



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

9/14/2009

David Loomis, Project Manager
Bridgeport Ranger District
Humbolt-Toiyabe National Forest
1536 S. Carson Street
Carson City, NV 89701

Subject: Draft Environmental Impact Statement for Bridgeport Travel Management Project, Lyon, Douglas, and Mineral Counties NV and Mono County CA (CEQ# 20090254)

Dear Mr. Loomis:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act. Our detailed comments are enclosed.

EPA commends the Forest Service for its efforts to address the many challenges inherent in developing a balanced Travel Management Plan that responds to recreational and resource management demands. We acknowledge that the Travel Management Project process is a positive step in addressing resource impacts from motorized uses. The permanent prohibition of cross country travel off designated routes and the switch from unmanaged to managed motorized recreational use will result in significant environmental benefits.

While we acknowledge the benefits of the Proposed Action Alternative, we have rated the DEIS as Environmental Concerns – Insufficient Information (EC-2) (see enclosed “*Summary of Rating Definitions*”) due to our concerns regarding the scope of the alternatives analysis, water resources, wet weather and seasonal closures, erosion, decommissioning of unauthorized routes, monitoring and enforcement, climate change, and full disclosure and procedural comments.

We had hoped the Forest Service would take this opportunity to review and rationalize the Forest Transportation System (FTS), pursuant to Travel Management Rule direction to identify the minimum road system needed (36 CFR Part 212 Subpart A); to address known road-related resource impairments and use conflicts of both the existing FTS and unauthorized user-created system; and to align the transportation system with maintenance and enforcement capabilities. We note a similar request has been made by Senator Feinstein to the Pacific Southwest Region of the Forest Service (see attached letter) and by Congress (H.R. 1105 Omnibus Appropriations Act, 2009 Explanatory Statement).¹

¹ H.R. 1105 – Omnibus Appropriations Act, 2009 Explanatory Statement, Division E – Department of the Interior, Environment, and Related Agencies, Page 1146, March 11, 2009.

In addressing unauthorized routes, the Forest Service has covered only part of what is needed to reduce the ongoing adverse impacts to water quality and other resources from the FTS. We support a more holistic approach to travel management planning, whereby route designations are guided by known locations of resource impairment, road maintenance requirements and available funding, and prior determination of the minimum road system needed.

We appreciate the opportunity to review this DEIS. When the FEIS is released for public review, please send one (1) hard copy to the address above (mail code: CED-2). If you have any questions, please contact me at (415) 972-3521, or contact Tom Kelly, the lead reviewer for this project. Tom can be reached at (415) 972-3852 or kelly.thomasp@epa.gov.

Sincerely,

/s/

Kathleen M. Goforth, Manager
Environmental Review Office
Communities and Ecosystems Division

Enclosures:

Detailed Comments

Summary of Rating Definitions

Letter from Senator Dianne Feinstein to Regional Forester, December 18, 2008

cc: Steve Thompson, California Operations, US Fish and Wildlife Service
Harold Singer, Lahontan Regional Water Quality Control Board

EPA DETAILED COMMENTS RE: DRAFT ENVIRONMENTAL IMPACT STATEMENT, BRIDGEPORT TRAVEL MANAGEMENT PROJECT, LYON, DOUGLAS, AND MINERAL COUNTIES NV AND MONO COUNTY CA, SEPTEMBER 14, 2009

Scope of the Alternatives Analysis

Provide information on the minimum Forest road system needed and how this information was used to formulate the alternatives. The scope of this action includes prohibition of motorized vehicle travel off designated routes and the addition of unauthorized user-created roads and trails to the National Forest Transportation System (NFTS) so they may be designated for motor vehicle use. While the DEIS states that the travel analysis process and travel analysis report have been used to inform this Travel Management Analysis (the DEIS), it does not clarify whether the Bridgeport Ranger District has determined the minimum road system needed for the District. This step, which is included the Forest Service Travel Management Rule, allows a more holistic approach to travel management planning, addressing the existing NFS routes as well as unauthorized routes. We believe this approach would better serve the long-term interests of the public and National Forest resources.

Recommendation:

The final environmental impact statement (FEIS) should describe the information that was used to formulate the motorized travel management alternatives, and the relationship of that information to the requirement to identify the minimum road system needed for safe and efficient travel and administration of National Forest System lands (36 CFR Part 212 Subpart A, Section 212.5(b)). The FEIS should describe how the minimum road system needed will be identified pursuant to the requirements of the Travel Management Rule (36 CFR Part 212 Subpart A).

Expand the scope of the action to include current roads and trails with known impacts. Page 26 the DEIS states, “[n]o further decision is necessary to continue public motorized use of the existing FTS (Forest Transportation System) roads. These decisions were made previously.” This statement is somewhat contradicted by the fact that the DEIS not only designates unauthorized routes as part of the FTS, but reclassifies 170 miles of existing FTS roads and trails (p. 15). The DEIS describes road/stream crossing as, “a major source of sediment delivered to streams in otherwise undisturbed areas” (p. 66). Additionally, Table 15 (p. 72) states that current FTS routes have 142 perennial streams crossings and 1,063 intermittent stream crossings. Consequently, EPA is concerned with the Forest Service’s ability to adequately address known road-related impairments of resources, such as perennial and intermittent streams, from existing FTS routes.

Recommendation:

We recommend the Forest expand the scope of this action to consider, for seasonal or permanent closure to public motorized use, current FTS roads and trails with known resource impacts.

Water Resources

Sustainability of Road Maintenance. Many travel management plans (e.g. Lassen, Stanislaus, and Plumas National Forests) plainly acknowledge that each year their subject forests slip further behind in road maintenance. By not specifically addressing the topic, the (Bridgeport District) DEIS has left readers with the impression that the level of maintenance on Forest roads is sufficient and not adversely impacting the environment.

Recommendation:

The FEIS should either specifically state that the Bridgeport Range District has no road maintenance backlog, or include tables of current and projected road maintenance backlogs for the three evaluated alternatives.

Wet Weather and Seasonal Closures

Implement proven, protective, wet weather and seasonal closures. The DEIS includes seasonal closures to protect breeding sage grouse and wintering mule deer (p. 16). The DEIS does not include provisions to close existing roads or new routes, with the exception of the Kavanaugh Ridge Road, for wet weather. During or immediately after wet weather, vehicle use creates increased erosion likely to impact seasonal and perennial streams, and increases rutting, which is likely to further increase erosion during the dry season.

Recommendation:

EPA recommends implementation of proven, protective season of use periods and wet weather closures. We advocate the expanded use of seasonal closures as a means to avoid and minimize adverse resource effects of roads, trails, and motorized use. For instance, we recommend season of use periods and wet weather closures in watersheds with sensitive resources such as meadows, fens and seeps, vulnerable threatened and endangered species habitat, or high erosion potential soils. The FEIS should provide information on significant environmental impacts caused by current wet weather road and trail use.

Erosion

Provide Route Specific Erosion Potential. We commend the Forest Service's effort to predominantly limit the authorization of user-created routes to the less erodible soils in the Great Basin portion of the District. We learned of this from discussions with Forest Service staff, as the DEIS did not clearly communicate the erosion potential of the user-created routes proposed for addition to the FTS. Appendix B lists erosion potential by soil types, but the DEIS does not state soil types for user-created routes, nor provide a map showing soil types by area.

Recommendation:

The FEIS should identify the potential for erosion for the 85-acre open area and each user-created route proposed for the FTS (e.g. low, medium and high), so that the impact of erosion can be better assessed.

Decommissioning of Unauthorized Routes

Prioritize and initiate decommissioning of unauthorized roads and trails. The conference report² for the Omnibus Appropriations Act of 2009 states, “[t]hat up to \$40,000,000 of the funds provided herein for road maintenance (to the Forest Service) shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed.” The report language also states, “the decommissioning of unauthorized roads not part of the official transportation system shall be expedited in response to threats to public safety, water quality, or natural resources.”

Recommendation:

EPA recommends the Forest Service follow the Congressional report language by using the information in the DEIS as a basis to prioritize unauthorized roads for decommissioning. The FEIS should specifically provide for decommissioning of unauthorized routes as available funding allows.

Monitoring and Enforcement

Develop, describe, and implement a Travel Management Plan Monitoring and Enforcement Strategy. It is important that wildlife protection, vegetation management, and erosion control goals be achieved to minimize the potential adverse effects of the Motorized Travel Management Plan. We believe the public and decision makers would benefit from development of a monitoring and enforcement strategy that includes specific information on funding, monitoring and enforcement criteria, thresholds, and priorities.

Recommendation:

We recommend development of a detailed Travel Management Plan Monitoring and Enforcement Strategy. Such a Strategy should include specific information on the monitoring and enforcement program priorities, focus areas (e.g., issues, specific locations), personnel needs, costs, and funding sources. We recommend the FEIS demonstrate that such a monitoring and enforcement strategy is adequate to assure that motorized vehicle use will not violate access restrictions or exacerbate already identified road-related resource problems. We recommend the Monitoring and Enforcement Strategy be periodically updated (e.g., annually or biennially).

Climate Change

Address climate change and its potential effects on proposed route designations. A number of studies specific to California have indicated the potential for significant

² H.R. 1105 – Omnibus Appropriations Act, 2009 Conference Report, Division E – Department of the Interior, Environment, and Related Agencies, Page 1146, March 11, 2009.

environmental impacts as a result of changing temperatures and precipitation.³ Climate change effects and the need to adapt to climate change are emerging issues which should be considered in this action. According to the Government Accountability Office (GAO) report entitled, “Climate Change: Agencies Should Develop Guidance for Addressing the Effects on Federal Land and Water Resources” (August 2007), federal land and water resources are vulnerable to a wide range of effects from climate change, some of which are already occurring. Roads and their use contribute to species stress through habitat fragmentation, increased disturbance, introduction of competing invasive species, and increased fire risk, any of which may further exacerbate species’ ability to adapt to the changing climate.

Recommendation:

The FEIS should include a discussion of climate change and its potential effects on the Forest as they relate to the route designation decision and final National Forest transportation system. Of specific interest are potential cumulative effects of climate change and the NFTS on the connectivity of wildlife and threatened and endangered species habitat, air quality, water quality, fire management, invasive species management, and road maintenance.

We recommend the discussion include a short summary of applicable climate change studies, including their findings on potential environmental effects and their recommendations for climate change adaptation and mitigation measures.

Full Disclosure and Procedural Comments

Commit to route-specific environmental analysis for user-created route additions. On some National Forest System lands, repeated use by motor vehicle travel has resulted in unplanned motorized trails un-authorized for motorized use. These trails were generally developed without environmental analysis or public involvement and may be poorly located and cause unacceptable impacts. EPA is concerned with the addition of un-authorized user-created trails to the NFTS which may not have undergone site-specific environmental analysis or public involvement.

Recommendation:

The FEIS should state how the Forest will ensure specific user-created routes are adequately evaluated pursuant to NEPA requirements. Where prior site-specific environmental analysis has not occurred, we recommend the FEIS specify the manner and criteria by which specific user-created routes would be analyzed prior to the route’s addition to the NFTS or its designation for public motorized use.

³ For example: Our Changing Climate: Assessing the Risks to California, A Summary Report from the California Climate Change Center, July 2006; Climate Change and California Water Resources, Brandt, Alf W., Committee on Water, Parks & Wildlife, California State Assembly, March 2007.