

RECREATION OUTDOORS COALITION
4000 Beacon Drive
Anderson, CA 96007

February 11, 2009

Travel Management Team
Modoc National Forest
800 West 12th Street
Alturas, CA 96101

Dear Travel Management Team:

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. We believe a well designed and managed, sustainable off-highway vehicle (OHV) program is necessary to provide quality riding experiences on the Modoc National Forest (MNF). We support a modified Alternative 5 as representing the best balance between access and environmental stewardship.

1) Motorized Mixed Use on Other Public Roads through the Modoc National Forest

A key objective of travel management planning is: "To coordinate travel planning and analysis on NFS lands with federal, state, county and other local governmental entities and tribal governments and to allow the public to participate in the designation of NFS roads, NFS trails, and areas on NFS lands for motor vehicle use."¹

Collaboration with other road management agencies is critical for the development of sound NF travel management plans. ROC is working with affected counties to designate all unpaved county roads through the MNF for mixed use unless an exception exists for public safety, past accidents, resource impacts, user conflicts or other considerations that cannot be mitigated. Our goal is to have an interconnected transportation system for non-highway legal vehicles using unpaved county and NFS roads. If County Boards choose to designate mixed use on their unpaved roads, please review the MNF's designations to provide a seamless transportation system for the riding public.

2) Access Over Private Lands

The lack of a formal or legal road agreement across private ownerships should not eliminate unauthorized routes from designation. The public can still travel on them through NFS land and the landowner may have given users implicit permission to pass

¹ Forest Service Manual 7702, Objectives

if not gated or signed at the private land boundary. Please summarize your discussions with private landowners for proposed routes that cross their ownerships in the FEIS. If forest routes to private land have existed for decades, now is not the time to close them simply because of the private land issue. They may still have value for firewood collecting, hunting, or other recreation activities. Private landowners can post their property if they wish to restrict public access.

3) Motorized Mixed Use on Unpaved National Forest System Roads

Alternative 5 proposes mixed use on many ML 3 roads. However, the ML 3 road mileages vary between 531 miles in Table 2-13 on page 20 in Volume 1; 544 miles in Table 2-11 on page 19 in Volume 1; and 703.4 miles in Appendix K on page 172 in Volume 2. We are unclear if mixed use is proposed on all ML 3 roads or only a portion of them. Please clarify this in the FEIS. ROC's Modified Alternative 5 includes the designation of all unpaved NFS roads for mixed use unless a rare exception exists. Our analysis of the Region's mixed use policy and the California Vehicle Code supports this recommendation.

California Vehicle Code:

The Pacific Southwest Regional Forester has said all NFS passenger car roads (maintenance level 3-5) are "highways" under the California Vehicle Code (CVC). This conflicts with the December 19, 2007 letter from the California Highway Patrol (CHP). Please note, there is no definition for a "highway" "public highway" or "forest highway" in Forest Service Manual 7700, except in FSM 7741.1, which states:

"Forest highways are a special classification of forest roads. They are specifically designated State or local government roads that meet the criteria listed in 23 CFR 660.15. The designation of forest highways is not intended to form a 'system' of roads. Instead, the purpose of the designation is to identify State and local government roads that qualify for construction and reconstruction funding under the forest highway program. To qualify for designation as a forest highway, a forest road must: 1) Be a State or local government road that is open to the general public. A forest development road may have the designation of a forest highway, provided that the Forest Service assures the Federal Highway Administration that a State or local government agency will assume jurisdiction and maintenance responsibility upon completion of improvements."

"Road" is the only term used throughout the FS directive system. By its own manual direction, the Forest Service manages roads, not highways. Any link to the CVC term "highway" is incorrect. Only State and local agencies manage highways.

Unpaved NFS roads (regardless of maintenance level) are not considered "highways" under CVC 38001, which states: "For the purposes of this division, the term 'highway' does not include fire trails, logging roads, service roads regardless of surface composition, or other roughly graded trails and roads upon which vehicular travel by the public is permitted." CVC 38026 only applies to paved highways. OHV travel on unpaved county and NFS roads is legal.

The Deputy Commissioner of the California Highway Patrol sent a clarifying letter to the R5 Regional Forester on December 19, 2007, which said in part:

“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.” (Underline added for emphasis.)

FS maintenance levels are irrelevant to the CHP and the public. The most distinguishing characteristic of a road is its surface composition. Is it paved or not? Unpaved NFS roads are not “highways” under the CVC.

ROC understands the 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 roads. Nearly all ML 3 and 4 NFS roads are unpaved.

Most NFS passenger car roads are unpaved, single lane with design speeds less than 25 mph and low average daily traffic counts (Source: FS INFRA Roads). NFS passenger car roads provide important links to the MNF’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.

Based on a traffic survey ROC did on 72 miles of ML 3-4 roads on the Lassen National Forest in 2005, we believe almost all traffic on NFS 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. We noted 17 percent of your traffic on ML 3 roads was passenger car (Appendix N).

The DEIS states:

“Many MNF roads were constructed to permit access for fire suppression and to facilitate vegetation management. These roads also provide access for resource protection and for commercial activities or public uses such as grazing, mining, vegetation management, fire suppression and recreation outfitting and guiding.”²

In ROC’s view, most MNF roads are logging, fire or service roads and fall under the exemption from a “highway” in Section 38001 CVC:

“For the purposes of this division, the term ‘highway’ does not include fire trails, logging roads, service roads regardless of surface composition, or other roughly graded trails and roads upon which vehicular travel by the public is permitted.”

Motorized Mixed Use Policy for the Pacific Southwest Region:

The Region 5 motorized mixed use policy cites the CVC for prohibiting non-highway legal travel on ML 3-5 roads. However, agencies may propose “combined use” on

² DEIS, Volume 1, page 32.

highway segments if the procedures in Section 38026 CVC are followed and the CHP concurs. Since the Regional Forester says ML 3-5 roads are subject to the CVC, then the correct term to permit non-highway legal vehicles on NFS “highways” is “combined use”, not mixed use. If a Forest Supervisor assumes supremacy over the CVC in the management of NFS passenger car roads, the correct term would be mixed use. If the Regional Forester accepted CHP’s interpretation that the CVC does not apply to unpaved ML 3-5 “roads”, then the correct term to permit non-highway legal vehicles on these roads is also mixed use.

Engineering Analyses:

We compliment you on proposing so many ML 3 roads for mixed use under Alternative 5. Non-highway legal vehicle travel on ML 2 roads would be “segmented and would not provide a continuous motor-touring experience for motorized recreationists.”³

Under Alternative 5: “The motor touring experience would be enhanced because all of the Level 3 connector routes would be available for use by all vehicles.”⁴

ROC requests you modify Alternative 5 to allow non-highway legal vehicles on all unpaved NFS passenger car roads (ML 3-5) unless an exception exists and mitigation will not be effective. You may have already considered other ML 3-5 roads and prepared the engineering analyses, but this information is not in Appendix N for our review. Your road mileage data is also inconsistent. Table 3-22 indicates 44 miles of higher level roads are open to highway legal vehicles only under Alternative 5 while the text says: “Of the 4,919 miles of NFTS, 4,630 miles would be designated for mixed use . . .”⁵ This statement implies 289 miles would be designated for highway legal vehicles only. The total NFTS numbers also differ (4,339 in Table 3-22 and 4,919 in the text). Are you proposing to add 336 miles of unauthorized routes or 339? Which numbers are correct?

Under the Region’s current policy, Forest Supervisors are constrained from designating passenger car roads for “combined use” if road segments are greater than three miles (Section 38026 CVC). Forest Supervisors may exceed this length if they assume supremacy over the CVC in accordance with 36 CFR 212.5(a)(1) and the response to public comments to the 2005 Travel Management Rule, which states:

“Under the current rule, traffic on roads is subject to State traffic laws where applicable, except when in conflict with the Forest Service’s prohibitions at 36 CFR part 261. If there is a conflict, the agency’s prohibitions preempt State traffic laws. To ensure that the agency’s intent with respect to designation of roads, trails, and areas is fully effectuated, the proposed and final rules also provide for preemption of State traffic laws when they conflict with those designations.”⁶

Per Forest Service national direction, an engineering analysis is required to assess the probability and severity of crashes on roads proposed for mixed use.⁷ Where the criteria in FSH 7709.55, 30.3 are met, the MNF may prepare an engineering judgment

³ DEIS, Volume 1, page 75.

⁴ DEIS, Volume 1, page 78.

⁵ DEIS, Volume 1, page 77.

⁶ Federal Register, Vol. 70, No. 216, Rules and Regulations, November 9, 2005.

⁷ See EM-7700-30, “Guidelines for Engineering Analysis of Motorized Mixed Use on National Forest System Roads.”

instead of an engineering report. These three criteria are:

“When all of the following conditions exist, a qualified engineer may document engineering judgment that an engineering report is not needed to designate a road for motorized mixed use:

- 1) The proposed designation is consistent with State and local law (*and it is for unpaved NFS roads regardless of maintenance level according to the CHP*).
- 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.”⁸

Please consider more mixed use roads and prepare engineering judgments when the three criteria above are met. Explain why mitigations would not be effective if a road is not designated for motorized mixed use. Include all engineering reports in Appendix N so the reader understands why some roads are not recommended for non-highway legal vehicle use. Appendix N shows the Forest has low traffic volumes with no crash history on all the roads listed. What about the other ML 3-5 roads not listed?

Our other Appendix N comments are:

- 1) Please define the different Traffic Service Levels (TSL) in the tables for the reader to understand. The majority of the roads listed have a C or D TSL. We believe a TSL of C is “flow interrupted, use limited.” A TSL of D is “slow flow or may be blocked.” All passenger car roads with a C or D TSL are appropriate to consider for mixed use.
- 2) Appendix B - Traffic Count Summary and Appendix C - Traffic Count Log. Your traffic count periods do not appear to be systematic. From a statistical standpoint, we question the validity of your data as the count hours are too random. You show vehicles per hour. Is this peak hour or average daily traffic?
- 3) Explain what the numbers mean in the location column in Appendix B - Traffic Count Summary.
- 4) We note the most common “Vehicle Type” is a high clearance vehicle; 17% of your use was passenger car. This is sufficient rationale to consider lowering maintenance levels. Why have so many miles of ML 3-5 passenger car roads when the majority of your traffic is high clearance vehicles? Dropping to a ML 2 does not restrict passenger cars on those roads and does not require NEPA.
- 5) Your analysis is inaccurate for several Analysis Areas. On page 231, the average traffic is 1.5 vehicles/hour not 3. On page 236, the average count is 1.6 vehicles/hour or less than 2, not less than 3.
- 6) Traffic counts were apparently taken at incoming intersections. ROC does not believe this is a reasonable estimate of traffic on the entire road.
- 7) The risk of a crash (item #9 in Appendix N) makes judgments about crash probability and crash severity. We do not know what criteria or benchmarks were used to determine this. Please include them in the FEIS. We have attached the benchmarks ROC used for the engineering analysis we completed on the Lassen National Forest (Exhibit 1).
- 8) How did you determine average speeds? It should be the speed of a prudent driver at the 80th percentile. You state most anticipated average speeds are less than 35 mph, which could range from 5-70 mph! If these roads have a TSL

⁸ FSH 7709.55, 30.3, #5

of C or D, we suspect most have a design speed ranging between 10-20 mph. Please display the INFRA design speeds of these roads as well as the TSL.

The Regional Forester's January 13, 2009 motorized mixed use letter of direction to the Forest Supervisors is a concern to ROC. The Region's mixed use policy invalidates your mixed use proposals on passenger car roads greater than three miles unless you: 1) Lower the maintenance level; 2) Assume supremacy over the CVC on these roads; or 3) Disregard the CVC. The steps for reclassifying a ML 3 or 4 road to ML 2 are both time consuming and expensive. Proposing "combined use" designations on 544 miles of ML 3 roads requires conformance with Section 38026 CVC. Segments must be less than three miles, which will prohibit non-highway legal vehicles on hundreds of miles of roads in the MNF. We also doubt the CHP has the personnel or funds to review many of these analyses.

If the MNF chooses to designate all 544 miles of ML 3 roads for mixed use (and perhaps more under our modified Alternative 5), the Regional Forester's Team (RFT) must concur with your proposal.⁹ Isn't the RFT about 50+ people? Will many proposals be approved?

Please explain in the FEIS how the Regional Forester can cite the CVC to prohibit motorized mixed use on NFS passenger car roads, but then allow it on certain roads or road segments that are far greater than three miles in conflict with Section 38026 CVC. It appears the Forest Service is applying as well as ignoring the CVC at its own discretion. This inconsistency is confusing to the public. ROC believes the Regional Forester's January 13th letter is doomed to fail the OHV community as not many mixed use or combined use proposals will be submitted.

ROC asserts the Forest Service does not have enough mixed use accident data from Region 5 national forests to adopt a regional policy that prohibits motorized mixed use on thousands of miles of unpaved passenger car roads in California. If it's the Region's policy to treat "public safety as a paramount consideration when determining whether to allow motorized mixed use (mixed use) on National Forest System roads"¹⁰, where is the data? ROC has requested, but never seen any regional accident data. To date, we know of no mixed use accidents on the Shasta-Trinity, Modoc, Lassen, Plumas or Inyo National Forests. The Tahoe National Forest has had four mixed use accidents in the past 15 years. There is insufficient accident data to adopt a regional policy that prohibits mixed use on thousands of miles of passenger car roads. Unpaved ML 3-5 roads should be open to all vehicle classes unless an exception exists for some road segments due to public safety, past accidents, resource concerns, user conflicts or other considerations that cannot be mitigated.

Minor Operators on Mixed Use Roads:

The CHP, State Off-highway Motor Vehicle Recreation Division and ROC share equal concern with the Forest Service over the safety of minors driving non-highway legal vehicles on NFS or other public roads. However, we believe State requirements for minor operators are sufficient. The answer is not to eliminate this use, but to mitigate it in the best way possible. As an example, the FS does not prohibit hiking, mountain

⁹ RF letter dated January 13, 2009.

¹⁰ RF letter dated January 13, 2009.

biking, skiing, snowboarding, rock climbing, hunting, firearm use, driving with street legal vehicles or other recreational activities on the national forests. There are risks associated with all of these sports and, yes, some fatalities. The Forest Service should manage this risk, not eliminate the activity or prohibit youth under 18 or 16 years from participating. (Even FS employees have motor vehicle accidents!)

There are numerous safety training programs for youth offered by the State, vehicle manufacturers, state-wide OHV organizations, and local OHV clubs. If there are continued safety concerns, the FS should approach the California Highway Patrol and State OHMVR Division to see if State safety requirements for minors need to be strengthened.

The Forest Service should impose temporary road closures for certain vehicle classes (i.e. OHVs) when commercial traffic is present, such as log haul during timber sales. This is an appropriate mitigation measure for public safety.

Mixed Use and the Highway Safety Act:

ROC has reviewed and commented on several environmental documents for travel management from other Region 5 national forests. They state passenger car roads are subject to the Highway Safety Act (HSA). Please note, roads subject to the HSA have to meet certain safety standards as defined in FSM 7733 and FSH 7709.59. The HSA, however, does not prevent the Forest Service from designating these roads for travel by non-highway legal vehicles. Please do not cite the HSA as a reason for prohibiting motorized mixed use on NFS roads on the Modoc National Forest.

4) Seasonal Restrictions

The Travel Management Rule allows the FS to adopt seasons of use and emergency closures. "Seasons of use" should also be considered for other NFS roads and trails when you develop your alternatives to prevent vehicle damage when road surfaces are wet and to reduce your road maintenance costs. However, wet weather closure plans should be based on weather-related criteria (rainfall, soil conditions, etc) and not set dates. We disagree with your statement on page 22 in the DEIS which says: ". . . it is not practical to change dates as they occur with different seasonal weather situations each year." However, this is how you manage your fuel wood program – the dates and times when cutting is permitted change every year based on weather conditions. We recommend the same approach for seasonal road closures. ROC assumes any "season of use" for specific roads applies to everyone, including Forest Service vehicles. Please respond to that assumption in the FEIS.

5) Affordability Analysis and Road Maintenance Levels

The FSM states: "Consider maintenance and administrative obligations and capability in the context of future budgets and staffing. Administrative units and ranger districts should avoid adding routes to the forest transportation system unless there is adequate provision of their maintenance. Grants, agreements, and volunteers may be used to extend Forest Service resources"¹¹.

¹¹ Forest Service Manual 7715.03, Policy, #6.

ROC is concerned about the Agency's liability due to the lack of maintenance of NFS roads. The DEIS states the MNF has approximately \$128,000,000 in deferred road maintenance, although you believe \$10,961,034 is a more realistic estimate.¹² Table 3-3 displays the Forest's annual estimated road maintenance costs. The cost to maintain a ML 3 road is almost 2.5 times the amount to maintain a ML 2, high clearance road (\$538 vs. \$213 respectively).¹³ All alternatives require over \$1.2 million annually to maintain the MNF's road system (Table 3-5) compared to an average budget of \$768,000.¹⁴

The amount of your deferred maintenance and disparity between your current annual budget and annual maintenance cost does not meet the MNF's Forest Plan direction to: "Maintain all Forest roads to their objective maintenance level."¹⁵ Please describe in the Affected Environment section of FEIS how many miles of roads are maintained to their objective maintenance level in accordance with Forest Plan standards and guidelines. Describe how this may change under each alternative.

Reducing objective road maintenance levels should be seriously considered to bring your road maintenance program in alignment with the MNF's expected out year budgets. "Setting road-maintenance levels and changing maintenance levels are administrative, and not subject to NEPA. However, changes in allowed vehicle class, season of use, access, and proposals to reconstruct facilities are subject to NEPA."¹⁶ Since passenger car travel will not be prohibited and operators can choose to drive their passenger cars on ML 2 roads, NEPA is not required. It makes little sense to maintain roads to a higher ML if passenger cars are a minor component of the traffic (17 percent on ML 3 roads).¹⁷ ROC believes "prudent drivers in standard passenger cars" with P-rated tires almost always stay on paved roads. The primary vehicle class using the road should drive the assignment of objective road maintenance levels and not vice versa.

The MNF's traffic volume on ML 3 roads is very low from the data in the DEIS, Appendix N, and Volume 1. A count of users on ML 3 roads showed that on any day of the week, the average use was 2 vehicles/hour.¹⁸ The DEIS further indicates:

"The roads on the Forest are gradually deteriorating due to surfacing being worn off or pushed off the edge of the roads, and by the occurrence of vegetation encroachment. Some of the roads are being encroached upon by brush; and unless the brush is cleared, the roads will eventually become impassable. There is the possibility that in some cases vegetation encroachment may result in less sight distance for drivers, which may result in a safety concern over time."¹⁹

¹² DEIS, Volume 1, page 33.

¹³ DEIS, Volume 1, page 33.

¹⁴ DEIS, Volume 1, page 37. The FY09 allocation is \$768,000. This amount differs from page 61, which states the projected FY09 allocation for roads is \$688,000.

¹⁵ DEIS, Volume 1, page 40.

¹⁶ DEIS, Volume 1, page 26.

¹⁷ DEIS, Volume 2, Appendix N.

¹⁸ DEIS, Volume 1, page 68.

¹⁹ DEIS, Volume 1, page 61.

ROC does not consider the MNF's ML 3 roads to be passenger car roads or "highways." They are "roughly graded" and becoming more so over time. The lack of road maintenance is a serious liability issue for the Agency.

As an option to reduce your maintenance costs, temporarily raise the operational ML of a road to provide more economical commodity haul (or for some other management purpose), then lower the operational ML when the activity has ended. Consider converting some ML 2 roads with low use to motorized trails to further reduce your maintenance costs. Re-classifying road maintenance levels is consistent with your Forest Plan direction to: "Plan, design, and construct local roads to the lowest standard commensurate with intended use."²⁰ This direction is appropriate for existing NFS roads and the predominate vehicle class using those roads. Assign your objective maintenance levels commensurate with your use.

When motorized mixed use is designated on a road in California, State OHV Trust Funds may be used to maintain the road. They will help reduce the MNF's backlog of road maintenance if the FS chooses to apply for these grants. This is another reason for lowering your maintenance levels and allowing mixed use.

Please address the opportunity to use volunteers to maintain roads if they are designated for mixed use (e.g. remove vegetation encroachment). Describe your current OHV volunteer program and its potential to assist with the Forest's future road and trail maintenance through such programs as Adopt-a-Trail or Adopt-a-Road.

6) Parking and Dispersed Camping Off Roads

Describe whether big game retrieval, parking or dispersed camping off designated roads, trails or areas will be allowed. The DEIS is silent on this, except to say access is proposed to dispersed campsites.

ROC recommends parking be permitted within 30 feet from any designated road, trail or open OHV area when it does not cause damage to national forest resources or facilities. This is consistent with the new FS travel management directives found in FSM 7716.1. Regulations in 36 CFR 261.15 allow FS officers to issue violation notices for damage to national forest resources. Monitor use and determine if this length needs to be modified in some areas.

Table 3-23 displays how many proposed routes access dispersed camp sites by alternative, but we have no baseline to measure this number against.²¹ In the FEIS, please include the total number of routes that access dispersed campsites in the discussion of Measurement Indicator 3 on page 70. Table 3-23 also differs from the statement on page 73, which says under Alternative 1: "This alternative provides motorized access to all of the dispersed campsites on the Forest." Table 3-23 indicates zero routes access dispersed camps. Which is correct? ROC recommends continued access to all historically used dispersed campsites. At some campsites, please consider designating an area for vehicle parking to protect riparian areas, meadows or other sensitive resources.

²⁰ DEIS, Volume 1, page 40.

²¹ DEIS, Volume 1, page 70.

ROC recommends other dispersed camping (separate from the historically used campsites) be permitted within 100 feet of a designated road, trail or OHV area when it is feasible to do so and does not cause damage to national forest resources or facilities. (Refer to FSM 7715.74 and FSM 7716.13.) Monitor impacts to see if access needs to be modified in some areas.

ROC also recommends the MNF seasonally allow cross-country travel with all-terrain vehicles for the specific purpose of big game retrieval (barring any wet weather, fire-related or other off-road closures already in place). See FSM 7715.74 and FSM 7716.13 for designations for big game retrieval. This is a reasonable accommodation to hunters. Vehicle operators causing damage to national forest resources can be cited.

7) Impacts from Firewood Collection

The DEIS states:

“Gathering firewood and hunting are the primary activities associated with OHV use. People are creating additional trails to access firewood areas. Although past use has not been significant, some resource damage is occurring.”²²

The DEIS further states:

“Any activity associated with contract, permit, lease, or other written authorization is exempt from designation under the Travel management Rule . . . and should not be part of the proposal (e.g. fuel wood permits, . . .) Such actions are subject to separate NEPA analysis.”²³

ROC disagrees with this assumption. We believe the terms and condition of fuel wood permits should comply with the principles of the 2005 Travel Management Rule. It makes no sense for the MNF to restrict motor vehicle travel on unauthorized routes that are not designated if fuel wood cutters are allowed to use these same roads under the terms of their permit. Fuel wood cutting takes place season-long over the course of many months until fire restrictions come into effect. Cutters can continue to use existing unauthorized routes and also create new routes as the DEIS describes. This activity has never been analyzed under NEPA and there is no indication when you expect to do it. Please amend your fuel wood permit to restrict vehicle travel no more than 100 feet from a designated route and analyze this in the FEIS. Differential treatment for selected forest user groups and activities without analysis of the impacts is not advised. Fuel wood cutting is a travel management issue.

8) Environmental Consequences of the Alternatives

Soils and Water: We note the MNF’s Proposed Action, Alternatives 2 and 5 are unlikely to result in adverse direct, indirect or cumulative effects to soil and water

²² DEIS, Volume 1, pages 71-72.

²³ DEIS, Volume 1, page 26.

quality from the addition of 336 miles of unauthorized routes.²⁴ Please explain why these alternatives received a rank of 3 in Table 2-14 on page 21.

Botanical Resources: Alternatives 2 and 5 may have effects on two Sensitive plant species, but they will not lead toward a trend to Federal listing. There are no effects on the occurrence of any Federally-listed Threatened species.²⁵ Please indicate if mitigations such as barriers or re-routing the roads would be effective in eliminating OHV effects on the two Sensitive plant species.

The DEIS says mixed use on ML 3 roads under Alternative 5 “might potentially increase the risk of noxious weed propagule introduction, since OHVs might be more likely to have traveled through weed-infested sites than passenger vehicles prior to entering the Forest.”²⁶ This assumption is highly speculative. As mentioned in the DEIS, mixed use has occurred on your ML 3 road system for decades. For Alternative 5, there are eight ML 3 roads totaling 5.74 miles with noxious weeds within 100 feet of them (or one percent of the total 531 miles proposed for mixed use). ROC disagrees noxious weeds are likely to spread once the Forest Motor Vehicle Use Map (MVUM) officially authorizes mixed use. Continued monitoring, road maintenance, and the enlistment of volunteers to help with your eradication efforts should be sufficient to mitigate this concern. Visitor education is also an important tool for mitigating the spread of noxious weeds. Initiate a campaign that asks all OHVs to wash their vehicles prior to riding on the Forest similar to the educational campaign for equestrians and the use of weed free feed.

Please justify Alternative’s 5 rank of 2.3 for botanical resources in Table 2-14 on page 21. ROC also suggests you modify your rankings in Table 3-68 on page 173. We disagree with your rank of 1 (high impact) for miles of roads open for mixed use. None of your botanical resource indicators on page 130 assume motor vehicle travel off designated routes will continue once the MNF’s MVUM is issued. Very few plants are directly impacted by routes. Miles of routes within 30 or 100 feet of plant sites, plant habitat or noxious weeds are not useful indicators if we correctly assume all vehicles will remain on the road unless they are parked or camping. If that is the case, designate sections of roads on the MVUM where parking and camping are not allowed due to resource or other concerns.

Visual Resources: Table 3-30, page 90, correct the row titles. One should be Inventoried Unauthorized Routes in Retention Visual Quality Objectives (VQOs).

Table 3-31 displays the total number of NFS and unauthorized routes in areas with a Retention or Partial Retention VQO. Alternative 5 would add 81 miles of unauthorized routes to the 1,170 miles of NFS roads within these two areas, a seven percent increase in roads. The addition of the unauthorized routes as ML 2 roads is an insignificant effect on the VQOs compared to the 1,170 miles of NFS roads that already exist. Yet Alternatives 2 and 5 have a rank of 3 for Visual Resources in Table 2-14 (page 21). Please justify all the rankings in this Table as they appear to be subjective.

²⁴ DEIS, Volume 1, pages 119, 120, and 123.

²⁵ DEIS, Volume 1, pages 170-171.

²⁶ DEIS, Volume 1, pages 169.

Terrestrial Biota and Aquatic Organisms: We appreciate the excellent discussion in these sections of the DEIS.

9) Appendix A-1: Route Analysis

Please display this resource information for all unauthorized routes in the FEIS so the reader understands why some are not proposed for designation.

Again, thank you for the opportunity to submit ROC's comments. Alternative 5 is the first proposal we have seen in Region 5 that accommodates existing motorized uses on NFS roads and many of the unauthorized routes. It provides a well-connected transportation system for non-highway legal vehicles and reflects ROC's transportation planning goals. We greatly appreciate your efforts and hope you are able to implement this Alternative.

I would like to receive a hard copy of the FEIS and all the maps when it is issued.

Sincerely

/s/ Sylvia Milligan

SYLVIA MILLIGAN
Chair, Recreation Outdoors Coalition

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.
Amy Granat, 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
Modoc County Board of Supervisors

Enclosure:

Exhibit 1 – ROC's Traffic Engineer Shared Use Assessment Form, Lassen National Forest