UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

JUL 29 2009

Jan Ford
Public Uses Staff Officer
Klamath National Forest
1312 Fairlane Road
Yreka, CA. 96097-9549

Subject: Draft Environmental Impact Statement for Klamath National Forest Motorized Travel Management, Siskiyou County, CA and Jackson County, OR (CEQ# 20090179)

Dear Ms. Ford:

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.

We commend the proposal to avoid designation of routes near wilderness areas and hydrologically sensitive areas of the west side and to avoid and minimize designation of routes in high or very high Erosion Hazard Rating soil categories. 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, season of use and wet weather closures, potential effects on water resources, and naturally occurring asbestos. Additional information is necessary to fully describe monitoring, enforcement commitments, effects of climate change, and future planning for specific designated routes.

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 existing 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

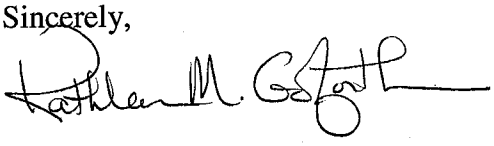
rationale for the limited scope of this process is schedule constraints and limited funding and resources.

We acknowledge the constraints of funding and resources, and the current efforts to address NFTS maintenance requirements; 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 and Congress (H.R. 1105 Omnibus Appropriations Act, 2009 Explanatory Statement) (see attachments).[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 hard copy and one CD ROM to the address above (mail code: CED-2). If you have any questions, please contact me at (415) 972-3521, or contact Laura Fujii, the lead reviewer for this project. Laura can be reached at (415) 972-3852 or fujii.laura@epa.gov.

Sincerely,



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
H.R. 1105 – Omnibus Appropriations Act, 2009 Explanatory Statement, p. 1146

[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.

cc: Steve Thompson, California Operations, US Fish and Wildlife Service
David Leland, Watershed Protection Division, North Coast Regional Water Quality Control Board (R1)
Gary Stacey, Regional Manager, Northern Region, California Department of Fish and Game

EPA DETAILED DEIS COMMENTS - KLAMATH NATIONAL FOREST MOTORIZED TRAVEL MANAGEMENT, SISKIYOU COUNTY, CA. & JACKSON COUNTY, OR., 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. 21). 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 (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).
>
> 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 $20 million for the Klamath National Forest (Forest) (p. 345). EPA is concerned with the Forest Service's ability to adequately address known road- and trail-related resource impairments, given the limited 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 (Section 3.8 Hydrology).

> ***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.

Season of Use and Wet Weather Closures

Implement proven, protective, season of use periods and wet weather closures. The DEIS states that season of use periods would be implemented on some roads and motorized trails for wet weather conditions, critical deer winter range, public safety, and the Swainson's hawk nest to address these resource concerns (p. 36). In spite of this statement, the description of alternatives does not describe the season of use periods for the proposed designated routes. Furthermore, Appendix A: Route-Specific Data, indicates designated routes would be open year-round or have a season of use period to accommodate critical deer winter range concerns (May 1 – October 31). There is no indication wet weather closures or other types of season of use periods would be implemented. Furthermore, the DEIS does not describe the criteria used to determine the season of use dates or whether current wet weather use of existing NFTS and unauthorized routes results in significant environmental impacts.

> ***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 motorized use of roads and trails. 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.
>
> We recommend the FEIS describe the criteria and scientific data used to determine the season of use dates proposed for the designated routes.
>
> The FEIS should provide information on significant environmental impacts caused by current wet weather road and trail use. In addition, we recommend the FEIS analyze the potential environmental impacts that would result from opening roads that are currently closed year-round.

Prohibit motorized vehicle use over part mud and part snow. Describe wheeled-over-snow use, if any. Off-Highway Vehicle (OHV) and ATV use during spring conditions, over routes that are part mud and part snow, is particularly destructive. The DEIS does not state whether the proposed action allows motorized vehicle use during wet weather spring conditions or wheeled-over-snow use.

> ***Recommendations:***
> Motorized vehicle use over part mud and part snow or during conditions of potential high erosion should be prohibited. The FEIS should state whether motorized vehicle use will be allowed during wet weather spring conditions or over-the-snow.

Describe enforcement of season of use periods. For the public motorized travel management plan to adequately protect natural resources, the Forest Service must ensure the enforceability of the designated route network. Research regarding OHV use has

demonstrated that signs and barriers are not always effective in closing roads and trails nor in reducing impacts and protecting forest resources.[1] We are concerned with the enforceability of proposed seasons of use periods.

> ***Recommendations:***
> We recommend the FEIS describe, in detail, how use restrictions, such as temporary closures of native surface routes after heavy rain, will be enforced and what enforcement approaches have been successful. 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.

Water Resources

Reconsider designation of unauthorized routes and trails and the OHV play area in impaired Humbug Creek watershed. The action alternatives, such as Alternative 6 Refined Proposed Action, would designated routes and an open motorized use area within the Humbug Creek watershed. Humbug Creek is listed by the state, under Section 303(d) of the Clean Water Act (CWA), for copper, mercury, and sediment from abandoned mine sources (p. 101). Additional information in the DEIS clearly shows that the Humbug Creek watershed has existing surface erosion and sedimentation impairment (pps. 110, 151, 416). Upper Humbug Creek is especially vulnerable because it has a high level of disturbance, existing road density of 3.17 miles per square mile, and a streambed embeddedness average of 48 percent (compared to a desired maximum level of 20 percent embeddedness)(p. 133). Upper Humbug Creek watershed would have approximately 35 percent additional, authorized routes in the NFTS under Alternative 6.

> ***Recommendations:*** Reconsider designation of unauthorized routes and trails and the OHV play area in impaired Humbug Creek watershed. If route designations and the Humbug motorized use area continue to be proposed, the FEIS should include data that clearly demonstrate that the motorized use area and additional routes in this watershed would not contribute to continued impairment under 303(d) of the CWA.

Avoid designation of NFTS and unauthorized roads and trails that have a high potential for erosion and sedimentation into streams and sensitive aquatic resources. Roads and trails can contribute significant amount of sediment to streams and sensitive aquatic resources if they develop a direct connection to these resources. For example, wheel ruts can funnel rainwater, increasing the volume and speed of the runoff, and its associated sediment load. If these ruts connect to a stream or other sensitive aquatic site, adverse sedimentation is possible.

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[1] "Learning to Live with Off-Highway Vehicles: Lessons Learned from the Dixie National Forest" presented at the "Proceedings of the Fourth Social Aspects and Recreation Research Symposium," San Francisco State University, Aaron K. Divine and Pamela E. Foti, 2004.

Recommendations:
We recommend the Forest Service avoid the designation of NFTS and unauthorized roads and trails that have a high potential for erosion and sedimentation into streams and sensitive aquatic resources. Where feasible, we recommend closure of NFTS and unauthorized routes and route segments that are connected to streams or other aquatic resources.

Demonstrate that the Preferred Alternative will contribute to the reduction of water quality impairment of Section 303(d) Clean Water Act listed streams and will comply with potential Total Maximum Daily Load requirements. The Klamath River is listed by the state, under Section 303(d) of the Clean Water Act, as impaired for temperature and nutrients. The Salmon River is 303(d) listed for temperature and sediment. Many of the creeks in the project area are tributaries of these two rivers (p. 101). Therefore, pursuant to future Total Maximum Daily Loads (TMDLs), the Forest Service may be obligated to meet temperature, sediment, or nutrient load reductions from dirt roads.

Recommendations:
The FEIS should include data that demonstrates the Preferred Alternative will contribute to the reduction of water quality impairment of Section 303(d) listed streams.

States are required to establish TMDLs for impaired water quality standards for 303(d) listed streams or river segments. TMDLs shall be established at a level necessary to implement the applicable water quality standards with seasonal variations and a margin of safety which takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality.[2] We recommend the Forest Service consult the North Coast Regional Water Quality Control Board regarding the status of the Klamath River and Salmon River TMDLs and potential Forest Service obligations to meet required sediment, temperature, or nutrient load reductions from dirt roads from existing conditions. If such load reductions may not be achieved, than additional Best Management Practices (BMPs) and mitigation measures should be considered and incorporated into the Preferred Alternative to meet potential future TMDL requirements.

Provide an evaluation of the water quality effects of the change from highway-only to mixed-use and the associated reduced maintenance level. The action alternatives, except Alternative 3 Cross-Country Travel Prohibition Only, 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 (p. 348). 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.

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[2] Section 303(d) of the Clean Water Act, Title 33, Chapter 26, Subchapter III, Section 1313.

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 change in NFTS use and maintenance levels do not result in additional adverse water quality or sediment effects.

Decommissioning of Unauthorized Routes

Prioritize and initiate decommissioning of unauthorized roads and trails. The conference report [3] 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.

Naturally Occurring Asbestos

Do not add trails on land "most likely" to contain naturally occurring asbestos such as serpentine soils. Alternative 6 – Refined Proposed Action would add 6 miles of unauthorized routes underlain by ultramafic rock. These are short (<0.5 miles) rough surfaced routes (unsuitable for high vehicle speeds) that access camping sites (p. 422). Routes through ultramafic rock proposed for mixed use will be tested for the presence of asbestos. If asbestos is present, the Forest will provide information to the public regarding safe use of the roads and methods for reducing exposure (p. 36). It is believed that low vehicle speeds (<15 mph) would reduce the risk of exposure to asbestiform minerals (p. 422).

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[3] H.R. 1105 – Omnibus Appropriations Act, 2009 Conference Report, Division E – Department of the Interior, Environment, and Related Agencies, Page 71, March 11, 2009.

Disturbance of rocks and soils that contain naturally occurring asbestos (NOA), such as serpentine soils, can result in the release of asbestos fibers to the air and exposure to the public. Asbestos is a known human carcinogen and represents a potential human health risk for those exposed while using roads or trails where it occurs.

Recommendations:
We commend the decision to test for the presence of asbestos. If asbestos is present, we recommend these routes not be added to the NFTS nor designated for motorized vehicle use. If such routes are added to the NFTS, the FEIS should provide the rationale for their addition and include data to demonstrate that these routes through ultramafic rock would not significantly increase the risk of adverse health effects.

For heavily used existing NFTS and unauthorized roads and trails on land "most likely" to contain NOA, we recommend assessing the potential for exposure to elevated levels of NOA. This information should be provided in the FEIS. We recommend prohibition of public motorized use, and closure of roads and trails where monitoring indicates the potential for significant NOA exposure. The Forest should post signs informing visitors that NOA is present, what the risks are, and how visitors can avoid exposure. These measures should be incorporated into the Preferred Alternative and committed to in the Record of Decision (ROD).

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. Effective enforcement is especially critical given the proposal to designate trails with existing resource concerns requiring mitigation prior to use (Appendix A: Route-Specific Data). We believe the public and decision makers would benefit if a strategy is developed that includes specific information on funding, monitoring and enforcement criteria, thresholds, and priorities.

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. We recommend the FEIS 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).

Exclude routes from the Motor Vehicle Use Map not yet open for use due to incomplete mitigation measure implementation. The DEIS describes mitigation measures that may be required prior to approved public motorized use (Appendix A: Route-Specific Data). These measures may include drainage improvements, barriers, and fencing to reduce the increased risk of sedimentation, erosion, and adverse impacts to aquatic resources. Given the level of deferred road maintenance, EPA is concerned with the Forest Service's ability to quickly implement identified mitigation measures, and with the potential for continued unauthorized motorized use of these designated routes.

> ***Recommendations:***
> The FEIS should state whether the Motor Vehicle Use Map (MVUM) would include the designated routes that are not yet available for use due to required mitigation measures. If these routes will be included on the MVUM, describe how use would be restricted until identified mitigation measures are implemented. If these routes are not included on the MVUM, described how and when the Forest would open and designate these routes for use.
>
> We recommend routes not yet open due to required mitigation measure be excluded from the MVUM in order to reduce the unintentional un-authorized use of these routes.

Climate Change

Address climate change and its potential effects on proposed route designations. The DEIS does not appear to consider the effects of climate change on 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.[4] 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. 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.

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[4] 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.

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 and unauthorized routes, developed without environmental analysis or public involvement. These routes may be poorly located and cause unacceptable impacts (p. 20). 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 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.

Plan for decommissioning and restoration of unauthorized routes that have known significant resource impairments. All action alternatives prohibit travel on, rather than physical removal or restoration of, unauthorized routes. Therefore, the density of roads and trails at the watershed scale, and associated resource effects, will not substantially change for at least 20 years (p. 130).

> ***Recommendation:***
> Where feasible, we recommend decommissioning and restoring unauthorized routes not designated for motorized vehicle use that have known significant resource impairments. At a minimum, the FEIS should list and prioritize, for future rehabilitation, the unauthorized prohibited routes that require active management to address significant resource issues.

SUMMARY OF EPA RATING DEFINITIONS*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

ADEQUACY OF THE IMPACT STATEMENT

"Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.

DIANNE FEINSTEIN
CALIFORNIA

COMMITTEE ON APPROPRIATIONS
COMMITTEE ON THE JUDICIARY
COMMITTEE ON RULES AND
ADMINISTRATION - CHAIRMAN
SELECT COMMITTEE ON INTELLIGENCE

United States Senate
WASHINGTON, DC 20510-0504
http://feinstein.senate.gov

December 18, 2008

Randy Moore, Regional Forester
Pacific Southwest Region
USDA Forest Service
1323 Club Drive
Vallejo, CA 94592

Dear Regional Forester Moore:

I am writing regarding the Forest Service's current efforts to implement the Travel Management Rule and designate routes in California's National Forests that are accessible to motorized traffic, including off-highway vehicles.

It is my understanding that the Tahoe National Forest plans to add roads to the existing motorized route system and publish a route system map cataloguing the roads open for public motor vehicle use.

I am concerned, however, that as part of the effort for designating the route system the Forest Service did not consider a process for removing existing system roads that may be unneeded or damaging to the environment. I believe that adding routes to the system without a science-based analysis of existing roads or plan to de-designate unneeded roads is misguided, particularly given the $169 million road maintenance backlog in the Tahoe National Forest.

I am also concerned that the Tahoe National Forest plans to publish a route system map, which may leave the public with the impression that all roads present on the map will be permanently open to motorized vehicle access -- unless the public is simultaneously notified of a process to identify and remove unneeded roads. Without a caution that system maps may be subject to further review, it could be difficult for the Forest Service to remove roads that are found to threaten public safety, cause environmental damage or conflict with other forest uses in the future.

As the Forest Service continues with travel management plans in California, I request that the Agency to complete comprehensive analyses of existing system roads in each National Forest and develop a process for identifying and removing unneeded

roads prior to publishing route system maps. This level of analysis will help ensure that the Forest Service can afford to maintain a National Forest system that provides public access for motorized recreation while minimizing environmental impacts.

I look forward to being updated on your progress toward designating motorized travel systems in California's National Forests. Best regards.

Sincerely,

Dianne Feinstein
United States Senator

DF:jw:db

Comparisons:

Appropriations, 2008	+40,226,000
Budget estimate, 2009	+160,268,000

The detailed allocation of funding by program, activity and subactivity is included in the table at the end of this section of the statement. In addition, the bill also includes the following specific funding levels and directions:

Inventory and Monitoring.—Within the funds provided, $1,000,000 of the funds provided for the Threat Assessment Centers program is for the NASA Stennis Space Center in Mississippi to acquire remote sensing data to inventory and monitor Federal and non-Federal lands as authorized by Title IV of Public Law 108–148, the Healthy Forests Restoration Act.

Recreation, Heritage, and Wilderness.—The bill provides the fiscal year 2008 funding level, plus fixed costs, plus an increase of $10,000,000. The Committees on Appropriations expect that each individual National Forest or Grassland will comply fully with all travel management regulatory requirements, particularly the science-based analysis in 36 CFR 212.5 (b)(1), the identification of unneeded roads in 36 CFR 212.5(b)(2), and the criteria for designation in 36 CFR 212.55(a) and (b). The Committees expect the Forest Service to identify priorities, and associated resource requirements, to fully comply with the regulatory requirements of 36 CFR 212.5(b) (1) and (2).

Forest Products.—The bill provides the budget request of $322,666,000 plus an increase of $10,000,000. The requested funds should be allocated as stipulated in the President's budget, following the Northwest Forest Plan. The funding increase should be used for those forests not covered by the Northwest Forest Plan that have budget shortfalls and capacity for additional, successful work.

The Service should consider all contract methods for implementing fuels reduction projects proposed on the Sierra and Sequoia National Forests, including the Kings River, Sugar Pine, Frog, and revised Ice projects, including stewardship contracting authority provided under Section 323 of Public Law 108–7, and utilize available agency funding to accomplish these multiple objectives.

Vegetation and Watershed Management.—The bill supports the budget request to continue leafy spurge eradication on the Dakota Prairie Grasslands in conjunction with the Service's local partners. There is also a $500,000 increase within available funding to remediate hazardous materials and other natural resource damage caused by drug cultivation on national forest lands; these funds should be distributed to support high-priority restoration needs following drug eradication activity.

Law Enforcement Operations.—The bill provides $135,500,000 for law enforcement operations. The Service is expected to use the increase above the request to fund uncontrollable costs, continue efforts to increase the eradication of marijuana from national forest lands and maximize the number of interagency drug enforcement operations conducted with Federal and non-Federal partners. In particular, funding for counterdrug operations on the Daniel Boone

[House Appropriations Committee Print]

Omnibus Appropriations Act, 2009

(H.R. 1105; Public Law 111–8)

DIVISION E—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

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