

Judge sides with backcountry skiers over snowmobilers

By John Miller and Todd Dvorka, AP

BOISE, Idaho – A federal judge in Idaho says the U.S. Forest Service broke the law when it didn't craft rules to govern snowmobile travel, handing powder-loving backcountry skiers and snowshoe enthusiasts a victory that could extend to national forests nationwide.

U.S. District Magistrate Judge Ronald Bush ruled Friday that the Forest Service must go back to work on its 2005 Travel Management Rule and draw up regulations designating areas of use and non-use by all off-road vehicles, including snowmobiles, on national forest lands.

How this decision affects the Lake Tahoe Basin, Eldorado, Tahoe and Toiyabe forests is not known.



A decision in Idaho curtailing snowmobiling could affect national forests throughout the U.S.
Photo/LTN file

The Idaho-based Winter Wildlands Alliance had argued the agency's decision to allow individual forests to exempt

snowmobiles from the rules was illegal and has created conflicts between snowmobiles and backcountry skiers.

The judge agreed with the skiers' group, ordering the Forest Service to write a new rule consistent with his decision within 180 days. The decision will lead to changes in national forests in Idaho, but could also prompt national forests across the West and other states to revisit its off-road policies.

"The court finds the OSV (over-snow vehicles) exemption is contrary to law," Bush wrote. "The court finds that the 2005 Travel Management Rule is arbitrary and capricious to the extent that it does not require designations for the use of OSVs upon the national forest lands."

Mark Menlove, executive director with the Winter Wildlands Alliance, said the decision was a monumental victory for backcountry skiers and other winter recreationists seeking a peaceful experience in the woods.

The group's goal is to not shut down snowmobiles in national forests, but force the agency to designate specific boundaries that carve out distinct areas for those who want to explore on powered sleds and those preferring skis, snowshoes and hiking boots.

"Many of our members use snowmobiles more and more to get to certain places, so we're not in any way asking the forest service to ban them," Menlove told the Associated Press on Monday. "But we are asking for some balance there, where our constituents can go and find peace and powder snow in the backcountry."

The U.S. Attorney's Office in Idaho, which represented the Forest Service in the case, said the review process has not yet started to determine if an appeal is appropriate. Government lawyers also declined to comment on the decision.

But the ruling was disappointing to Idaho's snowmobiling community and the groups that joined the lawsuit to defend the existing rule. Sandra Mitchell, public lands director for the Idaho State Snowmobiling Association, said she was prepared to take part in the process of drafting a new rule and defending the recreational opportunities and the rural economies that benefit from the snowmobiling industry each winter.

"Obviously we want to ride in a responsible way, and be in places where we don't have negative impacts," Mitchell said. "But we also want to ensure that opportunities exist not just now but for future generations. Snowmobiling brings thousands of people to Idaho to recreate, and that's a huge driver for economies in the winter for rural Idaho."