

LAW ENFORCEMENT

Public comment focused on law enforcement issues within the Jefferson Division of the Lewis and Clark National Forest in regard to the potential effects of travel management. Concerns were raised from all recreational user types. The bulk of enforcement-related comments were tied to motorized uses of the forest. Lack of enforcement raises concern about increasing resource damage and social conflicts. Many comments suggested that there was a need for additional law enforcement personnel to handle the vast increase of motorized use on the forest.

1. EXISTING CONDITION

a. Law Enforcement Staffing

The Jefferson Division of the Lewis and Clark National Forest is comprised of five separate island mountain ranges and the northern portion of a sixth mountain range. It includes approximately 1.1 million acres of National Forest System lands, and provides many challenges to its law enforcement officers. Law enforcement situations range from minor infractions such as littering to more serious problems like resource damage cases, illegal outfitting, theft of timber and drug-related incidents.

The Jefferson Division currently has a law enforcement staff of one full time law enforcement officer (LEO), and four active forest protection officers (FPO). One special agent (SA) provides additional help to the Division. The law enforcement officer is located in White Sulphur Springs, and the forest protection officers work on local ranger districts. The forest protection officers, who have limited training, mostly enforce minor infractions during the course of their normal full time duties in other jobs.

All other Forest Service employees (both seasonal and permanent) have some training as well as the responsibility to know the rules, observe and record situations, and report suspected violations as they go about their normal duties.

b. Past Events and Conditions

There are some dispersed sites and trails that have experienced illegal use across the Jefferson Division. These areas are of concern for future travel management opportunities and need balance between public use and resource protection.

The Montana Dakota Statewide OHV decision (USDA 2001) was designed to halt the establishment of new user-created unauthorized motorized routes on public land. The decision states that if existing legal non-system routes were present at the time the decision was made, continued use of those routes was permissible so long as the vehicle using the route was able to fit entirely on the existing tread, and that use had been well established prior to January 2001. Since the decision, new unauthorized routes continue to be established in many areas of the forest. However, the 2001 ruling does not supercede the forests current travel plan where restricted motorized use is in place, and will not supercede future travel management plans.

c. Monitoring of Violations

Law enforcement can serve as an education tool to produce positive travel management on the Forest. Violation notices are tools to discourage inappropriate actions. Reporting of travel plan violations is one element of the Lewis and Clark National Forest monitoring report. Past monitoring reports from 1988 through 2001 are part of the project record.

d. Desired Future Condition

Law enforcement on federal lands is a vital part of a healthy forest. Law enforcement works with all Forest Service personnel to ensure that natural resources stay healthy for future generations.

Prevention of violations is more desirable than apprehending violators. Many actions can be taken to prevent inadvertent violations of travel restrictions. These include 1) providing clear, easy-to-understand travel plan maps; 2) providing additional outlets for the public to purchase travel plan maps; 3) educating the public to use and carry travel plan maps with them; 4) improved trail signing showing travel restrictions, 5) designing a recreational road and trail system that helps people stay on the designated routes, and 6) providing additional FPOs on the district to educate visitors and enforce the travel plan. When the above concerns are addressed, it will be possible for law enforcement to adequately enforce the travel plan, regardless of which alternative is selected.

The Forest should be more proactive with news releases and articles to educate visitors and promote sound travel management and responsible use of public lands. Grants and partnerships could enhance law enforcement efforts. Forest Service and Montana Fish, Wildlife, and Parks could help organize and educate recreationists to police them selves.

2. ENVIRONMENTAL CONSEQUENCES

The 3-State OHV decision in 2001 and the new OHV Policy in 2005 are both intended to eliminate the effects of unmanaged motorized recreation on NFS lands. Adjacent National Forests appear to be more restrictive with motorized use which may displace motorized use to the Jefferson Division. Consequences of illegal travel on the Lewis and Clark National Forest will be violation notices in most cases or warning notices when deemed appropriate.

Implementation of any alternative under the new OHV policy would result in motorized vehicles being restricted to designated roads and trails. **The concept of regulating motorized vehicles would change to “closed unless designated open”. The Forest Service would issue a Motor Vehicle Use Map (MVUM) annually to display routes open to motorized travel. The Forest Service would post route number signs on the open routes to correspond with numbers shown on the MVUM. If the route number sign falls down or is vandalized, the responsibility for knowing that the route is open falls upon the motor vehicle operator. The MVUM is the controlling legal enforcement tool, and operators of motor vehicles are responsible for being in compliance with the MVUM. On-site posting of signs is not essential to enforce the new travel plan, however, signing will continue to be used to minimize inadvertent violation of restrictions.**