

**Recreation Outdoor Coalition
4000 Beacon Drive
Anderson, California 96007**

September 18, 2008

Travel Management Team
Shasta-Trinity National Forest
3644 Avtech Parkway
Redding, CA 96002

Dear Travel Management Team;

I appreciated the opportunity to meet with Brenda Tracy on August 22nd to gather additional information on your Notice of Intent and to review your Proposed Action maps. Per her suggestion, I have enclosed ROC's proposal for route designation for the Shasta-Trinity National Forest (STNF). Over the past month, ROC has reviewed all system and unauthorized routes and selected those that represent our members' views. We identified both system and unauthorized routes that create access to loops, vistas, primitive campsites, and other popular areas.

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

- STNF WEB maps dated September 3, 2008
- Recommendations for specific routes from OHV users
- California Highway Patrol letter of December 19, 2008 to Regional Forester Randy Moore
- Council of Environmental Quality Code of Federal Regulations at 40 CFR 1500-1518

During our August 22nd meeting, Brenda mentioned the following, which provides additional background information for our proposal. Brenda acknowledged that mixed use is currently occurring on many of the STNF's 1,359 miles of passenger car roads. She was not aware of any mixed use accidents. She stated user conflicts are minimal.

Key items associated with our route designation proposal include the following:

1. Allow non-highway legal vehicles on all unpaved National Forest System (NFS) passenger car roads unless a rare exception exists.

ROC understands the Forest Service (FS) definition of maintenance level (ML) 3, 4, and 5 roads as being passenger car roads. Further, 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. Nearly all ML 3 and 4 NFS roads are unpaved.

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

Most NFS passenger car roads are single lane with design speeds less than 25 mph and low average daily traffic counts. Non-highway legal vehicle travel has occurred on most of these roads for decades with no documented mixed-use accidents per Brenda. FS passenger car roads provide important links to the STNF’s maintenance level ML 2 road system and motorized trails. “Share the road” information, maps, and/or road signs will greatly enhance visitor safety on all mixed use roads.

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

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

The Deputy Commissioner addressed ML 3 roads and did not mention unpaved ML 4 roads. Clearly, the CHP is not concerned about maintenance level designations (as indicated in their letter of December 19, 2007), but is applying the exemption of California Vehicle Code section 38001 based on the condition of the road surface, and does not consider “gravel or other dirt or unpaved roads” to be highways.

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

Please correct the following erroneous statement from your NOI when mixed use is discussed in your draft environmental impact statement.

“Forest roads maintained for low clearance passenger car roads are subject to State traffic laws (36 CFR 212.5(a)(1). As a result, such roads are open to highway legal vehicles only.”

ROC does not believe engineering analyses are needed to sanction mixed use on NFS unpaved passenger car roads since it conforms with the Vehicle Code. The attached draft letter was sent to the

Washington and R5 regional offices to suggest appropriate revisions to R5 direction regarding the need for engineering analyses. The “one size fits all” regional policy for conducting engineering analyses for mixed use on passenger car roads is ill-advised and infeasible to implement. The Forest Service simply does not have the funds or staff to prepare them.

2. Allow non-highway legal vehicles on all unpaved county roads with county concurrence. Unpaved county roads provide important connectors to the STNF’s road system. ROC will be proposing this to all County Boards of Supervisors and Public Works Departments for their review and decision. The public has safely used county roads for decades to access NFS roads with non-highway legal vehicles. The route designation process should integrate both the County’s and Forest Service’s road management objectives to provide a seamless transportation system to the recreating public.
3. For selected passenger car roads, lower their operational maintenance level to reduce maintenance costs. Passenger car roads with ADTs less than 40 with moderate to high maintenance costs should be considered for reassignment as ML 2 roads. ROC doubts the Forest’s constrained road budget will ever allow the STNF to fully meet FS road maintenance standards for all your passenger car roads. Your NOI already states you have a \$137,000,000 backlog of road maintenance yet we did not see any effort to address this in the NOI by lowering road maintenance levels. If MLs need to be temporarily raised to provide more economical commodity haul, do it at that time, then drop back to a lower operational maintenance level when the project is completed. Passenger cars can still be driven on ML 2 roads if drivers choose to do so. Based on anecdotal information, ROC believes most of the vehicles on STNF roads are high clearance. Please refer to ROC’s ML paper that summarizes current national FS policy and our suggestions.
4. Designate routes that access most primitive campsites or fishing sites. However, many popular sites should have a parking area or parking width defined to reduce impacts to riparian areas. Access to these sites has existed for a long time. If there are resource concerns with any of them, then mitigate them. Do not use the travel management planning process to prohibit motor vehicle access when resource impacts should have been addressed before now if they were serious.
5. As noted on the attached spreadsheets, ROC recommends separate travel management planning near some communities and high OHV use areas where there is a proliferation of unauthorized routes, such as Wildwood, Trinity Lake and the Ruth Lake quad areas. This should be a collaborative exercise with the public and respective counties. It may take more time than you have under your constrained schedule to complete phase I of route designation. Otherwise, please request an extension to allow more comprehensive area planning with these communities and OHV users.
6. ROC identified the unauthorized routes important for our members and for public access on the enclosed spreadsheet. Most of the unauthorized routes ROC recommends should be added as motorized trails. While specific NFS roads are also included in the spreadsheet, ROC re-affirms all unpaved ML 3 and 4 roads should be designated as mixed use.

7. Some unauthorized routes recommended by ROC may have several resource concerns associated with them and were, therefore, dropped from further consideration in your NOI by STNF staff. ROC believes many of these concerns can be mitigated. Upon release of the DEIS, we will be requesting the specific reasons and field analysis why a route is rejected.
8. With the exception of the STNF's groomed snowmobile trails, ROC did not identify a season of use although some routes may benefit from this when road or trail surfaces are wet or for other resource reasons. The Travel Management Rule allows the FS to adopt seasons of use and emergency closures. We suggested year-round use unless your staff proposes something different and provides appropriate rationale in the DEIS. Please apply a wheeled vehicle restriction to all groomed snowmobile trails from December 25 to March 31. This will prevent rutting of the trails and eliminate safety concerns.
9. ROC suggests the following significant issues be used to develop alternatives in the STNF's DEIS. They are:

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

Rationale: Only 43 miles of unauthorized routes were included in the NOI for designation. That amounts to a mere 3.5 percent out of the 1,198 miles of routes inventoried. Current mixed use on NFS passenger car roads will be prohibited since no mixed use is proposed in the NOI. These two factors will eliminate quality half-day or day long rides by creating gaps in the current system of roads and motorized trails. The NOI greatly restricts hunting, fishing and dispersed camping when so few routes are proposed for designation. The NOI is not consistent with the Purpose and Need section to: "Provide wheeled motorized access to dispersed recreation opportunities (camping, hunting, fishing, hiking, horseback riding, etc.) Provide a diversity of wheeled motorized recreation opportunities (4x4 vehicles, motorcycles, ATVs, passenger vehicles, etc.)". Many more miles of both system and unauthorized routes will need to be considered for designation and mixed use in order to have an adequate range of alternatives in your DEIS.

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

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

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

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

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

Rationale: The NOI states the Forest has “a maintenance backlog for roads of \$137,000,000. Future road and trail budgets are expected to decrease from current levels.” Alternatives to address this backlog should be presented in the DEIS. Consider various options to reduce the backlog such as reassigning the maintenance levels on low use, high cost passenger car roads, converting other roads to motorized trails, or closing low use roads with high resource impacts, etc.

- e) “Seasons of use” in the NOI are not explained. A single, forest-wide use period is poor public policy.

Rationale: Many of the proposed routes have a “season of use” from July 10 to January 31. Justification for this limited “season of use” should be provided in the DEIS. Other DEIS alternatives should offer wet weather closure plans based on weather-related criteria (rainfall, soil conditions, etc). Seasons of use should also be considered for NFS roads and not just the proposed routes for designation. If not, this should be explained in the DEIS. ROC assumes any “season of use” for specific roads applies to everyone, including Forest Service vehicles. Please respond to that assumption in the DEIS.

Include a wheeled vehicle restriction on all groomed snowmobile trails from December 25 to March 31 in your DEIS’s preferred alternative.

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

Rationale: DEIS alternatives should include a range of access options for these activities. ROC requests the STNF consider at least one alternative that provides access to most historically used, primitive campsites as documented in your route inventories. Access to campsites is a critical concern for ROC members.

- g) The NOI restricts OHV use below the high-water mark at Shasta and Trinity Lakes.

Rationale: If this restriction is needed, why doesn’t it apply to highway-legal vehicles as well? Are the impacts different? This should be explained in the DEIS. The DEIS should include an alternative

that restricts all motor vehicle travel and one that allows all motor vehicle travel below the high-water mark (unless that is the No Action Alternative).

h) The STNF travel management plan should be integrated with vehicle use on county roads that cross the Forest.

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

An active volunteer program is absolutely essential in having well managed recreation and OHV programs in California national forests. ROC has suggestions on how you can ramp up your volunteer program through personal outreach, WEB and other marketing, staff organization, and volunteer/FS recognition. Successful models exist to mitigate resource concerns and engage the riding public. The STNF just needs to implement them.

ROC would like to work collaboratively with your Travel Management Team to have our proposal included as an alternative in the STNF's DEIS. ROC's RDP team and I would appreciate the opportunity to discuss the above items with you in more detail in the near future. I will call you in October to set a meeting date. Thank you for the opportunity to comment on your NOI.

/s/ Sylvia Milligan

Sylvia Milligan

Chair, Recreation Outdoor Coalition

Enclosures:

- ROC September 2008 Travel Management DEIS Alternative Spreadsheet
- ROC May 2008 Maintenance Level Paper and FS Policy
- ROC Draft Regional Direction for Mixed Use/Engineering Analysis

- cc:
- Gregg Mumm, BlueRibbon Coalition
 - Don Amador, BlueRibbon Coalition
 - Dave Pickett, American Motorcyclist Association
 - Don Spuhler, Don Klusman, and John Stewart, California Association of 4 Wheel Drive Clubs, Inc.
 - Lois Silvernail, California Off-road Vehicle Association
 - Robert Reed, California League of Off Road Voters
 - Fred Wiley, Off Road Business Association
 - Tom Crimmins, National Off-highway Vehicle Conservation Council

Paul A. Turcke, Moore Smith Buxton and Turcke, Chartered
Daphne Greene and Phil Jenkins, State of California OHMVR Division
Honorable Wally Herger
Shasta County Board of Supervisors
Trinity County Board of Supervisors
Tehama County Board of Supervisors
Siskiyou County Board of Supervisors