



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

June 17, 2009

Edward C. Cole
Forest Supervisor
Sierra National Forest
1600 Tollhouse Road
Clovis, CA. 93611

Subject: Draft Environmental Impact Statement for Sierra National Forest Motorized Travel Management Plan, Fresno, Mariposa, and Madera Counties, CA (CEQ# 20090137)

Dear Mr. Cole:

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 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).¹

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 FEIS 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.

Sincerely,

/s/ Connell Dunning for

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

Enclosure: 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
Kenneth Landau, Central Valley Regional Water Quality Control Board, Fresno
Office

¹ 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 DEIS indicates 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. 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. 2). We believe 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 \$102,300,000.00 for the Sierra National Forest (Forest) (p. 64). 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 Resource Concerns

Select a preferred alternative that avoids and minimizes adverse effects to aquatic resources, including perennial creeks, wet meadows and fens. 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 (p. 201). Alternatives 2, 4, and 5 would propose, for motorized use, adding routes that cross streams 188 to 361 times. In addition, the West Fall Analysis Unit contains the highest amount of sensitive soils and is among the highest densities for motorized routes and stream crossings on sensitive soils (p. 221).

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.

Avoid designation of routes with existing resource impairments in watersheds with high risk of cumulative watershed effects or over-threshold road densities. Action alternatives 2, 3, and 5 would add routes to the NFTS for motorized use in watersheds that already have high potential for cumulative watershed effects (Table 32, p. 43). Furthermore, 17-28% of added roads and 21-34% of added trails have known erosion features (pp.238-254). Under the preferred alternative, approximately 14 miles of road will require special mitigation (p. 177). 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. If 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.

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 action alternatives, except Alternative 3 which does not add any new routes, would convert NFTS roads to trails and change NFTS roads from highway-legal-only to use by all vehicles with the associated reduced maintenance level (Table 2, p. xv-xviii). 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 water quality contaminants, 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.

Recommendations:

The FEIS should provide a more rigorous evaluation and description of the effects of the proposed redesignation 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 BMPs be included to ensure the changes in NFTS use and maintenance levels do not result in additional adverse water quality or sediment effects

Implement proven, protective, season of use periods and wet weather closures. The action alternatives would implement season of use periods for all public motorized vehicle routes based on elevation and wet weather closures on native surfaced routes. Some roads are currently closed year-round, but would be opened for seasonal use under the proposed action. The DEIS does not state the reasons for the current year-round road closures nor whether the proposed season of use changes would have adverse effects as a result of providing open periods for roads currently closed year-round. Nor does the DEIS 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, 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 instance, we recommend season of use periods and wet weather closures in lower elevations, currently proposed to be opened all year, in watersheds with sensitive resources such as meadows and fens, vulnerable threatened and endangered species habitat, or high erosion potential soils.

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

The FEIS should state the reasons for the current year-round closures. We recommend retaining these existing year-round closures, if the closures are protecting sensitive resources (e.g., aquatic systems, drinking water sources, threatened and endangered species), private property or minimizing user conflicts. We recommend the FEIS describe the criteria and scientific data used to select the season of use dates.

The FEIS should provide information on significant environmental impacts caused by current wet weather road and trail use. In addition, the FEIS should analyze the potential

environmental impacts that would result from seasonally opening roads that are currently closed year-round.

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

Describe and implement mitigation measures specific to protection of fens and sensitive habitat adjacent to designated routes. The project area contains multiple field-confirmed fens and wet meadows. Because of the large historical loss of this ecosystem type and the extensive time it takes for a fen to form naturally (up to 10,000 years), remaining fens are quite rare. One of the fens will be directly or indirectly affected by an existing unauthorized route proposed for addition to the NFTS. Although it is located across a road from the proposed trail, erosion and drainage from the trail threaten to have negative impacts on the fen habitat (p. 295). While Appendix B describes Best Management Practices for maintenance and monitoring, it does not provide specific measures to protect fens or other sensitive habitat from direct encroachment or other potential impacts resulting from easy access.

Recommendation:

Describe and implement mitigation measures specific to the protection of fens and other sensitive habitats adjacent to designated routes. For instance, include educational material with the Motor Vehicle Use Map on the ecological importance and sensitivity of these habitats, and prohibit off-road parking and camping in undesignated areas in the vicinity.

Select a preferred alternative that avoids and minimizes adverse effects to threatened, endangered and sensitive species and their habitat. There are 37 rare plant occurrences (Forest Service Sensitive Species) with the potential to be affected by the Travel Management Plan's proposed actions and alternatives. The action alternatives would also include between 9.7 and 21.7 miles of additional motorized routes in Riparian Conservation Areas (pp. 237 & 253) in addition to the 763 miles already open.

Recommendation:

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

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.^b Climate change effects and the need to

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

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; 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 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 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 (p. 2). 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.

Recommendations:

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 appear to describe the rationale or criteria used to develop these proposed changes.

Recommendations:

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