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

March 13, 2009

Pete Hochrein
Interdisciplinary Team Leader
Plumas National Forest
PO Box 11500
Quincy, CA 95971

Subject: Draft Environmental Impact Statement for Plumas National Forest Public Motorized Travel Management, Plumas County, CA (CEQ# 20080533)

Dear Mr. Hochrein:

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. Of special note are the extensive field surveys and inventory of existing unauthorized routes and the decision not to designate routes with extreme soil, water resource, and cultural resource effect ratings. EPA supports the Forest Service's decision *not* to select Alternative 2 Proposed Action as the preferred alternative.

While we acknowledge the benefits of the Alternative 5 Preferred Alternative, 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 the designation of the Sly Creek open area and various routes associated with existing significant soil and water resource impairment, or located in Critical Aquatic Refuges or serpentine soils. Additional information is also necessary to fully describe seasonal closures, monitoring, and enforcement commitments.

We urge consideration of an alternative which does not include the Sly Creek open area, with its significant existing adverse water resource effects, nor designation of routes located in Critical Aquatic Refuges or serpentine soils. We recommend elimination of routes with existing soil and water resource impairment located in watersheds with a high risk of cumulative watershed effects or that exceed the 4.0 mile per square mile road density threshold.

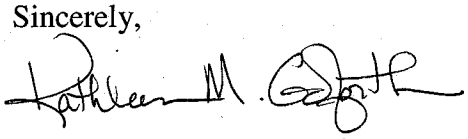
EPA is aware of the decision by the Pacific Southwest Region of the Forest Service to limit the scope of the travel management planning process to prohibition of motorized vehicle travel off designated routes, addition of unauthorized roads and trails to the National Forest Transportation System (NFTS)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

We acknowledge the constraints of funding and resources; nevertheless, we had hoped the Forest Service would take this opportunity to review and rationalize the NFTS, pursuant to Travel Management Rule direction to identify the minimum road system needed (36 CFR Part 212 Subpart A); to address known road-related resource impairments and use conflicts of both the existing NFTS and unauthorized user-created system; and to align the transportation system with maintenance and enforcement capabilities. We note a similar request has been made by Senator Feinstein (see attached letter).

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,



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

Enclosures:
Detailed Comments
Summary of Rating Definitions
Letter from Senator Dianne Feinstein to Regional Forester, December 18, 2008

cc: Steve Thompson, California Operations, US Fish and Wildlife Service
Central Valley Regional Water Quality Control Board
Lahontan Regional Water Quality Control Board
Northern Sierra Air Quality Management District
Carl Brown, Asbestos Program, California Air Resources Board

EPA DETAILED DEIS COMMENTS PLUMAS NATIONAL FOREST PUBLIC MOTORIZED TRAVEL MANAGEMENT PLAN, PLUMAS COUNTY, CA., MARCH 13, 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. 3). 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 their relationship 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 roads and trails with known impacts. The current estimate of annual deferred road maintenance is approximately $469,215.00 for the Plumas National Forest (Forest) (p. 53). 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 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 which avoids and minimizes adverse effects to water resources, air quality, threatened, endangered, and sensitive species and their habitat, and human health. Forest watershed staff performed field surveys of every existing, unauthorized route proposed for addition to the current NFTS (p. 69). Based upon these field surveys, proposed trails were given a rating of Low, High or Extreme regarding the potential for soil and water resource effects. Alternative 2 Proposed Action proposes designation of 137 miles of existing, unauthorized routes rated as Extreme (85 miles) or High (52 miles) for soil and water resource effects. Routes rated Extreme for soil and water effects are those routes with current adverse effects where mitigation of these effects is not economically feasible, would not meet safety standards, or would not be effective due to physical constraints (p. 89). Alternative 2 would also include 126 stream crossings observed to either be currently diverting stream flow down the route surface or having the potential to divert stream flow (p. 88).

> ***Recommendation:*** EPA supports the Forest Service decision *not* to select Alternative 2 Proposed Action as the preferred alternative. We support selection of an alternative which avoids and minimizes adverse effects to water resources, air quality, threatened, endangered, and sensitive species and their habitat, and human health.

Avoid designation of routes with existing resource impairments in watersheds with high risk of cumulative watershed effects or over-threshold road densities. Routes determined to have a High or Low soil and water resource effect would be designated as part of the NFTS under Alternative 5 the Preferred Alternative (p. 101). These routes would not be legal for motorized use until identified critical mitigations are in place and proper installation is verified by Forest staff (p. 69). 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 cumulative watershed effects or that exceed the 4.0 mile per square mile road density threshold.[1]

Reconsider the proposal to designate the Sly Creek open area for public motorized vehicle use. Plumas National Forest currently has one motorized vehicle open play area of 4 acres (p. 6). An open area allows motorized vehicle use throughout the designated area. Action Alternatives 2, 4, and 5 would designate an additional open area of 36 acres adjacent to the South Fork Feather River just below the dam at Sly Creek Reservoir for year round use for vehicles 50" or less in width (pps. 15, 130). This open area is within

[1] For example, watersheds 110114 and 1101059 that are determined to have a high risk of Cumulative Watershed Effects, p. 91; 17 other watersheds that exceed the 4.0 mile/square mile road density threshold, p. 90; and routes that contain segments that rate as "Fail" for effectiveness in protecting water quality and where mitigation is not feasible, p. 101.

the riparian conservation area and has significant existing water resource effects which must be mitigated before it is open for public use. These existing adverse effects include a steep, rutted access approach which is eroding; and access via an ephemeral channel from the Sly Creek Campground which is causing discharge of traffic-related sediment to and beyond the downstream paved road drainage system (p. 89). EPA has significant concern with the designation of the Sly Creek open area adjacent to a reservoir, in a riparian conservation area, and with existing significant water resource effects.

> ***Recommendation:*** EPA urges the Forest Service to reconsider the proposal to designate the Sly Creek open area for motorized use. We recommend the FEIS provide additional information regarding the current use and resource effects of the proposed Sly Creek open area. For instance, state whether the Sly Creek Reservoir and adjacent South Fork Feather River serve as drinking water sources or as critical fish habitat.

Describe and implement seasonal closures. Provide information on wet weather conditions and related environmental impacts. Appendix A: List of Routes and Resource Impacts includes seasonal closures for specific trails. However, the DEIS does not describe these seasonal closures nor the criteria that would trigger their use. Furthermore, the DEIS does not describe winter or wet weather conditions nor whether wet weather use of existing NFTS and unauthorized roads and trails results in significant environmental impacts. We note that many of the existing unauthorized routes cross ephemeral or intermittent stream drainages with no installed stream crossing structures because they were created for temporary use during the dry summer season (p. 13).

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

<u>Naturally Occurring Asbestos</u>

Do not add trails on land "most likely" to contain naturally occurring asbestos such as serpentine soils. The Forest has approximately 56,554 acres of serpentine soils, primarily in bands along the western slopes of the Forest (p. 277). There are 40 miles of existing system trails and unauthorized routes in serpentine areas (p. 283). Alternative 5 Preferred Alternative would designate 6.5 of these miles for motor vehicle use, and Alternative 2 Proposed Alternative would designate 14 of these miles. Five trails are entirely in serpentine soils (p. 54). 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.

The DEIS states that the presence of asbestos and health risks to trail users has not been determined pending development of determination guidelines by the Forest Service Pacific Southwest Region. The Forest will follow the guidelines when they are available and implement mitigation measures required by the Region if health risks are found to be present.

> ***Recommendations:***
> Additional miles of native surface roads or trails on land "most likely" to contain naturally occurring asbestos (NOA), such as serpentine soils, 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.
>
> 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).

Sensitive Habitats

Avoid designation of routes within Critical Aquatic Refuges. The DEIS predicts a moderate to high direct and indirect effect to Critical Aquatic Refuges for the Federally listed threatened California Red-Legged Frog (p. 123) and Forest Service designated sensitive Mountain Yellow-Legged Frog (p. 144). Critical Aquatic Refuges are specifically created to protect vulnerable species and to serve as existing refugia for at-risk species (p. 116). With the exception of alternatives 3 and 4, none of the action alternatives will meet all six of the criteria found in the Programmatic Agreement between the Forest Service Pacific Southwest Region and US Fish and Wildlife Service to meet a "No effect, not likely to adversely effect California Red-Legged Frog and their population" determination for public motorized travel management projects (p. 124).

> R***ecommendation:***
> We recommend removal from designation all routes within Critical Aquatic Refuges which may adversely affect vulnerable populations of threatened, endangered, and sensitive aquatic species.

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 (p. IV). 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).

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.[2] 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. 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, 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.

---

[2] For example: Our Changing Climate: Assessing the Risks to California, A Summary Report from the California Climate Change Center, July 2006; Climate Change and California Water Resources, Brandt, Alf W.; Committee on Water, Parks & Wildlife, California State Assembly, March 2007.

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 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). EPA is concerned with the addition of un-authorized user-created trails to the NFTS which may not have undergone site-specific environmental analysis or public involvement.

> ***Recommendation***:
> The FEIS should state how the Forest will ensure specific user-created routes are adequately evaluated pursuant to NEPA requirements. Where prior site-specific environmental analysis has not occurred, we recommend the FEIS specify the manner 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.

U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements Definitions and Follow-Up Action*

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (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

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 these impacts.

EO – Environmental Objections

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

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 potential 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 of 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 analyzed 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 analyzed in the draft EIS, which should be analyzed 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 National Environmental Policy Act 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. February, 1987.

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