October 1, 2026

Jim Bacon, Director, Public Benefits, USDA Forest Service
201 14th Street SW
Public Benefits Office
Washington, DC 20250

Tom Schultz, Chief, USDA Forest Service
1400 Independence Ave., SW
Washington, D.C. 20250-1111
tom.schultz@usda.gov

Submitted electronically via https://www.regulations.gov/commenton/FS-2026-0100-0001, and via email to addressees and CC recipients noted.

RE: Notice of intent to prepare an environmental impact statement for Travel Management, National Forest System Lands; Department of Agriculture, Forest Service, 36 CFR Parts 212 and 261; Published Document: 2026-17211 (91 FR 54686)

RECOMMENDED ACTION: Adopt Proposed Revisions in Full

Dear Director Bacon & Chief Schultz,

California Four Wheel Drive Association (Cal4Wheel) is writing to provide public comment on the Notice of Intent to prepare an environmental impact statement and forthcoming rulemaking for Travel Management; National Forest System Lands, hereto forward referred to as "Rule." The entirety of our membership live near and/or recreate throughout the 20.8 million acres of public land that is managed by the U.S. Forest Service (USFS) in California, as well as USFS-managed public lands throughout the rest of the USA. Our members are directly impacted by the framework of the existing Travel Management Rule, along with all components and phases of public engagement in National Environmental Policy Act (NEPA) procedures and decision making as related to USFS public land management. Thus, our members are among the hundreds of millions of people who will be impacted by the outcome of this EIS and Rule revision. This letter of comment shall not supersede the rights of other Cal4Wheel agents, representatives, or members from submitting their own comments; the USFS should consider and appropriately respond to all comments received for the Rule.

Cal4Wheel is a non-profit organization that champions responsible off-highway vehicle (OHV) recreation and encourages a strong conservation ethic and individual stewardship. We advocate for responsible use of public lands for the benefit of all stakeholders by educating and empowering our members to secure, protect, and expand shared outdoor recreation access through collaboration with natural resource managers and other recreationists. As active conservationists and vested stewards of public lands, Cal4Wheel members care deeply about the preservation and protection of all flora, fauna, and landscapes that are embodied within California's public lands. Cal4Wheel members are actively involved in efforts to maintain and improve the quality of habitat for wildlife across the state, including leading cleanup crews to remove trash and foreign debris from wildlands, conducting road and trail maintenance

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

to prevent degradation to wildlands, creating and repairing signage to ensure recreationists remain on designated routes, planting trees, removing weeds and invasive plant species, and rehabilitating habitat for wildlife. Cal4Wheel members continually contribute to the conservation and health of California's public lands to ensure that everyone may enjoy these valuable landscapes and ecosystems now and for all generations to come.

Our members use OHVs and other motorized and unmotorized methods to enjoy USDA managed public lands throughout California and the United States. Our members and supporters live in California or travel across the country to visit California to use motorized vehicles to access national forests throughout the state. On a frequent and regular basis throughout every season of the year, Cal4Wheel members visit the areas of public land that will be impacted by this proposed Rule revision. Cal4Wheel members and supporters have concrete, definite, and immediate plans to continue such activities on USDA-managed public lands throughout the future.

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

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8120 36th Avenue
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(800) 4x4-FUNN
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General Comments

Cal4Wheel supports adoption of the proposed revisions to 36 C.F.R. parts 212 and 261 in full. After more than two decades of implementation, the existing Travel Management Rule has demonstrated that a closed-unless-designated framework does not merely regulate motorized travel. It creates an institutional presumption against access, places disproportionate procedural burdens upon the retention and restoration of routes, and allows temporary or administratively convenient restrictions to become permanent through inertia. The proposed rulemaking presents an overdue opportunity to replace that structure with a transparent, locally responsive, science-based system that begins with appropriate public use and requires restrictions to be supported by law, reliable evidence, proportionality, and defined management objectives.

Cal4Wheel does not seek unrestricted cross-country travel, indiscriminate route proliferation, or exemption from environmental law. Existing routes and access points should remain available for appropriate use unless closure is required by controlling law, necessary to protect valid existing rights, or supported by specific and defensible findings demonstrating that less restrictive management cannot adequately address a documented condition. NEPA, the National Forest Management Act, the Endangered Species Act, the Clean Water Act, the National Historic Preservation Act, the Wilderness Act, governing forest plans, and the Forest Service's public-safety and emergency authorities will remain fully operative. The proposed revisions change the decisional baseline and restore balance to travel planning. They do not eliminate environmental review or resource protection (Forest Service, 2026a).

This distinction is central to Cal4Wheel's support. Travel management should determine how public use can occur responsibly. It should not treat elimination of use as the presumptively successful outcome. Maintenance, drainage repair, hardened crossings, short relocations, seasonal controls, vehicle-class limitations, education, enforcement, monitoring, and cooperative stewardship can frequently resolve site-specific concerns without eliminating the underlying access. Long-term closure should be selected only where reliable evidence demonstrates that these measures cannot reasonably address the identified condition. Every material restriction should be geographically and temporally proportionate, supported by an accessible administrative record, and accompanied by objective review and reopening criteria.

California's experience demonstrates why reform is necessary. Implementation of the existing rule eliminated or restricted substantial route mileage in Tahoe, Plumas, Stanislaus, and Eldorado National Forests. Those decisions did more than remove lines from maps. They fragmented loops, displaced use onto fewer surviving routes, eliminated vehicle-class opportunities, reduced access to campsites and destinations, and diminished the redundancy needed when wildfire, snow damage, washouts, restoration work, or other temporary conditions make a remaining route unavailable. The West Mojave record provides an additional and particularly severe illustration of the same closure-producing logic. Despite multiple rounds of planning and extensive route elimination, the former minimization criteria supplied a continuing basis for litigation and a January 2026 order directing closure of approximately 2,200 additional miles of routes. That outcome demonstrates the danger of a standard under which every additional closure may be characterized as further minimization while no amount of retained access is ever affirmatively protected (Center for Biological Diversity v. Culver, 2026).

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

Executive Order 14408 properly rescinded Executive Orders 11644 and 11989 and directed agencies to revise regulations founded upon their motorized-use-specific criteria. Retaining the former minimization framework, expressly or through functionally equivalent terminology, would preserve the same one-directional planning bias that the Executive Order directed agencies to replace (Exec. Order No. 14,408, 2026). The final rule should remove those criteria from subparts B and C and return motorized travel planning to the generally applicable framework established by Congress. Multiple-use administration requires the Forest Service to reconcile recreation, watershed, wildlife, range, timber, active management, and other statutory purposes. It does not authorize the agency to elevate perpetual reduction of motorized access into an independent national objective (Multiple-Use Sustained-Yield Act of 1960; Norton v. Southern Utah Wilderness Alliance, 2004).

The revised rule should accordingly establish open unless closed as the governing presumption for existing roads, trails, airfields, trailheads, and other established access features. It should replace the minimum-road-system paradigm with a requirement to maintain an adequate and appropriate transportation network capable of supporting recreation, wildfire suppression, vegetation and fuels treatment, grazing administration, search and rescue, evacuation, utility access, law enforcement, watershed restoration, and post-fire recovery. Network adequacy must be measured by function, connectivity, vehicle class, season, geographic distribution, access to destinations, and operational redundancy, not simply by the number of miles retained.

Regulatory reform must also be accompanied by a binding transition framework. A new presumption will accomplish little if prior closures, omitted routes, inaccurate maps, and unresolved temporary restrictions are grandfathered indefinitely. The final rule should establish a definite effective date, require national implementation direction within 180 days, direct each administrative unit to complete a transition inventory within one year, and institute a prioritized three-year review of closed and highly restricted routes. It should also create a public route-nomination process, apply the revised standards to pending and remanded decisions, prevent emergency closures from becoming permanent without new findings, and require annual public reporting of implementation results.

The Forest Service must preserve meaningful forest-level discretion while establishing national requirements for evidence, transparency, public participation, and accountability. California's national forests encompass desert-edge landscapes, chaparral, volcanic plateaus, coastal ranges, wet Sierra meadows, deep-snow winter environments, remote backcountry, and heavily used wildland-urban interfaces. Those landscapes cannot be competently managed through an inflexible national formula. Forest Supervisors and District Rangers should be authorized to respond to actual soils, hydrology, snow cover, wildfire history, vehicle characteristics, recreation demand, maintenance capability, and partner resources. Local discretion, however, must be exercised through written findings, current maps, proportionate public notice, consideration of submitted route evidence, and reviewable standards.

The final rule and EIS must also recognize that access decisions carry economic, social, operational, and civil-rights consequences. Motorized routes support rural businesses, family recreation, hunting, fishing, camping, sightseeing, photography, rockhounding, active forest management, emergency response, and access for older adults, veterans, and people with disabilities. A route that appears redundant on an agency map may provide the only practicable approach to a campground, trailhead, lake, hunting area, historic site, or dispersed recreation setting. Closure analysis must therefore account for the human

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

environment, network connectivity, rural economic effects, accessibility, volunteer investment, and the cost of replacing partner-provided maintenance capacity.

Cal4Wheel specifically requests that the Forest Service evaluate the motorized-access-density standard proposed in the Outdoor Americans with Disabilities Act, S. 2968. The bill's benchmark of 2.5 miles of authorized motorized road per square mile provides a measurable method for identifying whether public lands remain meaningfully accessible to visitors who cannot travel substantial distances on foot. Although the pending legislation has not been enacted, the Forest Service possesses authority to evaluate and adopt its road-density benchmark, no-net-loss principle, disability-access findings, and equivalent-replacement concepts as travel-planning criteria (Outdoor Americans with Disabilities Act, 2025). Every material closure should disclose its effect on route density, destination access, adaptive vehicles, and visitors with mobility or functional limitations.

The EIS must examine these reforms as an integrated regulatory program and evaluate a meaningful range of alternatives. It should compare immediate and prospective implementation of the access presumption, alternative definitions of existing routes, different closure and reopening standards, tiered procedures for revisions of differing scope, alternative transportation-system requirements, use-specific provisions, and a comprehensive access-restoration alternative. The analysis must apply equivalent assumptions and analytical rigor to the environmental consequences of increased access and the social, economic, operational, and environmental consequences of closure. The programmatic nature of the rulemaking does not permit the Forest Service to disregard effects produced by the national presumptions, standards, procedures, exemptions, and implementation requirements it is now selecting (Seven County Infrastructure Coalition v. Eagle County, 2025).

For these reasons, Cal4Wheel urges the Forest Service to adopt the proposed revisions in full and strengthen them through enforceable implementation deadlines, mitigation-first closure standards, measurable access protections, annual review, accurate mapping, public route nomination, and meaningful recognition of state, county, Tribal, nonprofit, and volunteer capacity. The appropriate objective is not unregulated use. It is reasoned, sustainable, and accountable access consistent with the Forest Service's congressionally-directed multiple-use responsibilities.

The EIS Must Evaluate the Full Scope of the Regulatory Decision and a Meaningful Range of Alternatives

The proposed revision of 36 C.F.R. parts 212 and 261 is a consequential national rulemaking that will establish the controlling framework for travel management across 193 million acres of National Forest System lands. Although many route-specific decisions will remain subject to subsequent local review, this rulemaking will determine the presumptions, evidentiary standards, procedural requirements, exemptions, decisional criteria, mapping systems, and administrative burdens that govern those future decisions. The environmental impact statement must therefore examine the reasonably foreseeable consequences of the regulatory architecture being selected, rather than treating the rule as an abstract procedural change whose effects are too dependent upon future local action to evaluate meaningfully.

The Notice of Intent acknowledges that the existing Travel Management Rule (TMR) has imposed a complex, inflexible, and nationally driven framework; that the same procedures may be disproportionate

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

when applied to revisions of materially different scope; and that current designation, minimization, and prohibition requirements may unnecessarily delay changes to public access. It further identifies numerous substantive regulatory choices that remain unresolved, including the meaning of an “existing” route, whether the access presumption will apply prospectively or take effect upon promulgation, the treatment of existing closures and designations, the procedures governing minor and substantive revisions, and the scope of exemptions for particular vehicles and uses (Forest Service, 2026a). Those choices are not secondary implementation details. They will determine whether the revised rule meaningfully restores access or merely overlays new policy language upon the same closure-oriented administrative structure.

NEPA requires the EIS to evaluate a reasonable range of technically and economically feasible alternatives that satisfy the purpose and need and present materially different means of implementing the proposed action. The proposed action, no-action alternative, and action alternatives must be presented in comparative form according to meaningful differences in their scope and scale (National Environmental Policy Act, 42 U.S.C. § 4332; National Environmental Policy Act Implementing Procedures, 2026, 7 C.F.R. § 1b.7(h)(3)). The alternatives analysis should consequently disclose how each alternative would affect public access, administrative efficiency, environmental protection, public participation, legal exposure, mapping accuracy, maintenance obligations, enforcement, and the ability of local officials to adapt transportation networks to changing conditions.

Cal4Wheel requests that the EIS evaluate, at minimum, the following alternatives:

1. **No Action Alternative.** The EIS should accurately describe continuation of the existing closed-unless-designated framework, retention of the minimum-road-system requirement, continued application of the existing designation procedures, and retention of the minimization criteria formerly derived from Executive Orders 11644 and 11989. Analysis of this alternative must include the administrative expense, planning delays, litigation exposure, opportunity costs, route attrition, reduced network connectivity, outdated mapping, and deferred reopening decisions documented during the past two decades. The no-action alternative should not be portrayed as environmentally neutral merely because it would preserve existing regulations. Continued closure, deterioration, route concentration, loss of maintenance access, and inability to respond efficiently to changing conditions are affirmative consequences of retaining the present system.
2. **Proposed Action Alternative.** The EIS should analyze the proposed revisions as an integrated regulatory framework, including removal of the former minimization criteria, adoption of an open-unless-closed presumption, replacement of the minimum-road-system directive with an adequate-and-appropriate-system standard, annual review of closures, differentiated procedures for clerical corrections and designation revisions, integrated digital mapping, limited off-route authorizations, and revised treatment of over-snow vehicles, aircraft, e-bikes, and emerging mobility technologies. The analysis should identify which provisions would have immediate legal effect, which would guide only future decisions, and which would depend upon later agency directives or local implementation.
3. **Immediate Access-Presumption Alternative.** The EIS should evaluate an alternative under which the open-unless-closed presumption applies upon promulgation to existing roads, trails, trailheads, airfields, and other access features, subject to valid existing rights, applicable law, governing instruments, documented public-safety needs, and specifically supported resource restrictions. This alternative should include an orderly transition process through which current closures and nondesignations are reviewed within enforceable deadlines. Existing restrictions

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

could remain temporarily operative where necessary to prevent confusion, but they should not be indefinitely grandfathered without review under the revised closure criteria.

4. **Prospective Access-Presumption Alternative.** The Forest Service should compare the immediate-transition alternative against an alternative applying the new presumption only when a local unit initiates a future designation or revision. This alternative would preserve existing MVUM and OSVUM designations until individually reconsidered. The EIS must candidly disclose that a purely prospective approach could defer practical access improvements for years or decades on forests without the funding, personnel, or institutional initiative to reopen completed travel plans.
5. **Comprehensive Access-Restoration Alternative.** The EIS should consider a distinct alternative that combines the proposed reforms with measurable national implementation requirements. This alternative should require each National Forest System unit to inventory closed and highly restricted routes, identify lost connectors and recreation destinations, establish a public route-nomination process, publish an implementation schedule, and prioritize routes that restore loop connectivity, access to trailheads and dispersed camping areas, emergency ingress and egress, access for active forest management, and opportunities for persons unable to reach remote public lands by nonmotorized means. It should include a no-net-loss objective for motorized recreation opportunity, measured through route mileage, vehicle class, season, network connectivity, and access to destinations, rather than raw mileage alone.
6. **Alternative Definitions of "Existing" Routes and Access Features.** The Forest Service should compare an alternative limited to features already contained in the forest transportation atlas with a broader, evidence-based definition encompassing routes demonstrated through historical maps, aerial imagery, county records, state and federal datasets, maintenance records, ground verification, public-use documentation, and other reliable evidence. Restricting recognition to the existing atlas would perpetuate omissions produced by prior administrative capacity constraints and would prevent consideration of historically established routes merely because the agency never completed the paperwork necessary to include them. The EIS should evaluate the number and types of access features likely to be excluded under each definition and the consequences for connected travel networks.
7. **Procedurally Tiered Revision Alternatives.** The EIS should compare different thresholds and procedures for clerical corrections, minor designation revisions, emergency restrictions, temporary closures, and substantial network changes. A clerical correction that aligns a map with an existing decision should not require the same process as closure of a regionally significant trail system. Similarly, a short reroute around an unstable slope, replacement of a failed crossing, correction of an erroneous vehicle-class designation, or reopening after repair should not require the analytical process applicable to permanent removal of hundreds of route miles. Each alternative should clearly identify the applicable public-notice requirements, responsible official, documentation standard, environmental-review pathway, and administrative-review opportunity.
8. **Alternative Closure and Reopening Standards.** The EIS should evaluate regulatory language requiring route restrictions to be supported by site-specific evidence, narrowly tailored to the documented condition, and preceded by consideration of maintenance, hardening, relocation, drainage improvement, seasonal controls, vehicle-class restrictions, education, enforcement, or other less restrictive measures. This should be compared with an alternative allowing broader administrative discretion without defined proportionality or reopening requirements. Alternatives should also address expiration dates, periodic review, measurable reopening criteria, emergency-

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

order duration, and the evidentiary burden for converting a temporary restriction into a long-term closure.

9. **Transportation-System Alternatives Under Subpart A.** Replacement of the minimum-road-system concept should receive independent comparative analysis. The EIS should examine alternatives ranging from retention of the current minimum system to an adequate and appropriate system that expressly accounts for recreation, wildfire suppression, fuels treatment, timber and vegetation management, grazing, utility access, search and rescue, evacuation, watershed restoration, law enforcement, Tribal access, and transportation redundancy. The comparison must consider the environmental and operational costs of an undersized system, including concentrated traffic, longer response times, diminished management access, and reliance upon more circuitous routes.
10. **Use-Specific and Technology-Specific Alternatives.** The EIS should separately compare reasonable alternatives for dispersed-camping access, firewood collection, retrieval of legally harvested game, over-snow travel, Class 1 e-bikes, low-powered mobility devices, and access associated with aircraft and backcountry airfields. Combining these materially different activities into a single generalized motorized-access category would obscure differences in speed, weight, ground pressure, operating season, geographic extent, user population, and resource interaction. The EIS should evaluate geographically limited corridors, seasonal authorizations, objective equipment standards, permit systems, and categorical exemptions where those mechanisms can facilitate access without authorizing unrestricted cross-country travel.

The programmatic character of this rulemaking does not relieve the Forest Service from evaluating foreseeable consequences on the scale at which the decision is being made. The agency need not predict the outcome of every future route designation. It can, however, use existing MVUM and OSVUM data, prior travel-management decisions, litigation records, National Visitor Use Monitoring information, closure inventories, maintenance data, and representative case studies to compare how the alternatives are likely to operate. Scenario analysis should include representative national forests with materially different environments and recreation systems, including dry Southern California forests, Sierra Nevada OHV networks, high-snow forests, heavily visited wildland-urban interfaces, and remote forests dependent upon volunteer maintenance capacity.

The Supreme Court has confirmed that agencies retain substantial discretion to define an EIS's scope and draw a reasonable line around effects that are remote in time, geography, or causal relationship. That discretion does not authorize an agency to disregard effects produced by the regulatory choices before it or to define the action so narrowly that the principal consequences of the rule disappear from analysis (Seven County Infrastructure Coalition v. Eagle County, 2025). Here, the Forest Service directly controls the national presumption, regulatory criteria, procedural thresholds, mapping requirements, exemptions, transition provisions, and standards governing future designation and closure decisions. The probable effects of those choices fall within the agency's authority and are appropriate subjects for programmatic evaluation.

The EIS must also apply a consistent analytical baseline. If the Forest Service concludes that the proposed rule will increase access, reduce administrative delay, and improve recreation opportunity, those anticipated benefits must be quantified or otherwise evaluated through reasonable scenarios. Conversely, the agency cannot avoid examining environmental effects by asserting that later local

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

decisions are uncertain while simultaneously relying upon those anticipated decisions to justify the rule's access and efficiency benefits. Benefits and adverse effects must be evaluated with equivalent assumptions, geographic scales, time horizons, and degrees of analytical rigor. Given the highly contentious and polarized nature of opposition to the USDA Forest Service's proposed revisions for the TMR, achieving this balanced approach to alternatives analysis is critical to prevent (or minimize) the potentiality for the final rulemaking to become entangled and paralyzed from implementation through litigation.

For each alternative, the EIS should disclose expected changes in administrative workload, planning duration, route miles eligible for reconsideration, network connectivity, vehicle-class access, seasonal opportunity, public-participation requirements, maintenance costs, partner and volunteer capacity, enforcement needs, wildfire and emergency access, rural economic activity, and access for disabled or mobility-limited visitors. Where exact national estimates are unavailable, the Forest Service should provide bounded estimates, representative scenarios, sensitivity analysis, and a transparent explanation of uncertainty rather than omitting the issue.

Cal4Wheel supports adoption of the proposed reforms in full. A rigorous alternatives analysis will strengthen those reforms by demonstrating how the integrated proposal compares with the existing rule, a merely prospective policy change, and a more comprehensive implementation framework. The final EIS and Record of Decision should select an alternative that produces measurable access improvements, removes obsolete minimization requirements, restores proportional and locally informed decision-making, and prevents administrative inertia from nullifying the purpose of the rulemaking.

The Existing Rule Has Produced a Structural Presumption Against Motorized Access

The Existing Rule Has Produced a Structural Presumption Against Motorized Access
Cal4Wheel supports comprehensive revision of 36 C.F.R. parts 212 and 261, including adoption of a national presumption that existing roads, trails, trailheads, airfields, and other access routes and points are available for appropriate public use unless restriction is required by applicable law, valid existing rights, or another controlling instrument, or is supported by specific, documented, and scientifically defensible reasons. This reform is necessary to correct a structural imbalance embedded in the 2005 Travel Management Rule.

Under the existing framework, public motor vehicle use is lawful only on roads, trails, and areas affirmatively designated for the applicable vehicle class and, where specified, season of use. Use inconsistent with those designations is prohibited under 36 C.F.R. § 261.13. The regulatory consequence of agency inaction is therefore closure. A road or trail does not remain available because the Forest Service lacks evidence that use is causing unacceptable harm. It becomes unavailable whenever the agency declines, fails, or lacks the capacity to designate it.

The Forest Service expressly acknowledged this consequence when promulgating the 2005 rule. In responding to comments concerning user-created routes, the agency explained that such routes could be considered for inclusion under the designation criteria, but that routes not affirmatively designated would be closed to motor vehicle use "by operation of the final rule" (Forest Service, 2005). This mechanism

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

transformed nondesignation from an absence of administrative action into a legally enforceable prohibition.

Closure under this system does not necessarily represent an affirmative finding that continued use would cause unacceptable resource damage, create an unmanageable conflict, violate a governing statute, or present a material safety risk. It may instead reflect incomplete inventories, limited planning resources, insufficient route-specific data, a narrowly defined project scope, uncertainty, administrative preference, or the agency's inability to complete the analysis necessary to add a route to the designated system. Regardless of the underlying reason, the public receives the same outcome: motorized access becomes unlawful.

No equivalent burden applies to exclusion. The existing rule does not require the Forest Service to demonstrate that each nondesignated route causes a material impact, that closure is proportionate to the identified condition, that less restrictive management has been considered, or that the resulting network remains sufficient to serve recreation, emergency response, active forest management, rural communities, and the multiple-use mandate. The agency must complete an affirmative process to authorize use, but prohibition follows automatically when that process is not completed successfully.

This asymmetry has made the TMR function as a regulatory ratchet. Route mileage can be removed through a single designation decision or allowed to disappear through nondesignation. Restoring the same route commonly requires a new agency proposal, renewed environmental review, public notice, updated surveys, scarce personnel and appropriations, possible forest-plan consistency determinations, revised mapping, and defense against administrative objection or litigation. Closure is procedurally easy to preserve because inaction leaves the restriction intact. Reopening requires affirmative institutional effort.

The resulting bias is not corrected by observing that route additions remain legally possible under 36 C.F.R. § 212.54. Formal authority to revise a designation does not create a practical reopening mechanism. A regulatory system must be evaluated according to its incentives, burdens, and observed outcomes. Where access requires repeated agency action and closure persists automatically, limited staffing and competing priorities predictably operate against restoration. The result is a system in which motorized access must repeatedly justify its continued existence while closure receives the benefit of inertia.

California's implementation history demonstrates these consequences.

Tahoe National Forest

During implementation of the TMR, Tahoe National Forest evaluated 869 miles of user-created roads and trails upon which motor vehicle use had occurred. The final decision added only 62 miles to the National Forest Transportation System. The remaining routes were not affirmatively designated and consequently became unavailable for public motor vehicle use under the rule's closed-unless-designated structure. The practical result was the elimination of motorized use on more than 800 miles of existing travel features considered during the planning process. The Forest Service relied heavily upon the national designation and minimization criteria when determining which routes would survive the process. The Ninth Circuit

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

subsequently upheld the agency's decision against a challenge brought by access advocates (Friends of Tahoe Forest Access v. U.S. Department of Agriculture, 2016).

That judgment establishes that the Forest Service acted within the broad discretion afforded by the existing regulatory framework. It does not establish that resource science compelled exclusion of more than 90 percent of the evaluated non-system network. Nor does it demonstrate that each excluded route was individually unsuitable for managed motorized use. The decision illustrates how the regulatory presumption operates: unless the agency elects to incorporate a route affirmatively, the rule supplies closure as the default outcome.

The Tahoe decision also demonstrates why aggregate mileage alone does not capture the loss. Routes function as networks. Removal of a connector can eliminate a loop, strand other route segments, prevent access to dispersed camps or overlooks, and reduce alternative ingress when wildfire, snow, storm damage, maintenance, or restoration makes a remaining route unavailable. The functional contraction can therefore exceed the numerical mileage removed.

Plumas National Forest

The Plumas National Forest process produced a comparable result. Before implementation of the TMR, the forest contained 4,137 miles of system roads, 130 miles of system motorized trails, and 1,107 miles of non-system routes created or used by members of the public. The Forest Service inventoried the non-system network but added only 234 miles as motorized trails through its final decision (Forest Service, 2010a; Granat v. U.S. Department of Agriculture, 2017, 2018). The remaining inventoried routes became closed to public motor vehicle use because they were not selected for inclusion. The legal effect did not depend upon an individualized determination that every excluded route was causing unacceptable environmental harm. It followed from the combined operation of the designation decision and the national prohibition against use outside the designated system.

The district court and Ninth Circuit upheld the Plumas decision, again confirming the breadth of agency discretion under the existing rule. That procedural outcome does not answer the policy question presented by this rulemaking: whether a system that automatically prohibits customary travel unless each route is affirmatively selected produces an appropriate balance among access, resource protection, recreation, and multiple use.

The Plumas experience further illustrates how administrative capacity influences land-use outcomes. Evaluating more than one thousand miles of non-system routes requires substantial field data, interdisciplinary analysis, public involvement, mapping, and decision documentation. Where the agency lacks sufficient information or resources to support designation, closure becomes the least administratively demanding and least litigation-exposed result. Administrative uncertainty is thereby converted into permanent loss of public use.

Stanislaus National Forest

Stanislaus National Forest demonstrates that the TMR's restrictive effects are not confined to non-system routes. Its 2010 motorized travel decision added 136.77 miles of previously unauthorized routes to the

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

National Forest Transportation System as motorized trails and opened 67.37 miles of previously closed system roads. At the same time, the decision closed 45.98 miles of system roads that had previously been open to public travel. It also changed hundreds of miles of system roads from broader motorized availability to highway-legal-vehicle use, displacing motorcycles, ATVs, side-by-sides, and other non-highway-legal vehicles from substantial portions of the network (Forest Service, 2010b; Central Sierra Environmental Resource Center v. U.S. Forest Service, 2013).

The decision illustrates why the relevant measure is not simply whether a road remains physically present or technically open to some motor vehicle. A change in vehicle-class designation may eliminate practical access for the users whom the trail system was intended to serve. A route open only to highway-legal vehicles is not an equivalent substitute for a route that previously accommodated motorcycles, ATVs, or other OHVs, particularly when the route connects an OHV staging area, camping corridor, or mixed system of roads and trails.

Stanislaus also demonstrates the instability produced when access decisions are litigated from opposing directions. Motorized users object to excessive closure and lost connectivity, while anti-access litigants contend that the Forest Service has not minimized motorized use sufficiently. The agency consequently confronts a regulatory structure in which closure generally reduces litigation exposure while retention or addition of a route must be defended through increasingly detailed environmental documentation. That asymmetry predictably favors the most restrictive outcome, even where maintenance, hardening, seasonal limitations, relocation, or other management measures could sustain use.

Eldorado National Forest

Eldorado National Forest provides an additional example of network contraction followed by prolonged litigation and supplemental review. The 2008 travel-management decision reduced a preexisting network of 2,342 miles of official roads and trails open to public motorized use to a designated system of 1,847 miles. Subsequent litigation concerning meadow-related forest-plan standards resulted in closure and supplemental evaluation of 42 route segments, including routes within high-value Sierra recreation corridors (Center for Sierra Nevada Conservation v. U.S. Forest Service, 2011; Forest Service, 2013). Corrective work eventually allowed the Forest Service to adopt management responses for affected routes, but only after years of litigation, closure orders, field treatment, environmental analysis, and funding constraints. The sequence demonstrates that an identified resource concern need not require permanent abandonment. Meadow protection, water-quality improvement, and continued access may be reconciled through rerouting, hardened crossings, drainage control, defined operating seasons, monitoring, and restoration.

It also demonstrates the institutional advantage possessed by closure. During litigation, supplemental analysis, construction, and monitoring, the route remains unavailable. If funding or administrative attention is delayed, the closure continues regardless of whether a feasible mitigation measure exists. The public bears the entire consequence of delay, while the agency encounters no comparable procedural consequence for failing to restore access.

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

The Combined Effect Is Greater Than the Sum of Individual Closures

These forest-level decisions should not be considered as isolated route totals. Travel networks derive their utility from connectivity, redundancy, destination access, vehicle compatibility, and seasonal availability. Closing a short segment can terminate a loop, disconnect neighboring districts, isolate a campground or trailhead, prevent access to an adjoining county or federal route, and remove an alternative evacuation or emergency-response corridor.

Contraction also concentrates use upon the remaining routes. Increased traffic on fewer corridors can accelerate wear, create congestion, intensify conflicts, and increase maintenance demands. A planning model that evaluates closure only as a reduction in impacts on the removed segment often overlooks displacement and concentration elsewhere.

The loss of redundancy is especially consequential in California. Wildfire, flood, landslide, snow damage, bridge failure, restoration, and hazard-tree work routinely make individual roads temporarily unavailable. A network reduced to the minimum number of designated routes has limited resilience when one of those routes closes. What appears sufficient under ordinary conditions may become inadequate during an emergency, a severe winter, or post-fire recovery.

The existing rule also creates inequitable consequences. Older adults, disabled visitors, veterans, families with young children, hunters, anglers, campers, photographers, and others who cannot reach remote areas by prolonged nonmotorized travel depend upon roads and motorized trails. A route closure may leave land legally public while making it functionally inaccessible to those visitors. Gateway communities likewise experience the practical loss when fragmented networks reduce trip duration, eliminate loops, or make a destination less viable.

Cal4Wheel Does Not Seek Unregulated Cross-Country Travel

These facts do not establish that every visible track should be added to the National Forest Transportation System, that every route is suitable for every vehicle class, or that documented resource damage should be disregarded. Cal4Wheel supports responsible designation, enforceable restrictions where necessary, seasonal management, public education, route maintenance, and restoration of areas damaged by unauthorized use.

The relevant distinction is between management and automatic prohibition. Travel management should determine how an existing route can be used sustainably before concluding that public use must be eliminated. Closure should respond to a documented condition that cannot reasonably be resolved through a less restrictive measure. It should not result merely because the Forest Service lacked sufficient time, data, funding, or willingness to designate a route during a single planning process.

Nor does Cal4Wheel contend that historical use alone creates a legal right to continued motorized travel. Historical use is nevertheless relevant evidence of a route's existence, recreation function, connectivity, public reliance, maintenance history, and potential eligibility for designation. The final rule should require the Forest Service to consider that evidence rather than allowing omission from a prior MVUM to become a self-validating reason for continued exclusion.

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

The Final Rule Must Reverse the Structural Presumption

The present rulemaking should replace the closed-unless-designated structure with a regulatory presumption favoring appropriate use of existing access features. That presumption must be more than an aspirational policy statement. It should alter the findings, burdens, and procedures governing closure and reopening.

For an existing road, trail, airfield, trailhead, or other access feature, the final rule should require the Forest Service to demonstrate:

- the specific condition supporting closure or material restriction;
- reliable evidence connecting the condition to the route or use;
- the applicable legal authority;
- why maintenance, hardening, relocation, drainage repair, seasonal controls, vehicle limitations, education, enforcement, or other less restrictive measures are inadequate;
- why the geographic and temporal scope of the restriction is proportionate;
- how the decision affects network connectivity, destination access, emergency response, active management, accessibility, and surrounding communities;
- the objective conditions under which use can resume; and
- the date upon which the restriction will be reviewed.

Existing routes should remain available for appropriate use unless the Forest Service makes those findings or unless closure is independently required by controlling law, valid existing rights, or another governing instrument. Emergency closure authority should remain intact, but emergency action should be time-limited and followed by review if the restriction continues beyond the immediate hazard.

The revised rule should also establish an efficient pathway for adding, correcting, relocating, and reopening routes. Clerical corrections, replacement of a failed crossing, short reroutes, reopening after repair, and restoration of a vehicle class should not require the same procedure as a major unit-wide travel decision. Public nominations, partner-funded mitigation, and current field evidence should receive timely consideration.

Finally, the Forest Service should evaluate access as a network rather than as a collection of disconnected route segments. Final decisions should quantify route mileage by vehicle class and season, identify lost or restored loops, disclose changes in destination access, evaluate geographic redundancy, and explain whether the remaining system adequately serves recreation, multiple use, wildfire response, maintenance, and public safety.

California's experience over the past two decades demonstrates that a regulatory framework making prohibition automatic and access exceptional will predictably remove more opportunity than it restores. The record does not support preserving that asymmetry. The revised Travel Management Rule should establish responsible public access as the starting point and require closure to be the supported result of reasoned, site-specific analysis rather than the default consequence of nondesignation. Travel management should determine how public travel can occur sustainably. It should not treat elimination of travel as the presumptively successful outcome.

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

The Forest Service Should Adopt "Open Unless Closed" as the Governing Presumption

Cal4Wheel strongly supports adoption of "open unless closed" as the governing presumption for existing roads, trails, trailheads, airfields, and other established access routes and points on National Forest System lands. Properly defined, this presumption would replace the existing rule's closure-oriented default with a management framework that begins from responsible public use while preserving the Forest Service's full authority to impose restrictions required by law or supported by documented, site-specific conditions.

The proposed policy is legally supportable, consistent with congressional direction, and administratively preferable to a designation system that makes exclusion the automatic consequence of agency inaction. Congress has directed the Forest Service to administer national forests for outdoor recreation together with range, timber, watershed, wildlife, and fish purposes under the Multiple-Use Sustained-Yield Act of 1960 (MUSYA), 16 U.S.C. §§ 528–531. The National Forest Management Act of 1976 (NFMA), 16 U.S.C. §§ 1600–1614, requires integrated planning, resource protection, and consistency with governing land-management plans, but it does not create a national presumption disfavoring motorized recreation. The Organic Administration Act authorizes the Forest Service to regulate occupancy and use and to protect national forests from destruction and depredation, but it does not convert prohibition into the governing purpose of national forest administration, 16 U.S.C. § 551.

Congress has more recently reaffirmed that public recreation is an affirmative federal land-management objective. The EXPLORE Act declares a federal policy of fostering recreation on federally-managed public lands and waters, directs agencies to improve recreation data and mapping, and recognizes both motorized and nonmotorized access as legitimate components of the federal outdoor-recreation system (Expanding Public Lands Outdoor Recreation Experiences Act, 2025). An access presumption applicable to existing transportation features, coupled with evidence-based authority to regulate their use, more faithfully implements these enactments than a framework under which the public is excluded unless the agency completes every procedural step necessary to grant affirmative permission.

The proposed revision also corrects an institutional imbalance created by the 2005 Travel Management Rule. Under the existing framework, motor vehicle use becomes unlawful outside routes and areas affirmatively designated and displayed on an MVUM. The 2005 rulemaking record acknowledged that non-designated routes would become closed by operation of the rule, even without an individualized closure determination addressing each route (Forest Service, 2005). As a result, an existing road or trail may become unavailable because it was omitted from an inventory, excluded from the scope of a planning process, constrained by incomplete data, or never evaluated within the funding and staffing limitations of the responsible unit. None of those circumstances independently establishes that continued use would violate law or produce unacceptable environmental effects.

Open unless closed would correct that asymmetry by requiring the agency to make an affirmative and reviewable determination before materially restricting an established public-access feature. The revised standard should not be described merely as a rhetorical preference for access. It should operate as a substantive rule of decision requiring the Forest Service to identify the legal or factual basis for a closure, consider practical alternatives, disclose the consequences of lost access, and define the conditions under which use may resume.

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

This approach is consistent with the Administrative Procedure Act, which requires reasoned agency decision-making and authorizes reviewing courts to set aside action that is arbitrary, capricious, an abuse of discretion, or otherwise contrary to law, 5 U.S.C. § 706(2)(A). An agency must examine the relevant information, consider important aspects of the problem, and articulate a rational connection between the evidence before it and the decision reached (Motor Vehicle Manufacturers Association of the United States, Inc. v. State Farm Mutual Automobile Insurance Co., 1983). In travel management, that inquiry must encompass more than the potential effects of continued motorized use. It must also consider network connectivity, use displacement, access to destinations, wildfire and emergency-response capability, recreation demand, economic consequences, disability access, stewardship capacity, and the effects of concentrating travel on fewer surviving routes.

Open Unless Closed Would Not Authorize Unregulated Cross-Country Travel

The Forest Service should define the proposed presumption carefully to avoid mischaracterization. Open unless closed should apply to existing roads, trails, access routes, trailheads, airfields, and associated transportation features. It should not authorize indiscriminate cross-country travel, creation of new routes through undisturbed terrain, entry into congressionally designated Wilderness, infringement upon valid existing rights, or use contrary to another controlling statute or legal instrument.

Existing MVUM and Over-Snow Vehicle Use Map designations should remain effective during an orderly transition to the revised framework. The Forest Service should retain authority to impose:

- emergency closures addressing wildfire, flooding, landslides, extreme weather, hazardous trees, infrastructure failure, or an immediate threat to public safety;
- seasonal restrictions supported by wildlife, watershed, soil, snow, or public-safety conditions;
- vehicle-class, width, weight, speed, or equipment limitations;
- temporary restrictions necessary to complete repairs, restoration, prescribed fire, timber operations, or other active-management work;
- closures required by statute, valid existing rights, court order, or an applicable land-management-plan component; and
- site-specific restrictions supported by reliable evidence demonstrating that continued use would cause an unacceptable condition that cannot reasonably be addressed through less restrictive management.

NEPA, NFMA, the Endangered Species Act, Clean Water Act, National Historic Preservation Act, Wilderness Act, applicable forest plans, state water-quality requirements, and the Forest Service's general closure authorities would remain fully operative. The proposed reform changes the decisional baseline and the required burden of explanation. It does not suspend substantive environmental law or deprive responsible officials of necessary protective authority (Forest Service, 2026a).

This clarification should appear expressly in the regulatory text and preamble. Leaving the meaning of open unless closed to later interpretation would invite inconsistent implementation among administrative units and provide fertile ground for renewed litigation. The final rule should clearly distinguish an established route from new cross-country disturbance and distinguish a presumption favoring continued use from an irrebuttable entitlement to use every route under all conditions.

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

Closures Must Be Supported by Route-Specific Evidence and Proportionate Findings

At the same time, and of equal importance, the final rule should require a written administrative finding before an existing route or access point is closed for longer than a defined emergency period. At a minimum, that finding should disclose:

1. the specific route, segment, area, vehicle class, or season affected;
2. the statutory, regulatory, plan-based, safety, or resource condition supporting the restriction;
3. reliable evidence connecting the identified condition to the particular route or use being restricted;
4. the baseline condition against which effects were measured;
5. the reasonably foreseeable consequences of closure, including displacement, lost connectivity, concentration of use, emergency-access implications, economic effects, and accessibility consequences;
6. the maintenance, relocation, hardening, seasonal, vehicle-specific, educational, enforcement, or restoration measures considered;
7. the reason less restrictive measures would not adequately address the identified condition;
8. the narrowest geographic and temporal restriction capable of accomplishing the stated purpose;
9. objective monitoring and performance standards; and
10. a review date and defined process for reopening, modifying, or terminating the restriction.

The degree of analysis should remain proportionate to the decision. A short emergency closure responding to an active wildfire does not require the same process as permanent elimination of a regional trail connector. If an emergency restriction remains in effect beyond a specified period, however, the responsible official should be required to prepare a written continuation finding and provide public notice. Emergency authority should protect the public during genuine emergencies, not provide an alternative pathway for indefinite closure without reasoned analysis.

The final rule should also assign the agency the burden of producing substantial evidence supporting a long-term restriction. Members of the public should not be required to prove that an existing route is harmless before they may continue using it. Where the Forest Service asserts that a closure is necessary, the administrative record should demonstrate the condition requiring intervention and why the selected restriction is proportionate to that condition.

Management and Mitigation Must Precede Long-Term Closure

The core purpose of travel management should be to determine how access can occur responsibly. Closure should be the final management tool considered, not the first administratively convenient outcome. Before imposing a long-term restriction, the Forest Service should evaluate a mitigation sequence that includes, as appropriate:

- drainage installation and repair;
- erosion control and tread stabilization;
- hardened stream or meadow approaches;
- short route relocation;
- bridge, culvert, or boardwalk construction;
- seasonal or wet-weather restrictions;
- vehicle-width, weight, or class limitations;

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

- speed controls and signing;
- barriers directing users away from sensitive areas;
- sanitation facilities;
- education and targeted enforcement;
- volunteer or partner-assisted maintenance;
- monitoring and adaptive management; and
- restoration confined to the portion of the route or adjoining area actually producing the identified effect.

The analysis should address not only whether a mitigation measure can eliminate every conceivable effect, but whether it can reduce the relevant impact to an acceptable level under governing law and applicable forest-plan standards. Requiring absolute elimination of risk would improperly convert resource protection into a de facto prohibition standard and would be inconsistent with multiple-use administration.

California supplies several examples demonstrating that active management can resolve legitimate resource concerns without sacrificing the underlying public use. The Rubicon Trail is especially instructive. Water-quality concerns once placed continued use of this nationally significant four-wheel-drive route at substantial risk. El Dorado County, Forest Service personnel, Cal4Wheel, the Rubicon Trail Foundation, Friends of the Rubicon, and other partners responded with drainage improvements, hardened surfaces and crossings, sanitation measures, education, monitoring, maintenance, and concentrated stewardship. After corrective work addressed the identified conditions, the Central Valley Regional Water Quality Control Board rescinded the applicable Cleanup and Abatement Order in October 2014 (California Regional Water Quality Control Board, Central Valley Region, 2014). The outcome protected water quality while retaining a historic recreation corridor. It demonstrates the difference between managing a use and eliminating it.

Deer Valley Trail provides a comparable application of the same principle. Resource concerns involving wet meadows, stream approaches, route condition, and sensitive-species habitat can be addressed through seasonal operating periods, hardened crossings, drainage improvements, short relocations, restoration, monitoring, and enforceable wet-weather restrictions. The Forest Service's own subsequent project description identifies improvement and maintenance of Deer Valley Trail 19E01 and Blue Lakes Road 9N01 as affirmative management objectives (Forest Service, 2013). Those measures address the physical source of an impact while preserving a valued connection between the Highway 4 corridor, Blue Lakes, and surrounding National Forest System destinations.

The Dusy-Ershim Trail 7S32 in Sierra National Forest further illustrates why the governing framework must accommodate intensive, place-based management. The trail's limited operating season, bridge and drainage needs, annual clearing requirements, signing, remote setting, and extensive volunteer involvement require continuing coordination among the Forest Service, Cal4Wheel, member clubs, and other partners. Those characteristics establish the need for maintenance, seasonal administration, and cooperative stewardship. They do not establish that closure should be presumed whenever agency personnel or appropriations are insufficient.

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

The Presumption Must Account for Network Function

The final rule should require responsible officials to evaluate transportation systems as networks rather than as unrelated route segments. A short connector may determine whether an extensive trail system remains functional as a loop, whether visitors can reach a trailhead or campground, whether a community remains connected to a recreation destination, or whether emergency responders possess an alternate route when fire, flooding, snow damage, or a landslide blocks the primary road.

California's national forests are repeatedly affected by wildfire, post-fire flooding, debris flows, snow damage, washouts, bridge failures, and temporary restoration closures. Geographic redundancy is therefore not an expendable recreational convenience. It can provide alternate ingress and egress, distribute use, support evacuation, facilitate search and rescue, and allow continued access while another route undergoes repair. A decision that appears minor when measured only in route mileage may have severe consequences when examined in the context of the larger transportation system.

Closure analysis should therefore quantify:

- loss of loop opportunities and intersystem connections;
- changes in access to trailheads, campsites, reservoirs, hunting areas, and scenic destinations;
- increases in out-and-back travel or highway trailering;
- displacement onto adjoining routes or communities;
- loss of emergency, fire-management, and maintenance redundancy;
- effects on visitors who cannot substitute prolonged pedestrian travel for motorized access; and
- consequences for rural businesses, volunteer programs, and state or county recreation investments.

<u>These considerations should be mandatory components of the closure record, not discretionary topics that may be omitted when an administrative unit lacks time or funding</u>.

The Final Rule Must Provide a Practical Transition Standard

Open unless closed cannot be implemented effectively if existing MVUMs are simply declared controlling indefinitely. That approach would retain the cumulative results of the closure-oriented system while changing only the wording of the regulation. Existing maps may serve as interim enforcement tools, but the final rule should establish a defined process for reviewing routes excluded under the former standard. During that transition, the Forest Service should create a public route-nomination procedure through which counties, Tribes, recreation organizations, permittees, emergency responders, adjacent landowners, and individual users may submit evidence concerning established routes and access points. Relevant evidence should include historic maps, aerial imagery, maintenance records, photographs, prior Forest Service inventories, state and county transportation records, GPS data, evidence of longstanding public use, connectivity information, and documented stewardship commitments.

The rule should authorize proportionate review for clerical map errors, short connectors, repaired routes, seasonal adjustments, vehicle-class modifications, and other changes that do not present potentially significant environmental effects. It should also make clear that omission from an MVUM does not,

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

standing alone, establish that a physical route never existed, determine ownership or jurisdiction, extinguish a valid existing right, or foreclose future designation.

Requested Regulatory Direction

Cal4Wheel requests that the final rule:

1. establish open unless closed as a rebuttable national presumption for existing roads, trails, trailheads, airfields, and other established access routes and points;
2. expressly distinguish existing-route access from unrestricted cross-country travel or the creation of new routes;
3. retain emergency, seasonal, vehicle-class, public-safety, and resource-protection authority while requiring written findings for restrictions extending beyond a defined emergency period;
4. require route-specific evidence, proportionality, consideration of closure consequences, and analysis of less restrictive management measures;
5. establish a mitigation-first sequence in which maintenance, hardening, relocation, seasonal controls, vehicle limitations, education, enforcement, and cooperative stewardship are considered before long-term closure;
6. require evaluation of network connectivity, geographic redundancy, displacement, emergency access, disability access, community effects, and the operational consequences of restriction;
7. require objective monitoring standards, expiration or review dates, and measurable reopening criteria for every long-term closure;
8. create a public process for nominating existing routes and submitting historic, technical, jurisdictional, maintenance, and connectivity evidence;
9. authorize proportionate procedures for correcting maps, reopening repaired routes, designating short connectors, and revising vehicle-class or seasonal restrictions; and
10. prohibit agency staffing limitations or inadequate appropriations from becoming permanent closure rationales where state, county, nonprofit, volunteer, or other lawful partner capacity can perform the necessary work.

Open unless closed does not subordinate conservation to recreation. It requires the Forest Service to manage both interests through evidence, proportionality, mitigation, monitoring, and accountability. That framework honors the multiple-use mandate, directs resources toward actual site conditions, and restores the appropriate legal premise that national forests are public lands intended for responsible public use.

Rescission of the Former Executive-Order Criteria Requires Conforming Regulatory Reform

Executive Order 14408 rescinded Executive Orders 11644 and 11989 and directed replacement of implementing rules founded upon their motorized-use-specific designation criteria. The Order determined that modern environmental statutes and agency-specific authorities supply an adequate framework and directed a system providing greater access, recreation opportunity, and multiple-use benefits (Exec. Order No. 14,408, 2026). The 2005 TMR was built in substantial part upon the now extraneous executive orders 11644 and 11989. Retaining their minimization criteria after their rescission would perpetuate, by regulation, the same one-directional structure that Executive Order 14408 directed agencies to replace.

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

Cal4Wheel therefore supports removal of the national minimization criteria from subparts B and C. In practice, minimization criteria have pervasively been treated not as instructions to reduce identifiable harm through management, but as a mandate to minimize the geographic presence of motorized use itself. That formulation encourages a narrow comparison in which every mile removed can be characterized as further minimization, while lost connectivity, concentrated use on fewer routes, reduced access for maintenance, and economic injury to gateway communities receive exceptionally less weight of value and consideration.

Removal of minimization criteria will not create an environmental vacuum. NEPA requires reasoned disclosure of reasonably foreseeable environmental effects and consideration of reasonable alternatives, but does not command the agency to select the environmentally preferable alternative (Robertson v. Methow Valley Citizens Council, 1989). NFMA and governing forest plans continue to supply substantive standards. The ESA, Clean Water Act, NHPA, and Wilderness Act retain their full force. The Supreme Court has recognized that multiple-use management entails balancing competing uses rather than maximizing a single value everywhere (Norton v. Southern Utah Wilderness Alliance, 2004). A revised TMR should return travel decisions to that integrated statutory framework.

The final rule should establish a mitigation hierarchy that begins with maintenance, drainage correction, hardening, relocation, seasonal controls, vehicle limitations, education, and targeted restoration. Closure should follow only where evidence demonstrates that these tools cannot reasonably address the identified condition. This sequence would improve environmental outcomes because it directs resources toward causal conditions instead of relying upon a map designation alone.

The West Mojave Record Demonstrates the Perpetual-Closure Dynamic Created by the Former Minimization Framework

The history of the West Mojave Route Network Project provides a particularly instructive example of how federal travel-management requirements, when coupled with indeterminate minimization criteria and litigation-driven enforcement, can transform route planning from a balanced land-use inquiry into an effectively perpetual closure process. Although the West Mojave planning area is administered by the Bureau of Land Management (BLM) under 43 C.F.R. Part 8340, its travel-management regulations and the Forest Service regulations at issue in this rulemaking originated from the same executive-order framework. Both systems required routes to be located with the objective of minimizing impacts on natural and cultural resources, wildlife habitat, and conflicts among recreational uses. The resulting administrative and legal defects are consequently relevant to the Forest Service's revision of 36 C.F.R. Part 212.

The West Mojave planning area encompasses approximately 9.4 million acres, including approximately 3.1 million acres administered by the BLM. Travel planning within this region has proceeded through multiple environmental reviews, land-use-plan amendments, route inventories, judicial challenges, and agency reconsiderations spanning over two decades. The BLM's 2019 West Mojave Route Network Project decision was itself the product of prior litigation and a comprehensive supplemental environmental review intended to correct deficiencies identified in earlier planning. Nevertheless, the revised decision again became the subject of litigation, principally because the plaintiffs alleged that the administrative record did not affirmatively demonstrate that every route designation had been made with the objective of minimizing impacts under 43 C.F.R. § 8342.1 (Center for Biological Diversity v. Culver, 2024).

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

The district court agreed that the BLM had not adequately documented compliance with the regulatory minimization criteria. In doing so, the court concluded that optional or post-designation mitigation measures could not substitute for selecting a route network that already minimized impacts at the designation stage. The court also found separate deficiencies under the National Environmental Policy Act, the Endangered Species Act, and the Federal Land Policy and Management Act. Thus, the ultimate remedy did not rest exclusively upon the minimization criteria. Minimization criteria was nonetheless central to the court's rejection of the route network and to the conclusion that continued recreational use of designated routes within critical habitat could not remain in effect during remand (Center for Biological Diversity v. Culver, 2024, 2026).

On January 23, 2026, the court partially vacated the BLM's 2019 decision and ordered the agency to prohibit recreational OHV use on routes located within designated critical habitat for the desert tortoise and Lane Mountain milk-vetch. The order affected more than 2,200 miles of routes distributed across one million acres. The closures encompass 37% of the routes designated through the West Mojave Route Network Project. The restriction also applies to street-legal vehicles when used for recreational purposes, demonstrating that the consequences extend well beyond nonregistered motorcycles, all-terrain vehicles, and recreational utility vehicles. The order therefore severed ordinary motorized access to a substantial portion of the public-land transportation network, even though certain routes may remain available for administrative use, emergency response, permitted activities, or the exercise of valid existing rights (Bureau of Land Management [BLM], 2026; Center for Biological Diversity v. Culver, 2026; Pettersson, 2026).

The significance of this outcome cannot be measured solely by comparing the number of open and closed route miles. A route network functions through connectivity. Closing a relatively short segment may eliminate access to substantially larger areas, interrupt loop opportunities, prevent passage between communities and destination areas, strand otherwise open routes, and foreclose practical access for older visitors, persons with disabilities, families with young children, hunters, prospectors, volunteers, and members of the public who cannot reach remote locations by nonmotorized means. In the West Mojave, the closure of more than 2,200 miles therefore represents considerably more than the subtraction of individual linear features from a map. It fragments the transportation system across a vast desert landscape and diminishes access to dispersed recreation sites, historic destinations, mineral locations, camping areas, wildlife-viewing locations, and other public resources.

The procedural history also exposes a fundamental defect in the former minimization regime: it supplied no objective or administrable endpoint. The BLM conducted repeated planning processes, evaluated thousands of individual route segments, reduced and reconfigured the available network, prepared extensive environmental documentation, consulted under the Endangered Species Act, and adopted mitigation, monitoring, and adaptive-management provisions. Yet none of those measures established that the agency had finally achieved a legally sufficient degree of minimization. Because the former criteria did not define an acceptable level of impact, prescribe measurable performance thresholds, or explain how minimization should be reconciled with recreational access and other congressionally authorized uses, each completed planning process remained susceptible to the allegation that the agency could have closed still more routes.

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

This produces a one-directional decision structure. Retaining access requires the agency to defend each route against a generalized contention that additional closure would further reduce some asserted impact. Closure, by contrast, becomes the least legally vulnerable alternative because removing a route ordinarily reduces the agency's exposure to a minimization challenge. The practical incentive is therefore to designate the smallest network the agency believes may survive litigation, rather than the network that best reconciles recreation, access, conservation, public safety, socioeconomic considerations, and other multiple-use responsibilities. Even a route network produced after years of environmental analysis and earlier judicial review may be characterized as insufficiently protective because the governing standard contains no limiting principle by which sufficient minimization can be distinguished from maximal restriction.

The West Mojave litigation further demonstrates how an open-ended planning criterion may migrate from agency guidance into a mechanism for judicially imposed access restrictions. In January 2026, the final choice concerning continued recreational use of thousands of miles of designated routes was no longer being made through an agency planning process involving route-specific public participation and an integrated assessment of multiple-use needs. Instead, access was curtailed through partial vacatur and injunctive relief while the agency undertakes another remand process, presently required to be completed by October 14, 2029 (Center for Biological Diversity v. Culver, 2026). Such a result allows litigation strategy to exert a disproportionate influence over the configuration of the public transportation system, notwithstanding the substantial time, expertise, and public resources already invested in administrative planning.

Nothing in Cal4Wheel's position diminishes the importance of conserving the desert tortoise, Lane Mountain milk-vetch, or other sensitive resources. Those responsibilities remain enforceable through the Endangered Species Act, NEPA, FLPMA's prohibition against unnecessary or undue degradation, land-use-plan requirements, site-specific closure authority, and other substantive and procedural safeguards. The relevant question that must be asked is: should public land management agencies also be governed by an additional, indeterminate minimization mandate that lacks measurable limits and predictably rewards closure as the most litigation-resistant outcome? The West Mojave record demonstrates that this superimposed standard did not merely require reasoned environmental protection. It enabled successive demands for additional restriction ***after*** the agency had already completed multiple rounds of planning and network reduction.

Executive Order 14,408 correctly recognized that the former minimization directives were vague, subjective, unsupported by an independent statutory command, and duplicative of existing environmental laws. Its rescission of Executive Orders 11,644 and 11,989, together with its direction that federal agencies revise or rescind implementing regulations derived from them, restores the proper legal hierarchy. Agencies must continue to comply fully with NEPA, the Endangered Species Act, FLPMA, the National Historic Preservation Act, applicable forest plans, and other governing law, but they should no longer be compelled to treat an undefined closure-oriented standard as superior to recreational access, multiple use, or the public's legitimate dependence upon motorized transportation (Exec. Order No. 14,408, 2026).

Executive Order 14,408 does not, by itself, vacate the West Mojave judgment, reopen the affected routes, or displace the court-ordered remand. It does, however, correct the policy foundation from which this

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

recurrent closure dynamic developed and directs the responsible agencies to conform their regulations accordingly. **Revision of the Forest Service Travel Management Rule is therefore the necessary next step.** Retaining the operative substance of the former minimization criteria in 36 C.F.R. § 212.55 would perpetuate the very regulatory structure that EO 14408 rescinded and would continue exposing Forest Service route designations to the same unbounded closure pressure illustrated by the West Mojave experience.

The revised rule should replace the former minimization criteria with a route-specific, evidence-based planning standard that considers demonstrated resource conditions, the severity and geographic extent of actual impacts, network connectivity, reasonable mitigation, socioeconomic consequences, accessibility needs, historical use, and the agency's statutory multiple-use responsibilities. Restrictions should be proportionate to documented conditions, geographically confined, periodically reviewed, and accompanied by measurable reopening criteria whenever they are imposed on a temporary basis. Closure should remain available *where supported by substantial evidence and governing law*, but it should no longer function as the presumptive or administratively safest outcome.

Local Forest-Level Decisions Are Essential to Responsible Access

California's national forests encompass deserts, chaparral, coastal ranges, volcanic plateaus, deep-snow winter landscapes, conifer forests, granitic high country, and intensely used wildland-urban interfaces. A uniform national formula cannot adequately determine whether an existing route in Klamath National Forest, a snowmobile area in Tahoe National Forest, a rocky four-wheel-drive trail in Sierra National Forest, and a dispersed-camping corridor in San Bernardino National Forest should receive the same treatment.

Forest Supervisors and District Rangers should have authority to respond to actual terrain, hydrology, vehicle types, recreation patterns, fire history, staffing, and partner capacity. Local discretion should be paired with public accountability: accessible records, current maps, notice proportionate to the action, a process for submitting route evidence, and written findings for significant closures. Counties, Tribes, adjacent communities, permittees, emergency responders, conservation organizations, motorized clubs, hunters, anglers, and trail volunteers possess information that may not appear in national datasets. Historic maps, aerial imagery, county road records, maintenance histories, fire records, and credible user evidence should be accepted when determining whether a route exists and whether it warrants recognition or reconsideration.

Travel and access decisions need not be processed as forest-plan amendments unless they conflict with a governing plan component. Requiring plan-level procedure for routine map corrections, short relocations, changed vehicle classes, reopening after repair, or minor connector designations consumes years of staff capacity without producing commensurate environmental benefit. The final rule should authorize proportionate procedures and appropriate categorical exclusions where permitted by NEPA, while preserving more comprehensive analysis for decisions capable of significant effects.

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

Closed Routes Require Regular Review and a Viable Path to Reopening

Cal4Wheel strongly supports annual unit-level review of closed and highly restricted routes, subject to available appropriations, and recommends that the final rule make the process transparent. Closure rationales age. Wildfire can erase the vegetation condition upon which a designation depended. A failed culvert can be replaced. A meadow crossing can be hardened or relocated. A species concern can be addressed through a narrower season. A county, club, or grantee may acquire the resources needed to complete deferred work.

Without mandatory reconsideration, an interim restriction tends to harden into a permanent administrative fact. Since 2006, through Cal4Wheel's robust involvement in active public land stewardship and access advocacy, we have witnessed firsthand that this is a pervasively frequent occurrence. The Eldorado meadow-route history is instructive. Litigation produced closure of 42 affected routes while the Forest Service completed supplemental review. Eighteen routes required corrective treatment, and cooperative restoration eventually resolved work on the final routes (Amador-Calaveras Consensus Group, 2018; Forest Service, 2013). A system focused only on initial closure consistently misses the availability of repair and continued use.

Annual review should identify the:

- responsible official,
- closure authority,
- original basis,
- current condition,
- remaining work,
- estimated cost,
- partner opportunities, and
- reopening criteria for each route.

The public should be able to nominate routes and submit evidence. High-priority candidates should include routes that restore loop opportunities, connect communities or recreation hubs, provide alternate ingress and egress, serve dispersed campsites, support fire and fuels work, or improve access for mobility-limited visitors.

Regulatory Reform Requires a Binding Transition and Implementation Framework

The success of the revised Travel Management Rule will depend as much upon its transition provisions as upon its substantive standards. A rule that announces an open-unless-closed policy, removes the former minimization criteria, and directs annual review of restrictions will accomplish little if existing designations remain effectively permanent and local units receive no deadline, sequence, funding strategy, or accountability mechanism for applying the new framework.

The Notice of Intent states that existing motor vehicle and over-snow vehicle designations will remain operative until revised under the amended regulations. It further explains that the proposed access presumption would guide future decisions but would not, by itself, change the legal status of an existing road, trail, airfield, trailhead, or other access point (Forest Service, 2026a). A temporary continuity

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

provision is reasonable. The public needs to know which routes may lawfully be used on the effective date of the final rule, and the Forest Service cannot revise hundreds of MVUMs and OSVUMs simultaneously. Continuity, however, must not become indefinite entrenchment.

Unless the final regulations establish a mandatory transition process, the decisions produced by the former closure-oriented framework may remain unchanged for decades. Units with limited personnel, competing priorities, incomplete route data, or reluctance to revisit controversial decisions could simply leave existing designations untouched. Under that approach, removal of the minimization criteria would apply only to an uncertain category of future actions, while the closures, network fragmentation, and vehicle-class restrictions previously adopted under those criteria would continue without reevaluation. The new rule would then change the stated national policy while leaving its practical effects largely unrealized.

That result would conflict with the purpose of Executive Order 14408, which directed replacement of regulations founded upon Executive Orders 11644 and 11989 with a framework providing greater access, recreation opportunities, and multiple-use benefits (Exec. Order No. 14,408, 2026). It would also frustrate the Forest Service's stated objective of modernizing travel planning, alleviating unnecessary regulatory burdens, and making access decisions more timely and responsive to current conditions (Forest Service, 2026a). The final rule must therefore distinguish between temporarily preserving existing designations for orderly administration and permanently insulating those designations from the standards adopted through this rulemaking.

Cal4Wheel urges the USDA Forest Service to ensure that the final rule and Record of Decision establish the following transition requirements.

1. Establish a Definite Effective Date and Identify Immediately Operative Provisions

The final rule should clearly identify which provisions take effect upon promulgation, which require revised agency directives, and which depend upon subsequent unit-level action. Removal of the former minimization criteria should apply immediately to all new, pending, supplemental, or remanded travel-management decisions to the extent consistent with applicable law and controlling judicial orders. Clerical map corrections, public route nominations, annual closure review, submission of route evidence, and consideration of partner capacity should likewise become available without waiting for comprehensive unit-wide travel planning.

Vehicle- or use-specific provisions intended to operate as categorical exemptions should state their geographic, seasonal, equipment, and resource-protection conditions directly in the regulation. The Forest Service should not adopt an apparent exemption and then postpone its operation indefinitely while developing manuals, handbooks, or local guidance.

2. Publish National Implementation Direction Within 180 Days

Within 180 days after publication of the final rule, Chief Schultz should issue national direction establishing consistent implementation procedures, data standards, public-notice requirements, decision categories, documentation templates, and reporting measures. That direction should preserve local authority over site-specific outcomes while ensuring that each unit applies the same minimum requirements for transparency, evidence, closure review, public participation, and map updates.

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

The implementation direction should expressly differentiate among:

- clerical corrections that do not alter lawful public use;
- minor revisions with limited and localized effects;
- reopening after repair or completion of mitigation;
- temporary emergency restrictions;
- seasonal or vehicle-class adjustments;
- route relocations;
- additions of existing routes to the designated system; and
- substantial changes affecting network connectivity, public access, or numerous route miles.

A one-size-fits-all procedure would preserve the inefficiency the rulemaking is intended to correct. At the same time, calling a decision “minor” should not permit elimination of a critical connector, access to a recreation destination, or a meaningful class of public use without adequate notice and analysis.

3. Complete a Unit-Level Transition Inventory Within One Year

Each National Forest System administrative unit should complete and publish an initial transition inventory within one year of the final rule’s effective date. The inventory should identify, at minimum:

- routes and access points closed or highly restricted under existing travel plans;
- the date, authority, and stated rationale for each restriction;
- whether the restriction arose from nondesignation, a permanent decision, a temporary order, an emergency closure, a seasonal limitation, or a vehicle-class restriction;
- whether the original condition remains present;
- whether corrective work, changed conditions, wildfire, vegetation treatment, restoration, acquisition of legal access, or new information has altered the factual basis;
- outstanding maintenance or mitigation;
- known county, state, Tribal, nonprofit, or volunteer interest;
- routes omitted from current maps because of clerical or data errors; and
- the anticipated priority and schedule for review.

This inventory need not determine the ultimate status of every route within one year. It must provide a transparent accounting of the decisions inherited from the existing rule and identify where reconsideration is warranted.

California’s national forests should not be permitted to treat the current MVUM as the inventory itself. An MVUM communicates lawful motor vehicle use, but it generally does not explain why a route was excluded, whether the exclusion resulted from a site-specific resource concern, whether mitigation was considered, or whether the underlying condition persists. A meaningful transition inventory must examine the administrative history behind the map.

4. Establish a Prioritized Three-Year Review Cycle

Following completion of the initial inventory, each unit should be required to review priority routes and restrictions within three years. Priority should be given to decisions that:

- eliminated or fragmented established loops;

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

- removed access to campgrounds, trailheads, dispersed camps, lakes, hunting areas, historic destinations, or adjoining public lands;
- prevent appropriate use by a particular vehicle class without current supporting evidence;
- were based principally upon the former minimization criteria;
- remain under emergency or temporary authority after the original event has passed;
- can be addressed through maintenance, hardening, drainage correction, relocation, seasonal management, or partner-supported work;
- impair wildfire suppression, vegetation treatment, search and rescue, evacuation, utility service, or administrative access;
- involve conflicts between an MVUM, transportation atlas, field sign, closure order, or recorded decision; or
- have been nominated by counties, Tribes, state agencies, recreation organizations, or members of the public.

The Forest Service should not be required to reopen every priority route. It should be required to make a reasoned determination under the revised standards and publish the evidence supporting continued restriction, modification, or reopening.

5. Prevent Temporary and Emergency Closures From Becoming Permanent by Inertia

Existing emergency and temporary closure orders should receive expedited transition review. Within 180 days of the final rule's effective date, each unit should identify orders that have remained in effect beyond their original emergency or restoration period. The responsible official should either allow the order to expire, replace it with a time-limited order supported by current findings, or initiate the process required for a longer-term designation decision.

Renewal of a temporary closure should disclose the present hazard or resource condition, work completed, remaining work, available funding, partner proposals, and objective reopening criteria. Reissuing substantially identical temporary orders should not be used to avoid the procedural and evidentiary requirements applicable to long-term restrictions.

Wildfire, storm damage, landslides, bridge failures, and active restoration may justify immediate exclusion. Those events do not invariably justify years of closure after the emergency has ended. California's recurring wildfire and post-fire recovery conditions make enforceable review dates essential.

6. Apply the Revised Rule to Pending, Supplemental, and Remanded Decisions

Travel-management projects without a final decision on the rule's effective date should proceed under the revised regulations. Decisions undergoing supplemental review, administrative reconsideration, or judicial remand should likewise apply the new standards to the extent permitted by the governing remand order and other applicable law. The rule should make clear that rescission of the former executive-order criteria does not automatically vacate final judgments or override court orders, but neither should the Forest Service voluntarily perpetuate superseded criteria in ongoing administrative proceedings.

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

Where a final travel decision is already the subject of litigation, the agency should determine whether voluntary remand, supplemental explanation, or regulatory transition is appropriate on a case-specific basis. That evaluation should account for the new national policy, the stage of litigation, reliance interests, resource conditions, and the public interest in avoiding unnecessary expenditure on defending a regulatory standard the agency has replaced.

7. Create a Public Route-Nomination and Evidence-Submission Process

Beginning on the effective date of the rule, the Forest Service should accept nominations for reopening, redesignation, correction, relocation, or vehicle-class modification. Submissions should be permitted to include historical maps, aerial imagery, county records, photographs, maintenance histories, declarations of prior use, engineering information, recreation-network data, accessibility information, proposed mitigation, and commitments of labor or funding.

The agency should acknowledge each nomination, assign it a public tracking number, identify the responsible unit, and explain whether it will be handled as a clerical correction, minor revision, annual-review candidate, or substantive travel-management action. A nomination process without tracking, response deadlines, or publicly visible disposition would provide participation in form but not in substance.

8. Coordinate Transition With State, County, Tribal, and Local Transportation Interests

California counties, Tribes, state agencies, fire-protection districts, search-and-rescue organizations, utilities, grazing permittees, and recreation groups possess information indispensable to implementation. Unit-level transition inventories and priority lists should be circulated for coordination before they are finalized. County road records, easements, state OHV data, historic transportation documents, emergency-response plans, and asserted rights-of-way must be considered without allowing an MVUM omission to predetermine ownership, jurisdiction, or legal status.

The transition process should not purport to extinguish valid existing rights or resolve disputed title through cartography. The Notice of Intent recognizes that maps do not create, extinguish, or alter valid existing rights (Forest Service, 2026a). The final rule should preserve that limitation expressly.

9. Provide a Reasonable Public-Education and Enforcement Transition

Changes in route status, map format, vehicle classification, seasonal use, or dispersed-use authority must be communicated before punitive enforcement begins. The Forest Service should provide updated digital and printable maps, prominent change notices, field signage, archived prior editions, and an implementation grace period for newly changed restrictions unless immediate enforcement is necessary to address a documented safety or resource emergency.

Where an outdated sign, paper map, digital layer, and closure order conflict, the agency should correct the inconsistency promptly. Users should not be cited for an inadvertent violation produced by inaccurate or contradictory government information absent evidence of knowing misconduct or actual resource damage.

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

10. Match Implementation Obligations with Funding and Partnership Authority

The transition plan should identify the personnel, appropriations, state grants, cooperative agreements, and partner capacity required for inventories, field verification, map corrections, mitigation, and reopening work. A unit should not classify a route as unsuitable merely because it lacks current agency funding if California's OHV Grants and Cooperative Agreements Program, a county, Cal4Wheel, a member club, or another qualified partner can provide lawful assistance.

Before administrative or maintenance capacity is used to continue a restriction, the responsible official should identify the required work, estimated cost, available agreement mechanisms, and whether partners were invited to participate. Executive Order 14,408 and the EXPLORE Act favor greater recreation access, improved mapping, and expanded opportunities where consistent with applicable law. Implementation should use cooperative capacity to fulfill those policies rather than allowing agency scarcity to defeat them (Exec. Order No. 14,408, 2026; Expanding Public Lands Outdoor Recreation Experiences Act, 2025).

11. Require Annual National Reporting and Measurable Outcomes

The Forest Service should publish an annual implementation report showing, by region and administrative unit:

- inventories completed;
- routes and access points reviewed;
- miles reopened, added, relocated, seasonally managed, or kept closed;
- changes by vehicle class;
- loops and destination connections restored;
- clerical errors corrected;
- temporary orders expired or renewed;
- public nominations received and resolved;
- partner funds and volunteer contributions used;
- MVUM and OSVUM updates completed; and
- remaining implementation backlogs.

Mileage should not be the sole measure. The report should address functional access, including connectivity, destination access, season, geographic distribution, and vehicle class. Reopening five disconnected spur roads does not compensate for the continued closure of a single corridor that once connected an entire regional trail system.

The annual report should also identify units that have failed to meet transition deadlines and explain the corrective action that will follow. "Subject to available appropriations" should not excuse failure to inventory restrictions, accept public information, establish priorities, or disclose implementation status. Funding may affect when physical work can occur, but it should not eliminate administrative accountability.

A transition framework incorporating these requirements would preserve necessary continuity without allowing the former regulatory system to survive indefinitely through inaction. It would also provide local officials with an orderly process for addressing the accumulated effects of two decades of travel planning

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

while maintaining environmental review, public safety, valid existing rights, and site-specific resource protection.

Cal4Wheel supports comprehensive revision of the Travel Management Rule because the existing framework has repeatedly made closure easier to impose than access is to restore. **The final rule should not reproduce that imbalance during implementation**. Existing restrictions may remain temporarily effective while they are reviewed, but they should not receive permanent immunity from the access presumption, evidentiary requirements, proportionality standards, mitigation hierarchy, and reopening procedures established by the revised regulations.

Mapping Must Become Accurate, Digital, and Operationally Current

Enforcement cannot be fair when maps, field signs, digital applications, and actual conditions disagree. Cal4Wheel supports integrated, GIS-compatible digital mapping as the authoritative public source, consistent with the EXPLORE Act. Maps should show vehicle class, season, dispersed-use allowances, temporary orders, the legal authority for a closure, and the date of the next review. Historic MVUM editions should remain available so the public and decision-makers can understand how networks changed.

Digital modernization should not eliminate printable maps or penalize visitors who lack cellular service. Downloadable offline data, georeferenced PDFs, accessible formats, and consistent symbology are necessary in California's remote mountains and forests. Clerical corrections should occur promptly without requiring a full travel-planning process. Where a sign conflicts with the authoritative map, the agency should prioritize correction and use warnings before implementing punitive enforcement that is absent evidence of intentional violation.

The Rule Should Restore Practical Access for Dispersed Uses, Winter Recreation, and New Technologies

The final rule should authorize locally tailored motorized access for dispersed camping, firewood collection, retrieval of legally taken big game, and similar traditional uses. Corridors, maximum distances, seasons, terrain limitations, and vehicle classes can prevent resource damage without imposing a nationwide prohibition. A short, mapped corridor serving an established campsite is materially different from unrestricted cross-country travel and should be regulated accordingly.

Over-snow travel warrants separate treatment. Adequate snow cover changes the physical interaction between a vehicle and underlying soil and vegetation. Subpart C planning has consumed substantial time and expense in Tahoe, Plumas, Stanislaus, and Lassen National Forests while shrinking or fragmenting traditional winter access. Local managers should retain authority to restrict travel where documented wildlife, safety, watershed, or conflict conditions warrant… but OSV access should be presumed appropriate where sufficient snow protects underlying resources. Dynamic opening thresholds and real-time public information are more responsive than static national assumptions.

Cal4Wheel also supports modern treatment of Class 1 e-bikes and emerging low-powered electric mobility devices. Technology should be evaluated according to speed, power, tread, weight, and

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

observable impacts rather than legacy labels alone. Appropriate access for low-powered devices can expand recreation for older adults, disabled visitors, veterans, and people recovering from injury while retaining trail-specific controls.

An Adequate Transportation Network Must Replace the Minimum-Road Paradigm

Subpart A should direct the Forest Service to maintain an adequate and appropriate transportation system, not pursue road reduction as an end in itself. **National Forest System roads and motorized trails are public infrastructure**. They support recreation, fire suppression, prescribed fire, mechanical fuels treatment, hazard-tree work, search and rescue, evacuation, utility access, grazing, timber operations, invasive-species treatment, post-fire assessment, watershed repair, and law enforcement.

Recent California fires underscore the operational consequences of network redundancy. The 2013 Rim Fire, 2014 King Fire, 2020 Creek Fire, 2021 Caldor Fire, 2022 Mosquito Fire, and 2025 Garnet Fire (among many, many others not named here) burned across or adjacent to national forest landscapes, damaged roads and trails, and required extensive suppression and recovery operations. Not every road provides tactical value, and an unmaintained road can create erosion or safety problems. Strategically located and serviceable routes, however, provide staging, ingress, egress, fuel-break access, evacuation alternatives, and post-fire entry. Those benefits must be evaluated before a route is decommissioned or excluded from public use.

The appropriate inquiry is: what network is necessary to sustain multiple uses, active forest management, emergency response, recreation, and resource protection? **A numerical target for the smallest affordable system disregards the statutory purposes the system must serve**. Administrative scarcity is a management constraint, not a land-allocation mandate.

Funding Constraints Call for Partnerships, Not Institutionalized Exclusion

The Forest Service has faced real maintenance backlogs and workforce constraints. Those conditions do not establish that permanent closure is the correct response. Agency staffing is only one component of maintenance capacity. California's OHV program uses registration-derived and fuel-tax revenues to fund operations, maintenance, restoration, law enforcement, education, and conservation work on federal lands. In 2024, California State Parks awarded approximately $30 million through its OHV Grants and Cooperative Agreements Program for safe and sustainable recreation (California State Parks, 2024). Federal units, counties, nonprofit organizations, and clubs can combine these funds with agreements, equipment, technical expertise, and volunteer labor.

Cal4Wheel and its member clubs have decades of experience clearing routes, brushing corridors, restoring drainage, installing signs, removing refuse, supporting post-fire recovery, installing restroom and backcountry sanitation facilities, educating visitors, and coordinating with Forest Service staff. On the Dusy-Ershim trail, organized four-wheel-drive volunteers work with Sierra National Forest to clear and prepare the trail for seasonal use. On the Rubicon, volunteer stewardship has helped convert a threatened closure into an enduring model of managed access. On Barrett Lake Trail in Tahoe National Forest, Cal4Wheel volunteers funded, constructed, and now maintain a restroom facility that has resolved a previously troubling waste management problem. Similar club efforts occur on adopted trails and roads

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

throughout California. Motorized recreationists are not merely users of infrastructure. They are a skilled, invested stewardship workforce whose capacity should appear in every maintenance analysis.

The final rule should require consideration of partner capacity before maintenance limitations are used to support closure. It should encourage challenge-cost-share agreements, volunteer service agreements, Adopt-a-Trail arrangements, state OHV grants, county participation, and stewardship contracting. Where a route cannot presently be maintained to the necessary standard, the decision should identify the work, cost, eligible funding mechanisms, and conditions under which partners may accomplish it.

Economic and Social Effects Must Receive Equal Analytical Weight

Motorized access sustains spending on fuel, lodging, food, repairs, parts, equipment, guides, permits, and local services, frequently in rural communities with narrow and seasonal economic bases. California State Parks' statewide OHV and OSV study reports that over $10 billion in statewide economic output is produced directly from OHV and OSV recreation (California State Parks, 2025). The Bureau of Economic Analysis reports that California produced $24.1 billion in outdoor-recreation value added in 2024; and notably, California is the largest state contribution for the relevant category reported in its release (Bureau of Economic Analysis, 2026). These statewide measures are not attributable solely to national forest motorized use, but they demonstrate the scale of the economy to which Forest Service access contributes.

Route decisions are experienced locally. Communities serving Tahoe and Plumas National Forests, including Truckee, Downieville, Quincy, Portola, Graeagle, and Chester, benefit from visitors using connected summer and winter networks. Georgetown, Pollock Pines, Kyburz, Markleeville, and South Lake Tahoe serve access to Eldorado, Stanislaus, Humboldt-Toiyabe, and Lake Tahoe Basin destinations. Shaver Lake, Lakeshore, North Fork, Oakhurst, and neighboring communities serve Sierra National Forest recreation, including the premier OHV destinations in the Dusy-Ershim and Bald Mountain areas. Southern California communities adjacent to Angeles, Cleveland, San Bernardino, and Los Padres National Forests depend upon accessible recreation close to major population centers. The loss of a connector or vehicle-class designation can convert a multi-day loop into an out-and-back trip, isolate a campground, shorten visitor stays, or make a destination impractical for a family towing an OHV.

The social effects are equally substantial. Roads and motorized trails extend public-land use to seniors, families with young children, disabled visitors, veterans, hunters, anglers, campers, photographers, rockhounds, and people who cannot travel long distances on foot. Section 504 of the Rehabilitation Act prohibits disability discrimination in federally conducted programs (29 U.S.C. § 794), while the Architectural Barriers Act and Forest Service accessibility policy inform the design of facilities and programs. These authorities do not require every route to be motorized, but they reinforce the need to evaluate whether closure removes the only practical means by which a segment of the public can reach a forest destination or recreation area.

The EIS should quantify changes in route miles by vehicle class, season, network connectivity, access to campgrounds and trailheads, proximity to disadvantaged rural communities, volunteer investment, and local visitor spending. Analysis limited to biophysical effects obscures the human consequences of the regulatory baseline. NEPA requires an informed comparison of environmental consequences, and its

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726
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definition of the human environment encompasses interrelated social and economic effects where they bear upon the decision (42 U.S.C. §§ 4321–4370h; 40 C.F.R. parts 1500–1508).

The Final Rule Must Treat Motorized Connectivity as Disability Access

The consequences of route closure are not distributed equally among members of the public. An able-bodied visitor may respond to the loss of motorized access by hiking, bicycling, or riding horseback to the same destination. For a person with a mobility, respiratory, cardiac, neurological, visual, balance, or chronic-pain disability, the closure may eliminate access entirely. A person may be fully capable of camping, fishing, hunting, photographing wildlife, visiting a cultural site, or enjoying an overlook after reaching the destination, while remaining unable to traverse miles of steep, rocky, snowy, or uneven terrain from the nearest open road.

For many people with disabilities, a Jeep, side-by-side, ATV, snowmobile, or highway-legal vehicle performs the practical function of a mobility device. It extends physical reach, transports adaptive equipment and medical supplies, and permits participation with family members, caregivers, veterans' organizations, and recreation groups. Travel planning that classifies such transportation solely as a discretionary recreational convenience disregards the role that motorized access plays in allowing disabled people to participate in the National Forest System at all.

The legal designation of land as open to the general public does not establish meaningful accessibility if the only practical route has been closed to vehicles. National forest acreage may remain technically available, yet functionally inaccessible to anyone unable to hike a considerable distance. This form of exclusion is easily obscured when the Forest Service reports only the total acreage or route mileage affected by a decision. A closure of several miles can place thousands of surrounding acres, multiple recreation destinations, or an entire network beyond the physical reach of disabled visitors.

Section 504 of the Rehabilitation Act prohibits exclusion of an otherwise qualified person with a disability from a federal program or activity solely because of disability (Rehabilitation Act of 1973, 29 U.S.C. § 794). Forest Service accessibility guidance likewise directs planners and designers to integrate accessibility into outdoor recreation facilities and trails while retaining the character of the natural setting (Zeller et al., 2012). These authorities do not require motorized use on every acre or prevent restrictions supported by public safety, controlling law, valid existing rights, or substantiated resource conditions. They do require the agency to examine whether its transportation decisions create avoidable barriers to participation.

Existing accessibility policy has generally concentrated upon the design of constructed facilities. Accessible parking spaces, restrooms, picnic tables, campsites, fishing platforms, gates, and trail surfaces are important, but they address only the destination or developed site. They do not ensure that a visitor can reach that destination. An accessible campground is of limited value when the connecting road is closed. An accessible trailhead does not provide equivalent opportunity when motorized use terminates miles away. The Travel Management Rule must account for this complete access chain.

California's national forests illustrate the problem. Premier recreation opportunities on Tahoe, Plumas, Eldorado, Stanislaus, Sierra, Sequoia, Shasta-Trinity, Mendocino, Lassen, Angeles, Cleveland, Los

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

Padres, and San Bernardino National Forests often lie far from paved highways and developed parking areas. Dusy-Ershim, Bald Mountain, Deer Valley, Sierra Buttes, the Big Bear trail system, and numerous dispersed destinations depend upon motorized roads and trails extending deep into mountainous terrain. Many locations involve substantial elevation change, extreme summer heat, snow, loose rock, stream crossings, or distances that cannot reasonably be traveled on foot by a person with limited stamina or mobility.

Winter travel presents a related concern. Over-snow vehicles may be the only practicable means for disabled visitors to enter snow-covered national forest landscapes when ordinary roads are seasonally impassable. A static OSV closure can therefore produce a complete seasonal exclusion even where adequate snow protects soil and vegetation. Similarly, short motorized corridors serving dispersed camps can determine whether a disabled visitor can camp with family or participate in hunting and fishing without requiring construction of a formal developed facility.

The EIS should examine disability access as a distinct effect rather than subsuming it within general recreation or socioeconomic analysis. At minimum, the alternatives should be compared according to:

- motorized route distribution and density;
- vehicle class and season of use;
- distance between open routes and recreation destinations;
- access to developed and dispersed camps, trailheads, lakes, rivers, hunting areas, scenic overlooks, cultural sites, and winter recreation areas;
- availability of connected loops and alternate routes;
- access for adaptive vehicles and low-powered mobility devices;
- whether a closure eliminates the only practicable motorized approach;
- whether an alternate route provides genuinely comparable access;
- effects upon veterans, older adults, and visitors with nonvisible disabilities; and
- the accessibility of gates, barriers, parking, signs, loading areas, and transfer points.

The analysis must distinguish nominal mileage from functional access. A road appearing as open on an MVUM may provide little practical opportunity if it is isolated from the larger network, inaccessible to the needed vehicle class, seasonally unavailable without justification, physically impassable, or terminated far from the destination. Conversely, a short connector may provide exceptional accessibility value by linking a community, staging area, campground, and regional trail network.

The Outdoor Americans with Disabilities Act Supplies a Measurable Planning Standard

Cal4Wheel recommends that the Forest Service incorporate the principal road-density provisions of the proposed Outdoor Americans with Disabilities Act into the revised Travel Management Rule. Introduced as S. 2968 in the 119th Congress, the legislation offers a quantitative means of evaluating whether public land retains sufficient motorized connectivity to provide meaningful access for disabled visitors.

S. 2968 defines “disability-accessible land” as each square mile of public land assessed as containing at least 2.5 miles of authorized road accessible to motorized vehicles or off-road vehicles. When developing motor-vehicle-use maps and travel-management plans, the bill would require the Forest Service and

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
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Department of the Interior to account for the total length of traversable, approved roads within each square mile (Outdoor Americans with Disabilities Act, 2025, §§ 2–4).

The provision does not direct the Forest Service to construct 2.5 miles of new road in every square mile of federal land. It establishes a benchmark for identifying areas that currently possess meaningful motorized route density. In an area meeting that standard, the bill would prevent closure from reducing authorized road mileage below the threshold unless the route was temporary or presented a direct threat to health or safety. In areas already below the benchmark, the agency would be required to consider reopening roads closed during the preceding 10 years and would generally be prohibited from imposing further closures absent a direct health or safety threat (Outdoor Americans with Disabilities Act, 2025, § 4(b)).

This approach addresses a central deficiency in existing travel planning. The current rule directs examination of individual route designations but supplies no minimum measure of landscape-scale accessibility. An agency may close one segment at a time, characterize each decision as geographically limited, and never disclose that the accumulated result has left an extensive area reachable only by people capable of strenuous nonmotorized travel. A road-density standard forces the agency to assess the transportation network as a system and to recognize that cumulative route attrition can become functional exclusion.

The Forest Service should incorporate the following provisions into the final rule:

1. **Map motorized-access density.** Each national forest should calculate and publicly display the mileage of traversable, authorized motorized roads and trails within each square mile of National Forest System land. The Forest Service may adopt an equivalent geospatial methodology where necessary to account for irregular boundaries, but it should preserve the substance and transparency of the 2.5-mile benchmark.
2. **Establish a no-net-loss floor in qualifying areas.** Where an area contains at least 2.5 miles of authorized motorized routes per square mile, a closure should not reduce access below that threshold unless required by controlling law or supported by a documented direct threat to health or safety. If closure is necessary, an equivalent replacement route should be designated.
3. **Prevent further access depletion in deficient areas.** Where existing density is already below the benchmark, additional closure should be presumptively disfavored. The responsible official should first evaluate whether previously closed routes can be reopened and whether maintenance, hardening, drainage correction, relocation, seasonal restrictions, vehicle limitations, or cooperative stewardship can resolve the identified concern.
4. **Require equivalent replacement access.** Where a motorized route must close, the Forest Service should establish replacement access within a definite period. The replacement should serve substantially the same destination, geographic area, recreation setting, season, network function, and appropriate vehicle classes. Designating an unrelated road many miles away should not qualify as mitigation.
5. **Prioritize routes serving multiple recreation interests.** S. 2968 directs agencies to prioritize roads providing access to hunting, fishing, cultural and natural sites, birdwatching, hiking, picnicking, camping, boating, mountain biking, motorized recreation, electric bicycles, and over-snow vehicles. The final rule should recognize that motorized roads frequently supply the initial access upon which both motorized and nonmotorized activities depend (Outdoor Americans with Disabilities Act, 2025, § 4(a)(3)).

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

6. **Protect roads with overlapping public-safety and management value.** Routes used for fuels treatment, wildfire response, evacuation, search and rescue, vegetation management, and post-fire recovery often provide the same connectivity needed by disabled recreationists. Their full range of functions should be evaluated before closure or decommissioning.
7. **Require consultation with disabled users.** Disability-access findings should be informed by people who depend upon motorized transportation, adaptive-recreation organizations, veterans' groups, aging visitors, counties, state agencies, Tribal governments, and organizations such as Cal4Wheel whose members possess direct knowledge of route conditions and vehicle capability.
8. **Disclose the effect before making a closure decision.** The administrative record should identify existing road density, post-decision density, affected destinations, alternate routes, vehicle classes, seasonal implications, and whether closure would render surrounding land inaccessible to visitors unable to travel long distances without motorized assistance.

The Forest Service cannot administratively enact S. 2968 in its entirety. The legislation's specific categorical exclusion, treatment of unadjudicated rights-of-way claims, and other provisions remain proposals unless enacted by Congress. The agency can, however, adopt the road-density benchmark, no-net-loss principle, replacement-route requirement, public-participation protections, and disability-access findings as regulatory planning criteria under its existing travel-management authority.

The EIS should evaluate a specific alternative applying the 2.5-mile-per-square-mile standard to National Forest System travel planning. That alternative should include protection against net loss in qualifying areas, a presumption against further reduction in areas below the threshold, and replacement-route mitigation when closure is unavoidable. The EIS should compare this framework with alternatives that contain no quantitative accessibility floor.

For California, the analysis should disclose:

- the acreage of National Forest System land meeting the benchmark;
- the acreage below the benchmark;
- current road density by forest and ranger district;
- changes attributable to TMR implementation;
- the location of accessible recreation facilities lacking adequate motorized approaches;
- the number of recreation destinations for which route closure would eliminate practical disability access; and
- how each regulatory alternative would change those conditions.

Every Material Restriction Should Include a Disability-Access Finding

Before approving a long-term road or trail closure, substantial seasonal restriction, or vehicle-class prohibition, the Forest Service should prepare a written disability-access finding. That finding should determine:

- whether the route provides the only practicable motorized access to a destination or network;
- the existing and post-decision route density;
- which mobility and functional limitations are reasonably likely to be affected;
- whether a comparable alternate route exists;
- whether the alternate accommodates the necessary vehicle class;

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
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- whether less restrictive mitigation can address the underlying concern;
- whether the decision isolates an accessible facility, trailhead, campground, or recreation site;
- whether disabled users and adaptive-recreation organizations were consulted; and
- when replacement access will become available if closure is unavoidable.

The analysis must not be limited to wheelchair users or individuals possessing disability parking placards. Disabilities affecting walking distance, balance, stamina, respiration, vision, neurological function, pain, temperature tolerance, or the ability to carry necessary equipment may make motorized access indispensable even when no disability is outwardly apparent.

Nor should the Forest Service assume that a small number of accessible developed facilities compensates for exclusion from dispersed public lands. Disabled visitors seek the same breadth of experiences as other members of the public: backcountry camping, four-wheel-drive travel, hunting, fishing, photography, sightseeing, snow recreation, exploration of historic sites, family outings, and participation in club events. Confining those visitors to a limited selection of developed sites does not provide an equivalent opportunity to enjoy the National Forest System.

Cal4Wheel therefore urges the Forest Service to ensure that the final Travel Management Rule adopt the 2.5-mile-per-square-mile benchmark as a minimum disability-access protection, require no net loss of motorized density in areas presently meeting that standard, prioritize restoration where existing density falls below it, and require equivalent replacement access when closure is unavoidable. These provisions would convert disability access from an aspirational consideration into a measurable component of travel planning and would ensure that public lands remain meaningfully accessible to members of the public whose participation depends upon motorized transportation.

Responses to Principal Objections

Assertions that open unless closed will produce unmanaged cross-country travel misstate the proposal. Existing designations remain until revised; new decisions remain subject to governing law; and the agency retains closure, enforcement, and emergency authority. Clear digital maps and field signs can identify lawful routes and closures more accurately than a system that assumes the public can reconcile outdated paper maps, temporary orders, and unmarked conditions.

Claims that increased access necessarily produces increased damage likewise substitute a nationwide assumption for site-specific evidence. Route condition depends upon soil, grade, drainage, hydrology, design, season, vehicle characteristics, maintenance, and user behavior. Concentrating all travel on fewer routes can itself increase wear and eliminate alternate evacuation or maintenance access. The revised Rule should require scientific analysis of the particular condition and selection of the least restrictive effective response.

The contention that limited budgets compel fewer designations confuses appropriation levels with statutory purpose. A shortage of agency funds may justify prioritization, temporary controls, partner work, or a different maintenance prescription. It should not silently convert public land into inaccessible land, especially where a county, club, state grant program, or nonprofit partner can supply capacity.

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

Finally, local discretion does not mean inconsistent legality. National environmental statutes, forest plans, and transparent closure standards remain uniform. What should vary is the management response to the landscape. Treating a volcanic plateau, wet Sierra meadow, desert-edge route, and snow-covered winter corridor identically facilitates administrative uniformity at the expense of competent resource management.

Summary of Requested Provisions in the Final Rule

Cal4Wheel requests that the Forest Service adopt the proposed revisions to the Travel Management Rule in full and ensure that the final EIS, Record of Decision, and regulations accomplish the following:

1. **Evaluate the full regulatory decision.** Analyze the foreseeable effects of the national presumptions, evidentiary standards, procedural thresholds, mapping requirements, exemptions, transition provisions, and transportation-system criteria established by the rule.
2. **Consider a meaningful range of alternatives.** Evaluate immediate and prospective implementation of open unless closed, alternative definitions of existing routes, tiered revision procedures, alternative closure and reopening standards, transportation-network alternatives, use-specific provisions, and a comprehensive access-restoration alternative.
3. **Adopt open unless closed as the governing presumption.** Establish a rebuttable presumption that existing roads, trails, trailheads, airfields, and other established access routes and points remain available for appropriate public use unless restriction is required by controlling law or supported by specific and defensible findings.
4. **Distinguish existing-route use from cross-country travel.** Make clear that the access presumption does not authorize indiscriminate travel through undisturbed terrain, creation of new routes without authorization, entry into Wilderness, infringement upon valid existing rights, or use prohibited by another controlling law or instrument.
5. **Remove the former minimization criteria.** Eliminate the criteria derived from rescinded Executive Orders 11644 and 11989 from subparts B and C and prevent their continuation through substantially equivalent language, directives, or implementation practices.
6. **Return travel planning to the multiple-use framework.** Evaluate motorized recreation alongside watershed, wildlife, range, timber, active management, emergency response, and other congressionally recognized purposes without treating reduction of motorized access as an independent national objective.
7. **Require evidence-based and proportionate closure findings.** Before imposing a material restriction, require the Forest Service to identify the specific condition, applicable legal authority, supporting evidence, causal relationship to the regulated use, necessary geographic and temporal scope, and consequences of lost access.
8. **Require mitigation before long-term closure.** Direct responsible officials to consider maintenance, drainage repair, hardening, bridge or culvert work, short relocation, seasonal controls, vehicle-class limitations, signing, education, enforcement, monitoring, partner-assisted work, and targeted restoration before eliminating access.
9. **Establish review and reopening requirements.** Require long-term restrictions to include objective performance standards, expiration or review dates, measurable reopening criteria, and a defined procedure for modification or termination.

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

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(800) 4x4-FUNN
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10. **Prevent emergency restrictions from becoming permanent by inertia.** Preserve immediate emergency authority but require written continuation findings, public notice, current evidence, and periodic review when a temporary restriction extends beyond a defined period.
11. **Evaluate travel systems as connected networks.** Require analysis of loop connectivity, geographic redundancy, destination access, displaced use, alternate ingress and egress, vehicle-class continuity, highway trailering, emergency response, and the cumulative effects of segment-by-segment closure.
12. **Replace the minimum-road-system paradigm.** Require an adequate and appropriate transportation network that supports multiple use, recreation, wildfire suppression, fuels and vegetation treatment, evacuation, search and rescue, grazing, utilities, timber operations, law enforcement, watershed restoration, and post-fire recovery.
13. **Establish a no-net-loss objective for motorized opportunity.** Measure opportunity through route mileage, vehicle class, season, network connectivity, geographic distribution, and access to recreation destinations rather than raw mileage alone.
14. **Create a binding transition framework.** Establish a definite effective date, identify immediately operative provisions, issue national implementation direction within 180 days, and require each administrative unit to complete a transition inventory within one year.
15. **Require prioritized review of legacy closures.** Establish a three-year review cycle giving priority to restrictions that fragmented loops, eliminated destination access, relied principally upon the former minimization criteria, impaired emergency or management access, remained under expired temporary authority, or can be resolved through mitigation or partner-supported work.
16. **Apply the revised standards to pending proceedings.** Require application of the final rule to pending, supplemental, remanded, and reopened travel-management decisions to the fullest extent legally permissible.
17. **Create a public route-nomination process.** Allow counties, Tribes, state agencies, permittees, recreation organizations, emergency responders, adjacent landowners, and members of the public to submit route evidence, maintenance commitments, proposed mitigation, and reopening requests.
18. **Recognize reliable evidence of existing routes.** Consider historic maps, aerial imagery, county and state records, prior inventories, maintenance documentation, GPS data, photographs, ground verification, and credible evidence of longstanding use. Omission from an MVUM should not independently determine whether a route exists, establish ownership or jurisdiction, or extinguish a valid existing right.
19. **Preserve forest-level decision-making.** Allow Forest Supervisors and District Rangers to respond to local soils, hydrology, snowfall, wildfire history, vehicle characteristics, recreation demand, maintenance capability, and partner resources while complying with national standards for evidence, transparency, and accountability.
20. **Use procedures proportionate to the decision.** Differentiate clerical corrections, minor revisions, repaired-route reopenings, short relocations, seasonal adjustments, vehicle-class changes, emergency restrictions, and substantial network alterations. A minor correction or reopening after repair should not require the same process as permanent closure of a regional trail system.
21. **Modernize public mapping.** Integrate MVUM, OSVUM, closure-order, transportation-atlas, and field-condition data into current GIS-compatible systems while preserving printable maps,

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georeferenced PDFs, offline data, accessible formats, archived editions, and consistent field signage.

22. **Restore practical dispersed-use access.** Authorize locally tailored corridors, distances, seasons, vehicle classes, and mapped access for dispersed camping, firewood collection, retrieval of legally harvested game, and comparable traditional uses without authorizing unrestricted cross-country travel.
23. **Adopt an evidence-based over-snow standard.** Recognize the protective function of adequate snow or frozen ground and authorize objective opening thresholds, adaptive seasonal management, and real-time public information while retaining restrictions supported by documented wildlife, watershed, avalanche, conflict, or safety conditions.
24. **Address emerging transportation technology objectively.** Evaluate Class 1 e-bikes, adaptive equipment, and low-powered mobility devices according to speed, power, weight, tread, operating characteristics, and observable effects rather than relying exclusively upon legacy classifications.
25. **Treat motorized connectivity as disability access.** Require route-density analysis, destination-access analysis, consultation with disabled users, and a written disability-access finding before approving a long-term closure, substantial seasonal restriction, or vehicle-class prohibition.
26. **Evaluate the 2.5-mile road-density benchmark.** Analyze and adopt, where legally and technically appropriate, the Outdoor Americans with Disabilities Act benchmark of 2.5 miles of authorized motorized road per square mile, together with a no-net-loss floor in qualifying areas and a presumption against further depletion where existing density falls below that standard.
27. **Require equivalent replacement access.** Where closure is unavoidable, require replacement access serving substantially the same destination, geographic area, recreation setting, season, network function, accessibility need, and appropriate vehicle classes within a definite period.
28. **Consider all available maintenance capacity.** Require consideration of California OHV grants, county participation, volunteer agreements, Adopt-a-Trail programs, nonprofit organizations, challenge-cost-share agreements, permittees, and other lawful partnerships before agency staffing or appropriations are used to support long-term closure.
29. **Evaluate economic and social effects with equal rigor.** Analyze local visitor spending, employment, rural business effects, access to recreation destinations, family and community use, volunteer investment, disability access, agency replacement costs, and the distributional consequences of route restrictions.
30. **Require annual public reporting.** Publish unit-level and national information identifying inventories completed; routes reviewed; miles reopened, added, relocated, seasonally managed, or retained as closed; vehicle-class changes; loops and destination connections restored; temporary orders resolved; nominations processed; partner contributions used; mapping updates completed; and remaining backlogs.

These provisions would preserve lawful protective authority while replacing a closure-centered system with a transparent, evidence-based, mitigation-first framework capable of advancing resource stewardship, multiple use, and meaningful public access.

Closing

Cal4Wheel supports adoption of the proposed revisions in full, subject to the clarifications and implementation requirements set forth in these comments. The Forest Service can protect natural and

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
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Fax (916) 381-8726

cultural resources while replacing a closure-oriented regulatory structure with transparent, locally informed, and actively managed access. Existing public routes should begin from a presumption of responsible use, and restrictions should follow only where controlling law or documented site-specific conditions justify them.

Meaningful reform requires more than revised policy language. The final rule must include enforceable transition deadlines, mitigation-first closure standards, periodic review, measurable reopening criteria, accurate public mapping, disability-access protections, and recognition of state, county, Tribal, nonprofit, and volunteer capacity. Cal4Wheel respectfully requests that the Forest Service address these recommendations in the EIS and incorporate them into the final regulations and Record of Decision.

Please retain Cal4Wheel as an interested public for all subsequent notices, environmental documents, hearings, and rulemaking materials associated with this proceeding. Correspondence may be directed to the following address and email address:

Rose Winn
California Four Wheel Drive Association
8120 36th Avenue
Sacramento, CA 95824
rwinn@cal4nrc.com

Sincerely,

Rose Winn
Natural Resource Consultant
California Four Wheel Drive Association

cc: Congressman Kevin Kiley, Congressman Tom McClintock, Congressman Adam Gray, Congressman Vince Fong, Congressman David Valadao, Congressman Jay Obernolte, Congressman Dave Issa, Senator Adam Schiff, Senator Alex Padilla

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

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8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

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Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726