



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

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

August 3, 2009

Tyrone Kelley
Forest Supervisor
Six Rivers National Forest
1330 Bayshore Way
Eureka, CA 95501

Subject: Draft Environmental Impact Statement for Lower Trinity and Mad River
Motorized Travel Management, Humboldt and Trinity Counties, CA (CEQ#
20090181)

Dear Mr. Kelley:

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 their efforts to address the many challenges inherent in developing a balanced 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, the switch from unmanaged to managed motorized recreational use, and the implementation of seasonal and wet weather closures will result in significant environmental benefits.

While we acknowledge the benefits of the Preferred Alternative (Alternative 2), we have rated the Draft Environmental Impact Statement (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 and potential impacts to water quality, meadows, and riparian areas. Additional information is also necessary to fully describe monitoring and enforcement commitments.

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), and to address known road-related resource impairments and use conflicts of both the existing NFTS and unauthorized user-created system, and 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 Conference Report).^a

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.

We appreciate the opportunity to review this DEIS. When the Final EIS is released for public review, please send one (1) hard copy and one (1) CD-ROM to the address above (mail code: CED-2). If you have any questions, please contact me at (415) 972-3521 or Jarrett Stoltzfus, the lead reviewer for this project, at (415) 972-3810.

Sincerely,

/s/ Connell Dunning for

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

Enclosures:

Detailed Comments

Summary of Rating Definitions

Excerpt from H.R. 1105 Omnibus Appropriations Act

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

CC: David Leland, North Coast Regional Water Quality Control Board
Ray Bosch, United States Fish and Wildlife Service

^a H.R. 1105—Omnibus Appropriations Act, 2009 Conference Report, Division E—Department of the Interior, Environment, and Related Agencies, Page 1146, March 11, 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 Forest Service regulation at 36 CFR Part 212 Subpart A, Section 212.5(b) requires identification of the minimum road system needed for safe and efficient travel and administration of National Forest System lands. The Draft Environmental Impact Statement (DEIS) states that this is beyond the scope of the project. The scope of the project 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 rules. The 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) (1.2-5). EPA believes that a 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 best serve the long-term interests of the public, Forest Service, and National Forest resources.

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. 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).

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 travel analysis and identification of the minimum road system needed.

Expand the scope of the action to include current NFTS roads and trails with known impacts.

The current estimate of annual deferred road and trail maintenance is approximately \$113,400,000 for the Six Rivers National Forest (3.18-425). EPA is concerned with the Forest Service's ability to adequately address known road- and trail-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.

Recommendation:

We recommend the Forest 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.

Water Resources

Select a preferred alternative that avoids and minimizes adverse effects to aquatic resources

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. These effects are magnified on steep slopes or in erosive, unstable soils. A proposed route has the greatest potential to affect riparian resources if it crosses natural stream channels or there is a continuous surface flow path between any part of the route prism and a natural stream channel during a runoff event. Roads concentrate overland flow and generate more runoff than undisturbed areas, and hydrologically connected roads deliver that runoff to streams more quickly and efficiently than do undisturbed areas. Alternatives 2 and 3 propose, for motorized use, adding routes that include 44 to 60 stream crossings, respectively.

Recommendation:

We recommend selection of an alternative that avoids and minimizes adverse effects to riparian and aquatic resources, and further recommend elimination of routes that traverse perennial creeks, wet meadows, and fens. In the FEIS, quantify the miles of routes reduced in each of these areas.

Avoid designation of routes with existing resource impairments in watersheds with high risk of cumulative watershed effects or over-threshold road densities.

Alternatives 2 and 3 would add routes to the NFTS for motorized use in watersheds that already have high potential for cumulative watershed effects (Table C-1, Appendix C and 3.4-74).

While travel on 199 miles of unauthorized routes would be prohibited after the implementation of the preferred alternative, EPA has concerns about proposed additions to the NFTS. In the preferred alternative, 52 of the routes (25 miles) that would be added to the NFTS have issues with rilling and rutting erosion (3.4-73). In addition, no mitigation or active recovery has been proposed for unauthorized trails where travel is now prohibited despite the presence of potentially significant erosion.

EPA is concerned with the designation of existing, unauthorized trails known to have soil and water resource impairment requiring mitigation, especially given the challenge of enforcing motorized use across a vast landscape, and the backlog of maintenance needs.

Recommendation:

We recommend elimination of routes with existing resource impairments that are located in watersheds with a high risk of impaired water quality. In the FEIS, quantify the miles of additional eliminated routes.

As the preferred alternative includes the addition of unauthorized routes in watersheds at moderate to extreme risk of cumulative watershed effects, we recommend that restoration or obliteration of impaired unauthorized routes in the at-risk watersheds be included as mitigation.

In addition, we strongly recommend completely decommissioning routes that are located in water quality impaired watersheds. Finally, we recommend restoration/mitigation efforts to decommissioned routes/trails that will not passively recover over the long-term.

Provide an evaluation of the water quality effects of the change from highway-legal-only to mixed-use and the associated reduced maintenance level. The alternatives, except Alternatives 1 and 4 which do not add any new routes, would convert NFTS roads to trails and change 2.49 miles of NFTS roads from highway-legal-only to use by all vehicles with the associated reduced maintenance level (2.4-20). EPA acknowledges that this action may better align road maintenance requirements with available funds and resources. However, roads and trails are primary contributors of excess sediment and contaminants to water bodies, many as a result of limited maintenance. 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.

Recommendation:

The FEIS should provide a more rigorous evaluation and description of the effects of the proposed re-designation of roads to trails, and highway-legal-only to all vehicle use. Specifically, the FEIS should include a description of the final maintenance levels for these roads and the potential environmental impacts to sensitive resources. We recommend additional best management practices (BMPs) be included to ensure the changes in NFTS use and maintenance levels do not result in additional adverse water quality or sediment effects. See <http://epa.gov/owow/nps/unpavedroads.html> for a Recommended Practices Manual for Maintenance and Service of Unpaved Roads.

Implement proven, protective, season-of-use periods and wet weather closures.

Alternatives 2 and 3 would implement season-of-use periods for some public motorized vehicle routes based on elevation and wet weather closures on native surfaced routes.

The DEIS does not describe the criteria used to select the season-of-use dates nor whether current wet weather use of existing NFTS and unauthorized routes results in significant environmental impacts.

While EPA supports expanded use of seasonal closures, we are concerned with the conversion of closed routes to open, the enforceability of closure periods due to the large land area, and the limited data supporting the proposed season-of-use dates. We urge implementation of season-of-use dates that avoid and minimize adverse effects on environmental resources, especially those most vulnerable to motorized vehicle use.

Recommendations:

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 example, we recommend season-of-use periods and wet weather closures in lower elevations, currently proposed to be open all year, in watersheds with sensitive resources such as meadows and fens, vulnerable threatened and endangered species habitat, or high erosion potential soils. We recommend the FEIS describe the criteria and scientific data used to select the season-of-use dates.

OHV and all-terrain vehicle (ATV) use during spring conditions, over routes that are part mud and part snow, is particularly destructive and should be prohibited.

The FEIS should provide information on significant environmental impacts caused by current wet weather road and trail use.

The FEIS should identify specific enforcement measures proposed by the Forest Service to ensure that seasonal closures are followed. EPA encourages the Forest Service to consider enforcement as a significant issue driving the design and analysis of alternatives for motorized travel management. 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.

Sensitive Habitats

Select a preferred alternative that avoids and minimizes adverse effects to threatened, endangered and sensitive species and their habitat.

The preferred alternative (Alternative 2) minimizes cross-country travel through major habitat areas, but adds 0.99 miles of formerly unauthorized routes within the Lassics Botanical Area. As the previously unauthorized routes within the Area have facilitated access to dispersed camping sites (3.8-251), it is important that continued use on the newly authorized routes not cause adverse effects.

Alternative 3 would indirectly affect nearly 60.8 acres of rare plant habitat within 100 feet of travel routes, with direct impacts to 16.7 acres within 30 feet of travel routes (3.8-255). EPA strongly recommends that any new authorized travel routes avoid proximity to rare plant habitat. If it is not possible to avoid rare plant habitat, we recommend routes not be added to the NFTS.

Recommendations:

Select a preferred alternative that avoids and minimizes adverse effects to threatened, endangered, and sensitive species and their habitat, such as Alternative 2.

The DEIS recommended prominent signage that alerts visitors to the presence of the Botanical Area in order to prevent further deterioration. EPA recommends prohibiting usage within the Botanical Area if at all possible. However, if use is unavoidable, the Botanical Area should be prominently marked with permanently erected signs.

Climate Change

Address climate change and its potential effects on proposed route designations. A number of studies specific to the State of California have indicated the potential for significant environmental impacts as a result of changing temperatures and precipitation.^b The effects of climate change and the need to adapt to it are emerging issues that should be considered in this action. The existing DEIS specifies that travel that results from additional road usage has a negligible contribution to climate change, but does not address the impacts that climate change will potentially have upon the Forest in the future.

According to the Government Accountability Office (GAO) report entitled, "Climate Change: Agencies Should Develop Guidance for Addressing the Effects on Federal Land and Water

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

Resources”^c (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, 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 future 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 and quantity, 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 unauthorized 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 unauthorized user-created roads and trails to the NFTS, which may not have undergone site-specific environmental analysis or public involvement.

Recommendation:

The FEIS should state how the Forest would 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.

Include a description of the rationale and criteria used to develop the proposed changes to the existing NFTS. The action alternatives propose a number of changes to the existing NFTS. These changes include converting NFTS roads to NFTS trails, changing closed roads to open, changing open roads to closed, and changing highway-legal-only roads to open to all vehicles. The DEIS does not describe the rationale or criteria used to develop these proposed changes.

Recommendation:

We recommend the FEIS include a description of the rationale and criteria used to develop the proposed changes to the existing NFTS.

^c <http://www.gao.gov/products/GAO-07-863>