

**RECREATION OUTDOORS COALITION**  
**4000 Beacon Drive**  
**Anderson, CA 96007**

December 12, 2008

Forest Supervisor  
Klamath National Forest  
1312 Fairlane Road  
Yreka, CA 96097

ATTN: Route Designation Coordinator

Recreation Outdoors Coalition (ROC) is a non-profit organization created to promote responsible access, multiple use, stewardship, tolerance and safety for those recreating on our public lands. We support local, State and federal land management policies while advocating environmentally sustainable recreation use.

ROC has, in general, been very supportive of route designation and believes that a well designed and managed, sustainable OHV program is necessary to provide quality riding experiences on the Klamath National Forest (KNF).

In preparing this proposal and the accompanying spreadsheets, we used the following information:

- Recommendations for specific routes from OHV users
- California Highway Patrol letter of December 19, 2008 to Regional Forester Randy Moore
- Council of Environmental Quality Code of Federal Regulations at 40 CFR 1500-1518

ROC suggests the following significant issues be used to develop alternatives in the KNF's draft environmental impact statement (DEIS).

- a) Significant riding/driving opportunities will be eliminated on the KNF.

*Rationale:* Only 68 miles of unauthorized routes were included in the NOI for designation<sup>1</sup>. That amounts to a mere 17 percent out of the approximately 400 miles<sup>2</sup> of routes inventoried. Current mixed use on most KNF national forest system (NFS) passenger car (PC) roads will be prohibited since only 88 miles out of the existing 1,015 miles<sup>3</sup> of PC roads are proposed for mixed use in the NOI. These two factors will eliminate quality half-day or day long rides by creating gaps in the current system of roads and motorized trails. The NOI greatly restricts hunting, fishing, dispersed camping, and firewood collecting, etc. when so few routes are proposed for designation. The NOI is not consistent with the Purpose and Need section to: "Provide wheeled motorized access to dispersed recreation opportunities (camping, hunting, fishing, hiking, horseback riding, etc.) Provide a diversity of wheeled motorized recreation opportunities (4x4 vehicles, motorcycles, ATVs, passenger vehicles, etc.)." Many more miles

---

<sup>1</sup> ROC is not sure if the 24 miles of unauthorized routes for dispersed recreation access is part of this 68 miles or additive. In any event, the number of miles of unauthorized routes proposed for designation is very low.

<sup>2</sup> The July 21, 2008 spreadsheet that was mailed to ROC by the Regional Office shows the KNF has 800 miles of unauthorized routes. We are unsure which number is correct.

<sup>3</sup> This total comes from the July 21, 2008 spreadsheet that was mailed to ROC by the Regional Office.

of both system and unauthorized routes will need to be considered for designation and mixed use in order to have an adequate range of alternatives in your DEIS.

ROC requests you consider an alternative that allows non-highway legal vehicles on all unpaved NFS passenger car roads unless a rare exception exists. ROC understands the Forest Service (FS) definition of maintenance level (ML) 3, 4, and 5 roads as being passenger car roads. However, our interpretation of current FS Manual and Handbook direction is this: prudent drivers of standard passenger cars, in nearly all cases, stay on ML 5 (paved) roads. We believe all paved (asphalt, chip seal, etc.) roads should be ML 5 (paved) roads. Nearly all ML 3 and 4 NFS roads are unpaved.

Based on anecdotal information from KNF users, and a traffic survey ROC did on 75 miles of ML 3-4 roads on the Lassen National Forest in 2005, we believe almost all traffic on “FS designated passenger car” roads is high clearance vehicles (pick up trucks, sport utility and trail rated vehicles). It is a misnomer for the FS to continue to refer to unpaved ML 3-5 roads as “passenger car roads.” On the Lassen National Forest, only 10 percent of the use on ML 3-5 roads was actually passenger car. The rest were high clearance vehicles or non-highway legal vehicles.

Most NFS passenger car roads are single lane with design speeds less than 25 mph and low average daily traffic counts (Source: FS INFRA Roads). Non-highway legal vehicle travel has occurred on most of these roads for decades with no documented mixed-use on the KNF<sup>4</sup>. FS passenger car roads provide important links to the KNF’s maintenance level ML 2 road system and motorized trails. “Share the road” information, maps, speed limits, and/or road signs will greatly enhance visitor safety on all unpaved ML 3-5 roads designated for mixed use.

Non-highway legal vehicle travel on unpaved NFS passenger car roads also complies with the California Vehicle Code (VC). On December 19, 2007, Regional Forester Randy Moore received a letter from Department of California Highway Patrol (CHP) Deputy Commissioner J. A. Farrow regarding mixed use on Forest Service ML 3 roads. The Deputy Commissioner stated:

“We are not familiar with all the ML 3 Forest Service roadways, but if they are gravel or other dirt or unpaved roads that have been operating as mixed use roadways for years, it is our belief these roads would fall under the ‘roughly graded trails and roads upon which vehicular travel by the public is permitted’ portion of Section 38001 VC and would, therefore, be eligible for your mixed-use definition.”

The Deputy Commissioner addressed ML 3 roads and did not mention unpaved ML 4 roads. Clearly, the CHP is not concerned about maintenance level designations, but is applying the exemption of Section 38001 VC based on the condition of the road surface. CHP does not consider “gravel or other dirt or unpaved roads” to be highways.

ROC concurs with the CHP. All NFS unpaved roads, regardless of maintenance level, are exempt from the definition of a “highway” under Section 38001 VC. The majority of these roads were constructed as logging or service roads and would be considered roughly graded roads by a prudent driver. In addition, “combined use” regulations under Section 38026 VC do not apply to these unpaved roadways. Under this interpretation, the Forest Service may designate any unpaved NFS road for mixed use. Restricting mixed use on these roads should be made on a case-by-case basis, and not because they are considered “highways” under the VC.

---

<sup>4</sup> Letter from Patricia Granthan, dated November 21, 2008. No mixed use accident records were found during the period from 2004-2008.

Please correct the following erroneous statement from your NOI when mixed use is discussed in your DEIS and do not cite the VC as the reason for prohibiting non-highway legal vehicles on ML 3-5 roads.

“Allow non-highway legal vehicle use on approximately 88 miles (24 segments) where such use is currently prohibited.”

ROC does not believe engineering reports are needed to sanction mixed use on NFS unpaved passenger car roads when the criteria in EM-7700-30 “Guidelines for Engineering Analysis of Motorized Mixed Use on National Forest System Roads” are applied. The Guidelines state:

“Where all the following conditions exist, a qualified engineer may make an engineering judgment that an engineering report is not needed to adequately analyze a road for motorized mixed use:

1. The proposed designation is consistent with State and local law.
2. The road being considered for designation currently has motorized mixed use.
3. There is no documented crash history involving motorized mixed use on the road or similar roads in the vicinity.”

The attached draft letter in Exhibit 1 was sent to the Washington and R5 regional offices to suggest appropriate revisions to the R5 motorized mixed use direction. The current “one size fits all” regional policy for conducting mixed use analyses on passenger car roads is ill-advised and infeasible to implement. The Forest Service simply does not have the funds or staff to prepare them. It is also inconsistent with national motorized mixed use direction. Engineering judgments are sufficient for all KNF ML 3-5 roads where the above criteria are met.

- b) Impacts to adjacent private land need to be addressed.

*Rationale:* The closure of so many unauthorized routes and the prohibition of mixed use on NFS passenger car roads will likely affect adjacent private lands. The displacement of OHV use from the national forests may result in increased OHV riding on private ownerships and subsequent resource damage. ROC has letters from Sierra Pacific Industries and Roseburg Resources Company expressing this very concern. They state: “The reduction of public access to public land will result in increased pressure and use of private land. Because private landowners are not set up to manage recreational use, more roads would be gated, thereby restricting public use.”

- c) Some unauthorized routes access private land and should be considered for designation if requested.

*Rationale:* The lack of a formal or legal road agreement across private ownerships should not be used as an excuse to eliminate these routes. The public can still ride on them through NFS land and the landowner may have given riders implicit permission to pass if not gated or signed at the private land boundary.

- d) The KNF can not maintain NFS roads to Forest Service standards.

*Rationale:* The NOI does not mention the KNF’s maintenance backlog. Future FS road and trail budgets are expected to remain flat or decrease from current levels. Please include an analysis of your road maintenance program and level of backlog maintenance in the DEIS.

Alternatives that address the KNF’s ability to maintain NFS roads should be discussed. Consider various options to reduce the backlog such as lowering road maintenance levels, converting other roads

to motorized trails, closing low use roads with high resource impacts, applying for OHV Trust Funds to maintain mixed use roads, and using volunteers for maintenance work (Adopt-a-Trail or Road program), etc.

For selected passenger car roads, lower their operational maintenance level to reduce maintenance costs. Passenger car roads with ADTs less than 40 with moderate to high maintenance costs should be considered for reassignment as ML 2 roads. ROC doubts the Forest's constrained road budget will ever allow the KNF to fully meet FS road maintenance standards for all 1,015 miles of your passenger car roads. If MLs need to be temporarily raised to provide more economical commodity haul, do it at that time, then drop back to a lower operational maintenance level when the project is completed. Passenger cars can still be driven on ML 2 roads if drivers choose to do so. Based on anecdotal information, ROC believes most of the vehicles on KNF roads are high clearance. Please refer to ROC's attached ML paper in Exhibit 2 that summarizes current national FS policy and our suggestions.

- e) Proposed "Seasons of use" in the NOI are not explained. A single use period (May 1 to October 31) is poor public policy.

*Rationale:* The Travel Management Rule allows the FS to adopt seasons of use and emergency closures. Several routes have a "season of use" from May 1 to October 31. Justification for this "season of use" should be provided in the DEIS. Wet weather closure plans should be based on weather-related criteria (rainfall, soil conditions, etc). "Seasons of use" should also be considered for other NFS roads when you develop your alternatives to prevent vehicle damage when road surfaces are wet and to reduce your road maintenance needs. ROC assumes any "season of use" for specific roads applies to everyone, including Forest Service vehicles. Please respond to that assumption in the DEIS.

Include a wheeled vehicle restriction on all groomed snowmobile trails from December 25 to March 31 in your DEIS's preferred alternative. This will prevent rutting of the trails and eliminate safety concerns.

- f) The NOI did not address access for dispersed camping, big game retrieval or parking widths off designated routes.

*Rationale:* DEIS alternatives should include a range of access options for these activities. ROC requests the KNF consider at least one alternative that provides access to most historically used, primitive campsites and day use sites as documented in your route inventories. Access to these sites has existed for a long time. If there are resource concerns with any of them, then mitigate them. Do not use the travel management planning process to prohibit motor vehicle access when resource impacts should have been addressed before now if they were serious. Access to recreation sites is a critical concern for ROC members.

Many popular recreation sites should have a parking area or parking width defined to reduce impacts to riparian areas. Please consider this as an appropriate mitigation measure to keep the access open.

One National Forest was eliminating unauthorized routes to campsites adjacent to meadows due to concern about motor vehicle travel across the meadows (even though there was no evidence of this in the past). Unauthorized routes were also dropped from consideration if they were located within 200 feet of an archaeological site (again, even if there was no prior disturbance from motor vehicle travel). These kinds of concerns can be mitigated and are not sufficient cause to eliminate routes. Upon release of the DEIS, we will be requesting the specific reasons and field analysis why each route is rejected.

- g) The KNF travel management plan should be integrated with vehicle use on county roads that cross the Forest.

*Rationale:* The route designation process should integrate both the County's and Forest Service's road management objectives to provide a seamless transportation system to the recreating public.

It makes no sense for the Forest Service to publish an NOI that greatly restricts OHV use on NFS roads while the counties are designating their roads for non-highway legal vehicle travel. ROC is working closely with the counties to ensure continued OHV use on unpaved county as well NFS roads. The DEIS should contain some alternatives that demonstrate integration with county transportation plans. Some OHV travel may also be desired on short segments of paved county and FS roads.

- h) ROC strongly suggests that the KNF consider the alternative that the Siskiyou County Off Road Riders (SCORR) have proposed as they are the professionals who know the land, every route and the value of each route. They also understand trail maintenance and what makes a quality, well managed trail system. This club is able to work collaboratively with your Travel Management Team to have their proposal included as an alternative in the KNF's DEIS. ROC's route designation team is also available to work with your Travel Management Team and SCORR to help produce the best OHV program possible.
- i) Address the recreational, social and economic impacts from route closures, especially on OHV recreation.

*Rationale:* In the DEIS, discuss the effect route closures will have on jobs, income, displacement, overcrowding, visitor use patterns, law enforcement, and management. Assess whether use will shift to new areas on the KNF or cause aggravated impacts to existing areas due to heavier use. Assess the impact on private lands if use shifts to those properties.

Please consider these other recommendations as you prepare your DEIS.

- 1) Strive to achieve a better balance of access with environmental stewardship. The KNF NOI does not reflect a bias for recreation and access. Consider the big picture. Take a comprehensive forest-wide look at your transportation system (both the NFS roads and trails and unauthorized routes). Collaborate with local users, tribes, counties and private landowners to achieve the outcomes they desire and develop a quality system that has public support. Where credible and specific issues warrant limitations to your existing system, the impacts to recreation should be recognized and mitigated where possible.
- 2) Please share working drafts of your DEIS alternatives with the public, tribes, counties and private landowners prior to finalizing them. This kind of collaboration will make the planning process more transparent and build support for the final decision.
- 3) The FS has no standardized safety factors or criteria for assessing the probability of a crash or severity of a crash when you prepare engineering reports for mixed use. Each forest is using its own factors such as ADT and traffic speed. This lack of consistency results in questionable mixed use analyses and conclusions. Please consider using the attached benchmarks in Exhibit 3 that ROC used during their 2005 traffic study on the Lassen National Forest.
- 4) An active volunteer program is absolutely essential in having well managed recreation and OHV programs in California national forests. ROC has suggestions on how you can ramp up your volunteer program through personal outreach, WEB and other marketing, staff organization, and volunteer/FS

recognition. Successful models exist to engage the riding public who can help the KNF manage their OHV program.

Thank you for the opportunity to comment on your NOI. Please send me a hard copy as well as a CD of the DEIS when it is issued.

Sincerely,

*/s/ Sylvia Milligan*

**Sylvia Milligan**

Chair, Recreation Outdoor Coalition

Enclosures:

Exhibit 1 - ROC Draft Regional Direction for Mixed Use/Engineering Analysis

Exhibit 2 - ROC May 2008 Maintenance Level Paper and FS Policy

Exhibit 3 - ROC Traffic Study Benchmarks

cc:

Gregg Mumm, BlueRibbon Coalition

Don Amador, BlueRibbon Coalition

Dave Pickett, American Motorcyclist Association

Don Spuhler, Don Klusman, and John Stewart, California Association of 4 Wheel Drive Clubs, Inc.

Lois Silvernail, California Off-road Vehicle Association

Robert Reed, California League of Off Road Voters

Fred Wiley, Off Road Business Association

Tom Crimmins, National Off-highway Vehicle Conservation Council

Paul A. Turcke, Moore Smith Buxton and Turcke, Chartered

Daphne Greene and Phil Jenkins, State of California OHMVR Division

Honorable Wally Herger

Jackson County Board of Supervisors

Del Norte County Board of Supervisors

Siskiyou County Board of Supervisors