

RECREATION OUTDOORS COALITION
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March 13, 2009

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Dear Mr. Hochrein:

Thank you for the opportunity to comment on the Plumas National Forest Draft Environmental Impact Statement (DEIS) for Travel Management. We also appreciated the additional 30 days to review the document and submit our comments. 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 Plumas National Forest (PNF). After review of the DEIS, we recommend the development of a new action alternative that will provide a better balance between motor vehicle access and environmental stewardship.

1) General Comments on the DEIS

- a) Please insert a glossary in the FEIS. There are many acronyms and terms throughout the DEIS that we are not familiar with.
- b) The January 3, 2008 Notice of Intent/Proposed Action (NOI/PA) stated there were 1,073 miles of unauthorized routes on the PNF of which 375 were proposed for designation or approximately 35 percent. The DEIS Proposed Action states approximately 364 miles of unauthorized routes will be added as motorized trails out of 1,109 miles that were inventoried. Please explain the discrepancy in mileages between the NOI/PA and DEIS PA.

2) Significant Issues

The purpose of scoping is to identify the significant issues that will be analyzed in the Final Environmental Impact Statement. Regulations issued by the Council of Environmental Quality state:

“Agencies shall reduce excessive paperwork by: (g) Using the scoping process, not only to identify significant environmental issues deserving of study, but also to deemphasize

insignificant issues, narrowing the scope of the environmental impact statement process accordingly.”

“(2) Determine the scope and the significant issues to be analyzed in depth in the environmental impact statement.”¹

Forest Service regulations specify the following in developing and analyzing alternatives.

“The EIS shall document the examination of reasonable alternatives to the proposed action. An alternative should meet the purpose and need and address one or more significant issues related to the proposed action.”²

“Reasonable alternatives to the proposed action should fulfill the purpose and need and address unresolved conflicts related to the proposed action. Be alert for alternatives suggested by participants in scoping and public involvement activities.”³

Three significant issues were identified in the PNF’s DEIS as a result of public scoping for the Proposed Action. The first dealt with “Access and Recreation Opportunity.”

“The proposed action unreasonably restricts motorized recreation use. The prohibition on cross-country travel will severely limit recreation opportunities and access, and the addition of only 364 miles of motorized trails to the National Forest Transportation System (NFTS) provide insufficient public access to PNF lands and unfairly limits motorized recreation.”⁴

There is no alternative that responds to this significant issue, which is a serious procedural and regulatory error in the PNF’s analysis. Instead of considering an alternative that adds more miles to the NFTS, all the other alternatives propose less miles. The No Action Alternative maintains the status quo, but does not designate any miles to the NFTS.⁵ The No Action Alternative is inconsistent with the 2005 Travel Management Rule and Forest Service directives to designate routes and small riding areas. This alternative cannot be selected as it is unfeasible to implement.

No alternative addresses the Purpose and Need to:

“Provide motor vehicle access to dispersed recreation opportunities (camping, hunting, fishing, hiking, horseback riding, etc.).

Provide a diversity of motorized recreation opportunities (4x4 vehicles, motorcycles, ATVs, SUVs, passenger vehicles, etc.).”⁶

ROC would like to work with PNF staff to develop another action alternative that considers substantially more miles for designation as motorized trails to comply with NEPA and meet the objectives of your Purpose and Need.

¹ 40 Code of Federal Regulations 1500.4; 1501.7.

² 36 Code of Federal Regulations 220.5(e).

³ Forest Service Handbook 1909.15, 14.

⁴ DEIS, page iii.

⁵ DEIS, pages iv, 15 although page 43 says 1,109 miles of inventoried routes would remain open to motor vehicle use.

⁶ DEIS, page 5.

3) Purpose and Need

One of the Purpose and Need statements says:

“1. There is a need for regulation of unmanaged motor vehicle travel by the public. The proliferation of unplanned, unauthorized, non-sustainable roads, trails and areas created by cross-country travel adversely impacts the environment.”⁷

We believe many of these routes are actually temporary Forest Service roads, skid trails or constructed NFTS roads from information found elsewhere in the DEIS such as:

“Many of the existing unauthorized routes were user-created or created for temporary use during the dry summer season.”

“Culverts currently exist at stream crossings for many of the existing unauthorized routes.”

“Temporary roads, trails and areas built to support emergency operations or temporarily authorized in association with contracts, permits or leases are not intended for public use.”⁸

The DEIS states unmanaged OHV use is the reason for the existence of many of these routes. However, we believe most of them were never closed by the Forest Service after logging and other management activities. If you have historical information on which routes were created for management purposes, please identify these mileages in the FEIS.

4) Alternative 2 – Proposed Action

This alternative proposes to add 364 miles of existing unauthorized routes to the NFTS. However, if you review Appendix A, 86 miles of routes have “extreme” resource effects that are outside normal mitigation and require additional environmental analysis. These routes are not proposed for designation. Appendix A lists other trails with “high” resource effects, which require the completion of site-specific mitigation prior to adding them to the NFTS. This affects an additional 91 miles. Other trails have “moderate” resource effects, which also must be mitigated.⁹ A total of 171 miles fall in this category.

In actuality, only an estimated 33 miles rated with “low” resource effects will be designated if the Forest Supervisor adopts Alternative 2 (and lesser miles if she selects a different action alternative). Please state this in the description of each action alternative and display a table with the number of miles rated as extreme, high, moderate or low for each alternative, so readers have a better understanding of what will be displayed in the first issuance of your Motor Vehicle Use Map (MVUM). Also include a schedule when all mitigation measures will be completed for each alternative and how they will be funded. The current information on proposed routes is very misleading and almost deceptive as to your real intent.

⁷ DEIS, page 4.

⁸ DEIS, pages 13, 14, 32.

⁹ DEIS, Appendix A, pages 385-386.

5) Motorized Mixed Use on Other Public Roads through the Plumas 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.”¹⁰

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 PNF 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 PNF’s designations to provide a seamless transportation system for the riding public.

6) 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 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.

7) Motorized Mixed Use on Unpaved National Forest System Roads

Under Alternatives 4 and 5, motorized mixed use is proposed on 11.3 miles of passenger car roads. ROC asserts all unpaved NFS roads should be designated for motorized 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,

¹⁰ Forest Service Manual 7702, Objectives.

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 PNF’s maintenance level 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.

The DEIS states:

“The Forest undertook a transportation planning effort in the 1920’s with a focus on access for fire protection, but little road construction actually occurred. The Civilian Conservation Corps built some roads in the 1930’s. In 1935 another Forest transportation study was conducted, again with the goal of enhancing fire protection, but little road construction occurred until America entered World War II, when emphasis was directed towards developing access to strategic mineral deposits.

In the late 1940s, America demanded timber to support its building boom. Congress appropriated large road budgets to develop an infrastructure for removing timber from previously remote areas. Main roads were designed and constructed by the Bureau of Public Roads, now the Federal Highway Administration; these roads were normally constructed to highway standards. The Forest Service was responsible for providing a long-term, sustainable flow of timber. Development of a system of lower-volume project roads, such as the roads within timber sale areas, fell to the agency.

The majority of the roads on the Forest were constructed from 1960 through 1990 in support of a robust timber program, which averaged 203 million board feet of timber from 1974 to 1990. Road construction programs were large.

By the mid-1980s, the amount of new road construction began to taper off. The timber program was fluctuating, and the majority of the arterial and collector road system was in place. New road construction was primarily limited to short spur roads needed to access individual timber stands.”¹¹

In ROC’s view, most PNF 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 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:

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

¹¹ DEIS, pages 51-52.

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 says:

“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.”¹²

Per Forest Service national direction, an engineering analysis is required to assess the probability and severity of crashes on roads proposed for mixed use.¹³ Where the criteria in FSH 7709.55, 30.3 are met, the PNF may prepare an engineering judgment 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.”¹⁴

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 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.

In the DEIS, the PNF is proposing to designate 11.3 miles (three roads) as “combined use” pending the results of your engineering analysis. All of these roads are greater than three miles.¹⁵ 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 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.

Proposing “combined use” designations requires conformance with Section 38026 CVC and review by the CHP. Segments must be less than three miles, which will prohibit non-highway legal vehicles on hundreds of miles of roads in the PNF. We doubt the CHP has the personnel or funds to review many of these analyses.

¹² Federal Register, Vol. 70, No. 216, Rules and Regulations, November 9, 2005.

¹³ See EM-7700-30, “Guidelines for Engineering Analysis of Motorized Mixed Use on National Forest System Roads.”

¹⁴ FSH 7709.55, 30.3, #5

¹⁵ DEIS, page 26.

The Regional Forester's January 13th letter also describes the steps for reclassifying a ML 3 or 4 road to ML 2. These steps are both time consuming and expensive, and impose a significant burden on Forest Supervisors. Few are likely to be considered.

Please analyze a new alternative that designates all unpaved PNF ML 3-4 roads for motorized mixed use (510 miles), and prepare engineering judgments when the three criteria above are met.¹⁶ Explain why mitigations would not be effective if a road is not designated for motorized mixed use. Include all engineering reports in an appendix so the reader understands why some roads are not recommended for non-highway legal vehicle travel.

If the PNF chooses to designate all 510 miles of ML 3-4 roads for mixed use, the Regional Forester's Team (RFT) must concur with your proposal.¹⁷ Isn't the RFT about 50+ people? Will many proposals be approved? 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 disagrees NEPA is triggered when there is "any change to current restrictions or prohibitions regarding motorized travel by the public (for example: prohibiting cross-country travel, changing management—changing vehicle class or . . . 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."¹⁸ Adding a vehicle class to existing ML 3-4 roads does not induce additional physical or biological effects that trigger NEPA. The incremental increase in noise, dust, traffic volume, etc. above current road uses is insignificant.

Public Safety on Mixed Use Roads:

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. We found Region 5's mixed use accident information does not substantiate the agency's concern about public safety. In the past 15 years, there have been 11 mixed use accidents on 41,501 miles of FS roads in California.¹⁹ Three accidents involved FS employees running into an OHV (one on the PNF); one involved a County Deputy Sheriff hitting an OHV. The data does not indicate the road maintenance level where these accidents occurred. ROC asserts unpaved ML 3-4 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. The Regional Forester should follow Forest Service national direction and the agency's own guidebook for analyzing mixed use on FS passenger car roads.

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

¹⁶ DEIS, page 53.

¹⁷ RF letter dated January 13, 2009.

¹⁸ DEIS, page 33, #8, #12.

¹⁹ Region 5 mixed use accident data, 1993-2008.

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 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 OHV 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 (2/09). 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 Plumas National Forest.

8) 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 NFTS 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. 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.

9) 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."²⁰

²⁰ Forest Service Manual 7715.03, Policy, #6.

ROC is concerned about the Agency's liability due to the lack of maintenance of NFTS roads. The PNF has approximately \$154,000,000 in deferred road maintenance.²¹ Table 12 displays the Forest's annual estimated road maintenance costs. The cost to maintain a ML 3 road is almost 20 times the amount to maintain a ML 2, high clearance road (\$2,718 vs. \$136 respectively). The annual maintenance cost for a ML 4 and 5 road is 26 times more expensive than a ML 2 road. All alternatives require over \$2.3 million annually to maintain the PNF's road system compared to an average budget of \$1.9 million. "The remaining short fall means that some roads are not maintained on a yearly basis and maintenance is completed on roads with the most use."²²

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. The DEIS states:

"A significant portion of the road system initially developed to facilitate timber harvest now accesses lands where timber harvest is either not permitted or is not the primary management emphasis. This means that the road system will receive very limited amount of maintenance funding from timber harvest in the future."²³

Reducing objective road maintenance levels should be seriously considered to bring your road maintenance program in alignment with the PNF's expected out year budgets. "Setting road-maintenance levels and changing maintenance levels are administrative, and not subject to NEPA."²⁴ 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. 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. ROC does not consider the PNF's unpaved ML 3 and 4 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. Assign your objective maintenance levels commensurate with your use.

Please provide information in the FEIS about the traffic volume and vehicle classes using PNF passenger car roads. This will help the public understand the PNF's need to maintain 638 miles of passenger car (ML 3-5) roads.²⁵

²¹ E-mail message from Pete Hochrein to Elizabeth Norton, dated 1/21/09.

²² DEIS, page 53.

²³ DEIS, page 53.

²⁴ DEIS, page 33, #12.

²⁵ DEIS, page 43, but this mileage figure differs from Table 12, page 53, which shows 634 miles of ML 3-5 roads.

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 PNF’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.

10) 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 ambiguous about this, except to say “ongoing management of individual dispersed campsites provides resource protection, and there was no immediate need limit or regulate dispersed camping.”²⁶

Later in Chapter 3, the DEIS states:

“Motor vehicle access to dispersed recreation opportunity is reduced in all action alternatives (Table 10). The action alternatives result in a relative decrease in the number of dispersed recreation opportunities within 300 feet of proposed OHV trails by between 66 to 80%, compared to Alternative 1. In all action alternatives, access to dispersed sites located within 300 feet of water has decreased by 63 to 89%. This distance, while highly desirable to recreationists, corresponds with the extent of riparian habitat conservation areas (RHCA) for perennial streams, lakes, and ponds, which are provided with protections in the Forest Plan and the Sierra Nevada Forest Plan Amendment.”²⁷

Please note the percents above are incorrect according to Table 10. Under Alternative 3, no access is provided within 300 feet of proposed motorized trails or within 300 feet of water. For this Alternative, access is decreased by 100% as no unauthorized routes are proposed for designation.

Of the 91 inventoried dispersed campsites accessed by an unauthorized route, we believe the following table is more accurate according to your data.

<i>Alternative</i>	<i>Sites w/in 300’ of proposed trails</i>	<i>Sites w/in 300’ of water</i>	<i>Number of sites with <u>decreased</u> motor vehicle access</i>
1	unknown	35	0
2	31	13	44
3	unknown	unknown	91 (all)
4	18	4	22
5	28	10	38

²⁶ DEIS page, 27.

²⁷ DEIS, page 44.

Please clarify this discussion in the FEIS as it appears a significant number of dispersed campsites will have no direct motor vehicle access. The Sierra Nevada Plan Amendment does not prohibit recreational or motor vehicle use within Riparian Conservation Areas (RCAs); it says to evaluate new activities for consistency with riparian conservation objectives.²⁸ As a baseline, describe the total forest acres within Riparian Habitat Conservation Areas (RHCA), how many acres of existing NFTS roads are within RHCA, and the incremental increase in acres from unauthorized routes accessing dispersed campsites. Describe how many unauthorized routes and dispersed camps are hydrologically connected to a stream or lake or have diversion potential to them. Explain why mitigation would not be effective. In relation to your NFTS and total RHCA acres, it seems to us, there will be very minor effects on RHCA, and soil and water quality from these designations.

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. Monitor these sites to determine if other mitigation is required.

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.

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 PNF 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.

11) Environmental Consequences of the Alternatives

General Comments: ROC believes the overall impacts from adding unauthorized routes are so minor, that when aggregated with other impacts occurring across the forest landscape (existing roads/trails, vegetation management, wildfires, mining, grazing, etc.), they are imperceptible and discountable. Because the PNF has not described the affected environment where all these activities take place, the additive or cumulative effect from designating unauthorized routes has been taken out of context. These routes are already in place and are being used. Impacts have already occurred and will likely remain the same if designated. The adverse effects from route designation are minor compared to the impacts from cross-country travel, which will now be prohibited.

²⁸ DEIS, pages 388-389.

The environmental consequences section should consider the designation of unauthorized routes in relation with existing NFTS roads and trails. For example, Table 62 on page 187: How many miles of NFTS roads and trails are within .25 mile radius of spotted owl Protected Activity Centers? How many miles of NFTS roads and trails are within 0 to 800 meters of bald eagle territories? How many miles of NFTS roads and trails are within RCAs or Critical Aquatic Refuges or intersect willow flycatcher habitat? When you add the miles of unauthorized routes, what is the cumulative effect? How many nest sites, habitat areas or riparian acres do not have any roads, trails or unauthorized routes? We believe the effects from the unauthorized routes are almost indiscernible if you provide the context of what is actually happening. Failure to do so is a serious flaw with this DEIS.

Soils and Water: Please explain what the numbers mean in Table 23, page 105.

Terrestrial and Riparian Species: We are unclear why you are discussing Pacific fisher, wolverine and Sierra Nevada red fox when no detections have occurred anywhere on the PNF.²⁹ We recommend you delete these kinds of discussions from the FEIS. The reintroduction of fisher is speculative unless there has been a “Proposed Action” issued to do so.

There are numerous incorrect table references throughout this section, which is confusing.

12) Appendix A: List of Routes and Resource Impacts

Please display this resource information for all 1,109 miles unauthorized routes in the FEIS so the reader understands why some are not proposed for designation.

13) ROC’s Proposed Alternative

Please consider a new action alternative that provides a better balance between access and environmental protection. This alternative has the following elements:

- a) Assume supremacy over the CVC and designate all unpaved ML 3-4 roads for motorized mixed use unless a rare exception exists that cannot be mitigated. Designation of these roads will provide important connectors to your ML 2 road and motorized trail systems. The Granite Basin area is a good example. Most of 23N18 is an unpaved ML 3 and 4 road, single lane, with a traffic service level of C (flow interrupted, use limited). 23N95Y is an unpaved, single lane, ML 3 road with a traffic service level of D (slow flow or may be blocked).³⁰ Unless designated for motorized mixed use, restrictions on roads like these will significantly reduce loop opportunities for operators of non-highway legal vehicles. ROC also notes both of the above roads are labeled as Potential Forest Service Roads (PFSR). ROC understands PFSR roads are potential Forest Highways and another local agency will assume jurisdiction over them

²⁹ DEIS, pages 172, 211.

³⁰ PNF INFRA roads database.

when they are improved.³¹ Is there concurrence from the county to assume jurisdiction over your PFSR roads? Few counties we have spoken with want to add more roads to their system as they cannot maintain the ones they have now. Until then, manage PFSR roads as NFTS roads.

- b) Include all engineering analyses in an appendix to the FEIS so the public understands why some routes are not recommended for mixed use.
- c) Provide access to all historically used campsites.
- d) Implement seasonal restrictions based on wet weather criteria, not on specific dates that have no relation to actual conditions on the ground.
- e) Collaborate with local OHV organizations, the Sierra Access Coalition, and ROC to analyze additional unauthorized routes desired by these groups. Segments of some paved passenger car roads for motorized mixed use may also be needed for connectors. Include the resource analysis of these routes in an appendix to the FEIS and why mitigation would not be effective if any are not proposed for designation. The DEIS states under 2.3.2 Implementation Strategy:

Begin working with a collaborative group of public stakeholders within six months of the final decision. This group would work together with the Forest Service to implement the designated system, . . .³²

ROC recommends PNF staff spend more time collaborating with the public on upfront planning for your system. Work with interested users and organizations on the development a new alternative that has greater acceptance and the balance of opportunities we seek.

Conclusion: Again, thank you for the opportunity to submit ROC's comments. 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

³¹ E-mail message from Pete Hochrein to Elizabeth Norton, dated 3/4/09.

³² DEIS, page 12.

Robert Reed, California League of Off Road Voters
Fred Wiley, Off Road Business Association
Tom Crimmins, National Off-highway Vehicle Conservation Council
Plumas County Board of Supervisors
Sierra County Board of Supervisors
Butte County Board of Supervisors