

RECREATION OUTDOORS COALITION
4000 Beacon Drive
Anderson, CA 96007

December 31, 2008

Travel Management Team
Humboldt-Toiyabe National Forest
Bridgeport Ranger District
HC62, Box 1000
Bridgeport, CA 93517

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 Humboldt-Toiyabe National Forest (HTNF). We hope the comments below will be useful as you identify your significant issues and develop alternatives.

1) Describe the Current Situation in the Environmental Analysis

The demand and supply of motorized recreation opportunities on the Bridgeport Ranger District (RD) should be analyzed. The recent update to Forest Service Handbook (FSH) 7709.55, 21.1 has a good outline of the key items that should be addressed in the environmental analysis for travel management. Items a. through i. under Step 2, #2 for Travel Analysis, can also be used to describe the affected environment and compare the environmental consequences of each alternative.

For example, what is the demand for OHV recreation on the HTNF and Bridgeport RD? How has this use changed over the past 10 years according to your national visitor use monitoring reports (NVUM)? What NFS roads are currently used by OHVs? What are the social and environmental impacts from the Pacific Southwest Region's motorized mixed use policy as well as the prohibition of motor vehicle travel on unauthorized routes?

2) Desired Travel Management Outcomes and the Value of Collaboration

ROC seeks a balance of access with environmental stewardship. These two goals are not mutually exclusive. Our organization has developed a set of "Proven Principles" that will result in good travel management plans when there is effective collaboration with interested parties (Exhibit 1).

The first principle starts with a “Conceptual Plan” that will satisfy current and projected visitor and agency expectations. This plan can not be developed without interaction with the public, looking at maps and discussing the value of each desired route. As the HTNF prepares the environmental analysis for the Bridgeport RD, we encourage your staff to continue to meet with local OHV users and other interested parties. Present working drafts of your conceptual travel management plan and invite feedback, then modify the plan. Where credible and specific issues warrant limitations to your existing system, the impacts to recreation and public access should be explained and mitigated where possible. With this kind of collaboration, you will engender public trust and have greater support for your preferred alternative.

There are numerous opportunities for scenic access, and loops or connectors to NFS roads using the unauthorized routes, but the majority are not proposed for designation. A collaborative, conceptual plan will identify the most important routes for public access. Exhibit 2 contains our list of route additions to enhance recreation opportunities. These routes are proposed as motorized trails open to all vehicle classes. Please consider them as an alternative in your DEIS or provide information in an appendix on why routes are not suitable for designation.

“An open public process can increase understanding about travel management issues and set the stage for successfully decision-making.”¹

3) Motorized Mixed Use on Other Public Roads through the Humboldt-Toiyabe 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.”²

Please include information in the DEIS to inform us if you have consulted with the counties to provide an interconnected transportation system for non-highway legal vehicles using unpaved county roads. If County Boards choose to designate mixed use on their unpaved roads, please review your designations to provide a seamless transportation system for the riding public. It would be imprudent for the Forest Service to prohibit mixed use on NFS passenger car roads if the counties allow it on their roads into and through the Bridgeport RD.

4) 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 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. Please summarize your discussions with private landowners for proposed routes that cross their ownerships.

¹ FSH 7709.55, 12-Step 2: Assemble Resource and Social Data.

² Forest Service Manual 7702, Objectives

5) Motorized Mixed Use on Unpaved National Forest System (NFS) Roads.

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).

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 (per Tom Bernardo, State Off-highway Motor Vehicle Division, 12/10/08). 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 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 roads. Nearly all ML 3 and 4 NFS roads are unpaved.

Based on 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 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.

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 HTNF’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.

ROC requests you consider an alternative that allows non-highway legal vehicles on all unpaved NFS passenger car roads unless a rare exception exists. Per FS direction, an engineering analysis is required to assess the probability and severity of crashes on roads proposed for mixed use.³ Where the criteria in FSH 7709.55, 30.3 are met, an engineering judgment may be prepared instead of an engineering report. Explain why mitigations would not be effective if a road is not designated for motorized mixed use. Include the engineering reports and any mixed use accident reports in an appendix with your environmental analysis.

ROC is concerned that 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 motorized 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. We have attached the benchmarks ROC used during their 2005 traffic study and engineering analysis on the Lassen National Forest for your consideration (Exhibit 3).

ROC asserts the FS 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. Unpaved passenger car 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 can not be mitigated.

The FS 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.

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). 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 (FS) 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 Bridgeport RD.

6) Unauthorized Routes.

Three hundred miles of unauthorized routes are being considered for designation according to the HTNF's scoping letter. That amounts to 37.5 percent out of the approximately 800 miles of unauthorized routes inventoried.⁴

Provide the rationale why each unauthorized route was dropped from further consideration. Display this information in an appendix to the DEIS. It would be helpful to have a map of all unauthorized routes in the map packet with the DEIS. Some of

³ See EM-7700-30, "Guidelines for Engineering Analysis of Motorized Mixed Use on National Forest System Roads."

⁴ 2008 Scoping Document, Bridgeport Ranger District, HTNF Travel Management Project, page 2.

the routes not proposed for designation in any alternative may be desired in the future and a public record of their location is important. We appreciate you showing all of these routes in the two maps with your scoping document.

The Region 5 motorized mixed use policy prohibits OHV travel on ML 3-5 roads unless specifically authorized by the responsible official. This policy, along with the prohibition of motor vehicle travel on 62.5 percent of the Bridgeport RD's unauthorized routes, will eliminate quality half-day or day long rides by creating gaps in the current system of roads and motorized trails. The proposed action (PA) also restricts access for hunting, fishing, dispersed camping, and firewood collecting, etc. when so few routes are proposed for designation. The PA 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.)."⁵ Many more miles of both system and unauthorized routes will need to be considered for designation and motorized mixed use in order to have an adequate range of alternatives.

7) 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 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. Wet weather closure plans should be based on weather-related criteria (rainfall, soil conditions, etc). ROC assumes any "season of use" for specific roads applies to everyone, including Forest Service vehicles. Please respond to that assumption in the EA or DEIS.

If this applies to the Bridgeport RD, ROC recommends seasonal wheeled vehicle restrictions on all groomed snowmobile trails to prevent rutting of the trails and enhance the safety of snowmobilers. A wheeled vehicle prohibition from December 25 to April 15 is suggested. Designate ungroomed roads or trails where wheeled vehicles can travel over snow and the amount of snow depth required before they are open to this use. Display these routes on the Bridgeport RD motor vehicle use map as well as the District's over-snow vehicle use map.⁶

8) 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"⁷.

⁵ 2008 Scoping Document, Bridgeport Ranger District, HTNF Travel Management Project, page 3

⁶ Forest Service Manual 7718.1, #6, and 7718.4.

⁷ Forest Service Manual 7715.03, Policy, #6.

In the DEIS and on the maps for each alternative, please display the miles of road by road maintenance level on the Bridgeport RD. Include the annual cost/mile to maintain each ML. Describe the HTNF's deferred road maintenance cost. Provide information regarding the vehicle classes currently using Bridgeport RD passenger car roads and the operational maintenance level of these roads. Explain the HTNF's rationale for maintaining the number of miles of ML 3-5 roads.

Reducing operational road maintenance levels should be seriously considered to bring your road maintenance program in alignment with the HTNF's expected out year budgets. 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. As an option, 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.

In an appendix to the DEIS, please display the HTNF's and Bridgeport RD's projected annual road maintenance budget and annual road maintenance plan for the next three to five years following the criteria in FSM 7732.04c. Provide this information for each alternative.

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 HTNF'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 unauthorized roads and trails if they are designated. Describe your current OHV volunteer program and its potential to assist with the District's future road and trail maintenance through such programs as Adopt-a-Trail or Adopt-a-Road.

9) Parking and Dispersed Camping Off Roads.

Describe whether big game retrieval, parking or dispersed camping off designated roads, trails or areas will be allowed.

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 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.

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 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 HTNF seasonally allow cross-country travel 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.

Again, thank you for the opportunity to submit ROC's comments. I would appreciate a hard copy of the DEIS and all maps when it is issued.

Sincerely

/s/ Sylvia Milligan

SYLVIA MILLIGAN
Chair, Recreation Outdoors Coalition

Enclosures:

Exhibit 1 – ROC's Proven Principles of Successful Travel Management Programs
Exhibit 2 – ROC's Proposed Routes for Designation
Exhibit 3 – ROC's Traffic Engineer Shared Use Assessment Form, Lassen National Forest

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
Paul A. Turcke, Moore Smith Buxton and Turcke, Chartered
Daphne Greene and Phil Jenkins, State of California OHMVR Division
Alpine County Board of Supervisors
Mono County Board of Supervisors