



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX**

**75 Hawthorne Street
San Francisco, CA 94105**

October 2, 2009

Jim Upchurch
Forest Supervisor
Inyo National Forest
351 Pacu Lane Suite 200
Bishop, California 93514

Subject: Final Environmental Impact Statement for Inyo National Forest
Public Motorized Travel Management, Inyo, Mono, Fresno, Madera, and
Tulare Counties, CA and Mineral and Esmeralda Counties, NV (CEQ#
20090304)

Dear Mr. Upchurch:

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.

We rated the Draft Environmental Impact Statement for this project as *Environmental Concerns- Insufficient Information (EC-2)* due to concerns regarding the scope of the travel management planning process, and the designation of various routes associated with existing significant soil and water resource impairment, or located in Critical Aquatic Refuges. Additional information was also necessary to fully describe seasonal closures, monitoring, and enforcement commitments. Many of our concerns regarding designated sensitive Mountain Yellow-Legged Frog habitat, impacts to Owens tui chub, and inaccuracies on the federal Clean Water Act program were resolved in the FEIS. Remaining concerns are summarized below.

EPA continues to recommend providing information on the minimum Forest road system needed and how this information can be used to formulate the alternatives.

EPA had hoped the Forest Service would take this opportunity to review and rationalize the National Forest Transportation System (NFTS), 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 NFTS and unauthorized user-created system; and to align the transportation system with maintenance and enforcement capabilities. Route designations are only part of what is needed to reduce the ongoing adverse impacts to water quality and other resources from the NFTS. We continue to believe a more holistic approach to travel management planning, whereby route designations are guided by travel analysis, known locations of resource impairment, and prior determination of the

minimum road system needed, would better serve the long-term interests of the public, Forest Service, and National Forest resources.

EPA continues to recommend that the Forest Service expand the scope of the action to include current roads and trails with known impacts.

EPA is concerned with the Forest Service's ability to adequately address known road-related resource impairments, given the acknowledged lack of maintenance funds and this proposal to add to the NFTS additional miles of roads and trails known to contribute to soil and water resource impairment. EPA recommends the Forest Service expand the scope of this action to consider, for seasonal or permanent closure to public motorized use, current NFTS roads and trails with known resource impacts.

EPA continues to recommend elimination of routes that transverse perennial creeks, wet meadows, alkali flats, and fens.

The Selected Modified Alternative 6 contains routes that cross several perennial creeks, includes 6.8 miles of routes through wet meadows and alkali flats, and contains a route that is within 50 feet of a known fen (p. 278). Off-highway vehicle (OHV) routes and motorized vehicles can adversely affect water quality, sensitive fish habitat, and other riparian and aquatic resources by compacting soil, disturbing or eliminating vegetative cover, decreasing water infiltration, and increasing surface runoff and erosion. Routes through wet meadows and alkali flats can affect hydrologic function and biotic productivity. Due to their perennially saturated condition and typically gentle terrain, fens are particularly vulnerable to damage from motorized vehicle travel.

EPA continues to recommend implementing seasonal closure criteria for routes.

EPA has concerns regarding potential impacts of motorized vehicle use during wet conditions when soils and aquatic systems may be more vulnerable to erosion. The FEIS indicates that three routes in Alternative 6 will have seasonal restrictions based on soil, watershed, and resource concerns (Appendix F-1). EPA recommends expanded use of seasonal closures as a means to avoid and minimize adverse resource effects of roads, trails, and motorized use for additional routes. OHV use during spring conditions, over routes that are part mud and part snow, is particularly destructive and should be prohibited. We recommend wet weather and/or seasonal route closures be considered as a tool to avoid and minimize adverse impacts of motorized use on native surface roads, and related erosion, sedimentation, and water quality effects. Once a road closure occurs due to wet road conditions, we recommend considering a policy of keeping the road closed until the end of the wet season in order to minimize public confusion and simplify enforcement.

EPA continues to recommend 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. Effective enforcement is especially critical given the proposal to designate routes with existing resource concerns requiring mitigation prior to use. A Monitoring and Enforcement 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 a revised Record of Decision (ROD) ensure that the proposed 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).

We appreciate the opportunity to review this FEIS and the ROD signed on August 17, 2009. If the ROD is revised to respond to comments on the FEIS, please send a copy of the Revised ROD to the address above (mail code: CED-2). If you have any questions, please contact me at (415) 972-3521, or contact Susan Sturges, the lead reviewer for this project. Susan can be reached at (415) 947-4188 or sturges.susan@epa.gov.

Sincerely,

Connell Dunning /S/ for

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

cc: Susan Joyce, Inyo National Forest