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

December 24, 2008

Tom Quinn
Forest Supervisor
Attn: Travel Management Team
631 Coyote Street
Nevada City, CA. 95959

Subject: Draft Environmental Impact Statement for Tahoe National Forest Motorized Travel Management Plan, Nevada, Placer, Plumas, Sierra and Yuba Counties, CA (CEQ# 20080380)

Dear Mr. Quinn:

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, implementation of seasonal and wet weather closures, and elimination of motorized access below the high water line (when dry) of Prosser, Boca and Stampede Reservoirs will result in significant environmental benefits.

While we acknowledge the benefits of the Preferred Alternative (Alternative 6), 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, timely achievement of the Lake Tahoe and Squaw Creek Total Maximum Daily Load requirements, the continued use of roads and trails in areas containing Naturally Occurring Asbestos, 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.

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 two (2) hard copies 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,

Laura Fujii for

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

Enclosure: Detailed Comments
Summary of Rating Definitions

cc: David Arrasmith, Forest Planner, Tahoe National Forest
Steve Thompson, California Operations, US Fish and Wildlife Service
Carolyn Suer and Carl Brown, California Air Resources Board

EPA DETAILED DEIS COMMENTS RE: TAHOE NATIONAL FOREST MOTORIZED TRAVEL MANAGEMENT PLAN, NEVADA, PLACER, PLUMAS, SIERRA, AND YUBA COUNTIES, CA., DECEMBER 24, 2008

Alternative 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. We 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.

> ***Recommendations:***
> The FEIS should describe the minimum Forest road system needed and how this information was used to formulate the motorized travel management alternatives. If the minimum road system needed has not been identified, the FEIS should describe how the optimal road system will be identified pursuant to the requirements of the Travel Management Rule (36 CFR Part 212 Subpart A).

Expand the scope of the action to include current roads and trails with known impacts. The DEIS states that the Forest is addressing impacts associated with the current NFTS through the Forest's road maintenance program (p. 3, Volume I: Summary). The current estimate of deferred road maintenance is $115,000,000.00 (p. 601, Volume III: Chapter 3). It is likely that the Forest will experience declining budgets. EPA is concerned with the Forest Service's ability to adequately address known road-related resource impairments given the acknowledged lack of maintenance funds and this proposal to add additional miles of roads and trails to the NFTS.

> ***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 or conflicts with other recreational users and experiences. For example, consider closure of impaired maintenance level 2 native surface roads until adverse impacts of these roads are addressed.

Water Quality

Demonstrate that the Preferred Alternative will help meet TMDL requirements. Squaw Creek and the Truckee River between Lake Tahoe and the California/Nevada Stateline are subject to Total Maximum Daily Loads (TMDL) for sediment. Both of these TMDLs require specific, quantified sediment load reductions over the next 20 years: 25% for Squaw Creek and 20% for the Middle Truckee River. Both contain load allocations that require approximately 55% sediment load reductions from dirt roads from existing conditions. The Middle Truckee River Sediment TMDL specifically states that the Tahoe

National Forest Motorized Travel Management Plan will be a key component to meeting the load reductions required from dirt roads.[1]

> ***Recommendation:***
> The FEIS should include data that demonstrate that Alternative 6 - Preferred Alternative (Preferred Alternative) will help meet the required sediment load reductions from dirt roads from existing conditions. If such load reductions will not be achieved, than additional Best Management Practices (BMPs) and mitigation measures should be adopted and incorporated into the Preferred Alternative to meet TMDL requirements.

Naturally Occurring Asbestos

Do not add roads or trails on land "most likely" to contain naturally occurring asbestos. The action alternatives increase the miles of roads and trails officially open to motorized use on land "most likely" to contain naturally occurring asbestos (NOA) (p. 28, Volume I: Summary). Disturbance of rocks and soils that contain naturally occurring asbestos (NOA) 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. Of specific concern are the three miles open to All Terrain Vehicles (ATVs) and motorcycles on land "most likely" to contain NOA. ATV and motorcycle users may be at higher risk of exposure to asbestos fibers since they are lower to the ground and open to the air. Even with the prohibition of travel cross country and on un-authorized routes, the Preferred Alternative would continue to allow motorized use on 43-miles of existing NFTS roads and trails on lands "most likely" to contain NOA (p. 47, Volume III: Chapter 3).

> ***Recommendations:***
> Additional miles of native surface roads or trails on land "most likely" to contain naturally occurring asbestos (NOA) should not be added to the NFTS or designated for motorized vehicle use. If such miles are added to the NFTS, the FEIS should provide the rationale for their addition and include data to demonstrate that these additional miles would not significantly increase the risk of adverse health effects.
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> For heavily used existing 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).

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[1] http://www.swrcb.ca.gov/rwqcb6/water_issues/programs/tmdl/truckee/docs; pps. 10-10 to 10-11.

Water and Riparian Resources

Provide a rigorous evaluation of the effects of the change of hardened surface roads to high clearance roads and their use by all vehicles. All the action alternatives, except Alternative 3: Cross-Country Travel Prohibition Only, allow hardened surface roads to be "open to all vehicles" through either: 1) a reduction of maintenance until they meet high clearance conditions (e.g., degrade to ungraded, rough surface, pot holes, wash boarding) that allow for safe mixed-use, or 2) by a decision of a qualified road engineer that the assessed road condition is poor enough to allow safe mixed-use (p. 10, Volume I: Summary). The Preferred Alternative would change 276 miles of smooth surface roads to high clearance roads (p. 584, Volume III: Chapter 3).

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 that may already be affecting resources.

> ***Recommendation:***
> The FEIS should provide a more rigorous evaluation and description of the effects of the proposed redesignation of hardened surface roads to high clearance roads and their availability to all vehicles. We recommend additional BMPs be included in the Preferred Alternative to ensure the change from hardened surface roads to high clearance roads do not result in additional adverse water quality or sediment effects.

Evaluate the effects of alternatives on route proliferation at dispersed campsites near streams, lakes, springs and meadows. Route proliferation from public wheeled motor vehicle use often occurs around dispersed campsites that are along sensitive riparian areas. Although the evaluation of effects on water and riparian resources considers many other indicator measurements, it does not appear to evaluate the effect of alternatives on route proliferation in sensitive resource areas. While the Preferred Alternative would eliminate unauthorized use on 78 wet meadows, it would continue to allow motorized use through 5 wet meadows and a high density of routes within Riparian Conservation Areas in 16% of watersheds (p. 293 and p. 109, Volume III: Chapter 3).

> ***Recommendation:***
> We recommend the FEIS evaluate the effect of the alternatives on route proliferation at dispersed campsites near streams, lakes, springs, and meadows, and the related impacts to water and riparian resources.

Include the rationale for each specific road or trail added to the NFTS for motorized use. The Preferred Alternative would allow motorized travel to continue within or adjacent to sensitive habitats and resources such as wet meadows, springs/seeps, vernal pools, high elevation openings and rock areas, and inventoried roadless areas (pps. 301, 515, 548, 560, Volume III: Chapter 3).

Recommendations:
For each road or trail added to the NFTS, the FEIS should provide the specific rationale that supports the decision that continued motorized use outweighs the negative effects of continuing this use. We recommend the rationale be included in Appendix A as part of the Road Cards which provide site-specific mitigation and monitoring requirements for each proposed route addition.

We recommend modification of the Preferred Alternative to further reduce effects on wet meadows, vernal pools, springs/seeps, and other sensitive resources by eliminating or reducing additions to the NFTS in these areas.

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. 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 on the Motor Vehicle Use Map not yet open for use due to mitigation measure implementation delays. Table 2-5: Mitigation Measures Required for Implementation lists mitigation measures which will be implemented prior to opening the specific route to public motorized use (p. 56 – 68, Volume II: Chapter 2). Many of these mitigation measures require drainage improvements, barriers, and fencing which may call for significant funds and resources. Given the substantial level of deferred road maintenance and expected decline in budgets, EPA is concerned with the Forest Service's ability to quickly implement the identified mitigation measures and the potential for continued un-authorized motorized use of these designated routes.

Recommendation:
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.

Procedural

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 un-authorized 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, Volume I: Summary). 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 environmental analysis has not occurred, we recommend a commitment in the FEIS and ROD to route-specific environmental analysis prior to the route's addition to the NFTS or its designation for public motorized use.