

Please deny the grant from El Dorado National Forest for 2007/2008. This application is flawed, and does not reflect the true intent of the Green Sticker OHV Grant process, which should be creating/maintaining/protecting Green Sticker routes.

I participate regularly in volunteer efforts on the El Dorado, working with Friends of the Rubicon, Rubicon Trail Patrol, and on my own. Page 4 of the Grant Request emphasizes the importance of these volunteer efforts, and cites 2,410 hours of volunteer work... work that COULD be credited to matching grant funds from OHV. If this grant request goes through unaltered, with a whopping 64% slated for enforcement, a paltry 27% for trails maintenance, and a pathetic 9% for facilities maintenance, I will work damn hard to make sure that my own -- and other -- volunteer efforts will not be tallied to pay for planned law enforcement.

I am a strong proponent of law enforcement, but the problem is that this forest has submitted a Draft Environmental Impact Study (DEIS) at <http://www.fs.fed.us/r5/eldorado/projects/route/deis/index.shtml>, with one alleged no-change alternative and 4 action alternatives that dramatically cut OHV recreation. I'd object to small cuts, but the proposed reductions slaughter recreational opportunity, and it is ludicrous to expect that OHV dollars should be used to pay to enforce such draconian cuts -- it is bad enough that OHV dollars were used to pay for the Route Inventory and Route Designation process that delivered such a pathetic range of closure alternatives, with not one alternative representing an OHV-friendly outcome.

The Preferred Alternative, Alternative D, reduces Green/Red Sticker access by nearly 75%, but the grant application reports that "The Eldorado National Forest provides a wide variety of Off-Highway Vehicle Recreation opportunities that include motorcycle riding, all terrain vehicles, 4-wheel drive vehicles and over the snow vehicles." I find this statement from the grant application to be entirely in conflict with the DEIS -- please don't use Green Sticker dollars to close thousands of miles of Green Sticker routes.

I will vote with my feet as a volunteer based on the outcome of this grant cycle -- and I won't volunteer in locations with wholly unbalanced closure policies. I recommend that the OHMVR Division and Commission send a strong message to the Eldorado National Forest against the range of closure alternatives they have presented, and request new alternatives to create the balanced range of options which NEPA demands. Our OHMVR monies have to date been used to pay for Route Inventory and Route Designation -- please hold the Forest

accountable to deliver what we paid for: a full Route Inventory and an OHV-friendly alternative for Route Designation.

Regards,

Randii

Randy Burleson

Rubicon Trail Patrol, Friends of the Rubicon

Sierra Treasure Hunters Club

Mr Chancey,

In light of the Eldorado National Forest's historical and planned future closures of OHV use areas I encourage you to deny their application for grant funding to the extent that it will not support continued use of these areas. The grant money they have applied for is intended to promote off-road use. A large portion of what they are requesting would be used to ensure the closure of over 1,000 miles of currently open Forest Service roads and trails. Please consider their application carefully and only approve funding that will directly support future off-roading opportunities.

Thank you,

Ronald Blackburn  
3943 Rustic Road  
Cameron Park, CA 95682

Hi,

I'm sure you guys are aware of what the EDNF is up to with their route designation plans, so I will not get into all that. However I would like to urge the commission to not grant the Forest Service OHV money to close our trails, when that money should be used to facilitate OHV use. I am an avid outdoorsmen and off-road enthusiast who believes in responsible and shared use of our forests and would like to be sure that the money goes to projects that support OHV use not strip us of it. If the Forest Service wishes to ask for money to help in that cause, such as education, maintenance, repairs, etc then I am all for it.

Thank you for your consideration of my opinion and I wish you all the best with this madness!

Morgan DeRodeff  
FOTR volunteer

Please deny the grant from El Dorado County for 2007/2008. This application is flawed, and does not represent the true intent of the Green Sticker OHV Grant process.

My name is Ken Hower, and I am the Director of the Rubicon Trail Patrol. On Page 4, of the Grant Request it states: "Volunteers are extremely important for providing services for sharing information at a kiosk at the Rubicon Trailhead, **patrolling the Rubicon Trail**, educating users on Forest rules and regulations, litter pickup and clean up of the South Fork and Red Fir Group Campgrounds. They provided approximately 2,410 hours of volunteer work." The El Dorado Forest Service acknowledges in their OWN grant request the effectiveness of our volunteers toward maintaining a healthy trail system. My group directly assists these activities by staffing the Kiosk, handing literature, picking up trash and patrolling the trail to directly inform users about USFS issues and concerns on the trail.

In the grant request El Dorado has requested \$495,000.

\$44,000 - Facilities Maintenance

\$133,000 - Trail Maintenance

\$318,000 - Enforcement

This grant request is 27% trail maintenance, 9% Facilities Maintenance and a WHOPPING 64% Enforcement!

In May 2007, Ramiro Villavazo and the El Dorado USFS department submitted a Environmental Impact Study, along with 5 Plans for the future of OHV access in El Dorado National Forest. This can be found here:

<http://www.fs.fed.us/r5/eldorado/projects/route/deis/index.shtml>

In Chapter 2, Page 14, the El Dorado Forest Service states in Alternative A, there are currently 2,227.4 miles of Green/Red Sticker riding in El Dorado National Forest.

Alternative B: 1,050.1 miles of Green/Red Sticker OHV use

Alternative C: 758.8 miles

Alternative D: 641.5 miles

Alternative E: 515.8

It is IMPORTANT to note, that Ramiro Villavazo is recommending ALTERNATIVE D, and a proposed alternate of ALTERNATIVE E. Ramiro Villavazo did NOT attend a SINGLE public comment meeting that were held in various cities 3 weeks ago. Mr. Villavazo has shown consistently his unwillingness to meet with the actual forest users to address their comments and concerns.

His support of Alternative D, which REDUCES Green/Red Sticker access by 71.5%!!!! It is shameful for Mr. Villavazo to proclaim in the grant that "The Eldorado National Forest provides a wide variety of Off-Highway Vehicle Recreation opportunities that include motorcycle riding, all terrain vehicles, 4-wheel drive vehicles and over the snow vehicles." While at the same time, recommending the closure of 1,595 miles of Green Sticker access and asking for Green sticker fund money to do it!

Send a message to Mr. Villavazo and DENY this request. ENCOURAGE Mr. Villavazo to truly embrace OHV activities within the El Dorado National Forest. At minimum, Mr. Villavazo should support Alternative B, or at best something less than Alternative A, and request grant money from the OHV Sticker fund where the majority of grant dollars goes toward Education, Trail Maintenance and Facility Maintenance and not enforcement! Mr. Villavazo should practice his own words and SUPPORT volunteerism to work WITH the USFS to support safe and full access to ALREADY existing roads. OHV use on the USFS Trail system is GOOD for forest management, as it helps the USFS keep trails clear of debris, fallen trees and vegetation growth on roads. This helps maintain access for Fire Support and creates natural fire breaks with existing roads.

--

Ken

I am an OHV user in the El Dorado National Forest. I typically spend 15 to 30 days on the forest each year. I am writing this email to urge you NOT to make the grant they have applied for as it is written.

Recently it was brought to my attention that ENF has applied for a grant from the OHMVR Grants program, a program funded by Green Sticker monies, if I am not mistaken. The ENF grant application is asking for \$495,000 in funding this year, \$318,000 of which is to be used for law enforcement (i.e. keeping trails closed). The balance is being requested for facilities and trail maintenance, none of which is double track trails.

In an era when the ENF is closing double track trail because they say they don't have the money to maintain them to their environmental standard (as stated by Jason Nedlo in a recent Route Designation meeting), giving OHV grant money to keep them closed instead of to keep them open seems at cross purposes to the intent of the grant.

Please use your influence to give them \$318,00 to keep trails OPEN, as the intent for OHV funds should be.

John Arenz  
6465 Canyon Edge Road  
Pollock Pines, CA 95726  
510-693-2422

I am written to you with my displeasure of the Eldorado Forest asking for so much grant money for law enforcement when they are right now in the process of closing down over 51% of our roads. Cut their grant request by 51% and see how they react.

Grant money should be used for trail maintenance, that is where they need it most. they have claimed one of the main reasons for closing trails is lack of maintenance dollars

Rick Ferdon  
Pollock Pines Ca

Mr. Allen Chancey and John Pelonio,

I respectfully request that you deny the OHV grant request (Application for State Off\_Highway Motor Vehicle Recreation Grants and Cooperative Agreements Program) by the Eldorado National Forest.

Following their Route Designation Process this is a slap in the face to the users of the Eldorado National Forest.

**--By closing over half of their routes they have requested additional funds to enforce those closures.**

**--Users, user group representatives, and the Forest Service have recognized the serious problem along the Rubicon 4WD Trail and Ellis Creek OHV Route with individuals exhibiting unruly, threatening, unsafe, and intimidating behavior, which has required the use of LEOs, rather than FPOs. As A frequent user of the Rubicon trail and a member of the Rubicon Trail Patrol I know this is no longer the case.**

**--The environmentally sensitive routes that are now closed will be patrolled by LEO and FPO on motorcycles that don't do resource damage.**

**--The motorcycles are to replace the 2 existing motorcycles that are worn out. I have never seen a LEO or FPO motorcycle on the Eldorado National Forest. The Eldorado County Sheriff quads go mostly unused because they can't find officers that want to use them. I havn't seen a LEO quad on the Eldorado National Forest in over 2 years.**

**--The Kiosk and Kiosk staffing at the Rubicon trail is a zero expense to the Eldorado National Forest as it is volunteer based.**

**--They want money for ohv trail maintenance.Grants to maintain a number of existing motorcycle, atv and 4wd routes. I find it ironic that they request those funds when I made multiple calls to the ENF last year trying to find a trail to adopt for our club and was repeatedly turned down..."we don't have any trails available, you might want to try the Tahoe National Forest"**

**--The Eldorado national Forest doesn't even have an adopt a trail program in effect at this time. Why grant them funding when they don't allow user groups to take some pride and ownership in the routes they use?**

OHV grants are supposed to be for the continued support and responsible use of OHV's in the state of California. Once again I find the Eldorado National Forest grant request a slap in the face to all users of the Eldorado national Forest regardless if they use an OHV or not.

Robert Lightfoot

President 4wd Cliffhangers of Vacaville

Member of Cal4wheel, Blue Ribbon Coalition, Tread Lightly, Friends of the Rubicon, Rubicon Trail Patrol, The Nature Conservancy

I have great difficulty endorsing the Eldorado NF 2008 grant application. They are asking for 318,000 to enforce road closures and to emphasize the Rubicon Trail as a place of continued lawlessness as it was between 2 to 8 years ago. Most of the money is intended to target Rubicon.

I can tell you with complete confidence and accuracy that the Rubicon is no longer a place of rebellion and families are returning to the trail to enjoy the high country views and cool lakes.

Current Route Designation alternatives is management by closure and I feel the Commission is charged with serving the public in a very efficient manner. Eldorado NF only wants to close and enforce closure.

Please do not approve their 2008 grant application as it stands.

Thank You for your time,  
Scott Johnston  
OHV enthusiast  
Friend of the Rubicon  
Mountain Transit Authority 4WD club  
and last but not least a Private Business owner and tax payer

From: Stallcop, Martha on behalf of OHVINFO  
Sent: Monday, August 13, 2007 07:36  
To: Canfield, Dan; Chancey, Allen; Cumber, Sarah; Greenwood, Barbara;  
Ibarra, Martha; Parra, Josephine; Pelonio, John; Roach, Kelly  
Subject: FW: National Forest Route Designation

FYI

-----Original Message-----

From: Scott Johnston [mailto:cruzila@wildblue.net]  
Sent: Sunday, August 12, 2007 1:10 AM  
To: OHVINFO  
Subject: National Forest Route Designation

Dear Sirs and Madames, I find it despicable that our National Forests are using my money to close my roads and trails in the National Forests. Please stop this tragedy at once. I am referring most specifically to the Eldorado National forest and the Alternatives listed. NONE of the alternatives are acceptable. The no action alternative is "illegal to implement" by the New Rule stating no overland travel. That is not an alternative.

Scott Johnston

From: Scott Johnston [cruzila@wildblue.net]  
Sent: Sunday, August 12, 2007 01:21  
To: Chancey, Allen; Pelonio, John  
Cc: 'Scott Johnston'  
Subject: Eldorado NF 2008 Grant application

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OHV enthusiast  
Friend of the Rubicon  
Mountain Transit Authority 4WD club  
and last but not least a Private Business owner and tax payer

From: mickey microtus [mickeymicrotus@yahoo.com]  
Sent: Sunday, August 12, 2007 09:52  
To: Chancey, Allen; Pelonio, John  
Subject: Denial of OHV Grant Request  
Mr. Allen Chancey and John Pelonio,

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Member of Cal4wheel, Blue Ribbon Coalition, Tread Lightly, Friends of the Rubicon, Rubicon Trail Patrol, The Nature Conservancy

From: John Arenz [jarenz@comcast.net]  
Sent: Monday, August 13, 2007 00:13  
To: Pelonio, John  
Subject: Please DO NOT grant OHMVR monies for closing trails in the El Dorado National Forest

I am an OHV user in the El Dorado National Forest. I typically spend 15 to 30 days on the forest each year. I am writing this email to urge you NOT to make the grant they have applied for as it is written.

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John Arenz  
6465 Canyon Edge Road  
Pollock Pines, CA 95726  
510-693-2422  
[john@johnarenz.com](mailto:john@johnarenz.com)

From: Ken Hower [kenhower@gmail.com]

Sent: Wednesday, August 22, 2007 12:38 PM

To: Chancey, Allen; Pelonio, John

Subject: El Dorado National Forest - PLEASE DENY GRANT

Please deny the grant from El Dorado County for 2007/2008. This application is flawed, and does not represent the true intent of the Green Sticker OHV Grant process.

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--

Ken

**Pelonio, John**

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**From:** Morgan DeRodeff [morgan@arcsight.com]  
**Sent:** Wednesday, August 22, 2007 2:29 PM  
**To:** Pelonio, John  
**Subject:** Don't grant the EDNF OHV money to close our trails!

Hi,

I'm sure you guys are aware of what the EDNF is up to with their route designation plans, so I will not get into all that. However I would like to urge the commission to not grant the Forest Service OHV money to close our trails, when that money should be used to facilitate OHV use. I am an avid outdoorsmen and off-road enthusiast who believes in responsible and shared use of our forests and would like to be sure that the money goes to projects that support OHV use not strip us of it. If the Forest Service wishes to ask for money to help in that cause, such as education, maintenance, repairs, etc then I am all for it.

Thank you for your consideration of my opinion and I wish you all the best with this madness!

Morgan DeRodeff  
FOTR volunteer

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[www.arcsight.com/userconference/](http://www.arcsight.com/userconference/)

**Pelonio, John**

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**From:** Randy Burleson [Randy\_B2@VERIFONE.com]  
**Sent:** Wednesday, August 22, 2007 4:59 PM  
**To:** Chancey, Allen; Pelonio, John  
**Cc:** Greene, Daphne  
**Subject:** Letter NOT in Support of El Dorado National Forest Grant (as written)

Please deny the grant from El Dorado National Forest for 2007/2008. This application is flawed, and does not reflect the true intent of the Green Sticker OHV Grant process, which should be creating/maintaining/protecting Green Sticker routes.

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Regards,

Randii

Randy Burleson

Rubicon Trail Patrol, Friends of the Rubicon

Sierra Treasure Hunters Club

California Association of Four Wheel Drive Clubs

(916) 630-3576 (office)

(916) 223-1608 (cell)

From: Ryan Taylor [realjeepman@yahoo.com]  
Sent: Tuesday, September 04, 2007 2:17 PM  
To: Pelonio, John  
Subject: ENF grant funds

Dear John Pelonio,

Please deny the grant from Eldorado National Forest for 2007/2008. This application is flawed, and does not reflect the true intent of the Green Sticker OHV Grant process, which should be creating/maintaining/protecting Green Sticker routes.

When Eldorado NF is ready to use the funds for what they were created for I will heavily support them and get the public to voice their support. Until then, we will continue down the current path with ENF being left without OHV closure money!

Ryan Taylor  
5112 Olive Dr.  
Concord, CA 94521  
925-686-3513

Member of: Preserve American Land, Friends of the Rubicon, Friends of Eldorado, Cal 4, CORVA, Contra Costa Jeepers, TDO, and Blueribbon Coalition.

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Moody friends. Drama queens. Your life? Nope! - their life, your story. Play Sims Stories at Yahoo! Games.  
<http://sims.yahoo.com/>

# Hummingbird

Family Resources, Inc.

PO Box 414 Tecopa CA 92389 760.852.4151 [www.TecopaCA.com](http://www.TecopaCA.com)

September 29, 2007

Roxie Trost, Field Manager  
Bureau of Land Management  
2601 Barstow Rd.  
Barstow, CA 92311

## **Re: BLM Mitigation for Dumont Dunes Impacts**

Dear Ms. Trost:

We are writing to congratulate the BLM for responding to some of the community concerns raised by our organization and others about the Dumont Dunes Recreation Area. The current proposed projects to fence nine miles of the most critical boundaries from ORV intrusion into protected areas, as well as restoring already damaged habitat beyond those perimeters is very encouraging. We strongly endorse these efforts.

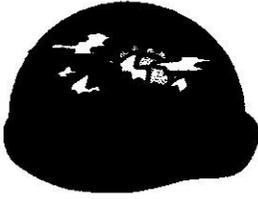
We would also like to bring to your attention future air quality data through the Great Basin Regional Air Pollution District's mobile station installed in Tecopa, in response to our concerns over Dumont-generated particulate matter last spring. This data should be helpful to the BLM and other stakeholders in better understanding the impacts of Dumont recreation. Please contact their Bishop office for more information.

We hope that your office will be participating in the Special Inyo County Supervisor's Meeting in Stovepipe Wells on October 4<sup>th</sup>, to discuss solid waste management concerns. As we have mentioned before, our Southeast Inyo communities and schools are being buried by garbage dropped off by Dumont users on their way back to Pahrump and Las Vegas, NV. With the fall recreation season rapidly approaching, we remain very concerned about health and safety impacts.

BLM documents mention a 2007 Dumont Dune Supplemental Environmental Assessment. We were unaware of such a document. Could you please provide us with a copy of that document at your earliest convenience? Thank you very much.

Sincerely,  
Jennifer Olaranna Viereck  
For Hummingbird Family Resources, Inc.

BIM - Redding Fa.



French Gulch - Upper Clear Creek  
Resource Management Group

Managing for Sustainability of Natural Resources & Community in the  
Upper Clear Creek Watershed

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P. O. Box 49, French Gulch, CA 96033

September 5, 2007

TO: CALIF. DEPARTMENT OF PARKS AND RECREATION  
Off-Highway Motor Vehicle Recreation Division  
P. O. Box 94286  
Sacramento, CA 92496-0001

FROM: French Gulch Upper Clear Creek Resource Management Group Board of Directors

RE: Application for OHV Recreation Grant & Cooperative Agreements

The French Gulch Upper Creek Resource Management Group (FGUCCRMG) Board of Directors is in receipt of the grant application which is requesting \$566,000 for land acquisition, trail maintenance and minimal law enforcement within the Chappie-Shasta Off-Highway Vehicle Area, the area within the watershed that we manage.

The FGUCCRMG has worked cooperatively with several Federal and State agencies in attempts to protect our historic community and the watershed. To this end, a non profit association (501c3) was formed by the French Gulch community to have a central voice regarding our community and a central Board of Directors to voice concerns regarding any impact to our watershed.

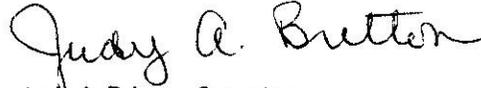
The number one issue of concern brought before the management group is the unregulated OHV usage in the Upper Clear Creek watershed. Currently, the Bureau of Land Management continues to promote OHV usage with no regard or communication to the management group or the French Gulch community. Since 1991, we have tried to work with the Redding Field Office for the betterment of this watershed. The Board of Directors would endorse the purchase of new lands; if such purchases would create a new portal into the area outside of our watershed.

The amount requested for law enforcement is woefully inadequate. We have been pleading with county, state and federal agencies for years for enforcement. How much of the \$90,000.00 requested would be used for on the ground weekend enforcement? We request that the grant funds be allocated for law enforcement, restoration and the restructuring of the Chappie-Shasta OHV Area outside of our watershed boundaries.

Furthermore, we recommend that all roads/trails in the Upper Clear Creek watershed be designated for softer usage, eliminating OHV usage. By honoring the multi-use agreement, walkers, hikers, equestrian riders and bicyclists will have the opportunity to safely enjoy our watershed's natural resources with minimal or no impact.

Thank you for the attention given this request. We look forward to an open dialog with your agency in order to improve the negative situations that face the watershed due to OHV usage.

Respectfully submitted,

A handwritten signature in cursive script that reads "Judy A. Britton".

Judy A. Britton, Secretary  
(530) 359-2113 (Home)  
(530) 359-2151 (Work)

cc: Bureau of Land Management, Redding Field Office  
Shasta County Sheriff's Dept.-Officer VonRader  
Jim Milestone, National Park Service, Whiskeytown Unit  
Western Shasta Resource Conservation District  
Mark Cibula, District II, Board of Supervisors  
Department of Fish and Game-Dan Fehr  
California Highway Patrol  
Dirk Kempthorne, Secretary, Department of Interior



CALIFORNIA  
WILDERNESS  
COALITION  
*The Voice for Wild California*



THE WILDERNESS SOCIETY

September 4, 2007

Anne Carey,  
Forest Recreation Planner  
Cleveland National Forest  
10845 Rancho Bernardo Rd. #200,  
San Diego, CA 92127  
Fax: (858) 673-6192

**RE: Cleveland National Forest OHV Grant Request**

Dear Ms. Carey,

We support the Cleveland National Forest's restoration grant request to the California Off-Highway Motor Vehicle Recreation Division. However, we request that you increase the size of your restoration request. As you may know, the OHV Commission has allocated \$7.2 million for restoration for the 2007-2008 funding cycle. Given that several million dollars in available funding remained unspent at the end of last year's grants process, we urge you to seek increased funding to restore off-highway vehicle damage and unauthorized OHV routes in the Cleveland National Forest.

We suggest that the Forest Service apply for increased restoration funding to restore unauthorized OHV routes in wilderness, wild segments of wild and scenic river corridors and areas zoned for primitive and semi-primitive non-motorized recreation. Note that restoration grants can be used to close any route used by OHVs, from motorcycle tracks to roads, and that the money does not have to be used in parts of the Forest designated for OHV use.

Please feel free to contact us to further discuss potential restoration projects. Thank you for your prompt attention to this matter.

Sincerely,

Stan Van Velsor  
The Wilderness Society  
P.O. Box 29241  
San Francisco, CA 94129  
Phone: 415-561-6641

Brent Schoradt  
California Wilderness Coalition  
1212 Broadway, Suite 1700  
Oakland, CA 94612  
Phone: 510-451-1450

STATE CAPITOL  
P.O. BOX 942840  
SACRAMENTO, CA 94249-0001  
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DISTRICT OFFICES:

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226 4TH STREET, SUITE C  
EUREKA, CA 95501  
PH (707) 445-7014  
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# Assembly California Legislature



**PATTY BERG**  
ASSEMBLYMEMBER, FIRST DISTRICT

COMMITTEES:  
AGING & LONG-TERM CARE, CHAIR  
BUDGET SUB #1.  
HEALTH & HUMAN SERVICES, CHAIR  
BUDGET  
HEALTH  
INSURANCE

*Forward  
Bill Herms  
Daphne Uelene*

August 15, 2007

Director Ruth Coleman  
California Department of Parks and Recreation  
Division of Off-Highway Vehicle Recreation  
1416 9<sup>th</sup> Street  
Sacramento, CA 95814

Dear Director Coleman: *Ruth*

I am pleased to offer my support for the Humboldt County Sheriff's Office in their application for grant funding to provide law enforcement for off-highway vehicle areas.

Residents and visitors to Humboldt County enjoy one of the few areas in California where vehicles are allowed on beaches. Renewed grant funding would be used to continue police patrol on the County's extensive coastline to protect it from illegal off-highway vehicle use.

Our environmentally sensitive beaches and dunes require a strict law enforcement presence to protect one of the North Coast's greatest assets. Balancing the coast's environmental needs with public use and safety is a high priority for the 1<sup>st</sup> Assembly District. Police presence provided by the current grant has been highly effective in reducing illegal vehicle use and I fully support extension of this funding.

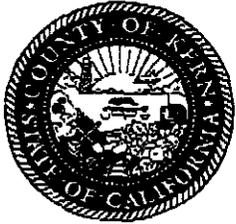
I appreciate your favorable consideration of Humboldt County Sheriff's Office request for grant funding. If I can be of any further information, please do not hesitate to contact my Eureka District Office at (707) 445-7014.

Respectfully,

*Patty Berg*

PATTY BERG  
Assemblymember, 1<sup>st</sup> District

PB: ns



# Jon McQuiston

SUPERVISOR - FIRST DISTRICT

Office of the First District Supervisor  
1115 Truxton Avenue, Suite 501  
Bakersfield, California 93301-4639  
Toll-Free 800-221-3625  
Phone 661-868-3650  
Fax 661-868-3657

September 10, 2007

Mr. Todd Ellsworth  
351 Pacu Lane, Suite 200  
Bishop, CA 93515

Re: Inyo National Forest Grant Requests

Dear Mr. Ellsworth:

The purpose of this letter is to express my strong support for Inyo National Forest and its efforts to obtain grant funding from the California Department of Parks and Recreation, Off-Highway Motor Vehicle Recreation Division for trail maintenance and conservation.

These funds, if awarded, would go towards repairing several stream crossings that are critical to preservation of access for both motorized and non-motorized recreational activities. Some crossings that will be improved are; Wyman Canyon, Silver Canyon, and Black Canyon.

These roads provide access for popular recreational activities such as; camping, fishing, hunting, and rock hounding.

I thank you in advance for your consideration and ask that you please contact me if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon McQuiston", written over a printed name.

Jon McQuiston

JAM/ra

**GEAR GRINDERS 4WD CLUB, INC.**

P.O. Box 32

Ridgcrest, CA 93556

September 14, 2007

Todd Ellsworth  
351 Pacu Lane, Suite 200  
Bishop, CA 93515

Sent via email to: [tellsworth@fs.fed.us](mailto:tellsworth@fs.fed.us)

**RE: Off-Highway Vehicle (OHV) and Over-Snow Vehicle (OSV) Grants**

Dear Mr. Ellsworth,

The members of the Gear Grinders 4WD Club, Inc. would like to take this opportunity to support the Grant Request Applications submitted by the Inyo National Forest, which will fund Law Enforcement, Trail Maintenance, and Conservation and Restoration Projects. We feel it is in the public's best interest, as well as the health of the Inyo National Forest, that these projects be funded with the highest percentage of the requested \$450,000.00 as possible. We know there is a lot of competition for these funds, and hope that they will be dispersed fairly and equally among those seeking these funds.

The Inyo National Forest is a very important recreational destination for both local recreationists, as well as out of the area. Many opportunities abound in this area, from hiking the world-renowned Mt. Whitney trail, the fishing opportunities of the Eastern High Sierra lakes (accessible by foot and by vehicle), to the semi-primitive backcountry experience that we seek with our vehicles.

**Law Enforcement**

We feel that Law Enforcement is an important part of keeping the Inyo National Forest open for all of these and other opportunities that are available and hope that you will see fit to fund Law Enforcement to the highest possible amount available. It is important for there to be patrols to enforce the rules and regulations, as well as interacting with the recreationists on the ground.

**Trail Maintenance**

Trail Maintenance is an ongoing year-to-year project, between the weather related trail degradation and the possibility of increased vehicle use, the maximum amount of funding is critical. Keeping trails healthy and useable should be the ultimate goal.

**Restoration and Conservation**

Having just traveled both Silver and Wyman Canyons, we can see where hardening the water crossings would be beneficial to the creeks as well as the vegetation. Not being familiar with the Mammoth Lakes areas of concern, the only comment I would like to make is that the more Law Enforcement on the ground could possibly curtail the continued trail proliferation and misuse of newly created trails.

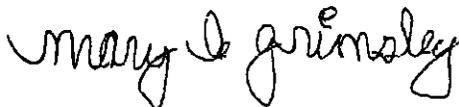
In conclusion, we do hope that the Inyo National Forest will fair well when the Grant monies are awarded and dispersed. There are many very special places which depend upon the continued care by Forestry personnel, so that the recreating public may pursue the solace of the backcountry in whatever matter they desire.

Thank you for your time.

Sincerely,



George Graham, President



Mary L. Grimsley, Corresponding Secretary  
Gear Grinders 4WD Club, Inc.  
Ridgecrest, CA  
769-446-3458



July 13, 2007

*Sent via certified mail and email*

Chris Sanders  
Sequoia National Forest  
1839 South Newcomb Street  
Porterville, CA 93257

Re: Notice of Intent to prepare an Environmental Impact Statement for wheeled motorized travel management in the Sequoia National Forest, California

Mr. Sanders:

The Center submits the following comments on the Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) associated with wheeled motorized travel management in the Kern River and Hot Springs Districts of the Sequoia National Forest (SNF).

The Center for Biological Diversity (“the Center”) is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 35,000 members throughout California and the United States.

We submit these comments on behalf of our members, staff, and members of the public with an interest in protecting the native species and habitats of the Sequoia National Forest. We appreciate the opportunity to comment on this project and urge the Forest Service to seriously consider our recommendations for designating a minimum transportation system.

We agree with former Forest Service Chief Dale Bosworth that unmanaged off-highway vehicle (ORV) use is a “major threat” affecting our nation’s forests and should be “one of the highest priorities for the agency.” Unmanaged ORV use has resulted in unauthorized roads and trails, increased erosion and sedimentation, water quality degradation, the spread of noxious weeds, increased fire risk, habitat destruction and fragmentation, increased disturbance to sensitive wildlife, and conflict among users. We were alarmed to see over 580 miles of unauthorized routes in the ORV route inventory, despite the proposal area comprising only a limited portion of the Sequoia National Forest. This figure clearly illustrates the need to end unrestricted cross-country travel and as such, we do not support the designation of any user-created/unauthorized routes as open.

Consequently, we strongly support the goals of the agency to prohibit widespread cross-country travel and to designate roads, trails, and areas for ORV use. We are concerned, however, that the proposed action increases motorized system route density throughout the planning area, adds

dozens of new routes in roadless areas and in sensitive wildlife habitat, legitimizes illegal behavior by designating user-created routes and changes the classification of 5500 acres of roadless land from semi-primitive non-motorized to semi-primitive motorized.

We are also concerned that the proposed action fails to address continuing impacts associated with certain routes in the current transportation system. It is important to note that the Travel Management Rule<sup>1</sup> (TMR) which drives the proposed action “addresses all motor vehicle use on National Forest System (NFS) roads, on NFS trails, and in areas on NFS lands, from passenger cars to ATVs to motorcycles.”<sup>2</sup> We believe that the Draft EIS will benefit from a thorough travel analysis and consideration of impacts associated with the existing road and trail system. The current proposal is focused too much on designating unauthorized routes and not enough on assessing the environmental impacts of existing system routes.

In response to these concerns, this letter outlines two additional alternatives (A. Primary Preferred Alternative and B. Secondary Preferred Alternative) which would limit the designation of new routes and close to motor vehicles those system routes which are inappropriately located, causing resource damage, or both. We request that these proposals be analyzed as separate alternatives in the upcoming Draft EIS.

We urge you to identify our Primary Preferred Alternative (A) as the Forest Service’s proposed action or preferred alternative given that it most fully complies with the intent of the Travel Management Rule by seeking to actually rein in ORV abuse, minimize cross country travel, prioritize conservation values and ensure that the Forest Service complies with administrative guidelines and governing laws. In addition, this alternative will result in a system that falls more closely within the maintenance and enforcement capabilities of an agency that can’t currently enforce or maintain its existing system.

In addition, we have made suggestions to improve the Purpose and Need statement and identified several issues for consideration in the environmental analysis of this proposal. We welcome the opportunity for continuing collaboration with the Forest Service to create an environmentally and fiscally sustainable travel system that meets the needs of both motorized and non-motorized recreationists without compromising the integrity of the land.

## **I. Purpose and Need**

We are concerned that the Purpose and Need statement is not sufficiently broad to set up a proper analysis. In our view, travel planning must evaluate and address the environmental, social, and cultural impacts associated with user-created routes *and* currently designated roads, trails, and areas, as identified through travel analysis. The Purpose and Need statement should be clearer on this point. Analyzing impacts to ecological and cultural resources across the entire

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<sup>1</sup> U.S. Department of Agriculture, Forest Service; Travel Management; Designated Routes and Areas for Motor Vehicle Use; Final Rule; Nov. 9, 2005 (36 C.F.R. §§ 212, 251, 261, and 295).

<sup>2</sup> Travel Management Final Rule, Federal Register November 9, 2005 (page 68272).

transportation system is a critical factor in determining the “minimum” system as envisioned by the Roads Rule<sup>3</sup> and the recent draft directives for implementing the Travel Management Rule.<sup>4</sup>

We recommend that you adjust the Purpose and Need statement, as follows, to more accurately reflect the intent of the Travel Management rule and the purpose of travel planning:

The following needs have been identified for this proposal:

- the need to eliminate cross-country travel and move to a system of designated roads, trails, and areas consistent with the Travel Management Rule;
- the need to provide opportunities for motorized and non-motorized recreation within the carrying capacity of the land, including the minimization of damage to soil, watershed, vegetation, and other resources of the public lands, and also minimization of harassment of wildlife or significant disruption of wildlife habitats;
- the need to—by way of a science-based analysis—“identify the minimum road system needed for safe and efficient travel and for administration, utilization, and protection of National Forest System lands” and identify roads that are “no longer needed to meet forest resource management objectives and that, therefore, should be decommissioned”;<sup>5</sup>
- the need to provide opportunities for motorized and non-motorized recreation within the carrying capacity of the land;
- the need to adjust both the core transportation system and recreation travel network in light of funding limitations for maintenance, monitoring, and enforcement; and
- the need to address safety concerns, user conflicts, lost non-motorized recreational opportunities, and impacts to natural soundscapes that have arisen or might be expected to arise given recent trends in motorized use .

## II. Travel Analysis

The NOI states that the Sequoia National Forest “used an interdisciplinary process to conduct travel analysis that included working with the public to determine whether any of the *unauthorized* routes should be proposed for addition to the transportation system (emphasis added).”<sup>6</sup> As noted above in our recommendations for the Purpose and Need statement, the Sequoia National Forest should be conducting Travel Analysis on the entire system of roads and trails, not merely the unauthorized routes. The Route Designation Guidebook for National

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<sup>3</sup> 36 CFR 212.5 (b) (1) “For each national forest, national grassland, experimental forest, and any other units of the National Forest System (§ 212.1), the responsible official must identify the minimum road system needed for safe and efficient travel and for administration, utilization, and protection of National Forest System lands.

<sup>4</sup> Federal Register Vol. 72, No. 115, June 15, 2007

<sup>5</sup> 36 CFR 212.5 (b) (2)

<sup>6</sup> Federal Register Vol. 72, No. 115, June 15, 2007, page 33197.

Forests in California directs Forests to use Travel Analysis to evaluate the current and proposed transportation system:

*Travel analysis is a pre-NEPA analysis that helps to identify proposals for changes in travel management direction and supports the environmental analysis associated with those proposed actions....The main issues for travel analysis are probably: 1) recreational use of motor vehicles on NFS roads, NFS trails and areas of NFS lands, 2) the addition of non-NFS roads and trails to the NFS transportation system, 3) motorized mixed use, 4) reduction of road maintenance levels, and 5) **elimination of un-needed NFS roads and trails** (emphasis added).<sup>7</sup>*

Direction for completing Travel Analysis can also be found in recently proposed Forest Service directives for implementing the Travel Management Rule<sup>8</sup>. It is clear from the proposed language in the directives that Travel Analysis is to be used to develop proposals for *changes* to the existing travel management system, not simply *additions* to the existing system. The Forest Service Manual outlines the following process:

*Produce a report and accompanying maps that document the recommended minimum road system and the social and environmental opportunities, issues, risks, and priorities for future road management. Identify proposed changes to travel management direction and the forest transportation system. Subsequent environmental analysis should build upon these proposed changes to the extent necessary to facilitate a reasoned choice among alternatives. The report should identify access needs and opportunities based on current budget levels and realistic projections of future funding.<sup>9</sup>*

We request that the Sequoia National Forest provide us with a copy of its travel analysis report so that we can better understand the information and methods used to develop the proposed action. We also request that you make this report available to the public prior to the release of the Draft EIS.

To the degree that the following questions are not addressed in the travel analysis report, we request that they be specifically addressed in separate correspondence or in the Draft EIS:

1. What was the basis for your proposal to designate new motorized trails in the proposal area and change the use categories for existing roads and trails?
2. What was the basis for your conclusion that no system motorized trails should be closed or designated as non-motorized?
3. How was travel analysis used to determine the cumulative impacts of motorized travel on the environment?

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<sup>7</sup> Route Designation Guidebook: National Forests in California, USDA Forest Service, June 2004 (revised September 2006), page 28.

<sup>8</sup> particularly Forest Service Manual section 7712 and related handbook sections in the proposed directives.

<sup>9</sup> F.S.M. 7712.4(5)

4. What methods were used to determine the “minimum” system consistent with requirements established by the Roads Rule and the recent draft directives for implementing the Travel Management Rule?
5. Given that the proposal leads to a net gain in road and motorized trail mileage, how was the previous motorized route system determined to be below the minimum?
6. What was the basis for the proposal to close certain routes, but not propose any for decommissioning?

### **III. Baseline/No Action Alternative**

The NOI is silent on the issue of the baseline used to establish the “no action” alternative, which is required by NEPA. In our view, the “no action” alternative should be limited to routes which are supported by prior NEPA analyses and decision documents that justify their inclusion on maps and in spatial databases. We believe that any routes lacking documentation should be analyzed as new unauthorized routes, in recognition of that fact that there is no record of administrative decision or analysis addressing the environmental impacts of motor vehicle use on these routes.

An accurate accounting of the true extent of the current transportation system is a critical step in setting the appropriate baseline for analysis. We are concerned that a significant discrepancy may exist between what the Forest Service is calling its “system” and the routes which are supported by appropriate documentation. We would expect the Forest Service to perform a comprehensive inventory of its past transportation decisions as part of travel analysis, but we have no knowledge whether or to what extent this has been done.

As part of its description of the “no action” alternative, we recommend that the Forest Service include a table identifying the specific documentation or evidence which supports the inclusion of all existing routes in the transportation system. Such documentation would include, at a minimum, NEPA analysis and decision documents, approval of Road Management Objectives (RMOs) or Trail Management Objectives (TMOs), or records establishing the expenditure of normally-appropriated maintenance funds on a specific route. Routes lacking such documentation should be marked accordingly.

Up to this point we have not asked the Sequoia National Forest to perform an exhaustive inventory of prior NEPA documentation for all of its existing routes. However, as an interim step, we now request that the Forest Service determine the NEPA status of all of the putative system roads and trails that we have identified for closure or designation as non-motorized in our citizens’ alternative, and provide this information to us prior to the release of the Draft EIS.

Finally, to the degree that our description of a “no action” alternative limited to documented routes differs from the Forest Service’s conception of “no action,” we request consideration of an additional, separate “no action” alternative limited to documented routes as described above.

### **IV. Proposed Action and Additional Alternatives to Consider**

NEPA requires a “hard look” at a reasonable range of alternatives, which would include one or more alternatives emphasizing a *minimum* transportation system which is streamlined, non-redundant, and efficient. A “range” of alternatives that only includes a no action alternative and alternatives increasing motorized route density is not sufficient under NEPA. The Forest Service Handbook guides managers to “develop other alternatives fully and impartially... [and] ensure that the range of alternatives does not prematurely foreclose options that might protect, restore, and enhance the environment.”<sup>10</sup>

The proposed action described in the NOI includes three key elements:

- prohibit wheeled motorized travel off of designated roads, trails, and areas;
- change 5500 acres of semi-primitive non-motorized roadless land to semi-primitive motorized to continue to allow a non-system trail to be managed for motor vehicle use; and
- add unauthorized motorized routes and make changes to the current transportation system as described in the table below.

<b>Proposed expansions of the motorized route system</b>	<b>Miles</b>
<i>Roads</i>	
Unauthorized routes changed to roads open to all vehicles	0.9
Closed roads changed to roads open to all vehicles	23.2
Highway legal only roads changed to open to all vehicles	12.4
<i>Trails</i>	
Unauthorized routes changed to motorized system trails	71.0
Closed roads changed to motorized system trails	21.8
<i>Total</i>	129.3
<b>Proposed reductions to the motorized route system</b>	
<i>Roads</i>	
Roads open to all vehicles changed to closed	19.5
<i>Trails</i>	
No reductions proposed	0.0
<i>Total</i>	19.5
<b>Proposed as changes to type of motorized use</b>	
<i>Roads</i>	

<sup>10</sup> FSH 1909.15 § 14.2

Roads open to all vehicles changed to motorized system trails	8.4
Roads open to highway legal vehicles changed to motorized system trails	0.5
<i>Total</i>	8.9

We request analysis of the following alternatives to the proposed action:

A. Primary Preferred Alternative

Main points of the Primary Preferred Alternative:

- Prohibit travel off-designated roads, trails and areas as required by the TMR
- Do not designate or authorize any user - created routes for motorized use
- Implement our system route designation proposal (as outlined in appendix A – attached)
- Maintain the classification of 5500 acres of semi-primitive non-motorized roadless land and do not authorize a change to semi-primitive motorized classification.

We believe that the motorized vehicle route designation process should be guided by current Forest Service policy and regulatory mandates as well as by the best available peer-reviewed and objective ecological data. The foundations of the travel plan rule revisions are Executive Orders 11644 (1972) and 11989 (1977) which, according to the Department of Agriculture, “cannot be met while still allowing unrestricted cross-country travel.”<sup>11</sup> The Orders specifically state that the route designation procedures “will ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands.”<sup>12</sup> In accomplishing this goal, the executive orders and travel regulations require that the designation of areas and trails shall be in accordance with the following:

- 1) Areas and trails shall be located to minimize damage to soil, watershed, vegetation, or other resources of the public lands.
- 2) Areas and trails shall be located to minimize harassment of wildlife or significant disruption of wildlife habitats.
- 3) Areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors.

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<sup>11</sup> Federal Register, Vol. 70, No. 216, p. 68265/Wednesday, November 9, 2005/Rules and Regulations

<sup>12</sup> Executive Order 11644 § 1 (1972) as amended by Exec. Order 11989 (1977) – Use of Off-Road Vehicles on Public Lands.

4) Areas and trails shall not be located in officially designated Wilderness Areas.<sup>13</sup>

We agree with the strong language above. The Forest Service has correctly focused the new rule around the key principle from the Executive Orders: ORVs should be permitted *only* where they do not excessively interfere with other recreational uses or damage natural resources. In addition, the 1976 National Forest Management Act (NFMA) recognizes the importance of National Forests in the context of biological conservation, and NFMA requires that the U.S. Forest Service manage the National Forests in an ecologically sustainable manner that protects soil and water resources, streams, stream banks, shorelines, wetlands, fish, wildlife, and the diversity of plant and animal communities.<sup>14</sup> Because hiking and equestrian trails and Wilderness areas are not being concurrently designated, care must be taken to ensure that other recreational opportunities and protection of natural resources are not precluded by an overly ambitious motorized vehicle route system.

In our view, the TMR, by offering a “national framework” implemented at the “local level,” affords the SNF considerable leeway to protect wildlife, habitats, related resources and associated sensitive lands within the SNF from harmful activities.<sup>15</sup> Specifically for areas where threatened or endangered species are a consideration, the ESA directs the FS “to conserve endangered and threatened species and to utilize their authorities in furtherance of the purposes [of the ESA].”<sup>16</sup> Pursuant to the ESA, the FS must “insure” that travel planning “does not jeopardize the existence of any endangered species or threatened species or result in the destruction or adverse modification” of critical habitat of such species.<sup>17</sup> This provision obligates the FS to engage in “consultation” with the U.S. Fish and Wildlife Service.<sup>18</sup>

The mandates of the Travel Management Planning Rule, NFMA, ESA and the Executive Orders, individually and collectively, suggest that the SNF should proceed very cautiously with travel planning. Indeed, to satisfy these intertwined mandates, the Forest Service must adopt robust, science-based methods and verify those methods through ground-truthed data and study.<sup>19</sup>

**The SNF should therefore not design a travel planning process that sanctions the existing route network and adds on new routes to meet a perceived demand for motorized recreational use.** Such a process is a recipe for disaster given that with increasing populations and interest in motorized recreational use, there is potentially no limit to the numbers of motorized recreationists that would flock to the SNF if it is perceived as an unregulated “playground.” The Travel Planning Rule, though providing considerable flexibility to the SNF to

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<sup>13</sup> Exec. Order 11644 § 3 (1972) as amended by Exec. Order 11989 (1977). We expect full compliance with the Executive Orders, notwithstanding the recent weakening of language in the Forest Service implementing regulations.

<sup>14</sup> 36 C.F.R. 219.10

<sup>15</sup> 70 Fed. Reg. 68264, 68265

<sup>16</sup> 16 U.S.C. §§ 1531(c)(1), (2)

<sup>17</sup> 16 U.S.C. § 1536(a)(2).

<sup>18</sup> 16 U.S.C. § 1536(c)(1)

<sup>19</sup> See *Ecology Center v. Austin*, 430 F.3d 1057 (9<sup>th</sup> Cir. 2005) (FS violated substantive NFMA protections by failing to demonstrate the reliability of its scientific methodology); *The Lands Council v. Powell*, 393 F.3d 1019, 1034-1037 (9<sup>th</sup> Cir. 2005) (same).

tailor the travel planning process to local conditions, demands a more rigorous, science-based, and ultimately protective decision-making process that comports with the SNF's duty to all uses and values of our National Forests.

To properly account for these values through a science-based decision-making process, we recommend that the SNF implement our Primary Preferred Alternative. We submit that it represents a straightforward, reasonable process that, ultimately, best accounts for the SNF's broad mandate to manage the SNF for multiple use, in particular relative to watershed and water resource values and associated wildlife species and habitats. Following are the steps and justifications and compelling reasons for the SNF to adopt this alternative:

- **Establish a limited, baseline travel network for motorized use of the SNF.**

This baseline travel network would, in effect, implement the Travel Planning Rule's prohibition against cross-country travel and ensure that motorized use is limited to existing, designated routes that fully and without question satisfy the criteria set forth in 36 C.F.R. § 212.55. Utilizing our system route designation recommendations in Appendix A, the SNF could identify existing routes that need to be closed in order to protect wildlife and watershed and conservation values. The FS would be able to publish the motorized vehicle use map (36 C.F.R. § 212.56) and allocate limited FS resources to more pressing concerns, such as law enforcement and restoration-based forest projects.

- **Develop a SNF transportation program including standards and guidelines** (36 CFR §212.5) as described in section V below. In addition, at this stage a monitoring plan would be developed per the required monitoring of effects section (36 CFR §212.57).
- **The SNF would not consider new route additions except in extremely limited, compelling circumstances** (e.g., in order to protect or improve public safety or to re-route Forest users around sensitive or degraded lands that need time to heal).

This recommendation is in line with the undeniable fact that the Travel Planning Rule was precipitated by abusive, uncontrolled motorized use. As Forest Service Chief Bosworth declared in 2003, unmanaged outdoor recreation – in particular motorized vehicle use – constitutes one of four principal threats to our National Forests:

*Each year, the national forests and grasslands get hundreds of miles of unauthorized roads and trails due to repeated cross-country use. We're seeing more and more erosion, water degradation, and habitat destruction. We're seeing more and more conflicts between users. We're seeing more damage to cultural sites and more violation of sites sacred to American Indians. And those are just some of the impacts. We've got to get a handle on that.*<sup>20</sup> [Cf. pp. 1-3.]

Accordingly, the adoption of our Primary Preferred Alternative would ensure that the FS can, in fact, “get a handle” on motorized recreation use. At present, we are disturbed by the overall number and density of existing, designated routes and illegal, user-created routes on the SNF.

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<sup>20</sup> See [www.fs.fed.us/news/2003/speeches/07/bosworth.shtml](http://www.fs.fed.us/news/2003/speeches/07/bosworth.shtml)

Our alternative would establish a limited, baseline travel network based on existing system routes that ensures continued recreational use but dramatically improves the level of protection for the SNF. Meanwhile, the SNF can collect monitoring data on use of the SNF to assess user compliance with the baseline travel system, assess the SNF's ability to enforce the designations based on evaluations of agency staff and resources, and repair damage caused by illegal or overly intensive motorized vehicle use (e.g., by restoring damaged riparian areas and obliterating user-created routes).<sup>21</sup>

## B. Secondary Preferred Alternative

### Main points of the Secondary Preferred Alternative

- Prohibit travel off-designated roads, trails and areas as required by the TMR
- If the Forest Service decides to go beyond designating the minimum system necessary and decides to designate unauthorized routes for motorized travel:
  - Please provide clear administrative, legal and scientific justification for why more access is needed and analyze the impacts of these routes
  - Implement our proposal for unauthorized route additions to the system (Appendix B)
- Implement our system route designation proposal (as outlined in appendix A – attached)
- Maintain the classification of 5500 acres of semi-primitive non-motorized roadless land and do not authorize the proposed change to semi-primitive motorized classification.

We do not support the authorization of user-created routes through this process, however, if the agency feels compelled to add to its already unmanageable and unenforceable system, we ask that you consider our Secondary Preferred Alternative and implement our recommendations for closure of proposed unauthorized route additions as outlined in Appendix B. We have provided clear justification for the need for prioritizing the closure and obliteration of these user-created routes.

Additionally, we recommend that all action alternatives in the DEIS, including the Forest Service's proposed action, incorporate the following elements:

- The Sequoia NF should prohibit cross-country motorized travel for big game retrieval and dispersed camping but allow Forest visitors to park their motor vehicle within one vehicle length from the edge of the road or trail surface when it is safe to do so, does not result in damage to Forest resources, and is not disallowed in Forest-specific orders or plans (see Appendix C).
- The Forest should implement seasonal wet weather closures of native surface roads and trails to reduce erosion and sedimentation, to lower maintenance costs, and to reduce harassment and poaching of wildlife during times when they are most vulnerable. While we would agree to a seasonal closure triggered by precipitation or conditions on the ground, once closed these routes should remain closed until the end of the rainy season in the spring. A route system where

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<sup>21</sup> See 36 C.F.R. § 212.57 (obligating the LNF to "monitor the effects of motor vehicle use on designated routes and trails and in designated areas....").

multiple closures and openings are triggered by individual storm events throughout the season is too unstable and unreliable to be effectively implemented.

- The Forest Service should maintain the classification of 5500 acres of semi-primitive non-motorized roadless land and do not authorize the proposed change to semi-primitive motorized classification because there are a limited number of areas with the semi-primitive non-motorized designation and we feel keeping this area that way is important. In addition, the fact that the proposal for a change to this area stems from the fact that ORV use has been occurring in the area for years, is not reason enough to change the designation.

## **V. Factors to Consider in the Environmental Analysis**

For each alternative we expect a thorough analysis of any site-specific changes to the system as well as an analysis of how changes affect the transportation system as a whole – including impacts from routes already designated. NEPA requires federal agencies to assess the direct, indirect, and cumulative environmental impacts of proposed actions, taking a “hard look” at environmental consequences, and performing an analysis commensurate with the scale of the action at issue.<sup>22</sup> Each alternative should address the potential impacts to the following natural resources: soil; riparian areas; water quality; noxious weeds; fire; sensitive, threatened, and endangered plants; sensitive, threatened, endangered, game, and management indicator animal species; fisheries; air quality; and natural quiet. The analysis should be informed by and make specific reference to the best available science. If information is lacking, the precautionary principle should be used to protect natural resources.

### Using a Landscape Approach

Travel planning at a landscape level should simultaneously take into account the wide variety of multiple uses and users of the public lands. A landscape level approach ensures that large areas of the Forest remain relatively quiet and undisturbed for the majority of forest users who enjoy public lands through hiking, backpacking, horseback riding, bird watching, canoeing, hunting, and fishing. A U.S. Forest Service-funded survey by the California State Parks Planning Division found that the four highest unmet recreation needs were for camping, hiking, walking, and wildlife viewing; ORV use was ranked 28<sup>th</sup>.<sup>23</sup> The high-impact nature of off-road vehicle recreation (due to noise, pollution from two-stroke engines, and dust that extend far beyond the trail itself) diminishes the quality of the natural experience and often completely displaces non-motorized visitors. The process should focus not solely on individual ORV route designation, but on achieving a transportation system that minimizes conflicts between quiet and motorized recreation. The travel management process should include an examination and analysis of *all* routes, including existing system roads and trails and potential future additions to the system – not solely the unauthorized, illegal, and/or user-created ORV trails.

Similarly, route designation should consider the direct, indirect, and cumulative ecological impacts of ORVs on the larger landscape, including watersheds, noise sheds, wildlife corridors,

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<sup>22</sup> 40 C.F.R. § 1508.8

<sup>23</sup> Public Opinions and Attitudes on Outdoor Recreation in California 2002: An Element of the California Outdoor Recreation Planning Program. December 2003.

and core areas of protected habitat for wide-ranging, low-density, or disturbance-sensitive species. NEPA requires that the Forest Service evaluate “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions...result[ing] from individually minor but collectively significant actions taking place over a period of time.”<sup>24</sup> A landscape perspective will help ensure that redundant routes are not designated and that routes are not merely examined in isolation. The agency should use spatial analysis to evaluate landscape-level impacts to natural resources.

The agency should also consider the Sequoia National Forest in the context of the surrounding landscape, including private lands. The agency should evaluate the opportunities for undisturbed wildlife habitat, clean water, non-motorized areas, and natural quiet on lands outside of the Forest. Does the Sequoia National Forest provide opportunities that cannot be met on surrounding lands? If so, how does the proposed action affect those opportunities?

The agency should answer in the EIS the following landscape-level questions: How will each alternative affect natural quiet throughout the Forest? How will each alternative affect forest fragmentation? How will each alternative affect core wildlife reserves? Has the Forest established large zones of quiet recreation? How has the agency considered the impacts to non-motorized Forest users? How will each alternative achieve the goal of minimizing user conflict across the landscape?

#### Compliance with Executive Orders

All current direction and authority that allow, restrict, and prohibit vehicle use off roads on National Forest lands are tiered from Executive Order (E.O.) 11644, signed by President Nixon in 1972, and modified by President Carter’s E.O. 11989 in 1977.<sup>25</sup> These executive orders should be the guiding principles for all decisions related to ORVs. The orders state that the route designation procedures “will ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands.”<sup>26</sup> In accomplishing this broad goal, the executive orders specifically require that the designation of motorized areas and trails shall be in accordance with the following:

- 1) Areas and trails shall be located to minimize damage to soil, watershed, vegetation, or other resources of the public lands.
- 2) Areas and trails shall be located to minimize harassment of wildlife or significant disruption of wildlife habitats.
- 3) Areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors.

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<sup>24</sup> 40 C.F.R. 1508.7 – 1508.8

<sup>25</sup> Route Designation Guidebook: National Forests in California, USDA Forest Service, June 2004 (revised September 2006).

<sup>26</sup> Executive Order 11644 § 1 (1972) as amended by Exec. Order 11989 (1977) – Use of Off-Road Vehicles on Public Lands.

4) Areas and trails shall not be located in officially designated Wilderness Areas.<sup>27</sup>

We agree with the strong language above. ORVs should be permitted *only* where they do not excessively interfere with other recreational uses or damage natural resources.

### Compliance with the Travel Management Rule

The Travel Management Rule requires that the route system be the *minimum* necessary to ensure safe and efficient travel and utilization of Forest resources.<sup>28</sup> The Forest Service must identify what criteria they are using to define and evaluate the “minimum.”

The Travel Management Rule requires that the designation of motorized trails and areas shall consider the effects on the following and minimize: damage to soil, watershed, vegetation, and other forest resources; harassment of wildlife and significant disruption of wildlife habitat; conflicts between motor vehicle use and existing or proposed recreational uses of National Forest System lands or neighboring Federal lands; and conflicts among different classes of motor vehicle uses of National Forest system lands or neighboring Federal lands.<sup>29</sup> The Forest Service must identify what specific criteria they are using to define and evaluate the goal of “minimizing.”

The Travel Management Rule requires that if the responsible official determines that motor vehicle use on a National Forest System road or trail is directly causing or will directly cause considerable adverse effects on public safety or soil, vegetation, wildlife, wildlife habitat, or cultural resources associated with that road, trail, or area, the responsible official shall immediately close that road, trail, or area to motor vehicle use until the official determines that such adverse effects have been mitigated or eliminated and that measures have been implemented to prevent future recurrence.<sup>30</sup> The Forest Service must define “considerable adverse effects,” identify which routes or areas are causing considerable adverse effects, and what measures are being taken to close the routes or areas or eliminate or mitigate the problem.

The Travel Management Rule mandates that the Forest Service consider “the need for maintenance and administration of roads, trails, and areas that would arise if the uses under consideration are designated; and the availability of resources for that maintenance and administration.”<sup>31</sup> The rule also states that the responsible official must “monitor the effects of motor vehicle use on designated roads and trails and in designated areas.”<sup>32</sup> The designation of ORV routes, therefore, must be compatible with the ability of the agency to monitor, enforce, and maintain that system. Considering the great length of user-created ORV trails in California

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<sup>27</sup> Exec. Order 11644 § 3 (1972) as amended by Exec. Order 11989 (1977).

<sup>28</sup> 36 C.F.R. 212.5 (b).

<sup>29</sup> 36 C.F.R. 212.55(b)

<sup>30</sup> 36 C.F.R. 212.52 (2)

<sup>31</sup> 36 C.F.R. 212.55 (a)

<sup>32</sup> 36 C.F.R. 212.57

National Forests, the Forest Service should refrain from designating routes that it will be unable to maintain, monitor, or patrol with its current budget and staff. The Forest Service must include a specific monitoring plan (with specific measures and thresholds), a public education plan, a restoration plan, and a budget estimate for the annual implementation of the plan for the life of the plan for each alternative considered. The Forest Service should also provide a specific cost estimate for managing each transportation alternative and compare it to its current and projected budget.

### Compliance with National Environmental Laws

#### a) NEPA

The National Environmental Policy Act (“NEPA”) requires federal agencies to prepare Environmental Impact Statements (“EIS”) prior to proceeding with any “major federal actions significantly affecting the quality of the human environment.” 42 U.S.C. § 4332 (2)(C). EISs must contain a “detailed statement” of the environmental impacts associated with the proposed federal action. 42 U.S.C. § 4332 (2)(C)(i). The primary purposes of EISs and Environmental Assessments (“EA”) are (1) to provide decision makers with an environmental disclosure sufficiently detailed to aid in the substantive decision whether to proceed with the project in light of its environmental consequences; and (2) to provide the public with information and an opportunity to participate in gathering information. 40 C.F.R. § 1500.1(b). See *Baltimore Gas & Electric Co. v. NRDC*. 462 U.S. 87, 97-100 (1978).

The NEPA requires extensive consideration of cumulative effects. (40 C.F.R. 1508.7; 1508.8). The Forest Service Environmental Policy and Procedures Handbook sets the standard for analysis of cumulative effects:

"Individual actions when considered alone may not have a significant impact on the quality of the human environment. Groups of actions, when added together, may have collective or cumulative impacts, which are significant. Cumulative effects that occur must be considered and analyzed without regard to land ownership boundaries. Consideration must be given to the incremental effects of past, present, and reasonably foreseeable related future actions of the Forest Service, as well as those of other agencies and individuals."

The Council has extensively described the minimum requirements for analysis and mitigation of cumulative impacts on Environmental Quality in its publication “Considering Cumulative Effects Under the National Environmental Policy Act (1997), by the CEQ regulations implementing NEPA (40 C.F.R. 1508.7; 1508.8), and by the Forest Service’s Environmental Policy and Procedures Handbook (FSH 1909.15.15.1). Specific examples of quantitative information to be addressed by cumulative effects analyses are identified by these sources as well as other regulations or rules for specific resources, such as threatened, endangered, and sensitive wildlife. FSM 2620.3; 2620.44; 2621.3.

At minimum, an adequate cumulative effects analysis must:

- (1) identify the past, present, and reasonably foreseeable actions of Forest Service and other parties affecting each particular aspect of the affected environment;
- (2) must provide quantitative information regarding past changes in habitat quality and quantity, water quality, resource values, and other aspects of the affected environment that are likely to be altered by Forest Service actions;
- (3) must estimate incremental changes in these conditions that will result from Forest Service actions in combination with actions of other parties, including synergistic effects;
- (4) must identify any critical thresholds of environmental concern that may be exceeded by Forest Service actions in combination with actions of other parties, and;
- (5) must identify specific mitigation measures that will be implemented to reduce or eliminate such effects.

#### b) Clean Water Act

The Clean Water Act (CWA) requires the implementation of Best Management Practices (BMPs)<sup>33</sup> for non-point sources that would result in water quality violations if they were not controlled. BMPs direct the Forest Service to identify areas where ORV routes cause, *or are likely to cause*, degradation of water quality.<sup>34</sup> The Clean Water Act also requires that states identify all water bodies that are “impaired” and establish the Total Maximum Daily Loads that these water bodies can assimilate and still meet water quality standards. Each alternative should describe how the Sequoia NF is meeting the requirements of the CWA.

#### c) National Forest Management Act

The National Forest Management Act (NFMA) recognizes the importance of National Forests in the context of biological conservation, and NFMA requires that the U.S. Forest Service manage the National Forests in an ecologically sustainable manner that protects soil and water resources, streams, stream banks, shorelines, wetlands, fish, wildlife, and the diversity of plant and animal communities.<sup>35</sup> The Forest Service must show how they are protecting these resources and what species they are using to serve as management indicators of forest health and wildlife viability. The EIS must address potential impacts to specific management indicator species using the best available science and employing the precautionary principle. The Forest should report on the baseline condition for each Management Indicator Species and explain how each alternative will impact that species.

The National Forest Management Act (“NFMA”) prohibits the USFS from carrying out management activities that cause permanent impairment of the soil.<sup>36</sup> Outside of the individual forest plans, the most comprehensive definitions of soil quality standards are found in the Forest Service Manual (“FSM”) and in the Forest Service Soil Management Handbook (“FSH”). Title 2500 of the FSM specifies standards and guidelines for watershed management, a category that

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<sup>33</sup> 33 U.S.C. § 1329

<sup>34</sup> Water Quality Management for Forest System Lands in California: Best Management Practices. USDA Forest Service – Pacific Southwest Region. September 2000.

<sup>35</sup> 36 C.F.R. 219.10

<sup>36</sup> National Forest Management Act of 1976, 16 U.S.C. §§ 472a, 512b, 1600, 1611-1614 (1194) (amending Forest and Rangelands Renewable Resources Planning Act of 1974, Pub. L. No. 93-178, 88 Stat. 476).

includes soil quality. The two objectives of Title 2500 are “[t]o protect and, where appropriate, enhance soil productivity, water quality and quantity, and the timing of water flows” and “[t]o maintain favorable conditions of stream flow and a continuous protection of resources from the National Forest System watersheds.”<sup>37</sup>

The Forest Service’s policy on watershed management is to “[i]mplement watershed management activities on the National Forests in accordance with the general objectives of multiple-use and the specific objectives of in the Forest land management plan for the area involved,” and to “[d]esign all management activities of other resources to minimize short-term impacts on the soil and water resources and to maintain or enhance long term productivity, water quantity, and water quality.”<sup>38</sup>

Both policies are significant, the first because it directs the Forest Service to engage in land management practices that are consistent with the land resource management plans for specific forests, and the second because it directs the Forest Service to avoid developing land management practices that will result in a degradation of long-term productivity.

Chapter 2550 of the FSM deals specifically with soil management. The Forest Service’s stated policy on soil management is to “[m]anage forest and rangelands in a manner that will improve soil productivity. Use appropriate soils information systems in support of all management activities affecting, or influenced by, the soil resource.”<sup>39</sup>

The requirement that soil productivity be improved by management practices is more restrictive than the general policy stated in FSM 2503, for the general policy of maintaining soil quality and preventing long-term impairment of soil productivity has been interpreted by the Forest Service to mean that no more than fifteen percent of the soil area or soil productivity may be impaired, and that fifteen percent impairment will not have significant long-term effects on soil productivity. The improvement of soil resources is further discussed in FSM 2553.02, which states as one of its objectives “[t]o rehabilitate soils that are in an unsatisfactory condition.”

In order to meet its stated policies and objectives, the Forest Service is required to survey and monitor soil quality.<sup>40</sup> Surveys and monitoring provide knowledge of soils for planning purposes, and are intended to “advise decision-makers when adjustments are needed in land management practices to protect or improve soil productivity.”<sup>41</sup>

The Forest Service Handbook (“FSH”) sets out the agency’s internal requirements for soil resource inventories and soil quality monitoring. The FSH 2509.18 is the Soil Management Handbook, and within is found many of the relevant definitions for soil quality standards on a Service-wide basis. Chapter 1 sets the standards for soil resource inventories, which are intended to “provide information about the use, production capabilities, management opportunities, and

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<sup>37</sup> FSM 2502.

<sup>38</sup> FSM 2503.

<sup>39</sup> FSM 2550.3.

<sup>40</sup> See FSM 2551 and 2554.

<sup>41</sup> FSM 2554.02

limitations of soils.”<sup>42</sup> The Soil Management handbook refers to the National Soils Handbook, the USDA Soil Conservation Service’s Soil Taxonomy (Agricultural Handbook 436), and the Soil Survey Manual as providing mandatory and essential guidelines for all Forest Service soil resource inventories.<sup>43</sup>

Chapter 2 of the Soil Management Handbook, entitled Soil Quality Monitoring, restates the policy to “[d]esign and implement management practices to maintain or improve the long-term inherent productive capabilities of the soil resource” and to “[p]lan and conduct soil quality monitoring to determine if soil management goals, objectives, and standards as outlined in Forest plans are being achieved.

#### d) Endangered Species Act

The Endangered Species Act (“ESA”) is the primary U.S. law aimed at protecting species of animals and plants from human threats to their survival. The Endangered Species Act (ESA) directs the SNF “to conserve endangered and threatened species and to utilize their authorities in furtherance of the purposes [of the ESA]” and to “cooperate with State and local agencies to resolve water resource issues in concert with conservation of endangered species.” 16 U.S.C. §§ 1531(c)(1), (2). The Endangered Species Act (ESA) makes it unlawful for any person to “take” a listed species. Take is defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct” and includes “significant habitat modification or degradation that kills or injures wildlife by impairing essential behavioral patterns, including breeding, feeding, or sheltering.”<sup>44</sup>

Pursuant to the ESA, the Sequoia NF must “ensure” that travel planning “does not jeopardize the existence of any endangered species or threatened species or result in the destruction or adverse modification” of critical habitat of such species.<sup>45</sup> This obligates the Sequoia NF to engage in “consultation” with the U.S. Fish and Wildlife Service.<sup>46</sup> The Sequoia NF should include in the DEIS the criteria and guidelines for endangered species protection along with all supporting scientific studies. ORVs and other vehicles have been shown to cause stress in many animal species and often results in major changes in animal behavior and reduced reproductive success or survival.<sup>47</sup> Each alternative should describe the potential impacts to endangered species from unauthorized routes *and* from the cumulative impacts of the entire transportation system.

#### e) Global Climate Change Prevention Act

The Global Climate Change Prevention Act of 1990 (7 U.S.C. 701) especially sections 6701(b)5

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<sup>42</sup> FSH 2509.18, Ch. 1.

<sup>43</sup> Available online at <http://www.statlab.iastate.edu/soils/nssh>, <http://www.statlab.iastate.edu/soils/soiltax/>, and [http://www.statlab.iastate.edu/soils/ssm/gen\\_cont.html](http://www.statlab.iastate.edu/soils/ssm/gen_cont.html), respectively.

<sup>44</sup> 16 U.S.C. 1532

<sup>45</sup> 16 U.S.C. § 1536(a)(2)

<sup>46</sup> 16 U.S.C. § 1536(c)(1)

<sup>47</sup> Joslin G. and H. Youmans. 1999. Effects of recreation on Rocky Mountain wildlife: a review for Montana. Committee on Effects of Recreation on Wildlife, Montana Chapter of the Wildlife Society.

and (c)3 requiring climate change effects in decision making and alternatives that mitigate climate change. The SNF should consider the impacts of their travel management plan on Global Climate Change, including the potential for impacts to air pollution and removal of vegetation.

### Incorporating the Best Available Science

Given the significant threat represented by growing ORV use on public lands and by the current transportation system, science must play an important role in the planning process. Public agencies may be tempted to approach travel planning solely as a series of social negotiations between competing user groups. Such an approach, however, neglects the agency's responsibility to use the best available science to manage the natural resources found on public lands for sustainability and use by future generations. The Data Quality Act directs federal agencies in "ensuring and maximizing the quality, objectivity, utility, and integrity of information, including statistical information, disseminated by Federal agencies."<sup>48</sup> Decisions made in minimizing damage to soil, watersheds, vegetation, wildlife, and habitats should incorporate and reference findings of relevant university, government, and other studies regarding the negative or positive impact of ORV use, automobiles, and roads. The Forest Service must describe what methodology and scientific information they used to determine how motorized routes could potentially impact natural resources on the Forest and how this information drove the project design criteria with respect to soils, watersheds, vegetation, threatened and endangered species, sensitive species, and management indicator species. The agency should cite all science-based decisions and provide a list of references from peer-reviewed publications from universities, government agencies, and other researchers. The Forest Service must describe how they used the best available science (or if lacking, whether they employed the precautionary principle) to make their decisions. Specific methodology for determinations should be given.

### Ecological Issues to Consider

Roads and motorized trails can fragment habitat for sensitive species. In analyzing impacts of travel management, please explain how sensitive wildlife species are affected by fragmentation. If the data are available, what is the threshold road and trail density – for presence, reproduction, or mortality – for each species? The travel plan should provide for the protection of "umbrella" species which often indicate the health of the entire ecosystem. Mid to large carnivores are often indicators of ecosystem health. How does the travel management proposal provide for carnivore corridors and aid in the recovery of declining or rare species such as American martens, Pacific fishers, and wolverines?

How does each alternative affect species on the USDA Forest Service sensitive animal species list for the Sequoia NF, specifically Northern Goshawk, Western Yellow-billed Cuckoo, Willow Flycatcher, Great Gray Owl, California Spotted Owl, pallid bat, Townsend's big-eared bat, western red bat, Sierra Nevada red fox, American marten, Pacific fisher, California wolverine, Foothill yellow-legged frog, mountain yellow-legged frog, Inyo Mountain salamander, relictual slender salamander, Tehachapi slender salamander, Kern Canyon slender salamander, Kern Plateau slender salamander, Breckenridge Mountain slender salamander, Southwestern pond

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<sup>48</sup> P.L. 106-554 § 515

turtle, Sierra night lizard, California legless lizard, Volcano Creek golden trout, and hardhead? What specific guidelines and criteria are you using to ensure viability of these species? Please reference scientific studies that inform your management decisions. What is the baseline condition of each of these species?

How does each alternative affect game species of concern, especially migratory deer herds? What specific road density threshold is the Forest using to protect deer critical winter range and fawning areas?

Plant species may be impacted by ORV use. Please explain how you will prevent damage to plant species on the USDA Forest Service sensitive plant species list for the Sequoia NF. What are the guidelines and criteria to protect sensitive plants?

Noxious weeds are, along with ORVs, one of the “four threats” to National Forests. How will each alternative affect the spread of noxious weeds?

Roads and trails can cause soil erosion and sedimentation. How does each alternative address stream crossings, trails and roads near riparian areas and maximum daily loads of sediment? What science is being used to consider the impacts of roads and trails on entire watersheds? Is there a threshold for route density to protect water quality?

### Areas of Special Concern

Using both regulatory mandates and ecological considerations, we present the following recommendations to the Sequoia National Forest in designing alternatives for unauthorized route proposals and for managing current motorized system trails. We believe that the Sequoia National Forest should also take these factors into consideration when analyzing the impacts of the current road system. We make no road closure recommendations here because road closure often requires costly restoration to pre-existing terrain. We are not able during this comment period to prioritize where on-site road restoration money should be spent, but that does not excuse the Sequoia National Forest from conducting Travel Analysis on system roads to determine the minimum system required and to evaluate the cumulative environmental impacts of the entire transportation system. Travel Analysis should provide substantial information for evaluating future road closure and restoration projects.

### **Wilderness Areas**

According to Executive Orders 11644 and 11989 and the revised travel management rules, “[motorized] areas and trails shall not be located in officially designated Wilderness Areas or Primitive Areas.”<sup>49</sup> In addition, Congress bars the existence of any “temporary road” and the use of motor vehicles within wilderness.<sup>50</sup> The designation of ORV routes in Wilderness Areas is not discretionary.

### **Administratively Endorsed Wilderness**

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<sup>49</sup> Exec. Order 11644 § 3 (1972) as amended by Exec. Order 11989 (1977)

<sup>50</sup> 16 U.S.C. § 1133(c)

Administratively endorsed Wilderness areas should be managed to protect their wild character while designation as Wilderness is debated in Congress. ORV use in these areas is incompatible with the defined characteristics of Wilderness, including the requirements that the land be “affected primarily by the forces of nature, with the imprint of man’s work substantially unnoticeable” and that it have “outstanding opportunities for solitude and a primitive and unconfined type of recreation.”<sup>51</sup> Forest Service recommended Wilderness areas should not contain designated ORV routes. Agency policy states that “any inventoried roadless area recommended for wilderness or designated wilderness study is not available for any use or activity that may reduce the wilderness potential of an area.”<sup>52</sup>

### **Agency-inventoried Roadless Areas**

All route designations must be consistent with Land and Resource Management Plans for each of the National Forests.<sup>53</sup> Where the Forest Plan does not, however, specifically prohibit the use of motorized vehicles in agency-inventoried roadless areas, we contend that these areas generally should not contain designated ORV routes. The responsible National Forest officials are required to “minimize conflicts between motor vehicle use and existing or proposed recreational uses of National Forest System lands.”<sup>54</sup> By definition, roadless areas afford a type of quiet and primitive recreation that cannot be found near roads. To allow ORV use in these areas would cause disproportionate conflict between quiet recreationists and ORV users and will risk precluding roadless areas from further consideration for Wilderness designation. Given that more than 47,000 miles of roads currently exist in California’s National Forests, the remaining roadless lands possess rare and critical ecological values.

Furthermore, the Executive Order on Invasive Species<sup>55</sup> states that all federal agencies will use relevant programs and authorities to prevent the introduction of invasive species, and “not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species ... unless ... the agency has determined and made public its determination that the benefits of such actions clearly outweigh the potential harm.” Given that roads and ORVs serve as corridors for exotic plant<sup>56</sup> and disease<sup>57</sup> invasion, and that invasion by exotic species is one of the four threats to the health of the National Forests identified by the Forest Service Chief, we believe that roadless areas should serve as refuges from motorized encroachment.

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<sup>51</sup> 16 U.S.C. § 1131 (c)

<sup>52</sup> Forest Service Manual (FSM) 1923.03

<sup>53</sup> FSM 2355.03 § 1(a) and Federal Register Part IV, Vol. 70, No. 216, page 68268: “Designations must be consistent with the applicable land management plan. If a responsible official proposes a designation that would be inconsistent with the applicable land management plan, a proposed amendment to the plan must be included with the proposed designations so that the designation decision will conform with the land management plan.”

<sup>54</sup> 36 C.F.R. § 212.55

<sup>55</sup> Exec. Order 13112 § 2 (Feb. 3, 1999)

<sup>56</sup> Parendes, L.A., and J.A. Jones. 2000. Role of light availability and dispersal mechanisms in invasion of exotic plants along roads and streams in the H.J. Andrews Experimental Forest, Oregon. *Conservation Biology* 14:64-75.

<sup>57</sup> Zobel, D.B., L.F. Roth, and G.M. Hawk. 1985. Ecology, pathology, and management of Port Orford cedar (*Chamaecyparis lawsoniana*). U.S.D.A. Forest Service, Portland, OR, General Technical report PNW-184.

In addition, the Governor of California has recently petitioned the Secretary of Agriculture for protection of inventoried roadless areas because the “limitations on road construction and reconstruction would benefit fish and wildlife that use the lands in question and their habitat because roads have direct and indirect adverse impacts [including] ... disturbance to fish and wildlife from vehicular traffic; human activities such as poaching, pollution, and arson; and the introduction of invasive species that roads invite.”<sup>58</sup> Off-highway vehicles and their routes would adversely impact roadless areas in ways similar to those listed by the Governor.

### **Citizen-inventoried Roadless Areas**

For the same reasons as above, where the Forest Plan does not specifically prohibit the use of motorized vehicles in citizen-inventoried roadless areas,<sup>59</sup> we contend that these areas, with rare exceptions, should not contain designated ORV routes.

### **Primitive and Semi-primitive Non-motorized Areas**

Where these two Recreation Opportunity Spectrum (ROS) classes do not overlap with agency or citizen-inventoried roadless areas, motorized recreation should not be permitted in these areas. Forest Plans and agency policy generally prohibit motorized use in these areas,<sup>60</sup> but in situations where they do not expressly forbid ORV use, we believe that these areas should not contain designated ORV routes. ORV use conflicts with the objectives of primitive and semi-primitive non-motorized areas to provide isolation from the sights and sounds of humans, closeness to nature, tranquility, and self-reliance through the application of outdoor skills.

### **Research Natural Areas**

Research Natural Areas (RNAs) are set aside in perpetuity to preserve representative examples of specific botanic, aquatic, and geologic features, primarily for non-manipulative scientific and educational purposes. These areas contribute to the preservation of examples of significant natural ecosystems, provide genetic diversity, and protect habitats of threatened, endangered, or sensitive plant and animal species. ORV route designation in these areas would conflict with at least three management objectives for RNAs: 1) to protect against human-caused environmental disruptions, 2) to serve as reference areas for the study of natural ecological processes, and 3) to serve as a baseline for comparing results of manipulative research.<sup>61</sup> Furthermore, these areas are to be used “only for research and development, study, observation, monitoring, and those educational activities that do not modify the conditions for which the Research Natural Area was established.”<sup>62</sup> Therefore, we believe that ORV route designation is not appropriate in these areas.

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<sup>58</sup> Petition of the Governor of California to the U.S. Secretary of Agriculture for Protection of National Forest System Inventories Roadless Areas in the State of California, July 12, 2006 (pursuant to 36 C.F.R. 294.10 – 294.18)

<sup>59</sup> For a list of citizen-inventoried roadless areas, see: Henson, R., and P. Spitler. 2001. California’s Last Wild Places. California Wilderness Coalition.

<sup>60</sup> FSM 2311.11 – Exhibit 2

<sup>61</sup> FSM 4063.02

<sup>62</sup> FSM 4063.03

## **National Scenic Trails**

According to the National Trails Systems Act, “the use of motorized vehicles by the general public along any national scenic trail shall be prohibited.”<sup>63</sup> Forest Service policy states that National Scenic Trails “normally shall not be designed for motorized use, except where routed on Forest development roads or public roads.”<sup>64</sup> ORV routes should not cross the Pacific Crest National Scenic Trail, nor should they approach the trail to a distance whereby the enjoyment of this nationally significant scenic trail is compromised.

## **Wild and Scenic Rivers**

The Forest Service does not normally permit motorized travel on the trail system in the corridors of “Wild” rivers.<sup>65</sup> The federal regulations pertaining to “Scenic” or “Recreational” river areas state that motorized travel will be restricted or prohibited where necessary to protect the values for which the river area was designated. Motorized use will be prohibited if “the use causes, or is likely to cause, considerable adverse effects on the resource.”<sup>66</sup> The river corridors, according to regulations, “shall be administered in such manner as to protect and enhance the values which caused it to be included in said system.”<sup>67</sup> ORV routes should not be designated in Wild or Scenic River corridors and should be designated in Recreational corridors only after thorough consideration shows definitively that the potential for adverse effects is low. Furthermore, all studied eligible Wild and Scenic river segments must be reviewed for current ORV use and their NEPA status, and possible damage due to ORV use.

## **Riparian Conservation Areas**

Riparian Conservation Areas (consisting of a buffer of 600 feet for perennial streams and 300 feet for intermittent and ephemeral streams) are designated to minimize the risk of activity-related sediment entering aquatic systems and to minimize impacts to habitat for aquatic- or riparian-dependent plant and animal species. To avoid impacts to water quality and riparian-dependent wildlife, ORV routes should only be designated in riparian conservation areas if they will have minimal impact on riparian habitat or water quality.

## **Special Area Designations**

Responsible Officials in the Forest Service designate special Scenic, Geological, Botanical, Zoological, Paleontological, Historical, or Recreational Areas to protect and manage areas of unique value. ORV routes should not be designated in these areas, especially in Botanical or Zoological Areas where ORV use is generally not compatible with protection of unique plant and animal life. In accordance with policy, the Forest Service should “keep developments such as roads, trails, and other facilities to the minimum necessary for public enjoyment of the area ... [and] locate roads, trails, sanitary facilities, picnic grounds, and parking spaces without

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<sup>63</sup> 16 U.S.C. §§ 1246 (c)

<sup>64</sup> FSM 2353.42

<sup>65</sup> FSM 2354.42g and FSM 2354.41-Exhibit 01

<sup>66</sup> FSM 2354.42o

<sup>67</sup> Wild and Scenic Rivers Act; Federal Register revised guidelines (Sept. 7, 1982); Section 10(a)

disturbing the special features of the established area.”<sup>68</sup> ORV routes should not be designated in special areas.

### **Cultural Sites**

Routes should not be designated through or near cultural sites. Federal agencies are directed to “manage cultural resources as a nonrenewable resource to maintain their scientific, historical, and social integrity.”<sup>69</sup> Regulations require that the integrity of cultural sites should supersede route designation: “when a cultural resource is threatened by another resource activity, a reasonable effort should be made to redesign the activity in order to avoid damage or destruction to the property.”<sup>70</sup>

### **Endangered, Threatened, Sensitive, Game, and Management Indicator Species**

The Endangered Species Act (ESA) makes it unlawful for any person to “take” a listed species. Take is defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct” and includes “significant habitat modification or degradation that kills or injures wildlife by impairing essential behavioral patterns, including breeding, feeding, or sheltering.”<sup>71</sup> ORV use has been shown to cause stress in many animal species and often results in major changes in animal behavior and reduced reproductive success or survival.<sup>72</sup> ORV routes should not be designated where “take” of an endangered species may occur. In addition, ORV routes should not be designated in ESA designated critical habitat for threatened or endangered species (both aquatic and terrestrial). We will use the best ecological data available, as should the Forest Service, to make recommendations for ORV route designation with respect to each state and federal threatened, endangered, and proposed species, and also for Forest Service Sensitive, plan Watch List, big game, and Management Indicator species in each Forest.

### **Soil, Hydrology, and Slopes**

Soil is the foundation upon which all life in the forest grows. While all soils are vulnerable in some degree to compaction and erosion from ORV use,<sup>73</sup> certain soils are particularly erodible. ORV routes should not be designated in areas where the soil is classified as highly erodible (“severe” or “very severe”) by the Soil Conservation Service<sup>74</sup> or the Forest Service Manual on soil classification. Compaction is severe in wet, poorly-drained soils.<sup>75</sup> ORV routes should not be designated in wetlands, wet meadows, ephemeral ponds, shorelines, or other wet areas.

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<sup>68</sup> FSM 2372.4

<sup>69</sup> FSM 2361.03 (1)

<sup>70</sup> FSM 2361.21 (2)

<sup>71</sup> 16 U.S.C. 1532

<sup>72</sup> Joslin G. and H. Youmans. 1999. Effects of recreation on Rocky Mountain wildlife: a review for Montana. Committee on Effects of Recreation on Wildlife, Montana Chapter of the Wildlife Society.

<sup>73</sup> Dotzenko, A.D., N.T. Papamichos, and D.S. Romine. 1967. Effect of recreational use on soil and moisture conditions in Rocky Mountain National Park. *Journal of Soil and Water Conservation* 22:196-7.

<sup>74</sup> <http://websoilsurvey.nrcs.usda.gov/app/>

<sup>75</sup> Burde, J.H., and J.R. Renfro. 1986. Use impacts on the Appalachian Trail. Pages 138-143 in R.C. Lucas, editor. Proc. National wilderness research conference: current research. USDA Forest Service, Intermountain Research Station, General Technical Report INT-212, Ogden, UT, USA.

Routes that cause erosion in or otherwise damage riparian areas should be closed. Stream crossings should be kept to a minimum, and all crossing should be perpendicular to the stream, bridged whenever possible, and approaches armored to prevent sedimentation. The US Forest Service is the major landowner in the headwaters regions of most of the catchment basins in California. Land disturbing activities in these headwater sub-basins have direct, indirect, and cumulative effects on downstream uses. It is the responsibility of the Forest Service to avoid adversely affecting beneficial uses of water, such as for fisheries and human consumption. Furthermore, the Clean Water Act requires the implementation of Best Management Practices (BMPs)<sup>76</sup> for non-point sources that would result in water quality violations if they were not controlled. BMPs direct the Forest Service to identify areas where ORV routes cause, *or are likely to cause*, degradation of water quality.<sup>77</sup> The Clean Water Act also requires that states identify all water bodies that are “impaired” and establish the Total Maximum Daily Loads that these water bodies can assimilate and still meet water quality standards. Steep slopes are also especially susceptible to soil damage from ORV use. No routes should climb directly up hillsides and should rarely be in excess of 15% slope. The Forest Service’s policy paper on unmanaged motorized recreation calls mud bogging and hill climbs “thoughtless or irresponsible behavior.”

## **VI. Conclusion**

We look forward to reviewing the alternatives that you present in the EIS and urge you to analyze, include and prioritize our Primary Preferred Alternative. Thank you for taking the time to consider our comments.

Sincerely,

Christine Kassar  
Center for Biological Diversity  
PO Box 710  
Tucson, AZ 85702  
ckassar@biologicaldiversity.org

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<sup>76</sup> 33 U.S.C. § 1329

<sup>77</sup> Water Quality Management for Forest System Lands in California: Best Management Practices. USDA Forest Service – Pacific Southwest Region. September 2000.

Appendix A: System route designation proposal. The following routes should be closed to motor vehicle use at all times of the year.

Breckenridge Mountain Area

- 31E78 – Agency-inventoried roadless area, critical spotted owl habitat
- 32E51 – Agency-inventoried roadless area, Wild & Scenic River corridor
- 31E79 – Agency-inventoried roadless area
- 31E80 – Agency-inventoried roadless area
- 31E76 – Agency-inventoried roadless area, critical spotted owl habitat
- 32E47 – Agency-inventoried roadless area
- 32E48 – Agency-inventoried roadless area
- 32E49 – Agency-inventoried roadless area, Wild & Scenic River corridor
- 32E58 – Agency-inventoried roadless area
- 31E75 – Agency-inventoried roadless area
- 31E77 – Agency-inventoried roadless area

Greenhorn Mountains Area

- 33E23 – Agency-inventoried roadless area, proposed Boxer Wilderness Bill area
- 33E26 – Agency-inventoried roadless area, proposed Boxer Wilderness Bill area, critical spotted owl habitat
- 33E32 – Agency-inventoried roadless area, citizen-inventoried roadless area
- 32E39 – Agency-inventoried roadless area, citizen-inventoried roadless area, critical spotted owl habitat
- 32E42 – Agency-inventoried roadless area
- 32E56 – Agency-inventoried roadless area, critical spotted owl habitat
- 31E59 – Citizen-inventoried roadless area

Piute Mountains Area

- 34E40 – Semi-primitive non-motorized
- 34E31 – Agency-inventoried roadless area, citizen-inventoried roadless area, proposed Boxer Wilderness Bill area, critical spotted owl habitat
- 28S24D – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area, critical spotted owl habitat, critical willow flycatcher habitat
- 34E42 – Agency-inventoried roadless area, citizen-inventoried roadless area, proposed Boxer Wilderness Bill area
- 34E44 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area
- 34E45 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area
- 33E65 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area

Appendix B: Proposed unauthorized routes that should not be designated for motor vehicles and not placed on recreation maps. Resource conflicts are listed after the route numbers.

#### Greenhorn Mountains Area

U01135 – Citizen-inventoried roadless area, critical spotted owl habitat  
U01113 – Critical spotted owl habitat  
U01110 – Critical spotted owl habitat  
U01130 – Critical spotted owl habitat  
U01224 – Agency-inventoried roadless area  
25S21 – Critical spotted owl habitat  
U00130 – Critical spotted owl habitat  
U00129 – Critical spotted owl habitat  
25S27 – Critical spotted owl habitat  
25S19 – Critical spotted owl habitat  
25S38A – Critical spotted owl habitat  
U00124 – Critical spotted owl habitat  
U00224 – Critical spotted owl habitat  
U00424 – Critical spotted owl habitat  
U00223 – Critical spotted owl habitat, citizen-inventoried roadless area  
24S77 – Critical spotted owl habitat  
24S31 – Critical spotted owl habitat  
24S24 – Critical spotted owl habitat, mountain yellow-legged frog habitat  
24S08 – Critical spotted owl and northern goshawk habitat  
24S86 – Wolverine occurrence

#### Breckinridge Mountain Area

28S08A – Citizen-inventoried roadless area  
U01033 – Citizen-inventoried roadless area  
U01032 – Citizen-inventoried roadless area  
U01035 – Citizen-inventoried roadless area  
U01036 – Citizen-inventoried roadless area  
U01055 – Agency-inventoried roadless area  
U01051 – Agency-inventoried roadless area  
28S09 – Agency-inventoried roadless area  
28S09A – Agency-inventoried roadless area  
27S37 – Wild & Scenic River corridor  
28S19 – Citizen-inventoried roadless area, spotted owl critical habitat  
27S10 – Wild & Scenic River corridor  
U01184 – Wild & Scenic River corridor  
U01202 – Agency-inventoried roadless area  
U01201 – Agency-inventoried roadless area  
U01150 – Agency-inventoried roadless area  
U01158 – Agency-inventoried roadless area

U01185 – Agency-inventoried roadless area  
U01149 – Agency-inventoried roadless area, critical spotted owl habitat  
U01145 – Agency-inventoried roadless area, critical spotted owl habitat  
26S24 – Critical spotted owl habitat  
U00135 – Critical spotted owl habitat  
U01132 – Agency-inventoried roadless area, critical spotted owl habitat

#### Piute Mountains Area

U00251 – Critical spotted owl habitat  
U00351 – Critical spotted owl habitat  
29S02 – Critical spotted owl habitat  
U00054 – Critical spotted owl habitat  
U00051 – Critical spotted owl habitat  
U00111 – Check with Botanists for location of Palmer’s Mariposa Lily  
U00015 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area, check with Botanists for location of Palmer’s Mariposa Lily  
U00045 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area, check with Botanists for location of Palmer’s Mariposa Lily  
U00145 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area, check with Botanists for location of Palmer’s Mariposa Lily  
U00220 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area  
U00049 – Citizen-inventoried roadless area, agency-inventoried roadless area, proposed Boxer Wilderness Bill area  
U00008 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area  
U00149 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area  
U00310 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area  
U00410 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area  
U00035 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area  
U00510 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area  
U00110 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area  
U00152 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area  
U00052 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area  
U00009 – Citizen-inventoried roadless area, agency-inventoried roadless area, proposed Boxer Wilderness Bill area  
U00138 – Citizen-inventoried roadless area, agency-inventoried roadless area, proposed Boxer Wilderness Bill area  
U00131 – Citizen-inventoried roadless area, agency-inventoried roadless area, proposed Boxer Wilderness Bill area  
U00831 – Citizen-inventoried roadless area, agency-inventoried roadless area, proposed Boxer Wilderness Bill area  
U00231 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area  
U00731 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area  
28S24C – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area  
U00544 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area  
U00444 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area

U00532 – Citizen-inventoried roadless area, agency-inventoried roadless area, proposed Boxer Wilderness Bill area, critical spotted owl habitat  
U00062 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area  
U00531 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area  
U00331 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area  
27S02E – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area  
U00150 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area  
28S44 – Critical spotted owl habitat  
27S02F – Agency-inventoried roadless area, proposed Boxer Wilderness Bill area  
27S02D – Critical spotted owl habitat  
U00166 – Critical spotted owl habitat  
28S04 – Citizen-inventoried roadless area, agency-inventoried roadless area, proposed Boxer Wilderness Bill area, critical goshawk habitat  
28S04A – Agency-inventoried roadless area, proposed Boxer Wilderness Bill area  
U00162 – Agency-inventoried roadless area, proposed Boxer Wilderness Bill area  
U00163 – Agency-inventoried roadless area, proposed Boxer Wilderness Bill area

#### Appendix C: Cross-country exceptions for dispersed camping or big game retrieval

In designating routes, the responsible official has some latitude to “include in the designation the limited use of motor vehicles within a specific distance of certain designated routes, and if appropriate within specified time periods, solely for the purposes of dispersed camping or retrieval of a downed big game animal by an individual who has legally taken that animal.”<sup>78</sup> In former Chief Bosworth’s memo entitled “Implementation of the Travel Management Rule,”<sup>79</sup> he directs officials to apply the rule “sparingly” rather than issue blanket exceptions. We oppose any broad exceptions that allow cross-country travel to camp or retrieve big game. These exceptions would make enforcement of authorized routes difficult if not impossible and would lead to wide swaths of impact, as motorized use would be authorized off the road and/or trail at any point along the route system. The Forest Service is having difficulty adequately maintaining the route systems currently in place, and allowing users to travel off of a route to access a camping spot or retrieve a big game animal would likely result in a proliferation of unauthorized routes and, therefore, create additional management difficulties.

Permitting unrestricted cross-country travel to dispersed camp sites will create routes that are routinely and repeatedly used by motorized vehicles, leading to the creation of more routes. This will further the existence of unmanaged motorized recreation on our public forest lands, damaging forest resources and diminishing the forest experience for non-motorized users.

Although hunting is a legitimate use of Forest Service lands, allowing an exception to the ban on cross-country travel for big game retrieval will create enforcement problems and likely result in more user conflicts and resource damage. Additionally, permitting cross-country travel for big game retrieval will increase motorized access to comparatively secure big game habitat, to the detriment of the big game species as well as other wildlife. If the agency sidesteps its responsibility to close forests to cross-country travel by authorizing an exception, much of the problem that the Travel Management Rule aims to fix will be allowed to continue. For these reasons, the California Department of Fish and Game also does not support the limited use of cross-country travel for big game retrieval.<sup>80</sup>

While we value the freedom to camp and hunt in national forests and want to maintain that freedom to the degree that it is sustainable, we do not feel restricting vehicles to designated roads, trails and areas will, in any way, dramatically affect the public’s ability to enjoy America’s public forest lands. Allowing cross-county travel for any reason, other than protection of life, property or specifically authorized, permitted special uses such as grazing improvement maintenance, is counter to the very notion of establishing a designated route network. We fear it will create a good deal of confusion among the public, confound ranger attempts at consistent enforcement and lead to an ever expanding network of motorized roads and trails across public forest lands. Consequently, we oppose exemptions for cross-country motorized travel for dispersed camping or retrieval of big game.

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<sup>78</sup> 36 C.F.R. § 212.51 (b)

<sup>79</sup> referenced in the June 8, 2006 letter “Travel management, Schedule for Implementation”

<sup>80</sup> USFS – Pacific Southwest Region Dispersed Camping & Game Retrieval Guidance, May 3, 2007.

In order to achieve an appropriate balance of uses and continue to protect the resources on California's National Forests, we recommend that you adopt the following policy regarding motorized vehicle use associated with dispersed camping and big game retrieval.

1. Prohibit cross-country motorized travel for big game retrieval and dispersed camping
2. Restrict motor vehicle travel for dispersed camping and big game retrieval as follows:

Forest visitors may park their motor vehicle within one vehicle length from the edge of the road or trail surface when it is safe to do so, does not result in damage to forest resources, and is not disallowed in forest-specific orders or plans.

Parking motor vehicles along Forest Service roads and/or trails is not directly addressed by the Travel Management Rule. However, areas where parking is permitted would need to be included in the route analysis process. An analysis of both the appropriate uses of a route and the environmental impacts of that route must each take into account the broader area of use associated with off-route parking.



## Sequoia Task Force

P. O. Box 723  
Porterville CA 93257

July 16, 2007

*sent via email and USPS*

Chris Sanders  
Sequoia National Forest  
1839 South Newcomb Street  
Porterville, CA 93257

Re: Notice of Intent to prepare an Environmental Impact Statement for wheeled motorized travel management in the Sequoia National Forest, California

Dear Mr. Sanders:

Please accept these comments on behalf of the Sierra Club's Sequoia Task Force, Sequoia ForestKeeper, and the Tule River Conservancy. Additional comments were submitted on our behalf and others by Mr. Brent Schoradt of the California Wilderness Coalition. Please consider the contents of both of these letters as our official comments to your scoping letter in this matter.

1. We urge you to modify your statement of *Purpose and Need* to more accurately reflect the intent of the Travel Management Rule. This issue is more fully addressed in the letter submitted on our behalf by Mr. Schoradt; in brief, you need to address the need to eliminate motorized cross-country travel, move to a system of designated roads, address degradation of many resources identified through Travel Analysis, identify the minimum road system needed, identify roads that should be decommissioned, provide opportunities for both motorized and non-motorized recreation within the carrying capacity of the land, determine your limitations for maintenance and enforcement, and address safety concerns, user conflicts, and lost quiet recreational opportunities given current trends for greatly increased motorized uses.
2. The Plan must address ALL trails and ALL trail user groups, the conflicts between them, the trails available to each separately and shared in order to comply with NEPA, LMP, and MSA direction. Both the 1988 LMP and the MSA point to a forestwide Trail Plan to guide trail use across the Forest. A Trail Plan was written, but it was woefully inadequate, rescinded by the Regional Forester after appeal and officially withdrawn by the Forest Supervisor. Thus there is

no Forestwide trail direction. Planning each geographical area of the Forest separately is piecemeal planning; WORSE, to plan each geographic area of the Forest separately by trail user groups is unacceptable. There must be a full disclosure of how ORV use fits into a forestwide recreational strategy and a forestwide recreational trail system that meets the requirements of the NFMA and USFS planning guidelines for balanced recreational opportunities and considers conflicts between users and equal distribution of funding.

3. We note that none of your trail mileage charts indicate the number of trail miles for each area that is NOT motorized off-road vehicle trail miles. Are there any trails that are set aside only for non-motorized users? Shared trails are NOT truly shared: from many interviews with horse riders and hikers we find that once ORV's use a trail, other users stop – not merely because of the dust and noise but because of serious safety issues and literally no enforcement of regulations. A hiker may venture up an ORV trail, but he/she will do so only once. You must identify a reasonable number of trails that are off-limits to ORV's to achieve a balanced recreational program. While this issue may not fall within the current Purpose and Need for your project, it certainly is within the range of impacts that you need to address and consider prior to making your decision. Your EIS will not be complete without full disclosure of the distribution of trail user designations including the impacts of ORV designation on other recreational users and on the historic opportunities for primitive, natural recreation.
4. We strongly oppose legitimizing –giving amnesty- to the many miles of illegally created motorized ORV trails. That these trails exist at all is evidence that Sequoia National Forest cannot enforce its regulations prohibiting off-trail trespass. These user-made trails were not planned with any public input or agency review of the environmental consequences of their location and use. With only rare exceptions, none of these illegal trails should now be included in the Forest's ORV trail system.
5. We are strongly in favor of protection of the existing Semi-Primitive Non-Motorized areas. We are opposed to changing the designation of this area to motorized. While the MSA says that a motorized trail through Dry Meadow in the north end of the Piute mountains can be considered, we believe that true consideration must include a thorough analysis of the direct, indirect, and cumulative impacts on a full range of issues. You need to consider soils, erosion, plant and animal species, terrain, sensitive archaeological and sacred sites, and the ability of your agency to monitor and enforce regulations. ORV use has greatly increased in the nearly two decades since the signing of the MSA; we believe that allowing ORV routes through this area will cause unacceptable significant impacts to many valuable forest resources and to public safety.
6. Allowing motorized ORV use in roadless areas may compromise or damage the area's Wilderness potential. ORV routes become much wider than non-ORV trails, often becoming de facto roads. The Dry Meadow area is in a candidate Wilderness Area in a Bill introduced by California Senator Barbara Boxer. If you proceed with this concept, you must address the full range of impacts to the Wilderness character and potential of this area.
7. All areas where ORV trails will be authorized where they were not previously authorized should be inventoried for rare and sensitive flora and fauna so that routes can be prohibited where they would cause unacceptable damage and the impacts of allowing such travel can be assessed.

8. The 1990 MSA indicates that the former California Riding and Hiking Trail would be addressed in the Trail Plan. There is no Trail Plan. The portion of this trail within Sequoia National Forest ran the length of the Western Divide to the Greenhorn Mountains, crossed the Kern River Valley, and continued into the Piute Mountains. Some of it is known today as the Summit Trail. You should identify this historical trail's route and protect it as a non-ORV trail. Several members of our organizations have personally hiked and ridden our horses on this trail. It is important to us personally that this trail's continuity be restored.
9. Provisions of the MSA that need to be followed include: "Manage recreation activities by location and period of use based on wildlife needs (e.g., excluding incompatible use from key areas during fawning and/or nesting)" and "Remove trails from meadows wherever necessary to protect meadow resources." These provisions are particularly important when the trail users are driving fast, noisy machines with tires that can dig huge ruts in flooded riparian areas or in erosive soils -- in contrast to trail users walking on Nikes. Current ORV trails that are causing or have the potential to cause resource damage should be closed to ORV use or relocated as feasible. ORV trails by potential deer fawning areas should be closed to all vehicular travel during fawning.
10. There are many cumulative impacts that must be assessed and disclosed prior to officially designating any route through the forest whether previously authorized or not. One of the many predictable and direct impacts from the designation of a trail results from the current Sequoia National Forest Hazard Tree Removal Policy wherein so-called hazard trees are removed from a width equal to 1.5 times the length of the trees (up to 200 feet) on both sides of trails along the full length of the trail. These so-called hazard trees are usually of large diameter. Often they are not dead but merely have some characteristic or flaw that meets the criteria to be marked for removal; obviously, any tree in the forest can fall unexpectedly whether it is dead, damaged, or living, so the current hazard tree policy does not follow common sense. Regardless, this current policy will result in the repeated removal of hundreds, even thousands of trees along every mile of trail that is officially designated. This impact on the forest and its species must be quantified and disclosed for each Alternative.
11. Our recommendation for the removal of so-called hazard trees along trails is very simple: If a tree is dead or clearly dying and actually leaning down over a trail, it should be felled and left in place, OR, depending on the terrain, the trail can be rerouted to go around the other side of the tree. Often this is the simplest approach. If a trail is blocked by a tree lying across the trail, the tree section blocking the trail should be cut and moved to a short distance from the trail. We do not support the systematic removal of all trees that might possibly eventually fall across remote forested trails away from developed facilities. If the Forest is concerned about the remote possibility that a tree might fall and hit a trail user, signs warning of such could be posted along with warnings about the possibility of bears, wildcats, rattlesnakes, bulls, rabid bats, Rocky Mountain spotted fever, Tularemia, slippery rocks, drowning in rivers, hypothermia, and lightning: many of these are more common dangers than falling trees.
12. The approximate 50 feet on both sides of trails are impacted by the existence of a trail because people leave the trail for picnicking, resting, camping, or going to the bathroom. When the users are on machines, the impacted width greatly increases. Thus each ORV trail will create a swath of impacted forest of far greater width than the trail tread itself. This impact needs to be

addressed.

13. The No-Action Alternative should reflect the existing authorized ORV network, not the existing unlawful trespass. The existing ORV trail network, IF ENFORCED, would have far less impact on the forest than the expansion you are proposing. Legitimizing illegal use of the Forest may make it appear that there will be less trespass --just as legitimizing use of drugs may result in fewer arrests for drug use -- but the impacts continue and will accelerate over the years as more users arrive and create still more illegal trails.
14. There is NO need to provide more ORV or other vehicular access for camping. There are more than 2000 miles of roads on this Forest. The road density of this Forest exceeds guidelines in many areas. It would seem likely that the existing road vehicle mileage can accommodate sufficient access to the forest for vehicular camping.
15. We see no mention of snowmobiling trails or routes, yet such are motorized ORV uses. Will snowmobiling routes be identified in this document? If so, you will need a thorough analysis of designating such routes on forest species as well as impacts to non-motorized winter recreation.
16. Public safety and enforcement of laws and regulations is of great concern to us. Reckless off-roading is a growing problem on Federal lands everywhere, and with California's burgeoning population, it is something the Forest Service needs to anticipate and plan for now. On Western public lands, off-roading is now the predominant demand on law enforcement time. Problems range from violations of no-off trail travel rules to near riots in areas where ORVers ride 24 hours a day. A report from the Public Employees for Environmental Responsibility (PEER) indicates that from 2004 through the first half of 2007, for the five- state area of California, Arizona, Nevada, New Mexico and Utah, BLM shows more than 6,600 off-road violations for hit and run, reckless driving, and other crimes, more than twice the number of DUI incidents involving off-road vehicles than for autos; and more than 2,300 incidents of illegal off-roading on closed trails or off-limit areas. Since many ORV trails are virtually unsupervised, violations occur far more often than citation numbers would indicate. The bottom line is that no ORV trails or other facilities should be designated and approved unless enforcement of regulations can be assured.
17. There are safety issues that do not involve crime but result from user conflict and lack of common sense. When one user group sees recreation as racing on a trail as fast as their engines will allow, or driving downhill faster than they can brake to a stop, lives are in jeopardy. Not only do such habits deprive others of the right to breathe clean air, hear the sounds of the forest, and see a variety of undisturbed wildlife, unsafe speed and treating mountains as obstacle courses can run down pedestrians and cause horses to panic and bolt or buck off their riders. Helmeted and goggled drivers may be safer themselves, but they do not look for other users, cannot hear them shout to stop and thus they make the trails unsafe for anyone but themselves. No trail should be designated for ORV use unless enforcement safety regulations can be assured. If users consistently violate regulations on specific trails or specific areas, then the trails or areas should lose their ORV designations and strict fines should be imposed for ORV trespass. We underline the need for a fair number of trails identified for hikers and equestrians that are off-limits to ORV's.

18. You need to disclose the source(s) of funding for the writing of this Plan, the sources of funding you will rely on for maintenance, monitoring, and enforcement, the likelihood of a shortfall of funding, and how you will mitigate any such shortfalls without allowing resources or public safety to suffer.
19. We support a sound Sequoia National Forest ORV trail system that is carefully designed and thought out and based on thorough analysis. We support a minimum transportation system that is streamlined, non-redundant, efficient, and capable of being maintained, and monitored with safety regulations enforced.

We urge you to NOT legitimize the many miles of illegally created ORV trails, to CLOSE any existing ORV route that is causing resource damage or endangering the public, to NOT change the Semi-Primitive Non-Motorized area to motorized, and to have a balanced trail system so that all users can find trails to use without harming resources or each other and can enjoy what the forest offers best: a recreational experience in a natural forest ecosystem.

Sincerely,

Carla Cloer  
Chairman  
Sierra Club/Sequoia Task Force  
cac@ocsnet.net

And

Ara Marderosian,  
Executive Director  
Sequoia ForestKeeper  
P.O. Box 2134  
Kernville, CA 93238-0988  
(760) 376-4434  
ara@sequoiaforestkeeper.org

Cc: Catherine Dinwiddie, Tule River Conservancy

**Attachment: Proposed ORV routes that we do not want designated for ORV use.**

**The following routes should be closed to motor vehicles at all times.  
Resource conflicts are listed after the route numbers.**

**Breckenridge Mountain Area**

- 31E78 – Agency-inventoried roadless area, critical spotted owl habitat
- 32E51 – Agency-inventoried roadless area, Wild & Scenic River corridor
- 31E79 – Agency-inventoried roadless area
- 31E80 – Agency-inventoried roadless area
- 31E76 – Agency-inventoried roadless area, critical spotted owl habitat
- 32E47 – Agency-inventoried roadless area
- 32E48 – Agency-inventoried roadless area
- 32E49 – Agency-inventoried roadless area, Wild & Scenic River corridor
- 32E58 – Agency-inventoried roadless area
- 31E75 – Agency-inventoried roadless area
- 31E77 – Agency-inventoried roadless area

**Greenhorn Mountains Area**

- 33E23 – Agency-inventoried roadless area, proposed Boxer Wilderness Bill area
- 33E26 – Agency-inventoried roadless area, proposed Boxer Wilderness Bill area, critical spotted owl habitat
- 33E32 – Agency-inventoried roadless area, citizen-inventoried roadless area
- 32E39 – Agency-inventoried roadless area, citizen-inventoried roadless area, critical spotted owl habitat
- 32E42 – Agency-inventoried roadless area
- 32E56 – Agency-inventoried roadless area, critical spotted owl habitat
- 31E59 – Citizen-inventoried roadless area

**Piute Mountains Area**

- 34E40 – Semi-primitive non-motorized
- 34E31 – Agency-inventoried roadless area, citizen-inventoried roadless area, proposed Boxer Wilderness Bill area, critical spotted owl habitat
- 28S24D – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area, critical spotted owl habitat, critical willow flycatcher habitat
- 34E42 – Agency-inventoried roadless area, citizen-inventoried roadless area, proposed Boxer Wilderness Bill area
- 34E44 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area
- 34E45 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area
- 33E65 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area

**The following proposed unauthorized routes should NOT be designated for motor vehicles and not placed on recreation maps. Resource conflicts are listed after the route numbers.**

**Greenhorn Mountains Area**

U01135 – Citizen-inventoried roadless area, critical spotted owl habitat  
U01113 – Critical spotted owl habitat  
U01110 – Critical spotted owl habitat  
U01130 – Critical spotted owl habitat  
U01224 – Agency-inventoried roadless area  
25S21 – Critical spotted owl habitat  
U00130 – Critical spotted owl habitat  
U00129 – Critical spotted owl habitat  
25S27 – Critical spotted owl habitat  
25S19 – Critical spotted owl habitat  
25S38A – Critical spotted owl habitat  
U00124 – Critical spotted owl habitat  
U00224 – Critical spotted owl habitat  
U00424 – Critical spotted owl habitat  
U00223 – Critical spotted owl habitat, citizen-inventoried roadless area  
24S77 – Critical spotted owl habitat  
24S31 – Critical spotted owl habitat  
24S24 – Critical spotted owl habitat, mountain yellow-legged frog habitat  
24S08 – Critical spotted owl and northern goshawk habitat  
24S86 – Wolverine occurrence

**Breckinridge Mountain Area**

28S08A – Citizen-inventoried roadless area  
U01033 – Citizen-inventoried roadless area  
U01032 – Citizen-inventoried roadless area  
U01035 – Citizen-inventoried roadless area  
U01036 – Citizen-inventoried roadless area  
U01055 – Agency-inventoried roadless area  
U01051 – Agency-inventoried roadless area  
28S09 – Agency-inventoried roadless area  
28S09A – Agency-inventoried roadless area  
27S37 – Wild & Scenic River corridor  
28S19 – Citizen-inventoried roadless area, spotted owl critical habitat  
27S10 – Wild & Scenic River corridor  
U01184 – Wild & Scenic River corridor  
U01202 – Agency-inventoried roadless area  
U01201 – Agency-inventoried roadless area  
U01150 – Agency-inventoried roadless area  
U01158 – Agency-inventoried roadless area

- U01185 – Agency-inventoried roadless area
- U01149 – Agency-inventoried roadless area, critical spotted owl habitat
- U01145 – Agency-inventoried roadless area, critical spotted owl habitat
- 26S24 – Critical spotted owl habitat
- U00135 – Critical spotted owl habitat
- U01132 – Agency-inventoried roadless area, critical spotted owl habitat

### **Piute Mountains Area**

- U00251 – Critical spotted owl habitat
- U00351 – Critical spotted owl habitat
- 29S02 – Critical spotted owl habitat
- U00054 – Critical spotted owl habitat
- U00051 – Critical spotted owl habitat
- U00111 – Check with Botanists for location of Palmer’s Mariposa Lily
- U00015 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area, check with Botanists for location of Palmer’s Mariposa Lily
- U00045 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area, check with Botanists for location of Palmer’s Mariposa Lily
- U00145 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area, check with Botanists for location of Palmer’s Mariposa Lily
- U00220 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area
- U00049 – Citizen-inventoried roadless area, agency-inventoried roadless area, proposed Boxer Wilderness Bill area
- U00008 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area
- U00149 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area
- U00310 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area
- U00410 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area
- U00035 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area
- U00510 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area
- U00110 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area
- U00152 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area
- U00052 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area
- U00009 – Citizen-inventoried roadless area, agency-inventoried roadless area, proposed Boxer Wilderness Bill area
- U00138 – Citizen-inventoried roadless area, agency-inventoried roadless area, proposed Boxer Wilderness Bill area
- U00131 – Citizen-inventoried roadless area, agency-inventoried roadless area, proposed Boxer Wilderness Bill area
- U00831 – Citizen-inventoried roadless area, agency-inventoried roadless area, proposed Boxer Wilderness Bill area
- U00231 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area
- U00731 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area
- 28S24C – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area
- U00544 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area
- U00444 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area
- U00532 – Citizen-inventoried roadless area, agency-inventoried roadless area, proposed Boxer Wilderness Bill area, critical spotted owl habitat

U00062 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area  
U00531 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area  
U00331 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area  
27S02E – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area  
U00150 – Citizen-inventoried roadless area, proposed Boxer Wilderness Bill area  
28S44 – Critical spotted owl habitat  
27S02F – Agency-inventoried roadless area, proposed Boxer Wilderness Bill area  
27S02D – Critical spotted owl habitat  
U00166 – Critical spotted owl habitat  
28S04 – Citizen-inventoried roadless area, agency-inventoried roadless area, proposed Boxer  
Wilderness Bill area, critical goshawk habitat  
28S04A – Agency-inventoried roadless area, proposed Boxer Wilderness Bill area  
U00162 – Agency-inventoried roadless area, proposed Boxer Wilderness Bill area  
U00163 – Agency-inventoried roadless area, proposed Boxer Wilderness Bill area

For Immediate Release: Wednesday, July 11, 2007

Contact: Daniel Patterson (520) 906-2159; Mark Sokolove (703) 302-8382;  
Carol Goldberg (202) 265-7337

## **OFF-ROADING BECOMING MONSTROUS LAW ENFORCEMENT HEADACHE**

### **Off-Road Crime Outstripping All Other Violations Combined on Public Lands**

TUCSON -- Off-roading violations account for the lion's share of law enforcement problems on federal lands, according to official crime statistics released today by Public Employees for Environmental Responsibility (PEER). Figures from the U.S. Bureau of Land Management (BLM) indicate that incidents involving off-road vehicles are not only the biggest drain on rangers' resources but, nationally and in the Western U.S., generate more law enforcement citations than all other criminal activity combined.

"Off-roading is the biggest law enforcement problem on public lands today," said Ed Patrovsky, a retired 25-year National Park Service and BLM Law Enforcement Ranger and a member of a new coalition called Rangers for Responsible Recreation organized by PEER. "Lawless and inappropriate off-roading causes significant environmental damage, as well as reducing recreational opportunities."

BLM statistics obtained by PEER under the Freedom of Information Act indicate that off-roading is now the predominant demand on law enforcement time, particularly in the West. For the five-state area of California, Arizona, Nevada, New Mexico and Utah, BLM numbers for 2004-07 show -

- More than 6,600 off-road violations for hit and run, reckless driving, and other crimes;
- More than twice the number of DUI incidents involving off-road vehicles than for autos; and
- More than 2,300 incidents of illegal off-roading on closed trails or off-limit areas;
- Nationally, there were more than 5,400 law enforcement incidents involving off-road vehicles on BLM lands compared to roughly 900 incidents involving drug enforcement - the next highest category, during 2005, the latest year for which national numbers are available.

"The irresponsible use of off-road vehicles on our public lands is one of the greatest challenges facing land managers today," commented Bob Abbey, the retired BLM - Nevada Director. "There appears to be a total disregard by many off-roaders of the impacts from their actions."

In addition to thousands of off-roaders plowing through restricted areas or ignoring trail markers, off-roaders pose an increasing fire danger in the drought-stricken West. For example, the five-state BLM statistics show more than 100 spark arrestor violations, which increase the chance of wildfires

"It is clear that the off-road community has no capacity for self-policing because irresponsible off-roading is now totally out of control," stated Southwest PEER Director Daniel Patterson, an ecologist who formerly worked with BLM. "Off-road vehicle problems cannot simply be blamed on just a 'few bad apples'- as industry apologists try to do. America needs stronger penalties to deter reckless off-roading."

Rangers for Responsible Recreation are urging much tougher penalties for off-road violations, as well as law enforcement funding devoted to stemming the avalanche of problems occasioned by reckless off-roading. In addition, the coalition is urging Congress to conduct reviews aimed at establishing the true financial and environmental tolls that off-roading is wreaking on America's public lands.

July 16, 2007

*sent via email*

Chris Sanders  
Sequoia National Forest  
1839 South Newcomb Street  
Porterville, CA 93257

Re: Notice of Intent to prepare an Environmental Impact Statement for wheeled motorized travel management in the Sequoia National Forest, California

Dear Mr. Sanders:

We appreciate the opportunity to comment on the Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) associated with wheeled motorized travel management in the Kern River and Hot Springs Districts of the Sequoia National Forest. You are also receiving a comment letter today from a number of other co-signing environmental organizations (copy attached to this letter). We incorporate that entire letter herein as if it were our own, with the following exceptions and/or changes:

1. We oppose the designation of areas for OHV use, which can cause too much damage.
2. We oppose allowing any parking on the sides of trails, and would suggest that parking roadside be limited to one vehicle width, rather than length.
3. The parking issue is not purely about environmental protection, but also a safety concern, as hot mufflers parked over flammable grasses could cause wildfires.
4. We oppose transitioning any user-created trails into designated trails.
5. We are concerned that the creation of additional designated roads and trails will result in more hazard tree removal projects, as there will be additional areas where safety issues can be raised in relation to falling trees. This potential impact should be addressed in the EIS.

Thank you in advance for considering our concerns, raised above and in the attached letter. Please direct any future correspondence regarding this and any other projects to both addresses below.

Sincerely,

Kalyani Robbins  
Legal Director  
Sequoia ForestKeeper

4 Touchstone Drive #126  
Lake Oswego, OR 97035  
(760) 350-9703

P.O. Box 2134  
Kernville, CA 93238-0988  
(760) 376-4434

Sequoia ForestKeeper  
P.O. Box 2134,  
Kernville, CA 93238  
(760) 376-4434  
[www.sequoiaforestkeeper.org](http://www.sequoiaforestkeeper.org)

3 September 2007

State of California Off-Highway Motor Vehicle Recreation Commission  
Attn: Commissioners Paul Spitler, Judith Anderson, Gary Willard, Harold Thomas, Mark  
McMillin, and John Brissenden  
PO Box 942896 - Sacramento, CA 94296-0001  
Tel: (916) 324-5801  
Fax: (916) 324-0271  
E-Mail: [ohvinfo@parks.ca.gov](mailto:ohvinfo@parks.ca.gov)

Dear Commission Members;

RE: Grant Proposal for OHV funding from Sequoia National Forest

Thank you for providing the opportunity to comment on the grant proposal from Sequoia National Forest. This comment is from Sequoia Forest Keeper and from the Kern-Kaweah Chapter of the Sierra Club, to whose members trail use in Sequoia National Forest (Sequoia) is a primary concern.

The Sequoia National Forest is submitting a grant application to the State of California Off-Highway Motor Vehicle Commission (<http://www.fs.fed.us/r5/sequoia/recreation/ohv>), supposedly to help maintain and enhance the Forest's existing off-highway vehicle (OHV) system of routes and trails and to maintain facilities that support OHV riders.

However, Sequoia is proposing to enlarge its OHV system, so, if the OHV Commission approves grant funding for Sequoia, funding would be used to enlarge the existing OHV system. Below and attached is more detailed discussion in this regard.

Sequoia states that the "funding will be used for facility operation and maintenance, informational signing, conservation including monitoring for resource-protection and wildlife habitat, trail maintenance, planning, and law enforcement in OHV areas. Sequoia is also requesting grant funding for OHV safety and education materials and support.

While we are in favor of all of these attributes that Sequoia claims can be accomplished with the grant funding, we have concerns about the inability of Sequoia's proposed OHV route designation plan to accomplish these goals with the additional trails Sequoia proposes for inclusion in the plan (see below). We are especially concerned that

Sequoia's proposed OHV route designation plan will not encourage conservation and resource-protection of wildlife habitats.

Sequoia claims that the grant is "vital to providing public facilities, services, resource protection, and conservation projects for public benefit related to motorized recreation vehicle use.

Based on the resource damage caused by Sequoia's existing OHV route system, Sequoia's proposal to increase OHV trails and areas would not produce resource protection and conservation, because of increased motorized recreation vehicle use.

### **Concern about Sequoia adding to its financial burden by designating and legitimizing new user-created OHV routes**

Sequoia National Forest should not even be considering adding to their financial burden by designating and legitimizing new routes. No user-created OHV routes should be legitimized, especially the route Sequoia proposes to designate as part of the OHV system through Dry Meadow in the roadless area in the Piute Mountains. Sequoia's proposed OHV route designations plan is absolutely not a plan the OHV Commission should be funding for the reasons stated herein and in the attached comment letters, which oppose Sequoia's Route Designation plan and which are included herein in their entirety, by reference.

### **Concern about approving a grant that would allow Sequoia National Forest to designate user-created ORV trails in inventoried roadless areas**

Sequoia has not been able to manage the OHV system of trails currently in existence, so an expanded system would fall into greater disrepair causing increased resource damage. We do not support providing granting funds to Sequoia, because Sequoia's proposal would designate user-created ORV trails in inventoried roadless areas. Sequoia's OHV trails have caused resource damage in the past and expanding Sequoia's OHV trail system will only cause more damage to these habitats in the future. Sequoia's proposal to approve user-created OHV trails in inventoried roadless areas should not be supported by OHV Commission funding.

### **Other Concerns with approving a grant to Sequoia National Forest**

Sequoia's route designation plan is unacceptable for several other reasons.

1. Sequoia proposes designating whole areas as open to OHV travel. We oppose the designation of areas for OHV use, which can cause too much damage.
2. Sequoia proposes permitting vehicular parking perpendicular to trails, which could cause resource damage equivalent to two vehicle lengths along each trail. We oppose allowing any parking on the sides of trails, and would suggest that parking be limited to only along roadsides, which should be limited to one vehicle width, rather than length.

3. The parking issue is not purely about environmental protection, but also a safety concern, because hot mufflers parked over flammable grasses can cause and have caused wildfires.
4. Sequoia proposes designating user-created trails as part of Sequoia's OHV route system. We oppose transitioning any user-created trails into designated trails.
5. We are concerned that the creation of additional designated roads and trails will result in the removal of many trees that will be declared a hazard and sold to the timber industry. More hazard tree removal projects will open the forest canopy and dry and warm the forest, which will cause more intense wildfires. Sequoia proposes designating new trails even though there are already hundreds of miles of trails in Sequoia. Also, Sequoia has written regulations that authorize managers to remove trees, so-called 'hazard trees', from the forest if they are dead or dying, supposedly to protect the public from injury or death from a tree. We oppose this excuse for logging trees and selling them to the timber mill. Dead trees are an essential component of a natural forest, which are required for habitat, nesting, moisture retention, wind resistance, and shade, and make up the natural fire prevention components of a closed canopy forest. Dying trees are the part of the forest ecosystem from which future soil nutrients are created to grow future trees, so the forest can sustain itself, naturally. The cumulative impacts of hazard tree removal following trail designation must be studied for the damage this could cause to the forest ecosystem and the human environment. These potential impacts should not be encouraged, supported, or paid for with a grant from the OHV Commission.

In addition to the concerns with Sequoia's grant application listed above, the OHV Commission should consider our additional concerns, which are particularly relevant to this funding issue. Sequoia's proposed Route Designation plan would:

6. Increase motorized system route density throughout the planning area,
7. Add dozens of new routes in sensitive wildlife habitat,
8. Legitimizes illegal behavior by designating user-created routes, and
9. Changes the classification of 5,500 acres of roadless land from semi-primitive non-motorized to semi-primitive motorized. Sequoia's documents actually say the land classification will become "semi-private."

Overall, Sequoia's current proposal is focused too much on designating unauthorized routes and not enough on assessing the environmental impacts of existing system routes.

If Sequoia desperately needs grant funding to be able to maintain and enforce their ORV system, they should not be considering adding to their financial burden by designating and legitimizing new routes and areas. These logical and obvious issues and concerns cannot be ignored by the OHV Commission.

The OHV Commission should consider the issues we outline, regarding Sequoia National Forest, in a broader context, because these issues may not just be in Sequoia's funding application, but they may also be included in requests for grant funding from other national forests, including the Cleveland National Forests. The Commission should

investigate applications from other National Forests to see if other forests are in similar situations.

While Sequoia may need State grant funds to maintain and manage its OHV system, we demand removal of these objectionable concerns from Sequoia's proposal as written. We could only give our support for Sequoia's grant request, if funding were focused on monitoring and enforcement.

Please place our letter of concern into the file for Sequoia's grant application along with the attachments to this letter.

Mr. Ara Marderosian,  
Executive Director  
[ara@sequoiaforestkeeper.org](mailto:ara@sequoiaforestkeeper.org)

Attachments: comment letter regarding Sequoia National Forest's OHV Route Designation System

- 1 - 070715-7.KASSAR CBD Sequoia OHV scoping comments.pdf
- 2 - 070716-A.SANDERS STF and SFK Sequoia OHV Travel Plan comment FINAL .doc
- 3 - 070716-C.SFK OHV route designation FINAL comment.doc

CC:  
Chris Sanders,  
OHV Project Leader,  
1839 South Newcomb Street,  
Porterville, CA 93257  
Email to: [csanders@fs.fed.us](mailto:csanders@fs.fed.us).  
(559) 784-1500, ext. 1131

To Whom It May Concern,

Hang'm High 4WDC was formed by several outdoorsman and families who wanted to take a more active and organized role in supporting our national forests. In planning our events, we began working closer with the OHV program. Over the past four years, we have had the opportunity to adopt our local trail, and coordinate with several trail maintenance projects. The support we have received from the OHV program has been incredible. Staff has always found time to meet with us for cleanup projects and for the OHV hosting. We enjoy the benefits of having someone we can speak to about questions, future changes to our area, and planning of events.

The growing cause of trail maintenance we have seen has been illegal OHV use. Signs are having to be replaced more often, illegal trails and new water crossings need to be blocked, and more trash has to be removed. I believe improved funding would help alleviate resource strains from increased maintenance, and funding to law enforcement could help curb the increase in illegal OHV activity.

All of us in Hang'm High appreciate the support and work done by the High Sierra OHV Program, and would like to see it continue and grow.

Sincerely,



Brendt Cumming, President  
Hang'm High 4WDC





**CA4WDC Inc.**  
8120 36<sup>th</sup> Ave.  
Sacramento, CA 95824-2304  
(916) 381-8300  
(916) 381 8726 (Fax)

September 11, 2007

Dear: OHV Grant Committee

I am writing in support of the grant application submitted by the High Sierra Ranger District of the Sierra National Forest OHV program. The OHV Specialist, Greg Marks has been innovative in his approach to reach out to individuals and clubs to maintain OHV trails and visitor opportunities such as campsites and scenic trail open to the public. The innovative approach and community involvement employed by the OHV Specialist has helped not only keep trails and facilities in great condition, but it has also helped make the OHV community more aware of the challenges facing the SNF managers and staff. As a result, visitors associated with these groups are better guests who are more conscious about resource damage, less likely to litter, more careful with fire, and more aware of safe vehicle operation, particularly in regard to alcohol consumption and driving. The Off Highway "HOST" Volunteer program allows the community to assist Forest personnel with public information, communication to law enforcement staff and observation of trail conditions.

However, many new recreational users are coming to the Forest as the population of the nearby cities and towns grow and the popularity of OHV activities grow. These individuals need information, monitoring, law enforcement services, and on occasion cleaning up after. Sometimes this is due to inexperience and sometimes less benign reasons. Obviously more Forest Service personnel and resources are required to protect and maintain the Forest and thereby access for both new and regular users. While I am glad to see interest grow in this form of recreation, there is a limit to what volunteer patrols and work projects can accomplish. I hope that the grant request will be honored this year to help meet the Forest's needs for appropriate staffing, maintenance activities and law enforcement. The High Sierra Ranger District offers over eighty miles of 4x4 trails and hundreds of miles of level two roads. Access to lakes and high country passes is unprecedented and cannot be matched anywhere else in California. Please give us the resources to protect the OHV program.

Sincerely,

Mark D. Cave  
Central District Vice-President  
California Association of 4 Wheel Drive Clubs

Website: [www.cal4wheel.com](http://www.cal4wheel.com)  
E-mail: [CA4WDC@cal4wheel.com](mailto:CA4WDC@cal4wheel.com)



41969 Highway 41 Oakhurst CA 93644  
Phone: 559-683-4636 / Fax: 559-683-5697  
[www.YosemiteThisYear.com](http://www.YosemiteThisYear.com) - [ysvb@YosemiteThisYear.com](mailto:ysvb@YosemiteThisYear.com)

Date: October 23, 2007

To: Linda McPhail, OHV Program Manager  
Bass Lake Ranger District

From: Dan Carter, Executive Director  
Yosemite Sierra Visitors Bureau

Re: OHV Grant Applications

This memo is written in support of pending applications for funding to continue and improve the OHV programs of the Bass Lake District of the Sierra National Forest.

The continued funding and improvement to the OHV program is critical for resource protection as more and more visitors are "discovering" the OHV opportunities offered in this area. Most of these "visitor/users" are from the Fresno, Madera and Mariposa County areas of the San Joaquin Valley. We do however notice more people who stop in our Visitor Center in Oakhurst destined for OHV areas coming from farther away. The Madera County Film Commission reports that filming for OHV products is on the rise in the area also.

All of this additional traffic contributes to the general economy of the area through lodging, fuel and retail purchases. Over 3.3 million dollars a year in local taxes are derived from tourism spending in the un-incorporated areas of Madera County. A healthy and well-funded OHV program is essential to the continued growth in tourism while protecting the natural resources.

Specific needs of which I am aware are equipment and personnel for OHV area patrols both in summer and winter. I have personally observed the need for signage repair or replacement as well as new and updated field interpretive signs for users. The Yosemite Sierra Visitors Bureau fully supports other needs as outlined in the application process. Please forward this memo of support with any application you see fit. Let me know if there is anything else the Bureau can do to assist you.

Linda McPhail  
Recreation  
Sierra National Forest  
Bass Lake Ranger District  
57003 Road 225  
North Fork, CA 93643

September 19, 2007

Dear Linda:

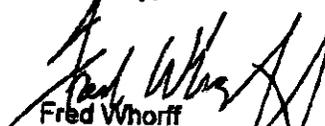
I am writing in support the Off Highway Vehicle Program that is in place in the Sierra National Forest. As an active volunteer in the OHV Host Program, I am in a unique position to see the benefits of having such a program in place. The benefits of this program can be categorized into two groups.

The first and foremost is the Host function. By being a contact point for the public, questions from forest recreation users can be answered in a way that promotes proper use of the trails and an awareness of public safety issues. This leads to informed users of the OHV and other Forest Service routes. Putting a "face" on the Forest Service in the field also helps to promote good will between the Forest Service and the public. Many times in my role as OHV Host, I have run into people that are lost and needing direction. This includes people looking for trailheads for backpacking, mountain biking, cross country skiing, equestrian use and OHV.

The second function is being the eyes and ears of the Forest Service. This role helps to protect the forest resources from various forms of damage and misuse. Most users of the OHV system are conservation oriented and are there to enjoy the outdoors. By having an OHV Program presence, the few that either through ignorance or a destructive nature can be educated or reported to Forest law enforcement, preventing further damage. Additionally, opportunities to prevent fire damage from escaped campfires or careless camping behavior are present when on patrol. This function also helps to mitigate user conflicts that arise from time to time.

With the help of state funding and volunteer efforts, the Off Highway Vehicle Program provides balanced use of the forest resources. The trails are maintained with respect for both public safety and minimum impact to the forest. It provides for wholesome family activities as well as access for people that may not get to enjoy the beauty of nature any other way.

Sincerely,

  
Fred Whorff  
7636 N. Leonard Ave.  
Clovis, CA 93619