT ON A SLED!***
- KNOW WHO THE DECISION MAKERS ARE & WORK THE FOOD CHAIN (*DISTRICT RANGER & FOREST SUPERVISOR*)



'LINE OFFICERS' MAKE ALL DECISIONS (*RIGHT SIDE*) & DISTRICT RANGER MAKES THE MOST: *MUST WORK WITH BOTTOM TIER EFFECTIVELY TO HAVE ACCESS*



*HOW TO **EFFECTIVELY**
PARTICIPATE AND
COMMENT ON PUBLIC
LAND USE PLANNING*

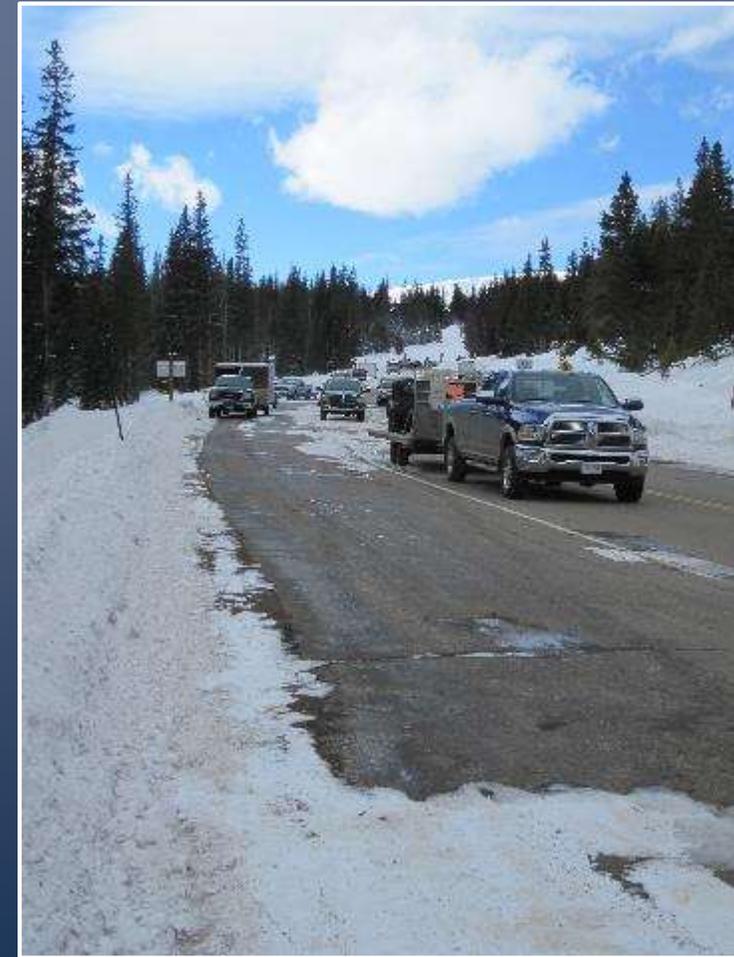


FIRST AND FOREMOST: *THE WORLD IS RUN BY THOSE WHO SHOW UP..*

PROVIDING EFFECTIVE & SUBSTANTIVE COMMENTS

NEED TO KNOW:

1. TYPE OF DOCUMENT (EIS OR EA)
2. STAGE OF THE PLANNING PROCESS (SCOPING, DRAFT OR FINAL)
3. HOW THE INPUT WILL BE USED BY THE AGENCY AND THE DECISION MAKER



COMMENTS THAT ARE EFFECTIVE IN A NEPA PROCESS

(IN ORDER OF EFFECTIVENESS)

1. **PERSONAL LETTERS OR E-MAILS** WITH SPECIFIC REFERENCES TO THE PLAN, DOCUMENT OR ISSUE
2. INDIVIDUAL LETTERS OR E-MAILS ADDRESSING TALKING POINTS
3. PERSONAL VISITS OR PHONE CALLS
4. FORM LETTERS OR E-MAILS/WITH PERSONAL COMMENTS ADDED
5. FORM LETTERS OR POST CARDS = *SLIGHTLY BETTER THAN NOTHING*
6. PETITIONS = *A WASTE OF TIME*

TIPS FOR COMMENTING: BE SPECIFIC

- CLEARLY IDENTIFY THE PROCESS YOU'RE WRITING ABOUT
- ADDRESS SPECIFIC ISSUES, STATEMENTS AND INCONSISTENCIES IN THE DOCUMENT — WHILE KEEPING WITHIN THE 'SCOPE' OF WHAT'S BEING CONSIDERED IN PLAN
- CLEARLY DESCRIBE YOUR SPECIFIC DESIRES AND WHAT YOU WANT
- INDICATE WHAT YOU SUPPORT, AS WELL AS WHAT YOU OPPOSE
- AVOID MORAL AND EMOTIONAL APPEALS
- DON'T THREATEN, GET PERSONAL OR MAKE ACCUSATIONS

TIPS FOR COMMENTING: BE CLEAR & CONCISE

- ISOLATE SEPARATE POINTS IN SEPARATE PARAGRAPHS OR WITH BULLET POINTS
- IDENTIFY OFFENDING OR INCORRECT STATEMENTS, ISSUES AND ACTIONS PROPOSED OR STATED IN THE DOCUMENT
- DESCRIBE THE PROBLEMS WITH THE STATEMENTS, ISSUES AND ACTIONS
- INCLUDE PERTINENT PHOTOS AND MAPS TO HELP MAKE YOUR POINT
- KEEP IT SIMPLE AND TO THE POINT

TIPS FOR COMMENTING: PROVIDE SUBSTANTIVE INFORMATION

- PROVIDE INFORMATION AS EARLY AS POSSIBLE IN THE PROCESS
- CONTINUE TO PROVIDE OR REFERENCE AS MUCH INFORMATION AS POSSIBLE THROUGHOUT THE PROCESS
- DON'T BE AFRAID TO DEVELOP YOUR OWN ALTERNATIVES AND MAPS
- PROVIDE PERTINENT SUPPORTING STUDIES OR OTHER 'NEW INFORMATION' THAT HELPS SUPPORT YOUR POSITION
- BE UP-FRONT AND OPEN = AVOID 'IF THEY DON'T KNOW, THEY CAN'T CLOSE IT OR HOLD AGAINST US' TRAP

TIPS FOR COMMENTING: REQUEST ACTION

- **ALWAYS** LET AGENCY PLANNERS KNOW WHAT CHANGES YOU WANT TO SEE = GIVE THEM THE LANGUAGE OR SPECIFIC CHANGES RATHER THAN DEPENDING ON THEM TO GET IT RIGHT
- TRY TO GIVE THE AGENCY CHOICES, IF POSSIBLE
- IF YOU PRESENT 'NEW INFORMATION' — MAKE SURE YOU ASK THE AGENCY TO INCLUDE IT IN THEIR NEW OR UPDATED ANALYSIS

TIPS FOR PARTICIPATING: STAY INVOLVED

- DON'T WAIT TO BE ASKED FOR INPUT — BECAUSE THE AGENCY MAY NEVER ASK
- GET TO KNOW THE PEOPLE INVOLVED IN THE PROCESS (AGENCY STAFF, CONSULTANTS, DECISION-MAKERS, ETC.)
- PROVIDE DATA AND INFORMATION WHENEVER YOU GET IT VERSUS WAITING TO PROVIDE IT LATER IN THE PROCESS
- MAINTAIN A REGULAR ON-GOING DIALOGUE WITH THE AGENCY'S PLANNING TEAM

GET INVOLVED EARLY — COMMENT OFTEN — AND

STAY IN THE PROCESS UNTIL THE END...

SAMPLE COMMENT LETTER: CONTENT AND FORMAT

1. IDENTIFY: PROCESS & WHO YOU REPRESENT
2. SPECIFIC COMMENTS
3. THANK
4. CONTACT INFORMATION
5. COPIES

*DEVELOP YOUR MESSAGE, THEN GET
EVERYBODY & THEIR DOG INVOLVED...*



MAKING ELECTRONIC COMMENTS

- ▶ COMMENTS THAT ARE SNAIL-MAILED OR E-MAILED TO THEIR STIPULATED 'COMMENT ADDRESS' (PLANREVISION@FS.FED.US FOR EXAMPLE) ARE NEARLY ALWAYS BATCHED FOR 'SUMMARY AND ANALYSIS' BY A TEAM OR BY CONSULTANTS = DECISION-MAKERS OFTEN NEVER SEE THE ACTUAL LETTER
- ▶ COPY (CC) DECISION-MAKERS AND KEY MEMBERS OF PLANNING TEAM TO INCREASE THE ODDS THEY SEE YOUR COMMENTS (OR AT LEAST BECOME AWARE OF THE VOLUME OF COMMENTS EVEN IF THEY HIT 'DELETE')

TIPS TO INCREASE THE EFFECTIVENESS OF E-MAIL COMMENTS

1. CLEARLY IDENTIFY THE SUBJECT, AS WELL AS YOUR POSITION (OPPOSE OR SUPPORT) IN THE 'SUBJECT' BLOCK OF YOUR E-MAIL

EXAMPLES:

FOREST PLAN COMMENTS – SUPPORT ALT. 2

OR

OPPOSE BIG PARK SNOWMOBILE CLOSURE

TIPS TO INCREASE THE EFFECTIVENESS OF E-MAIL COMMENTS

2. **USE A SCREEN NAME THAT READILY IDENTIFIES YOU**, YOUR COMPANY OR YOUR ORGANIZATION TO INCREASE THE ODDS THAT YOUR MESSAGE WILL ACTUALLY GET OPENED BY THE DECISION-MAKER (CAN USUALLY HAVE MULTIPLE SCREEN NAMES AT NO COST; USE IT JUST FOR THIS)

NO: SKIDOOGAL@WILD.NET

SNODOG@STUDBOYS.ORG

YES: KIM.RAAP@AOL.COM

SMITHWICK@VERIZON.NET

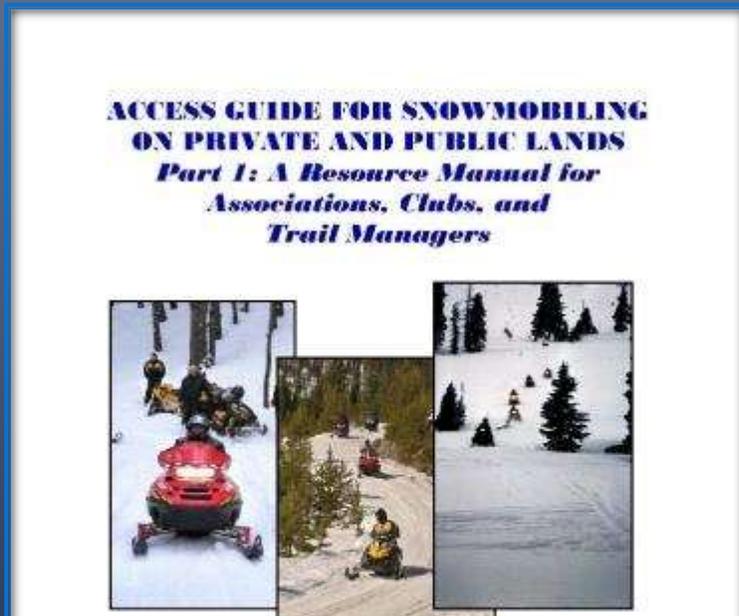
TIPS TO INCREASE THE EFFECTIVENESS OF E-MAIL COMMENTS

- 3. PUT YOUR MESSAGE IN THE BODY OF THE E-MAIL** VERSUS HAVING IT AS AN ATTACHMENT THEY WILL HAVE TO DOWNLOAD BEFORE THEY CAN READ IT — WRITE IT OUT FIRST IN A WORD FORMAT, THEN COPY INTO BODY OF YOUR E-MAIL (CAN ALSO THEN ATTACH THE FILE)
- 4. COPY LOTS OF PEOPLE**
- 5. POST YOUR OFFICIAL COMMENTS ON YOUR WEB SITE**
- 6. DEVELOP COMMENTS EARLY** AS POSSIBLE TO MAXIMIZE DISTRIBUTION AND SUPPORT

ACCESS RESOURCES FROM ACSA

AVAILABLE ON-LINE AT: WWW.SNOWMOBILEINFO.ORG

ACCESS GUIDE



'FACTS & MYTHS' BOOK



**On-line Library of Research Studies
Related to Snowmobiling Impacts**

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Facts and Myths about Snowmobiling

QUESTIONS & DISCUSSION

