



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX**

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

July 29, 2009

Kathleen Morse, Forest Supervisor
Lassen National Forest
2551 Riverside Drive
Susanville, CA 96130

Subject: Draft Environmental Impact Statement, Lassen National Forest Motorized Travel Management, Butte, Lassen Modoc, Plumas, Shasta, Siskiyou and Tehama Counties, CA (CEQ# 20091077)

Dear Ms. Morse:

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 Public Motorized Travel Management Plan that responds to recreational and resource management demands. We acknowledge that the Travel Management Plan 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. Additionally, we commend the Forest Service for avoiding roads and trails over soil containing naturally occurring asbestos, avoiding the addition of unauthorized routes that cross streams, and committing to implement mitigation measures prior to opening routes for public use.

While we acknowledge the benefits of the Proposed Alternative (Alternative 5), 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 travel management planning process, water resource impacts, wet weather and seasonal closures, unauthorized route decommissioning, monitoring and enforcement, climate change, and disclosure and procedural matters.

EPA is aware of the decision by the Pacific Southwest Region of the Forest Service to limit the scope of the travel management planning process to prohibition of motorized vehicle travel off designated routes, addition of unauthorized roads and trails to the National Forest Transportation System (NFTS) so they may be designated for motor vehicle use, and changes in vehicle class and season of use. The rationale for the limited scope of this process is schedule constraints and limited funding and resources.

We acknowledge the constraints of funding and resources; nevertheless, we had hoped the Forest Service would take this opportunity to review and rationalize the 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. We note a similar request has been made by Senator Feinstein (see attached letter) and Congress (H.R. 1105 Omnibus Appropriations Act, 2009 Explanatory Statement).¹

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 NFTS. 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
Angela Wilson, Central Valley Regional Water Quality Control Board
Lahontan Regional Water Quality Control Board
Northern Sierra Air Quality Management District
Carl Brown, Asbestos Program, California Air Resources Board

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.

EPA DETAILED DEIS COMMENTS, LASSEN NATIONAL FOREST PUBLIC MOTORIZED TRAVEL MANAGEMENT PLAN, BUTTE, LASSEN, MODOC, PLUMAS, SHASTA, SISKIYOU AND TEHAMA COUNTIES, CALIFORNIA, JULY 29, 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, 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, and changes to vehicle class and season of use. The draft environmental impact statement (DEIS) also states that unauthorized routes not included in this proposal are not precluded from future consideration for addition to the NFTS and inclusion on the Motor Vehicle Use Map (MVUM)(p. 4). We believe a more holistic approach to travel management planning, addressing the existing NFTS and unauthorized routes, would best serve the long-term interests of the public and National Forest resources. Such an approach would begin with a determination of the minimum road system needed.

Recommendations:

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 determined pursuant to the requirements of the Travel Management Rule (36 CFR Part 212 Subpart A).

Because unauthorized routes are not precluded from the MVUM, the FEIS should describe the factors that would be used in the consideration of future additions of unauthorized routes. We recommend that such factors include a determination of the minimum road system needed.

Expand the scope of the action to include current roads and trails with known impacts. In 2008, the Forest Service estimated that the Lassen National Forest (Forest) had more than \$96 million in deferred road maintenance (p. 74). The preferred alternative increases total deferred maintenance to more than \$171 million by 2013 (Table 24, p. 95). Deferred maintenance increases erosion, resulting in increased sediment (a pollutant under the Clean Water Act) in the Forest's streams, lakes and rivers.

Recommendation:

We recommend the Forest Service expand the scope of this action to consider permanent closure and additional seasonal closure of selected current NFTS roads and trails to reduce known resource impacts and reduce maintenance needs.

Fully Incorporate the Travel Analysis Process (TAP) and Roads Analysis Process (RAP) Recommendations. In response to question 9 on page 44, the DEIS suggests that the 2007 RAP

and the 2008 TAP were used to inform decisions on downgrading road maintenance. “These two analyses recommended maintenance level changes, seasonal restrictions, and closures for each road across the forest” (p. 53). However, the DEIS does not summarize the RAP and TAP recommendations. Additionally, the DEIS does not state any reason the information was not included.

Recommendation:

The FEIS should include a summary of the recommendations reached in the TAP and RAP. The FEIS should incorporate recommendations of these reports or explain why that information is not needed.

Water Resource Concerns

Provide support for the conclusion that reduced road maintenance, through a change from highway-only to mixed-use, will reduce sediment loss. The preferred alternative would change 79 miles of Maintenance Level (ML) 3 roads (standard passenger car use) to ML-2 roads (high-clearance vehicle use) (Table 7, p. 33). EPA acknowledges that this action may better align road maintenance requirements with available funds and resources; however, we are concerned with the potential adverse water quality effects of a reduction of maintenance on roads where existing use may already be adversely affecting resources. We question whether a “[r]eduction in sediment development will follow the reduction in maintenance levels” (p. 243), due to reduced road traffic.

Recommendations:

The FEIS should provide a more rigorous evaluation and description of the effects of the proposed redesignation of roads to trails, and of highway-legal-only to all vehicle use. We recommend additional BMPs be included to ensure the changes in NFTS use and maintenance levels do not result in additional adverse water quality or sediment effects.

Wet Weather and Seasonal Closures

Implement proven, protective, wet weather and seasonal closures. The preferred alternative would implement seasonal closure of 80 miles of existing NFTS roads to limit damage from severe rutting (p. 32). The DEIS provides no means to evaluate the need for closure of additional roads (e.g. erosion potential) and no statements on the impacts of using NFTS roads during wet weather.

Recommendations:

EPA recommends expanded use of seasonal closures as a means to avoid and minimize adverse resource effects of roads, trails, and motorized use. The FEIS should provide information on any significant environmental impacts caused by wet weather road and trail use.

The FEIS should state the criteria and scientific data used to support wet weather closures proposed for existing NFTS routes. We recommend retaining these seasonal closures, if the closures are protective of sensitive resources (e.g., aquatic systems, drinking water sources, threatened and endangered species), private property, or minimize user conflicts.

The FEIS should identify specific enforcement measures proposed by the Forest Service to ensure compliance with the seasonal closures.

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.”

Recommendations:

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. Lassen National Forest has already seen evidence of continued motor vehicle use on clearly marked closed trails in the High Lakes OHV Planning Area, as stated on its website (http://www.fs.fed.us/r5/lassen/projects/NEPA_projects/route/high_lakes/). In one instance, the trail closure sign was “sheared off and thrown in the bush.” We believe the public and decision makers would benefit from a strategy for monitoring and enforcing Forest Service rules on motorized travel.

Recommendations:

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, and include methods for public reporting of violations. The FEIS should demonstrate 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).

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.

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 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. A change in the timing and quantity of precipitation may increase the vulnerability of native surface roads and trails to erosion and sedimentation. In addition, roads and their use contribute to species stress through habitat fragmentation, increased disturbance, introduction of competing invasive species, and increased fire risk; which may further exacerbate species’ ability to adapt to the changing climate.

Recommendations:

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 the final NFTS. 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. Most unauthorized roads and trails were originally developed as temporary roads for timber sales. Further development and use of these temporary roads generally continued without environmental analysis and they do not have the same status as roads or trails included in the NFTS (p. 4). 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

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 and Draft 2009 Climate Action Team Biennial Report to the Governor and Legislature. See internet address: <http://www.climatechange.ca.gov/publications/cat/index.html>.

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.

Explain NEPA Compliance for High Lakes and Front Country OHV Areas. The DEIS identifies future activities for the High Lakes and Front Country OHV Areas and clarifies that these activities will follow the FEIS and Record of Decision for motorized travel management.

Recommendation:

The FEIS should clarify whether these planned activities will be completed as part of an Environmental Assessment or a future DEIS specifically for the High Lakes and Front Country OHV Areas.