USDA Forest Service
Objection Regulation Comments
P.O. Box 4654
Logan, UT 84323
ObjectionRegulation@fscomments.us

SENT VIA U.S. AND ELECTRONIC MAIL                 October 9, 2012


Dear Review Team:

Please accept these comments to the above-referenced proposed rule on behalf of the BlueRibbon Coalition, Inc. (“BlueRibbon”). BlueRibbon is an Idaho nonprofit corporation and grassroots national recreation group that champions responsible recreation, and encourages individual environmental stewardship. With members in all 50 states, BlueRibbon is focused on building enthusiast involvement with organizational efforts through membership, outreach, education, and collaboration among recreationists.

We wish to generally express our preference that the “reforms” of the proposed rule be confined to HFRA projects and the HFRA impetus behind the proposed rule. We recognize the current and historical logical efforts (and well meaning intentions) by those seeking to improve the efficient implementation of necessary Forest Service actions. However, we believe regulatory changes designed to advance those goals have historically had, at best, mixed results. In fact, one might argue that regulatory changes such as those in the proposed rule have increased confusion during the administrative process and created a greater likelihood that project level decisions will be challenged by litigation. In such litigation, preservationist project opponents have the benefit of choosing venue, using preservation-tilted law as a weapon, and generally taking advantage of a judicial inclination to err on the side of preservationist delay in the face of controversy. These realities all militate against creating a one-size-fits-all administrative decision-making structure that inflexibly prioritizes expediency over all other factors.

The proposed rule lends itself to the changes we suggest. Relevant provisions in Subpart A should be modified to limit the applicability of the proposed rule to “proposed authorized hazardous fuel reduction projects and other projects as defined in the HFRA” and to remove references from the proposed rule addressing “proposed actions of the Forest Service concerning projects and activities implementing land and resource management plans and documented with a Record of Decision or Decision Notice.” Similarly, Subpart B of the proposed rule should be removed.

The existing part 215 regulations should remain in place for non-HFRA project level decisions. That part 215 process is far from perfect, based largely in our experience through its
similarly motivated inflexibility that all but renders the appeal review process a formality through imposition of a 45-day review period. But that is a topic for another day and perhaps a different rule.

Thank you for considering this input on the proposed rule. BlueRibbon looks forward to continuing its long relationship with the Forest Service and other land managers seeking reasonably regulation of recreation access.

Greg Mumm
Executive Director
BlueRibbon Coalition