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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

WINTER WILDLANDS ALLIANCE and)	
WILDEARTH GUARDIANS,)	
)	No. 17-cv-376
Plaintiffs,)	
)	
v.)	COMPLAINT
)	
U.S. FOREST SERVICE,)	
)	
)	
Defendant.)	
_____)	

INTRODUCTION

1. This case challenges the U.S. Forest Service’s (Forest Service) publication of Over-Snow Vehicle Use Maps (OSVUMs) for three forests in Forest Service Region 4 that adopt decades-old over-snow vehicle (OSV) use designations without completion of new winter travel management plans. The publication of these OSVUMs, which cover the Payette National Forest and Boise National Forest in Idaho, and the Teton Division of the Bridger-Teton National Forest in Wyoming, violates the Forest Service’s Travel Management Rule, the National Forest Management Act (NFMA), the National Environmental Policy Act (NEPA), and the Wyoming

Wilderness Act.

2. The Forest Service’s travel management rule was previously the subject of litigation before this Court. *Winter Wildlands Alliance v. U.S Forest Service*, No. 11-cv-586-REB (D. Idaho 2011). The agency had issued a rule in 2005 that required a new travel management planning process for off-road vehicles, but excluded OSVs from those requirements. This Court held the OSV loophole violated Executive Order 11644 and ordered the Forest Service to revise the travel rule. The Forest Service issued the revised rule, with the OSV loophole removed, in January 2015.

3. Subpart C of the 2015 Travel Management Rule requires winter travel management planning for all National Forest lands that receive enough snowfall for OSV use to occur. These plans must designate the specific roads, trails, and areas that are open to OSV use, and the remaining area on the forest is closed to use. When making the use designations, the Forest Service must minimize damage to natural resources, harassment of wildlife and significant disruption of wildlife habitats, and conflicts with other recreation uses—commonly known as the “minimization criteria.” The winter travel planning process must undergo public participation, and results in an OSVUM that shows the new designations.

4. Subpart C has a “grandfather provision,” however, that allows the Forest Service to avoid completing a new winter travel plan, and instead simply publish an OSVUM adopting previous decisions that restricted OSV use to designated routes and areas if those decisions underwent public involvement and the agency proposes no changes to them. The Forest Service can only use the “grandfather provision” to avoid completing a new winter travel plan if its prior decisions comply with the minimization and other substantive criteria of the 2015 Rule.

5. The Payette, Boise, and Bridger-Teton National Forests each used the grandfather

provision to avoid conducting winter travel planning, despite the majority of their prior OSV designation decisions occurring more than twenty-five years ago. When the Forest Service made the prior designations, it specified areas that were closed to OSV use, and the remainder of the forests were left open to cross-country use. The agency did not apply the minimization criteria to ensure that its designations minimized impacts to natural resources, wildlife, and other recreation users.

6. Since the prior designations, significant changes have occurred on each forest. Advances in OSV technology and power have allowed the expansion of OSV use into areas previously inaccessible due to deep powder or steep slopes, including within Recommended Wilderness and Wilderness Study Areas. This expansion in geographic scope of OSV use, combined with an increase in the number of OSV users, cross-country skiers, and backcountry skiers recreating on National Forest lands, has led to an increase in user conflicts between motorized and non-motorized recreationists in certain areas on each forest.

7. The expansion of OSV use has also increased impacts to wildlife, particularly for species such as lynx, wolverine, and fisher that are active in winter and occupy habitat within OSV use areas. And climate change has altered weather patterns and snow depths, which leads to increased impacts to soil and vegetation where OSV use occurs on shallow snowpack.

8. Rather than assessing the impacts of OSV use under these changed circumstances to determine whether current use designations comply with the minimization criteria as well as the “closed unless designated open” approach, the Forest Service is attempting to comply with Subpart C by publishing OSVUMs that adopt decades-old designations without any further winter travel planning process on the Payette, Boise, and Bridger-Teton National Forests.

9. The decisions to publish these OSVUMs rather than complete winter travel plans

violate the language and intent of the Travel Management Rule; are inconsistent with direction in each Forest Plan for protecting wildlife and Recommended Wilderness or Wilderness Study Areas, in violation of NFMA; and never underwent analyses to assess the environmental effects of current OSV use and account for new information and changed circumstances that have arisen since the prior designation decisions, in violation of NEPA. The decision to publish the Teton Division OSVUM for the Bridger-Teton National Forest also violates the Wyoming Wilderness Act by authorizing continued OSV use in two Wilderness Study Areas (WSAs) that is greater in intensity and geographic scope than what was occurring at the time those areas were designated as WSAs.

10. Therefore, the decisions to publish OSVUMs that adopt existing OSV use designations rather than complete new winter travel plans for the Payette, Boise, and Bridger-Teton National Forests were arbitrary, capricious and contrary to the Travel Management Rule, NFMA, NEPA, and the Wyoming Wilderness Act. In accordance with the Administrative Procedure Act, these decisions must be held unlawful and set aside.

11. Plaintiffs therefore request that this Court issue declaratory and injunctive relief to remedy these violations of law.

JURISDICTION AND VENUE

12. Jurisdiction is proper in this Court under 28 U.S.C. § 1331 because this action arises under the laws of the United States, including the Administrative Procedure Act (APA), 5 U.S.C. § 701 *et seq.*; NFMA, 16 U.S.C. § 1600 *et seq.*; NEPA, 42 U.S.C. § 4321 *et seq.*; the Forest Service Travel Management Rule, 36 C.F.R. Part 212 (2015); the Wyoming Wilderness Act, Pub. L. No. 98-550, 98 Stat. 2807 (1984); the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*; and the Equal Access to Justice Act, 28 U.S.C. § 2214 *et seq.* An actual, justiciable

controversy now exists between Plaintiffs and Defendant, and the requested relief is therefore proper under 5 U.S.C. §§ 701–06 and 28 U.S.C. §§ 2201–02.

13. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 because a substantial part of the events or omissions giving rise to the claims herein occurred within this judicial district, Defendant U.S. Forest Service and Plaintiff Winter Wildlands Alliance reside in this district, and the majority of the public lands and resources in question are located in this district.

14. The Federal Government has waived sovereign immunity in this action pursuant to 5 U.S.C. § 702.

PARTIES

15. Plaintiff WINTER WILDLANDS ALLIANCE is a national non-profit organization dedicated to promoting and preserving winter wildlands and a quality human-powered snowsports experience on public lands nationwide. It has 13,775 members and supporters and 38 affiliated organizations which together have an additional 50,000 members, including many members who live and recreate in Idaho and Wyoming, including on the Payette, Boise, and Bridger-Teton National Forests, and are adversely affected by OSV activities on these lands.

16. Winter Wildlands' members and staff have a longstanding interest in the management of the Forest Service lands involved in this case as well as the protection of wildlife, undisturbed silence, and other resources that enhance winter recreation. Winter Wildlands' members and staff regularly recreate, enjoy, work, and study during the winter on National Forest lands throughout the country, including on the Payette, Boise, and Bridger-Teton National Forests and use areas impacted by OSVs. Winter Wildlands is actively engaged in promoting quiet winter recreation on the Payette, Boise, and Bridger-Teton National Forests

through agency proceedings, public education, scientific studies, and legal advocacy, and has extensively participated in decision-making processes related to winter recreation on these three forests.

17. Winter Wildlands' members and staff derive aesthetic, recreational, health, inspirational and other benefits from their non-motorized snow sport activities on the Payette, Boise, and Bridger-Teton National Forests on a regular and continuing basis and intend to do so frequently in the immediate future, including during winter of 2017-18. Plaintiff's members' and staff's enjoyment of their non-motorized snow sport activities and interests in enjoying serene, healthy, natural environments during those activities is impaired by the use of OSVs.

18. Defendant's violations of law and failure to properly manage OSV use on National Forest lands adversely and irreparably injures the aesthetic, recreational, health, inspirational and other interests of Plaintiff Winter Wildlands and its members and staff. These are actual, concrete injuries to Plaintiff, caused by Defendant's violations of law, which will continue until and unless this Court provides the relief prayed for in this Complaint.

19. Plaintiff WILDEARTH GUARDIANS is a non-profit organization dedicated to protecting and restoring the wildlife, wild places, wild rivers, and health of the American West. WildEarth Guardians has more than 184,000 members and supporters across the American West, including many in Idaho and Wyoming. WildEarth Guardians has organizational interests in the proper and lawful management of OSV use on National Forest lands, including on the Payette, Boise, and Bridger-Teton National Forests. WildEarth Guardians and its members have a procedural interest in ensuring that all Forest Service activities comply with all applicable federal statutes and regulations.

20. WildEarth Guardians' members and staff derive aesthetic, recreational, scientific, inspirational, educational, and other benefits from recreating during winter on the Payette, Boise, and Bridger-Teton National Forests where OSV use occurs. WildEarth Guardians' members and staff visit these areas for quiet winter recreation purposes, such as cross country skiing, backcountry skiing, snowshoeing, observing wildlife, photography, and scientific study. Plaintiff's members and staff enjoy observing, attempting to observe, and studying wildlife in the wild, including signs of presence of species such as lynx, wolverine, and fisher. The opportunity to possibly view these species, or their sign, on the Payette, Boise, and Bridger-Teton National Forests is of significant interest and value to WildEarth Guardians members and staff, and increases their use and enjoyment of these areas. WildEarth Guardians' members and staff have regularly engaged in quiet winter recreation activities in the past on these three forests, and intend to do so again in the near future, including winter 2017-18. WildEarth Guardians has participated in Forest Service decision-making on these forests to improve management of winter recreation.

21. Defendant's violations of law and failure to properly manage OSV use on National Forest lands adversely and irreparably injures the aesthetic, recreational, health, inspirational and other interests of Plaintiff WildEarth Guardians and its members and staff. These are actual, concrete injuries to Plaintiff, caused by Defendant's violations of law, which will continue until and unless this Court provides the relief prayed for in this Complaint

22. Defendant U.S. FOREST SERVICE is an agency or instrumentality of the United States, and is charged with managing the public lands and resources of the Payette, Boise, and Bridger-Teton National Forests in accordance and compliance with federal laws and regulations.

LEGAL STANDARDS

National Forest Management Act

23. In 1976, Congress enacted NFMA, 16 U.S.C. § 1600 *et seq.*, which governs the Forest Service's management of the National Forests. NFMA establishes a two-step process for forest planning. First, it requires the Forest Service to develop, maintain, and revise Land and Resource Management Plans ("LRMP" or "Forest Plan") for each national forest. 16 U.S.C. § 1604(a). The Forest Plan guides natural resource management activities forest-wide, setting standards, management goals and objectives, and monitoring and evaluation requirements.

24. Second, once a forest plan is in place, site-specific actions are planned and evaluated by the Forest Service. All site-specific decisions must be consistent with the broader Forest Plan. 16 U.S.C. § 1604(i); 36 C.F.R. § 219.15.

National Environmental Policy Act

25. Congress enacted NEPA in 1969, directing all federal agencies to assess the environmental impact of proposed actions that significantly affect the quality of the environment. 42 U.S.C. § 4332(2)(C). NEPA's goals are two-fold: (1) to ensure that the agency has carefully and fully contemplated the environmental effects of its action, and (2) to ensure that the public has sufficient information to participate in the decision-making process.

26. NEPA requires federal agencies to prepare, consider, and approve an adequate Environmental Impact Statement ("EIS") for "any major federal action significantly affecting the quality of the human environment." 42 U.S.C. § 4332(2)(C); 40 C.F.R. § 1501.4(a)(1). To determine whether an action requires an EIS under NEPA, an action agency may prepare an Environmental Assessment ("EA"). 40 C.F.R. § 1501.4(b).

27. NEPA requires that an environmental analysis be supplemented if the action

agency makes substantial changes to the proposed action or if there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts. *Id.* § 1502.9(c)(1)(i)-(ii).

28. NEPA and its regulations prohibit agencies from taking any action or making any irreversible or irretrievable commitment of resources before its NEPA analysis is completed that would have an adverse environmental impact or prejudice or limit the choice of reasonable alternatives. 40 C.F.R. §§ 1502.2(f), 1506.1(a).

Wyoming Wilderness Act

29. The Wyoming Wilderness Act of 1984 established eight Wilderness areas, five Wilderness area expansions, and three Wilderness Study Areas (WSA) within the state of Wyoming. Pub. L. No. 98-550, 98 Stat. 2807, §§ 201, 301. The three WSAs are the Palisades WSA, Shoal Creek WSA, and High Lakes WSA. *Id.* § 301(a). The Act required that the WSAs be administered to maintain their presently existing Wilderness character and potential for inclusion in the National Wilderness Preservation System. It provided that snowmobiling could continue in the WSAs only “in the same manner and degree as was occurring prior to the date of enactment of this Act.” *Id.* § 301(c).

Executive Order 11644 and Forest Service Travel Management Rule

30. In 1972, President Nixon issued Executive Order 11644 requiring the Forest Service to “establish policies and provide for procedures that will ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands.” E.O. 11644, § 1. Off-road vehicles included over-snow vehicles. *Id.* § 2(3).

31. The need for this Executive Order was due to the large number of off-road recreational vehicles, including OSVs, being used on public lands that were “in frequent conflict with wise land and resource management practices, environmental values, and other types of recreational activity,” which demonstrated the need for a “unified Federal policy toward the use of such vehicles on the public lands.” *Id.* (preamble).

32. The Executive Order called for the Forest Service to issue regulations requiring designation of specific areas and trails open to off-road vehicle use and areas closed to use; the designations must be based upon the protection of the resources of the public lands, promotion of the safety of all users of those lands, and minimization of conflicts among the various uses of those lands; and the designations must be located to minimize damage to soil, watershed, vegetation, and other resources, minimize harassment to wildlife or significant disruption of wildlife habitat, and minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring lands. *Id.* § 3(a).

33. The 2015 Travel Management Rule is the current regulation implementing the requirements of Executive Order 11644. 36 C.F.R. Part 212. It mandates travel planning for both summer and winter motorized use on National Forest System lands. *Id.* §§ 212.50-57, 212.80-81. Summer travel planning requires the designation of roads, trails, and areas on National Forest System lands open to wheeled motor vehicle use, and any use off of those designated roads and trails and outside designated areas is prohibited. *Id.* § 212.50. This approach is referred to as the “closed unless designated open” approach.

34. The 2015 Travel Management Rule also imposes minimization criteria on travel plan designations to protect environmental and recreational values. When making the trail and area designations in a travel plan, the Forest Service must minimize: (1) damage to soil,

watershed, vegetation, and other forest resources; (2) harassment of wildlife and significant disruption of wildlife habitat; (3) conflicts between motor vehicle use and existing or proposed recreational uses of National Forest System lands or neighboring Federal lands; and (4) conflicts among different classes of motor vehicle uses of National Forest System lands or neighboring Federal lands. It also must consider compatibility of motor vehicle use with existing conditions in populated areas, taking into account sound, emissions, and other factors. *Id.* § 212.55(b).

35. Summer travel planning requires public involvement, coordination with other governmental entities and tribes, and publication of a motor vehicle use map to identify the designations. *Id.* §§ 212.52, 212.53, 212.55.

36. Winter travel planning falls under Subpart C of the rule, and similarly must use the “closed unless designated open” approach that requires designation of roads, trails, and areas open to OSV use, and OSV use off designated roads and trails and outside designated areas is prohibited. *Id.* § 212.80(a). Winter travel planning must be performed for all National Forest lands where snowfall is adequate for that use to occur. *Id.* § 212.81(a). The winter travel planning process must follow the same requirements as summer travel planning, including public involvement, coordination with other entities, and application of the minimization criteria. *Id.* § 212.81(d). Roads, trails, and areas designated for OSV use must be reflected on an OSV use map made publicly available. *Id.* § 212.81(c).

37. The Forest Service can avoid doing summer or winter travel plans if it has made previous decisions, under other authorities and including public involvement, that restrict motor vehicle or OSV use to designated routes and areas over an entire administrative unit or Ranger District, or parts of an administrative unit or Ranger District where snowfall is adequate for OSV use to occur, and no change is proposed to those previous decisions. *Id.* §§ 212.52(a), 212.81(b).

In those instances, the Forest Service issues public notice of the designations without any further public involvement. *Id.*

38. The Travel Management Rule contains the following definitions: (1) “area” is a discrete, specifically delineated space that is smaller, and, except for OSV use, in most cases much smaller, than a Ranger District; (2) “designation of over-snow vehicle use” is designation of a National Forest System road, a National Forest System trail, or an area on National Forest System lands where over-snow-vehicle use is allowed pursuant to § 212.81; (3) “over-snow vehicle” is a motor vehicle that is designed for use over snow and that runs on a track or tracks and/or a ski or skis, while in use over snow; and (4) “over-snow vehicle use map” is a map reflecting roads, trails, and areas designated for over-snow vehicle use on an administrative unit or a Ranger District of the National Forest System. *Id.* § 212.1.

STATEMENT OF FACTS

I. Impacts of OSVs

39. Snowmobiles and other OSVs have substantial impacts on a variety of resources, including air quality, water quality, vegetation and wildlife. OSV use also adversely impacts the experiences of other users of National Forest lands, such as those seeking quiet recreation, and degrades Wilderness characteristics, including opportunities to experience solitude and participate in primitive forms of recreation.

40. In recent years, manufacturers of snowmobiles and other OSVs have consistently been increasing the power of the machines, making them able to navigate steeper terrain and deeper snow. This trend in increased power has changed the sport, allowing for much farther access into the backcountry and activities such as highmarking—where OSVs race up steep slopes toward ridge tops and then quickly turn (before they capsize) and race back down the

slope. This trend in increased machine power and thus increased geographic scope of OSV activity exacerbates the impacts of OSVs on the environment, wildlife, and other recreationists.

41. OSVs emit air pollution, which endangers human health in areas of concentrated OSV use and generates greenhouse gas emissions that contribute to global warming. Scientific studies in western forests have shown that in areas receiving heavy snowmobile use, snowmobiles have a substantial adverse impact on ambient air quality, accounting for far more carbon monoxide and hydrocarbon emissions compared to cars and buses. They have caused exceedances of air quality standards for carbon monoxide, hydrocarbons, fine particulate matter, and mobile source air toxins at trailheads and along popular trails. OSV emissions also are deposited directly onto the snow surface and may be retained in the snowpack until spring melt, when the pollutants are then discharged into streams or lakes.

42. Compaction of snow by OSVs can damage underlying vegetation, cause delayed flowering of plants in spring, lower soil bacteria, and inhibit seed germination, dispersal, and growth. The machines can also damage above-snow seedling and sapling trees or shrubs.

43. OSV impacts to wildlife are numerous. OSVs are noisy and travel at high speeds in areas that are normally secluded in winter. These types of disturbances disrupt animal behavior patterns and add stress to wildlife at a time of year when such stress can be particularly harmful. Additional energy expenditures needed to retreat from or avoid OSVs can be critical during winter months when cold temperatures, deep snow, and limited food supplies already cause stress, and may jeopardize an animal's chances of survival or ability to reproduce. Studies of wildlife responses to snowmobiles have documented elevated heart rates, elevated glucocorticoid stress levels, increased flight distance, habitat fragmentation, and community and population disturbance.

44. Presence of groomed trails may alter animal movement patterns or displace them from habitat, and trails can provide corridors for predators such as coyotes to access areas they otherwise would not, impacting prey species and other predators like lynx that were previously insulated from such competition. OSV trails also impair habitat for subnivean small mammals such as mice and voles that live under the snow in winter.

45. Use of OSVs off-trail in play-areas and other parts of the backcountry may cause even greater levels of stress on wildlife because that use is more random and less predictable and animals cannot habituate to it. Thus, as OSVs become increasingly more powerful and are used to intrude farther into the backcountry, adverse impacts to wildlife greatly increase.

46. Species that are preparing for or undergoing reproduction during winter and early spring may be significantly affected by OSV use. Fisher and wolverine are in their dens giving birth in winter, and disturbance could result in abandonment of dens or reduced proficiency at hunting for food, impairing not just the individuals disturbed but also lowering the chance of successful reproduction. Grizzly bears are emerging from their dens in early spring, and OSV use may displace or disturb them, causing stress and making it harder to find food at a time when they need it most. OSV use in lynx habitat may cause the animals to avoid those areas, fragmenting habitat and cutting off travel corridors for the species. Pine marten and fox are also active during the winter, and may be harassed or displaced from habitat by OSVs.

47. OSV activity disturbs wintering ungulates, such as elk, deer, moose, and bighorn sheep, which results in physiological stress and increased movement to avoid the machines. This extra stress and expenditure of energy during winter when food resources are scarce threatens both individual and population level survival of these animals.

48. OSV use also impacts people, particularly those engaging in non-motorized

winter recreation, due to the loud noise, odors, and toxic pollution produced by these machines. Winter non-motorized recreationists such as cross-country and backcountry skiers, snowshoers, and winter hikers often seek clean air, solitude, and a quiet natural environment, and thus nearby OSV recreation disrupts their experience.

49. OSV trailheads and trails become polluted with toxic air from the machines, which has an immediate and long-lasting impact on other users trying to engage in human-powered recreation. OSVs traveling at moderate to high speeds can present safety concerns to skiers or snowshoers using the same areas, create high volumes of noise that disrupt the quiet surroundings, and create ruts that make unsafe conditions for skiers. OSVs also disproportionately consume a limited recreational resource in National Forests--untouched powder snow.

50. Winter recreation use on National Forests has steadily increased, with cross-country skiing and snowshoeing increasing substantially in the last five to ten years and outnumbering OSV visits in the western states. Yet, the vast majority of trails and areas on National Forests are open to motorized use with the exception of Wilderness areas, which are largely inaccessible in winter to those on foot due to their distance from plowed roads and parking areas. Only a small percentage of accessible National Forest lands are reserved for non-motorized recreationists. Those who desire a clean and quiet winter recreation experience prefer to use trails and areas closed to OSVs to avoid the smell, noise, safety concerns, and tracked snow OSVs create, but such areas are rare on National Forest lands.

51. Wildlife and other resources are becoming even more vulnerable to the stress of OSV use due to increasing effects of climate change, which can exacerbate the impacts discussed above. As temperatures warm, less snow will fall at lower elevations. OSVs that travel on

shallower snowpack have a greater impact on underlying vegetation, soils, water, and OSV users who desire to recreate in deeper snow will have to go to higher elevations and will have greater overlap with wildlife as well as non-motorized recreationists that also seek out deeper snow.

52. Finally, OSV use can affect Wilderness characteristics and potential when it occurs in and adjacent to Wilderness and Recommended Wilderness. OSV use decreases the naturalness, opportunity for solitude, and primitive character of these areas, which are values that must be maintained in Wilderness and Recommended Wilderness. Present and expanding use of OSVs in Recommended Wilderness also creates an expectation that use will continue, which reduces the potential of that area to be designated as Wilderness.

II. Payette National Forest OSVUM

53. In 1988, the Payette National Forest completed its initial Forest Plan. Within the Plan, it identified areas of the forest as having certain “Recreation Opportunity Spectrum” (ROS) settings—Wilderness, semi-primitive non-motorized, semi-primitive motorized, roaded natural, and roaded modified—and analyzed travel management within those settings. It prepared a Travel Plan as part of the Forest Plan, which included a forest access map and accompanying direction that defined the type of motorized use, if any, permitted within each of these settings.

54. Under the Forest Access Map, use of wheeled motor vehicles was prohibited off of trails in all but a few locations, while use of OSVs was allowed across most of the forest. The only areas closed to OSV use were Wilderness areas, five areas designated as semi-primitive non-motorized, and a few areas that were closed to OSVs to protect big game winter range or elk security areas.

55. The 1988 Forest Plan also required issuance of an annual Travel Map to establish site-specific travel restrictions and closures for trails, roads, and areas for the next year or longer.

56. In 2003, the Payette revised its Forest Plan. It joined with the Boise National Forest and Sawtooth National Forest to create a new Plan that covered all three forests. This Plan recognized a rising level of winter recreation conflicts in a number of areas, usually between snowmobilers and skiers in developed ski areas and backcountry areas. It stated that most of the conflicts could only be resolved by site-specific access determinations, which would be addressed in separate travel management planning processes following the Forest Plan revision. Therefore, travel management and allocation of travel use zones was not addressed in the 2003 Forest Plan, and instead would occur in separate, more localized, planning processes.

57. The 2003 Forest Plan did include general management direction related to winter recreation. It contained goals, objectives, and guidelines directing the agency to provide a variety of winter recreation opportunities while also protecting user safety and mitigating conflicts between recreation users and impacts to wildlife and other resources. Winter recreation management should recognize that separation of activities may be needed to maintain user safety and quality recreation experiences. The Plan stated that the Forest Service must initiate a process of phased, site-specific travel management planning as soon as practicable, starting with the areas where the most significant user conflict and resource concerns were occurring.

58. The 2003 Forest Plan also contained direction related to protection of wildlife and their habitat, including direction specific to ESA threatened, endangered and candidate species, Forest Service sensitive species, lynx, wolverine, and big game.

59. In addition, the 2003 Forest Plan recommended two areas – the 94,000-acre Needles and the 117,300-acre Secesh – for Wilderness designation and required that those areas be managed to protect their characteristics and potential for eventual designation by Congress. Specifically, with regard to management of these two areas, the agency cannot permit activities

that compromise Wilderness values or reduce the area's potential for Wilderness designation, promote non-conforming uses, or allow mechanical transport to continue if it degrades Wilderness values, damages resources, or results in user conflicts.

60. Pursuant to direction in the Forest Plan, the Payette National Forest initiated site-specific travel management planning in 2004 for both summer and winter motorized use. It issued a draft EIS in 2006 and a final EIS in 2007 for both summer and winter travel management. The Forest Service stated there was a need for a winter travel plan to address conflicts between uses and resource impacts in winter.

61. The final EIS described the existing condition of winter recreation use on the forest. It showed the existing OSV closure areas on the forest, noting that they originated in the 1988 Forest Plan and were frequently for big game habitat protection. Overall, 70% of the forest outside of designated Wilderness was open to OSV use, including almost half of the area within Recommended Wilderness. The EIS stated that over the previous ten years, snowmobile use on the Payette had increased, and improved technology allowed them to reach almost all of the terrain open to OSV use.

62. The increase in amount and scope of OSV use had led to increased conflicts with skiers and snowshoers. The 2007 EIS explained that areas which non-motorized users could count on as snowmobile-free just five to six years earlier had become favorite play spots for OSVs, displacing skiers and snowshoers. Because most of the area closed to OSV use was not skiable terrain, only 10% of the forest outside of Wilderness was available for backcountry skiing and closed to OSVs. Access to this skiable terrain was difficult because there were few trailheads within three miles of these areas. Additionally, illegal snowmobile use within closure areas was common, including within Wilderness, which was adding to use conflicts and

adversely affecting Wilderness values and wildlife habitat.

63. The EIS identified certain high conflict areas on the forest. It concluded that, under existing conditions, conflicts and safety issues between snowmobiles and backcountry skiers in these and other areas would continue and likely escalate due to increasing use by both groups, and illegal snowmobile use in closed areas would also continue.

64. The EIS also described effects to wildlife from winter recreation, focusing mostly on lynx, wolverine, fisher, and big game. It noted that 74% of lynx habitat outside of Wilderness was open to OSV use, including 137 miles of groomed routes, while 69% of potential wolverine denning habitat outside of Wilderness was open to OSV use. OSV use was fragmenting habitat and travel corridors for these species, disrupting habitat connectivity. OSV use areas overlapped habitat for fisher, a Region 4 Sensitive Species, but the EIS claimed that there were no sightings of fisher on the Payette so there was low probability of fisher presence in OSV use areas. Some areas of elk winter range were open to OSVs, although most were at lower elevations so little OSV use occurred there.

65. The alternative actions in the EIS considered various site-specific area closures to address user conflicts and resource concerns. The EIS did not consider altering the existing system of groomed OSV trails, which permitted grooming of up to 245 miles of trail each winter.

66. The agency issued records of decision (RODs) for summer motorized use in 2008 and 2009 by Ranger District, and issued a forest-wide ROD for winter motorized use in 2010. The winter travel ROD noted that there were no changes to the OSV trail system, but it selected the EIS alternative that closed four site-specific areas, totaling 15,157 acres, to OSVs to respond to known conflicts between motorized and non-motorized use and wintering wildlife. After these closures, a total of 477,268 acres on the forest were closed to OSV use, leaving 1,052,472

acres open to OSVs. The ROD stated that the no action alternative was not selected because it did not address the need for change to reduce conflicts between motorized and non-motorized uses in the winter season and did not respond to safety concerns of non-motorized users.

67. The Forest Service consulted with U.S. Fish and Wildlife Service and National Marine Fisheries Service over effects of the winter travel plan on ESA listed species Canada lynx, gray wolf, northern Idaho ground squirrel, bull trout, Chinook salmon, and steelhead. The agencies determined the plan was not likely to adversely affect lynx or wolf, and would have no effect on the ground squirrel or fish species.

68. Winter Wildlands Alliance and other organizations and individuals administratively appealed the 2010 winter travel ROD on various grounds in December 2010.

69. In February 2011, the Regional Forester ruled on the administrative appeals and remanded the winter travel ROD for the narrow purpose of allowing key stakeholders and interested members of the public an opportunity to comment on the amount of snow cover required for OSV use. He rejected all other claims raised in the appeals.

70. Since then, the Forest Service has taken no action to finish and implement the winter travel plan. Instead, it abandoned the process and issued special use orders to enforce the existing OSV closures on the Payette, with three modifications: it opened two small areas to OSV use that had been closed, and it closed one small area at Granite Mountain—one of the four OSV closures that would have been implemented under the winter travel ROD. These special orders and attached maps listed and showed the areas closed to OSVs on the Payette.

71. In 2013, the Payette National Forest reauthorized a cost-share agreement with Valley County and Idaho Department of Parks and Recreation to groom 291 miles of OSV trails on the forest for five years. This decision did not consider any changes to the number or location

of OSV trails or closure areas, just whether to groom the trails. The environmental analysis discussed effects from OSV use on groomed trails to wildlife, including lynx, wolverine, and northern Idaho ground squirrel, and the decision incorporated a few mitigation measures to reduce impacts to those species. ESA consultation for lynx and northern Idaho ground squirrel found that the grooming may affect, but was not likely to adversely affect, both species.

72. Two years later, the Payette reauthorized permits for guided snowmobile tours on the forest. Again, this decision did not consider any changes to OSV trails or use areas, just whether to permit outfitter tours. The 2015 environmental analysis discussion of effects to wildlife species provided information about sightings of wolverine and fisher on the forest. It also recognized that newer OSVs can go farther than ever into the backcountry and on steeper terrain.

73. The information about wolverine sightings came from a study conducted from 2009 to 2015 on several forests in Idaho, Montana, and Wyoming to document wolverine presence and assess impacts from winter recreation use. Although the final report from this study has not yet been issued, interim reports showed that numerous wolverine, including multiple reproductive females, were documented using habitat on the Payette National Forest in winter. Many pine marten and fox were also documented on the forest during the study.

74. In January 2017, the Forest Service published a new OSVUM that adopted the OSV closures listed in the special orders issued since 2011, which consist of the 1988 closures (minus the two closure areas re-opened in 2011) plus the Granite Mountain closure. The Forest Service stated in a press release that this map complied with Subpart C of the Travel Management Rule. In other words, it grandfathered the prior decisions rather than completing a winter travel plan.

III. Boise National Forest OSVUM

75. The Boise National Forest completed its first Forest Plan in 1990. Like the Payette, it included travel management within that Plan, which identified recreation opportunity spectrum settings across the forest and travel restrictions within those settings. Wheeled motor vehicle travel was largely restricted to roads and trails while OSV use was allowed across most of the forest, including within almost all Recommended Wilderness. Some specific areas restricted OSV use to groomed trails to protect big game winter range, but few areas were closed to OSV use entirely. A separate Travel Map was published after the Plan that showed summer and winter travel designations and restrictions.

76. The Boise National Forest published several travel maps between 1992 and 2000 that had only minor changes to winter motorized use, such as the addition of small OSV closures near Bogus Basin ski area and Lowman.

77. In 2003, the Boise joined the Payette and Sawtooth National Forests in creating a joint revised Forest Plan. As discussed above, this Forest Plan contained general management direction for recreation, wildlife, and Recommended Wilderness that applied to all three forests, but it did not include travel management. It stated that user conflicts and travel management would be addressed in subsequent planning processes because they require site-specific analysis and detailed resource information.

78. The 2003 Plan and recreation technical report admitted that recreation use had increased considerably more than what the prior plans had predicted, and improvements in technology were allowing recreation uses to expand into previously unused areas. Expansion of snowmobiling and skiing was creating terrain conflicts between those user groups as well as disturbance to wintering wildlife.

79. Under the 2003 Plan, the Boise National Forest continued to allow grooming of 771 miles of trails, and 1,851,000 acres were open to OSV use while 351,000 acres were closed, resulting in 84% of the forest being open to OSV use, including almost all of the 179,000 acres of Recommended Wilderness on the forest.

80. To comply with direction in the revised Forest Plan to conduct new travel management planning processes, the Boise National Forest completed summer travel plans for each ranger district in 2008 and 2009. These plans addressed only motorized wheeled vehicles and specifically excluded OSV use.

81. The three forests amended the Forest Plan again in 2010 to add direction related to wildlife but did not include travel management then either. The agency stated that winter motorized recreation was not part of the purpose and need for the Forest Plan amendment, and would be addressed through future travel management efforts. Yet the Boise National Forest never began a separate winter travel planning process.

82. In 2014, the Boise National Forest published a new travel map that displayed only OSV use designations, to complement the summer travel maps published after the summer travel plans were completed. The 2014 Winter Travel Map showed the same OSV use designations as the 2000 map.

83. Over the years, the Boise National Forest has added to the cross-country ski trail system off Highway 21 near Banner Summit as recreation use of that area increased. Other areas on the Idaho City Ranger District, such as the Mores Creek Summit area, have increased in ski and snowmobile use. The heavy use in these areas resulted in conflicts between motorized and non-motorized recreationists. An informal agreement between the user groups in the early 2000's designated two skier-only areas near Mores Creek Summit to reduce conflicts, but these

were not reflected on the 2014 Winter Travel Map.

84. The Boise National Forest has also continued to authorize cost-share agreements with Valley County to groom OSV trails on the forest. The forest added 15 miles to the groomed trail system in the most recent agreement, and acknowledged that such an increase would likely increase OSV use in those areas, leading to greater effects to wildlife, less solitude in Wilderness, and more user conflicts with non-motorized recreationists.

85. OSV use areas overlap with habitat for wintering wildlife. Winter travel designations on the Boise National Forest allow for OSV use in 93% of crucial elk winter range and 75% of all elk winter range, 64% of mule deer winter range, 94% of primary wolverine habitat and 97% of wolverine maternal habitat. The wolverine study discussed above documented several wolverines using the Boise National Forest in winter between 2009 and 2015. Pine marten and fox were also documented on the Boise National Forest during this study. Most source habitat on the forest for Canada lynx and fisher is open to OSV use, and although these species are rare, each of them has been observed on the forest.

86. In February 2016, the Boise National Forest notified the public that its 2014 Winter Travel Map complied with Subpart C of the Travel Management Rule, and it would not be completing a separate winter travel plan. It noted that the grandfathered OSV designations have been in place for several decades. Additional statements by the Forest Service in other public documents confirmed that the Boise National Forest had adopted the 2014 Winter Travel Map as its OSVUM under the grandfather provision of Subpart C in February 2016.

87. A few months later, the Boise National Forest issued a decision for the Becker Integrated Resource Project. This project consisted of various actions, including timber harvest, prescribed burning, road work, and changes to winter recreation designations. It closed three

areas to OSV use, a total of 3,215 acres, that surround high use Park 'n' Ski trail systems south and west of Highway 21 to reduce conflicts between motorized and non-motorized users.

IV. Bridger-Teton National Forest, Teton Division OSVUM

88. The Bridger-Teton National Forest completed a Forest Plan in 1990. The Forest Plan contained direction related to protecting wildlife, including Forest Service sensitive species, Canada lynx, grizzly bear, and big game. It also required that the recreation trail system be managed to minimize conflicts among users, and that OSVs must avoid crucial winter ranges. With regard to the Wilderness Study Areas designated in 1984, no activities can occur that would impair Wilderness characteristics or reduce the potential of the area for designation as Wilderness.

89. Also in 1990, the Bridger-Teton completed a separate winter travel plan for the Teton Division of the forest. The Teton Division consists of the Jackson and Buffalo Ranger Districts, and portions of the Pinedale and Big Piney Ranger Districts.

90. The objectives for the 1990 winter travel plan were to make sure travel management was consistent with the new Forest Plan, maintain or improve opportunities for established recreation uses, and address conflicts between big game winter populations and growth of winter recreation uses. The EA discussed impacts of winter recreation use on various big game species but had little or no discussion about impacts to other species such as lynx, wolverine, grizzly bear, and other animals that use the area during the winter season. It did not identify areas of conflict between motorized and non-motorized recreationists.

91. The Decision Notice for the winter travel plan selected the alternative that restricted OSV use to designated routes in crucial winter range for elk, bighorn sheep, and moose, kept a few discrete areas closed to OSV use such as the elk feed grounds, Teton Village,

and Snow King Mountain, and left all remaining area outside of Wilderness open to use. More than 600,000 acres remained open to OSV use, including the Palisades and Shoal Creek WSAs.

92. In 1992, the Bridger-Teton issued outfitter permits for use of the Continental Divide Snowmobile Trail, part of which went through the Bridger-Teton National Forest. The wildlife evaluation completed for that decision noted that snowmobile use could displace lynx, wolverine, or fisher if they are in the area.

93. The Bridger-Teton made slight revisions to the winter travel plan in 1993 to adjust some motorized and non-motorized routes and boundary lines of crucial big game winter range, private land, and Wilderness areas.

94. The Forest Service initiated summer travel planning that covered the Teton Division in 2008 and issued motor vehicle use maps when that process was completed. It did not conduct winter travel planning at the same time. Because the maps resulting from the summer travel plans did not include OSV use, the agency issued a separate Winter Travel Map for the Teton Division in 2010. That map showed the same OSV designations as the 1990 map, and stated that OSV closures were due to Wilderness and protection of crucial big game winter range.

95. In response to a letter from Winter Wildlands Alliance, the Forest Service stated in 2008 that it was not conducting winter travel planning at the same time as summer travel planning but would do it separately as soon as practical. It acknowledged there was high public interest in updating the winter travel plan and that the agency had learned a lot over the last two decades about how to make the plan better.

96. Winter recreation use has increased on the Teton Division since 1990, particularly in the Teton Pass, Togwotee Pass, and Cache and Game Creek areas. Not only has the number

of winter recreation users gone up, but the geographic scope of OSV use has increased significantly due to the improved technology and power of the machines that allows them to go farther into the backcountry into deeper snow and up steeper slopes. This dynamic has caused an increase in the extent of OSV use within the Palisades and Shoal Creek WSAs.

97. In February 2016, the Bridger-Teton National Forest issued a decision related to winter recreation use in the Cache/Game Creek and Teton Pass areas. Although the Forest Service was aware of conflicts between skiers and snowmobilers in those areas, the decision included only one small additional restriction on OSVs, which required them to stay on Cache Creek Road for the first 1.2 miles from the parking lot. The main aspects of the decision related to restrictions when bringing dogs to these areas and small changes to winter wildlife closures.

98. The Forest Service admitted that there was ever-increasing recreation use in popular areas around Cache Creek and Game Creek and on Teton Pass, but that the issue of excluding OSV use from those areas entirely must be addressed in winter travel planning efforts that are broader in scope. Because this decision was narrow and made only small changes, the Forest Service did not complete an environmental analysis for it under NEPA.

99. A few months later, the Forest Service issued a new OSVUM and stated that it complied with Subpart C of the Travel Management Rule. The map showed the same designations as the 1990 winter travel map plus the small additional Cache Creek OSV restriction. The agency stated that it was complying with Subpart C by tiering to the 1990 winter travel decision with amendments (Cache Creek). In other words, it was using the grandfather provision of Subpart C to adopt the prior decisions as its current winter travel map rather than complete a new winter travel plan.

100. In early 2017, the Forest Service issued another decision that updated the

OSVUM for the Teton Division to add two small winter recreation closures intended to protect greater sage-grouse leks and to fix a few mapping errors that were inconsistent with the 1990 winter travel plan. The Forest Service was aware when it issued the OSVUM in 2016 that it would be amending it soon after to add the sage-grouse closure areas.

101. OSV use within the Teton Division overlaps habitat of Canada lynx, wolverine, grizzly bear, pine marten, fox, and numerous big game species. For instance, extensive habitat for lynx, wolverine, and grizzly exists within the Teton Division, and OSV use is allowed on more than 620,000 acres of lynx habitat, more than 450,000 acres of wolverine habitat, and more than 720,000 acres of grizzly bear habitat. The wolverine study discussed above documented a male wolverine using the Teton Range in 2014 and 2015 as well as pine marten and fox. It also documented extensive winter recreation use by skiers and snowmobilers in the Teton Mountains both years, particularly in the southern part of the range near Teton Pass and in and around the Palisades WSA.

FIRST CLAIM FOR RELIEF
**THE PAYETTE NATIONAL FOREST OSVUM WAS ARBITRARY, CAPRICIOUS,
AND CONTRARY TO LAW**

102. Plaintiffs reallege and incorporate by reference the preceding paragraphs.

103. This first claim for relief challenges the Forest Service's decision to adopt existing OSV use designations by publishing the Payette National Forest OSVUM rather than completing a winter travel plan as being arbitrary, capricious, an abuse of discretion, and contrary to the Travel Management Rule, NFMA, and NEPA. Plaintiffs bring this claim pursuant to the judicial review provisions of the APA, 5 U.S.C. § 706.

104. The publication of the OSVUM violated the Travel Management Rule because adopting existing OSV use designations did not minimize damage to natural resources,

harassment of wildlife and disruption of wildlife habitat, or conflicts with other recreation users. 36 C.F.R. §§ 212.55(b), 212.81(d). It also violated the Rule by adopting existing OSV use designations that did not comport with the “closed unless designated open” approach because they continued to implement designations of closed areas rather than discrete, specifically delineated areas open to OSV use.

105. An interpretation of the grandfather provision that allows the Forest Service to adopt prior designations under such circumstances violates the language and intent of the Travel Management Rule as well as Executive Order 11644. *Id.* §§ 212.80-81; E.O. 11644, § 3.

106. The publication of the OSVUM violated NFMA because adopting existing OSV use designations was inconsistent with direction in the Payette Forest Plan to protect wildlife—including Forest Service sensitive species, lynx, wolverine, and northern Idaho ground squirrel, as well as direction related to recreation and Recommended Wilderness. 16 U.S.C. § 1604(i); 36 C.F.R. § 219.15.

107. Finally, the publication of the OSVUM violated NEPA because the Forest Service adopted existing OSV use designations without conducting any new environmental analysis of the effects of current OSV use, or alternatively any supplemental environmental analysis to take into account new information and changed circumstances since 1988, when the majority of the designations occurred. 42 U.S.C. § 4332(2)(C); 40 C.F.R. § 1502.9(c)(1).

108. Accordingly, the Forest Service’s OSVUM for the Payette National Forest is arbitrary, capricious, an abuse of discretion, and not in accordance with the Travel Management Rule, NFMA, or NEPA, and therefore is unlawful and must be set aside pursuant to the APA, 5 U.S.C. § 706(2)(A).

WHEREFORE, Plaintiffs pray for relief as set forth below.

SECOND CLAIM FOR RELIEF
**THE BOISE NATIONAL FOREST OSVUM WAS ARBITRARY, CAPRICIOUS, AND
CONTRARY TO LAW**

109. Plaintiffs reallege and incorporate by reference the preceding paragraphs.

110. This second claim for relief challenges the Forest Service's decision to adopt existing OSV use designations in the 2014 Winter Travel Map as the Boise National Forest OSVUM rather than completing a winter travel plan as being arbitrary, capricious, an abuse of discretion, and contrary to the Travel Management Rule, NFMA, and NEPA. Plaintiffs bring this claim pursuant to the judicial review provisions of the APA, 5 U.S.C. § 706.

111. Adoption of the 2014 Winter Travel Map as the OSVUM violated the Travel Management Rule because adopting existing OSV use designations did not minimize damage to natural resources, harassment of wildlife and disruption of wildlife habitat, or conflicts with other recreation users. 36 C.F.R. §§ 212.55(b), 212.81(d). It also violated the Rule by adopting existing OSV use designations that did not comport with the "closed unless designated open" approach because they continued to implement designations of closed areas rather than discrete, specifically delineated areas open to OSV use. Finally, the OSVUM violated the rule because the Forest Service was proposing changes to OSV use designations through the Becker Integrated Resource Project before adopting the 2014 Winter Travel Map as the OSVUM.

112. An interpretation of the grandfather provision that allows the Forest Service to adopt prior designations under such circumstances violates the language and intent of the Travel Management Rule as well as Executive Order 11644. *Id.* §§ 212.80-81; E.O. 11644, § 3.

113. Adoption of the 2014 Winter Travel Map as the OSVUM violated NFMA because adopting existing OSV use designations was inconsistent with direction in the Boise Forest Plan, including direction to protect wildlife, Forest Service sensitive species, lynx, and wolverine, as

well as direction related to recreation and Recommended Wilderness. 16 U.S.C. § 1604(i); 36 C.F.R. § 219.15.

114. Finally, adoption of the 2014 Winter Travel Map as the OSVUM violated NEPA because the Forest Service adopted existing OSV use designations without conducting any new environmental analysis of the effects of current OSV use, or alternatively conducting any supplemental environmental analysis to take into account new information and changed circumstances since 1990, when the majority of the designations occurred. 40 C.F.R. § 1502.9(c)(1).

115. Accordingly, the Forest Service's OSVUM for the Boise National Forest is arbitrary, capricious, an abuse of discretion, and not in accordance with the Travel Management Rule, NFMA, or NEPA, and therefore is unlawful and must be set aside pursuant to the APA, 5 U.S.C. § 706(2)(A).

WHEREFORE, Plaintiffs pray for relief as set forth below.

THIRD CLAIM FOR RELIEF
THE BRIDGER-TETON NATIONAL FOREST TETON DIVISION OSVUM WAS
ARBITRARY, CAPRICIOUS, AND CONTRARY TO LAW

116. Plaintiffs reallege and incorporate by reference the preceding paragraphs.

117. This third claim for relief challenges the Forest Service's decision to adopt existing OSV use designations by publishing the Bridger-Teton National Forest Teton Division OSVUM rather than completing a winter travel plan as being arbitrary, capricious, an abuse of discretion, and contrary to the Travel Management Rule, NFMA, NEPA, and the Wyoming Wilderness Act. Plaintiffs bring this claim pursuant to the judicial review provisions of the APA, 5 U.S.C. § 706.

118. The publication of the OSVUM violated the Travel Management Rule because

adopting existing OSV use designations did not minimize damage to natural resources, harassment of wildlife and disruption of wildlife habitat, or conflicts with other recreation users. 36 C.F.R. §§ 212.55(b), 212.81(d). It also violated the Rule by adopting existing OSV use designations that did not comport with the “closed unless designated open” approach because they continued to implement designations of closed areas rather than discrete, specifically delineated areas open to OSV use. Finally, the OSVUM violated the rule because the Forest Service was proposing changes to OSV use designations to protect sage-grouse leks before publishing the OSVUM.

119. An interpretation of the grandfather provision that allows the Forest Service to adopt prior designations under such circumstances violates the language and intent of the Travel Management Rule as well as Executive Order 11644. *Id.* §§ 212.80-81; E.O. 11644, § 3.

120. The publication of the OSVUM violated NFMA because adopting existing OSV use designations was inconsistent with direction in the Bridger-Teton Forest Plan, including direction to protect wildlife, Forest Service sensitive species, lynx, and grizzly bear, as well as direction related to recreation and Wilderness Study Areas. 16 U.S.C. § 1604(i); 36 C.F.R. § 219.15.

121. The publication of the OSVUM also violated NEPA because the Forest Service adopted existing OSV use designations without conducting any new environmental analysis of the effects of current OSV use, or alternatively conducting any supplemental environmental analysis to take into account new information and changed circumstances since 1990, when the majority of the designations occurred. 40 C.F.R. § 1502.9(c)(1).

122. Finally, the publication of the OSVUM violated the Wyoming Wilderness Act because the Forest Service adopted OSV use designations that have allowed for increasing OSV

use since 1984 within the Palisades and Shoal Creek WSAs, due to both an increase in the amount of use and in the geographic scope of use by OSVs. Therefore, OSV use in the WSAs is not occurring in the same manner and degree as was occurring in 1984, in violation of the Act.

123. Accordingly, the Forest Service's OSVUM for the Teton Division of the Bridger-Teton National Forest is arbitrary, capricious, an abuse of discretion, and not in accordance with the Travel Management Rule, NFMA, NEPA, or the Wyoming Wilderness Act, and therefore is unlawful and must be set aside pursuant to the APA, 5 U.S.C. § 706(2)(A).

WHEREFORE, Plaintiffs pray for relief as set forth below.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court:

- A. Declare that the Forest Service's decisions to publish the OSVUMs for the Payette, Boise, and/or Bridger-Teton National Forests rather than complete winter travel plans were arbitrary, capricious, an abuse of discretion, and/or violated the Travel Management Rule, NFMA, NEPA, and/or the Wyoming Wilderness Act, and thus were unlawful under the judicial review standards of the APA, 5 U.S.C. § 706(2)(A);
- B. Vacate and set aside the OSVUMs for the Payette, Boise, and Bridger-Teton National Forests;
- C. Order the Forest Service to ensure that future OSVUMs for these forests comply with the Travel Management Rule, NFMA, NEPA, and the Wyoming Wilderness Act;
- D. Issue such temporary, preliminary, and/or permanent injunctive relief as may specifically be requested hereafter by Plaintiffs;
- E. Award Plaintiffs their reasonable attorney fees, costs, and litigation expenses under the Equal Access to Justice Act, and/or any other applicable provision of law; and

F. Grant such further and additional relief as the Court deems just and proper in order to remedy the violations of law alleged herein and to protect the interests of Plaintiffs, the public, and the lands at issue.

Dated: September 8, 2017

Respectfully submitted,

s/ Lauren M. Rule
Lauren M. Rule
Attorney for Plaintiffs