

FISHLAKE NATIONAL FOREST

**RESPONSE TO COMMENTS
for the
FISHLAKE OHV ROUTE DESIGNATION PROJECT**

12 October 2006

INTRODUCTION

The forest incorporated existing comments from prior public participation processes during the pre-NEPA (NFMA) assessment. The following documents from these efforts are incorporated by reference:

- ★ Public comments received for the 2001 OHV Event Environmental Assessment for the Rocky Mountain and Fillmore Jamborees. The assessment covered all of the Fishlake and portions of the Dixie and Manti-LaSal National Forests as well as Richfield BLM.
- ★ OHV and travel management comments received by mail or at public meetings for Forest Plan revision efforts.
- ★ Meeting notes and final presentations and reports from the Forest Plan revision Topical Working Groups (TWiGs) for OHVs, dispersed camping, and undeveloped area suitability. These records are included in the OHV project file and are incorporated by reference.

The Notice of Intent (NOI) for the Fishlake OHV Route Designation Project was published in the Federal Register on June 7, 2004. The NOI included a proposed action (Alternative 2) that designated routes and areas open to motorized use on the Fishlake National Forest. The effect of these designations is to close the forest to unrestricted motorized cross-country travel. The NOI asked for comments on the proposed action by July 30, 2004. Immediately prior to release of the NOI, the Forest Service briefed local governmental officials, motorized advocacy groups, businesses, and environmental groups. The project web site <http://www.fs.fed.us/r4/fishlake/projects/ohv.shtml>, press release, and postings at some trailheads were used to disseminate information and gather comments.

About 198 scoping responses from individuals, advocacy groups, State and other federal agencies were received and analyzed for content (see project file or [project web page](#)). Public involvement efforts following the NOI included public open houses in Richfield, Fillmore, Beaver, Loa, Junction, Salina and Salt Lake City, Utah. Subsequent to those open houses, comments on the project were reviewed and the proposed action was revised. The forest developed two additional alternatives based on public comment that also incorporated new route inventory data from the summer of 2004. The final preferred alternative, Alternative 5, has been formalized between draft and final to capture modifications to Alternative 3 (Modified Proposed Action) and to incorporate desired attributes from the other alternatives such as Alternative 4 (Non-motorized Emphasis) and a proposal from the Three Forest Coalition. The changes are the result of a substantial amount of additional internal review and consideration of public comments. These reviews also led to inclusion and disposition of additional routes to the GIS inventory.

Public open houses were held in Richfield, Fillmore, Loa, and Beaver Utah in August of 2005 following release of the Draft Environmental Impact Statement (DEIS). Twenty-four comments were received between the formal scoping period and the formal DEIS comment period. Fifty comments were received during the formal DEIS comment period and an additional 15 comments arrived after the formal comment period. Thus, 89 written comments were received between release of the DEIS and the Final EIS (FEIS). District staff and forest specialists evaluated all of the individual route or area specific comments [regardless of when the comment was received] to determine what if any changes should be made for the final preferred alternative. This process took months to complete, in part because some of the comments necessitated updates to and additional review of the route inventory.

This document represents a compilation of public comments to the DEIS received beginning August 5, 2005. The formal DEIS comment period ended on September 19, 2005, however, letters received by February 9, 2006 are included. Public responses include hand delivered comments from four public meetings and correspondence received through e-mail and letters. All tolled, the forest received responses from individuals and organizations in 16 States and the Paiute Indian Tribe of Utah. Most comments originated from addresses within Utah. Only Sevier and Wayne Counties provided written responses, but numerous briefings and meetings have occurred with all of the affected counties. Other federal agency comments came from the Environmental Protection Agency – Region 8, and the Department of Interior including the Fish and Wildlife Service, the Bureau of Land Management, and Capitol Reef National Park. State agency responses included the Utah Public Lands Coordination Office, Utah Division of Drinking Water, Utah Division of Water Quality, Utah Division of Wildlife Resources, Utah State Historic Preservation Office, Utah Department of Transportation, Utah State Extension Service, Fremont Indian State Park, and a Utah State OHV Advisory member. Advocacy groups providing written comments include the Bear River Watershed Council, Blue Ribbon Coalition, Bullhead 4 Wheelers, Inc., Grand Canyon Trust, International Mountain Bike Association, Red Rock Forests, Sand Rock Ridge Riders ATV Club, Southern High Rollers 4x4 Club, Southern Utah OHV Club, Three Forests Coalition, USA-ALL, Utah Environmental Congress, Utah Forest Network, Utah Snowmobile Association, Utah Water Project – Trout Unlimited, Western Resource Advocates, and Wildlands CPR. Representatives from Utah Power and Light, the Richfield Reaper, and DBW Metals Recycling also provided comments.

METHODS

The processing and analysis of the comments follows the procedures developed by the National Forest Service Content Analysis Team (CAET August 2003). A list of the mail handling procedures and coding structure used can be found in Appendix A. Each sender and letter was assigned a unique identification number for tracking in the CAETv1 ORACLE database. Comments within each correspondence were given a code to group like comments by the type of action requested, the rationale provided, and by site-specific location if referenced. Each individual comment was then entered into the CAETv1 database word-for-word, except for the correction of spelling and minor grammatical errors. As processed, the 89 letters received contained 541 comments. These data were then exported to a Microsoft Access database developed by the CAET team. The Access database allows the user to develop public concerns from the individual comments. The 541 comments were grouped by specific resource topics and by specific routes or site locations. Thus, the 541 comments are grouped into 101 individual public concerns that are attached in the following report. The public concern groupings attempt to display unique aspects of the information provided by the public. However, there is unavoidable overlap among several of the public concerns.

The database was used to generate the responses to comments provided in this report. The Access export function has bugs that cause the ends of responses and comments to unpredictably be truncated. Every attempt was made to correct these errors after being exported, but some may still be present. The database contains all of the data even if it is not displayed in the report.

The Forest Service has attempted to make no endorsement or criticism of the comments provided by the public. Rather, the forest has tried to provide fact-based responses that hopefully clarify and address the comments and questions submitted by the public. The public questions, concerns, and comments assisted the Forest Leadership Team and the Interdisciplinary Team in the development of

the final preferred alternative (Alternative 5). The forest provided separate formal and informal responses when requested in individual letters.

A Microsoft Access database, developed by the forest, was used to link site and route specific information to public comments. This database, which is incorporated by reference, provides additional information and context to the responses provided in this report.

Thanks to Bob Dow, Frank Lamb, and Don Green of the Content Analysis Team and Ellen Daniels for their continued crucial support!

Prepared by: Dale Deiter, OHV Team Lead

Public Concerns, Responses, and All Comments

Public Concern Order

Public Concern ID 1102

Specialist Assigned DD

Public Concern *Some respondents commented on the relationship and need for integration between the travel management project and the current Forest Plan and ongoing Forest Plan revision. Motorized user groups represented by the Blue Ribbon Coalition are concerned that access decisions, particularly route and area closures made in the route designation project, will be expanded through the Forest Plan revision process. Preservation groups represented by the Three Forest Coalition assert that changes to the existing travel plan require a Forest Plan amendment.*

Response *The Forest Leadership Team (FLT) oversees the travel management and plan revision teams. The team leaders from both projects coordinate and communicate frequently and share some team members. This improves consistency between the two projects and reduces the potential that travel management decisions will unintentionally conflict or narrow or eliminate Forest Plan decision space. Travel route and area designations that potentially impact strategies, guidelines, or special area designations are jointly reviewed and decided upon or deferred if necessary. These decisions are being made public in both projects so that there should be no surprises in either case.*

The first travel plan for the Fishlake National Forest was established through a NEPA process in 1976 in response to Executive Order 11644. The travel plan was updated in 1986 to implement strategic decisions and allocations established in the Forest Plan.

The impacts of these changes were disclosed in the Forest Plan EIS and ROD. Subsequent travel plan revisions have only invoked Forest Plan amendments when management area boundaries had to be adjusted [as pointed out by the Three Forest Coalition (TFC) below]. In the same way, Alternative 5 will require an amendment to make minor adjustments to management area 3A boundaries that were dealt with differently in the prior alternatives. The update to the long-range rights-of-way acquisition plan [mentioned by TFC] was an update to Appendix N of the Forest Plan, but is not an amendment. Appendix N is an action plan that was intended to be updated during Forest Plan implementation.

The Forest feels that the travel map, especially for summer travel, can be updated independent of the Forest Plan so long as it is consistent with management area direction and standards and guides and is consistent with the new travel management regulations. 36 CFR 212.54 Revision of designations states that, "Designations of National Forest System roads, National Forest System trails, and areas on National Forest System lands pursuant to §212.51 may be revised as needed to meet changing conditions. Revisions of designations shall be made in accordance with the requirements for public involvement in §212.52, the requirements for coordination with governmental entities in §212.53, and the criteria in §212.55, and shall be reflected on a motor vehicle use map pursuant to §212.56." These actions are being implemented for this project.

The proposed project monitoring is not inconsistent with Forest Plan monitoring as suggested by TFC. However, monitoring requirements is integrated into the Environmental Management System (EMS) that was completed for Forest Plan revision. Chapter 1 of the DEIS and FEIS further qualify some of the interrelationships between travel management planning and Forest Plan revision.

Comment General Concern Regarding the Planning Process:

Our concerns continue to be associated with the relationship of the Fishlake National Forest OHV Route Designation Project (herein referred to as the "Fishlake Travel Plan") and the Forest Plan Revision process. Stated simply, our concern is that the OHV public will participate in the Travel Plan and be required to accept the loss of a significant percentage of recreational opportunity. Then, upon completion of the Forest Plan Revision, a second round of site specific planning made pursuant to the Revised Forest Plan would require an additional loss of recreational opportunity. Such a scenario would result in real and concrete harm to BRC members, supporters and others who choose or are required to use vehicles for access and recreation. When communicating this concern to Fishlake planning personnel, BRC was assured that the Fishlake Travel Plan is going to be specifically designed to create a comprehensive OHV route system intended to last through the current Forest Plan revision. It was represented to BRC; that although some changes could be required pursuant to the Revised Forest Plan, the agency did not envision those changes to be substantial. Fishlake personnel also made it clear that nothing could preclude the Forest from making site specific changes to the Travel Plan utilizing the lawful planning process, or from using "emergency powers" to close routes if significant resource damage had been documented. After review of the preferred alternative, it seems that our concerns were not unfounded. It is obvious that the preferred alternative follows the Fishlake NF's proposed management changes as outlined in the Forest Plan Revision process thus far. Additionally, it seems reasonable to assume the Revised Forest Plan may well provide direction to further restrict opportunities for vehicle assisted forest visitors.

(Ltr 267, Cmt 3,)

Comment Consider keeping routes open to motorized use even when vehicle use may conflict with proposed desired future condition, or other management proscriptions in the Forest Plan Revision Process. In other words, do not assume the proposed management direction will survive the planning process and consider the relative value of each route on its own merits, irrespective of whether or not they lie in areas that may conflict with the Revised Forest Plan.

(Ltr 267, Cmt 6,)

Comment Question (Page 30): One of the criteria for the proposal was to not designate "open motorized routes in the existing "C" closure areas from the existing travel plan." What are these? Does the forest plan need to be amended to do allow any changes at all?

(Ltr 269, Cmt 13,)

Comment Additional Forest Plan travel plan comments Page "i" of the DEIS outlines some basic aspects of the proposed action including adding 455 miles of classified routes to the motorized travel system, removal of 75 miles of classified motorized routes, closure of the Forest unit to cross country motorized travel off designated routes would be prohibited except on 4 designated cross country motorized use areas (three near Richfield totaling 780 acres and 1 on the Velvet Ridges totaling 189 acres. The alternatives also include an implementation plan that identifies strategies for managing risks from motorized use and infrastructure, enforcement considerations, public education plans, monitoring requirements, and, strategic considerations for future travel planning decisions. This is a monitoring plan that is not reflected in, and at times may conflict with, the aggressive Forest Plan monitoring already committed to. The monitoring plans proposed should be incorporated into the Forest Plan monitoring direction in a way that it complements and improves the monitoring program, not setting up duplicate and parallel monitoring programs that at times would conflict.

(Ltr 278, Cmt 150,)

Comment A primary driving factor that illustrated the need for this project is the results of the aggressive monitoring program committed to in the Forest Plan and its associated ROD and FEIS. The "primary issues" that the purpose and need and alternative development are based upon is Forest Plan travel plan enforcement and monitoring activities "have revealed that the current travel plan has several fundamental design flaws that prevent understanding and adherence to travel regulations by the public" and that "The travel plan is therefore difficult to enforce." (EIS page 19). DEIS page 8 identifies the project area as being the Fishlake National Forest (FNLF), including inholdings inside the Forest boundary. Page 18 of the DEIS says that the scope of the project is limited to existing roads and trails and that, "no Forest Plan amendments are necessary to implement any of the proposed alternatives." However, it is unclear how any of the proposed alternatives can be approved without an amendment to the Forest Plan.

(Ltr 278, Cmt 151,)

Comment This is because of the issues raised below, and also because the alternative development and analysis in the DEIS has resulted in action alternatives that are inconsistent with Forest wide and management area specific direction in the form of DFC, goals, objectives, and standard and guideline mitigation measures. One example is that the DEIS repeatedly refers to the direction for "Desired Conditions" but that is not in the Forest Plan. The Forest Plan has desired future conditions, but the

alternatives are not developed with this Forest Plan direction in mind. Other direction in the plan for TES/MIS species management, monitoring, evaluation and protection also is not incorporated or used. Even some of the Forest Plan direction from chapter IV of the Plan and its appendices specific to the travel plan development, updating, standards/guidelines, and monitoring are not relied upon, which results in a range of action alternatives that would be inconsistent with Forest Plan travel plan direction.

(Ltr 278, Cmt 152,)

Comment We will outline other reasons why a Forest Plan amendment will be required for approval of any action alternative. This needs to be addressed in the new or revised Draft EIS that is needed, as mentioned in earlier sections of these comments. We express concerns regarding characterizations of the Forest Plan/FEIS in some parts of this environmental document that are not supported, and areas where the Forest Plan direction for the travel plan appears completely overlooked in the analysis and/or is consistent with the alternatives analyzed in detail. This EIS and subsequent decision document will be tied to the Forest Plan and the Forest Plan FEIS. See Forest Plan page I-2, ROD approving the current Forest Plan alternative based on the impacts analysis in the Forest Plan FEIS. See Forest Plan FEIS page 5 as well. Correctly, the DEIS indicates this, yet denies direction in the Forest Plan and travel plan and travel planning analysis that is site specific in the Forest Plan FEIS.

(Ltr 278, Cmt 153,)

Comment The travel plan is a part of the Forest Plan, and was analyzed in the Forest Plan FEIS NEPA analysis.

The travel plan that was selected in the 1986 ROD approving the Forest Plan is located in Forest Plan appendix P. (Forest Plan, Forest Plan FEIS, and the ROD approving the selected Forest Plan based on the FEIS are incorporated into these DEIS comments with CD attachment B.) The Forest Plan's travel plan and road & trail system management and planning direction that was analyzed in the Forest Plan FEIS has also been amended by a number of subsequent NEPA decisions. Each of these amendments to the travel plan and road/trail direction and planning included the required amendment to the Forest Plan.

(Ltr 278, Cmt 154,)

Comment A few examples of these NEPA decisions that amended the travel plan and road/trail management direction that are parts of the Forest Plan include:(1) The EA and DN/FONSI for "Forest Plan Amendment 1 Travel Management On Fishlake Mountain." This is a Forest Plan amendment to the Forest Plan travel management direction to allow motorized travel on a designated route to Tasha Spring and for snowmobiling in the winter. The Forest Plan travel plan map as well as site specific restrictions on OHV travel use were also amended by this non-significant Forest Plan amendment, as the travel plan in the Forest Plan had prohibited motorized and mechanized trail use on this road and in the area.

(Ltr 278, Cmt 155,)

Comment A few examples of these NEPA decisions that amended the travel plan and road/trail management direction that are parts of the Forest Plan include:(2) "Amendment Number 2 to the Land and Resource Management Plan" also included an amendment to the Forest Plan travel map that was site-specific to OHV trail designations and area restriction boundaries.

(Ltr 278, Cmt 156,)

Comment A few examples of these NEPA decisions that amended the travel plan and road/trail management direction that are parts of the Forest Plan include:(3) 1995 "Road and Trail Rights of Way Acquisition Plan. This amendment to the Forest Plan, received by UEC in early 1999 for its FOIA for the Forest Plan and amendments, explains, "This document comprises the narrative section of the long-range Forest Road and Trail Rights-of-Way Acquisition Plan. The Forest Transportation Plan, "contain the basic inventory from which this information was compiled and which are made a part of this plan by reference." Page three of the Forest Plan amendment notes that, "There are currently 1,189 miles of trails on the Forest. Of this number 714 miles are open to OHV's with the remaining 475 miles reserved for non-motorized use." It also commits the Forest to direction from the 1994 Fishlake Recreation strategy and to annual reviews of the inventory/priority list of needed roads and trails. Page five also notes a decision not to obliterate about 50% of the 1,200 miles of roads on the Forest that were to be obliterated per the 1988-1989 Forest Management Team evaluation of the transportation system on the Forest, which had found that 1,200 miles of roads were "not needed and/or were contributing to unwarranted resource impacts." This DEIS does not disclose this NFMA and NEPA analysis, nor does it disclose why those 600 miles of roads are now needed and/or no longer contributing to unwarranted resource impacts. Direction from this Forest Plan amendment that assigned a new planning and an annual action plan for motorized road/trail management are also not disclosed or used to guide alternative development or impacts analysis in this DEIS.

(Ltr 278, Cmt 157,)

Comment The Forest Plan travel plan, located in the attached Forest Plan appendix P was included in the Forest Plan FEIS analysis. In light of the above examples, Forest Plan amendments have been triggered in the past when amendments to the travel plan and/or its map have been required. These were done in light of NEPA analysis and decision documents. The OHV DEIS denies this.
(Ltr 278, Cmt 158,)

Comment Forest Plan "general direction" for trail system management on page IV-46 of the Forest Plan directs, "1. Maintain all trails to meet standard of use designated in Travel Plan. 2. Maintain all trails to the following minimum requirements: A. Structures are structurally sound and safe for specified class of user, B. Maintain drainage structures to prevent unacceptable resource damage, and C. Remove hazards from trails to allow safe passage for specified class of users." Forest Plan page IV-43 general direction for transportation system management activities directs, "1. Classify areas as to whether off-road vehicle use is permitted." The corresponding standard is, "Specify off road vehicle restrictions based on ORV use management (FSM 2355)." The following page of the Forest Plan continues with more general direction for transportation system management activities, "2. Manage road use by seasonal or permanent closure if: A. Use causes unacceptable damage to soil and water resources due to weather or seasonal conditions B. Use conflicts with the ROS class established for the area; C. Use causes unacceptable wildlife conflict or habitat degradation; D. Use results in unsafe conditions; E. The road does not serve an identified public or administrative need; F. Area accessed has seasonal need for protection or nonuse; or G. Financing is not available to maintain the Facility or manage the Associated use of adjacent lands."
(Ltr 278, Cmt 159,)

Comment The travel plan approved in the Forest Plan includes site-specific decisions regarding motorized road and trails on the Forest, and subsequent Forest Plan amendments to the travel plan have also done the same. The Forest Plan FEIS also addressed the Forest Plan's travel plan. For example the Forest Plan FEIS page VI-119 response to the Forest Plan travel plan comments submitted by the Salina Lions Club sponsored meeting on the (then) proposed travel plan portion of the (then) proposed Forest Plan show that the (proposed) travel plan was a significant issue for the Forest Plan EIS. Including the travel plan in the Forest Plan addressed issues raised in the Forest Plan NEPA analysis. For example, in response to the Forest Plan comment, "Do not close any roads within the Salina Canyon Drainage" the Forest Plan FEIS response is, "The objective of the Forest Travel Plan is to provide the broadest possible travel and recreation opportunities consistent with resource and public demands. When in conflict, resource needs over-ride public demand." Forest Plan FEIS page VI-72 also states, "If specific areas are identified where snowmobile use is harassing wintering wildlife, the Travel Plan (Plan Appendix P) can be changed to relieve the problem."
(Ltr 278, Cmt 160,)

Comment Furthermore, page 8 of the ROD implementing the Forest Plan (in CD attachment B) says that, "The second major issue raised was about travel management." "Many felt that the travel management portion of the Forest Plan was too restrictive of ORV travel. Others supported the concept of travel restrictions to provide sanctuary and protective areas for big game. Forest management is concerned that the proliferation of wheel tracks is causing unacceptably high erosion, which is damaging the basic resources of soil and vegetation. Where possible, modifications of the travel management plan were made to allow over snow machines. However the need to protect the basic resources and to provide big game resting areas prevented relaxation of travel management standards." Thus, even the ROD mentions NEPA analysis and approval of a Forest Plan that includes the travel plan, and noted the decision to not relax travel management standards. Standards and guidelines are mitigation measures in the ROD that approved the Forest Plan that are to be enforced in all project level activities. This includes standards and guidelines such as maintaining the ROS and viable populations of MIS. (Forest Plan ROD page 20.)
(Ltr 278, Cmt 161,)

Comment The Forest Plan includes a travel plan and map, a monitoring program for this. Direction in chapter IV and other chapters of the Forest Plan reflect this. The Forest Plan FEIS relies upon the Forest Plan travel plan to respond to issues and mitigate impacts, and the ROD implementing the plan commits to travel management standards while referring to the travel plan that is a part of the approved Forest Plan. In light of the above the characterization of the Forest Plan FEIS and the Plan's direction is arbitrary throughout the DEIS. For example DEIS page 24 states, "Forest Plans are not intended to make site-specific decisions such as those necessary to create a motorized travel plan" and the next page of the DEIS claims that, "User created routes developed since 1969 have not been analyzed under NEPA." The above is not correct because the Forest Plan includes and its FEIS analyzes the Plan's travel plan, even treating the inclusion of the travel plan in the Forest Plan as a mitigating measure to address soil, water, and wildlife impacts resulting from user created motorized routes.
(Ltr 278, Cmt 162,)

Comment The Monitoring Plan proposed (see DEIS page 177) will need to be incorporated into the Forest Plan because this travel plan monitoring is different from, and at times appears to conflict with, the monitoring plan committed to in the Forest Plan.
(Ltr 278, Cmt 164,)

Public Concern Order **Public Concern ID 1200** **Specialist Assigned DD**

Public Concern *The Three Forest Coalition raised several objections to the travel management evaluation and Roads Analysis Process used by the Forest. They feel that the project should be broader in scope [see also concern 1406] and more comprehensive, incorporating all facets of motorized use and impacts on the Forest. They feel that site-specific, route-by-route analysis is lacking [see also concern 1300].*

Response *The Roads Analysis and supplement and the route designation EIS are perhaps the most inclusive and comprehensive analyses of the Forest transportation system to date, but they are not the only assessments. Existing and planned transportation impacts have been looked at in past and current forest planning and are assessed for cumulative impacts for any project that requires NEPA documentation. Thus, even though most of the motorized routes on the Forest were created prior to the 1969 NEPA legislation, they have undergone continuous evaluation. The Forest regularly takes action to reduce or eliminate impacts identified through Forest Plan and project monitoring. Continuous assessment and adaptive management will continue under all of the proposed alternatives.*

The process used in the "Development of Alternatives" was described in the DEIS on pages 29 to 32. This process has been clarified and described in greater detail in the FEIS with the hope of improving public understanding of the lengthy and comprehensive assessment that has occurred during alternative development and evaluation.

The new travel rule does not require the Forest to reconsider past decisions. The response to comments in the Federal Register document for the new travel management rule states, "The Department believes that reviewing and inventorying all roads, trails, and areas without regard to prior travel management decisions and travel plans would be unproductive, inefficient, counter to the purposes of this final rule, and disrespectful of public involvement in past decision making. Local responsible officials can and should take into account past travel management decisions.", and "Nothing in this final rule requires reconsideration of any previous administrative decisions that allow, restrict, or prohibit motor vehicle use on NFS roads and NFS trails or in areas on NFS lands and that were made under other authorities, including decisions made in land management plans and travel plans." [travel rule, page 22] and "Reconsidering of all these decisions would waste public resources, disrespect public participation in development of the plans, and expand the scope of this travel management rule beyond its purposes." Accordingly, most routes [and very few areas] are not included in the proposed action given that the primary purpose of the project is to close the Forest to unrestricted cross-country travel by motorized vehicles.

The new travel rule has modified the requirements for Roads Analysis, which will be replaced by "Transportation Analysis" once the new directives are published. The Roads Analysis Supplement prepared for the route designation project, which

considered both roads and motorized trails, is consistent with both existing and proposed requirements. It should be noted however that document FS-643, which described Roads Analysis leaves a lot of discretion for the Forest Service line officer and interdisciplinary team to determine the need for and degree of responses to the questions contained in that document. Page 15 of FS-643 states "The process provides a set of possible road-related issues and analysis questions, the answers to which can inform the choices made about future road systems. Line officers and interdisciplinary teams assigned to complete the analysis can review this list and determine the relevance of each question." This is what was done in the Roads Analysis Supplement. The information sources listed in the RAP supplement form the basis of the recommendations contained Step 5, which identifies management opportunities and establishes priorities and technical recommendations that have been incorporated into the proposed actions. A database containing site-specific route information and recommendations is incorporated into the RAP supplement by reference.

Comment TRAVEL MANAGEMENT PLANNING:

We ask the Forest Service to initiate a series of travel management planning processes for particular sections of the National Forest. In each planning process, the agency can, with ongoing public participation, thoroughly inventory all travel routes and make decisions about each path. Some should be obliterated, some should be shared-use trails and others may occasionally be appropriate for a single type of user. The community of people involved can probably come close to consensus on a reasonable system of trails and rules for each place.

(Ltr 225, Cmt 12,)

Comment Primary Concern: Insure that needed and necessary roads and routes are maintained, and listed appropriately in the proper "use" category.

(Ltr 269, Cmt 2,)

Comment The Forest Service has never adequately analyzed the environmental consequences of its existing route system in an open and meaningful way. To the extent the Forest Service contends that the Roads Analysis Report, including the route designation supplement, fulfills the obligations, neither of these documents was prepared pursuant to NEPA's public participation requirements. Moreover, although the Roads Analysis Report is intended to provide "a synthesis of the benefits, problems, and risks of the current road system" or an "an assessment of the risks and benefits of entering any unroaded areas," the Forest Service failed to conduct this analysis on a route-by-route basis with an understanding of the resource values of each route. For example, the Forest Service analyzed the consequences of adding roads to currently unroaded areas "in general terms." RAR at 27. The Forest Service conducted these generalized analyses, despite acknowledging that issues such as insects, disease, and parasites "are more site-specific, often confined to a watershed or district, and thus are not appropriate to consider at this dual-forest scale." RAR at 29. In fact, Appendix A of the RAR provides a list of issues that must be evaluated at the site-specific level, yet are not thoroughly analyzed in either the RAR Supplement or the route designation DEIS.

(Ltr 278, Cmt 102,)

Comment The RAR Supplement does not remedy the Forest Service's lack of comprehensive analysis of the existing travel system. For example, although this level of analysis is intended to identify "road-related issues, including their origin and basis, presented by general categories of environmental, socio-cultural and economic," the Forest Service simply relies on the generalized analysis of the original report. Moreover, although the RAR Supplement is intended to synthesize and assess the benefits, problems, and risks of the current road system, the Forest Service restricts this synthesis and assessment primarily to lists of documents that purportedly analyze the existing road system. However, as discussed throughout these comments, those documents and, most importantly, the route designation DEIS fail to evaluate the existing travel system on a route-by-route basis within the framework of the mandates of the Executive Orders.

(Ltr 278, Cmt 103,)

Comment IMPLEMENTATION PLAN (Appendix B): EXERCISE PRECAUTIONARY PRINCIPLE INSTEAD OF RELYING ON UN(DER)FUNDED MITIGATION

12 Cited Sources Frueh, Lisa Marie, Monaghan and Associates. November 2001. Status and

Summary Report: OHV Responsible Riding Campaign. Griffin, Rebekah J. December 2004. Case Closed: Public Motorized Trespass and Administrative Activity on Closed Roads in the Upper Swan, Lower Swan, and Noisy Face Geographic Units. On behalf of Swan View Coalition et al. Off Highway Vehicle Uses and Owner Preferences in Utah (Revised). January 2002. Institute for Outdoor Recreation and Tourism, Department of Forest Resources, Utah State University on behalf of Utah Department of Natural Resources, Division of Parks and Recreation. U.S. Forest Service, National Visitor Use Monitoring Program. August 2003. Fishlake National Forest. Table 13, Fishlake NF activity participation and primary activity. Found at www.fs.fed.us/recreation/programs/nvum. Wildlands CPR. 2004. Investing in Communities, Investing in the Land: A Summary Report. Adapted from Reinvestment in Jobs, Communities and Forests: The Benefits and Costs of a National Program for Road Removal on U.S. Forest Service Lands, a Preliminary Analysis. A study by The Center for Environmental Economic Development (CEED). Summary can be found at <http://www.wildlandscpr.org/resource/library/reports/Economic%20Report/EcoSummaryIndex.htm>. Generally, many of the problems the Fishlake National Forest hopes to mitigate in their implementation plan are better avoided through by designing a more discrete, enforceable, and affordable system of designated off-road vehicle routes. For instance, in the DEIS the Forest recognizes the threat to natural resources posed by increased use of Level 2 roads unauthorized user-created "unclassified" routes. On page 170 of the DEIS, the Forest writes:

(Ltr 278, Cmt 134,)

Comment "Fishlake Roads Analysis consistently indicate that the greatest potential for impacting water resources is associated with the maintenance level 2 system roads and unclassified roads that are much more abundant than ML 3, 4, and 5 roads. Most of the total number of stream crossing, and encroaching or riparian roads are associated with level 2 and unclassified roads. The Forest violates the precautionary principle by designating many of these routes and declaring that these routes will need to "be evaluated and addressed over time." This evaluation must take place now based on existing data and an analysis of the agency's economic resources needed to conduct appropriate monitoring as discussed in the section of these comments titled "Faulty Assumptions Regarding Maintainability."

(Ltr 278, Cmt 135,)

Public Concern Order **Public Concern ID 1300** **Specialist Assigned DD**

Public Concern *The Three Forest Coalition feels that the Forest failed to apply the minimization criteria specified in Executive Order 11644, and must do so through comprehensive and intensive route-by-route travel planning.*

Response *The need to address the issues identified in the Executive Order [and Forest Plan] are a primary reason that the Fishlake National Forest initiated route designation project to begin with. The primary issues in Chapter 2 of the DEIS and FEIS relate directly to the elements included in the minimization criteria.*

The new travel rule clarifies the intent of the Executive Order at 36 CFR 212.55 and in the response to comments posted in the Federal Register. Page 77 of the latter document states that "The Department has retained the proposed language, "the responsible official shall consider effects on the following, with the objective of minimizing," in the final rule. The retained language is mandatory with respect to addressing environmental and other impacts associated with motor vehicle use of trails and areas. The Department believes this language is consistent with E.O. 11644 and better expresses its intent. It is the intent of E.O. 11644 that motor vehicle use of trails and areas on Federal lands be managed to address environmental and other impacts, but that motor vehicle use on Federal lands continue in appropriate locations.

An extreme interpretation of "minimize" would preclude any use at all, since impacts always can be reduced further by preventing them altogether. Such an interpretation would not reflect the full context of E.O. 11644 or other laws and policies related to multiple use of NFS lands. Neither E.O. 11644, nor these other laws and policies, establish the primacy of any particular use of trails and areas over any other. The Department believes "shall consider . . . with the objective of minimizing . . ." will

assure that environmental impacts are properly taken into account, without categorically precluding motor vehicle use.

To improve clarity, documentation for how the proposed actions respond to 36 CFR 212.55 and Executive Order 11644 is more explicit in the FEIS [see Chapter 1 - Purpose of and Need for Action and Chapter 2 - "Development of Alternatives"].

The rationale and criteria database that was part of the Road Analysis Supplement, and the Mixed Use Safety Analysis prepared for the route designation project collectively address the general and specific criteria described in 36 CFR 212.55 on a route-by-route basis. The new travel regulations and criteria have their origins in the minimization criteria specified in Executive Order 11644.

While progress will be made by implementing the final preferred alternative, the DEIS and FEIS both disclose that not all transportation related issues can be addressed by one project [see Chapter 1 - Scope of Analysis, Chapter 3 - Effects Common to All Alternatives, the Roads Analysis Supplement, Appendix B and Appendix C of the DEIS and FEIS]. Consequently, impacts and conflicts will remain that will be addressed by more localized future travel planning efforts. The Forest is committed to addressing these issues on a priority basis.

The response to concern 1200 also applies to the public concerns listed below for 1300.

Comment THE FOREST SERVICE MUST CONDUCT COMPREHESIVE TRAVEL PLANNING

As discussed in the Three Forests Coalition's March 15, 2005 letter, only by conducting comprehensive travel planning can the Fishlake National Forest meet its land management obligations, as well as meet the purposes and needs of its OHV Route Designation proposal. The Forest Service must apply the criteria of Executive Order 11644 on a route-by-route basis to its existing and proposed travel system, must prepare a Forest-wide travel plan based on an understanding of the adverse impacts of ongoing motorized use of the Forest, and must undertake a thorough cumulative impact analysis as part of this travel planning. Having failed to do so in the DEIS, the Forest Service has failed to meet the mandates of NEPA, EO 11644, or the Forest Service's roads and off-road travel regulations.

(Ltr 278, Cmt 111,)

Comment THE FOREST SERVICE MUST APPLY THE MINIMIZATION CRITERIA ON A ROUTE-BY-ROUTE BASIS

The DEIS almost completely ignores the criteria set forth by Executive Order No. 11644, and codified in the Forest Service's regulations, mandating that the Forest Service's designation of areas and trails open to motorized use "shall be in accordance with the following (1) Areas and trails shall be located to minimize damage to soil, watershed, vegetation, or other resources of public lands. (2) Areas and trails shall be located to minimize harassment to wildlife or significant disruption of wildlife habitats. (3) Areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring lands, and to ensure compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors. Despite this clear mandate, the Forest Service repeatedly misconstrues its obligations to apply the minimization criteria at a site-specific level during the route designation process.

(Ltr 278, Cmt 116,)

Comment The Forest Service states that "OHV use can be restricted or prohibited to minimize: 1) damage to soil, watershed, vegetation, or other resources of public lands; 2) harm to wildlife or wildlife habitats; and 3) conflict between the use of OHVs and other types of recreation." DEIS at 2; emphasis added. This mandate is a binding obligation, not a discretionary function. Courts recognize that agency compliance with Executive orders is subject to judicial review. As stated by the Ninth Circuit: We have recognized, however, that under certain circumstances, Executive Orders, with specific statutory foundation, are treated as agency actions under the Administrative Procedure Act. *City of Carmel v. U.S. Dept. of Transportation*, 123 F.3d 1144, 1166 (9th Cir. 1995). In other words, an

Executive Order is to be accorded the force and effect of a statute? when it has a distinct statutory foundation. Ass'n for Women in Science v. Califano, 566 F.2d 339, 344 (D.C. Cir. 1977). Because Executive Order 11644 has a statutory basis in the National Environmental Policy Act (NEPA), the organic statutes governing the Forest Service, & the authority of the federal government to administer federal lands, the Executive orders are a proper basis, with the effect of a statute, to restrict & manage off-road vehicle use. The Ninth Circuit has recognized that "[u]nder the codification of the applicable Executive Order, the court concludes that the Defendant were charged to minimize likely future conflicts between Forest users. Northwest Motorcycle Ass'n v. U.S. Dept. of Agriculture, 18 F.3d 1468, 1477 (9th Cir. 1994). A federal court has recently acknowledged that "Executive Order 11644 created a policy striking a balance in favor of resource protection." Cent. for Sierra Nevada Conservation v. Berry, No. S-02-325, slip op. at 53 (E.D. Calif. Feb. 15, 2005). The mandate of Executive Order 11644 applies both to the existing travel system & any proposed designations proposed by the DEIS.

(Ltr 278, Cmt 117,)

Comment In violation of Executive Order 11644, the Forest Service has not applied the minimization criteria to the existing travel system nor applied the minimization criteria to any route proposed to be designated open in any meaningful, open, accountable way under the current DEIS. By failing to apply the minimization criteria, the Forest Service is running afoul of the Executive Order and allowing considerable adverse impacts to the ecological integrity of the Forest to continue. Accordingly, the Forest Service must undertake a route-by-route assessment of all routes designated open or proposed to be designated open to ensure the route is located to minimize damage to soil, watershed, and vegetation, harassment of wildlife, disruption of wildlife habitats, and conflicts with other quiet uses of the Forest.

(Ltr 278, Cmt 118,)

Comment Statutory Authority

The FEIS should assess how the travel management plan fits with its Forest Plan goals, Forest Service regulations and applicable federal directives such as Executive Orders (EO). This would include how OHV use will be monitored and a route-by-route inventory of which classified roads must be closed and decommissioned, or administratively closed and gated, as required by EO 11644, EO 11989 and 36 CFR Section 295.2, due to significant resource damage. Specifically, how will the designation of areas and trails meet the Forest Service's regulatory requirement in 36 CFR 295.2 to: 1) Be located to minimize damage to soil, watershed, vegetation, or other resources of the public lands. 2) Be located to minimize harassment of wildlife or significant disruption wildlife habitats. 3) Be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors. 4) Not be located in officially designated Wilderness Areas or Primitive Areas.

(Ltr 280, Cmt 18,)

Comment THE FOREST SERVICE SHOULD ISSUE THIS ORDER, THEN ATTEMPT THE LEVEL OF ANALYSIS AND APPLICATION OF THE MINIMIZATION CRITERIA CONSISTENT WITH THE EOs

As demonstrated repeatedly in photo and map documentation provided by the Three Forests Coalition and Red Rock Forests, and by the findings of the Service itself, immediate action to control renegade off-route use must be taken. The Three Forests Coalition believes this use constitutes considerable adverse effects. After instituting a forest-wide ban on cross-country travel, with the exception of the Flat Canyon open area, the Fishlake should faithfully apply the criteria below to create a defensible travel system. "The designation of such areas and trails shall be in accordance with the following- (1) Areas and trails shall be located to minimize damage to soil, watershed, vegetation, or other resources of the public lands. (2) Areas and trails shall be located to minimize harassment of wildlife or significant disruption of wildlife habitats. (3) Areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors." EO 11644

(Ltr 288, Cmt 7,)

Public Concern Order

Public Concern ID 1403

Specialist Assigned DD

Public Concern *Some respondents included abstracts and references for scientific documents that they wanted factored into the analysis of resource tradeoffs and impacts. Three Forest Coalition expressed concern that the references they provided have not been cited in*

the DEIS and specialist reports.

Response *The documents provided helped inform us of public concerns and some are directly cited. Forest specialists used the scientific documents that they felt were applicable to the settings on the Fishlake National Forest. Not all of the references provided by other sources can or should be extrapolated to south-central Utah or to the Fishlake National Forest. Forest monitoring data were used extensively because this information reflects in-situ cumulative influences and local site conditions.*

The first level of references cited are listed in the DEIS and FEIS and in specialist reports. Though extensive, this list does not include all of the literature that informed the analyses. For example, the "Life History and Analysis of Endangered, Threatened, Candidate, Sensitive, and Management Indicator Species of the Fishlake National Forest" document is cited in the DEIS and FEIS. However, that document contains a much more extensive list of literature that has been applied to the evaluation of species addressed in that document. The same situation applies to literature used in other resource impact and monitoring reports.

Comment ATT 2: Natural Resource Impacts of Mountain Biking, 7 pages.
(Ltr 225, Cmt 15,)

Comment Attachment A, "Key Scientific Documents Relevant To Dixie, Fishlake, And Manti-La Sal National Forest Management For Sustainability" is a reference list to (1) documents and (2) annotations of each document that were provided to the Fishlake NF Planning Team (Frank Fay) during 2004. Those references highlighted in yellow are particularly relevant to the economic and environmental analysis of ORV route/use alternatives. None have been acknowledged or cited in the Fishlake OHV Draft EIS. These documents are incorporated by reference in the Three Forests Coalition comments on the OHV Draft EIS; the Forest has hard copies of all these documents.
(Ltr 278, Cmt 2,)

Comment A Supplemental DEIS is needed to draw upon relevant scientific literature and survey information to compare the relative effectiveness of sensitive wildlife habitat (e.g., riparian areas, sagebrush communities, and ungulate winter range) under the substantially different route mileage of the Natural Heritage Emphasis Alternative compared to the Forest alternatives.
(Ltr 278, Cmt 47,)

Comment Relevant scientific documents submitted to the Fishlake National Forest Planning Team during 2004 were not utilized. 1. Example 1. Cumulative impacts of livestock grazing and roads. Gelbard and Harrison (2003), examine non-serpentine grasslands in California found cumulative impacts: Cover and number of native species, and native grass diversity were greatest in sites >1000 m from roads and lowest in sites 10 m from roads, while exotic cover showed the reverse pattern. Native cover was greater on cool and relatively flat slopes and on ungrazed compared to grazed cool slopes, but was not significantly affected by livestock grazing on warm or neutral slopes. The Draft EIS does not discuss vegetation in terms of native or exotic; nor does it discuss the cumulative impacts of livestock grazing and road density.
(Ltr 278, Cmt 69,)

Comment Relevant scientific documents submitted to the Fishlake National Forest Planning Team during 2004 were not utilized. Example 2. Lag time in loss of biodiversity. Findlay and Bourdages 2000) found that many negative environmental impacts are unnoticeable for many years, sometimes decades. The model that best fits wetlands species richness measurements was the model that took into account past densities of roads rather than current densities of roads. This means declines in biodiversity may not be observable for decades after road construction.
(Ltr 278, Cmt 70,)

Comment References Berry, KH. 1980. A review of the effects of off-road vehicles on birds and other vertebrates. Proceedings of the Management of Western Forests and Grasslands for Nongame Birds, compilers RM DeGraaf, and NG Tilgham, 451-67 Ogden, Utah: U.S. Department of Agriculture, Forest Service, Intermountain Forest and Range Experiment Station. Cannings, RJ, and Astrid van Woudenberg.2004. Flammulated owl. Otus flammeolus. wlapwww.gov.bc.ca/wld/identified/documents/Birds/b_flammulatedowl.pdf Findlay, Scott and Josee Bourdages. 2000. Response time of

wetland biodiversity to road construction on adjacent lands. *Conservation Biology* 14(1):86-94.
Forman, R. T. T., and L. Alexander. 1998. Roads and their major ecological effects. *Annual Review of Ecology and Systematics* 29:207-231. Gelbard, Jonathan, and Susan Harrison. 2003. Roadless habitats as refuges for native grasslands: Interactions with soil, aspect, and grazing. *Ecological Applications* 13(2):404-415. Gilbert, Barrie K. 2003. Motorized access on Montana's Rocky Mountain Front: a synthesis of scientific literature and recommendations for use in revision of the travel plan for the Rocky Mountain Division. The Coalition for the Protection of the Rocky Mountain Front. 35 pp. <http://www.wildmontana.org/gilbertreport.pdf> Gucinski, H., M.J. Furniss, R.R. Ziemer, and M.H. Brookes. 2001. Forest roads: a synthesis of scientific information. General Technical Report PNW-GTR-509. Portland, OR: U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station. 103p. Available online at:http://www.fs.fed.us/eng/road_mgt/science.pdf

(Ltr 278, Cmt 72,)

Comment Hartley, Dawn A., Janice L Thomson, Pete Morton, and Erik Schlenker-Goodrich. 2003. Ecological Effects of a Transportation Network on Wildlife: A Spatial Analysis of the Upper Missouri River Breaks National Monument. The Wilderness Society. <http://www.tws.org/Library/Documents/MissouriBreaksTransportationEffects.cfm> Ingelfinger, F. and S. Anderson. 2004. Passerine response to roads associated with natural gas extraction Fragmentation in the Rocky Mountains. *Conservation Biology*. Vol. 10, No. 4, pages 1098-1106. in a sagebrush steppe habitat. *Western North American Naturalist* 64:385-395. Reed, Rebecca A., Julia Johnson-Barnard, and William L. Baker. 1996. Contribution of Roads to Forest Sauer, J. R., J. E. Hines, and J. Fallon. 2005. The North American Breeding Bird Survey, Results and Analysis 1966- 2004. Version 2005.2. USGS Patuxent Wildlife Research Center, Laurel, MD Trombulak, S.C., and C.A. Frissell. 2000. Review of ecological effects of roads on terrestrial and aquatic communities. *Conservation Biology* 14: 18-30. van Woudenberg, Astrid. 1999. Status of the Flammulated owl in British Columbia. B.C. Min. Environ., Lands and Parks, Wildl. Br., Victoria, B.C. Wildl. Work. Rep. WR-95. Wisdom, M.J., B.C. Wales, M.M. Rowland, M.G. Raphael, R.S. Holthausen, T.D. Rich, and V.A. Saab. 2002. Performance of Greater Sage-Grouse Models for Conservation Assessment in the Interior Columbia Basin, U.S.A. *Conservation Biology* 16: 1232:1242. Zapisocki, Ryan, Barbara Beck, James Beck, Melissa Todd, Richard Bonar, and Richard Quinlan. 2000. Three-toed woodpecker year-round habitat. Habitat suitability index model Version 6. www.fmf.ca/HS/HS_report31.pdf

(Ltr 278, Cmt 73,)

Comment I am writing at the request of Mary O'Brien who you had dinner with on October 17th. She asked that we send you a sample of resources from Wildlands CPR. Our mission is to revive and protect wild places by promoting road removal, preventing road construction, and limiting motorized recreation. We are happy to be engaged in the Forest Plan revision process on your Forest. Please contact us if you have any questions or requests for further information. Here is what I included: The Big Picture: *Road decommissioning that works: Communities, cash, and collaboration by Beth Peluso (2004). This report outlines some successes and failures of road removal programs around the country. *The road-rippers guide to wildland road removal by Scott Bagley (1998). This is our original handbook that broadly details all the components of road removal. Economics: *Investing in communities, investing in the land (2003). This quantifies the potential economic benefits of road removal. Science: *Benefits and impacts of road removal by Switalski et al. (2004). This paper summarizes the research on road removal. *Fact sheets on the impacts of roads and off-road vehicles (2004). *A write up of Wildlands CPR's online searchable database. This database contains over 10,000 citations documenting the physical and ecological effects of roads and off-road vehicles.

(Ltr 290, Cmt 1,)

Comment ATT1: Road Decommissioning that Works: Communities, Cash, and Collaboration.

(Ltr 290, Cmt 2,)

Comment ATT2: Investing in Communities, Investing in the Land.

(Ltr 290, Cmt 3,)

Comment ATT1: The Road-Ripper's Guide to Wildland Road Removal.

(Ltr 290, Cmt 4,)

Comment ATT2: The Ecological Effects of Roads

Roads are the leading source of sedimentation, a process which leads to decreased water quality, and can cause a number of negative impacts on wildlife. Additionally, exotic and invasive plants spread along roads, degrading wildlife habitat and threatening native species. This fact sheet will describe some of these undesirable impacts of roads.

(Ltr 290, Cmt 5,)

Comment ATT3: The Ecological Effects of Off-Road Vehicles

"We're seeing more and more erosion, water degradation, and habitat destruction... And those are just some of the impacts (of off-road vehicles)." Forest Service Chief Dale Bosworth, Earth Day 2003
Off-road vehicles erode and compact soils, destroy vegetation, and disturb the flow of the water and nutrients on which living things depend. This fact sheet will describe some of these undesirable impacts of off-road vehicles.

(Ltr 290, Cmt 9,)

Comment ATT4: Impacts of Off-Road Vehicles and Roads on Wildlife

The negative effects of ATVs, snowmobile, and other off-road vehicles on wildlife are well documented. Most studies cite habitat loss as a primary concern, although there are a number of impacts.

(Ltr 290, Cmt 14,)

Comment ATT5: Impacts of Off-Road Vehicles and Roads on Hunting and Fishing.

"An influx of ATV use in hunting is helping to destroy the ethical and cultural values of hunting, bringing the factory into the field and diminishing the love and appreciation of wildlife and wild places that come from hard work and effort." Dave Stalling, President, Montana Wildlife Federation.
Off-road vehicles harm fish and game species directly and indirectly through habitat destruction, roadkill, behavior alteration and increased stress. Millions of Americans enjoy hunting and fishing opportunities on public lands. Hunters and anglers, with their passion for protecting fish and game can play a crucial role in limiting motorized recreation on public lands.

(Ltr 290, Cmt 19,)

Comment ATT6: Impacts of Off-Road Vehicles and Roads on Special Ecosystems.

"Off-road vehicles have damaged every kind of ecosystem found in the United States: sand dunes covered with American beach grass on Cape Cod; pine and cypress woodlands in Florida; hardwood forests in Indiana; prairie grasslands in Montana; chaparral and sagebrush hills in Arizona; alpine meadows in Colorado; conifer forest in Washington; arctic tundra in Alaska." from "Off-Road Vehicles on Public Lands" by the White House Council on Environmental Quality.

(Ltr 290, Cmt 22,)

Comment ATT7: Physical and Ecological Impacts of Roads and Off-Road Vehicles: A Bibliographic Database.

(Ltr 290, Cmt 26,)

Comment Wildlands CPR continues to maintain and update a bibliographic database of over 10,000 citations documenting the physical and ecological effects of roads and off-road vehicles. We compiled this bibliography to help people access relevant scientific literature on erosion, fragmentation, sedimentation, pollution, effects on wildlife, aquatic and hydrologic effects, and various other up-to-date information on the impacts of roads and off-road vehicles. In the U.S. alone, there are 6 million kilometers of public roads and 36 million registered off-road vehicles. The database was originally completed in May 1995 and the latest update was completed in August 2005. Numerous electronic databases were searched and the records were imported into Pro-Cite. A list of databases and keywords searched is available upon request. The searches resulted in a variety of scientific and "gray" literature including journal articles, conference proceedings, books, lawsuits, and agency reports most with accompanying abstracts. The database can be searched online at: www.wildlandscpr.org. The database is also available for purchase; however, it requires Reference Manager software. The purchase price is based on a sliding scale (all prices include shipping): *\$45 for non-profits with budgets under \$100,000/yr *\$100 for non-profits with budgets \$100,000-\$500,000/yr *\$200 for non-profits over \$500,000/yr *\$300 for government agencies *\$750 for for-profits and others.

(Ltr 290, Cmt 27,)

Public Concern Order

Public Concern ID 1405

Specialist Assigned DD

Public Concern *The Three Forest Coalition and EPA commented on the adequacy of the cumulative effects analyses in the DEIS. TFC concerns center on the breadth and depth of effects*

analyses, particularly with regards to cumulative impacts from past, present, and anticipated management actions. EPA comments, in this case, relate to the need to consider reasonably foreseeable growth in motorized use.

Response *Disclosure of cumulative impacts, which include the accumulation of direct and indirect effects from past, present, and anticipated management actions is contained in the draft and final EIS and in the individual specialist reports that are part of the project record. The comments received were used to improve the detail and clarity of the cumulative effects disclosures in the FEIS in Chapters 2 and 3 and in Appendices C and D. For example, more summary information from reference documents such as the life histories report, integrated riparian surveys, and forest monitoring reports are provided in the FEIS to improve the description of existing conditions for potentially impacted resources.*

All of the indicators used for the DEIS and FEIS are cumulative because they measure past, present, and reasonably foreseeable disturbances that have cause-and-effect relationships to the at-risk values represented by the principal issues. The rationale describing why the chosen issue indicators are relevant to principal issues is contained in the DEIS and FEIS in Chapter 2.

It is important to note that forest monitoring such as population trend surveys for plants, fisheries, and wildlife or water quality sampling integrate all impacts from past and current management. So for example, if a wildlife population has a level or increasing trend, it is doing so in the context of all past and existing disturbances and cumulative impacts. In this case, a favorable result should be expected when cumulative issue indicators show a reduction in disturbing mechanisms. The issue is more complicated for species with a declining trend, but reducing disturbances known to impact to species or their habitats should reduce cumulative impacts. Parallel analogies can be drawn for other resources such as riparian condition or water quality. Thus, the local monitoring data helps reduce the number and uncertainty of assumptions associated with the cumulative effects analyses. Forest monitoring data have been used extensively for the route designation project for this reason. Adaptive management is also another integral tool that is and will continue to be applied to travel and other resource management issues on the forest. If unintended or unanticipated cumulative impacts occur in the future, corrective management actions can and will be taken.

Anticipated increases in motorized use is a primary reason why the route designation project was proposed in the first place and is the reason why the proposed actions have built in features to halt and reverse unmanaged growth of user created routes and dispersed campsites. Reasonably foreseeable activities and impacts are described in Appendix C of the DEIS and FEIS. Respondents on this issue appear to have assumed that Appendix C is the cumulative effects analysis. This assumption is incorrect. Changes in significant issue indicators are identified in Appendix C so that cumulative impacts can be assessed in the same way as impacts from past and ongoing disturbances. However, reasonably foreseeable activities are only one piece of the cumulative impacts considered and disclosed in Chapter 3 of the FEIS.

Comment Thank you for this opportunity to comment on the Fishlake OHV Route Designation Project Draft Environmental Impact Statement (DEIS). The Grand Canyon Trust, The Utah Environmental Congress, Wildlands CPR, Red Rock Forests, Southern Utah Wilderness Alliance, Sierra Club - Utah Chapter, The Wilderness Society, Western Watersheds Project -Southern Utah, The Wild Utah Project and The Bear River Watershed Council, as organizations participating in Three Forests Coalition (TFC) submit the following comments on the DEIS. Our comments address a number of concerns

with the DEIS and the process the "OHV Route Designation Plan" has followed thus far. The Three Forests Coalition is concerned, as outlined below, with Inadequate analysis of a broad range of alternatives; inadequacies in the analysis of native wildlife, socio-economic issues, user conflict and use patterns, and manageability and implementation, inadequate route-by-route analysis, and inadequate application of the minimization criteria found in pertinent ORV Executive Orders, as well as inconsistencies with the current Forest Plan and other enabling regulations. TFC is also providing site-specific comments, supplemental information and photos as a separate attachment. Some routes and areas that have special problems that are largely ignored by the Forest Service in the DEIS and modified proposed action.

(Ltr 278, Cmt 1,)

Comment ENVIRONMENTAL, SOCIAL, AND ECONOMIC CONSEQUENCES

A. The Forest Service Failed to Take a Hard Look at Significant Impacts of the OHV Route Designation Project NEPA's "sweeping" commitment is to "prevent or eliminate damage to the environment and biosphere by focusing government and public attention on the environmental effects of the proposed agency action." Marsh v. ONRC, 490 U.S. 360, 371 (1989). NEPA thus commands that federal agencies take a "hard look" at the environmental consequences of their proposed actions. Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 350 (1989); Colorado Environmental Coalition v. Dombeck, 185 F.3d 1162, 1171 (10th Cir. 1999). By forcing agencies to take a "hard look" at the environmental consequences of a proposed action, "NEPA ensures that the agency will not act on incomplete information, only to regret its decision after it is too late to correct." Marsh v. ONRC, 490 U.S. at 371; see Robertson, 490 U.S., at 349, 109 S.Ct., at 1845. In addition, "the broad dissemination of information mandated by NEPA permits the public and other government agencies to react to the effects of a proposed action at a meaningful time." Id.

(Ltr 278, Cmt 36,)

Comment In order to comply with NEPA's "hard look" mandate, an "EIS's form, content, and preparation [must] foster both decision making and informed public participation." Calif. v. Block, 690 F.2d 753, 761 (9th Cir. 1982). In addition, an EIS must contain "a 'reasonably' thorough discussion of the significant aspects of the probable environmental consequences." Id. "Because of the importance of NEPA's procedural and informational aspects, if the agency fails to properly circulate the required issues for review by interested parties, then the EIS is insufficient even if the agency's actual decision was informed and well-reasoned." Dubois, 102 F.3d at 1288. The following deficiencies of the DEIS must be remedied in order to guarantee informed decision making and public participation as well as a thorough discussion of the significant environmental, social, and economic consequences of the action.

(Ltr 278, Cmt 37,)

Comment WILDLIFE

Most of the following comments refer to the Wildlife Specialist Report for the OHV Designation Draft EIS. While a second report, the Watershed/Aquatics Report is only briefly mentioned here, to the degree that similar concerns are present in that report (e.g., failure to examine whether the alternatives' route density/use preclude recovery or health of the species; failure to provide population trends within the project area for MIS such as macroinvertebrates; failure to provide a different alternative (i.e., the Natural Heritage Emphasis Alternatives), these comments should be assumed to be directed at that report as well.

(Ltr 278, Cmt 39,)

Comment The Forest Service also guaranteed in Roads Analysis Report that "[e]quity of the proposed route designations will be evaluated by the decision maker using socio-economic and bio-physical resource tradeoffs presented in the Fishlake OHV Route Designation Project EIS, Forest Plan revision information, and based on applicable environmental laws." RAR Supp. at 18. Where is this evaluation? This is the exact type of analysis the Forest Service must complete in order to comply with NEPA. See Calvert Cliffs', 449 F.2d at 1113.

(Ltr 278, Cmt 77,)

Comment As society increasingly relies on non-wilderness public lands to provide environmental services and values such as clean water, natural quiet, wildlife habitat, as well as opportunities for recreation, the need for projects to minimize user conflicts and resource impacts grows. In order to meet these critical needs, the summary correctly suggests, the Forest must design the off-road vehicle route system (as well as the rest of the travel system, we would argue) so that it can be maintained over time with resources available to the Forest. However, Chapter 1: Purpose of and Need for Action dismisses important factors which must be analyzed if the Forest is to propose a successful plan in the final EIS. Aspects of these sections also rely on unrealistic assumptions that contradict available

social research and needed economic research that is particular to the Fishlake National Forest. As such, the Fishlake National Forest cannot expect to achieve the desired results based on the information they have considered and assumptions they have made in making their proposal.

(Ltr 278, Cmt 81,)

Comment THE FOREST SERVICE'S CUMULATIVE IMPACT ANALYSIS FAILS TO COMPLY WITH NEPA

Cumulative impacts are "the impact[s] on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions." 40 C.F.R. § 1508.7. The Forest Service's cumulative impacts analysis must provide "some quantified or detailed information," because "[w]ithout such information, neither courts nor the public . . . can be assured that the [agency] provided the hard look that it is required to provide." *Neighbors of Cuddy Mountain v. United States Forest Serv.*, 137 F.3d1372, 1379 (9th Cir. 1998). An agency's cumulative impact analysis "must be more than perfunctory." *Ocean Advocates v. U.S. Army Corps of Eng'rs*, 361 F.3d 1108, 1128 (9th Cir. 2004) (citations omitted). The Forest Service's cumulative impact analysis primarily consists of a description of the reasonably foreseeable activities on the Forest and "potential effects." DEIS at Appendix C. The Forest Service fails to place these actions in the larger context of the route designation project. Rather, it is simply a list of projects devoid of analysis. To comply with NEPA, the Forest Service must analyze the cumulative impacts of the entire travel system, including aspects such as user-created roads/trails, dispersed camping, and oversnow travel, as well as, the cumulative impact on important resources, such as deer or elk herds. In fact, the Forest Service appears to concede that these are "related issues" DEIS at 18, yet fails to evaluate adequately the consequences of these known impacts. Moreover, the ongoing, nearly ubiquitous, presence of livestock grazing and not merely livestock "projects" such as extension of term grazing permits must be analyzed.

(Ltr 278, Cmt 96,)

Comment The Forest Service cannot place this action in a vacuum. Dispersed camping, user-created trails, and oversnow travel all cumulatively impact the ecological conditions on the Forest. Given, for instance, that there would be 6.2 miles of road/square mile in riparian habitat under the Forest's preferred alternative (DEIS 152) and cattle graze in much of the same habitat and riparian habitats are a major locus of recreational uses other than driving, one has to wonder at the ability of riparian area-dependent and declining wildlife to persist with these cumulative impacts. This is not addressed by the DEIS.

(Ltr 278, Cmt 100,)

Comment The Forest Service must analyze anticipated increases in use in the years during implementation of the travel plan. Federal courts have recognized the significance of increased motorized trail use as a necessary component for environmental analyses relating to trail designation. According to *Wash. Trails Ass'n v. U.S. Forest Service*, "the environmental significance of [the trail project] cannot be accurately assessed unless the potential for increased use resulting from the cumulative impact of the projected network of ORV trails planned for the [Ranger District] is carefully considered." *Wash. Trails Ass'n v. U.S. Forest Service*, 935 F.Supp. 1117, 1123 (W.D. Wash. 1996); see also *North Cascade Conservation Council*, 98F.Supp.2d 1193, 1198 (W.D. Wash 1999)("Within the NEPA scheme, however, any proposal adding to this ORV system that may adversely affect the environment must be examined in light of the entire existing system").

(Ltr 278, Cmt 101,)

Comment The route-by-route analysis on the existing travel system must be conducted in conjunction with the designation of hundreds of miles of motorized routes. The Forest Service lacks a fundamental understanding of the ecological, social, and economic impacts of the existing travel system, such that the context of designating hundreds of miles of new routes cannot be fully understood. This analysis must be conducted in conjunction with the designation of hundreds of miles of motorized routes. It is not sufficient to merely indicate that conditions will be improved over current, cross-country conditions. The Forest Service appears to justify this lack of analysis stating: "[m]ost roads and trails on the Fishlake National Forest significantly predate 1969 when no NEPA was necessary." DEIS at 25. Although this assertion may be true with regard to the creation of many roads, routes, and trails (i.e., non-motorized routes), the assertion is not true in the context of the action. Cumulative impacts analysis requires evaluation and assessment of the impacts associated with past activities on the Forest, including the intentional and user-initiated creation of the existing travel system.

(Ltr 278, Cmt 104,)

Comment The Forest Service must take a comprehensive approach to travel management was recently confirmed by a federal court. There, the court rejected the Forest Service's suggestion that it could comply with NEPA by considering the impacts of motorized travel impacts at landscape or watershed

scale, concluding: "[w]hile this court appreciates the Forest Service's daunting task of conducting a Forest-wide environmental assessment and respects its stated goal of conducting evaluations by priority areas, these practicalities do not mitigate its failure to comply with NEPA." *Cent. for Sierra Nevada Conservation v. Berry*, No. S-02-325, slip op. at 53 (E.D. Calif. Feb. 15, 2005). Accordingly, the Forest Service must consider the impacts of the comprehensive travel system on the Fishlake National Forest along with other foreseeable actions such as dispersed camping and continued route pioneering.

(Ltr 278, Cmt 105,)

Comment The Forest Service must re-issue the DEIS with more thorough analyses of the cumulative impacts associated with the entire travel system, including dispersed camping, user created trails/roads, and oversnow travel, as well as ubiquitous livestock grazing. In addition, the Forest Service must examine, not simply acknowledge, cumulative impacts on important resource values, such as declining and extirpated wildlife, riparian areas, and heritage resources.

(Ltr 278, Cmt 110,)

Comment The Forest Service contends that it was not required to conduct a travel planning analysis or NEPA analysis of the current routes system because "[m]ost roads and trails on the Fishlake National Forest significantly predate 1969 when no NEPA was necessary." FAQ at 4. This is an erroneous interpretation of NEPA's mandates. NEPA requires that environmental analyses are undertaken whenever an agency takes "a major Federal action significantly affecting the quality of the human environment." 42 U.S.C. § 4332(C). The Forest Service finalized travel plans, complete with maps, as a part of the Forest plan in 1986, amended in 1997 and 2004, under which all routes should have been analyzed in a comprehensive NEPA analysis. The Forest Service cannot turn a blind eye to its past improprieties by adding routes to a travel system that has not been in compliance with the law.

(Ltr 278, Cmt 113,)

Comment The Forest Service's suggestion that the agency has no obligation to conduct NEPA analysis on past road creation has been rejected by federal courts. In *Center for Sierra Nevada Conservation*, the court recognized that in enacting NEPA, Congress provided "a mandatory chronological arrangement, instructing that a NEPA analysis must be completed before committing resources." *Ctr. for Sierra Nevada Conservation v. Berry*, No. S-02-325, slip op. at 51 (E.D. Calif. 2005). Accordingly, plaintiffs prevailed in a challenge to the Forest Service's lack of NEPA analysis prior to completing a 1990 ORV Plan. The court concluded that the trail system had not been adequately analyzed in the Forest Plan EIS and the Forest Service violated NEPA by not "analyzing the environmental impacts of any particular ORV routes in the Forest or of permitting travel off of designated routes." *Id.* at 52. In response to the Forest Service contention that it could prioritize its analysis of the travel system, the court responded that [w]hile this court appreciates the Forest Service's daunting task of conducting a Forest wide environmental assessment and respects its state goals of conducting evaluations by priority areas, these practicalities do not mitigate its failure to comply with NEPA. *Id.* The Court concluded that by creating "a Forest-wide ORV Plan" without a comprehensive Forest-wide analysis of the travel system with "specific analysis" rendered the 1990 ORV Plan in operation in violation of NEPA. The Fishlake National Forest is susceptible to an identical claim. The Fishlake National Forest is currently operating under a Forest-wide travel plan that has not been analyzed in the manner prescribed by NEPA. The Forest Service now intends to add hundreds of miles of routes to a system without examining, acknowledging, or understanding the impacts of the existing travel system. The Fishlake National Forest intends to exacerbate current illegalities under the existing travel system.

(Ltr 278, Cmt 114,)

Comment The preparation of the Route Designation DEIS does not remedy the existing illegalities of the Fishlake travel system by purportedly analyzing "routes that are added to the classified system." FAQ at 4. In a reissued DEIS, the entire system must be analyzed in a comprehensive environmental impact statement.

(Ltr 278, Cmt 115,)

Comment EPA supports the transition from unmanaged motorized recreation to restricted travel. Restricted or limited travel is necessary to ensure that forest resources are protected and that other non-motorized recreation is accommodated. We agree that the current travel plan is not sustainable and has fundamental design flaws. EPA's primary focus in reviewing this DEIS is to see how well the proposed travel plan: 1) Identifies and describes prevention or mitigation of adverse impacts from OHVs to soils, watersheds, vegetation, wildlife habitat, water quality, cultural resources and other assets of the Fishlake National Forest. 2) Addresses in sufficient detail the direct, indirect and cumulative impacts of the various alternatives. 3) Identifies and describes prevention or mitigation of adverse impacts from OHVs to wildlife, critical big game (mule deer) winter range areas, and fisheries and aquatic organisms.

(Ltr 280, Cmt 2,)

Comment According to Forest Service data, OHV owners and users nationwide have grown from 5 million OHVs in 1972 to almost 36 million in 2000. The pressures on undeveloped natural land for recreation purposes in the West are projected to be heavy. It is reasonably foreseeable that an indirect effect of increasing the motorized route network of Fishlake National Forest is increased need for parking spaces at trail heads, and for more dispersed and developed campsites. "Reasonable Forecasting" is implicit in NEPA and federal agencies are responsible for predicting effects (Scientists' Institute for Public Information, Inc. v Atomic Energy Commission, 481 F.2d 1079 (D.C. Cir 1973)). The FEIS should assess what that growth might be and analyze impacts that can be expected from expanded campsites and parking lots in the forest.

(Ltr 280, Cmt 17,)

Comment U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements

(Ltr 280, Cmt 26,)

Public Concern Order

Public Concern ID 1406

Specialist Assigned DD

Public Concern *The Three Forest Coalition feels that the scope of actions and impacts considered by the OHV Route Designation Project is too narrow. Consequently, they feel that the range of alternatives considered is too limited.*

Response *The scope and range of alternatives were studied at length before and during the NEPA process. The reasoning for choices made is contained in project file documents and is described in the DEIS and FEIS in Chapters 1 and 2 and in the Roads Analysis Supplement. Each of the elements listed by the Three Forest Coalition are either addressed directly or were given due consideration when designing the project and establishing the Purpose of and Need for Action.*

The primary goal for this project is and has always been to close the Forest to unrestricted motorized cross-country travel by wheeled vehicles (see Chapter 1, especially the Purpose of and Need for Action). However, in order to close the Forest to cross-country travel, the Forest needed to create an explicitly designated route system from one that is currently poorly defined. The Forest decided to be opportunistic by addressing route and use related impacts such as dispersed camping where possible. However, the issues and controversy associated with some uses and impacts are substantial and complex enough that they would potentially put the viability of the entire project at risk if we tried to address them all at the same time. In addition, the need to close the forest to motorized cross-country travel is more important and urgent for reducing resource impacts than most other adjustments that need to be made to the travel system and management. Contrary to TFC's statement, the Forest did not limit the scope simply to classification of unauthorized routes [see Chapters 1 and 2 of the DEIS and FEIS for confirmation]. The responses to concerns 1200 and 1300 also directly relate to this discussion of project scope.

Comment While it is admirable that the Forest Service seeks to ban most cross-country travel on the Fishlake in compliance with the proposed national OHV Rule, the rush to do so through a process that unnecessarily narrows the scope of travel planning to "OHV Route Designation" falls short of the needs of motorized and quiet recreationists, native wildlife and their habitats, and other affected

(Ltr 278, Cmt 4,)

Comment An agency's discretion to determine the purpose and need of a project is not unfettered. The courts will scrutinize and reject an agency's characterization of a project's purpose and need if it results in overly narrow formulation of alternatives. In Muckleshoot Indian Tribe v. U.S. Forest Service, 177 F.3d 800, 814 n.7 (9th Cir. 1999), the court explained that the agency's proposed interpretation of its purpose and need was too narrow to satisfy NEPA, because it restricted the scope of reasonable alternatives too tightly, down to one or two choices. The Forest Service appears to acknowledge the narrow characterization of its purpose and need. In its Roads Analysis Report Supplement (RAR

Supplement), the Forest Service articulated the need for a "narrowly defined Purpose and Need" in order to transition to the new travel plan expeditiously. RAR Supp. At 35. However, by taking this narrow approach, the Forest Service has eliminated from consideration feasible and prudent alternatives that more effectively and comprehensively respond to the stated purpose and need. Accordingly, in a new draft EIS, the Forest Service must formulate and consider alternatives that meet the purpose and need for the ORV Route Designation Project that are not restricted simply to the classification of currently unclassified roads. In so doing, the Forest Service must analyze alternatives to the existing travel system and consider actions to address indirect impacts of the use of this travel system, for example dispersed camping and the continued proliferation of user-created routes.

(Ltr 278, Cmt 9,)

Comment Even the perfunctory analysis by the Forest Service reveals the need for a more robust consideration of the trail designations. For example, the Forest Service acknowledges transportation projects are necessary to "reduce the number of stream crossings," "reduce riparian and wetlands impacts and to protect a [T & E] plant," "mitigate the potential for introducing whirling disease," and "reduce the potential for motorized use and dispersed recreation to impact Boreal toads." DEIS at 192. In addition, projects are necessary "to reduce user conflicts by improving and/or restoring route connection." DEIS at 193. These are the types of resource conditions and motorized use impacts that should be driving the DEIS analysis, not simply listed in an appendix.

(Ltr 278, Cmt 98,)

Comment Despite legal obligations, the Forest Service contends "travel management planning is an analysis process that is used to identify resource and management issues and optimality considerations associated with the travel route network," which is much broader in scope than the route designation process. FAQ at 4. In contrast, according to the Forest Service the "primary focus of the Fishlake OHV Route Designation Project is to update and redesign the existing motorized travel plan map and rules." Id. However, in limiting this analysis to ORV route designation, the Forest Service has put the cart before the horse. An informed understanding of the impacts associated with motorized travel is necessary prior to adding hundreds of miles to a travel system that has never been adequately

(Ltr 278, Cmt 112,)

Public Concern Order **Public Concern ID 1407** **Specialist Assigned DD**

Public Concern *Some respondents expressed concern with the Purpose of and Need for Action and/or the ability of the proposed alternatives to respond to these needs.*

Response *The development of the Purpose of and Need for Action (P & N) took several months during the pre-NEPA [NFMA] process and was not arbitrary. The project record documents the evolution of the P & N that led to the development of the proposed action. Chapter I was revised in the FEIS to more explicitly show how the proposed actions respond to the Purpose of and Need for Action. Responses to concerns 1200, 1300, and 1406 apply to the P & N concern as well.*

Comment If as you state in the DEIS that manipulation and expense (vandalism) are unenforceable, you have failed in addressing key elements of your Statement of Needs. 1) User friendly motorized travel plan that is simple to understand; 2) Create a travel plan that is inherently easy to enforce, and finally, 3) Increase user certainty about which roads and trails are part of the managed system of motorized and non-motorized routes.

(Ltr 276, Cmt 3,)

Comment PURPOSE AND NEED

A. The Forest Service Arbitrarily Narrowed the Purpose and Need of the OHV Route Designation Project NEPA requires agencies to prepare a "purpose and need" statement that "specif[ies] the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action." 40 CFR 1502.13. Essentially, the proposed action is derived from the stated purpose and need. According to the Forest Service (DEIS 10) the purpose and need for the OHV Route Designation Project is to: 1) address the immediate need to better manage motorized cross-country travel, 2) create an implementable user-friendly motorized travel plan that is simple to understand and is consistent (seamless) as possible with adjacent public lands, 3) create a travel plan that is inherently easy to enforce to the fullest practical extent, 4) better accommodate current

motorized use while addressing concerns related to future growth, 5) reduce the potential for motorized conflicts and impacts to other resource uses and values, and 6) increase user certainty about which roads and trails are part of the managed system of motorized and non-motorized routes. DEIS at 10. Apparently, much of this purpose and need stems from the fact that "[m]any motorized users are not aware that much of what they consider as the 'existing' motorized system has not recently or in some cases ever been legally declared as open to motorized use." DEIS at 12. Despite the seemingly broad nature of this statement of the Forest Service's purpose and need, the Forest Service's interpretation and formulation of alternatives fails to allow for the development of alternatives that adequately address the identified needs.

(Ltr 278, Cmt 7,)

Comment Rather, the Forest Service restricted its formulation of alternatives to meet this purpose and need to actions classifying currently unclassified routes. By narrowing the proposed alternatives in this manner, the Forest Service failed to consider feasible and prudent alternatives such as the Natural Heritage comprehensive and subset alternatives. Federal courts have been clear that the range of reasonable alternatives to be considered in an environmental impact statement depends on the purpose of the project. *Methow Valley Citizens Council v. Regional Forester*, 833 F.2d 810, 815-16 (9th Cir. 1987) (impact statements must consider all reasonable alternatives that accomplish project purpose, but need not consider alternatives not reasonably related to purpose).

(Ltr 278, Cmt 8,)

Comment The Forest Service Failed to Analyze Sufficiently Whether the Alternatives Would Respond to the Purpose and Need.

The analysis of the actions considered by the Forest Service to respond to the purpose and need of the route designation project fails to provide any assurance that the concerns raised by the Forest Service will be adequately addressed. In part, as discussed above, this is a failing of the Forest Service's formulation and consideration of alternatives. In addition, this inadequacy is the result of a lack of substantive analysis and reliance on false or undocumented assumptions.

(Ltr 278, Cmt 10,)

Comment Serious questions are raised concerning the ability of the preferred alternative to respond to the purpose and need, including: Without sufficiently detailed site-specific analysis and application of the minimization criteria on a route-by-route basis, how will this action "reduce the potential for motorized conflicts and impacts to other resource uses and values"?

(Ltr 278, Cmt 14,)

Public Concern Order **Public Concern ID 1500** **Specialist Assigned DD**

Public Concern *The Forest received suggestions of who and how to involve and collaborate with the general public and recreation groups and how to use public input.*

Response *The forest has expended a great deal of resources and time soliciting and evaluating public comments. Site-specific comments were individually evaluated by district staff and rangers and forest specialists to determine if and how to respond. Most of the modifications to the proposed action that have resulted in the final preferred alternative originated from public comments.*

Comment We have many more concerns over the proposal, but these are some of the more popular, or should I say the least popular? Please don't take what I have said as any kind of personal criticism or insult. As I said before, much of the proposal we agree with and the Southern Utah OHV Club certainly wants to stay on good terms with the land managers. We are mostly local people - your neighbors - and just want to get along and enjoy our own backyards so to speak. We are in this together. We understand that it is much easier to do your job if you have agreement in your actions instead of constant court battles. That is why we want to have a plan that we can basically support and help you implement. We have not gone national with this issue yet, because we feel we should be able to work together and come up with a plan we can all live with.

(Ltr 253, Cmt 17,)

Comment The BlueRibbon Coalition (BRC) is a nationwide organization representing 600,000 motorized recreationists, equestrians, mountain bike enthusiasts and resource users. We work with land

managers to provide recreation opportunities, preserve resources, and promote cooperation with other public land users. Many of our members and supporters live in and/or recreate in Utah and use motorized vehicles, including off highway vehicles, to access Forest Service managed lands throughout Utah, including the Fishlake National Forest. In addition to access travel itself, BRC members visit the lands mentioned herein for motorized recreation, sightseeing, photography, rock hounding, hunting, wildlife and nature study, camping and other similar pursuits. BlueRibbon's members and have concrete, definite and immediate plans to continue such activities in the future. Our members and supporters are interested in and will be directly affected by the Fishlake OHV Route Designation Project. Please incorporate these comments into the record and carefully consider our suggestions. As always, BRC is eager to assist land managers to formulate balanced and enforceable land use plans. Please do not hesitate to contact BRC if you have any questions or require clarification regarding these comments We look forward to discussing our concerns in detail in the near future.

(Ltr 267, Cmt 1,)

Comment BRC commends the planning staff at the Fishlake NF. They have been very helpful and willing to assist BRC and our members understand and comment on the proposed action. The documentation provided by the disc was easy to understand and functioned well.

(Ltr 267, Cmt 2,)

Comment We are at a disadvantage at this time because we fail to fully understand how the Forest Plan revision process will proceed under the new planning regulations. Thus, we would like to meet with Fishlake personnel in order to clarify our understand of the new planning regulations and how the Forest Plan revision relates to the Fishlake Travel Plan before the Record of Decision is signed.

(Ltr 267, Cmt 4,)

Comment The forest is part of the local heritage. We all take pride in the value of this great natural resource. The forest has greatly benefited this community and it should be protected so that people from all walks of life can enjoy it. We have all benefited from the forest, whether with livestock, natural resources, hunting, fishing, or just being in the forest with our families. Again, thank you for your time and we appreciate the opportunity to share our concerns.

(Ltr 270, Cmt 3,)

Comment This is in regard to the Department of the Interior's review of the Draft Environmental Impact Statement for the Fishlake National Forest Off-Highway Vehicle Route Designation Project, Fishlake National Forest, Sevier and Wayne Counties, Utah. This is to inform you that the Department may have comments, but will be unable to reply within the allotted time. Please consider this letter as a request for an extension of time in which to comment. Our comments, if any, should be available by October 12, 2005.

(Ltr 273, Cmt 1,)

Comment This letter constitutes my official comment on the Fishlake's Route Designation Process and EIS. I respect that you will read and give full consideration to the comments offered. I want to offer my congratulations to Dale Dieter and all the members of the Fishlake team who have worked on this project. I have listened at length to my husband, Max Reid, talk about the effort, so I have lived it vicariously over the past 18 months. I know how much work it has been. It is a masterful accomplishment, and a job well done. Maybe I need to let you know the foundation of my interest and understanding of the process. I am an ATV rider. Not an avid ATV rider like my husband and many of the members of the Southern Utah OHV Club, but a rider non-the-less. I have my favorite places to ride and a keen interest in seeing my special places stay open for motorized access. I am a member of the Southern Utah OHV Club, though my comments do not reflect any official position from the club. I am also the Utah State representative for NOHVCC (National Off-Highway Vehicle Conservation Council). Again, my comments are not an official position from or for NOHVCC. I should also note that a few of the following comments contain Max's bias as he explains the good and the bad of what is taking place across the forest. I haven't been to every site mentioned, but have studied the maps and talked with Max at length.

(Ltr 277, Cmt 1,)

Comment As of September 18, 2005, Fishlake NF Supervisor Mary Erickson has still not responded to sixteen questions submitted to her and the planning team on June 28, 2005 by the Three Forests Coalition. These questions asked her intent regarding retention of the natural heritage (native biodiversity and habitat) on the Fishlake NF, and this bears on the fundamental intent for management of ORVs on the Fishlake NF.

(Ltr 278, Cmt 3,)

Comment As Sevier County Commissioners we appreciate the working relationship we have with your agency. It is very beneficial for the public we serve, for us to be able to work together and collaborate our efforts. The decisions we make have far reaching consequences and as we all know it is impossible to please everyone.

(Ltr 294, Cmt 1,)

Comment We clearly understand the Forest Service is severely under funded in some areas and law enforcement is one of these. We urge you to please not close an area or route to all, because of the senseless acts of a few. We should work together to find ways to get the public involved to help police ourselves and protect our right to enjoy the National Forest.

(Ltr 294, Cmt 9,)

Public Concern Order **Public Concern ID 1602** **Specialist Assigned DD**

Public Concern *Capitol Reef was concerned with the DEIS discussion of management consistency along the shared border with National Forest System lands that are administered by the Fishlake National Forest.*

Response *The FEIS provides improved documentation for the consideration and coordination that occurred between the Forest Service and the Park Service. The Forest met with Al Hendrichs, Capitol Reef park manager, during development of Alternative 3 to discuss management and consistency issues related to the motorized and non-motorized routes along the shared boundary. Route and area designations in the DEIS alternatives reflect the sensitivity given to the needs expressed by the park. To our knowledge, Alternative 5 in the FEIS accommodates all route specific requests that were discussed with and submitted to the forest. This is reflected in other route specific responses to comments contained in this content analysis document.*

Comment National Park Resources

The EIS notes that "Making the travel plan simpler, seamless to the user, and easier to enforce requires greater consistency among the various public land management agencies." We concur, but note that in Table 1-3 Selected OHV Policy Elements, the OHV policy for State, National Forest, and Bureau of Land Management (BLM) lands are identified, however OHV policies for Capitol Reef National Park (Park) lands are not. On page 19 paragraph 5, the DEIS does not indicate that Capitol Reef borders the National Forest land when discussing that consistency is needed to provide better customer service. Development of a plan that allows for consistency between all the agencies is more difficult when Park policies are neither identified nor discussed. The National Park Service would be pleased to provide draft language regarding Park OHV policy elements for your consideration in preparation of the final plan and EIS.

(Ltr 285, Cmt 2,)

Comment ATTMT1: Maps showing errors in FS route inventory and suggested remedies.

(Ltr 285, Cmt 7,)

Public Concern Order **Public Concern ID 1604** **Specialist Assigned DD**

Public Concern *The public lands coordinating office for the State of Utah requested clarification on some specific travel management designations and overall process. The State also requested that the Forest Service facilitate additional coordination with the Counties.*

Response *With regards to the route specific comments, the Fillmore District verified that the designations in the Oak City area referenced are correct on National Forest. There are some gates on private lands that restrict public access, but these are not the only means of accessing public lands. Millard County field reviewed the area to determine*

whether or not the private routes could be asserted as public right-of-ways. Inspection of the Millard County road maps being used by Val Payne of the State revealed that the county maps contain many errors. In addition to not having a complete inventory, many of the forest routes shown by the county as roads are actually horse and foot trails.

The forest initiated an additional round of coordination with the Counties at the State's request, which included reviewing the change maps prescribed by the State.

Comment This past Tuesday I visited the vicinity of Oak City, to assess the DEIS Alternative 3 in relation to Millard County's transportation system information. The county's transportation map shows access to the Bridge Canyon area of the Forest, via a dirt road from a county road, across private property to a forest road (Open Yearlong, Alternative 1). Alternative 3 indicates the subject forest road would be classified Open Seasonally. Additionally, Alternative 3 also proposes several other roads and motorized trails in this vicinity to be classified Open Seasonally. The Alternative 3 map indicates access to these forest roads and trails across private property, with several gates at the forest boundary to facilitate seasonal closure. However, the field visit revealed that the roads depicted on the map as crossing private property, in some cases do not exist, and in several cases, the roads are fenced at the private property line, as much as one mile from the forest boundary. Thus, access to this area of the Forest, either as proposed by the Forest or the County, seems uncertain. This reinforces the State's concern that further examination of the DEIS and discussions with the Forest and local governments are warranted. Let's talk further regarding this.

(Ltr 268, Cmt 2,)

Comment The State of Utah appreciates the opportunity to comment on the Draft EIS for the Fishlake National Forest's Off-Highway Vehicle Route Designation Project. The state would like to continue to work with the Fishlake National Forest to resolve the issues discussed in the attached comments, as has been discussed in various conference calls, before the Final EIS is completed and the Record of Decision signed. The state reserves the right to submit supplementary comments during this process as necessary. Thank you again. Sincerely,
John Harja Assistant Director for
Planning and Policy

(Ltr 269, Cmt 1,)

Comment 1. Explanation of the "Delta" Points Despite the voluminous amount of data, charts and maps, it is difficult to find focus on the actual changes in designation for specific routes.
i. Need a map of the changes from existing condition to each alternative in the form of colored delta (change) conditions. One color: undesignated to classified. Second color: undesignated to obliterated Etc,
ii. Show relationship to "unroaded area" inventories
iii. Discuss this map and information with each county.

(Ltr 269, Cmt 3,)

Public Concern Order **Public Concern ID 1605** **Specialist Assigned DD**

Public Concern *The Environmental Protection Agency asked the Forest to consult with Sumner Newman of the Utah Division of Drinking Water to make sure that the proposed travel policy and designations is consistent with source water protection requirements under the Safe Drinking Water Act.*

Response *The Forest contacted Sumner Newman as requested. The response from the Utah Division of Drinking Water is listed below as letter 287.*

The findings of the project hydrologist are that no routes are located hydrologically above the Monroe City spring, although the spring is located in an unrestricted area on the current travel plan. Closing the Forest to cross-country travel is consistent with protecting this important water source.

Comment The 1996 Amendments to the Safe Drinking Water Act require all States with primary enforcement

authority for public water supply supervision programs to assess the source of drinking water for all public water systems within the state. If increased erosion or direct OHV activity occurs in a community's source water stream or watershed, turbidity (suspended particulates) may increase which then increases the drinking water treatment costs to the community. EPA encourages the Forest Service to contact Sumner Newman of the UT Drinking Water Source Protection Program to assure the OHV policy meets the goals of source water protection, and then document it in the FEIS. Mr. Newman can be reached by phone: (801) 536-4195, fax: (801) 536-4211 or e-mail:

(Ltr 280, Cmt 23,)

Comment Thank you for sending us information regarding the draft environmental impact statement (DEIS) for the motorized travel plan in the Fishlake National Forest. We appreciate the opportunity to review and comment on the DEIS. The Utah Division of Drinking Water lists 109 public water sources (springs, wells and tunnels) in the Fishlake National Forest, or within two miles of the Forest boundaries, that are currently used by public water systems. An additional 27 public sources in the same area, including one surface-water source, are currently not in use. Monroe City's Cold Spring (DDW source no. 21011-01) is an in-use public water source that we have determined to be under the direct influence of surface water. As part of their Drinking Water Source Protection Plan, public water suppliers are required to develop land management strategies to control or prevent ground-water contamination. When a water source is within a national forest, the water supplier quite often references the forest watershed management plan as their protection strategy.

(Ltr 287, Cmt 1,)

Comment As you develop the DEIS for OHV travel, you may want to give special consideration to Monroe's Cold Spring because this spring is in use and is under the direct influence of surface water. Potential dangers to Cold Spring are activities or structures that may increase the in-stream turbidity or introduce other contamination into the stream. Activities to consider include vehicle travel in close proximity to the spring, and stream crossings upstream from the spring. The protection zones for Cold Spring include Zone 1, which is a 100-foot radius from the spring collection area; and the management area, which is a two-mile radius on all land that is higher in elevation than the spring, and also includes all land lower in elevation and within 100 horizontal feet of the spring. I can fax the protection zone map to you, if that would help.

(Ltr 287, Cmt 2,)

Comment ATT1: I have attached two shapefiles to this e-mail. The shapefile FishlakePublicSources.shp includes all of the public water sources in or near Fishlake National Forest. FishlakeSurfaceSources.shp includes the three public water sources that are either a surface-water source or under the direct influence of surface water (UDI). Note that the two water sources, other than Monroe's Cold Spring, are currently not in use. The latitude-longitude coordinates in these two shapefiles are based on the NAD27 datum. We appreciate all that the US Forest Service does to help communities protect their sources of drinking water. Please contact me if I can be of any further assistance.

(Ltr 287, Cmt 3,)

Public Concern Order **Public Concern ID** 1606 **Specialist Assigned** DD

Public Concern *A couple of respondents requested that the Forest consult and work collaboratively with the Utah Division of Wildlife to improve enforcement and protection of wildlife resources.*

Response *The forest works collaboratively with the Utah Division of Wildlife on issues of enforcement and species management and recovery. The forest consulted with UDWR on route and area designations especially related to big game winter ranges, and on current and planned native cutthroat fisheries.*

Comment Enforcement would be greatly enhanced by coordinating with State wildlife agencies to include loss of hunting and fishing privileges in the Rocky Mountain area. This coordination should be diligently pursued.
(Ltr 233, Cmt 3,)

Comment Pages 112-114. The document states that because OHV use will continue in watersheds containing Bonneville cutthroat trout and Colorado River cutthroat trout, OHV use under all action alternatives may impact Bonneville or Colorado River cutthroat trout but will not likely lead towards federal listing of these cutthroat trout sub-species. Both of these species are managed under Conservation

Agreements which are voluntary cooperative plans in which the Forest Service and other state and federal agencies are participants. As such, the Department believes that planning processes should assist with identification of threats to these species and provide conservation measures to pro-actively conserve and protect these species where they occur in the project area and are susceptible to OHV related impacts.

(Ltr 285, Cmt 15,)

Public Concern Order

Public Concern ID 1800

Specialist Assigned DD

Public Concern *The Three Forest Coalition requested that the Forest use its emergency closure authority under CFR 261, subpart B and 212.52(b)(2). They feel this action would deal with the immediate purpose and need for action to close the Forest to motorized cross-country travel while allowing more time to address a broader range of transportation / motorized recreation issues in greater detail.*

Response *The following text is from a Forest Service response dated December 9, 2005 to letter 288 that was sent by TFC on November 17, 2005 formally requesting the Forest Supervisor to issue an emergency closure order.*

"On November 17, 2005 you presented a request for consideration of a Forest-wide temporary emergency closure order pursuant to 36 CFR §212.52(b)(2) and 36 CFR §261(b) with the exception of the open use area between the mouth of Flat Canyon and the debris basin above southwest Richfield. At that time, I appreciated the opportunity to explain that this option was given serious consideration before we decided to proceed with Forest-wide designation of routes and areas for motorized use. Though we have previously shared our rationale for not issuing a Forest-wide emergency closure, it is important that we adequately address the issues you have raised. That is why I would like to reiterate the key points in this response.

You assert that the Forest considers everything in our GPS route inventory as the "baseline" system. In reality, the Forest considers our current travel plan as the baseline. Unfortunately, the current travel plan uses implicit route designations in unrestricted areas, adding to the difficulty of defining an "existing system". Though comprehensive, our route inventory is not complete. A Forest-wide emergency closure order would limit travel to this poorly defined existing system, which would be difficult for the public to understand and for us to enforce. This is part of the reason that we decided to close the Forest to cross-country travel by clearly designating routes and areas where motorized use is appropriate. The Forest is not designating "nearly all routes, including user-created routes" as open. The preferred alternative, Alternative 3, obliterates 41 percent of unclassified motorized routes (330.7 miles) and converts 23.7 miles to non-motorized trail. Even portions of the currently classified motorized system are proposed for obliteration (46.7 miles) or conversion to non-motorized uses (28.6 miles).

You have observed that the emergency closure requirement of "considerable adverse effects" is demonstrated in the July 2005 Draft Environmental Impact Statement (DEIS). Unfortunately, you have taken quotes from Chapter 1, page 9 of the DEIS out of context. You excluded two sentences from the quoted paragraph, "Problems do not occur equally throughout the analysis area." and, "In other areas, use is very light and little or no effects from wheeled motorized cross-country travel are evident." Those two sentences are critical reasons that a Forest-wide closure order is not legally justified. We can and we will, however, continue to use emergency closure authority on localized areas where immediate action is necessary to prevent serious resource

damage.

Examples from the Manti-LaSal, Ashley, and Uinta National Forests were cited as relevant precedent for issuing an emergency closure. The use of designated routes on the Manti-LaSal was initiated in 1991 by a Forest Plan amendment rather than through a 1993 emergency closure. The Ashley Forest emergency closure order is not Forest-wide, but rather on a limited portion of the Forest with known resource impacts (roughly 120,000 acres total that had been previously open to off-route travel). Further, the Ashley order allows travel on all "existing" routes within the special closure area. Uinta National Forest restrictions are not tied to an emergency order. The Uinta has been closed to motorized cross-country travel, with the exception of game retrieval, since their 1984 Forest Plan. The 2003 Uinta Forest Plan clarified and continued the use of designated routes and removed the game retrieval exemption. None of the above scenarios are applicable to the situation on the Fishlake, where over 910,000 acres of the Forest are currently open to motorized cross-country travel.

After working in a public process for over two years, we are committed to completing the route and area designation with all interested parties and that is our obligation. But, issuing a Forest-wide emergency order now would create confusion, waste precious resources, and in the long run, would erode credibility and support for the process of designating motorized routes. Under an emergency closure order, particularly at a Forest-wide scale, there would still be great uncertainty about what are legal existing open routes. Under a designated system, the route is either legal, because it is shown on the Motor Vehicle Use Map, or it is not.

Forest and District staff and resource specialists have spent considerable time evaluating the merits of and impacts from routes and areas being designated. We have gone to great lengths to incorporate public comments into the travel plan, particularly those that are route and area specific. We believe the actions proposed for the new travel plan address the requirements of the updated CFRs for travel management, which incorporate the direction from Executive Orders 11644 and 11989. The Forest shares your desire to end the proliferation of unauthorized routes. To that end, we are pursuing the most responsible, logical and expedient course possible. We hope to begin implementing the new travel plan in 2006.

There are important differences of perspective between us. But I sincerely hope that you will stay engaged with the process, including through implementation and monitoring of the new travel plan. The Fishlake OHV Route Designation Project is an important step forward for the Forest but does not symbolize the end of travel management planning. We will continue to make future adaptations to address site-specific problems, to protect resources and to address future access needs. Your continued participation is always welcomed.

Please feel free to visit with Dale Deiter, project leader, or me if you have any further questions and/or concerns.

*Sincerely,
/s/ Mary C. Erickson
MARY C. ERICKSON
Forest Supervisor"*

Comment Though the Fishlake NF has rejected the idea, we feel an Emergency Closure Order signed by the line officer of the Fishlake presents the best option for immediate closure of the Forest to cross country travel. Similar orders have been applied on the Ashley and Uinta National Forests in Utah recently with little or no backlash from affected parties. If the Forest Service truly believes that cross country travel associated with "play" areas, game retrieval, and shed hunting is an urgent problem that must be addressed before Forest Plan revision and before comprehensive travel planning, an Emergency Closure Order from the supervisor banning such uses while exempting use on existing routes and limited open areas while travel planning occurs is the most immediate and effective way to halt cross

(Ltr 278, Cmt 5,)

Comment The Forest Service must succinctly analyze the ability of the alternative to respond to the purpose and need of this project. Moreover, based on the considerable problems associated with the existing conditions, the Forest Service must consider alternatives more responsive to natural resources and other stated needs on the Forests. The Line Officer must sign an Emergency Order closing the forest to cross country travel, then conduct comprehensive travel planning.

(Ltr 278, Cmt 15,)

Comment The FEIS should address how this proposed travel management plan, which seeks to incorporate unplanned, user-created motorized routes, will meet the Forest Service's regulatory monitoring requirements. In 36 CFR Section 295.5, the Forest Service states that if monitoring indicates "that the use of one or more vehicle types off roads is causing or will cause considerable adverse effects on the factors and resource values referred to in Sec. 295.2 (soil, water, vegetation, fish and wildlife, forest visitors, and cultural and historic resources), the area or trail suffering adverse effects will be immediately closed to the responsible vehicle type or types until the adverse effects have been eliminated and measures have been implemented to prevent future recurrence."

(Ltr 280, Cmt 19,)

Comment The Three Forests Coalition respectfully requests that you issue a Forest Special Order, effective immediately, restricting the use of motorized vehicles off existing routes, excepting the area extending from the mouth of Flat Canyon to Richfield Flood Abatement Structures, outlined as an "open area" under the OHV Route Designation Project DEIS, common to all alternatives analyzed in the DEIS. The Forest Service has repeatedly stated that their current system of routes based on GPS inventory should constitute a "baseline". If a true baseline is sought, a Forest Special Order should be issued to freeze such a network in time, as many additional route segments are created by unplanned use each year. With the establishment of such a baseline through this Forest Special Order, the Service should then conduct route-by-route analysis with full application of criteria mandated by Executive Orders 11644 and 11989, codified at 36 CFR 216 and 219 directing the agency to minimize impact to resources and user conflict. Issuing a decision based on a preferred alternative that designates nearly all routes, including user-created routes, rewards irresponsible behavior, unmanaged use and renegade trail creation as well as subverting the intent of the relevant EOs. It is important to note that when routes are designated, the aforementioned minimization criteria must be applied even when the area was formerly a "open area".

The relevant enabling regulation is found below, updated in the new travel management rule, [3410-11-P], Travel Management; Designated Routes and Areas for Motor Vehicle Use, RIN 0596-AC11:

(Ltr 288, Cmt 1,)

Comment 36 CFR § 212.52(2) Temporary, emergency closures based on a determination of considerable adverse effects. If the responsible official determines that motor vehicle use on a National Forest System road or National Forest System trail or in an area on National Forest System lands is directly causing or will directly cause considerable adverse effects on public safety or soil, vegetation, wildlife, wildlife habitat, or cultural resources associated with that road, trail, or area, the responsible official shall immediately close that road, trail, or area to motor vehicle use until the official determines that such adverse effects have been mitigated or eliminated and that measures have been implemented to prevent future recurrence.

(Ltr 288, Cmt 2,)

Comment CONSIDERABLE ADVERSE EFFECTS HAVE BEEN DEMONSTRATED AND SHOULD TRIGGER SUCH AN ORDER UNDER 36 CFR § 212.52(2)

The DEIS demonstrates that considerable adverse effects are occurring: DEIS Ch 1, p. 9 - "In some open areas, networks of user-developed routes continue to appear that are creating user conflicts and resource impacts" Some of this use has occurred in riparian areas and on highly erodible slopes. Types of impacts include the introduction and spread of invasive plants, displacement and compaction of soils, impacts to rare plants, rutting of wetlands, disturbance of wildlife and livestock, damage to cultural resources, and impacts to water quality, riparian and fisheries habitats. The

majority of motorized impacts are occurring during hunting season and spring antler shed gathering, in play areas next to communities, and around popular dispersed camping areas." NOTHING IN THE FINAL "TRAVEL MANAGEMENT; DESIGNATED ROUTES AND AREAS FOR MOTOR VEHICLE USE" RULE PREVENTS THE FISHLAKE SUPERVISOR FROM ISSUING SUCH AN ORDER From Travel Management; Designated Routes and Areas for Motor Vehicle Use, p 112: "36 CFR §212.52(b)(1) General. Nothing in this section shall alter or limit the authority to implement temporary, emergency closures pursuant to 36 CFR part 261, subpart B, without advance public notice to provide short-term resource protection or to protect public health and safety."

(Ltr 288, Cmt 3,)

Comment UTAH FORESTS, INCLUDING THE MANTI LA-SAL IN SOUTHERN UTAH HAVE USED THESE ORDERS WITH SUCCESS, AND WITHOUT LEGAL CHALLENGE

Special Orders have been used to close the following forests to cross-country travel:1) Manti-LaSal NF - This southern Utah Forest used a special order to close most of the Forest to cross-country travel in 1993. The closure endures twelve years later, despite the Forest's location in conservative counties.2) Ashley NF - Supervisor George Weldon recently closed the Ashley to cross country travel using a Special Order without legal challenge.3) Uinta NF - The Forest was closed to cross-country travel in 2002. A legal challenge from USA-ALL ensued, but the challenge was based on motorcycle trails designated open in an earlier travel planning process, then closed under the revised Forest Plan. The challenge did not question the ban on cross-country travel.

(Ltr 288, Cmt 4,)

Comment SUCH AN ORDER WOULD MEET KEY ELEMENTS OF THE PURPOSE AND NEED OUTLINED IN THE FISHLAKE NATIONAL FOREST ROUTE DESIGNATION PROJECT DEIS

The DEIS states the Purpose and Need for the action as follows:1) address the immediate need to better manage motorized cross-country travel,2) create an implementable user friendly motorized travel plan that is simple to understand and is as consistent (seamless) as possible with adjacent public lands, 3) create a travel plan that is inherently easy to enforce to the fullest practical extent, 4) better accommodate current motorized use while addressing concerns related to future growth, 5) reduce the potential for motorized conflicts and impacts to other resource uses and values, and 6) increase user certainty about which roads and trails are part of the managed system of motorized and non-motorized routes. Issuance of a Forest Special Order closing the forest to cross-country travel would fulfill numbers 1, 3, 4, 5,and 6, at least to a degree much greater than the current situation. Not allowing use off existing routes would give riders accustomed to the current situation time to ease into restrictions that might be imposed under comprehensive travel planning.

(Ltr 288, Cmt 5,)

Comment THE FOREST IS NOT REQUIRED TO CONDUCT NEPA TO ISSUE A TEMPORARY, EMERGENCY CLOSURE

Public involvement in the case of temporary, emergency closures is not required. The temporary, emergency closure could be completed immediately without triggering NEPA. (§212.52(b)).The new rule agrees, stating:" There is no legal obligation to obtain public input in connection with monitoring the effects of motor vehicle use, or in making a determination of considerable adverse effects for purposes of §212.52(b)(2). The public is welcome to provide information to the responsible official regarding motor vehicle use on routes and in areas and to highlight potential problems associated with motor vehicle use on particular routes and in particular areas." Travel Management; Designated Routes and Areas for Motor Vehicle Use p.69-70

(Ltr 288, Cmt 6,)

Public Concern Order

Public Concern ID 2300

Specialist Assigned DD

Public Concern *Most respondents, but not all, expressed support for the changes to the proposed action (Alternative 2) that were incorporated into the preferred action (Alternative 3). Individuals and advocacy groups from all interests provided additional route and area specific comments that are addressed individually later in this report.*

Response *The Forest is pleased that many of the respondents indicated that the Forest was responsive to their concerns. Responses to specific concerns are described later in this report, route-by-route and area-by-area. The rationale and criteria database also*

provides supporting documentation and is included in the project file.

Comment Having said all of this, one might erroneously conclude that I recommend selection of Alternative 3 as written. I do not for the following reasons. Two of the desired future conditions (DFCs) have not been sufficiently addressed in the DEIS. As stated on page 9 of the DEIS these two conditions are:

1. Focus on how and where to sustain and improve motorized and non-motorized recreation opportunities on the Fishlake National Forest in cooperation with our partners. 2. Improve the Forest's ability to prioritize and budget for road and trail maintenance, including the need to identify and fix public safety hazards. Both of these conditions hinge on the ability to sustain the maintenance levels of the classified roads system. Without sufficient maintenance funding the classified roads system cannot be sustained in a safe condition.

(Ltr 227, Cmt 3,)

Comment Alternative 3 is a big step forward in limiting damage and making the forest better for all areas.

(Ltr 233, Cmt 2,)

Comment We like Alternative #3. We can see the roads/trails we like to ride are now open.

(Ltr 236, Cmt 1,)

Comment We accept Alternative #3. Thank you for getting the public input.

(Ltr 237, Cmt 1,)

Comment Thank you for creating Alternative #3. This Alternative is Very important to us who, ride ATVs around to see the beauty of the Fishlake area and to be able to take our young children to see these areas during daylight hours. Our vote is without a doubt to accept your proposal Alternative #3!!

(Ltr 238, Cmt 1,)

Comment Thank you for creating Alternative #3. You guys listened to us who ride ATVs around the Fishlake area...especially allowing people to visit the lake during daylight hours. Also thank you for keeping old roads opened south and west of Fishlake. Our vote is to accept your proposal Alternative #3.

(Ltr 241, Cmt 1,)

Comment After reviewing the proposals, our vote is to accept your proposal alternative #3.

(Ltr 242, Cmt 1,)

Comment Our names are Jonnie and Yvonne Carter, we have owned a cabin at Fishlake for over 30 years. We have enjoyed the recreation it has provided our families with. Having the ATV trails left open for all to use is very important to us, as is staying on trails provided. We vote to accept your proposal for Alternative #3.

(Ltr 245, Cmt 1,)

Comment Thank you for creating Alternative #3. You guys listened to us who ride ATV's around the Fishlake area...especially allowing people to visit the lake during daylight hours. Also thank you for keeping old roads opened south and west of Fish lake. Our vote is to accept your proposal Alternative #3.

(Ltr 246, Cmt 1,)

Comment Thank you for your help with the ATV Access. Our vote is for Alternative #3.

(Ltr 247, Cmt 1,)

Comment I support all the changes on the Southern Utah OHV Club letter.

(Ltr 252, Cmt 3,)

Comment On Wednesday, August 24, 2005, I visited the office of the Beaver Ranger District where the OHV open house was held. I was greeted by district personnel, Cindy was very gracious, answered my questions and showed me the proposed district map of the OHV routes. For the most part I was pleased with the routes that have been left open for public access and also pleased with the closures that are proposed. I like feel Alternative 3 would protect my interest and the use of the Beaver

(Ltr 257, Cmt 1,)

Comment I have been reading the Travel Plan. It is very confusing. I am against Alternative 3. I look at Alternative 2 it is still closing area that I enjoy riding and I don't see that much different. Alternative 1 would be better for all of the local people.
(Ltr 261, Cmt 1,)

Comment D. Incorporation of specific route suggestions made by the Southern Utah OHV Club by reference. BRC has reviewed the letter sent by the Southern Utah OHV Club dated September 14, 2005. BRC would like to incorporate the specific route suggestions made on pages 2 and 3 by reference.
(Ltr 267, Cmt 9,)

Comment Alternative 3 would be the alternative that I would urge be adopted.
(Ltr 279, Cmt 5,)

Comment In review of the alternatives, I did not have time to review them in detail, I would have to say that number three (3) is the best option. However, there are several route decisions that concern me.
(Ltr 281, Cmt 2,)

Comment Thank you very much for having an open mind and providing a great place to enjoy our National Forest, via modernized recreation. Thanks again for leaving the routes open in Alternative 3. There are a few routes that I am especially grateful you are leaving open or opening the Cottonwood overlook and the Redview Loop routes, Maple Springs, Anderson Canyon-Barney Lake (156), Munford, 351, and all the Paiute and Great Western Trail System. These route provide a great view and a wonderful riding experience for our family.
(Ltr 281, Cmt 12,)

Comment In review of the alternatives, I would have to say that number (3) is the best. However, there are several route decisions that concern me.
(Ltr 282, Cmt 2,)

Comment Again thank you very much for having an open mind and providing a great place to enjoy our National Forest, via modernized recreation. Thanks again for leaving the routes open in Alternative 3. There are a few routes that I am especially grateful you are leaving open or opening the Cottonwood overlook and the Redview Loop routes, Maple Springs, Anderson Canyon-Barney Lake (156), Munford, 351, and all the Paiute and Great Western Trail System. These route provide a great view and a wonderful riding experience for our family.
(Ltr 282, Cmt 13,)

Comment In review of the alternatives, I did not have time to review them in detail, I would have to say that number three (3) is the best option. However, there are several route decisions that concern me.
(Ltr 283, Cmt 2,)

Comment Thank you very much for having an open mind and providing a great place to enjoy our National Forest, via modernized recreation. Thanks again for leaving the routes open in Alternative 3. There are a few routes that I am especially grateful you are leaving open or opening the Cottonwood overlook and the Redview Loop routes, Maple Springs, Anderson Canyon-Barney Lake (156), Munford, 351, and all the Paiute and Great Western Trail System. These route provide a great view and a wonderful riding experience for our family.
(Ltr 283, Cmt 12,)

Public Concern Order

Public Concern ID 2400

Specialist Assigned DD

Public Concern *Some respondents favored Alternative 4 because it would provide a smaller motorized system than Alternative 3, which would be expected to lead to fewer environmental impacts. At least one respondent felt Alternative 4 was not restrictive enough while others felt it was too restrictive.*

Response *As described in the DEIS and FEIS in Chapter 2, Alternative 4 helped address a range of public issues that were not sufficiently accommodated by the other alternatives.*

Alternative 4 is an environmentally preferable alternative provided it could be implemented and enforced. Even without detailed study, it is generally expected that the potential for environmental impacts decreases as the number of miles of motorized routes and open use areas is reduced. This is what is evident in Alternative 4.

The DEIS included reasons why Alternative 4 is not the preferred alternative that relate to partly to project scope as defined by the Purpose of and Need for Action and partly to logistics. We tried to improve the clarity of this reasoning in the FEIS. The world would be simpler if ability to implement and motorized user acceptance did not matter as EPA suggests. However, in reality both of those factors are critical to attaining a successful result. Identifying Alternative 4 as the preferred alternative would likely result in substantial project delay because of the controversy it would create in the motorized community. This would not meet the purpose and need to close the forest to motorized cross-country travel in an expedient manner.

The tradeoffs and differences in impacts between Alternatives 3 and 4 were re-evaluated case-by-case based on the public comments received. In several cases, Alternative 4 designations have been incorporated into the final preferred alternative (Alternative 5).

There was some confusion about the name used for the alternative. "Non-motorized emphasis" was not meant to imply that there would be more miles on non-motorized routes than motorized. Rather, non-motorized areas were given extra protection by removing motorized trails and only a minimal amount of unauthorized routes were added to the motorized system. In Alternative 4, the majority of unauthorized routes added to the transportation system were added as non-motorized trails.

Comment I prefer Alternative 4 because we need to preserve as much non-motorized area as possible. I can see the rationale for Alternative 3 but hate to see 455 more miles of designated OHV trails. I hope none of these miles are in present non-motorized recreation areas. I couldn't determine from the maps. I do oppose any OHV trails in inventoried roadless areas or non-motorized recreation areas.
(Ltr 263, Cmt 2,)

Comment Conclusion

Considering the alternatives in light of the principles outlined above, we favor Alternative 4. That failing, we favor Alternative 3. In all events, we again applaud the Forest Service for taking a proactive approach to this issue, and we encourage the Forest Service to regulate OHV use-as well as all motorized use-so as to protect the rivers, lakes, streams and wild places that our members value.
(Ltr 265, Cmt 10,)

Comment The so-called "Non-Motorized Emphasis" alternative, #4, is not significantly different from the modified proposed action alternative. According to mileage calculations and buffer analysis included, respectively as Attachments C and E, in this document, there is an insufficient range among the alternatives analyzed in the DEIS. Conservationists have worked closely with the agency from the beginning of this process to create a truly meaningful alternative focusing on retention of natural heritage, not simply "Non-Motorized Emphasis". Even as titled, the "Non-Motorized Emphasis" alternative "emphasizes" nothing of the kind. Still grossly tilted toward the satisfaction of demands presented by ATV community, the name "Non-Motorized Emphasis" implies a meaningful level of difference from the modified proposed action that is simply evident upon examination of details. Simply re-branding the proposed action with a few token closures here and there does not make it a true conservation alternative.
(Ltr 278, Cmt 21,)

Comment Alternative 4 is an unworkable alternative. It is presented from a narrow, agenda, driven perspective and does not meet the goals and objective of the forest travel plan. It is also unenforceable, would create additional conflict, would result in a significant increase in user non-compliance, and would be costly. The Forest Service does not have the money, personnel, or resources to administer this

alternative.

(Ltr 279, Cmt 8,)

Comment It is unclear to EPA why Alternative 4 is not the Forest Service's preferred alternative. Of the options presented, Alternative 4's non-motorized emphasis minimizes the adoption of unclassified routes into the system without site-specific analysis and planning. The DEIS acknowledges that wetlands and riparian areas are being adversely impacted by unmanaged OHV use, and that the effects are "widespread on the Forest" (pg.103). Compared to Alternative 3, Alternative 4 would eliminate 60 miles of motorized routes that encroach on channels, lakes and wetlands (Table 3-7, pg. 105), and 222.5 miles of motorized routes in the Riparian Influence Zone (Table 3-8, pg. 106). According to the Watershed and Aquatics Report, Alternative 4 would reduce the Open Use/Exemption Areas in the Riparian Influence Zone by 7,667 acres, compared to Alternative 3 (pg. 25).

(Ltr 280, Cmt 5,)

Comment The Watershed and Aquatics Report states that one of the reasons that Alternative 4 was not selected as the preferred alternative is that it will take "much longer than the 'typical' five-year shelf life of a NEPA document to implement" (pg. 29). As noted by the Forest Service in a telephone discussion, these routes were created over a span of 130+ years. EPA recommends that the more environmentally protective Alternative 4 be implemented even if it takes longer and has lower user acceptance with the public than Alternative 3.

(Ltr 280, Cmt 6,)

Comment EPA notes however, that even with its "non-motorized emphasis," Alternative 4 offers only 1,199 miles of authorized non-motorized trails, while the size of the motorized route network is projected to include 2,066 miles of authorized routes. It should also be noted that, although Alternative 4 appears to most closely meet the Forest Service's multi-use mandate, and the DEIS states that Alternative 4 is the most environmentally protective of the options presented, it does not appear to meet the Forest Service's own regulations for OHV use. In the enclosed detailed comments, EPA recommends that the FEIS revisit Alternative 4 as a possible preferred alternative, while addressing how Alternative 4 will meet the Forest Service's statutory authorities, opportunities for mitigation and the need for

(Ltr 280, Cmt 7,)

Comment The DEIS acknowledges that Alternative 4 meets the project's purpose and need, provides the most protection for mule deer winter habitat, best protects the Last Chance Townsendia threatened and endangered plant and habitat, best protects soil productivity, wetlands, riparian areas and aquatic habitat, and has the least amount of cumulative impacts to Fishlake National Forest's undeveloped character. Alternative 4 is also the only alternative that protects "The Rocks" inventoried, undeveloped area from being removed from future wilderness consideration because of adverse

(Ltr 280, Cmt 8,)

Comment Detailed Comments on the Fishlake National Forest Off-Highway Vehicle Route Designation Project Draft Environmental Impact Statement

As the DEIS states, all routes being considered in this project currently exist and are being used to varying degrees. Therefore, the impacts to the various resources described in the DEIS are already happening. All of the action alternatives are designed to "maintain or reduce existing impacts" associated with the route network and motorized use. Because this existing travel network evolved without any NEPA analysis of impacts, EPA recommends that Alternative 4 be modified into a reasonable and feasible environmentally preferable alternative in the Final EIS. A modified Alternative 4 would address the following:

(Ltr 280, Cmt 10,)

Comment In the DEIS, each action alternative involves route obliterations, including signage, installation of new barriers and/or recontouring of slopes to eliminate or restrict motorized travel. Public acceptance of restricted access and enforceability were identified in the DEIS as the reasons Alternative 4 was not selected. Since those issues are common to all action alternatives, the FEIS needs to provide more information or justification for selecting the less environmentally protective Alternative 3 as the preferred alternative.

(Ltr 280, Cmt 22,)

Comment We recognize that the Forest Service must provide a wide range of opportunities for the public to utilize and experience National Forest land; however, as explained in the EIS, increasing pressure from motorized use threatens fish and wildlife resources and their habitat. For this reason, the Department believes that Alternative 4 would lead to fewer impacts than the preferred alternative to

fish and wildlife resources on the National Forest. We understand that implementation of Alternative 4 may potentially create some management inconsistencies with adjacent Bureau of Land Management property and closure of some "play areas" may be difficult to enforce.

(Ltr 285, Cmt 8,)

Comment Alternative 4 provides the most protection for Last Chance townsendia (*Townsendia aprica*) plants and their habitat, sensitive species such as Bonneville cutthroat trout and Colorado River cutthroat trout and their aquatic habitats, and wetlands and riparian areas. If the Forest Service decides to retain Alternative 3 as the preferred alternative, we recommend that aspects of Alternative 4 be incorporated such that the most protection possible is provided to threatened and endangered species (including Last Chance townsendia), sensitive species, and sensitive wetlands, riparian areas, and aquatic habitats. See specific comments below.

(Ltr 285, Cmt 10,)

Comment As suggested in the EIS, there are a few specific areas where Alternative 4 has additional benefits to aquatic resources. These are: UM Creek, where closure of the Left Hand Fork trail would reduce some sedimentation and disease transfer risk; Manning Creek, where closure of the trail past Barney Lake would help reduce sedimentation and impacts to boreal toads; and Sam Stowe and upper Lost Creek, where motorized route closures in the upper watersheds would reduce sedimentation impacts to these streams. These actions for improved conservation of aquatic resources should be incorporated into the preferred alternative.

(Ltr 285, Cmt 16,)

Public Concern Order

Public Concern ID 2601

Specialist Assigned DD

Public Concern *The Three Forest Coalition provided the Forest with specific concerns about areas and routes, and motorized recreation in general. They presented these concerns over several iterations and asked that their proposals be included as an alternative in the DEIS. TFC feels that the DEIS is insufficient because their proposal was not analyzed in detail.*

Response *Chapter 2 of the DEIS described why the TFC proposals were not studied in detail. Additional discussion is provided in this same section in the FEIS and in the text that follows.*

The Forest Supervisor did not promise that an alternative developed by TFC would be analyzed in detail in the DEIS. The Forest was committed to getting the DEIS out during a period when the public could review the designations in the field, and when the Forest would still have field time to review and respond to route / area specific comments from the public. There was not time to evaluate the reasonableness of the TFC proposal or to do the analyses in the time we had available.

Maps and the TFC's description of their alternative were posted on the project internet map server and on the CD-ROM that was distributed with the DEIS. This was done so that the public could comment on the TFC proposal. A map of the TFC proposal was also displayed at the open houses held in Fillmore, Loa, Beaver, and Richfield.

The TFC proposal came in too late to be analyzed in detail in the DEIS. Overall, the TFC sub-set proposal does not appear to be appreciably different than Alternative 4. Even so, the Forest reconsidered and changed Alternative 3 route designations based on the concerns identified by TFC in their subset alternative as was done for all public comments that were route or area specific.

The Forest received TFC's sub-set and comprehensive alternatives in March of 2005 followed by a revised version in April of 2005. Since the DEIS did not come out until

July, TFC felt that the FS had plenty of time to analyze their alternative. This was not the case, the time taken was the minimum needed to complete the analysis of what was presented in the DEIS. Key specialists such as wildlife biologists and the Forest GIS specialists worked overtime in order to meet the required time frames.

Before TFC began to develop their alternative, the route designation team lead cautioned TFC not to break up the route layer into pieces by doing overlays, but rather to assign designations on an arc-by-arc basis as is. This was necessary for the Forest to be able to link TFC route designations back to the original layer used by the Forest. Unfortunately, TFC used overlays that created 40,000+ arcs from a travel route coverage that started out with about 10,000 arcs. The implication of this is that the weeks' worth of GIS analyses done once for Alternatives 1, 2, 3, and 4 (as one coverage) would have had to be repeated for the TFC alternative if it was to be studied in detail. This would have resulted in a significant delay in the project. The marginal benefit for doing so was not considered worth the cost financially, or to the project timeline as it relates to the purpose and need and to the timing of the release of the DEIS for public review.

Three environmental criteria that were used in the TFC designations were critical mule deer winter range, distance from perennial stream channels, and special vegetative types such as high elevation meadows and wetlands (from RE-GAP image classifications). The Forest considered the same factors, but using different methods and databases. For example, the Forest drew on district staff and resource specialist experience and knowledge of the Forest, plus corporate resource data for this type of information. The Forest did use the same critical winter range maps however. One of the RE-GAP vegetation classifications used by TFC had a 50 percent rate of false classification.

TFC provided route density comparisons in their comments to the DEIS with the purpose of contrasting their subset alternative with Alternative 3 (letter 278). TFC did not compare their route density numbers with Alternative 4. This comparison is provided below.

DISTANCE FROM MOTORIZED ROUTES (MILES)

<i>Distance</i>	<i>TFC Subset Alt.</i>	<i>FS Alt. 4</i>	<i>Difference</i>
<i>0.0 to 0.5</i>	<i>58.3%</i>	<i>60.0%</i>	<i>-1.7%</i>
<i>0.5 to 1.0</i>	<i>24.8%</i>	<i>23.7%</i>	<i>1.1%</i>
<i>1.0 to 2.0</i>	<i>15.2%</i>	<i>14.7%</i>	<i>0.5%</i>
<i>2.0 to 3.0</i>	<i>1.7%</i>	<i>0.0%</i>	<i>1.7%</i>
<i>3.0 to 4.0</i>	<i>0.03%</i>	<i>0.0%</i>	<i>0.03%</i>

TFC agreed that the route density differences between Alternative 4 and the TFC sub-set alternative are relative minor. In part this is the result of requesting TFC to keep their sub-set proposal within the scope of the project if they wanted to improve the chances of getting it analyzed in the DEIS. TFC reiterated that their real preference remains with their comprehensive alternative even though it is outside the project scope as stated in the DEIS and FEIS.

The project file contains additional documentation of discussions and evaluation of the TFC proposal.

Comment In our comments, the Three Forests Coalition will show that the Forest Service has arbitrarily and capriciously rejected at least two viable, reasonable alternatives formulated by members of TFC known as the "Comprehensive and Subset Natural Heritage Alternatives". We believe the Forest Service must release a supplemental DEIS fully analyzing the Natural Heritage Alternative. Additionally, serious issues raised by the DEIS must be given a harder look in the FEIS, particularly

concerns raised here that are pertinent to wildlife, economics, user conflict, implementation, monitoring, manageability and enforcement.

(Ltr 278, Cmt 6,)

Comment Of particular importance to the Fishlake OHV Route Designation Project, is the obligation that "[a]s one aspect of evaluating a proposed course of action under NEPA, the agency has a duty to study all alternatives that appear reasonable and appropriate for study, as well as significant alternatives suggested by other agencies or the public during the comment period." Dubois, 102 F.3d at 1286 (citing numerous others). The conservation community has presented to the Forest Service a number of feasible, prudent, and implementable alternatives that adequately respond to the need for this project and sets forth a balanced vision for travel management. To ensure consideration in the DEIS, the conservation community submitted not only a thorough long-term transportation vision and management alternative for the Forest, but also a subset alternative that conforms to the unreasonably narrow criteria established by the Forest Service, namely that only classification of unclassified routes is the action. Nonetheless, the Forest Service arbitrarily and capriciously eliminated the conservation community's alternative from consideration. In so doing, the Forest Service violated NEPA and rendered the DEIS inadequate under law.

(Ltr 278, Cmt 19,)

Comment The Forest Service is required to provide an explanation of why alternatives were eliminated from consideration. 40 C.F.R. 1502.14 . To be clear, the Forest Service failed to provide an adequate basis for eliminating the Natural Heritage subset alternative from consideration. The development of the Natural Heritage alternative followed the Forest Service's articulation of the narrow criteria upon which an alternative would be developed. Nonetheless, without adequate reason, the Forest Service failed to consider this "significant alternative" representing the collaborative efforts of Utah's conservation community. See Dubois, 102 F.3d at 1286. The Natural Heritage Alternative (NHA), if analyzed, would present a true range of alternatives. The NHA takes the issue of classifying unclassified routes seriously, instead of ducking the issue by issuing a map that designates nearly every route, track, and overgrown route prism. The NHA considers wildlife, habitat, conflict, and redundancy before classifying routes. The NHA is a true conservation alternative based on conservation biology.

(Ltr 278, Cmt 20,)

Comment The Forest Service averred three rationales for eliminating the Natural Heritage subset alternative, each of which is without basis and arbitrary. First, the Forest Service contends that "[n]either option provides an exemption for dispersed camping." DEIS at 83. As an initial matter, as discussed below, this justification fails to conform with NEPA's segmentation and cumulative impact requirements. In addition, the Forest Service fails to indicate exactly how it reaches this conclusion regarding the Natural Heritage subset alternative. The only mention of dispersed camping in the criteria utilized to develop the Natural Heritage subset alternative is under "Key Conditions of ORV Routes and Uses," which states "lack of facilitated harm, e.g., to riparian areas by dispersed camping associated with a designated ORV route." This phrase conforms to the Forest Service's stated acknowledgment of impacts around some dispersed camping areas (see below) and does not provide an appropriate or adequate basis for eliminating this alternative.

(Ltr 278, Cmt 22,)

Comment The Forest Service states, "The majority of motorized impacts are occurring during hunting season and spring antler shed gathering, in play areas next to communities, and around popular dispersed camping areas." DEIS at 9. Moreover, the Forest Service's decision to evaluate dispersed camping in "separate NEPA analyses" does not warrant elimination of the subset alternative, as this decision to segment the analysis does not justify complete elimination of a viable alternative. Rather, if the Natural Heritage subset alternative results in the potential closure of 44 percent of existing dispersed campsites, the re-opening and access of these sites could be evaluated "in separate NEPA analyses," just as easily as reclamation or access needs of the 15 or 30 percent of dispersed campsites that the Forest Service recognized required additional analyses under the evaluated alternatives. RAR Supp. at 36 ("A portion (15 to 30 percent depending on the alternative) of existing dispersed campsites are located further than 150 to 300 feet from designated open routes. These sites will need to be evaluated to determine whether the route needs to be designated to the site or the site should be reclaimed.")

(Ltr 278, Cmt 24,)

Comment As a second rationale for eliminating the Natural Heritage subset alternative from analysis, the Forest Service suggests "the proposal was sent in too late to be evaluated by the ranger districts and the interdisciplinary team and would have added months of analysis time to prepare the DEIS." DEIS at 84. The Forest Service's assertion is unfounded for several reasons. First, the Forest Service's NEPA obligations are clear that feasible and prudent alternatives must be evaluated as part of the agency's analyses. This includes "significant alternatives" proffered by the public. The conservation

community has undertaken substantial effort to present the Forest Service with a balanced and thorough alternative that resulted from extensive field and GIS research and collaboration with the planning team. This subset alternative was developed following several meetings with the Forest Service indicating that the Coalition's more comprehensive alternatives offered during scoping failed to meet the unreasonably narrow scope of the project. The Forest Service established certain deadlines for the conservation community to present a single, feasible and analyzable alternative. The conservation community upheld its end of the bargain by presenting the subset alternative to the Forest Service on March 3, 2005. The Forest Service released the DEIS in early August, nearly 5 months after submission of the subset alternative. As such, the Forest Service had ample time to analyze the subset alternative, especially considering that the bulk of analysis relates to road mileage comparisons, while making it a key element in the formulation and consideration of an alternative they devise.

(Ltr 278, Cmt 28,)

Comment The Three Forests Coalition was under no obligation to submit the Natural Heritage alternatives during scoping, although the Coalition did in fact submit the more comprehensive alternative during scoping. The scoping process allows the Forest Service to "[d]etermine the scope and the significant issues to be analyzed in depth in the environmental impact statement" and "eliminate for detailed study the issues which are not significant or which have been covered in prior environmental review." 40 C.F.R. § 1501.7. Accordingly, the focus of the scoping process is to define the issues necessitating analysis in an EIS. All issues addressed by the subset Natural Heritage Emphasis Alternative (but not addressed by Alternatives 1-4) were present in the comprehensive Alternative the Three Forests Coalition presented during scoping.

(Ltr 278, Cmt 29,)

Comment The NEPA process anticipates the development and consideration of alternatives after the scoping process. For example, the Forest Service is required to respond to public comments by taking action to "develop and evaluate alternatives not previously given serious consideration by the agency." 40 C.F.R. § 1503.4(a)(2). Accordingly, the Forest Service should re-issue the DEIS with analysis of the subset alternative. Delaying analysis until the FEIS is insufficient for several reasons. First, it ensures that the subset CNHA could not be implemented, as the public has not had the chance to comment sufficiently on the alternative. Second, based on experience, delaying consideration until the FEIS allows for fundamental misinterpretation of the alternative without an opportunity for correction. For example, the Three Forests Coalition (TFC) submitted in March 2004 a Sustainable Multiple Use Alternative during the scoping period for the Wasatch Plateau 31-sheep allotment term grazing permit EIS (Manti-La Sal NF) and in April 2004 a Sustainable Multiple Use Alternative during the scoping period for the Tushar Range 8-allotment cattle term grazing permit EIS (Fishlake NF). Neither Forest included the Alternative in their respective DEISs. Following the DEIS comment periods, the Fishlake NF decided to issue a second DEIS that would analyze the SMU Alternative. However, the Manti-La Sal NF decided to jump directly to a Final EIS (FEIS) that would analyze the SMU Alternative. Subsequently Region 4 USFS persuaded Fishlake NF to follow the Manti-La Sal NF decision and merely issue a Final EIS, for the sake of consistency across the Region.

(Ltr 278, Cmt 30,)

Comment In July 2005, the Manti-La Sal NF issued its Final EIS for the 31 sheep allotments. The FEIS fundamentally distorted the SMU Alternative, interpreting one minor element in the Alternative (i.e., that "key" mule deer fawning habitat would be unsuitable for sheep grazing) to mean all mule deer summer habitat (i.e., most of the entire allotment analysis area) would be incapable of sheep grazing. This, in combination with falsely claiming the SMU Alternative rendered all goshawk and riparian habitat incapable for grazing (the Alternative did not say that), the FEIS claims that under the SMU Alternative, zero sheep grazing would take place on 88.6 percent of the 31-allotment area. This arbitrarily rendered the SMU Alternative unreasonable, and allowed the Forest to wholly avoid comparison of the many differences between the SMU Alternative and the Forest Alternative. Because these errors were embodied in an FEIS rather than a DEIS, the Forest is now unable to effectively respond to public comments that the Sustainable Multiple Use Alternative 10 has been distorted and to fully analyze the alternative without publishing a new Draft EIS or a Supplemental Final EIS. As such, the likelihood of appeal and litigation is high.

(Ltr 278, Cmt 31,)

Comment In contrast, in January 1994, the Wallowa-Whitman National Forest supervisor announced his intention to write a new management plan for the 652,000-acre Hells Canyon National Recreation Area. The Hells Canyon CMP [Comprehensive Management Plan] Tracking Group formed and wrote a "Native Ecosystem Alternative" management plan that was first presented in 1995 to the Forest Service. Wallowa-Whitman National Forest staff initially ignored the alternative. But Forest Service officials in Washington, D.C. pointed out to their Wallowa-Whitman colleagues that the Tracking Group's alternative was reasonable, differed significantly from that of the Wallowa-Whitman's, and therefore, under NEPA, had to be considered. A second Draft EIS was produced, which fully analyzed

the Native Ecosystem Alternative. The Forest convened a multi-stakeholder Federal Advisory Committee Act (FACA) group to analyze the Draft EIS's alternatives. In the end, an astonishing proportion of the Native Ecosystem Alternative was adopted by the Wallowa-Whitman NF, including significant limitations on livestock grazing and motorized recreation, the two most significant, current threats to Hells Canyon's steep native grasslands, wildlife, and fish-bearing streams. The Final EIS and the Record of Decision were not litigated by any party.

(Ltr 278, Cmt 32,)

Comment Thirdly, the Forest Service indicates the Natural Heritage Emphasis proposals for the Fishlake ORV plan "are not complete in terms of specifying travel barriers and oversnow closures." DEIS at 84. With regard to specifying travel barriers, this vague statement fails to indicate whether the Forest Service deemed the alternative "not complete" because it did not present the number of new travel barriers necessary as in Table 2-6 or the type of travel barrier. Regardless of the meaning of the statement, the Forest could have easily received clarification or a calculation on this point from the Three Forests Coalition if it so desired.

(Ltr 278, Cmt 33,)

Comment Regarding oversnow closures, according to the Forest Service, "[o]versnow travel by snow machines is outside the scope of the OHV route designation project except in the limited cases where seasonal closures to all motorized use are necessary to protect the integrity of critical mule deer winter range or non-motorized recreation uses." DEIS at 2. The Forest Service consistently indicated that oversnow travel was outside the scope of the DEIS. Now, the Forest Service seeks to eliminate an alternative for failing to specify oversnow closures. Such a decision is clearly arbitrary and inconsistent with NEPA's public participation provisions.

(Ltr 278, Cmt 34,)

Comment Finally, the Forest Service suggests that the "March 15, 2005 letter stated that the groups would continue to offer suggestions for route closures, which indicated that these proposals might not be in final form." DEIS at 84. The Forest Service cannot eliminate an alternative from consideration because the proponent has indicated a willingness to participate in a public process to the maximum extent possible. Again, such a justification is clearly arbitrary and capricious and contrary to NEPA. Therefore, the Forest Service must analyze the Natural Heritage Subset Alternative in a re-issued DEIS allowing for public discussion and comment. The Forest Service has consistently expressed the desire to quickly implement the project without appeals or litigation. At the same time, the Forest Service has clearly acted in such a manner that would necessitate an appeal and/or litigation. The Three Forests Coalition has participated extensively, in good faith, in the Forest Service's NEPA and "collaborative" process. Nonetheless, without adequate and documented justification, the Forest Service has rejected a feasible, prudent, and ecologically responsible alternative that represents the collaborative and extensive efforts of Utah's conservation community. As such, the DEIS as released to the public is arbitrary and capricious and contrary to law and will be challenged accordingly. The Forest Service must re-issue the DEIS with consideration of the Natural Heritage subset alternative to remedy these violations of NEPA's alternative analysis.

(Ltr 278, Cmt 35,)

Comment Alternatives 3 and 4 are treated as essentially similar, with Alternative 4 sometimes depicted as merely having less unrestricted use, and incrementally smaller miles/mi² of road. A few of many examples follow: a. "Alternatives 3 and 4 would have similar proposals and improve habitat for the prairie dog more than any other action alternative on the Forest." (WRS 43)b. "Unrestricted travel would also be reduced with each alternative from 76% of potential habitat under the current plan, to 10% in Alternative 2, down to 2% in Alternatives 3 and 4." (WSR 44)c. "The travel plan proposed in Alternatives 3 and 4 would create an overall reduction in designated motorized routes within one mile of potential habitat and lower unrestricted travel to 1% of the suitable habitat in the District on average." (WSR 57).d. From the Aquatic/Watersheds Report: "In most cases there was a relatively large percentage change in the hydrologic measures between the No Action (Alt.1) and the Action Alternatives (Alts. 2, 3, and 4), but relatively small differences between the three Action Alternatives." (Aquatic/Watersheds Report, 112). The Natural Heritage Emphasis Alternative is substantially different than Alternative 4, but was not analyzed in this first Draft EIS.

(Ltr 278, Cmt 50,)

Comment The Forest Service is required to provide an explanation of why alternatives were eliminated from consideration. 40 C.F.R. 1502.14 . To be clear, the Forest Service failed to provide an adequate basis for eliminating the Natural Heritage subset alternative from consideration. The development of the Natural Heritage alternative followed the Forest Service's articulation of the narrow criteria upon which an alternative would be developed. Nonetheless, without adequate reason, the Forest Service failed to consider this "significant alternative" representing the collaborative efforts of Utah's conservation community. See *Dubois*, 102 F.3d at 1286. Taken together, the ability of the Forest Service to

implement the proposed mitigation measures is suspect.

(Ltr 278, Cmt 120,)

Comment The TFC welcomes further dialog on how the Forest Service intends to address and resolve the significant issues raised here. We look forward to amicable resolution and a complete analysis of the Natural Heritage Alternative in a supplemental DEIS. The Three Forest Coalition does not mean to indicate that the closure to cross country travel should be slowed. On the contrary, the line officer should sign an order preventing such activity immediately.

(Ltr 278, Cmt 165,)

Public Concern Order **Public Concern ID 2700** **Specialist Assigned DD**

Public Concern *Some respondents made suggestions for required design features that should be included into the action alternatives. Recommendations included the following:*

1. *Maintaining access to private lands.*
2. *Closing routes in riparian corridors.*
3. *Maintaining the undeveloped character of unroaded areas.*
4. *Enforcement considerations such as dead-end routes, signing, and use of physical barriers.*
5. *Avoidance of sensitive soils, wetlands, stream crossings, critical habitat, and meadows.*
6. *Making route and area designations provisional to account for unforeseen or future adverse environmental impacts.*
7. *Requests for a Forest commitment to initiate additional site-specific NEPA for projects dealing with route and dispersed camping impacts, and*
8. *Requiring off-road vehicles to be washed before and after each ride on National Forest.*

Response 1. *To our knowledge, all necessary private land access to inholdings is provided for in the final preferred alternative.*

2. *Much of the Forest route system is located within or near streams and riparian areas. As identified in the Roads Analysis Supplement, the long-term goal is to reduce miles of riparian routes. Each of the proposed action alternatives lower riparian route densities from current levels, but to varying degrees. There are some roads such as State highways that will likely not ever be removed from riparian corridors. Other routes that are not obliterated in the route designation project will have to be addressed over time. This will require more localized planning so that the full range of reconstruction, relocation, and obliteration options can be considered. However, riparian areas on the Forest will no longer be open to motorized cross-country travel, except on existing routes for dispersed camping.*

3. *Some route obliteration will occur within roadless areas under each of the action alternatives. The DEIS and FEIS disclose in Chapter 3, undeveloped areas that would be impacted by authorizing roads that are not part of the current travel atlas. Perhaps the most important improvement to protecting undeveloped lands will result from closing them to motorized cross-country travel.*

4. *Factors such as dead-end routes and use of signing physical barriers was incorporated into the action alternatives [see Chapter 2 of the DEIS and FEIS, Appendix B, and the Roads Analysis Supplement].*

5. *Areas with sensitive soils, wetlands, streams, critical habitats, and meadows were factored into route and area designation decisions [see Chapter 2 of the DEIS and FEIS].*

6. *The forest will adaptively manage travel management and motorized uses over time, which will require changes in the motorized use designations for routes and areas. Based on proposed draft manual direction, the motorized vehicle use map will be reprinted yearly much like hunting proclamations. Special orders will also be issued for short-term closures. There is no guaranteed permanency for any of the route and area designations that are proposed. This was recognized in the travel rule release in the Federal Register on page 22, which states "The final rule recognizes that designations of roads, trails, and areas for motor vehicle use are not permanent. Unforeseen environmental impacts, changes in public demand, route construction, and monitoring conducted under § 212.57 of the final rule may lead responsible officials to consider revising designations under § 212.54 of the final rule."*

7. *A list of other needed route and dispersed camping projects are included in the Roads Analysis Supplement, and in Appendices B and C in the DEIS and FEIS. These lists include the areas referenced by TFC and have added a forest-wide dispersed recreation strategy project that will be started in 2006.*

8. *With regards to noxious weeds and vehicle washing, the forest has a substantial amount of control over agency personnel and contractors, which is why the language is more strongly worded than the recommendations made for the general public. Obligatory vehicle washing by the public would be impossible to enforce.*

Comment Will there be any roads closed that leads into private property. If yes, I oppose the closing of these roads. I know of some ranches that has three or four roads leading into their property, I feel this is pushing the envelope. However, the terrain must be considered, ledges, steep terrains might be the necessity for more than one road into the private property. This being the case I would hope the Dixie National Forest Supervisor would evaluate these factors.

(Ltr 226, Cmt 4,)

Comment Perhaps more importantly, even if 90% of the riders are considerate and 90% of the approved OHV routes are carefully planned to mitigate impacts, irresponsible riders and poorly designed routes (even if they make up only a small percentage of the total) will have negative impacts far out of proportion to their numbers. Just one "donut" in a riparian area can last for years. Alas, the Forest Service cannot simply hope that the better side of human nature will prevail. Accordingly, management decisions must take potential unlawful use into account. So, for example, it is not sound management to permit an OHV trail to run near a stream (on the theory that, if lawfully used, impacts to the stream will be minimal) when past experience indicates that riders will inevitably cut new trails down to the stream itself. In other words, the Forest Service must err on the side of caution. We do not mean to suggest that OHVs should be banned from the Forest. Some of our members own and ride OHVs, and OHVs provide many citizens in Utah and elsewhere with a legitimate way to use and enjoy our public lands. The point, rather, is that because OHV use has the potential for significant, widespread, and adverse effects on the Forest and other uses of the Forest, their use must be carefully managed and controlled.

(Ltr 265, Cmt 3,)

Comment The question, becomes how best to manage OHV use. In that regard, we believe the following principles should guide decisions affecting where & how OHVs are used on the Forest. At a minimum, the final OHV Route Designation Plan should:

Preserve existing roadless areas Roadless areas provide a vital refuge for fish and wildlife, including native trout. Indeed, the vast majority of remaining healthy populations of native trout are found on unroaded public lands. For example, over 60 percent of remaining strong populations of Westslope, Greenback, and Colorado River cutthroat trout are found in roadless areas. We appreciate that, by definition, a "roadless" area limits public access to hunters, anglers, OHV users, and everyone else. Nevertheless, as the figures cited above suggest, preserving such areas is of critical importance to protecting certain species of fish and wildlife. Importantly, under all of the alternatives, thousands of miles of roads and trails will remain open to OHV users. All we ask is that, whatever alternative the

Forest Service ultimately adopts, it pursue no policy that will impair or reduce the roadless areas that remain in the Fishlake National Forest. Once roads or trails, approved or otherwise, are cut into them, they lose their value as a special refuge, not only for fish and wildlife, but for those members of the public who value the solitude, quiet, and beauty of remote and wild places.

(Ltr 265, Cmt 9,)

Comment I recommend the Project Team revisit and pay extremely close scrutiny to "dead-end" routes. Thorough investigation in the WCNF has uncovered a profound neglect with pioneered routes that continue well beyond the "dead end" route and the Travel Plan. "Dead end" routes are difficult to enforce and at worst encourage users to push beyond the law. Again, I must strongly encourage the team to revisit this issue and make adjusts by closing a high percentage of these routes in your

(Ltr 276, Cmt 5,)

Comment Appendix B (Route Designation Implementation Considerations), Paragraph 12, page 172: It is recommended that, "Physical barriers are also recommended to clearly indicate where a motorized road transitions to a motorized trail." I would strongly suggest adding language that if there are "motorized road transitions" or "motorized trail use transitions" that signs be posted well in advance of the transition so users aren't surprised by the change. Personal observations have validated that these situations encourage illegal travel beyond the "use transition" and travel plan.

(Ltr 276, Cmt 7,)

Comment IMPLEMENTATION PLAN (Appendix B): NOXIOUS WEEDS

The DEIS concerns itself with the spread of noxious and invasive weeds and anticipates the need to treat additional weed infestations spread by off-road vehicles but again proposes to violate the precautionary principle when discussing invasive plants: "Designate a motorized route system to provide greater certainty about where invasive plants are likely to be introduced, perpetuate, spread, and require treatment" (p. 165). In this same section, the agency requires commercial equipment used by Forest Service contracts "be washed free of noxious weed seeds prior to entering National Forests" and that Forest Service off-road vehicles be washed and free of seeds. However, the Fishlake proposes a double standard for citizen visitors to the Forest when the DEIS proposes only to "educate and strongly recommend to the public that all OHVs be washed and free of any weed seed before coming onto the Forest" (p. 165). An invasive species seed does not distinguish between a Forest Service contract vehicle and an ORV. The Forest should require that all off-road vehicles be washed before and after each ride on Forest Service lands.

(Ltr 278, Cmt 138,)

Comment Where the travel plan legitimizes unplanned, user-created motorized routes, the Forest Service should give preference to routes that do not have sensitive soils, wetlands, stream crossings, critical habitat, meadows, etc " and assess whether and how impacts can be mitigated. The required public participation process should be described. Routes should be legitimized not only based on functional utility but based on their impacts on water quality, stream conditions, riparian vegetation and other ecological resources of the forest.

(Ltr 280, Cmt 12,)

Comment Here's some language we'd like to see in the FEIS on triggers for post-ROD travel management projects. We'll get more specific route comments to you for the Beaver RD first, by the 10th of January, with the other districts following shortly thereafter.

(Ltr 291, Cmt 1,)

Comment * If the FEIS does not indicate that ORV route designation is provisional, the Forest (a) loses leverage on ORV users to stay on routes; and (b) creates problems for itself when it does need to close routes.* If the FEIS does not commit the Fishlake NF to a good process for citizen reporting of ORV route damage and inappropriate ORV use, and to responding to appropriately documented reports, the Forest conveys to the public that it doesn't care that its enforcement capability is inadequate.

(Ltr 291, Cmt 3,)

Comment 2. Proposed FEIS/ROD language for effective protection of the Forest from unforeseen ORV route & use damage

Designation of ORV routes on the Forest is provisional. * Route designation involves assumptions such as:**there will not be significant natural resource damage due to ORV use**there will not be substantial inappropriate or illegal use**native wildlife, native vegetation, or ecosystem functioning will

not be adversely impacted by the route or use of the route.*If the Forest learns that any of the above assumptions are not being met , previously designated routes can be closed through the agency's emergency closure authority (Executive Order 11989 Section 9(a)) or a NEPA decision.*Criteria triggering consideration of emergency, seasonal or permanent closure of an ORV route include:**use of the route which results in unintended natural resource damage**illegal route-creation or cross-country use off the designated route**unanticipated impacts to:*species of concern (see below) and/or native habitat *other uses of the Forest.**facilitated harm, e.g., to riparian areas by dispersed camping associated with a designated ORV route; or damage to historic or other cultural resources accessed primarily by ORVs.**Substantial adverse impacts to wildlife, habitat, vegetation, & water resources**other unanticipated adverse impacts or user conflicts *Species of Concern. Where evidence indicates ORV use may be conflicting with foraging, reproduction, nesting, or rearing of native plant or wildlife species of concern, including sensitive & native species whose populations &/or habitat are declining or are a concern, benefit of doubt (precaution) will be given to the species &/or their habitat rather than seasonal or yearlong continued use of the route.

(Ltr 291, Cmt 4,)

Comment 2. Proposed FEIS/ROD language for effective protection of the Forest from unforeseen ORV route & use damage

The Fishlake NF will utilize its emergency closure authority whenever monitoring information gathered by the agency or submitted by private citizens and confirmed by the agency "determines that the use of off-road vehicles will cause or is causing considerable adverse effects on the soil, vegetation, wildlife, wildlife habitat or cultural or historic resources of particular areas or trails of the public lands . . ." (EO11989 Section 9(a))

(Ltr 291, Cmt 5,)

Comment 2. Proposed FEIS/ROD language for effective protection of the Forest from unforeseen ORV route & use damage

The Fishlake NF will initiate a round of site-specific NEPA decisions (may include CE/EIS/EA/EIS-depending on nature/extent of effects), which may result in seasonal or permanent route closures, for the following problem areas including, but not limited to: Black Flat crossing, Chalk Creek, Barney Lake, and re-routes of the Great Western Trail to avoid threatened/endangered/sensitive plants; and reduction of route density on Monroe Mountain, southeast of Fish Lake, the south side of the Canyon Mountains, and near the large block of inholdings on the southern end of the Fillmore District.

(Ltr 291, Cmt 6,)

Comment 2. Proposed FEIS/ROD language for effective protection of the Forest from unforeseen ORV route & use damage

After implementation of the FEIS and Record of Decision, the Forest will initiate a site-specific NEPA process to address the issue of route proliferation surrounding dispersed camping sites including, but not limited to, UM Creek drainage, Big Flat, Big John Flat, Mill Creek, Salina Creek near Beaver Creek, and the area from Koosharem Creek south and west to Bean Hill on Monroe Mountain. Dispersed camping and access is also an issue in boreal toad habitat near Barney Reservoir.

(Ltr 291, Cmt 7,)

Public Concern Order

Public Concern ID 2701

Specialist Assigned DD

Public Concern *The Three Forest Coalition questioned the Forest's ability to implement the mitigation measures required in the action alternatives. TFC wants the Forest to assure that mitigation is both feasible and effective.*

Response *The forest does anticipate that compliance with the motorized travel plan will improve under the action alternatives, and does not assume that users will be 100 percent compliant. The forest does not assume that mitigation measures will be 100 percent effective [see General Assumptions in Chapter 3 of the DEIS and FEIS and the specialist reports]. However, forest personnel have experience implementing the prescribed mitigation measures that are a REQUIRED part of the action alternatives.*

It is not clear why the TFC is questioning the forest's ability to successfully implement a road and trail obliteration program that is smaller than what TFC proposed as reasonable and feasible. The fact that TFC is simultaneously questioning and supporting the potential effectiveness of proposed route obliteration is perplexing. TFC provided in the same letter [#278] and in separate mailings information on the effectiveness of route obliteration as a mitigation measure.

Comment The Forest Service must evaluate the impact of user-created roads/routes on the Forest. The Forest Service appears to assume that because motorized recreation will now be managed as a designated route system, user-created road/route use and creation will cease. As discussed throughout this comment, such an assumption is not warranted. Numerous Forests, including the Wasatch Cache National Forest, have designated a transportation system, yet still are experiencing a proliferation of user-created routes.

(Ltr 278, Cmt 106,)

Comment THE FOREST SERVICE MUST EVALUATE ITS CAPACITY TO IMPLEMENT MITIGATION MEASURES AND THE LIKELY EFFECTIVENESS OF THE MITIGATION

The mitigation proposals contained within the EIS are troublesome because it is difficult to comprehend how they could be effectively implemented. Essentially, while the majority of mitigation proposals appear viable on the surface, there is lack of analysis of their overall effectiveness and of the agency's physical ability to implement them. Additionally, the Forest Service intimated within the EIS that implementation of these measures will be difficult due to a lack of funding.

(Ltr 278, Cmt 119,)

Comment Specific proposed measures, such as trail obliteration, are very resource intensive. To state that the prescription of obliteration of the current motorized trails "will include installation of self-maintaining cross drainage and removal of structured stream crossings assuring that natural channel dimensions and gradient are restored" is quite an ambitious undertaking. DEIS at 36. Also questionable is the assumption that because "[a]ll obliterations will use signage, barriers, and/or re-contouring of slope contours" that this will "prevent motorized use of the obliterated route." DEIS at 36. So too is the expectation that "[e]ach action alternative includes the installation of new barriers" with the expectation that these barriers will "eliminate or restrict motorized travel." DEIS at 37.

(Ltr 278, Cmt 121,)

Comment An agency may not defer important agency decisions in the guise of mitigation measures. *Jones v. Gordon*, 792 F.2d 821, 829 (9th Cir. 1986); see also *Colorado Environmental Coalition v. Dombek*, 185 F.3d 1162, 1173 (10th Cir. 1999) (in an EIS, "[i]t is not enough to merely list possible mitigation measures") (citing *Neighbors of Cuddy Mountain v. U.S. Forest Service*, 137 F.3d 1372, 1380 (9th Cir. 1998) (perfunctory description of mitigating measures falls short of "hard look"). Where the effectiveness of the mitigation measures depends upon how they are applied and enforced, and the latter is uncertain, the measures are suspect. *Jones v. Gordon*, 11 792 F.2d at 829; *Greenpeace U.S.A. v. Evans*, 688 F.Supp. 579, 585 (W.D.Wash 1987).

(Ltr 278, Cmt 122,)

Comment 11 See, e.g., Hammer, K. 2001. Gate-Crashing: Road Closure Gates Cannot Effectively Eliminate Trespass. Swan View Coalition, Kalispell, MT. 12p. <http://www.swanview.org/reports/Gate-Crashing-Report.pdf>. This document (and an accompanying annotation) was supplied to the Fishlake NF Planning Team in 2004 by the Three Forests Coalition. The report notes that monitoring and experience have shown gates are largely ineffective and must be replaced by permanent barriers and road obliteration. More monitoring is not going to effectively "eliminate trespass by the public;" it is simply going to present a better record of the trespass that

(Ltr 278, Cmt 123,)

Public Concern Order

Public Concern ID 2900

Specialist Assigned DD

Public Concern *The Three Forest Coalition is concerned that even within the confines of the "narrow" project scope (see concern 1406 above), that the range of alternatives considered in the DEIS is too narrow.*

Response *The forest spent several months during the pre-NEPA assessment stage of the project evaluating various options and alternatives for the project scope and design. A list of 16 alternatives considered, but not studied in detail is presented in Chapter 2 of the DEIS and FEIS.*

Comment ALTERNATIVES

NEPA requires federal agencies to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternate uses of available resources." 42 U.S.C. § 4332(E). "The alternative analysis is characterized as 'the heart' of the environmental impact statement." Colorado Envtl Coalition v. Dombeck, 185 F.3d 1162, 1175 (10th Cir. 1999)(citing 42 C.F.R. § 1502.14). Courts apply a "rule of reason" analysis to determine whether the range of alternatives an agency considered, "and the extent to which it discuss[ed] them," was adequate. Utahns for Better Transportation v. U.S. Dept. of Transportation, 305 F.3d at 1152, 1166-67 (citing City of Grapevine v. Department of Transp., 17 F.3d 1502, 1506 (D.C. Cir. 1994)). A reasonable alternative is one that is "non-speculative . . . and bounded by some notion of feasibility." Id. at 1172 (citing Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council, 435 U.S. 519, 551 (1978)) (additional citations omitted). In particular, agencies must consider alternatives that are more consistent with the agency's mandate. In Muckleshoot Indian Tribe v. U.S. Forest Service, the Ninth Circuit remanded an EIS to the agency based on its failure to consider alternatives to a land exchange that imposed restrictions on the traded land. 177 F.3d 800, 813 (9th Cir. 1999). The Ninth Circuit was "troubled" that "the Forest Service failed to consider an alternative that was more consistent with its basic policy objectives than the alternatives that were the subject of final consideration." Id. (citing Seattle Audubon Society v. Mosely, 80 F.3d 1401, 1404 (9th Cir.1996).

(Ltr 278, Cmt 16,)

Comment According to the Seventh Circuit, if "NEPA mandates anything, it mandates this: a federal agency cannot ram through a project before first weighing the pros and cons of the alternatives." Simmons v. U.S. Army Corps of Engineers, 12 F.3d 664, 670 (7th Cir. 1997). Moreover, "in examining alternatives to the proposed action, an agency's consideration of environmental concerns must be more than a pro forma ritual. Considering environmental costs means seriously considering alternative actions to avoid them." SUWA v. Norton, 237 F.Supp.2d 48, 51 (D.D.C. 2002) (citing Calvert Cliffs Coordinating Comm., Inc. v. U.S. Atomic Energy Comm., 449 F.2d 1109, 1128 (D.C.Cir. 1971)). The detailed analysis of alternatives is essential to NEPA's statutory scheme and its underlying purpose to "provid[e] a clear basis for choice among options by the decision-maker and the public." 40 C.F.R. 1502.14; see also 42 U.S.C. ~ 4332(2)(E); 40 C.F.R. ~ 1507.2(d) & 1508.9(b); CEC v. Dombeck at 1174 ("What is required is information sufficient to permit a reasoned choice of alternatives as far as environmental aspects are concerned?) (quotation marks and citation omitted). Ultimately, NEPA's alternatives mandate means that "no major federal project should be undertaken without intense consideration of other more ecologically sound courses of action . . ." Environmental Defense Fund v. Corps of Engineers, 492 F.2d 1123, 1135 (5th Cir. 1974)(emphasis added); Bob Marshall Alliance v. Hodel, 852 F.2d 1223, 1228(9th Cir. 1988), cert. denied, 489 U.S. 1066 (1989) (the alternatives requirement guarantees that agency decision-makers "[have] before [them] and take into proper account all possible approaches to a particular project . . . which would alter the environmental impact and the cost-benefit balance) (emphasis added); Alaska Wilderness Recreation & Tourism Ass'n v.Morrison, 67 F.3d 723, 729 (9th Cir. 1995).

(Ltr 278, Cmt 17,)

Comment So important is the alternatives requirement that "the existence of a viable but unexamined alternative renders an environmental impact statement inadequate." Alaska Wilderness v. Morrison, 67 F.3d 723, 729 (9th Cir. 1995); see also, Dubois v. U.S. Dept. of Agriculture, 102 F.3d 1273, 1288 (1st Cir. 1996) (EIS invalid because agency did not consider alternative of using artificial water storage units instead of a natural pond as a source of snowmaking for a ski resort); Friends of the Boundary Waters Wilderness v.Dombeck, 164 F.3d 1115, 1128 (8th Cir. 1999) (quoting Dubois, 102 F.3d at 1287).

(Ltr 278, Cmt 18,)

Public Concern Order

Public Concern ID 3101

Specialist Assigned DD

Public Concern *Some respondents focused on OHV use and route impacts to important native cutthroat and recreational fisheries. Concerns relate to sediment and hydrocarbon water quality impacts, and direct and indirect degradation of aquatic habitats.*

Response *The forest agrees with the need to protect aquatic resources, which factored into several specific route designation decisions. This was especially true in watershed that support native cutthroat fisheries or where reintroductions are planned and where streams support high value recreational fisheries.*

The forest relied on forest-wide riparian inventories, water quality monitoring, stream crossing impact study, and fish presence/absence and biomass surveys to provide baseline information on existing motorized impacts. Anticipated effects to aquatic resources and watershed condition from the proposed alternatives are described in Chapter 3 of the DEIS and FEIS and in the watershed/aquatics specialist report.

Comment The Utah Water Project of Trout Unlimited wishes to comment on the Draft Environmental Impact Statement for the Fishlake National Forest Off-Highway Vehicle Route Designation Project.

Our Interests

Trout Unlimited's mission is to conserve, protect, and restore North America's native trout and salmon fisheries and their watersheds. The Utah Water Project is a state-based initiative that works with federal, state, and private interests to protect and restore water in streams for healthy fisheries. Trout Unlimited has approximately 2000 members in the State of Utah. This Off-Highway Vehicle (OHV) Route Designation Project (the "Project") concerns us because many of our members fish and recreate on the Fishlake National Forest. In addition, the Forest is home to remnant populations of Bonneville and Colorado River cutthroat trout. The welfare of these native trout concerns our members greatly, and we have a strong interest in making sure that the Forest Service protects existing populations and makes it possible for current and future restoration efforts to succeed.

(Ltr 265, Cmt 1,)

Comment Our Position: We applaud the Forest Service for trying to come to grips with the explosion of OHV use on the Fishlake National Forest. This is not an easy issue: OHV use on the National Forests is popular & increasing rapidly. On the other hand, as OHV use increases, so do the impacts of this activity on fragile ecosystems. We have seen many of these impacts first hand on the Forest: wetlands turned into race tracks, steeply eroding banks, muddy streams, high dust levels, riparian areas & plants damaged or destroyed, & new trails blazed into previously remote & roadless areas. With these kind of impacts, it is no surprise that conflicts between OHV use & other uses have increased & will continue to increase, even under the best of circumstances. Our position on all of this is fairly straight-forward: the less OHV use, the better. Simply put, there is no level of OHV use that benefits fish or fisheries because OHVs harm water quality. When, for example, an OHV user runs his or her machine up a streambed, it disturbs spawning gravel, harms aquatic plants and insects, and stirs up a lot of muck & mud that hurts fish. Similarly, user created routes (& the inevitable series of half moons & sidetracks that accompany them) encourage erosion & dump huge amounts of fine sediments into what ordinarily should be clear mountain streams. Certainly, careful use of OHVs by citizens who respect the resource & existing regulations can moderate many of these impacts. Unfortunately, even conscientious use cannot eliminate all adverse impacts, particularly as the number of people who use OHVs increases. For example, an OHV route that crosses a stream multiple times has a similar effect to running a machine up the streambed itself, as does a route that parallels a creek for any distance, because soils on & around the route will erode directly into the stream. Moreover, OHVs in any numbers generate significant dust, which harms not only the fish directly but the insects on which they feed.

(Ltr 265, Cmt 2,)

Comment The question, becomes how best to manage OHV use. In that regard, we believe the following principles should guide decisions affecting where and how OHVs are used on the Forest. At a minimum, the final OHV Route Designation Plan should:

Protect native trout: Native trout are an important part of Utah's culture and heritage. Cutthroat trout are the only species of trout native to the State of Utah, and Bonneville cutthroat trout harvested from Utah Lake helped thousands of early Mormon pioneers survive a series of poor crop years and harsh winters in the 1850s. (In recognition of this, the Bonneville cutthroat trout is the Utah State fish.) In addition, native trout are of particular interest and importance to our members, many of whom would prefer to catch a wild native trout over a much larger hatchery raised fish or even a wild trout not native to the State of Utah (such as a Rainbow, Brook, or Brown trout). Indeed, many of our members and fly fishermen around the West will travel great distances, spend a lot of money, and hike several miles simply to have the chance to catch a wild trout. FOOTNOTE: 1 Two native cutthroat subspecies are found in the Forest: the Bonneville cutthroat trout and the Colorado River cutthroat trout, one of the most beautiful of all the trout native to North America.

(Ltr 265, Cmt 4,)

Comment The question, becomes how best to manage OHV use. In that regard, we believe the following principles should guide decisions affecting where and how OHVs are used on the Forest. At a minimum, the final OHV Route Designation Plan should:

Protecting native trout avoids the threat of federal listing under the Endangered Species Act. Currently, environmental groups have sued the U.S. Fish & Wildlife Service for failing to list the Bonneville cutthroat trout, and we have every reason to expect an effort to list the Colorado River cutthroat trout as well. Thus, ongoing efforts to preserve and restore these fish are essential to prevent listing (with all the attendant impacts federal listing would have on the Forest Service, the State, and local communities). Accordingly, the OHV Route Designation Project must foster, rather than impede, these efforts. The following streams either provide a refuge for native trout or have the potential for native trout restoration: UM Creek Manning Creek Ten Mile Creek Birch Creek Pine Creeks am Stowe Creek Fish Creek Shingle Creek South Fork North Creek North Fork Chalk Creek Pole Creek As evidenced by the Watershed Report and the Aquatics Biota Information Supplemental Report put together by the Forest Service, nearly all of these creeks either are adversely affected by OHV use or have the potential to be if current management practices persist. In our view, the Forest Service should do everything possible to keep OHVs out of these areas, or, if that proves impossible, to limit access and otherwise mitigate for OHV impacts.

(Ltr 265, Cmt 5,)

Comment The question, becomes how best to manage OHV use. In that regard, we believe the following principles should guide decisions affecting where and how OHVs are used on the Forest. At a minimum, the final OHV Route Designation Plan should:

Protect high value fisheries - In addition to protecting native trout, the OHV Route Designation Plan should protect those lakes and streams that offer high quality fishing opportunities. In debates over OHV use, much is often said about the economic benefits to local communities that stem from OHV recreation. Little is said, however, about the economic benefits of activities such as recreational fishing, which in 2001 alone poured over \$400 million into state and federal coffers as well as the pockets of many small business owners who sold fishing equipment (including cars and trucks), licenses, gas and groceries, etc. to anglers. FOOTNOTE: 2 See U.S. Department of the Interior, Fish and Wildlife Service and U.S. Department of Commerce, U.S. Census Bureau, 2001 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation at 5. The point here is that uses such as recreational fishing (and, increasingly, non-consumptive uses like wildlife viewing) also provide important social and economic benefits to local communities. Allowing ever-expanding OHV use to harm these uses (and, in the process, drive away those who value the forest for these uses) is like robbing Peter to pay Paul.

(Ltr 265, Cmt 6,)

Comment The question, becomes how best to manage OHV use. In that regard, we believe the following principles should guide decisions affecting where & how OHVs are used on the Forest. At a minimum, the final OHV Route Designation Plan should:

The State of Utah employs a system for evaluating the fisheries potential of any stream. Within that system, any stream given Class 1, 2, or 3 status has fishery values high enough to warrant protection. Most, if not all, of the streams on the Fishlake National Forest fall into one of these three categories, & therefore meet the criteria that Utah has set up to identify high value streams that can & should be protected. We believe the final OHV Route Designation Plan should address & reflect that classification system: affording the highest level of protection to those streams with the highest fisheries potential. In this regard, several streams warrant mention: some of these offer the potential for native trout protection and/or restoration (as noted above), but all of them either are or have the potential to become destination fisheries: UM Creek, Manning Creek, Salina Creek, Corn Creek, Fish Creek, Shingle Creek, South Fork North Creek, North Fork Chalk Creek. Again, our view is that the final OHV Route Designation Plan must afford these streams maximum protection. Where current OHV use is minimal or non-existent, every effort should be made to keep it that way. Where OHV impacts are already felt, the Forest Service should eliminate routes or move routes away from streams, reduce the number of stream crossings, & use mitigation such as culverts or concrete stream crossings only as a last resort. Doing so would reflect not only sound management of a public resource, but would make economic sense as well.

(Ltr 265, Cmt 7,)

Comment FOOTNOTE: By "destination fishery," we mean a fishery that, because of its aesthetic values or fishery values or both, will prompt someone to spend significant time, money, and energy to visit. (Please note in this regard that many of our members value solitude and quiet in a pristine natural setting as much as they value an opportunity to catch fish.)

(Ltr 265, Cmt 8,)

Comment For Alternative 4, the DEIS estimates motorized stream crossings an average of every two miles of channel (Table 3-9). The FEIS should disclose the 1986 Forest Plan's standards and guidelines for stream crossings and evaluate whether this proposed project is consistent with those standards and guidelines. The FEIS should include consideration of mitigation such as culverts and bridges at stream crossings.

(Ltr 280, Cmt 15,)

Comment The FEIS should specify which of the existing unplanned, user-created motorized routes have directly or indirectly impacted streams, wetlands and aquatic resources.

(Ltr 280, Cmt 25,)

Comment Page 112. Tables 3-12 and 3-13 are supposed to summarize the effects to Bonneville and Colorado River cutthroat trout by individual watersheds; however, no explanation is given for the criteria used for watershed evaluation and no information is provided that explains the ranking for each alternative.

For example, it is unclear how rankings such as "Improvement, Slight Improvement, Improvement+" all compare to each other. Please provide more information in the final EIS.

(Ltr 285, Cmt 14,)

Comment Sedimentation: *Sediment runoff from roads and trails ends up in streams and rivers, where it can cover fish eggs and inhibit nest building. Runoff also alters the natural flow of water that rinses waste and oxygenates the spawning nests. (Newcomb and Macdonald 1991). *Road construction near rivers and streams is often accompanied by the creation of diversions, channels, culverts and bridges-all of which can affect water flow patterns, increase sediment loads, and alter the shape the adjacent streambed. These changes can reduce fish populations and degrade aquatic habitat (Gucinski et al. 2001). *Sediment production from logging roads in the Idaho Batholith (a geological landform whose soils are made up of highly erosive decomposed granite) was 770 times higher than in undisturbed areas (Megahan and Kidd 1972). *Excessive roading can also result in landslides. In the winter of 1995-96, following a series of storms, over 900 landslides occurred on the Clearwater National Forest in Idaho. Of these, over half were road related (McClelland et al. 1997). The sediments released from landslides and other sources of erosion have interrupted and degraded the drinking water supplies of several communities. *Road removal has been found to reduce chronic erosion and the risk of landslides over the long term (Switalski et al. 2004).

(Ltr 290, Cmt 6,)

Comment Fishing - Off-road vehicles emit millions of gallons of gasoline and oil into streams, rivers, and lakes. Roads and trails destabilize soil and cause erosion. Eroded soil eventually enters streams and rivers, dramatically reducing the quality of native fish habitat. Additional impacts include roads that disconnect streams (due to missing or poorly-designed culverts), restricting or preventing access to spawning habitat. *Sediment runoff from roads and trails ends up in streams and rivers, where it can cover fish eggs and inhibit nest building. runoff also alters the natural flow of water that rinses waste and oxygenates the spawning nests. (Newcomb and MacDonald 1991). *Five native subspecies of cutthroat trout-the Yellowstone, fine-spotted, westslope, Bonneville, and Colorado cutthroat-as well as the fluvial Arctic grayling and the Kendall Warm Springs dace, are considered to be at risk in the Greater Yellowstone ecosystem, in part due to sedimentation and habitat loss caused by off-road vehicle use (www.greateryellowstone.org). *Personal watercraft emit pollutants such as benzene, toluene, and xylene, all of which settle in estuarine and shallow water ecosystems where fish eggs, larvae, algae, shrimp, and other crustaceans live. Studies have found adverse effects on rainbow trout and insect communities (Johnson, 1998; Tjamlund, et al., 1995). *Toxic discharge from personal watercraft is made 50,000 times worse by ultraviolet rays, killing plankton and other small water organisms which impact the entire aquatic food chain. *Road decommissioning has been shown to reduce sediment, which should increase the quality of fish habitat in streams below. Bull trout populations were found to increase following road recontour and culvert removals on the Kootenai National Forest. After five years of monitoring, Wegner (1999) reported a 48% decline in fine sediments and a 16% increase in bull trout redds.

(Ltr 290, Cmt 21,)

Public Concern Order

Public Concern ID 3102

Specialist Assigned DD

Public Concern *Since 2002, the Fishlake National Forest has surveyed roughly 409 miles of stream using the R1-R4 Integrated Riparian Evaluation protocol. An additional 78.6 miles will be surveyed in the summer of 2006. This inventory has allowed the Forest to identify areas that are and are not being impacted by off-highway vehicles. The contractor that conducted these surveys prepared a list that indicates locations and*

degrees of OHV impacts on riparian areas and stream channels across the Forest. These data are included in this document to for public disclosure and to show how the Forest addressed the areas that are being impacted the most.

Response *In general, the forest is in the process of enhancing public education and enforcement efforts such as those described in the implementation plan (Appendix B of the DEIS and FEIS). The forest has hired a trails coordinator, which is a new position that will have dual duties as law enforcement as well.*

The following list describes actions that are being taken to specifically address the OHV riparian impacts noted by the contractor. Only sites with a rating of 3 or higher are listed based on the following definitions:

3 = isolated OHV damage occurring

4 = numerous locations of advanced OHV damage occurring

5 = nearly continuous severe OHV damage occurring on extensive sections of stream

Lower Kents Lake Creek (3) - closing riparian area to motorized cross-country travel

Lousey Jim Creek (4) - constructing motorized barriers, closing riparian area to motorized cross-country travel

Wilson Creek (3) - constructing motorized barriers, closing riparian area to motorized cross-country travel

Three Creeks (3) - closing riparian area to motorized cross-country travel

South Fork of Three Creeks (3) - constructing motorized barrier, closing riparian area to motorized cross-country travel

Merchant Creek (4) - constructing motorized barriers

Little North Creek (3) - constructing motorized barriers, closing riparian area to motorized cross-country travel

North Fork of North Creek (4) - constructing motorized barriers, closing riparian area to motorized cross-country travel, route obliteration

Pole Creek (3) - constructing motorized barriers, closing riparian area to motorized cross-country travel, route obliteration

South Creek (3) - constructing several motorized barriers, closing riparian area to motorized cross-country travel

Tasha Creek (3) - no specific actions planned

Sawmill Creek (4) - route obliteration

Niotche Creek (3) - no specific actions planned (routine maintenance and possible relocation is needed on route)

Manning Creek (4) - constructing motorized barriers, closing riparian area to motorized cross-country travel, route obliteration

Barney Creek (3) - closing riparian area to motorized cross-country travel, route obliteration, [possible route relocation in future NEPA - see Appendix B of the DEIS & FEIS]

Straight Canyon (5) - constructing motorized barriers, closing riparian area to motorized cross-country travel

South Fork Chalk Creek (3) - constructing motorized barriers, closing riparian area to motorized cross-country travel, [route relocation through other NEPA]

Tenmile Creek (4) - constructing motorized barriers, closing riparian area to motorized cross-country travel, route obliteration

Birch Creek (3) - closing riparian area to motorized cross-country travel, route obliteration

Fish Creek (5) - constructing motorized barriers, closing riparian area to motorized cross-country travel, route obliteration

Picnic Creek (3) - constructing motorized barriers, route obliteration

East Fork of Fish Creek (3) - constructing motorized barriers, closing riparian area to motorized cross-country travel, route obliteration

Shingle Creek (3) - constructing motorized barriers, closing riparian area to motorized cross-country travel, route obliteration, changes in route designation

Comment Fish Lake OHV Impact Assessment of Surveyed Streams of the Level II Riparian Inventory Surveys Conducted on the Fishlake National Forest 2002-2005 Prepared by Jeff Petty of Shell Valley Consulting, Shell, Wyoming

Key for Significant Impacts: 0=no OHV use, 1=low OHV use, 2=moderate OHV, 3=isolated OHV damage occurring (ie. bank damage @ a single crossing in 1 or 2 reaches), 4=numerous locations of advanced OHV damage occurring, 5=nearly continuous severe OHV damage occurring on extensive sections of stream.

Listed by "Stream Code", "Stream Name", and "Significant Impacts" separated by ...

A01, Beaver River, 1 ... A02, Jim Reed Creek, 1 ... A03, South Fork Baker Canyon, 2 ... A04, South Fork Beaver River, 0 ... A05, Lower Kents Lake Creek, 3 ... A06, Dry Hollow Creek, 1 ... A07, Iant Creek, 1 ... A08, Lebarron Creek, 0 ... A09, Lousey Jim Creek, 4 ... A10, Wilson Creek, 3 ... A11, Three Creeks, 3 ... A12, North Fork, 1 ... A13, Blaney Creek, 0 ... A14, Hi Hunt Creek, 0 ... A15, South Fork, 3 ... A16, West Fork Merchant Creek, 1 ... A17, Poison Creek, 1 ... A18, Merchant Creek, 4 ... A19, Twin Lakes Creek, 1 ... A20, Little North Creek, 3 ... A21, Pine Creek, 1 ... A22, South Fork of Pine Creek, 1 ... A23, North Wildcat Creek, 2 ... A24, Wildcat Creek, 2 ... A25, Indian Creek, 1 ... A26, North Fork North Creek, 4 ... A27, Pole Creek, 3 ... A28, South Fork of North Creek, 2 ... A29, Pine Creek (SF), 0 ... A30, Briggs Creek, 0 ... A31, South Birch Creek, 2 ... A32, Big Twist Creek, 2 ... A33, South Creek, 3 ... B01, Sevenmile Creek, 2 ... B02, Tasha Creek, 3 ... B03, Sawmill Creek, 4 ... B04, White Creek, 2 ... B05, Gottfredsen Creek, 1 ... B06, UM Creek, 2 ... B07, Left Fork, 2 ... B08, Right Fork, 2 ... B10, Fremont River, 1 ... B11, Lake Creek below Fish Lake, 1 ... C01, Salina Creek, 2 ... C02, Dead Horse Canyon Creek, 1 ... C03, Browns Hole Creek, 2 ... C04, Water Hollow, 1 ... C05, Pine Hollow, 0 ... C06, Niotche Creek, 3 ... C07, Unnamed 1 North, 1 ... C08, unnamed 2 South, 1 ... C09, Skumpah Creek, 2 ... C10, Horse Hollow, 2 ... C11, Beaver Creek, 1
(Ltr 284, Cmt 1,)

Comment Fish Lake OHV Impact Assessment of Surveyed Streams of the Level II Riparian Inventory Surveys Conducted on the Fishlake National Forest 2002-2005 Prepared by Jeff Petty of Shell Valley Consulting, Shell, Wyoming

Key for Significant Impacts: 0=no OHV use, 1=low OHV use, 2=moderate OHV, 3=isolated OHV damage occurring (ie. bank damage @ a single crossing in 1 or 2 reaches), 4=numerous locations of advanced OHV damage occurring, 5=nearly continuous severe OHV damage occurring on extensive sections of stream.

Listed by "Stream Code", "Stream Name", and "Significant Impacts" separated by ...

C12, West Fork Beaver Creek, 0 ... C13, East Fork Beaver Creek, 0 ... C14, Picklekeg Creek, 0 ... C15, East Fork, 0 ... C16, Pine Creek, 0 ... C17, Steves Creek, 1 ... C18, Jump Creek, 1 ... D01, Corn Creek, 2 ... D02, North Fork Corn Creek, 0 ... D03, Leavitts Canyon Creek, 0 ... D04, Second Creek, 2 ... D05, Middle Canyon Creek, 2 ... D06, Pine Hollow Canyon, 0 ... D07 -West Corn Creek, 0 ... D08, East Fork Corn Creek, 0 ... F01, Manning Creek, 4 ... F02, Barney Creek, 3 ... F03, Collins Creek, 0 ... F04, East Fork Manning Creek, 0 ... F05, Vale Creek, 0 ... F06, Straight Canyon, 5 ... G01, Chalk Creek, 2 ... G02, North Fork Chalk Creek, 1 ... G03, Teeple Wash, 0 ... G04, Broad Canyon, 0 ... G05, Turner Wash, 0 ... G06, South Fork Chalk Creek, 3 ... G07, Chokecherry Creek, 0 ... G08, Three Forks Creek, 0 ... G09, White Pine Creek, 0 ... G10, Bear Canyon, 0 ... G11, Shingle Mill, 0 ... H01, Tenmile Creek, 4 ... I01, Birch Creek, 3 ... J01, Oak Creek, 2 ... J02, North Walker Canyon, 2 ... K01, Clear Creek, 2 ... K02, Sam Stowe, 0 ... K03, North Joe Lott Creek, 0 ... K04, South Joe Lott Creek, 1 ... K05, Dry Creek, 1 ... K06, Mill Creek, 2 ... K07, Pole Creek, 0 ... K08, Grass Creek, 2 ... K09, Skunk Creek, 0 ... K10, Three Creeks, 0 ... K11, Birch Creek, 1 ... K12, Fish Creek, 5 ... K13, Picnic Creek, 3 ... K14, Trail Canyon, 0 ... K15, Line Canyon, 2 ... K16, East Fork, 3 ... K17, Long Creek, 1 ... K18, Shingle Creek, 3
(Ltr 284, Cmt 2,)

Public Concern Order **Public Concern ID** 3200 **Specialist Assigned** DD

Public Concern *Some respondents expressed broad concerns about the impacts of motorized recreation on biodiversity and biological integrity of ecosystems. Impacts to air, water, soils, and biota are cited.*

Response *A primary benefit of closing the forest to cross-country travel is to increase protection of the physical and biological components and processes that support biological diversity and ecosystem integrity. Proposed route specific and administrative changes are also being used to the same end. Wetland, aquatic, desert, and tundra ecosystems in particular will benefit from the route and area closures. Much of the area on the forest in these ecosystems is currently open to motorized cross-country travel.*

Existing and potential impacts to the elements described by the public are presented in Chapter 3 of the DEIS and FEIS, and in the specialist reports and supporting documents.

Potential water quality impacts from hydrocarbons is described in the watershed and aquatics specialist report and is based on monitoring data and reports from the Fishlake National Forest. This information is included in the project file. Hydrocarbons have been detected at forded stream crossing in several samples, but so far detected levels are generally well below EPA standards for drinking water and aquatic biota.

Comment I gave some specific comments to Frank Fay yesterday but have some general comments for your consideration: First I commend the Forest for taking an active approach to get control of the ATV problems on the Forest. The indiscriminant use of ATV's in the open areas and some of the closed areas is causing damage to soil, water and wildlife resources as well as intruding on solitude and causing visual and sound pollution.

(Ltr 263, Cmt 1,)

Comment Erosion and Compaction of Soil: *The US Geological Survey found that virtually all types of soils are vulnerable to off-road vehicle damage after examining more than 500 soils at more than 200 sites (Schubert and Associates, 1999). *Some soils damaged by off-road vehicles require decades or centuries to recover (Belnap, 2003). *Because of their weight, off-road vehicles compress and compact soil, altering its ability to absorb and retain water and nutrients (e.g., Dregne, 1983). *Motorized vehicles decrease soil fertility by harming the microscopic organisms that otherwise would break down the soil and produce nutrients (e.g., Wilshire et al., 1977). *By compacting the soil and concentrating the surface flow of water, off-road vehicles increase erosion (e.g., Misak et al., 2000). *According to a study conducted in Appalachia, off-road vehicle use resulted in erosion that washed over 440 pounds of soil off every 67 feet of motorized route (Sack and deLuz, 2003). Erosion like this can greatly reduce soil fertility and add sediment to streams, degrading water quality and fish habitat.

(Ltr 290, Cmt 10,)

Comment Pollution of the Air, Water and Ground: *Yellowstone National Park found that the two-stroke engines of snowmobiles dump 25% of their gasoline and oil unburned into the environment (U.S. Department of Interior, 1995). Snowmobiles account for 35 to 68% of carbon monoxide and 68 to 90% of hydrocarbons released annually in the park (U.S. Department of Interior, 2000). *The two-stroke engines of most off-road vehicles pollute the air, water, and ground with several known human carcinogens (U.S. Environmental Protection Agency, 1994). *Pollution from off-road vehicles can poison the plants and impede photosynthesis, weakening plants to disease and inviting invasion by exotic species (Shaver et al., 1988).

(Ltr 290, Cmt 13,)

Comment Loss of habitat - Soil erosion, vegetation loss, introduction of exotic species, and fragmentation (carving habitat into smaller pieces) can all lead to significant habitat degradation. Cumulatively, these impacts can reduce the quality of entire terrestrial and aquatic ecosystems. *Habitat fragmentation reduces the suitability and availability of habitat for plants and animals, and has been cited as the primary factor threatening populations of black-tailed prairie dogs, boreal owls, flammulated owls, and other sensitive animals (Muller et al., 1992). *In desert ecosystems, ATVs can collapse lizard's burrows causing direct mortality and loss of habitat (Stebbins 1974). *Personal watercraft (PWC, jet sloes and WaveRimmers) create waves that cause shoreline erosion and loss of marsh habitat (Dayton and Levin 1996). *Snowmobile trails can invite competition between species in places where they would not naturally co-exist such as coyotes intruding into lynx habitat (Bunnell et al., 2004).

(Ltr 290, Cmt 16,)

Comment Wetlands and Aquatic Ecosystems - Runoff of nutrients, chlorides, heavy metals, and organic chemicals from motorized travel is toxic to aquatic organisms and can contaminate drinking water. Additionally, changes in the hydrology and increases in stream sedimentation because of roads and trails can degrade wetland and aquatic habitat as well. *In Yellowstone National Park, snowmobiles release about 20 tons of Hydrocarbons (HC) and 54 tons of Carbon Monoxide (CO) into the park on a peak day (UDOJ 2000). Automobiles in comparison emit 2.5 and 17.9 tons of HC and CO respectively on a busy summer day (USDOJ 2000). *As much as 30% of fuel is unburned in two-stroke engines. With an average of 60,000 snowmobile visits per year (USDOJ 2003), three tanker trucks worth of gas/oil mixture is being released into the air and snow pack each year. Furthermore, it has been estimated that running a two-stroke engine seven hours produces more air pollution than running a modern car for 100,000 miles on a road (CEPA 1999). *Two-stroke engines (including personal watercraft) on Lake Mead National Recreation Area (Arizona/Nevada) were estimated to discharge over 27,000 gallons of unburned fuel into the lake per day on a peak summer weekend (USDOJ 2002). *Drinking water can also be quickly contaminated by PWC use. For example, operating a two-stroke engine for one hour makes 11,000m of water undrinkable (Juttner et al., 1995). *Road construction near rivers and streams is often accompanied by the creation of diversions, channels, culverts and bridges-all of which can affect water flow patterns, increase sediment loads, and alter the shape the adjacent streambed. These changes can reduce fish populations and degrade aquatic habitat (Gucinski et al., 2001).

(Ltr 290, Cmt 23,)

Comment Desert Ecosystems - Naturally sparse in vegetation, deserts are highly sensitive to roads and off-road vehicle use. At the same time, the visually open terrain draws enormous off-road vehicle use in deserts. *Off-road vehicles destroy the living soil crust upon which plants depend for stability and fertility-making growth virtually impossible. The crust can take several hundred years to recover (Belnap 2003). *Almost all of the 24 species listed as endangered or threatened in the California Desert Conservation Area-including the desert tortoise, bighorn sheep, desert pupfish, Inyo California towhee, and arroyo toads-are threatened by off-road vehicle use and roads (www.biologicaldiversity.org). *Off-road vehicle use negatively affect wildlife including collapsing fringe-toed lizard burrows (Stebbins 1974), reducing habitat of tortoises (Bury and Luckenback 2002), and increasing susceptibility of mortality of flat-tailed lizards from vehicle collisions (Nicola and

Lovich 2000).

(Ltr 290, Cmt 24,)

Comment Tundra Ecosystems - This ecosystem is characterized by a lack of trees where portions of the soil remain permanently frozen. They are fragile, delicately balanced environments where roads and off-road vehicles exacerbate already harsh conditions for plant and animal populations. *Tundra roads are raised above the ground and act as dams blocking or altering natural water flows (Walker et al., 1987). *Most roads in Alaska are dirt or gravel and dust blown into the adjacent areas alters melting rates, soil chemical composition, vegetation, and below-ground nutrient cycling (Walker and Everett 1987; Auerbach et al., 1997). *Roads have been found to negatively impact caribou herds by decreasing their density (Nelleman and Cameron 1998), acting as barriers to movement (Whitten and Cameron 1983), and creating avoidance of preferred habitat (Nelleman and Cameron 1996).

(Ltr 290, Cmt 25,)

Public Concern Order

Public Concern ID 3400

Specialist Assigned RL

Public Concern *The Three Forest Coalition is concerned that the Forest has not complied with the procedural or protection requirements of the National Historic Preservation act.*

Response *As described in the DEIS, FEIS, and the heritage resources specialist report, the forest has committed to apply Section 106 of the NHPA to undertakings that we have defined as 1) constructing new roads or trails, 2) obliteration of existing roads or trails, 3) authorizing motor vehicle use on routes currently closed to motor vehicles, and 4) recognizing user-developed routes as open to motor vehicles.*

These undertakings will be surveyed and our report will be submitted to the USHPO for review per the programmatic agreement (number 06-MU-11040800-030) that was developed specifically for this project. Heritage resources found eligible for inclusion on the National Register of Historic Places will have impacts generated by motorized vehicle travel mitigated. Mitigation, in consultation with the USHPO, can include a variety of options including avoidance, protection (e.g., barriers, interpretation), excavation or a Historic American Engineering Building Survey (HAEBs). In addition, a certain number of sites will be monitored on an annual basis to determine possible resource damage. Please see the National Policy on Cultural Resources and Road and Trail Designations under REQUIRED DESIGN CRITERIA in the Heritage Resources report and in the FEIS.

Implementation of the OHV Route Designation Project requires that heritage sites are protected and motor vehicle damage mitigated in consultation with the USHPO. Please see the Delineation of Cumulative Effects under METHODS, and Alternative 2-Proposed Action Consequences under EFFECTS FROM ROADS AND MOTORIZED TRAILS AND OPEN USE AREAS ON HERITAGE RESOURCES in the Heritage Resources report.

The involvement of the public (36CFR800.2(d)) has been addressed through the public meetings held in conjunction with the OHV Route Designation Project. However, we acknowledge that in the past, significant heritage resources, especially historic sites, have been damaged by OHVs. The updated motorized travel plan will commit the Forest to Section 106 of the NHPA, in relation to motorized vehicles, and avoidance, protection, and/or interpretation will be employed. And the largest impact to heritage sites, namely cross country travel, has been eliminated. Please see the EFFECTS FROM MOTORIZED ROUTE DENSITY AND MILEAGE, AND OPEN USE AREAS ON HERITAGE RESOURCES in the Heritage Resources report.

The key to this comment is found within the Cumulative Effects Summary under EFFECTS FROM MOTORIZED ROUTE DENSITY AND MILEAGE, AND OPEN USE AREAS ON HERITAGE RESOURCES in the Heritage Resources report. This section states that "All routes considered in the OHV Route Designation Project currently exist and are being used to varying degrees. As such, the impacts to the various resources described in the DEIS are already occurring. Rather than create new effects, the proposed actions encourage the maintenance and reduction of existing impacts associated with route network of motorized use." Our determination of effect, based on the implementation of mitigation, would be "no adverse effect". A route will not be added to the motor vehicle use map unless this is the case.

Comment THE FOREST SERVICE FAILED TO ASSURE COMPLIANCE WITH THE NATIONAL HISTORIC PRESEVATION ACT

Congress enacted the NHPA in 1966 to implement a broad national policy encouraging the preservation and protection of America's historic and cultural resources. See 16 U.S.C. § 470(b), 470-1. NHPA requires federal agencies to "take[]into account any adverse effects on historical places from actions concerning that property." Friends of the Atglen-Susquehanna Trail Inc. v. Surface Transp. Board, 252 F.3d 246, 252 (3rd Cir. 2001); see 16 U.S.C. § 470(f), 470h-2(d). The Forest Service fails to provide any indication of procedures followed to comply with the National Historic Preservation Act (NHPA). Specifically, in order to comply with the NHPA the Forest Service must: 1) delineate the "area of potential effects" (36 C.F.R. § 88.4(a)); 2) in consultation with the State Historic Preservation Office, take reasonable steps to identify historic properties within the area of potential effects (36 C.F.R. § 800.4(b)); 3) assess whether the route designations and indirect impacts, such as dispersed camping, would adversely impact historic properties (36 C.F.R. § 800.5(a)(1)); 4) document the Forest Service's determination of adverse effect (36 C.F.R. § 800.11(d) or (e)) and; 5) avoid, minimize, or mitigate adverse effects on historic properties (36 C.F.R. § 800.6(a)).

(Ltr 278, Cmt 125,)

Comment The Forest Service has not undertaken the necessary procedures required by the NHPA despite acknowledging that "[m]any of the historic sites of the Forest have been impacted by ATVs to some extent." DEIS at 204. Moreover, the Forest Service recognizes the existence of a substantial number of historic sites within "exemption areas." DEIS at 205, Table D-4.

(Ltr 278, Cmt 126,)

Comment Importantly, NHPA's implementing regulations mandate that "[t]he view of the public are essential to informed Federal decision making in the section 106 process." 36 CFR § 800.2(d). Accordingly, "the agency official shall seek and consider the view in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties." 36 CFR § 800.2(d). Therefore, the consultation process under the NHPA requires specific procedural steps be taken with the involvement of the public. For this project, the Forest Service has failed to demonstrate compliance with any of the procedural steps under the NHPA and has failed to implement measures to avoid, minimize, or mitigate impacts to cultural resources, as required by the statute. Rather, the Forest Service appears to have provided an "exemption" for activities that increase the likelihood of adverse

(Ltr 278, Cmt 127,)

Comment The Forest Service must reissue the DEIS with a demonstration of adequate compliance with the NHPA and provide the public with the opportunity to provide input on the various alternatives and appropriate measures to protect cultural resources.

(Ltr 278, Cmt 128,)

Public Concern Order

Public Concern ID 3500

Specialist Assigned KD

Public Concern *Varying opinions were expressed about the needs for protection of unroaded and undeveloped areas. Representatives of the State of Utah have concerns with the Region 4 roadless inventory protocol and disagreed with the need to assess impacts to undeveloped lands.*

Response *The comment from letter #263 concerns preserving open space, given growth in*

population and the associated effects of increased ATV use. Consistent with analysis contained in the EIS regarding undeveloped areas; "inventoried roadless" areas would exhibit a reduced amount of related motorized use and associated roading than at present, particularly given the elimination of cross-country travel.

The comments from letter #269 generally question use of the regional protocol in evaluating effect to undeveloped lands. The updated Region 4 Roadless Area Inventory and Evaluation Protocol is primarily designed to assist in Forest plan revision. The Fishlake National Forest is presently revising its existing Forest Plan and was directed to use this protocol in doing so. For reasons of consistency and efficiency, the OHV Route Designation Project EIS incorporates the groundwork accomplished during the present plan revision to access the status of potentially affected roadless or undeveloped lands. In the OHV EIS, change to the existing classified road system is evaluated (along with the effect of eliminating cross-country travel) relative to the undeveloped character of these pre-determined areas. This seems to be most appropriately measured using the related characteristics of natural integrity, opportunities for solitude, etc., outlined in the 1964 Wilderness Act. The related R4 protocol serves as an accepted means to evaluate effect to the less tangible, undeveloped or roadless characteristics of certain contiguous areas. The purpose of this EIS is not to address the suitability for wilderness of any areas or lands on the Forest. This is left to Forest plan revision.

The last letter (#293) substantively comments on the need to consider proposed wilderness boundaries relative to potential private development. As discussed before, determination of wilderness suitability is left to plan revision, and this suitability is being determined along with local ranger district and public involvement. Again, this EIS borrows from the concurrent Forest plan revision process, to more readily assist in the disclosure of related affects to the undeveloped or roadless character of certain areas involved with this Route Designation Project.

Comment At the rate of population growth and particularly the increase in ATV's we must preserve as much open space as possible for future generations. I would like to see all inventoried roadless areas remain roadless.
(Ltr 263, Cmt 3,)

Comment Protection of "Unroaded and Undeveloped Lands"

Discussion: This discussion appears to be unnecessary, and even violate law, regulation or policy concerning the consideration of the "wilderness option" in the Forest Plan revision. The "unroaded inventory" was assembled as part of the decision process for the forest plan revision in order to make recommendations on wilderness designation. It has no other purpose. The Fishlake Forest should not be considering ways to "protect" this inventory in the absence of a proper decision to recommend an area for wilderness, and then only to the boundaries of that recommended area. The inventory itself is not a resource. The Fishlake Forest leadership indicated that the inventory would "expire" upon a wilderness recommendation decision, so what is the purpose of reviewing the inventory for the proposed travel plan? In addition, when the travel plan is adopted, will the unroaded inventory be adjusted to reflect inconsistent decisions?

(Ltr 269, Cmt 4,)

Comment Other comments and questions related to the unroaded inventory A. Page 23 - "Protection of Unroaded and Undeveloped Lands" i. Statement: Presently there are 41.5 total miles of existing motorized roads and 381 miles of existing motorized trails contained within the associated undeveloped areas." Are these miles of roads and trails in the unroaded areas? Where are they? Are they mapped? Does this figure count unclassified or undesignated roads? ii. Statement: "Authorized and unauthorized motorized use has reduced the manageability of these areas based on past trends." What does this mean? Manageability of what? iii. Statement: "In addition ... from activities or development on adjacent lands." Why is this a problem? Adjacent lands are not "unroaded," so what is the purpose of the statement? This looks like a buffer zone issue.

(Ltr 269, Cmt 5,)

Comment iv. Indicators: Indicators of what? Effects on "unroaded status?" Miles of "road classified?" What is this? A change to the classified status from something else? A change either way? What type of narrative discussion? Changes to the inventory - or changes to the characteristics?

(Ltr 269, Cmt 6,)

Comment v. Title (page 115): "Protection of Unroaded and Undeveloped Lands" See general comments above concerning the need to protect the unroaded inventory. The state objects to the use of the Region 4 protocol as discussed on page 116.

(Ltr 269, Cmt 7,)

Comment vi. Statement (page 116): "Outside of the undeveloped area boundaries it is difficult to find areas of land that have not been impacted. Indicators of these conditions are demonstrated by the presence or absence of roads...." What does this mean?

(Ltr 269, Cmt 8,)

Comment vii. Statement (page 119): "Obliterating roads outside of undeveloped areas could create boundaries that are more manageable." What does this statement mean? Is this a buffer zone area concept to protect unroadedness in the absence of a decision on recommended wilderness?

(Ltr 269, Cmt 9,)

Comment The district needs to give consideration to the proposed wilderness boundaries; especially consider the Elk meadow expansion (homework and reaction); the Twin Lakes infrastructure; Heli-ski proposals, Mineral claims and potential (homework, USGS, potential contract, types of existing claims)

(Ltr 293, Cmt 4,)

Comment Roadless disposition continues to be an unknown quality. It is not clear how much discretion the Forest Supervisors really have. One clear item: the forest plans will not resolve the roadless issue.

(Ltr 293, Cmt 12,)

Public Concern Order

Public Concern ID 3609

Specialist Assigned RC

Public Concern *The Fish and Wildlife Service expressed concern with regards to protection of Last Chance townsendia, which is a federally listed plant. Specifically, they do not feel it is appropriate to allow an off-route exemption for dispersed camping in suitable or occupied habitats.*

Response *The Fish and Wildlife Service has not designated any critical habitat on the Fishlake National Forest for any federally listed plant species. Occupied and habitat known to be suitable for Last Chance townsendia were carefully evaluated in the action alternatives. Some routes through these areas have been reclassified as non-motorized; other routes will be obliterated. All other routes are restricted to the travel corridor only, without any distance designation for dispersed camping. In addition, this action applies for all federally listed plant species in the project area. In all of these cases, there are not any routes that pass through occupied or known suitable habitat where the dispersed camping corridors are allowed. (There are not any known plant species in the project area that are proposed for federal listing.)*

The DEIS and FEIS both contain the following actions, which are required elements of the action alternatives:

"The Forest Supervisor may continue to issue travel management orders pursuant to part 261, subpart B, and impose temporary, emergency closures based on a determination of considerable adverse effects pursuant to §212.52(b)(2). This

includes considerable adverse impacts to soil, vegetation, wildlife, wildlife habitat, cultural resources, Threatened or Endangered species, other authorized uses, or other resources, until the effects are eliminated and measures are implemented to prevent future recurrence. The proposed actions do not in any way limit this existing authority."

"We will consult the U.S. Fish and Wildlife Service in accordance with Section 7 of the Endangered Species Act. The act requires consultation to ensure that any site-specific plan (1) is not likely to jeopardize continued existence of any species listed or proposed to be listed, or (2) does not destroy or adversely modify critical habitat. Access standards in effect for existing recovery plans will be followed. In addition, the authorized officer retains authority to immediately close areas, roads, or trails if motorized use is causing or will cause considerable adverse environmental effects to species listed or proposed to be listed."

"Protection of Rare Plants and Habitat

Relocate routes that have individuals of Last Chance townsendia growing within close proximity of the routes' tracks (see specialist report and Appendix B).

With case-by-case evaluation, consider restricting motorized access to dispersed use areas where occupied or potential for Last Chance townsendia and other rare plant habitats occur.

Do not permit fuel wood gathering in areas of occupied or potential habitat for Last Chance townsendia in accordance with recovery plan (US Fish and Wildlife Service 1993).

Mitigate possible impacts to rare plants or their habitats for populations that are discovered after this plan is approved and implemented in accordance with recovery plan (US Fish and Wildlife Service 1993)."

Comment Several of the designated routes pass through habitat for the Last Chance townsendia (*Townsendia aprica*), a federally listed threatened plant. Where the plan provides for designated OHV trails, users would be permitted to travel over land via buffers where the plant may occur. This could adversely affect this species and other resources. The preferred alternative is inconsistent with the 1993 U.S. Fish and Wildlife Service Recovery Plan for *Townsendia aprica*, which states that "The Bureau of Land Management, Forest Service, and National Park Service should develop off-road vehicle use plans that prohibit off-road vehicle use on *T. aprica* habitat" [bold added]. The preferred alternative does not adequately analyze the potential impacts of the proposed buffers on this plant species. Last Chance townsendia also occurs within Capitol Reef National Park, and impacts to populations of this plant on other Federal lands could impact the management and status of the species on the Park.
(Ltr 285, Cmt 9,)

Comment Pages 96-99. The document states that individuals and occupied habitat for some rare plant species have begun to be disturbed by motorized vehicles in just the past few years. However, the EIS still is evaluating alternatives that permit travel within 150' to 300' of occupied habitat for Last Chance townsendia. The Department believes it is inappropriate to allow for off-trail or off-road travel for dispersed camping, or for any other reason (i.e. firewood collecting), in areas where threatened and endangered or rare plant species occur. We recommend that the Forest Service restructure their action alternatives such that this type of travel is not included in the preferred alternative. Additionally, Open Areas should not be permitted in locations with threatened or endangered plant species or suitable habitat, or in locations that may be impacted from OHV activities in adjacent areas.
(Ltr 285, Cmt 13,)

Public Concern *Some respondents commented on the need to address the role of motorized recreation in spreading invasive plants and pathogens.*

Response *The Fishlake National Forest has a current GIS layer of the known locations of noxious weeds. The actual area of infestation is less than 20,000 acres. Thus, nearly 99% of the acres managed by the forest are noxious-weed-free.*

From the weed inventory, it is obvious that many of the noxious weed species spread along travel corridors. The strength of this OHV travel management plan is to reduce by more than 99.9% the number of acres currently available for cross-country travel. (The reduction in cross-country travel is from more than 900,000 acres to less than 900 acres.) Therefore, the potential spread of invasive species in these areas will be substantially reduced through this new access management plan.

The Fishlake National Forest has an award winning noxious weed management program.

Because of the relatively low number of acres infested with noxious weeds, public awareness, education, and an aggressive early detection/rapid response program are key forest objectives. The Fishlake NF conducted a successful weed bounties program in 2005. Participants were paid a monetary bounty for location information about previously unmapped areas of noxious weeds. The Forest is a signatory on four cooperative weed management areas (CWMA). One CWMA project was recently funded and completed. The Weed Warrior Program to "Wash Before You Ride" was introduced in September 2006 at the Rocky Mountain ATV Jamboree. These are example of the types of educational and public outreach opportunities that are actively being promoted by the forest.

Comment With invasive species being one of the Forest Service's "Four Threats," along with fire and fuels, loss of open space, and unmanaged recreation (i.e. OHV use), the Final EIS should provide information on the current state of invasive species in the forest, and how the new designations will impact the problem, including impacts on winter range areas for mule deer.

(Ltr 280, Cmt 13,)

Comment Page 165. Invasive Plants section. The document states that the Forest Service will strongly recommend that all OHVs be washed and free of any weed seed before coming onto the National Forest. The Department recommends that, where possible, the Forest Service create public OHV wash stations that would help facilitate seed removal from vehicles owned and operated by the general public. Ideally, this would be done at all entrance areas to highly used locations. Efforts could be focused first on areas that are particularly susceptible to invasion of nonnative plants and also in locations where the potential exists to impact threatened and endangered or rare plant species.

(Ltr 285, Cmt 17,)

Comment Spread of Weeds and Pollutants: *Vehicles traveling on roads and routes spread weed seeds. Roads and off-road vehicles are the chief threats to the invasion of exotic weeds in the roadless areas that provide refuge to native species (Belbard and Harrison +2003). *Soil-borne pathogens, like Part-Orford cedar root rot can be spread directly by road construction (Cale and Hobbs 1991). *Roads introduce a variety of toxic pollutants to the otherwise pristine soils, vegetation, air, and water of wildlands. Pollutants include nickel, copper, zinc, oils and greases, tire rubber and cadmium (e.g., Backstrom et al. 2003).

(Ltr 290, Cmt 8,)

Comment Damage to Native Vegetation: *Off-road vehicles crush vegetation and root systems, killing seedlings and changing the composition of the forest (e.g., Cole and Bayfield, 1993). *Many sensitive plant species have the potential to go locally extinct in areas of high ATV use (Stensvold, 2000; Brown and McLachlan, 200). *After only one pass by a snowmobile, over 78% of saplings were damaged, according to a study; 27% of them seriously enough to kill them (Neumann and Merriam,

1972).

(Ltr 290, Cmt 11,)

Comment Spread of Weeds: *Vehicles traveling on roads and routes spread weed seeds. Off-road vehicles are cited as the key source of the spread of invasive and noxious plants in the western United States, affecting an estimated 4,600 acres of public land daily (U.S. Department of Interior, undated). *Roads and off-road vehicles are chief threats to the invasion of exotic weeds in the roadless areas that provide refuge to native species (Belbard and Harrison, 2003). *A study in Montana found that a single all-terrain vehicle (ATV) can disperse more than 2,000 knapweed seeds over a ten-mile radius (Montana State University Extension Service, 1992). A Wisconsin study surveyed sixty 100-meter segments of off-road vehicle routes and found at least one exotic plant along 88% of those

(Ltr 290, Cmt 12,)

Public Concern Order

Public Concern ID 3704

Specialist Assigned DD

Public Concern *Some respondents felt that the DEIS did not adequately disclose current conditions and anticipated impacts to water quality for each of the proposed alternatives. They suggested that more data and analyses are needed.*

Response *The Fishlake National Forest and the Utah Division of Water Quality have been sampling and assessing water quality on the Forest for decades. The Forest and the State coordinate closely on these efforts. The results of these evaluations have been extensively documented in state 305(b) and 303(d) reports to congress [e.g. http://www.waterquality.utah.gov/documents/DOC_RULE.HTM and http://oaspub.epa.gov/waters/state_rept.control?p_state=UT] and in Forest monitoring reports (see literature cited in the watershed / aquatics specialist report and the DEIS and FEIS). Forest water quality data can be downloaded from the EPAs STORET database at <http://www.waterquality.utah.gov/monitoring/data.htm>.*

The DEIS does not state that "Many watercourses in the Fishlake National Forest are in violation of Utah's Water Quality Standards and are not meeting their beneficial uses as defined by the Clean Water Act." as claimed by letter 278. In fact, Appendix B of the watershed / aquatics report displays that most water quality limited water bodies are located below rather than within National Forest boundaries. The DEIS and FEIS describe existing conditions and anticipated impacts in Chapter 3 and in the watershed and aquatics specialist report that is located in the project file. Appendix B of the specialist report lists the waterbodies within or near the Forest that current do not meet State water quality standards and the likely causes. The documentation of existing conditions and anticipated effects in the FEIS and specialist report has been revised to better communicate the basis and findings of the water quality analyses.

Comment THE FOREST SERVICE FAILED TO ASSURE COMPLIANCE WITH THE CLEANWATER ACT

The goal of the Clean Water Act (CWA) is to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." To this end, the CWA requires federal agencies to comply with state water quality standards. 33 USC § 1323, 1313. Many watercourses in the Fishlake National Forest are in violation of Utah's Water Quality Standards and are not meeting their beneficial uses as defined by the Clean Water Act. EA at 3-22, see also Utah Department of Environmental Quality, Division of Water Quality "Utah's 2002 303(d) List of Waters" (August 2002) at 45. The Natural Heritage subset alternative provides additional and necessary protective measures necessary to comply with the Clean Water Act. The Forest Service lacks adequate information to determine the current water quality of waters potentially impacted by the project and to determine the impacts that the project and its alternatives will have on these waters. Accordingly, the Forest Service must re-issue the DEIS with more extensive water quality assessment requirements.

(Ltr 278, Cmt 124,)

Comment The FEIS should provide water quality data for the streams, lakes and watersheds of Fishlake

National Forest to provide a baseline for future monitoring of motorized travel impacts. In addition to impacting water quality, OHV routes that include stream crossings or traverse erosive soils can have disproportionate impacts on fish spawning and habitat quality for fish and other aquatic life. OHVs compact soil and disturb or eliminate vegetative cover, decreasing water infiltration and increasing surface runoff and erosion. These effects are magnified on steep slopes or in erosive, unstable soils. The FEIS should analyze and disclose the relative amount of increased surface storm flow and the level of soil loss associated with erosion, soil compaction and vegetation loss in each alternative, including the environmentally preferable one. Increased runoff results in increased peak storm flows, increased erosion of soils and stream banks, and reduced stream base-flows from decreased infiltration to groundwater. Increased sediment yield can impact drinking and irrigation water supplies through increased nutrient loading or through loss of storage due to sediment build-up in reservoirs.

(Ltr 280, Cmt 21,)

Public Concern Order

Public Concern ID 3800

Specialist Assigned SF

Public Concern *The Three Forest Coalition referred to numerous studies that document impacts to wildlife and wildlife habitats. They feel the Forest has not adequately included scientific literature into the wildlife impact assessments in the DEIS and in the specialist reports.*

Response *The wildlife report evaluates the change or departure from the current condition to various action alternatives, relative to another, with respect to overall habitat effectiveness as measured by road density and amount of potential habitat open to unrestricted cross-country travel. Moving away from currently allowing cross-country travel on some 70% of the entire forest, is a benefit to all species that tends to overshadow more subtle quantitative differences in route densities between alternatives.*

Comment The Wildlife Specialist Report fails to address a crucial question of impacts, namely, "Does the proposed route density in Alternatives 3 or 4 threaten wildlife species of concern whose habitat will be subject to ORV routes and use"? Instead, the WSR's presentation of "environmental consequences" for each species is superficial and formulaic, consisting of generalized (mostly unreferenced) benefits of the action alternatives. The action alternatives will "increase habitat effectiveness", decrease "fragmentation," provide cover, forage, etc. How the action alternatives will do this is generally not stated, and references are generally not given. Occasionally a more specific benefit will be stated, e.g., less firewood cutting of snags for cavity nesters if there is less unrestricted access, and fewer roads, but no documentation is offered. Further, alternatives 2, 3, and 4 differ only incrementally in terms of reductions in unrestricted use, miles route/square mile of habitat. Thus, the hard-look question of whether there are too many miles of routes per square mile of habitat for the species in question to remain is avoided.

(Ltr 278, Cmt 40,)

Comment The combination of the failure to address the question of whether proposed use/route density will further diminish or prevent recovery of declining native species (see #1 above), and the complete failure to commit to monitoring of impacts on native wildlife of the implemented ORV use/route density (#2 above) amounts to a capitulation of responsibility to the natural heritage of the Fishlake NF. Hundreds of scientific studies reviewed in numerous overviews document and warn of the myriad direct and indirect impacts to native wildlife (e.g., Berry 1980; Forman and Alexander 1998; Gilbert 2003; Gucinski, et al. 2001; Hartley, et al. 2003; Reed, et al. 1996; Trombulak and Frissell 2000 -- all of which have been supplied to the Fishlake National Forest by the Three Forests Coalition in 2004). However, the Fishlake NF fails to describe the likely impacts of their proposed ORV use/route density on declining native wildlife or to compare this with the impacts that would be expected from the Natural Heritage Emphasis Alternative.

(Ltr 278, Cmt 49,)

Comment 10 For example, see "Patterns of apparent extirpation among isolated populations of pikas (*Ochotona princeps*) in the Great Basin". Author: Beever, Erik A.; Brussard, Peter F.; Berger, Joel
Affiliation: Beever, Erik A.: Forest and Rangeland Ecosystem Science Center, Biological Resources Division, United States Geological Survey, 3200 SW Jefferson Way, Corvallis, OR, 97331, USA
Source: Journal of Mammalogy, 84(1): 37-54; February 2003 ISSN:0022-2372
Abstract: We conducted exploratory analyses to examine the relative roles played by natural and anthropogenic influences on persistence of a montane mammal. We revisited historical locations of pikas (*Ochotona princeps*)

within the hydrographic Great Basin during summers of 1994-1999. Seven of 25 populations (28%) reported earlier in the 20th century appeared to have experienced recent extirpations. We assessed causative agents of faunal change using several alternative, but not mutually exclusive, hypotheses. Higher probability of persistence was correlated with greater area of talus habitat at local and mountain-range scales, higher elevation, more easterly longitude, more southern latitude, lack of livestock grazing, greater distance to primary roads, and wilderness management. However, only area of habitat in the mountain range, maximum elevation of talus habitat, and distance to primary roads appeared in the most parsimonious model of persistence when we used Akaike's information criterion model-selection technique. These results suggest that relaxation of montane faunas may occur more rapidly than previously expected; that biogeographic models of species occurrence can be refined by including more proximate factors (e.g., grazing status, proximity to roads); and that habitat-based approaches to modeling vertebrate trends should be accompanied by field data because population loss can occur with no apparent change in habitat.

(Ltr 278, Cmt 97,)

Comment Wildlife Impacts: *Wisdom et al. (2000) reviewed the impacts of forest and range roads on 91 vertebrate species. They reported that roads and road-associated factors had a negative effect on over 70 percent of the species reviewed. roads directly or indirectly lead to habitat loss and fragmentation, poaching, over-trapping, snag reduction, down log reduction, negative edge effects, movement barriers, displacement or avoidance, harassment or disturbance at specific use sites, and chronic negative interactions with humans. *An excess of one mile of road per square mile of land will negatively impact many game and sensitive species, including deer, elk, grizzly bears, lynx, and wolves (Forman and Hersperger 1996). *Elk habitat effectiveness is halved when the road density reaches two miles per square mile of land (Lyon 1983). *Roads have been found to negatively impact caribou herds by decreasing their density (Nelleman and Cameron 1998), acting as barriers to movement (Whitten and Cameron 1983), and creating avoidance of preferred habitat (Nelleman and Cameron 1996). *Some wildlife biologists argue that road removal will reduce grizzly bear mortality risk (USFWs 1993) and increase elk habitat security.

(Ltr 290, Cmt 7,)

Comment Roadkill - Collisions and impact induced mortality is one of the most apparent effects of off-road vehicles on wildlife populations. *Direct impact by an off-road vehicle will kill most animals (Rosena and Lowe 1994). Small animals are especially vulnerable (Wilkins 1982).

(Ltr 290, Cmt 15,)

Comment Increased disturbance and stress - Disturbance to wildlife can result in increased energy expenditure and reduction of reproduction in wildlife. *Noise and disturbance from off-road vehicles can result in a range of impacts for a number of species including altered movement patterns (e.g., Wisdom et al., 2004), avoidance (Janis and Clark 2002), and disrupted nesting activities (e.g., Strauss 1990). *With freezing temperatures and deep snow, winter can be the most trying time of the year for wildlife in temperate regions. Disturbance from snowmobiles can add additional stress at this critical time of year. Snowmobiles have been shown to disturb and create an energy cost for caribou (Fancy and White 1985), musk oxen (McLaren and Green 1985), deer (e.g., Moen et al., 1982), and elk (Creel et al., 2002). *Many carnivores will use snowmobile routes because the packed snow is easier to travel over, but they can also suffer stress from snowmobile harassment (Creel et al., 2002), and have a higher risk of being illegally shot or run over (Claar et al., 1999). Additionally, carnivores may follow snowmobile routes into less remote areas where there is a greater risk of conflict with humans. *While den abandonment by grizzly bears has been rarely documented because of snowmobiles (Linnell et al., 2000), as the off-route capabilities of snowmobiles has increased, so has the potential for disturbance (Hilderbrand et al., 2000). *The ability of PCWs to travel at high speeds in very shallow water has a great potential to disturb wildlife, especially breeding birds (e.g., Rogers and Schwikert 2002). *Anecdotal reports suggest that PWC use resulted in nest abandonment of loons in Montana (Hamann et al., 1999) and disturbance of brown pelicans and osprey in Florida (Jenkins 2002). *Further accounts have been PWCs separate harbor seal pups from mothers, stampede seals and sea lions, and harass sea otters (Jenkins 2002).

(Ltr 290, Cmt 17,)

Comment Increased poaching and harvest - Off-road vehicles can impact wildlife by increasing the number of humans in the backcountry where animals seek refuge. *There have been increased reports of ATV hunters taking illegal (flock shots" at running pronghorn antelope from long ranges (Canfield et al., 1999). *Growing use of off-road vehicles can increase the trapping of pine marten, fisher, and wolverine (Weaver 1993). *Wolves often travel on off-road vehicle routes where they risk increased poaching pressure (Boyd and Pletscher 1999). Grizzly bear are also at risk from poaching on ATV routes and avoid open roads (Mace et al., 1996).

(Ltr 290, Cmt 18,)

Comment Hunting - Roads and off-road vehicle activity threatens wildlife and wildlife habitat through direct

collision, noise pollution, increased stress levels, destruction of food and forage, and habitat loss. *It has been well documented that there is increased elk mortality rates in areas of high road density than areas with few roads (e.g., Unsworth 1993, McCorquodale et al., 2003). *Gratson and Whitman (2000) found increased hunter success in unroaded (25%) and reduced open-road density (24%) than roaded areas (15%). *Using a sample of 78 radio-collared elk, Lepitch and Zager (1991) created a model showing that closing roads increased the age structure to include more mature bull elk. Their model also found that closing roads would double the sex ratio to 20 bulls per 100 cows; in roadless areas, there would be up to 35 bulls per 100 cows. *ATVs have also been found to disturb elk. One study found that elk moved twice as far from ATV disturbance than pedestrians (Vieira 2000). Wisdom et al., (200) found that elk moved when ATVs pass with 2,000 yards but tolerate hikers within 500 feet. Further the study found that elk walked away from hikers but ran from ATVs. *Snowmobiles have been shown to disturb and create stress for caribou (Fancy and White 1985), muskoxen (McLaren and Green 1985), deer (e.g., Moen et al., 1982), and elk (Creel et al, 2002). *Personal watercraft have been found to disturb feeding and nesting areas of several game bird species potentially reducing their populations *e.g., Burger 1998, Rodgers and Schwikert 2002).

(Ltr 290, Cmt 20,)

Public Concern Order

Public Concern ID 3801

Specialist Assigned SF

Public Concern *The Three Forest Coalition had general questions and concerns with how potentially suitable habitat was determined and analyzed.*

Response *Potentially suitable habitat estimates were according to Rodriguez 2006 using GIS based vegetation layers and plant community groupings associated with the natural history requirements of the species concerned. We are not basing our analysis on exact route density values as compared to published thresholds to determine impacts of action alternatives. Instead, according to the purpose and need for this project we are seeking to restrict travel to designated routes and in effect are bringing to an end the expansion of user created travel routes by restricting cross-country travel.*

Comment The following examples illustrate the failure to address the question of whether the routes proposed for designation are too many:

e. Example 5. Estimation of effective habitat. The WSR estimates that the area of unrestricted, overland ORV use is probably overestimated in the DEIS because "On site terrain features such as dense woody vegetation, large rocks, uneven and steep slopes reduce the total amount of area where motorized vehicles can actually travel." (WSR 29). However, the DEIS does not consider or state the obvious inverse: i.e., that the area of truly potentially suitable habitat for the TES and MIS species is probably overestimated due to terrain features such as lack of sufficiently dense cover for protection from predators or "...a high density of motorized routes.

(Ltr 278, Cmt 46,)

Public Concern Order

Public Concern ID 3804

Specialist Assigned SF

Public Concern *The Fish and Wildlife Service requested that summary information from the wildlife specialist report on Threatened, Endangered, and Sensitive wildlife species be included in the EIS. The Three Forest Coalition had questions with the viability calls documented in the wildlife specialist report. They question how the project can impact individuals, but not lead to a trend towards federal listing.*

Response *Summary information is included in the Biological Assessments and Evaluations done for the project, but can be included in the FEIS. It is our intent to provide habitat for, especially, all species referenced in the WSR sufficient in quality and quantity to support the continued existence of these species. Specialist input throughout this project with respect to the handling of specific routes as to designating, obliterating, seasonally closing routes has been substantial. Impacts to habitat and wildlife species can be characterized in many ways and can be either positive or negative and affect*

individuals and in some cases ultimately populations. Our determinations characterize our professional opinions, based on local data, as to the degree of impacts and whether persistence will be affected. Because we are not proposing to increase route density or the amount of cross-country travel than currently exists, we are determining the action alternatives will direct the forest in a positive way by substantially reducing random cross-country travel which will enhance overall habitat effectiveness. Therefore, if a population is considered stable and viable today, it will also be after this decision according to any action alternative with regard to impacts from motorized recreation.

Comment Most conclusions are unreferenced to scientific information. a. The phrase "may therefore impact [a species]" individuals, but would not likely contribute to a trend toward federal listing or cause a loss of viability to the population or species" is invoked 49 times in the WSR, as in: "Implementation of this alternative may therefore impact sage grouse, but would not likely contribute to a trend towards federal listing or cause a loss of viability to the population or species" (WSR 95) What evidence is being relied upon for claiming that potential impacts of the proposed route density/use on the few sage grouse individuals and populations on the Fishlake does not contribute to a trend towards federal listing of this species" What does contribute toward a trend towards federal listing of the sage grouse if it is not the impacting of individuals and populations? What evidence is the basis for claiming that the proposed ORV use/route density will not cause a loss of viability to a small population that may be impacted on the Fishlake?

(Ltr 278, Cmt 64,)

Comment Although the Wildlife Specialist Report covers analysis of project related effects to specific wildlife species that might be affected by the proposed action, a summary of this information is not included in the EIS. The Department recommends that a summary of wildlife species assessed for the project be included in the EIS. This summary should include threatened, endangered, and sensitive wildlife species affected by the project and the manner in which sensitive wildlife periods and areas (breeding season and habitat, over-wintering habitat, migration corridors, etc.) associated with these species will be affected by each alternative. Any trail or road closures or other measures that mitigate for potential impacts to these wildlife species and their habitat should be included in the EIS as well.

(Ltr 285, Cmt 11,)

Public Concern Order

Public Concern ID 3807

Specialist Assigned SF

Public Concern *The Three Forest Coalition disagreed with how guild species were analyzed in the DEIS stating that individual species would react differently to the same actions so they should not be grouped for analysis.*

Response *Route density and the amount of cross-country travel are habitat variables that may elicit different reactions from different species but their reduction would generally lead to a more effective habitat condition universally. For example, more roads and/or cross-country travel would not likely benefit one species and detriment another in the species groupings we made. Cumulative effects were analyzed with respect to the proposed action and the associated incremental effects by species and by past, present and reasonable foreseeable future actions. Because we are proposing to reduce route density and cross-country travel, it was determined that there would be no incremental effects from livestock grazing. With no incremental effect there would be no cumulative effects.*

Comment Guild species are lumped for analysis, with impacts to their "habitat" treated superficially as one analysis, though they may have differing relationships to roads. a. Example: Flammulated owl and three-toed woodpecker. These two MIS species (cavity nesters) are lumped together in the WSR (see, e.g., WSR 82), although a habitat suitability index for three-toed woodpecker year-round habitat (Zapisocki, et al.2000) indicates "Three-toed woodpeckers are unaffected by the proximity of human developments or roads" while a management document indicates otherwise for flammulated owl (Canings and van Woudenberg 2004): "Do not construct roads. Deactivate or control road access on existing roads" and "Do not develop trails, roads, or recreation sites within core area." As for

cumulative impacts on flammulated owl, this document cites research indicating, "Flammulated Owls were not observed nesting in areas they had previously occupied after grazing had reduced grasses <10 cm (van Woudenberg 1999)." Neither the Draft EIS nor the WSR take a hard look at the cumulative impacts of livestock grazing and the proposed level of designated routes (see DEIS 136 and Appendix C 190)6. The DEIS makes no mention of the potentially significantly different responses of flammulated owls and three-toed woodpeckers to roads and road use. Instead, it simply writes (WSR 83): There would be few changes to the miles of roads and motorized trails proposed in the action alternatives. At the Forest level, road density would drop by 0.2-0.3 miles of roads per square mile [from the current 0.9 miles/square mile). These changes would not measurably improve habitat effectiveness for the flammulated owl or three-toed woodpecker.

(Ltr 278, Cmt 63,)

Public Concern Order

Public Concern ID 3808

Specialist Assigned SF

Public Concern *The Three Forest Coalition is concerned with the clarity and accuracy of trend data contained in the Fishlake life histories document (Rodriguez 2004).*

Response *TFC is quoting Rodriguez 2004, but the forest used Rodriguez 2005 for the DEIS. There were several major revisions to the 2005 document that are not reflected in the 2004 version. However, in this case, corrections have been made to Rodriguez et al. 2006, Version 4.1 that corrects errors and reflects current trends for the species in question in Utah.*

Comment Trends of Forest MIS bird species are not decipherable for the Forest and/or are inaccurately reported for Utah. This renders the Draft EIS unreadable. (In contrast, the Watershed/Aquatics in Table AB-2 provides specific site data for where macroinvertebrates have been sampled and whether population trends are available; Watershed/Aquatics Report 107-111) report A few of the many examples
(Ltr 278, Cmt 54,)

Comment The DEIS does not provide readable, scientifically sound information regarding evidence for trends of its MIS bird species. This is of particular concern, as the viability and trends of MIS species are supposed to indicate trends and viability of numerous other species represented by the MIS species. If even these MIS species are not monitored well, or their trend is downward, then the proposed maintenance of, e.g., 7.4 miles of route per square mile of riparian guild habitat in the Fillmore District or 6.2 miles of route per square mile of riparian guild habitat in the Forest under Alternative 3, may be dooming riparian-dependent species. The Draft EIS fails to address this issue.
(Ltr 278, Cmt 60,)

Comment The following bird species examined in the WSR are experiencing the following trends in Utah according to the Breeding Bird Survey; the unreadable nature of Fishlake NF monitoring (Rodriguez 2004) is shown for those birds showing upward trends in Utah: DOWNWARD All three sage nester guild birds: Brewer's sparrow Vesper sparrow Sage thrasher Hairy Woodpecker Northern goshawk Mountain bluebird (1980-2004)
(Ltr 278, Cmt 61,)

Comment The following bird species examined in the WSR are experiencing the following trends in Utah according to the Breeding Bird Survey; the unreadable nature of Fishlake NF monitoring (Rodriguez 2004) is shown for those birds showing upward trends in Utah: UPWARD Song sparrow (although no Utah trends are cited for 1980-2004)--- SLIGHT DOWNWARD on small sampling on the Fishlake (Rodriguez2004)Yellow warbler---Undecipherable for Fishlake NF in Rodriguez 2004: "In 1998 the number of presence/absence observations of this species along each transect line totaled 14. In 2002 the total number of transects recording this species totaled 19. As a result of these data collected over the past 8 years, this species has demonstrated an increased in presence/absence numbers across the Forest: MacGillivray's warbler---No trend observable yet for Fishlake NF in Rodriguez 2004: "Between 2002-2003 there were 6 incidental detections of MacGillivray's warbler on the Richfield Ranger District of the Fishlake National Forest." Lincoln's sparrow--3 surveys in the Burnt Flats area between 1994-2002 - no indication of how many transects run in each year. Mountain bluebird (1966-2004)---Unknown number of transects run in the Burnt Flats area between 1994 and 2002. Trend not decipherable from description (Rodriguez 2004) Western bluebird---Undecipherable for Fishlake NF in Rodriguez 2004: "Data has been collected between 1994-2003. In 1994, and 1998 surveys were conducted in the Burnt Flat area, and other areas of the Forest. No birds were encountered in this area. In 2001, this species was detected by Utah State University along 3

transect lines while conducting specific cavity nesting surveys [WHERE??]. In 2002 the presence of bluebirds was detected along 1 transect line. The number of detections has increased to 14. NO BBS UTAH STATEWIDE TRENDS AVAILABLE: Sage grouse, Mexican spotted owl, Bald eagle, Flammulated owl, Three-toed woodpecker.

(Ltr 278, Cmt 62,)

Public Concern Order

Public Concern ID 3812

Specialist Assigned SF

Public Concern *Three Forest Coalition expressed specific concerns regarding goshawk population trends and monitoring. In addition, they suggest that species specific road density thresholds should be defined to help determine which capable habitat is currently suitable.*

Response *The proposed action and analysis of effects does not, and was not intended to address species specific route density thresholds. As stated previously, the proposed action addresses the reduction of open road densities and halting cross-country travel. Therefore, the analysis of effects was based upon the reduction of open road densities and halting cross-country travel in general and not on meeting specific species needs. The analysis of effects does address the benefits of increased habitat effectiveness to species where appropriate.*

Comment One extremely important piece of information is the number of miles of road/square mile that characterize well-occupied habitat vs. potentially suitable, unoccupied habitat. On p. 75, the WSR reports: On the Loa Ranger District, no known goshawk territories occur in potentially suitable habitat with localized road densities greater than 4miles of road per square mile. Successful nests occur in areas where the localized road density is at or below 2-3 miles/square mile [emphasis added]. Unfortunately, the goshawk excerpt cited above appears to be the only instance in the WSR in which there has been observation of what level of roads is too high for "potentially suitable habitat" to actually be suitable habitat for a given species on the Forest.

(Ltr 278, Cmt 41,)

Comment Trends of Forest MIS bird species are not decipherable for the Forest and/or are inaccurately reported for Utah. Northern goshawk. The WSR writes (at 12): "The Northern Goshawk is both a Regional Forester's Sensitive Species and a Management Indicator Species on the Fishlake National Forest. Annual Forest-wide monitoring of Goshawk territories, show a stable trend despite several years of below average precipitation levels." What is the trend that is stable? A downward trend? Is goshawk at viable levels in the Forest?

(Ltr 278, Cmt 55,)

Comment Most conclusions are unredeemed to scientific information. Several known [goshawk] territories that have nest structures within 1/10 mile of existing roads have been successful raising young. Other nest territories seem to have a low tolerance for any kind of nearby disturbance. (WSR 71) What is the source for this information? Documentation on the Fishlake? Reference to a scientific study

(Ltr 278, Cmt 66,)

Public Concern Order

Public Concern ID 3813

Specialist Assigned SF

Public Concern *Three Forest Coalition expressed specific concerns regarding potentially suitable habitat for prairie dogs.*

Response *The habitat acres reported for the UTPD were either historical and/or occupied habitats due to translocation efforts by the Utah Division of Wildlife Resources.*

Comment The methods/criteria used to generate "potentially suitable habitat" acres for most of the species are unclear. The Draft EIS is unreadable because there is generally no way of knowing:

Whether the potential habitat cited includes historically-occupied area or only recently-occupied area i.

Example: Prairie dog. Is the "approximately 428 acres of potentially suitable habitat" (WSR 8) based on the area where "former translocations" were situated? How was that area delineated? Does the WSR assume that zero other acres were used historically by prairie dog on the Fishlake, or are potentially suitable? Rodriguez (2004) indicates that "Basic habitat requirements considered for the Utah prairie dog are deep, well drained soil, vegetation low enough so that prairie dogs can see over or through, and suitable forage (Spahr et al. 1991). Moist forage available throughout the summer is also needed." It is not clear whether the WSR is saying that only 428 acres of such habitat exist on the Forest.
(Ltr 278, Cmt 52,)

Public Concern Order

Public Concern ID 3814

Specialist Assigned SF

Public Concern *Three Forest Coalition voiced concerns about whether current or proposed habitat conditions will support viable pygmy rabbit populations. The are also concerned with how the potentially suitable habitat was determined.*

Response *Potentially suitable habitat estimates are based on Rodriguez 2006--primarily known and expected vegetative community associations. We do not address the current suitability of occupied habitat, nor the suitability of potentially suitable habitat because we are not proposing to add routes that are not already on the landscape. The proposed action does propose to limit routes and eliminate cross-country travel. All action alternatives move this habitat towards a more effective condition by the reductions expressed.*

Comment The following examples illustrate the failure to address the question of whether the routes proposed for designation are too many:

a. Example 1. Pygmy rabbits. On p. 102, the WSR notes that pygmy rabbits are reluctant to cross open spaces (e.g., roads?) and that they seldom venture further than 100 meters from their burrow. The WSR says currently there are 3.6 miles/mi² of potential pygmy rabbit habitat, and that Alternatives 2 and 3 would reduce this to 3.2 miles/mi² and Alternative 4 to 2.5 miles/mi² of habitat. The hard-look question of whether pygmy rabbits can successfully inhabit and persist in areas where there are 2.5 miles/mi² (Alternative 4) , let alone 3.2 miles/mi² (Alternatives 2 and 3) of routes (and vehicles) running through their habitat (WSR102) is never addressed.

(Ltr 278, Cmt 42,)

Comment The methods/criteria used to generate "potentially suitable habitat" acres for most of the species are unclear. The Draft EIS is unreadable because there is generally no way of knowing:

e. Whether the potential habitat cited is actually potential habitat. i. Example: Pygmy rabbit. The WSR (at 15) indicates that "Pygmy rabbits are generally limited to areas on deep soils with tall, dense sagebrush, which they use for cover and food" and "There are approximately 52,752 acres of potentially suitable habitat on the Fishlake National Forest comprised of tall sagebrush communities." How were these 52,752 acres selected? Do these 52,752 acres have "tall, dense sagebrush"? Or do they "potentially" have tall, dense sagebrush if no sagebrush treatments are initiated or maintained, current livestock grazing management is altered, etc.?

(Ltr 278, Cmt 51,)

Comment Most conclusions are unreferenced to scientific information. The WSR indicates that there are only two known populations of pygmy rabbit on the Fishlake (WSR 101) One of the population is on Monroe Mountain and the Forest proposes that unrestricted, off-route driving would continue through this population (WSR 109). What evidence is the basis for saying that unrestricted driving through this population would not "likely" cause a "loss of viability to the population"? (WSR 109).

(Ltr 278, Cmt 65,)

Public Concern Order

Public Concern ID 3815

Specialist Assigned SF

Public Concern *Three Forest Coalition suggests that the DEIS is silent on motorized impacts to reptiles and small mammals.*

Response *There are currently no reptiles or small mammals that are Threatened, Endangered, Forest Service--Intermountain Region Sensitive, or Management Indicator Species, other than the Utah Prairie Dog, Pygmy Rabbit, and bats, which were analyzed.*

Comment Relevant scientific documents submitted to the Fishlake National Forest Planning Team during 2004 were not utilized.

Example 3. Impacts on reptiles and small mammals.

Berry (1980) cited studies of impacts of ORVs on birds indicating that ORVs can have profound and highly significant negative impacts by reducing abundance, variety, and biomass. Berry notes that similar results have been obtained in studies of other vertebrate species, particularly reptiles and small mammals. Numbers, diversity, and biomass are markedly reduced in most species exposed to moderate and intensive ORV use. (p. 455). Neither the Draft EIS nor the WSR mention impacts of route density/ORV use on reptiles or small mammals.

(Ltr 278, Cmt 71,)

Public Concern Order **Public Concern ID 3816** **Specialist Assigned SF**

Public Concern *Three Forest Coalition expressed concern that viability for riparian dependent species has not been adequately addressed in the DEIS. They also quote literature that implicates the possibility for lag effects on biodiversity resulting from road construction.*

Response *Riparian dependant or related species and the effects to their continued persistence across the Forest were addressed within the WSR. Primary access to the Forest was established long ago along canyon bottoms, which consequently situated roads along low elevation streams. As to the lag effect, this project is not proposing any new construction and most of the route system has existed for several decades.*

Comment The following examples illustrate the failure to address the question of whether the routes proposed for designation are too many:

Example 4. Riparian guild of birds. The question of whether proposed retention of the astounding number of 6.2 miles of routes/square mile of riparian habitat will preclude use of the riparian habitat by the riparian guild of MIS birds or other riparian-dependent species (e.g., amphibians) is never addressed. 2 Likewise, although "drainage bottoms are often important passageways for amphibians," (Aquatic/Watersheds Report, 120) the impacts of 6.2 miles of roads/square mile of riparian habitat on chorus frogs, boreal toads, leopard frogs, and tiger salamanders (Table AB-1, Watershed/Aquatics Report, 105-107) are never addressed. The Draft EIS does not acknowledge the evidence in a study (Findlay and Bourdages 2000) submitted to the Fishlake National Forest in 2004 by the Three Forests Coalition that shows that many negative environmental impacts are unnoticeable for many years, sometimes decades. Findlay and Bourdages found that the model that best fits wetlands species richness measurements was the model that took into account past densities of roads rather than current densities of roads. This means declines in biodiversity may not be observable for decades after road construction.

(Ltr 278, Cmt 45,)

Public Concern Order **Public Concern ID 3817** **Specialist Assigned SF**

Public Concern *Three Forest Coalition had questions and concerns with how the potentially suitable habitat for yellow-billed cuckoo was established. They are also concerned with population viability with high existing and residual route densities.*

Response *Potentially suitable habitat estimates were described in Rodriguez 2006, which includes low elevation riparian areas. Many riparian habitats across the Forest are too high in elevation, and lack the "multi-storied" plant communities preferred by*

cuckoos and no cuckoos have been detected on the Forest to date, despite several surveys. With the exception of the Fillmore Ranger District, all action alternatives reduce route density and seek to halt cross-country travel. On the Fillmore Ranger District alternative 5 proposes a 1/10th of a mile/sq mile increase in road density but a 41% reduction in cross-country travel area. Within areas of reduction, a more effective potential habitat condition will result.

Comment The following examples illustrate the failure to address the question of whether the routes proposed for designation are too many:

b. Example 2. Yellow-billed cuckoo. The WSR is not commenting on the fate of federally-threatened yellow-billed cuckoo under its limited range of proposed alternatives: "Designated motorized roads and trail density within potential yellowbilled cuckoo habitat would be incrementally reduced under each action alternative from 11.8 miles of road per square mile down to 11 miles of road per square mile under Alternative 4"[and] unrestricted travel would be reduced incrementally under each alternative from 93% of potential habitat, down to 45% of potential habitat." (WSR 47-48; emphasis added). The Forest needs to address the question of whether they are providing effectively suitable habitat for a federally listed candidate species with at best 11 miles of road per square mile and 49% of its habitat open to "unrestricted" (i.e., cross-country) ORV travel.

(Ltr 278, Cmt 43,)

Comment The methods/criteria used to generate "potentially suitable habitat" acres for most of the species are unclear. The Draft EIS is unreadable because there is generally no way of knowing: How the boundaries of the habitat were drawn. i. MIS Riparian guild of birds. Potentially suitable habitat for the "Riparian guild" of four birds is estimated to be 18,021 acres (WSR 26), but it is not clear how riparian habitat was defined for the purposes of estimating the acres. ii. Yellow-billed cuckoo. The WSR notes that yellow-billed cuckoo "are restricted to riparian habitat containing cottonwood and willow overstory and dense brushy understories below 7,000 feet elevation." No reference for this is given, and yet yellow-billed cuckoo researcher Steve Laymon responded personal communication by email, 15 September 2005). to my question regarding the 7,000foot figure: I would certainly not expect to find Yellow-billed Cuckoos at 7,000 foot elevation. In California they have not been found above 5,000 feet and there only rarely. At higher elevations the warm season is very short and the nighttime temperatures are low even in summer - this probably adversely affects the potential for a good prey base. If in fact suitable habitat for yellow-billed cuckoo on the Fishlake NF is even smaller than the 2,664 acres cited (WSR 47), then perhaps the Forest could eliminate all unclassified and some classified routes (as well as livestock grazing) within its potential habitat. The Forest is almost certainly never going to restore yellow-billed cuckoo in habitat averaging the proposed 11.0 miles of routes/square mile of habitat (WSR 47).

(Ltr 278, Cmt 53,)

Public Concern Order

Public Concern ID 3818

Specialist Assigned SF

Public Concern *The Three Forest Coalition had questions about population and trend monitoring for Lincoln's sparrow.*

Response *The trend for this species has been corrected in Rodriguez et al. 2006, version 4.1. As described in this document, this species is stable across Utah.*

Comment Trends of Forest MIS bird species are not decipherable for the Forest and/or are inaccurately reported for Utah.

Riparian Guild MIS: Lincoln's sparrow -. Appears transects have been run only in Burnt Flats area (Rodriguez 2004; p. 94) though the conclusion is that Lincoln's sparrow is likely stable or in a slightly downward trend on the Forest; again not clear how many transects.

(Ltr 278, Cmt 59,)

Public Concern Order

Public Concern ID 3819

Specialist Assigned SF

Public Concern *The Three Forest Coalition questioned how suitable habitat was defined for sage dependent management indicator species.*

Response *Estimates were based Rodriguez et al. 2006, version 4.1, and basic plant community associations.*

Comment The methods/criteria used to generate "potentially suitable habitat" acres for most of the species are unclear. The Draft EIS is unreadable because there is generally no way of knowing:

ii. Example: Brewer's sparrow, vesper sparrow, and sage thrasher: WSR (at 22) describes varying habitats for these three species (emphases added): 1. "The Brewer's sparrow is a common summer resident and breeder in mountains and higher valley [sic]. It breeds in treeless shrub habitats with moderate canopy, especially in sagebrush. The Brewer's sparrow breeds locally above pinyon-juniper belt." 2. "The Vesper sparrow is a common summer resident occurring in sparse or open stands of sagebrush, low sagebrush, and similar habitats." 3. "The sage thrasher occurs primarily in sagebrush and low sagebrush habitats. It is mainly limited to semiarid sagebrush plains, but may extend into junipers and mountain-mahogany habitats near sagebrush " The WSR then indicates that suitable habitat for the "sage nester guild" is 661,740 acres of sagebrush. 1. Was all sagebrush included in this estimate? 2. How much overlap is there between the three species? sagebrush habitats 3. If one declining bird's habitat does not overlap much with the other two birds, what are the impacts on that species?
(Ltr 278, Cmt 51,)

Public Concern Order **Public Concern ID 3820** **Specialist Assigned SF**

Public Concern *The Three Forest Coalition claims that the Rodriguez 2004 life histories information for Brewer's sparrow is difficult to interpret and is incorrect. They also do not feel that the literature used for this species is adequate.*

Response *The trend for this species has been corrected in Rodriguez et al. 2006, version 4.1.*

Comment Trends of Forest MIS bird species are not decipherable for the Forest and/or are inaccurately reported for Utah.

Sage Nester MIS: Brewer's sparrow . The WSR estimates stable to slightly up on Forest based on increased numbers of transects on which the sparrow has been observed but the WSR doesn't state whether the numbers of transects have increased or remained the same in the same locations (see Rodriguez2004, p. 72). Rodriguez (2004) says Breeding Bird Survey data show Brewer's sparrow up in Utah 1968-1998; but in fact, Breeding Bird Survey (BBS; Sauer et. al. 2005) data for 1968-2004 show downward trend 1968-1979 and 1980-2004.

(Ltr 278, Cmt 57,)

Comment Readily available scientific literature regarding the effects of roads on the species was not utilized. a. The following examples, for instance, were rapidly found by a word search on Google1. Example: Brewer's sparrow. Research by Ingelfinger and Anderson (2004) aimed at determining "how roads associated with natural gas extraction affect the distribution and densities of songbirds in sagebrush habitats of western Wyoming. Surveys were conducted to measure species density at multiple distances perpendicular to roads with varying traffic volumes. Density of sagebrush obligates (Brewer's and Sage Sparrow was reduced by 39-60% within a 100-m buffer of dirt roads with low traffic volume). The response may be related to a synergistic effect of road noise, edge effects, habitat fragmentation, or competition with other species, such as Horned Lark, which occurred in increased densities along road corridors. Species composition shifted with an increase in Horned Lark abundance relative to sagebrush obligates along road corridors. Close to roads, Horned Larks accounted for 31% of all detections, whereas, beyond 100-m from roads they accounted for only 16%. The authors used a GIS to calculate a total area impacted within the gas development they studied by buffering all roads by 100-m and calculating the percentage of the total area impacted (14.6% of the land base is within 100-m of roads)" (emphasis added) BBS data show an upward trend of Brewer's sparrow in Utah between 1968 and 1998 (WSR 71), in fact, BBS data for Utah show a downward trend for Brewer's sparrow 1966-2004, 1966-1979, and 1980-2004.72.
(Ltr 278, Cmt 67,)

Public Concern Order **Public Concern ID 3821** **Specialist Assigned SF**

Public Concern *The Three Forest Coalition claims that the Rodriguez 2004 life histories information for Vesper sparrow is difficult to interpret and is incorrect. They also do not feel that*

the references cited is adequate.

Response *The trend for this species has been corrected in Rodriguez et al. 2006, version 4.1.*

Comment Trends of Forest MIS bird species are not decipherable for the Forest and/or are inaccurately reported for Utah.

Sage Nester MIS: Vesper sparrow -- Again, there is no indication of number of transects run over different years and there are limited data on the Forest (perhaps data has been gathered only in the "Burnt Flat" area), but Rodriguez (2004) estimates that this population is stable or slightly up in trend, and likely viable across the Forest. Rodriguez (2004) says the Vesper sparrow displays an upward trend in Utah 1968-1998 in BBS, but in fact BBS for 1966-2004 as well as 1966-1979 shows downward trend of Vesper sparrow in Utah. Rodriguez does indicate that Nature Conservancy data (for Utah? unstated) indicate Vesper sparrow is "imperiled."

(Ltr 278, Cmt 58,)

Public Concern Order **Public Concern ID 3822** **Specialist Assigned SF**

Public Concern *The Three Forest Coalition had concerns with the population and trend monitoring supplied in the DEIS for Sage thrasher. They also indicated that the DEIS does not represent how existing and proposed route densities affects population viability for this species.*

Response *Little is known regarding the condition of Sage Thrasher habitat on the Forest relative to impacts from motorized use, however, a more effective habitat condition will result by reducing current route densities and eliminating cross-country travel in occupied and potential habitat.*

Comment Trends of Forest MIS bird species are not decipherable for the Forest and/or are inaccurately reported for Utah.

Sage Nester MIS: Sage thrasher is in a dramatically downward trend in Utah over 30 years. Rodriguez (2004) notes that between 2002-2003 there were 14 detections of sage thrasher on the Fishlake National Forest. These detections occurred on the Richfield Ranger District in the Hell's Hole area. The results (trend) of these transect studies on the Forest are not stated (Rodriguez 2004, p. 77). As well, the coverage of the sage thrasher monitoring is not provided. Is it only in the Hell's

(Ltr 278, Cmt 56,)

Public Concern Order **Public Concern ID 3823** **Specialist Assigned SF**

Public Concern *The Three Forest Coalition is concerned with the effects of route density on population viability for sage grouse.*

Response *No such research is known to exist for sage grouse on the Fishlake National Forest but overall findings are likely applicable in suggesting that lower route densities and the elimination of cross-country travel (that leads to more routes, disturbance of birds, destruction of eggs and nests) are of benefit to resident birds and contributes positively to habitat conditions.*

Comment The following examples illustrate the failure to address the question of whether the routes proposed for designation are too many:

Example 3. Sage grouse and long-term, indirect impacts. The following excerpt from an August 25, 2005 Casper Star-Tribune article¹ describing sage grouse research findings being presented by scientists who had gathered in Riverton, WY, illustrates how the adverse impacts of roads can be surprisingly indirect, and how slowly the adverse consequences may be revealed (emphases added):
Researcher Matt Holloran, a UW doctoral student, presented his Upper Green River Basin research,

which looked at how energy development is affecting sage grouse. He found that energy development is substantially harming sage grouse populations there, with a few twists. While drilling activity, road traffic and well operations tend to push male birds away, they also tend to push golden eagles away from all the activity, where they seem to have a disproportionate impact on breeding grounds that are away from development activities, he said. At the same time, females do not leave the area of energy development activities and brood survival is quite good there. Holloran did find that young females are beginning to leave development areas. He theorized that continuing activity seems to be overcoming female birds' connections with certain sites as the older females die off and are replaced by younger females. The older hens, he noted, established an attachment to a specific area where they were hatched, before energy development started.

(Ltr 278, Cmt 44,)

Comment Example: Sage grouse. Research by Wisdom, et al. (2002) "validated the performance of two models that were developed to assess landscape conditions for Sage Grouse across 13.6 million ha of sagebrush steppe in the interior Columbia Basin and portions of the Great basin." Input variables included habitat density, departure from historic range of variability, grazing effects, road density, and human population density. ". To evaluate model predictions the authors examined output values in areas where sage grouse have been extirpated in the last 30 years to areas identified as strongholds based on current population surveys. The models performed very well - the highest probability of extirpation was predicted in areas from which sage grouse were extirpated and lower probability in areas still occupied" [emphases added]. Density of roads and human activity were one factor that distinguished between occupied and unoccupied habitat: ".sub-watersheds in extirpated areas had higher densities of roads and human populations than did those in occupied areas (Fig. 4)." Figure 4 shows that sage grouse habitat is more likely to be occupied than extirpated only when roads are "very low to none."

(Ltr 278, Cmt 68,)

Public Concern Order

Public Concern ID 3825

Specialist Assigned SF

Public Concern *A couple of respondents had questions the need to consider critical mule deer winter range.*

Response *The major limiting factor for mule deer populations is winter survival, which can be directly tied to winter forage availability, abundance, and quality—along with winter severity. We propose to increase deer winter survival by limiting route density primarily on winter ranges, secondarily when deer are present on winter range (seasonal closures), and limiting forage and soil resource damage and animal disturbance by eliminating cross-country travel.*

Comment Critical Mule Deer Winter Range Statement (Page 20): "Mule deer are the primary species of concern...in spite of..." What is the support for this statement? Is this due to roads?

(Ltr 269, Cmt 11,)

Comment Primary Issues (Page 19) A. Statement: [T]he current travel plan has several fundamental design flaws that prevent understanding and adherence to travel regulations by the public." i. "Difficult to understand and enforce." Why difficult? ii. Too much "open" area in existing plan? Solution? iii. No consistency with BLM. Solution? B. Two resource issues i.. Critical Mule Deer winter range ii. T&E plants No others? Riparian areas? Wetlands? Economic Uses?

(Ltr 269, Cmt 12,)

Comment I am a native of this area and watched the decline of Deer and Elk and it is not the roads or access to any area but the "poor management by the Utah Division of Wildlife Resources that have caused the steady decline in numbers of deer and elk." I respectfully oppose your road closures.

(Ltr 295, Cmt 3,)

Public Concern Order

Public Concern ID 4100

Specialist Assigned DD

Public Concern *Several respondents expressed concern of the financial capacity of the forest to*

maintain and manage the motorized travel system. Many also suggested ways to fund recreation programs and emphasized the need to build partnerships with user groups.

Response *The travel rule response to these same concerns states, "The Department agrees that availability of resources should be a consideration in designating routes for motor vehicle use. Section 212.55(a) of the proposed and final rules include as a criterion for designation "the need for maintenance and administration of roads, trails, and areas that would arise if the uses under consideration are designated; and the availability of resources for that maintenance and administration." The Department believes, however, that this determination involves the exercise of judgment and discretion on the part of the responsible official. At times, resources are scarce, and the Department does not believe that this scarcity should lead to blanket closures of NFS lands to recreational users. Volunteers and cooperators can supplement agency resources for maintenance and administration, and their contributions should be considered in this evaluation."*

The forest actively works with user groups and partners to leverage funds for recreation management and will continue to do so. For recreation, the Fishlake currently generates roughly 3 to 4 1/2 dollars of funds from partners for every dollar of federal appropriations. Appropriated dollars will likely decrease in the future when adjusted for inflation. Therefore, the need for securing funding from other sources will increase. In addition, the forest will continue to reassess the size and options for management of the transportation system. However, as stated in the Federal Register document for the travel rule on page 27, "Regardless of the level of funding available, the Department believes that the final rule provides a better framework for management of motor vehicle use on National Forests and National Grasslands." The forest agrees with this assessment and has worked hard to create a travel plan that can more reasonably be implemented and enforced than the system that currently exists.

Comment BUILDING RELATIONSHIPS AND MAKING PLANS:

Mountain bicyclists and the USDA Forest Service are benefiting from increasingly positive and productive relationships on national forests nationwide. The Forest Service has generally regarded bicycling and all outdoor recreation as good, but it also sees the need for limits and is addressing that through both regulations and cooperative projects. IMBA provides highly trained volunteers and crew leaders to assist the Forest Service with needs stemming from the expansion of mountain biking and other recreational trail use. Through cooperation, bicyclists and the Forest Service can address the real social and ecological problems that are arising through the growth of mountain biking and expansion of all outdoor recreation. There is much potential to expand volunteer trail work and volunteer ecosystem restoration projects.

(Ltr 225, Cmt 10,)

Comment I believe that the addition of 441 miles of roads to the classified roads system under Alternative 2 (or 455 miles under Alternative 3) creates a significantly higher challenge to the Forest Management Team to properly maintain the classified roads system. For the past several years the Forest has not been able to reduce the maintenance backlog of the classified road system. I am not advocating that no new miles of currently unclassified roads be added to the classified roads system. However, I do not find sufficient justification in the DEIS that demonstrates that the benefit of adding these miles offsets the new obligations for maintenance. In the absence of this justification, I think miles should not be added. If this justification can be produced then the miles associated with this justification should be added.

(Ltr 227, Cmt 4,)

Comment More restrictions is not the way. More opportunities creates more enthusiasm, more appreciation for each other and more volunteer help, more money can be raised, etc. Most OHV owners are willing to help and willing to pay if they see it is appreciated and spent in the right areas.

(Ltr 243, Cmt 9,)

Comment A lot of revenue and taxes are paid from this group probably not much of the money goes to where it needs to but that's for those that delegate it and spend it to correct. Every owner that buys an ATV usually pays close to \$500 in sales tax when they buy their OHV and sales are reaching just under 1,000,000 units per year that is close to 500 million dollars per year besides the gas taxes they pay, property taxes & registrations. Some of this money could go along ways for Forest Service to help accommodate recreation type uses for the forest. I hope the outlook can be more positive towards OHVs in the future both by the agencies and other interest groups. OHVs taxes and money generated by local merchants from OHV users has way more potential than other user groups from recreation, to eventually get more money in hands of Forest Service and clubs to benefit all users if they are willing to share access on trails.

(Ltr 243, Cmt 11,)

Comment Thank you for your time and consideration. May I state again that the Southern Utah OHV Club is willing and able to help you in maintaining trails, rallying support, and helping the Forest Service in many ways to protect the land. We will help you sign open trails. We can provide financial assistance as well as man power in promoting responsible use on the forest, however, we will not assist you in any closures that we don't agree with. I hope we can come closer to closing the gap in our differences of opinions and can work together in implementing a great travel plan that everyone can live with. Thanks again!

(Ltr 253, Cmt 19,)

Comment If this closure passes, which I am sure it will, regardless of what the public thinks, I believe there is less forest to manage, therefore there should be a reduction in the number of employees to compensate for it.

(Ltr 260, Cmt 2,)

Comment Serious questions are raised concerning the ability of the preferred alternative to respond to the purpose and need, including: Given funding deficiencies relating to enforcement, maintenance, and signing, how does classifying hundreds of miles of unclassified roads "address the immediate need to better manage motorized cross-country travel"? Rather, in response, why couldn't the Forest Service close the Forest to cross-country travel, restrict travel to the current classified system, and add trails following assurance of adequate analysis and funding?

(Ltr 278, Cmt 11,)

Comment The Forest Service acknowledges that this project "may result in an increase in the mileage of classified routes, which could lead to increased maintenance costs." RAR Supp. at 17. In addition, the Forest Service recognizes that "[t]here will be an increase in signing costs during the initial project implementation and additional funding will be needed to implement road closures using gates, barriers, or obliteration." Id. Additional costs include providing free travel maps and repairs from vandalism. Id. Despite acknowledging the need for additional funding to cover additional costs, the Forest Service has made no attempt whatsoever to place a value on these additional costs; analyze the capacity to receive the necessary funding to implement their proposal; or to assess whether these costs outweigh the environmental harm of allowing motorized use on any given route. Each of these analyses must be completed to provide the public with the full picture of the project and the agency's ability to implement necessary measures to "reduce the potential for motorized conflicts and impacts to other resource uses and values" (DEIS 10).

(Ltr 278, Cmt 76,)

Comment Both non-market valuation measures (including values for ecosystem services as well as visitor use) and a regional economic accounting framework should be demonstrated. As a result, the Fishlake National Forest would be able to determine the cost of management and compare that to its fiscal resources. Such an analysis would enable the Forest to scale and design the off-road vehicle route system to the available agency resources. Without knowing the costs, however, the Fishlake in its DEIS proposes to make commitments for which it has no idea if it can afford. This is like signing a contract to build a hospital without knowing whether there will be money to treat the flood of patients that will come.

(Ltr 278, Cmt 87,)

Comment The Forest has attached no budget or budget capability to these projects that are required when designating extensive ORV routes. The Forest Service must conduct a more comprehensive cumulative impact analysis to better understand the existing impacts of the travel system and the increased impacts associated with this project, including their financial capability to control the impacts of use of the routes (and of additional user-created routes).

(Ltr 278, Cmt 99,)

Comment The plan contains no provision for or encouragement of citizen input. During a time of declining budgets and shrinking field capacity, the Forest should be encouraging partnerships with organizations interested in monitoring the impacts of off-road vehicle use and other forms of recreation on Forest land, water, wildlife, and other visitors.

(Ltr 278, Cmt 130,)

Comment The agency makes only two other vague and toothless recommendations regarding enforcement: "prioritize and manage its use of law enforcement" and increase "travel plan violations . . . to the maximum extent practical" (p. 171). This utter denial of the importance of law enforcement to manage a use which, along with livestock grazing, has the greatest potential on the Forest to damage natural resources, as well as the greatest potential to jeopardize visitor safety, create demands on local search and rescue and emergency personnel, and create conflicts with other users, is unacceptable. Again, the agency should conduct a fiscal analysis of the Forest's capacity and the effectiveness of that capacity at meeting the enforcement needs on the Forest. Such an analysis would reveal that the Forest must scale back its proposed network of routes to a size and design that it can afford and has the capacity to enforce, monitor, and maintain.

(Ltr 278, Cmt 140,)

Comment As discussed above there is a documented rider preferences for riding off-route. This conflicts with the faulty assumption in the DEIS that "unplanned and unmaintained routes will not proliferate because adequate recreational activity is available in a well-planned system of trails and roads" (p. 10), the forest should consider redirecting funds earmarked for public education on new designated routes rule to instead pay for enforcement personnel.

(Ltr 278, Cmt 143,)

Public Concern Order

Public Concern ID 4200

Specialist Assigned DD

Public Concern *Numerous suggestions were offered on how to approach and improve public education and enforcement of the travel plan. The comments included considering size of the motorized network relative to availability of budget and personnel and increasing penalties for misconduct.*

Response *The forest agrees on the importance of enforcement and education and that both will be a challenge to implement effectively. The forest is not relying on any one "silver bullet" to achieve better adherence to the proposed travel plan. Rather, the forest is employing a host of management tools that use prevention, engineering, education, enforcement, and evaluation. As described in concern 2701, the forest also does not expect 100 percent compliance or effectiveness from any of the alternatives. That being said, the proposed actions would result in a travel plan that is simpler to understand and more consistent with management on adjoining lands. Travel designations will change from being dependent on signing to an annually updated motor vehicle use map that is not subject to manipulation. This alone will make the travel plan easier to enforce, at least in court. Physical closures and route obliteration will be used to make more obvious where motorized use is allowed and where it is not. A variety of possible education and communication tools are presented in the implementation plan of the DEIS and FEIS in Appendix B. The forest will continue and expand work with partners and cooperation with law enforcement from other agencies and is hiring a new position with law enforcement responsibilities. Lastly, monitoring and adaptive management will be used to constantly reassess needed management changes. Therefore, the compliance with the motorized travel plan is expected to improve relative to the existing situation.*

As mentioned in comment 4100 and in the DEIS and FEIS in Chapter 3, enforcement resources will remain limited. However, use of the motor vehicle use map and implementation of additional signing, public education, and construction of physical

barriers and closures, should make enforcement more effective. The final travel rule response to comments state, "The final rule will not increase the agency's budget or the number of law enforcement officers. However, the final rule will enhance enforcement by substituting a regulatory prohibition for closure orders and providing for a motor vehicle use map supplemented by signage."

Comment Sign on top of White Sage Flat.

(Ltr 229, Cmt 6,)

Comment I love the mountains and the desert. I was raised on a ranch where we had permits to federal lands for our livestock. We presently have livestock on public lands. I have learned to enjoy and appreciate the mountains and deserts very much. I feel the answer to public lands use is not closing them to OHV use, but educating people to tread lightly when they are on public lands. I have taken a course in Trail Patrol, sponsored by an ATV club and as a member of an ATV club we have scheduled a training course with Tread Lightly trail education program for our club members in February of 06.

(Ltr 232, Cmt 2,)

Comment We go out camping now days and you see more Forest Service pickups with ATVs in the back than we do campers and you have so called police patrol people who will come snooping through your camp sight while your gone.

(Ltr 249, Cmt 5,)

Comment We used to be campground hosts and we know that campgrounds with less than twelve or fifteen campsites do NOT need campground hosts, especially in the out of the way places, what a waste of money! Hiring one or two people to clean out fire pits and change toilet paper rolls for several small campgrounds would make more sense and would cost less. Some of the USFS summer help could do that while they ride around in their pickup trucks doing mostly nothing. Most people who go camping don't need "baby sitters" and resent campground hosts. Some of them soon get the idea that campground hosts are there to clean up after them. What they need is "education" to teach them that it is "their" campgrounds and "their" forest and it is "their" responsibility to keep it clean and take care of it Start teaching them while they are young. Please manage the forests and lands FOR the people who use them "not from" the people who use them.

(Ltr 256, Cmt 6,)

Comment My main concern would be enforcement of the new plan. This will be a continual and constant problem. Game retrieval during hunting seasons and hunting antler sheds in the spring of each year will need to be monitored very closely. I see the need for more enforcement people on the ground. Violators should be given tickets and maybe to the extend of impounding OHV's. Impounding \$5000 to \$7000 OHVs would get the attention of the public rather quickly. Good luck in allowing motorized access to public land for site seeing and recreational use while still maintaining proper use of the resource.

(Ltr 257, Cmt 2,)

Comment We wish to congratulate you on the job well done and your efforts in putting your proposed plan together. Taking on a project of this magnitude is quite a challenge. We want to thank you for the opportunity you have given us to respond to the proposed plan and hope you will consider the points we will bring up. The first item of concern is with enforcement. The current plan has been in place for several years. Since that time most enforcement of the plan has been basically placed on the public and local law enforcement. The Forest Service does have some rangers in the area, but they have not been effective. In the proposed plan, it does not indicate what the Forest Service plans on doing to enforce the travel plan. If the travel plan can not be enforced, why change it? It is important to fix the current enforcement problem before moving on to new changes that will create even more enforcement problems. We believe it would be wise to consider how you are going to implement the changes and make it stick. We believe the resources should be in place to educate the public and those who visit this area prior to implementing any decisions.

(Ltr 270, Cmt 1,)

Comment The second point goes along with the first. While the few rangers you do have can send violators to a federal court, local law enforcement (i.e. Sevier County Sheriff's Office, Utah State Parks, Utah Division of Wildlife, etc.) can only send violators to local courts. The problem specifically is the "closed unless posted open" idea. If a local law enforcement officer gives a citation to an individual for being on a closed route, and the route is not posted closed, we will have a difficult time successfully prosecuting the violation in local courts. For example, if a subject is given a speeding

citation and the speed limit was not properly marked, the subject can argue in court that he did not know what the speed limit was because it was not properly marked.

(Ltr 270, Cmt 2,)

Comment Appendix B (Route Designation Implementation Considerations), Paragraph 4, page 171: The plan calls for violations to be increased to the maximum extent possible. Please add language that would include working with local officials and court jurisdictions to support these efforts.

(Ltr 276, Cmt 6,)

Comment Of the utmost importance is a "Travel Map" that is "EXTREMELY EASY" to read and easily accessible to the user.

(Ltr 276, Cmt 9,)

Comment Serious questions are raised concerning the ability of the preferred alternative to respond to the purpose and need, including: How does adding hundreds of miles of classified routes to the Forest Transportation System create "a travel plan that is inherently easy to enforce to the fullest extent practicable"? Other Forests with designated travel systems acknowledge the lack of ability to enforce the restrictions and the continued proliferation of user created trails.

(Ltr 278, Cmt 12,)

Comment Another faulty assumption, which, if corrected, would undermine an extensive, dispersed off-road vehicle network of routes is that if the Forest only designates enough routes for riders they will stay on those routes and not travel cross-country. The desired result of a "a system that can be maintained over time with the resources available to the Forest" would be supported by "creat[ing] a travel plan that is inherently easy to enforce" (p. 10). However, the DEIS does not engage in a realistic or practical discussion of what type of route system design would be "inherently easy to enforce." Instead, the Forest relies on the false assumption that "unplanned and unmaintained routes will not proliferate because adequate recreational activity is available in a well-planned system of trails and roads" (p. 10). Two studies from the region point to the failure of this assumption. A recent study conducted by Monaghan and Associates and commissioned by the Colorado Coalition for Responsible OHV Riding in 2001 found that ". . . knowing that going off trail is not "correct" OHV behavior, as many as two-thirds of adult OHV users go off the trail occasionally." This study concludes: "In a 'nutshell,' it is our premise that further information and education per se " will not result in substantial behavioral change" (emphasis in original). Active, on-the-ground enforcement is the most important component of securing rider compliance with a designated routes policy.

(Ltr 278, Cmt 89,)

Comment The Fishlake needs to look at the experiences of a National Forest in Utah that has been on a designated routes policy to understand that designations alone do not beget rider compliance. Since 1988, the Wasatch Cache National Forest has been primarily managed as an "open on designated routes" basis. Nonetheless, the proliferation of user-created trails has continued. For example, the DEIS for the Ogden Travel Plan Revision states that "[o]ne purpose of this document is to identify problem areas of unauthorized motorized recreational use which have resulted in a proliferation of user created trails, eroded hillsides, introduction of noxious weeds, trail user conflicts, and disturbance to wildlife." Ogden Travel Plan Revision DEIS at 1-2. The Forest Service's stated purpose recognizes that "over the past decade there has been a significant increase in the development of illegal, user created trail." Id. As such, contrary to the Forest Service's assumption, simply designating routes on the Forest does not halt the creation of illegal, user created trails.

(Ltr 278, Cmt 92,)

Comment Based on the credible studies of rider behavior in Utah and Colorado, the experiences of the Wasatch Cache National Forest, as well as market and visitor trends that anticipate continued growth in off-road vehicle use, the Forest should recognize that off-road vehicle recreationists will pursue this desire for "enough riding opportunities to avoid overcrowding" by cutting new routes. This problem will be compounded by the extensive, dispersed design of the proposed DEIS alternatives which is inherently impossible for the cash-strapped, understaffed agency to monitor, maintain, and enforce.

(Ltr 278, Cmt 93,)

Comment As is evident in published sociological literature, it has been shown that the regulation of desire is not assured through rule, regulation and policy. These two studies show a pronounced desire among off-road vehicle recreationists to ride off of designated routes. Unless the Fishlake designs an enforceable route network and demonstrates an adequate budget for law enforcement personnel sufficient to provide a consistent presence to regulate behavior, off route riding will continue to expand beyond the designated system. This use will result in unacceptable resource impacts and

user conflicts and undermine the stated "desired result" of the DEIS.

(Ltr 278, Cmt 94,)

Comment In "Chapter 1: Purpose of and Need for Action," the agency declares, "a critical test for the travel plan update is to avoid creating rules that cannot be enforced since this degrades the legitimacy of the entire plan in the eyes of the public" (p. 16). The legitimacy of the entire plan as proposed in this DEIS is at risk given that the expansive, dispersed design of the route system is unenforceable. To instill confidence in even the near-term sustainability of the proposed route network, the Fishlake's Final EIS must advance an alternative which proposes a designated routes system that is contained and scaled to the availability of the agency's financial resources needed to enforce, monitor, and maintain the system to the extent that user conflicts and resource damage is minimized. Such a proposal should be designed based on an analysis of the sources of ecological services and values, the location and sensitivity of wildlife habitat and clean water, where user conflicts are most likely to occur, and the resources available to the agency to manage off-road vehicle recreation and use.

(Ltr 278, Cmt 95,)

Comment This lack of analysis is exacerbated by the failure of the Forest Service to consider its enforcement capabilities. Again, the Forest Service appears to assume, without any analysis, that it will be able to enforce the designated route system.. Federal courts have previously recognized the significance of the issue of enforcement. For example, in *Sierra Club v. U.S. Dept. of Agric.*, the Seventh Circuit Court of Appeals invalidated the Record of Decision for a Resource Management Plan based on the fact that [w]hile the plan notes that ATV/OHM travel outside the designated trails is "of great concern," there is no attempt to identify specific enforcement efforts to address this problem or to explain why the Forest Service expects to be successful in restricting travel to the designated trails when its past efforts have been unsuccessful. *Sierra Club v. U.S. Dept. of Agric.*, 1997 WL 295308 at 29 (7th Cir. 1997). The court also noted that "the failure to . . . provide a meaningful analysis of the Forest Service's plans to enforce its trail regulations is of great significance in this case" because the environmental analysis assumes that motorized users will abide by the regulations. *Id.* (emphasis added). Accordingly, the Forest Service's analysis failed to comply with NEPA because it failed to discuss "what the increased environmental effects will be due to an inability to keep such users on the trails." *Id.*

(Ltr 278, Cmt 107,)

Comment The Forest Service cannot simply assume users will stay on trails when there is clear evidence that travel restrictions are often violated. Accordingly, the Forest Service must analyze its ability to enforce its designations and manage the impacts and respond to user-created roads/trails.

(Ltr 278, Cmt 108,)

Comment IMPLEMENTATION PLAN (Appendix B): ENFORCEMENT

The Implementation Plan in the DEIS gives embarrassingly scant attention to the issue of enforcement. First, this section of the Implementation Plan says "The Forest should begin to consider funding for the out year budget cycles that will be needed to implement the enforcement, public education, signing, barriers, gates, road closures, and INFRA updated that will be required" (p. 171; emphasis added). Enforcement needs and capacity must be carefully analyzed and compared during, not after the route designation process if the Forest is to expect success if the desired result of the project goal is to be achieved: "to provide ample motorized recreational opportunities that minimize the potential for user conflicts and resource impacts, and to create a system that can be maintained over time with the resources available to the Forest" (p. 1).

(Ltr 278, Cmt 139,)

Comment As any plan is implemented, I urge that route direction and identification markers be placed in a positive manner. This encourages travel where you want it to go and is educational rather than frustrating to users. It is essential to keep closed signs to a minimum to encourage user compliance. The majority of users will adhere to the plan if sufficient opportunities are available.

(Ltr 279, Cmt 9,)

Comment The draft states: "it is critical to avoid creating rules that cannot be enforced" Lack of public acceptance "translates into lack of ownership and adherence to the assigned rules." This is absolutely true; the plan will not work without public acceptance. It is absolutely necessary to include popular routes, even though they may be unclassified, unless the need to close them is substantial. Thank you for your hard work and I wish you success with the final plan.

(Ltr 279, Cmt 10,)

Public Concern *Several comments focused on how the Forest should apply monitoring and adaptive management to implementation of the motorized travel plan. Some feel that monitoring information should not result in automatic closure of problem areas others felt it should. The need for flexibility and ability to adapt to new information was stressed by both motorized users and preservation groups.*

Response *The DEIS, FEIS, and the specialist reports identify monitoring that was used during the route and area designation process and in the determination of environmental impacts in Chapter 3 of the DEIS and FEIS. Monitoring and adaptive management will continue and are critical required elements of the proposed actions [see Chapter 2 of the DEIS and FEIS] and in the Implementation Plan in Appendix B.*

OHV use is a significant aspect of the Environmental Management System (EMS) that is being developed as part of Forest Plan revision. The EMS will specify operational controls designed to detect, reduce, or prevent undesirable resource impacts associated with motorized use. The EMS will result in an accounting trail that can be audited for compliance. The EMS will facilitate monitoring and adaptive management and will hold the forest accountable to desired outcomes. The 3 year project monitoring described in Appendix B of the DEIS and FEIS is intended to supplement rather than replace traditional monitoring of OHV use and impacts.

As stressed in concern #2700, the travel plan is not permanent, and can and will be updated as needed to meet changing user and resource protection needs.

Comment Please consider other methods of protecting the environment instead of closing it to any OHV use. The majority of people on the trails are enjoying them in a proper manner and protecting the environment. Don't close the area from use by the majority to stop what the small minority are doing. Search for methods to solve the problems created by the small minority of people abusing the public lands.

(Ltr 232, Cmt 3,)

Comment The intent of the Fishlake Travel Plan must be clearly articulated in the Record of Decision. The ROD should clearly state that the intent of the Fishlake National Forest Off-Highway Vehicle Route Designation Process is meant to provide travel plan direction through the Forest Plan Revision currently underway. The ROD should make it clear that the Fishlake Travel Plan is envisioned to provide for motorized access and recreation while protecting forest resources through the next 15 years, or until the next Forest Plan revision. The ROD should also make clear that the Fishlake Travel Plan can not limit the forest from making site specific closures pursuant to lawful forest orders or from developing additional recreational travel infrastructure for motorized vehicles pursuant to lawful forest orders or from developing additional recreational travel infrastructure for motorized vehicles pursuant to lawful planning process.

(Ltr 267, Cmt 5,)

Comment Appendix B (Monitoring Plan), page 177: The plan calls for the Forest Leadership Team (FLT) to annually review the monitoring data and summarize in a report in the third year. I would request an independent review process in addition to the FLT including but not limited to a citizens review panel. The review process also needs to extend well beyond the "minimum three year" the plan indicates. I would also like to suggest implementing a special monitoring plan of current areas of concern that runs concurrent with the Monitoring Plan. This could be of special significance with aerial photography that can't reveal issues obstructed by vegetation but could focus the data collection.

(Ltr 276, Cmt 8,)

Comment Neither the Draft EIS nor the WSR indicate what, if any, monitoring of ORV use/route density impacts on the native wildlife of the Forest will be undertaken following implementation of the plan. a. The WSR uses the word "monitoring" six times. Five of these times are in two paragraphs regarding monitoring that is required on national Forests for peregrine falcon (WSR 10); the sixth mention indicates annual monitoring is done for goshawk on the Forest (WSR 12).b. The Draft EIS notes only

"Resource specific monitoring of motorized use impacts should be included in the monitoring summary"(DEIS 178, emphasis added). What monitoring summary? What does "Should be" imply?
(Ltr 278, Cmt 48,)

Comment MONITORING PLAN

The Monitoring plan outlined in the Implementation Plan raises critical questions related to the designation process and fails to articulate key opportunities for improving recreation and ecosystem management. The monitoring plans calls for the Forest to "continue motorized use monitoring on the Paiute ATV Trail and the Great Western Trail Systems" (p. 177). However, the DEIS does not appear to take this information into account for the designation process it describes, as no specific reference is again made to monitoring outside of that done for the Forest Plan Revision. Did the Forest use motorized use monitoring on the Paiute ATV Trail and the Great Western Trail Systems when proposing route designations discussed in this DEIS?

(Ltr 278, Cmt 129,)

Comment The lack of monitoring proposed for impacts of ORV route density and use on the natural heritage of the Forest is exacerbated by the absence of designated reference areas (100-1,000 acres for every major vegetation type) on the Fishlake NF that are free of ORVs, roads, water diversions, and livestock grazing for the past ten years. The Forest severely hampers its understanding of the impacts of ORV use and route density if it does not designate reference areas.

(Ltr 278, Cmt 133,)

Comment As noted in the Wildlife section, neither the Draft EIS nor the WSR indicate what, if any, monitoring of ORV use/route density impacts on the native wildlife of the Forest will be undertaken following implementation of the plan. The Draft EIS notes only that "Resource specific monitoring of motorized use impacts should be included in the monitoring summary" (DEIS 178, emphasis added). This is wholly inadequate, given the myriad adverse impacts that may accrue to native wildlife and their habitats by ORV use, routes, and uncontrolled off-route driving.

(Ltr 278, Cmt 137,)

Comment One of the issues that was significant during the TWiG process is that the Route Designation process start with a complete inventory of all routes on the Forest. It was expressed at that time and the draft plan reaffirms, that this inventory process was not at that time, and is not likely to be complete before the implementation of this planning effort either. I was glad to see that an Adaptive Management Process was included in the draft plan. This process needs to be as flexible as possible so that "hard" decisions about routes are not made while additional or mitigating information may be available later. The plan presented does not appear flexible enough to handle this type of need. I would hope that it could be streamlines and simplified before the final plan is adopted. It is likely that additional route corrections will need to be made and the process for doing so needs to be simplified.

(Ltr 279, Cmt 4,)

Comment It would be of benefit to include the future possibility to connect or re-route routes in the alternative. It is not possible to anticipate every eventuality and providing for this would be beneficial also.

(Ltr 279, Cmt 7,)

Comment EPA commends the Fishlake Forest Service for its efforts to address the immediate need to manage motorized cross-country travel on federal lands. However, the DEIS lacks specific analysis of the direct, indirect and cumulative impacts of this proposed plan. Under the current open travel policy, Fishlake National Forest has no way to ensure that the travel management plan fits with its Forest Plan goals, applicable federal directives such as Executive Orders, and the Forest Service's own regulations. Without knowing where and how many OHV users are in the national forest, land managers lack the site-specific analysis necessary for maintaining sustainable ecosystems - including wetland and riparian areas, areas with fragile soils, and the undisturbed habitat required by

(Ltr 280, Cmt 3,)

Comment The DEIS indicates that an Adaptive Management Process will be used in the decision making process on this project. While the DEIS describes the Forest Service's implementation plan, it does not discuss how and with what resources the Forest Service will conduct the essential monitoring to ensure the project is meeting objectives and mitigating impacts as predicted. An effective adaptive management plan would include:1) a decision tree to guide future decisions;2) specific decision thresholds for each impacted resource;3) a monitoring plan with protocols adequate to assess whether thresholds are being met;4) a firm commitment of resources for the required monitoring.

(Ltr 280, Cmt 16,)

Comment TRIGGERS FOR POST-ROD SITE-SPECIFIC ROUTE DECISIONS

1. The Management Challenge * ORV use by its nature is difficult to control, because ORV users can access remote areas fairly rapidly.* ORV use must not cause natural heritage losses to other users of the Forest or the nation.* The Forest does not have adequate ORV enforcement capability (resources or staff) to discourage, detect & detain those who violate designated routes policy.* ORV users know that the Forest does not have adequate enforcement capability* Utah courts do not fine ORV infractions heavily enough to serve as a deterrent.* A minority of ORV users can wreak serious, costly, & sometimes permanent damage through off-route use & other illegal activities. The non-ORV-using public wholly bears these losses & costs.* If ORV users know that a route designated in the Plan can be closed if its use results in obvious natural resource damage or if user-created routes are developed off it, they will be far more likely to stay on route & use the route appropriately.* In part because of insufficient staff, Fishlake route designations are being made in the absence of intensive route-by-route analysis by the Forest, & thus some routes may exhibit unanticipated resource damage or impacts to species of concern after designation.* If the FEIS tells ORV users that a route designated in the Plan can later be closed because of previously underestimated natural resource damage caused by the route, or previously poorly-understood impacts on native wildlife, plants, or ecosystem functioning, they will be less likely to cry foul, complaining that the route is designated, & so must remain open.

(Ltr 291, Cmt 2,)

Comment 2. Proposed FEIS/ROD language for effective protection of the Forest from unforeseen ORV route & use damage

The public is encouraged to help prevent ORV route or user damage*The Forest will publicize opportunities to monitor and report damage to natural resources caused by ORV routes and/or inappropriate ORV activities on the Forest *The Forest will provide a mechanism with guidelines for accurately reporting resource damage caused by ORV routes or use.*The Forest will provide a response to individuals who submit independent reports of ORV route or user resource damage or

(Ltr 291, Cmt 8,)

Public Concern Order

Public Concern ID 4500

Specialist Assigned DD

Public Concern *Several comments reflected on the need for and benefits from obliterating unneeded roads and motorized trails. Suggested benefits included restoration of ecosystem functionality, improved closure effectiveness, and creation of employment opportunities.*

Response *Site conditions are somewhat different on the Fishlake Forest than the locations referenced in the literature submitted by the public. However, the forest agrees with the need for and potential effectiveness of route obliteration to improve travel plan adherence and to reduce resource impacts. Proposed road and motorized trail obliteration ranges from 0 miles for Alternative 1 to roughly 1,174 miles in Alternative 4. The final preferred alternative would result in the obliteration of 738 miles of motorized routes.*

The forest conducted a forest-wide stream crossing inventory on motorized routes in the summer of 2006 to assess aquatic organism passage and to supplement existing data.

Comment Should the agency consider these essential but currently missing factors in their analysis, they would find good reason to follow their own advice regarding aquatic restoration: "Encroaching and riparian routes should be obliterated when excess to long-term transportation needs, or if the route cannot be redesigned to prevent undue resource damages" (p. 167).

(Ltr 278, Cmt 136,)

Comment IMPLEMENTATION PLAN (Appendix B): ROUTE OBLITERATION

The Forest should be commended for the commitment it makes to obliterate unclassified motorized routes. Keeping this commitment is essential to the success of permanent closures. A 2004 report conducted on behalf of Montana organization Swan View Coalition and others (and provided to the Fishlake NF Planning Team by the Three Forests Coalition during 2004) demonstrates the ineffectiveness of closure devices instead of route obliteration. In a press release of the study issued on February 15, 2005, the conservation groups report: Kalispell, MT - Local conservation groups today released a report finding less than half of Forest road closure devices in the Swan Valley are actually stopping motorized vehicles in order to secure wildlife habitat. The report finds gates the least effective road closure device, followed by permanent physical barriers such as earthen berms and boulders. Roads closed by removing culverts and by re-vegetating the road were 100% effective. The survey was conducted in the Swan Valley in 2004 and assessed the effectiveness of 256 road closures on-site. The survey found 52% of these road closures had tracks of motorized vehicles either driving over or around permanent closure devices or through gates left unlocked. Another 10% of the closures were locked gates that nonetheless had tracks of motorized vehicles passing through them, indicating either recent administrative use or trespass by unauthorized persons with gate keys. Conversely, only 38% of the road closures were found to be effective at eliminating public motorized trespass and reducing administrative use to near zero The report found culvert removal and/or re-vegetation of the road by trees and brush to be 100% effective. Permanent barriers, such as earthen berms or boulders, were 43% effective. Gates were only 29% effective.

(Ltr 278, Cmt 141,)

Comment The Forest should be commended on aspects of its implementation plan that call for riparian route obliteration (p. 167) as well as an inventory of "route crossings that create barriers to migration of aquatic organisms and small mammals" (p. 169-70). However, the Forest fails to commit to act on this inventory. Further the Forest calls for only partial restoration of stream crossings, allowing for off-road vehicles to continue to pass directly through streambeds, eroding banks and increasing sedimentation of fish spawning and other aquatic species habitat (p. 167-68). Instead, in its Implementation Plan the Forest should commit to installing culverts bridges, culverts and drainage devices wherever they are unable to reroute a motorized route so that it does not cross a stream in the first place.

(Ltr 278, Cmt 142,)

Comment THE FOREST SHOULD CLOSE AND OBLITERATE ALL UNNECESSARY ROADS

The agency has several options when it comes to streamlining the travel system by closing travel ways. Closures can range from access restriction such as gates, to culvert removal and the installation of waterbars, to complete removal/ obliteration of the travel way incorporating culvert removal with re-contouring the slope back to natural conditions. Complete obliteration is the best option for both ecological and fiscal reasons.

(Ltr 278, Cmt 144,)

Comment From an ecological perspective, road obliteration reduces sedimentation to streams, disperses concentrated water back into the ground, reduces habitat fragmentation, reduces the continued spread of invasive weeds, restores connectivity and restores the amount of arable land for vegetation/habitat.

(Ltr 278, Cmt 145,)

Comment Economically, road removal saves money by reducing maintenance costs and reducing the costs associated with mitigating the impact of roads. Road removal also requires the use of heavy machinery, thus increasing the number of high-skill, high-wage jobs in a community. According to "Investing in Communities, Investing in the Land: A Summary Report" by Wildlands CPR, a comprehensive national road removal program on Forest Service lands could provide more than 3,000 jobs economy-wide (see <http://www.wildlandscpr.org/resource/library/reports/Economic%20Report/EcoSummaryIndex.htm>). Not only does road removal save money, it also provides jobs and an investment opportunity for small and large communities alike. Although complete obliteration is initially more costly than road closures or partial road removal, in the long-term, it often is less expensive than keeping the road on the system and gating it. If ecological benefits and costs are added into the equation, complete obliteration can be very cost-effective.

(Ltr 278, Cmt 146,)

Comment Complete obliteration involves ripping the roadbed from two to two and a half feet deep, removing stream crossings, restoring hydrologic flow, and moving the discarded road fill (the bottom of which is the original topsoil layer) into the road cut or other stable position. Partial obliteration, which generally involves partial ripping, installation of water bars, and/or partial out-sloping, may not fully restore the land and watershed, but it is also a good approach. Road closure alone is much less effective, and may result in increased erosion, as maintenance priorities are often neglected on closed roads. In

addition, road closure devices are easily vandalized and bypassed by motorized vehicles. Numerous studies have documented their high failure rates.

(Ltr 278, Cmt 147,)

Comment IMPLEMENTATION PLAN (Appendix B): DIRECTION ON ROAD OBLITERATION

The Forest should close and obliterate unused administrative and Forest management roads. According to the Forest Service Manual 7703.1, the agency is required to: "Reestablish vegetative cover on any unnecessary roadway or area disturbed by road construction on National Forest System lands within 10 years after the termination of the activity that required its use and construction." Most timber sale project analyses do not consider the eventual impacts of continued use of these roads by motorized recreationists. This use can be significant and such former timber/mining/grazing roads provide a main mechanism for the spread of renegade routes. The plan must consider aggressive obliteration of these roads when the specific projects for which they were constructed are completed. Such planning should also be factored into whatever project plans lead to the development of the road in the first place.

(Ltr 278, Cmt 148,)

Comment Mitigation and revegetation of disturbed sites and routes that will be declassified should be included.

(Ltr 280, Cmt 14,)

Public Concern Order **Public Concern ID 4600** **Specialist Assigned DD**

Public Concern *Some respondents favored an "open unless posted closed" policy while other preferred a "closed unless posted open" philosophy.*

Response *The new travel management rules makes both points of view moot. Under 36 CFR 212.5 and 36 CFR 261.13 routes and open use areas are to be designated and made available to the public on a motor vehicle use map. After this designation occurs "it is prohibited to possess or operate a motor vehicle on National Forest System lands in that administrative unit or Ranger District other than in accordance with those designations...".*

Under this system, the motor vehicle use map is the means by which legal travel is authorized. Signing will be used to inform users and help improve compliance, but the motor use vehicle map will be what is used in court.

Comment COMMENTS ON PROPOSED POLICIES:

The Dixie and Fishlake Draft Management Packages currently do not contain language governing general mountain bicycling policy. Though mountain bike restrictions are not presently a concern on the forests, IMBA requests adopting a formal "open-unless-closed" trail policy for mountain bikes. This request stems from the following concerns: 1) Protecting natural resources 2) Maintaining adequate recreational opportunities for non-motorized trail users. 3) Continuing equitable rules for user groups with comparable impacts 4) Maintaining district rangers' ability to adaptively manage resources case-by-case based on actual conditions.

(Ltr 225, Cmt 5,)

Comment Some mountain bikers, like many hikers and equestrians, have an adventurous spirit and enjoy traveling "off the beaten path." This is a natural instinct for humans and the Forest Service should recognize it as a good value. For this reason, abandoned roads and other travel ways are an important part of the recreational experience. By the same token, IMBA accepts a restriction on cross-country travel. Bicyclists want to ride on trails, not cross-country. But please understand the difference between use-designated trails (hiking, biking, shared-use) and designated system trails. An "open-unless-closed" policy should apply to designated system trails and undesignated travel-ways. The opposite of our recommendation, a "closed unless open" policy, is unnecessarily restrictive, difficult for trail users to understand, difficult to enforce without significant additional resources, and does not adequately address the related issue of unplanned new routes that the Forest Service is probably concerned about. Such a policy also does not directly address the problem of unauthorized

trails, nor does it provide adequate resources to enforce rules, existing or proposed, relating to unauthorized trails. The most effective way to address the issue of unplanned routes is the existing national regulation prohibiting unauthorized trail building. A "closed unless open" addresses only a portion of the people who are contributing to the problem, addresses it indirectly, and would be difficult to enforce. Additionally, IMBA can assist with trail user outreach and education.

(Ltr 225, Cmt 7,)

Comment Thank you for allowing me to comment on the proposed Fishlake National Forest (FNF) Off-Highway Vehicle Route Designation Project. It is with sincere appreciation of you and your team's efforts in tackling such a profound issue. OHV travel in the forest as you are aware is a divisive issue and can be expected to evoke extreme emotions on both sides. I hope as always the Fishlake National Forest personnel have taken their responsibilities for resource protection as the number one priority in developing this project. Although, I'm not familiar with your forest I'm actively participating with northern Utah's Wasatch-Cache National Forest concerning OHV issues. It is through these observations that I have based my comments. With that said, the first issue I would like to address is the decision not to adopt a policy that mirrors the Utah law "closed unless posted open." Your justification that it is problematic because of potential sign manipulation and expense are not supported in your documentation. I would ask that you provide factual documentation in the FEIS stating the number of illegal sign manipulations that have occurred in the FNF and other regional forests. I would speculate that once you've crunched the numbers there are more sign manipulations opening closed routes than manipulations closing them. These numbers would nullify your justification and allow you to include signing with the "closed unless posted open" policy.

(Ltr 276, Cmt 1,)

Comment Page 38 of the FEIS says that, "The current travel plan responds to those who desire and "open unless signed or mapped closed" policy. The "current" 1997 Forest Recreation Map uses the following designations" The travel plan that is in the Forest Plan as amended identifies many areas both in the appendix P Travel Plan map and corresponding direction in the plan identifies many areas across the forest as closed or restricted to motorized travel without indicating it is in response to a "open unless signed or mapped closed policy." Perhaps more important here, is that the DEIS uses the 1997 travel map as the no action alternative when that would in reality be an action alternative due to subsequent amendments to the 1997 travel map.

(Ltr 278, Cmt 163,)

Public Concern Order **Public Concern ID 4700** **Specialist Assigned DD**

Public Concern *One respondent questioned the need for some of the seasonal closures since they are not accessible by wheeled vehicles during the January 1 to April 15 closure period.*

Response *Upon further review, the districts and resource specialists agreed with the points made in this letter and made changes to the proposed seasonal designations in Alternative 5, the final preferred alternative.*

Comment #14. I noticed a seasonally closed route near Monkey Flat just south of Monroe Peak. As I understand it, your seasonal restriction is from January 1st through April 15th. There is no doubt in my mind that this route will be under many feet of snow on April 15th probably 99 years out of 100. The area is well above 9,000 feet and the snow just doesn't leave early. There are a number of similar situations across the forest. Maybe another look at all the seasonal closures to make sure

(Ltr 277, Cmt 17,)

Comment #18. Just like in number 14 above, you have several seasonal closures along the Hancock Flat Road and on routes near the top of the Fishlake High Top. Most of these routes are well above 9,000 and will have snow on them till well past the 15th of April. So why put them in a seasonal restriction?

(Ltr 277, Cmt 21,)

Public Concern Order **Public Concern ID 5101** **Specialist Assigned DD**

Public Concern *Many viewpoints were expressed about the types of recreational opportunities that should be provided by the Fishlake National Forest. Opinions vary greatly as to what*

is the appropriate balance to strike between motorized use, non-motorized use, and environmental protection.

Some respondents suggested that motor vehicle use should be allowed only when it can be clearly proven to be harmless to the environment. Others suggested that motor vehicle use should be restricted only when it can be clearly proven to be harmful to the environment.

Response *It is important to note up front that "designation of a road, trail, or area for motor vehicle use does not establish that use as dominant or exclusive of other uses of that road, trail, or area." (travel rule response to comments).*

The Forest evaluated the travel plan route-by-route and as a system in terms of the opportunities being provided. There is no way to meet all needs and expectations. The Forest did give all specific comments due consideration as reflected in the modifications to the initial proposed actions and in site-specific responses to comments later in this document. It is important to note that some of the areas referenced by motorized users as existing motorized opportunities that they currently enjoy cannot be legally used under the current travel plan.

Many motorized users also equate closing routes as equal to losing access to National Forests. This assertion is not correct for at least a couple of reasons. The first reason is that all of the Forest will remain open to foot and horse travel regardless of how routes and areas are designated. Secondly, there are many routes on the forest that provide duplicate/redundant access. As shown in the numbers from concern #2601 more than 60 percent of the Fishlake Forest is within 1/2 mile of a motorized route even for the most restrictive alternative.

As stated on pages 13 to 14 of the travel rule federal register notice, "The Department disagrees that motor vehicle use should be allowed only when it can be clearly proven to be harmless to the environment, and that motor vehicle use should be restricted only when it can be clearly proven to be harmful to the environment. Rather, designation decisions will be made in accordance with the criteria in § 212.55 of the final rule." The criteria from § 212.55 were considered in the Fishlake route and area designation process.

The primary intent of the route and area designation for this project is to close the forest to unrestricted motorized cross-country travel. As such, the primary concern for route designation was to determine where motorized and non-motorized use will be allowed. Out of necessity, motorized designations are defined in greater detail because of the need to show where mixed use is and is not desirable. However, for the most part no further distinctions are made. Similarly, non-motorized route designations do not separate uses such as mountain biking from horse and foot travel.

That level of refinement to the designations is not needed at this time, but could be done in the future as warranted by use or resource conditions.

Comment *IMBA recognizes and appreciates that the Forest Service has identified bicycling as an important activity in the Dixie and Fishlake National Forests. Mountain biking in many areas of the forests, including areas near Elk Meadows, Red Canyon and Brian Head, is established and continues to grow in popularity in both forests due to the beautiful scenery, abundance of single-track trails, and proximity to major travel routes that attract weekend travelers. This area is already an important resource for mountain bikers and will only grow in the coming years. IMBA staffers have mountain biked both forests on numerous occasions, both passing through on I-70 and for weekend and*

(Ltr 225, Cmt 1,)

Comment IMBA requests that the Dixie Management Plan consistently refer mountain biking as such and not "mechanized" travel. (We disapprove of the tendency to call bicycling "mechanized" because the term's definition is unclear in the Code of Federal Regulations). As a muscle-powered activity, mountain biking is best categorized as "non-motorized" (as it is in the description of uses for Backcountry Areas). Regarding a comment in Section 2-6 (Dixie DMP), we would like to clarify that most mountain bikers find primitive and semi-primitive settings provide the most enjoyable riding experiences. Mountain bikers, like hikers, equestrians and other non-motorized users, value a pristine

(Ltr 225, Cmt 2,)

Comment The body of empirical science that has investigated mountain biking has strongly indicated that bicycling causes about the same amount of damage to trails, about the same amount of vegetative trampling, and about the same amount of wildlife impacts as hiking. Science also indicates that horses probably do more damage to trails than bicycling. Hikers are more numerous than cyclists and have a strong tendency to travel cross-country. IF bicycling and hiking have the same natural resource impacts, and the Forest Service allows hikers to travel on all trails in the forests, then

(Ltr 225, Cmt 6,)

Comment TRAILS COMPATIBLE WITH MOUNTAIN BIKING:

IMBA supports shared-use trails, but wider trails suitable for OHVs do not provide the experience sought by most mountain bikers. While wider routes can sometimes provide positive terrain for beginning riders or families, OHV routes suitable for these riders are often difficult to find because OHV routes tend to have deeper ruts and loose rocks, creation trail conditions incompatible with enjoyable mountain biking. Some OHV trails in the Dixie and Fishlake forests exhibit grades too steep even for advanced mountain bikers. Families, beginners and even intermediate riders require trails with gentle slopes and generally smoother surfaces. In addition to the poor riding conditions OHV routes commonly offer, mountain bikers, like other non-motorized users, greatly prefer recreation settings free of the speed, noise and exhaust that accompany OHVs.

(Ltr 225, Cmt 8,)

Comment IMBA worries that closing additional areas to bicycles could lead to a general deterioration in land manager-bicyclist relationships and a drop in mountain bike visitors. Trail closures create confusion, user conflict, and often backlash from the public. These feelings result in unauthorized trail construction, environmental impacts, and erosion of the public-private partnership. That can lead to a decrease in bicycle tourism in the communities surrounding the forest, which would affect the communities' relationships with the Forest Service. We believe that an area-by-area, site-specific approach will generate the public support that is necessary for effective recreation management.

(Ltr 225, Cmt 11,)

Comment But a needed key to this process is recognition that bicycling is not especially or particularly damaging to natural resources compared to other users. If there is a need to restrict bicycling more than hiking it stems only from social issues. Some hikers wish to have hiking-only areas, and that may be appropriate in certain instances, but many national forests and other areas have implemented successful mountain bike or shared-use trail systems with great success.

(Ltr 225, Cmt 13,)

Comment I feel off road vehicle riders are entitled to ride their units on federal lands. I am glad to see the Fishlake National Forest make these provision.

(Ltr 226, Cmt 1,)

Comment I would hope that those implementing this project does not bend over backwards to favor the environmental groups and their radical ideas but render their decision favoring no one but acting on what is the best for all to use and enjoy, yet leaving it intact for future generations to use and enjoy.

(Ltr 226, Cmt 5,)

Comment Any trails that are proposed to be closed by environmental groups, I will volunteer my time and means to keep it open.

(Ltr 230, Cmt 1,)

Comment Responsible ATV trail access should be promoted where travel doesn't impact topography.

(Ltr 231, Cmt 1,)

Comment I have had an opportunity to look at the proposed trail proposals and I am very concerned at your proposals of closing many of the trails especially the trails on the Piute trail and the Fishlake area trails. I have been riding those trails for many years. I am 61 years old and I am unable to walk those trails or access them by horseback.

(Ltr 232, Cmt 1,)

Comment Would like OHV access to the following places: Mud Lake near Kane Canyon to Copes Basin; Twitchell Canyon and Indian Creek. Access to Upper Ledge Road at Elk Meadows from Kays Meadow. If Indian Creek could be open then the trail connecting the North Fork of North Creek to Indian Creek to be open.

(Ltr 239, Cmt 1,)

Comment I am an OHV enthusiast and over the years have lost most of my favorite trails and destinations because of trail or road closures to motorized vehicles. Some old roads have reopened for trails. But over all I feel very frustrated that the sincere enjoyment I've had from exploring on OHVs and spending time in the outdoors with family, friends or by myself on OHVs is being taken away piece by piece.

(Ltr 243, Cmt 1,)

Comment Now some may feel that other interest groups such as hikers and horseman have lost what they have because of motorized OHV. But this is not true, they have only had to share! They are not locked out and they are not even limited in where they can go. They have nothing to stop them, they don't have to stay on the trails they can go anywhere they are capable of going. If they were limited or locked out of the best areas or their favorite areas, only then could they feel what I feel.

(Ltr 243, Cmt 2,)

Comment Please don't take away any more existing roads or trails to OHV use. And I'm not asking you to restrict other groups from certain areas that they make my experiences less than perfect. I'm willing to share. They are complaining about not having perfect experiences they are trying to obtain everything they want. They have plenty of areas to get away from OHVs they don't even have to stay on trails there is so much land on the Fishlake that has no OHVs. Some of the areas we have lost over the years is Blue Lake trail South Fork of North Creek Trail, Bozeman Ridge Trail, Shelly Baldy Creek Trail, Duncan Creek Trail, Circleville Mountain Road. Numerous mining roads; Bullion Canyon, Skyline Trail, road between Lake Peak and Kelly to South Fork of Bullion road and trail all of the best destinations and areas. Now that is what feels limiting. If other groups lost the access to these same places then they would feel like us. Impact and noise is some complaints about OHV well, if they would stay on the trails, the trail can be cleaned and worked the same as impact from horse hooves and the smells they leave from manure or the trash around campsites or where the horses are tied up. They ruin nice spots to picnic or camp.

(Ltr 243, Cmt 4,)

Comment All groups have many complaints about the others and it's natural to want an area for yourself but we have to give and take and understand that we are all common in that we enjoy the mountains and all good things about the outdoors. Yes we have to put up with each other and that's not a perfect situation but its better than any of the groups being restricted so much that we take the opportunity away from any of them.

(Ltr 243, Cmt 5,)

Comment OHVs are being enjoyed by people of all ages lots of elderly are enjoying areas that they would not be able to otherwise, handicaps as well. People without land and pastures for horses, people without the ability or time to go on long hikes to special areas are being able to enjoy what we all love to see and feel. Most of the closures I mentioned above (Some of the areas we have lost over the years is Blue Lake trail South Fork of North Creek Trail, Bozeman Ridge Trail, Shelly Baldy Creek Trail, Duncan Creek Trail, Circleville Mountain Road. Numerous mining roads; Bullion Canyon, Skyline Trail, road between Lake Peak and Kelly to South Fork of Bullion road and trail all of the best destinations and areas.) will probably stay that way and it hurts deeply to have lost being able to experience them. I still hike into them but its not the same and its hard for kids and parents to reach these places and those are the ones you want to share it with. I'm not saying the trails have to be perfect condition and safe - some need to be rough and challenging to test your ability just like hiking or on a horse only being limited by your ability is ok. The Forest Service should not have to worry about everything or possible danger in the forest not even on the roads & trails. The Forest Service should only be responsible for making sure everyone gets to visit and experience the forest not always perfect experience but the chance to experience it.

(Ltr 243, Cmt 6,)

Comment OHVs are important to many people, and its going to get bigger, because that's the way a great number of people want and like to spend time in the mountains. So I'm asking for you not to take away any more special areas that are left to experience by me or others to come. Better develop your systems. Keep open minds to future routes an accommodate and educate all groups to share and not focus on the negatives of each other but the positive of what the mountains and land has here for us. It's not to be kept from us it's for us.

(Ltr 243, Cmt 7,)

Comment By restricting cross country travel by OHVs that's enough, don't take away any roads or trails, not even old mining dead-end roads that's part of history and very exciting to see old mines, old cabins, etc. We like to have options, explore a little not be guided or led like sheep we all like our freedom and you can only lose so much before you fight for it. Each one of us is brought up in different cultures or raised to have certain beliefs of what's important. We must respect each other and quit taking away from mine. We can get a lot further being positive and trying to work together.

(Ltr 243, Cmt 8,)

Comment Possible fees may need to be imposed if money is the reason for trail closures. However, I think its mostly from other groups wanting perfectness and to have it all instead of sharing and respecting other groups rights to experience it as well as their own.

(Ltr 243, Cmt 10,)

Comment Some of the existing trails are great and we appreciate them. Some need additional routes to tie them in better but the importance at hand is to keep open all existing routes and trails such as Indian Creek, Twitchell Canyon, North Fork of North Creek connection to Indian Creek, Mud Lake near Copes Basin and Kane Canyon, the road up to the Swamps above Pine Creek and any other roads or trails that are being considered closed to OHVs.

(Ltr 243, Cmt 12,)

Comment My comments on the closing of any trails, old roads and campsites is 100% NO. We the people have been kicked out of more areas each year because someone else has the say on who and when it gets used. More & more people like myself feel that we're getting kicked off little by little on using "our" public lands which is not ours to use when we want or need to because someone sitting behind a desk someplace decides that for us.

(Ltr 249, Cmt 1,)

Comment We have more and more people in the world each day wanting to go out and use camp sights, fish, hunt, ATV rides and more and more are getting closed down each year because someone bigger has the power to tell everyone what they can and can't do with their lands which we the people are supposed to own that we don't have any say whether we can use it or not. I ride ATV many, many miles each year.

(Ltr 249, Cmt 2,)

Comment There are many areas that are already designate as wilderness area but, the groups that want most of these road closed will not be happy until all of Utah's ranges and beautiful area are closed. This is not right and, is not equal and fair to the people of this state.

(Ltr 251, Cmt 3,)

Comment Thank you for the opportunity to comment on your new proposed travel plan. It has obviously been a huge undertaking. Dale and Max, as well as yourself and others have been very helpful in explaining what you are trying to accomplish and in answering any questions we have had and in providing maps for us to study. Thank you. We have spent a considerable amount of time meeting as committees and talking with many forest users to try and gauge the reaction to the proposal. Please understand that this letter actually represents the general opinions of hundreds of our club members. One thing that you are surely aware of is how much effect you will have on a considerable number of people and the manor they use the forest. If one thing stands out in the responses that we have been getting it is the fear of not being able to access ones favorite places and continue to camp, picnic, hunt, etc. as people have done for generations. Family traditions are very important to the folks around here. With that said, we also realize that you have been entrusted by the public to manage the forest in a responsible manor and try to balance out any user conflicts.

(Ltr 253, Cmt 1,)

Comment When we were first presented the idea of being restricted to existing roads and trails, we were assured that most everything that was on the ground now, with the exception of problem areas like the short cuts up the 04 (some of which we helped obliterate by the way) and some trails that were causing resource damage would remain open. Imagine our surprise and displeasure when adding up the miles of proposed closures to motorized travel and coming up with approximately 384 miles!!! We realize that some of these trails were "illegal" routes according to your previous restrictions even though some are very old and well established routes, and that you have reclassified some routes as legal that weren't before. But what you need to remember is that the general public has been riding these routes for years without any repercussions from the forest service. Therefore, they (we) feel like we are losing something we had before. I will attempt to list some of the more controversial closures shortly. We agree with some of the closures - to protect resources - but it seems like you are closing hundreds of short spurs off the main trails and roads "just because". Many of these spurs go to picnic or camping sites or view areas and should be reconsidered and left open. I think if you look at these areas as potential for picnics or firewood gathering instead of a route that doesn't go anywhere, you may come up with a different opinion. What difference is it really going to make if those little spurs are open or closed? All you are going to do is make people mad if you close them.

(Ltr 253, Cmt 3,)

Comment One of your concerns when we met with you, was that there weren't many hiking trails in the forest system. Unless I'm not reading the maps correctly, it appears there are about 3 times as many non-motorized trails as motorized. I'm not including regular roads, but it surely looks like there are many trails one could hike or ride a horse on.

(Ltr 253, Cmt 4,)

Comment There are some of the routes that we have received the most concern over:

Most of the short spurs off the CCC road from Richfield. I have personally used several of them to drive up after work with my family and cook a steak or a hotdog. I'm not sure where we will be able to do that now. Many of them could be considered existing camp sites if they weren't slated for

(Ltr 253, Cmt 8,)

Comment There are some of the routes that we have received the most concern over:

Now for a Thank You. Thanks for allowing the north cottonwood rim trail as well as the trail that connects the south side of Fishlake to the Mytoge Road. Cabin owners in that area will really appreciate access into Fishlake.

(Ltr 253, Cmt 10,)

Comment We feel you need to revisit the maps with the following questions in mind:1) Do we really need to obliterate all of these spurs?2) Could these trails lead to possible picnic or camping sites?3) Are they important to hunters? You need to open some single track motorized trail.1) Camping needs to be re-evaluated.2) Traditional use is a very important aspect and should be given a very high priority when considering any changes.3) The specific trails listed in this letter and others are important to many people in our organization. Please don't disappoint us.4) We are against any closures without a very compelling reason.

(Ltr 253, Cmt 18,)

Comment Concerning the OHV alternatives. There should NOT be more restrictions on ATV and OHV travel, if anything more trails and roads should be opened up to them. Utah is becoming known for its wonderful ATV trails and more and more people are coming here to ride them. They bring in outside money that helps our economy.

(Ltr 256, Cmt 1,)

Comment We have to pay over \$70 to license one ATV, and not very much of that goes to maintain OHV and ATV trails when most of it should be used for that purpose. How come over a million dollars is spent to smooth out and pave a five mile walking and bicycle trail that very few people will use and none of them will help pay for? They don't have to buy licenses.

(Ltr 256, Cmt 2,)

Comment What is the matter with everyone using and sharing the same trails and roads? Hikers (the real hikers, not the pansies that have to have paved trails) and horses don't have to stay on the trails; they can go cross-country whenever they want to. If they want solitude and quiet, they can go to the wilderness areas that are so plentiful. We have ridden our ATV on a lot of the trails in the Fish Lake, Dixie and Manti-LaSal National Forests, we have been a few horse riders, very few hikers, mostly

Boy Scouts, and very seldom a bicycle, what we see a lot of is ATVs and OHVs. (The ones that pay for everything in one-way or another). Motorized vehicles do not frighten the wildlife, they trot a few hundred feet off the trail and stand and watch us go by. They only feel threatened if someone stops
(Ltr 256, Cmt 3,)

Comment The US Forest Service and the BLM are supposed to be managing the forests FOR the PEOPLE not from the people. Why are the green groups and the tree huggers being catered to? Especially the ones that don't go in the mountains or don't even live here. If they had their way the whole country would be closed up and made into wilderness areas that only they could use or nobody could use. If the resources can't be used and the forests can't be enjoyed they might as well go up in smoke and they probably will with all of the "controlled burns" that get out of control and the forest fires that can't be put out until they threaten buildings. There are already way too many wilderness areas and wilderness study areas, and absolutely NO MORE should be made. There are enough State Parks, National Parks and National Monuments that the formation have to become a State or National park and every camping spot a fee area? It's getting so only the rich can do anything and that is
(Ltr 256, Cmt 5,)

Comment I would like to say that I am in favor of the road closures for OHV's. I live in Marysville where we have heavy OHV traffic. They will still have plenty of trails to ride even with this closure, since they make so many trails of their own! It is sad to see the 'user made' trails that scar a once beautiful landscape. It has gotten difficult to find quiet forest areas where one can enjoy the outdoors without the noise and dust of ATV's. Maybe these closures will help.
(Ltr 259, Cmt 1,)

Comment What was once Public ground, now has the hired Caretaker telling us what we can do and where we can go. To take away access from the Local people who use the Forest the most and save it so some Celebrity can walk it if they ever come to this State is inconceivable. For the most part, the Locals love these Mountains more than those you would save it for, and do not desire to destroy it, only use it as we have in the past. Shame on the Forest Supervisor who would require their employees to designate and recommend a certain amount of closure on our Public Grounds.
(Ltr 260, Cmt 3,)

Comment I have been riding down on the Dixie. The trails that we rode earlier have been closed. now all you have is a straight road through the Dixie Forest. Is that what you are going to do to us? We don't need to close areas to make it wilderness. We need to keep areas open.
(Ltr 261, Cmt 4,)

Comment I hear Forest Service personal tell people that we are only loosing 384 miles. Why do we have to give SUWA and their extremes anything?
(Ltr 261, Cmt 6,)

Comment The closing and enforcing of many of the pioneered ATV routes would be a giant step forward in resource protection and preservation of the recreation opportunities available in the forest. Restricting access for motorized vehicles up the canyons and ridges on Pahvant Mountain is highly important to wildlife habitat preservation and to preserve the natural outdoor experience that is expected in the forest.
(Ltr 274, Cmt 1,)

Comment The plan still leaves an over abundance of motorized access. It would be a major benefit to preserve a few areas better such as the Moroni peak area north of Sheep Valley Reservoir, and both the south end and north ends of Pahvant Mountain.
(Ltr 274, Cmt 2,)

Comment The summary of the DEIS states that "the desired result from this project is to provide ample motorized recreational opportunities that minimize the potential for user conflicts and resource impacts, and to create a system that can be maintained over time with the resources available to the Forest" (p. 1). This desired result would meet the requirements of Executive Order 11644 with the exception that the Nixon presidential order does not require the agency "provide ample motorized recreational opportunities." However, the proposed plan for achieving the desired result is based on insufficient analysis and faulty assumptions.
(Ltr 278, Cmt 80,)

Comment In the purpose and need, the Fishlake National Forest rightly recognizes the ecological and social threats posed by unmanaged off-road vehicle use. However, its response of proposing designation of an extensive and dispersed route system invites ever-expanding damage and conflicts caused by a minority of users and at the expense of a majority of users and the ecological values and services that would otherwise flourish. After full consideration of sideboards for designations which depend on the ecological capacity of the land to withstand off-road vehicle use, the Forest should plan to scale back the off-road vehicle system in order to better serve the majority of visitors to the Fishlake.

(Ltr 278, Cmt 83,)

Comment According to the Forest Service's National Visitor Use Monitoring Program found at www.fs.fed.us/recreation/programs/nvum, the Fishlake reported in August 2003 that only 11.5% of visitors primarily came to the Forest to ride their off-road vehicles, while 25.8% participated in that activity (Table 13. Fishlake NF activity participation and primary activity). The 31.5% of visitors who participated in "driving for pleasure on roads" designed for standard passenger vehicles are not participating in off-road vehicle use. In contrast to the relative minority of folks visiting the Fishlake to ride off-road vehicles, hunting and fishing were recognized as the leading primary activities on the Forest at 21.6% and 35.5%, respectively. Both activities rely on clean water and large blocks of native habitat, which are best maintained in unroaded areas where sediments do not load streams due to run-off from motorized routes and riparian habitat is not fragmented. Quality hunting relies on natural quiet, wildlife that is not harassed from the area; and upland habitat that is not fragmented.

(Ltr 278, Cmt 84,)

Comment 9 Therefore, both of these primary activities visitors pursue when visiting the Forest are threatened by the proposed expansive and dispersed off-road vehicle route system⁹ See, e.g., Trout Unlimited. 2004. Where the Wildlands Are: The Importance of Roadless Areas to Idaho's Fish, Wildlife, Hunting, and Angling. In Idaho, 68 percent of current bull trout habitat is found in roadless areas; 88 percent of the land in hunt units that yielded more than 90 percent branch bulls is roadless; 94 percent of the land in hunt units yielding both 70 percent bucks and 40 percent 4+ point bucks is roadless; 58 percent of current westslope habitat is found in roadless areas. However, just 16 percent of current westslope populations are considered "strong". 83 percent of these "strong" populations are found in roadless areas.; (74 percent of current chinook habitat is found in roadless areas.; (94 percent of 303dsediment-impaired streams are located outside roadless areas.) Available at www.tu.org

(Ltr 278, Cmt 85,)

Comment Thank you for the opportunity to comment on the Draft Environmental Impact Statement for the Fishlake National Forest Off-Highway Vehicle Route Designation Project. I wish I were more personally knowledgeable of the OHV routes on the Fishlake National Forest but must make more general comments. The comments that I offer are from the perspective of a participant in the Dixie-Fishlake Forest Plan Revision OHV suitability Topical Working Group (TwiG) during 2003 and 2004, a member of the State OHV Advisory Council representing off-highway motorcycles, and as an enthusiast for the types of opportunities that motorized recreation provides. I wish to thank you, Mary Erickson, Forest Supervisor, and the staff that have worked on this project. Having seen several documents of this type, I would offer that it is done with a sense of balance and fairness. I did not feel that there was an overriding "agenda" to close many "existing" routes but to evaluate them within the framework of a greater forest travel network. Having said that, I would hope that the final plan would most carefully consider even the user-created and unclassified roads and trails for inclusion in the final plan where they can provide a benefit to the recreational forest user. Having motorized routes available to my family and I are of great importance. We enjoy the kinds of recreational opportunities they help provide including, sightseeing, primitive camping, exploring, adventure, and yes, solitude.

(Ltr 279, Cmt 1,)

Comment In its Proposed Rule for Designated Routes and Areas for Motor Vehicle Use, the Forest Service recognizes that "managing an appropriate balance between motor vehicle use and non-motorized recreational activities has become an important priority." 69 Federal Register 42383. The FEIS should provide information on current use and demand for non-motorized use of the forest, and should include strategies for balancing demand from competing users.

(Ltr 280, Cmt 20,)

Comment In closing we understand there are valid reasons to close some routes. We agree that certain routes are duplicated by another route nearby and other routes are user created and were never planned or properly constructed. But we also believe there needs to be very compelling reasons to close any route that has been in place for many years and has been traveled by hundreds of users.

(Ltr 294, Cmt 8,)

Comment I am writing this letter to let you know I am in opposition to any and all road closings on Fishlake

National Forest. I am 59 years old and have been on all or most of these proposed roads to be closed in my lifetime. I have lots of memories with my parents hunting and fishing in these areas. I have 5 sons whom have all enjoyed the public access on these roads you propose to close. I have a 16 year old son whom I take hunting and fishing and my grandsons also....When does it stop?? How will they enjoy what I have enjoyed in my 59 years on public land if people keep taking away access and freedom from everyone. I thought we were in America not the Soviet Union. It may not seem much to you or others but freedom and our rights seem to be taken away from all of us constantly and what you propose to do is just a sample.

(Ltr 295, Cmt 1,)

Comment I pay taxes and these are public lands to be used prudently by the public. The roads on the Pahvant range in the Burn Hollow area and above are roads that do not hurt the environment also the roads in the UM area hurt no one not even the environment if used properly.

(Ltr 295, Cmt 2,)

Public Concern Order

Public Concern ID 5102

Specialist Assigned DD

Public Concern *Some motorized users expressed their support of the Paiute and Great Western Trail systems on the Fishlake National Forest.*

Response *The forest understands the importance of the Paiute and Great Western trail systems to motorized users and is please for the support it receives. Many more letters of support were included received during the initial public scoping done for the proposed action. However, the forest is aware of management challenges presented by these trail systems and continually works to reduce associated resource impacts while improving the recreation opportunity provided.*

Comment After riding and experiencing the Paiute ATV trail in the Richfield and Fillmore area for the last twelve years, I find some individuals and groups are trying to close all or part of the OHV routes is ridiculous. I find keeping the existing ATV trails and construct new ones should be the direction the Forest Service should go. Hopefully all the people who use these trails stick together and fight to keep these trails open.

(Ltr 244, Cmt 1,)

Comment I firmly believe their needs to be a network of motorized routes that provide loops and access to key sites on the forest. I believe that providing a quality place to ride, including miles of open route and loop-riding opportunities is the best way to manage motorized recreation. The Fishlake has long been recognized for the Paiute and Great Western Trail systems. It is my hope and desire that these systems be retained and the riding opportunity they provide will be preserved for my grandchildren and theirs. The remained of my comments will be focused on specific places and routes that are of interest to me. I will number them so they can be referenced.

(Ltr 277, Cmt 2,)

Comment Please accept this letter as my comments to the Fishlake's Route Designation process and EIS. I know these comments are late, I do hope you will consider them before you make your final decision. The Paiute and Great Western Trail System is one of the best in the United States and feel you (Fishlake National Forest) has done an excellent job in providing this great opportunity to those who enjoy motorized recreation and those who use motorized equipment to get to the areas they like to use for a different type of recreation.

(Ltr 281, Cmt 1,)

Comment Please accept this letter as my comments to the Fishlake's Route Designation process and ETS. I believe that the Paiute and Great Western Trail System is one of the best in the United States and feel you (Fishlake National Forest) has done an excellent job in providing this great opportunity to those who enjoy motorized recreation and those who use motorized equipment to get to the areas they like to use for a different type of recreation.

(Ltr 282, Cmt 1,)

Comment Please accept this letter as my comments to the Fishlake's Route Designation process and EIS. I know these comments are late, I do hope you will consider them before you make your final decision.

The Paiute and Great Western Trail System is one of the best in the United States and I feel you (Fishlake National Forest) have done an excellent job in providing this great opportunity to those who enjoy motorized recreation and those who use motorized equipment to get to the areas they like to use for a different type of recreation.

(Ltr 283, Cmt 1,)

Public Concern Order

Public Concern ID 5104

Specialist Assigned DD

Public Concern *Fillmore residents in particular expressed the desire for more loop routes on the west side of the Pahvant range.*

Response *The District provided additional loop routes when it could be done without impacting resource protection needs. However, the primary reason that side of the mountain has fewer loop routes than the rest of the Forest is related to the steep canyon topography that dominates the Pahvants.*

The loop routes suggested by the public in this list are currently non-motorized trails through premium wildlife habitat. The routes would require major construction in places to make them safe for motorized use. The district left these routes as non-motorized to protect the wildlife habitat and to provide non-motorized recreation opportunities.

Comment Ted's biggest comment related to the need for more loops suggestion; 1) Coffee Peak (TR1292); 2) Teeples Canyon (TR-006; and 3) Leavitts Creek loops (TR-037 & TR-038).

(Ltr 228, Cmt 1,)

Comment Loop to connect Coffee Peak to Wide Canyon.

(Ltr 229, Cmt 2,)

Comment Loop to connect Pioneer/Teeples to the top of the mountain.

(Ltr 229, Cmt 3,)

Comment Loop to connect Walker Canyon to Sunrise Peak.

(Ltr 229, Cmt 4,)

Public Concern Order

Public Concern ID 5105

Specialist Assigned DD

Public Concern *The proposed closing of the Forest to motorized cross-country has mild to strong support among motorized and non-motorized users and from preservation groups. However, there are differing opinions as to where and how much open use area should be designated and where exemptions should be allowed. There is concern by some respondents that the Forest will not be able to keep motorized users on designated routes.*

Response *Local support for ending unrestricted motorized cross-country is mirrored nationally in the comments received for the travel management rule.*

Ideally, the forest would not have any designated open use areas. The designation of limited open use areas resulted from long standing cross-country travel on unrestricted lands where National Forest System lands are the most proximate to the adjacent communities of Richfield and Torrey UT. The areas designated recognize the high levels of existing use and historic demand for this type of recreational

opportunity and the low potential for adverse resource impacts. BLM lands are used in a similar manner where BLM is the closest public lands to adjacent communities. The BLM is retaining open use areas next to these communities as part of their travel planning process.

The alternatives evaluated in the DEIS and FEIS range from over 910,000 acres of open use area to 0 acres. The final preferred alternative has 878 acres.

The Three Forest Coalition letter misrepresents the results of the "OHV uses and owner preferences" study. The study asked respondents about their last OHV outing. The reason that roughly 39 percent of the interviewed riders rode off route on their last outing is because roughly that many went to places like Little Sahara and the West desert that feature the opportunity to travel cross-country with OHVs. This explains why such a high percentage of people indicated a preference to travel off of routes rather than on them.

Comment I do not like to see where two wheel bikes or four wheel units leaves the established trail or road and tear up the tundra on meadows or mountain sides. That is still virgin terrain not ever having been disturbed by wagon or other vehicles. I strongly believe they must be required to stay on the designated routes. According to the Draft Environmental Impact Statements the Dixie National Forest is planning to do this. And provide the trails and roads for them to use. This is good, and I
(Ltr 226, Cmt 2,)

Comment Clearly the realistic choice is between Alternatives 3 and 4. While Alternative 4 may have very desirable features, I believe that the elimination of open OHV "play" areas will result in an unenforceable condition without the support of the OHV user community. While my own personal view would be to eliminate the "play" areas, a more realistic compromise with the OHV community will be necessary to have a successful travel plan.
(Ltr 227, Cmt 1,)

Comment The "Leave No Trace" philosophy is an important guide in these situations. "Leave No Trace" does not prohibit impacts, but rather seeks to localize significant impacts, but rather seeks to localize significant impacts while distributing incidental impacts. The same reasoning that calls for backpackers to stay on established trails (so as to keep significant impacts localized) and at the same time calls for groups or backpackers not to walk single file across an untrailed meadow (so as to not create a trail) applies to the subject of OHV play areas. OHV users are appropriately limited to staying on the trails established in Alternatives 2 through 4, but the prohibition of no "play" areas in Alternative 4 should not be imposed. The small "play" areas as proposed in Alternatives 2 or 3 are acceptable under the "Leave No Trace" philosophy and should be permitted in order to acknowledge this appropriate use for those who desire it
(Ltr 227, Cmt 2,)

Comment Sharing can be hard, have its nuisances and not make us completely happy but its better than nothing. I would feel that an OHV that stays on roads & trails and is limited by cross country travel is the only interest group that is actually limited, the others may be burdened but not restricted from areas. We all like to have our own special places to hike, explore, hunt etc., but the world is getting too many people for this to happen very often or very long. By limiting OHVs to roads & trails with no cross country travel on Forest Service land is limiting enough.
(Ltr 243, Cmt 3,)

Comment As I stated in our letter last year, a very important part of our organization is our slogan, "protecting the land and access to it". We enjoy riding our OHV's on the existing routes throughout the forest trail system and generally don't support cross country travel without a purpose. We promote responsible use and respect of the land and have worked hard to try and keep the trails clean of trash and in good repair. We have partnered with you many times in repairing damaged areas and even in closing routes with problems. Because of our desire to protect the land, we generally accepted the concept of very limited cross country travel. We do appreciate the open play areas that are proposed, but feel they could be enlarged somewhat to better reflect what is being currently used.
(Ltr 253, Cmt 2,)

Comment On page 75 it states, "Motorized cross-travel is acceptable within the provisions of a valid Special Use Permit or valid contract with the Fishlake National Forest in designated areas." I would ask that the FEIS provide current and historic permit documentation that allows(ed) this provision. If current grazing permittees are allowed cross-country travel within the forest I would ask that the Project Team revisit this issue. It is from my own observations that permittees using illegal routes to access their stock ponds artificially maintain an open appearance to the illegal route. This in effect diminishes the power of any new plan to "enforce" the stated objectives.

(Ltr 276, Cmt 4,)

Comment In a somewhat similar study, the Utah Division of Parks & Recreation commissioned Utah State University to survey riders who had registered their off-road vehicles in 2000 to determine their "OHV uses and owner preferences." This report is presumably intended to help the Division "better plan OHV management strategies on Utah public lands." The Utah report reveals that an inordinate number of riders prefer to ride "off established trails." Of the ATV riders surveyed, 49.4% prefer to ride off established trails, while 39% did so on their most recent excursion. Of the dirt bike riders surveyed, 38.1% prefer to ride off established trails, while 50% did so on their most recent excursion. When surveyed on issues affecting OHV use in Utah, survey respondents recognized the need for enforcement but not the need for protection of the natural resources where they ride. The study found that "one-third of the respondents who said there should be more law enforcement presence in OHV areas compared to only 7.5% who said there should be less" (p. 38, drawing from Table 4.5 on p. 30). Only 6% cited "resource management conservation" as the most important issue affecting OHV use in Utah (p. 40, drawing from Table 4.8 on p. 33).

(Ltr 278, Cmt 90,)

Comment The findings of these two studies suggest that even if the "demand" for more off-road vehicle riding opportunities is met, riders will continue to fulfill their preferences by riding "off established trails." The likelihood of such undesirable, illegal, and damaging behavior is predictable. The DEIS itself points out that persons who frequently use national Forests for one or more purposes and commented during this project's scoping period "expressed concern about the potential impacts from future growth in OHV use. However, motorized proponents desire enough riding opportunities to avoid overcrowding . . ." (p. 20). As acknowledged in the summary, "there has been unanticipated growth in OHV use since the 1986 Fishlake Forest Plan was written" (p. 1).

(Ltr 278, Cmt 91,)

Comment I was glad to see "play" areas included near Richfield and Torrey. I would urge that additional areas be considered and adopted near other towns to accommodate the generally younger users in other areas as well. Planning for these areas is better than complaining about them later.

(Ltr 279, Cmt 6,)

Comment The Forest Service might consider halting cross-country travel on non-system routes until site-specific analysis of the current condition of the forest ecosystem has been done. The Forest Service might also consider restricting OHV use to system roads and trails until a cumulative effects analysis of the existing user-created travel system is done.

(Ltr 280, Cmt 4,)

Comment The FEIS should consider halting all cross-country travel on non-system routes until site-specific analysis has been done. The Forest Service may also consider restricting OHV use to system roads and trails until a cumulative effects analysis of the existing user-created travel system is done.

(Ltr 280, Cmt 11,)

Public Concern Order

Public Concern ID 5106

Specialist Assigned DD

Public Concern *Both motorized and non-motorized users commented on their desire for "single-track" opportunities. Motorized users in particular identified that they will lose their single-track opportunities under the proposed alternatives.*

Response *Some individuals and motorized user groups requested that some non-motorized trails either be shared with or dedicated solely to off-highway motorcycles. To date, the Forest has not intentionally managed solely for off-highway motorcycles on single-track trails. However, the opportunity has implicitly been available on*

non-motorized trails provided they are not signed as closed to motorized use and are located in unrestricted areas of the current travel plan. Legal and illegal use of non-motorized trails by motorcycles and ATVs has made it difficult for the Forest to sustain quality non-motorized recreation opportunities. The extent of illegal use is reflected in the number of barriers that are proposed in the action alternatives to keep motorized vehicles off of non-motorized trails. Most of the non-motorized trail system is highly interconnected. Consequently, converting trails from non-motorized to motorized single-tracks or permitting shared use with non-motorized users would make it even more difficult to protect the integrity of the remaining non-motorized trail system and the quality of non-motorized recreation opportunities.

Shared use is currently resulting in undesirable user conflicts between motorized and non-motorized users (see public comments in project file). Perpetuating these conflicts would be inconsistent with the Purpose of and Need for Action. All alternatives offer thousands of miles that are open to motorized use, including off-highway motorcycles. Many provide a semi-primitive experience that is similar in character to what is provided by non-motorized trails. Not all specialized motorized recreation opportunities have to be provided on the Fishlake National Forest. Single-track opportunities are provided on other public lands in Utah. However, the Forest is open to future discussions that would look at options for constructing single-track trail or converting motorized or non-motorized trails to single-track use. The complexity and potential controversy require that this be addressed as a separate planning project. This level of refinement in motorized use would delay the route designation project at the expense of addressing the need to close the Forest to motorized cross-country travel, which is more urgent.

Comment For cyclists, narrow trails are a favorite experience. Narrow trails that are properly designed, constructed and maintained can accommodate hikers, mountain bikers, equestrians, and even motorcycles in some areas. Because these other users similarly value this limited resource, when they compete for it, conflict sometimes arises. Making peace on the trails requires that all trail users and land managers understand the importance and meaning of single-track. Land managers and trails activists need to know that mountain bikers desire single-track for very similar reasons as hikers. Every cyclist who progresses beyond a beginner level eventually seeks to ride on trails. Since the single-track resource is highly valued for similar or identical reasons by many kinds of trail users, the Dixie and Fishlake should continue to offer ample single-track experiences. The policy for managing single-track should start with shared-use. Shared-use builds the family of trail users, causing a need for cooperation. Shared-use reduces the pressure to build additional trails for each type of user, thereby reducing the ecological impacts of trails. There may be legitimate reasons to close some single-track to user classes (for example, Wilderness), but managers should begin with the presumption that these routes are open to every narrow travel method.

(Ltr 225, Cmt 9,)

Comment ATT 1: The Importance of Single-track from the International Mountain Bicycling Association, 3 pages.

(Ltr 225, Cmt 14,)

Comment Need single track motorized trails.

(Ltr 239, Cmt 2,)

Comment We will have to designate some single track motorized for dirt bike trails since all will be taken away with current plans.

(Ltr 243, Cmt 13,)

Comment What there "are none" of is single track motorized trails. I don't feel it is responsible to discriminate against an entire group of users. One may say, "they can ride on the ATV trails", which is true, but hikers and horses can also use ATV trails as well. Unless you are a motorcycle rider, you may not

understand that the experience is entirely different driving a motorcycle on a single track trail than an ATV trail. We would suggest either changing some of the non-motorized trails into single track motorized or constructing some new ones. We would be happy to provide the man power to make it happen and to maintain the trails. Perhaps you could check with some of the forests that are doing a good job with single track and get some ideas.

(Ltr 253, Cmt 5,)

Comment C. Concerns brought forward by our members: Initially, it did not seem that the need for designated "single track" motorcycle trails was a concern. However, in recent weeks we have received several calls and emails from BRC members and supporters who are concerned about the closure of certain trails that should be specifically designated as "open to single track motorcycles and mountain bikes." Clearly, our initial impression was flawed. We suspect this is because many off-highway motorcyclists simply did not understand the scope of the planning process. It's a bit embarrassing to say, but some folks didn't know that certain areas were managed by the Fishlake NF! With a bit of research, we believe we can identify which specific trails our members are concerned about. We respectfully suggest the Fishlake NF consider the possibility of designating certain "single track" trails as open for single track motorcycles and mountain bikes.

(Ltr 267, Cmt 8,)

Comment I was disappointed to read that the plan would not provide specific motorized single-track trails. There are a substantial segment of users that desire to have single-track motorized routes designated. While it is true that these types of opportunities are available on other public lands in Utah, for example on portions of the Arapeen System on the Manti-LaSal National Forest, these opportunities would also be desirable on the Fishlake National Forest. Again, the rational should not be "user" conflict but "use" conflict. The latter does not preclude having multi-user, single-track trails.

(Ltr 279, Cmt 3,)

Comment Consider this my comment on the DEIS for I fully anticipate filing an appeal. Attached to this comment letter is a letter that I sent to Ms. Erickson addressing several concerns in the DEIS in relation to motorized single track use. I consider the letter to Ms. Erickson to be part of my DEIS comment. I am greatly concerned about you lack of single track motorized use care and consideration. The author of page 81 on the DEIS is nothing short of arrogant. I find it hard to believe that your DEIS could contain such language as found on page 81. For the record you need to include motorized single track trails in the proposals. Currently non-of your proposals contain any motorized single track trails. This is a huge mistake and is nothing less than selfish. I could live and support alternative 3 only if it recognized single track motorcycle trails. I am not asking for every single track trail to be opened to motorized use. A couple of trails sure would be nice and promote multiple use.

(Ltr 286, Cmt 1,)

Comment There is currently some single track use of trails in the "open" areas of the forest. Route designation would close these trails to motorized uses. Some folks are beginning to complain that they are losing their opportunities.

(Ltr 293, Cmt 10,)

Public Concern Order

Public Concern ID 5201

Specialist Assigned DD

Public Concern *Several comments described the need to provide for dispersed camping opportunities, and to consider impacts that occur from both maintaining or reducing this use. Some respondents felt that the proposed 150-foot designation is too restrictive, while others feel that no camping designation should be provided.*

Response *It is beyond the intent, and thus scope, of the route designation project to address resource issues associated with dispersed camping, except where those issues are created by motorized cross-country travel. Travel between sites and "babysitter syndrome" are dealt with through required elements of the project design. Thus, the proposed designations for dispersed camping expressly state, "...This access does not authorize the creation of new campsites or travel ways. Motorized travel ways between multiple campsites, establishment of motorized play areas, racetracks, or travel across wet meadows or riparian areas is prohibited." Addressing the other*

aspects of dispersed recreation use and impacts is a separate issue requiring disparate actions and planning.

As identified in Appendix B of the DEIS and FEIS and in the Roads Analysis Supplement, there are known areas on the forest where concentrated dispersed recreation needs to be addressed in a more localized planning effort since the issues are complex and have high potential and need for focused public input.

To remain within project scope the forest did not want to create substantial changes to existing dispersed camping opportunities, but motorized access was removed from some sites if it was determined that a route should not be added to the travel atlas. The FEIS estimates that 86 percent of inventoried dispersed campsites have legal access in the current travel plan. Alternatives 2, 3, and 4 would respectively allow access to 78, 68, and 54 percent of inventoried sites using a designation of 300 feet from roads and motorized trails for Alternative 2 and 150 feet for Alternatives 3 and 4. The Implementation Plan in Appendix B provides a framework for how and whether additional existing routes would be designated to access dispersed sites that have no legal means of access. The FEIS indicates that 84 percent of inventoried campsites can be accessed within 150 feet of designated routes in Alternative 5, which is the final preferred alternative.

Under the new travel rule, there are four options that can be used to designate travel to dispersed campsites which are as follows:

- 1. Do not provide for cross-country motor vehicle use. Restrict motor vehicles to designated roads, trails, and areas.*
- 2. Individually map each short spur route and add them to the forest transportation system as designated routes.*
- 3. Issue individual permits, authorizing the holder to use motor vehicles off the designated system.*
- 4. Use the authority in 36 CFR 212.51(b) to authorize motor vehicle use within a specific distance of the route.*

Option 1 would result in designated dispersed camping forest-wide. This would significantly widen the project scope and complicate the development and study of alternatives. Both of these results would substantially lengthen the time required to close the forest to cross-country travel. Broad support to the idea of limiting cross-country travel does not translate directly into support for increasing restrictions on dispersed camping on National Forest. The forest does not have the resources needed to initiate, maintain, and enforce a permit system for dispersed camping as suggested by option 3. Therefore, a combination of methods 2 and 4 is what is proposed in the DEIS and FEIS. The forest will transition as much to option 2 as possible during implementation (see FEIS changes between draft EIS and FEIS discussion). Between draft and final, the forest used digital orthophotos and county route data to identify uninventoried routes that provide dispersed camping opportunities. A difficulty with option 2 is that a 150 foot route is only about 1/16th of an inch long on a 1:24000 scale map. It would take about 82 such maps to display the entire Fishlake National Forest. Therefore, display from a motor vehicle use map at a broader scale is very difficult to implement and enforce.

Cumulative impacts including those from dispersed camping are discussed in the DEIS and FEIS in Chapter 3 and in the specialist reports.

Comment We the public don't have any say anymore and you can't show me any camp sights that have been hurt. Like the one at U.M. Creek where they fenced all along the creek, so now you can't go in there and camp anymore - myself and many, many people have used that place for years and years and now you fence it off and for what reason, you tell me.
(Ltr 249, Cmt 4,)

Comment I am worried about the camping as it is proposed. People just do not want to camp close to roads. There is dust, noise, danger for children and many other problems.
(Ltr 252, Cmt 4,)

Comment Camping is a major issue with many people. We don't feel that the proposed 150 ft. from the roads is far enough to allow a good experience. Many of the existing camp sites are further off the road than that and you are obliterating some of the spurs that access them. We would recommend about 300 ft. as a better alternative. Where you are limiting it to existing sites, what difference does it
(Ltr 253, Cmt 6,)

Comment I am against having a camping plan in a travel plan. We don't need you to tell us where we can camp. Look at what is happening in the San Rafael area local people can find a place to camp.
(Ltr 261, Cmt 3,)

Comment B. Effect on Fishlake Travel Plan on Dispersed Camping

We are concerned that the Fishlake NF may not have adequately analyzed and disclosed the affect it will have on dispersed camping. Our concerns here mirror those in section "A" of these comments. Changes made to dispersed camping by virtue of the Fishlake Travel Plan may preclude options or alternatives that may be proposed in the Forest Plan revision process. Or conversely, additional closures of dispersed camping may result from management direction outlined in the Revised Forest Plan. Either way, the public does not fully understand how each planning process may affect vehicle access to existing campsites. We have two suggestions: 1) Fishlake planning personnel should review the data to ensure accurate and complete inventory of campsites and quantify how many would be closed by virtue of the final Fishlake Travel Plan. 2) Include specific direction in the Record of Decision that allows a certain amount of discretion to designate routes into established campsites should such access be needed.
(Ltr 267, Cmt 7,)

Comment Serious questions are raised concerning the ability of the preferred alternative to respond to the purpose and need, including: Is the proposed project truly "simple to understand"? For example, the Forest Service indicates the proposed dispersed camping exemption states that: "travel must occur on an existing route within the specified distance from an open designated route. (emphasis added) The exemption permits travel off of a designated route, but not off an existing route." Hasn't confusion over existing versus designated routes already been identified as a problem? Routes pioneered on one wet weekend become "existing" in they eyes of many ORV users.
(Ltr 278, Cmt 13,)

Comment What is the purpose of the 150-ft. buffer zone from the centerline of all routes? Rather than have this 300-foot-wide sacrifice area along all motorized routes, the Forest Service should designate several campsites, or implement the buffer zone along a few, specifically-suited routes in which informal camping currently occurs and where resources will not be impacted by cross-country travel.
(Ltr 278, Cmt 23,)

Comment The Forest Service should exercise the precautionary principle embodied by the subset alternative in recognition that the "majority of motorized impacts are . . . around popular dispersed camping areas" by closing environmentally harmful areas first and then reopening areas as appropriate. DEIS at 9.
(Ltr 278, Cmt 25,)

Comment The reasoning suggested by the Forest Service reveals a fundamental flaw with the DEIS. Essentially, the Forest Service assumed that all routes in or around dispersed campsites must remain

open or be designated as open. Thus, dispersed camping drove the formulation and consideration of alternatives, but according to the Forest Service, is outside the scope of the DEIS. See e.g. DEIS at 78 ("Alternative 4 results in a loss of motorized access to almost 20 percent of the Forest's inventoried dispersed campsites, which is outside the intent of the route designation project"). The Forest Service can't have it both ways by eliminating any analysis of the impacts of dispersed camping, while making it a key element in the formulation and consideration of an alternative they device.

(Ltr 278, Cmt 26,)

Comment The Forest Service cannot segment dispersed camping from the analysis of the route designation project. The Forest Service repeatedly acknowledges that dispersed camping is and will continue to cause adverse environmental impacts on the Forest. See DEIS at 9 ("The majority of motorized impacts are occurring . . . around popular dispersed campsites"). Significantly, the Forest Service intends to grant an "exemption" for certain dispersed campsites, but never analyzes the consequences of this action. Dispersed camping cannot be divorced from route designation as the two are inextricably intertwined or connected. Accordingly, the Forest Service must analyze the past, present, and foreseeable impacts of dispersed camping in conjunction with the route designation.

(Ltr 278, Cmt 109,)

Comment Another item that really Concerns my family and friends is the limitation you have proposed on access to camping spots. If we can not camp within 150 feet of a designated route our tents, campers, trailers etc. will be very close to these routes and have people driving through are very near out camp all day. The safety factor to this should be addressed. At present you have a 300 foot distance which is reasonable and has been working. Is there major resource damage occur due to this distance. If there is none, why change it and cause a safety problem and dust in our camps.

(Ltr 281, Cmt 11,)

Comment Another item that really Concerns my family and friends is the limitation you have proposed on access to camping spots. If we can not camp within 150 feet of a designated route our tents, campers, trailers etc. will be very close to these routes and have people driving through are very near out camp all day. The safety factor to this should be addressed. At present you have a 300 foot distance which is reasonable and has been working. Is there major resource damage occur due to this distance. If not why change it and cause a safety problem and dust in our camps.

(Ltr 282, Cmt 12,)

Comment Another item that really Concerns my family and friends is the limitation you have proposed on access to camping spots. If we can not camp within 150 feet of a designated route our tents, campers, trailers etc. will be very close to these routes and have people driving through or very near out camp all day. The safety factor to this should be addressed. At present you have a 300 foot distance which is reasonable and has been working. Is there major resource damage occurring due to this distance. If there is none, why change it and cause a safety problem and dust in our camps.

(Ltr 283, Cmt 11,)

Comment The EIS indicates that designating specific locations for dispersed camping would lengthen the NEPA process and broaden the project scope and complexity. Although the EIS states that considering designated dispersed camping in selected areas is not warranted forest wide at this time. The potential impacts to listed plants and other resources caused by the designation of buffers warrants such an analysis. We believe that the appropriate management strategy would be to eliminate the designation of buffers along designated routes in the preferred alternative until an appropriate analysis is completed (a strategy that was also used for snowmobiles). This would permit OHV use on designated routes, and would ensure that resource impacts do not occur because a strategy of designating buffers was implemented without adequate analysis. If needed, designated dispersed camping and/or buffers along designated OHV routes could be identified in future planning documents, which would allow for the appropriate level of analysis. Note that this strategy would not preclude the traditional dispersed camping that presently occurs along National Forest roads, but would further reduce potential impacts to resources.

(Ltr 285, Cmt 12,)

Comment Our changes in access will effect the kind of dispersed camping that occurs. Some have expressed an interest for dispersed camping without ATVs. There are only a few areas like that on the forest. Perhaps it is not our niche.

(Ltr 293, Cmt 11,)

Comment Camping is an important part of our social economic heritage. Dispersed camping takes place in

hundreds of locations along almost any given route. Our desire is that as many of these dispersed camp spots remain open as possible. We recommend all routes, roads, and trails that lead to dispersed camp sites remain open. Any closure of roads or trails that would negatively affect dispersed camping would also negatively affect our economy and our social way of life.

(Ltr 294, Cmt 7,)

Public Concern Order

Public Concern ID 5202

Specialist Assigned DD

Public Concern *Some comments focused on winter travel planning issues that to varying degrees relate to the types of actions being proposed in the route designation project.*

Response *As defined in Chapter 1 of the DEIS and FEIS, motorized cross-country over-snow travel is outside the scope of the project, except where snow machine use creates impacts that overlap with primary issues such as critical mule deer winter range.*

Summer and winter vehicle restrictions and allowances are bundled together in the existing travel plan. The route and area designation process outlined in 36 CFR 212.51 results in separate summer ["3-season"] and winter travel plans. The new travel rule also relies on mapped route designations that do not vary based on area designations, unlike the current travel plan that must be interpreted by the user. Describing what is left of the winter travel map once summer designations are made is difficult because the definitions of restricted activities have to be changed in order to segregate winter travel from summer travel. For example, "closed to all motorized vehicles yearlong" on the current travel plan in effect becomes "closed to over-snow travel all winter, except on designated routes" once the cross-country travel prohibition from 36 CFR 261.13 is applied. A translation table has been included in Chapter 2 of the FEIS in an attempt to show how current area restrictions are defined under the proposed travel plans.

The forest reevaluated the use of seasonal ["A" areas] and all winter area restrictions ["C" areas] once the new travel rule was finalized and because potential forest planning conflicts were identified. This occurred after release of the DEIS. As a result, the forest has identified the need to conduct a winter travel planning analysis once the forest plan resource allocations and special area designations are finalized. The final preferred alternative makes the necessary changes in definitions for "C" areas, but does not alter their current boundaries except for where the "C" areas overlap with seasonal mule deer winter range closures. The updates to seasonal winter closures are made to accommodate current big game use patterns in critical winter range and to complement the motor vehicle use map designations. The changes also factor in the replacement of the snowmobile definition contained in the draft travel rule with a broader definition for over-snow vehicles in the final.

In summary, the resulting winter travel map will maintain the status quo for snowmobile closures except within current critical big game winter ranges. And, a winter travel plan will be identified through a future public NEPA process. There are known deficiencies in the default Alternative 5 winter use map such as having all winter closure areas that do not get sufficient snow or that cannot be accessed due to steep rugged terrain and vegetation. However, these deficiencies will be corrected in the future winter travel planning effort.

Comment On behalf of the Utah Snowmobile Association ("USA"), I am providing you with certain comments on the Off-Highway Vehicle Route Designation Project for Fishlake National Forest. USA is an all-volunteer organization that acts as a strong voice for the 34,000 registered snowmobile owners in Utah. We are committed to preserving reasonable access to public lands, while supporting and

promoting good stewardship and conservation that will sustain such access for the long-term. Based on our recent conversation, I understand the Route Designation Project may close certain acreage to snowmobiling in the Tushar and Delano areas that are potentially being proposed for wilderness designation. We believe that where snowmobiling has traditionally occurred and has historically been allowed, there should be a continuation of this access until such time that Congress acts on any wilderness proposal. This is consistent with the comment on page 2-31 of the April 28, 2005 Management Direction Package that states, "Generally, all current activities will continue until Congressional action on the recommendation." There is considerable precedent for allowing existing snowmobile use when the Forest Service makes a wilderness recommendation. For example, please refer to the Record of Decision for the Wasatch-Cache National Forest Revised Forest Plan dated March 19, 2003. On page ROD-28 it indicates six criteria the Supervisor used in justifying the continued snowmobile access to the Lakes roadless area that is being recommended to Congress for wilderness designation. We believe the circumstances parallel those found on the Fishlake National Forest.

(Ltr 272, Cmt 1,)

Comment We have one comment on the expansion of over-the-snow travel closures for critical mule deer winter range. Although USA is very supportive of protecting winter range, we have found that often times a "designated route" through winter range works effectively to secure habitat while allowing access to higher ground. We merely ask that you critically review where closures are taking place and determine if they seal off any access to legitimate snowmobile acreage. Such circumstances may warrant a designated route. We appreciate the magnitude of the Route Designation Project for Fishlake National Forest and we "Thank You" for the substantial effort it has taken to work up to a final plan.

(Ltr 272, Cmt 2,)

Comment Winter has historically been a time of solitude in the forest. Snow mobile use has dramatically changed this in a relative short period of time. Snow mobile play areas should be identified, and greater protected areas should be identified where cross country skiers and other foot travelers can still experience the conditions that have historically been a part of the forest in wintertime.

(Ltr 274, Cmt 3,)

Comment The scope of analysis states that snowmobile use will not be considered in the Fishlake National Forest's travel management plan. Snowmobiles are classified as OHVs, and their resource impacts and management issues are similar to those of other OHVs. Furthermore, it is increasingly common to see OHVs operating over snow during the winter and spring. The FEIS should provide data on snowmobile use, impacts and mitigation efforts as part of a thorough analysis of cumulative impacts from OHV use in the national forest. The travel management plan should also clarify whether OHV use (other than snowmobiles) on snow is permitted, and if so, under what conditions. The Forest Service might consider prohibiting such activity when the snow is less than one foot deep. ATV use during spring conditions, over routes that are part mud and part snow is particularly destructive and should be prohibited.

(Ltr 280, Cmt 24,)

Comment Future snow mobile use is not clear. Areas currently closed could be opened by the route designation and then closed by the Forest Plan. We need to think this through and be consistent. It may be easier to maintain the closure through all processes. This issue is most pointed in the Tushar Mountains.

(Ltr 293, Cmt 9,)

Public Concern Order

Public Concern ID 5203

Specialist Assigned DD

Public Concern *Some respondents wished to clarify the differences between "use" conflict and "user" conflict because different interpretations of these terms can lead to varying definitions of problems and appropriate solutions. Other respondents suggested that a user conflict reporting system is warranted and should have been used in development of the proposed alternatives.*

Response *The new travel rule makes the difference between "use conflicts" and "user conflicts" moot because the rule requires the forest to consider both situations. "In designating National Forest System roads, National Forest System trails, and areas on National Forest System lands for motor vehicle use, the responsible official shall consider*

effects on ...conflicts among uses of National Forest System lands,..." [212.55(a)] and "(3) Conflicts between motor vehicle uses and existing or proposed recreational uses of National Forest System lands or neighboring Federal lands; and (4) Conflicts among different classes of motor vehicle uses of National Forest System lands or neighboring Federal lands." [212.55(b)].

Forest and district personnel factored in known use and user conflicts when designating routes and open use areas. The rationale and changes database from the Roads Analysis Supplement records most of these situations. The description of the need to institute use / user conflict reporting was updated in the FEIS in Appendix B based on the comments received.

Comment INSUFFICIENT ANALYSIS OF USER CONFLICTS AND VISITOR USE PATTERNS

For instance, although the plan is intended to result in a route system that minimizes user conflicts, the table and discussion on "management considerations and issues" (p. 20-23) does not call for an analysis of conflicts among visitors to the National Forest. Nor does it consider conflicts created when off-road vehicle use occurs on public lands that are near private property or on public lands where a local rancher is affected by fence cutting, damage to livestock improvements and equipment. This glaring omission may be attributed to one of several reasons: perhaps the Fishlake does not have a system for reporting and tracking user conflicts; perhaps the existing route network is too large and dispersed to be monitored and enforced by agency staff; or perhaps due consideration of this issue would point to the obvious need for comprehensive travel planning to designate foot and hoof trails as well as passenger vehicle access to trailheads, instead of the compartmentalized approach to designating only off-road vehicle routes which the Forest has chosen. Regardless, a thorough analysis of user conflicts associated with off-road vehicle use is essential to planning for a route system, which minimizes opportunities for user conflicts to occur.

(Ltr 278, Cmt 82,)

Comment The plan calls the Forest to "summarize travel plan violations by type and number and by user demographic" (p. 177) but not by location. Further, the plan merely suggests that these violations will be analyzed but does articulate how management will adapt given the violations. Such a public forecast of agency punitive response to locations and degrees of motorized behavior that is not in compliance with new rules on the Forest may be helpful in deterring violations in the first place.

(Ltr 278, Cmt 131,)

Comment The monitoring plan's reference to "summarize[ing] user comments from trailhead census locations and from comments submitted by the public (p. 177) seems to refer to designation implementation recommendation: "OHV census points should be added at trailheads and kiosks to collect user comments on system safety, needed improvement, and customer satisfaction" (p. 172). This recommendation and follow-up monitoring analysis appears to neglect the comments and desires of non-motorized recreationists who may come into conflict with legal or illegal off-road vehicle use on the Fishlake. In an effort to achieve parity and provide better monitoring information, the Forest should place and maintain non-motorized trailhead kiosks where the agency can collect census and comments on user types and levels as well travel "system safety, needed improvement, and customer satisfaction." 12

(Ltr 278, Cmt 132,)

Comment THE FOREST SHOULD INSTITUTE A USER CONFLICT REPORTING SYSTEM

As the Forest relies on the Accident Surveillance Program to track, analyze, and adapt management in response to accidents, the Fishlake should develop and institute a user conflicts reporting system. This should be done by establishing kiosks at non-motorized trailheads (in keeping with a strategy the Forest intends to use to inform motorized users a off-road vehicle route trailheads). As is discussed extensively elsewhere in these comments, the Forest presents insufficient analysis of user conflicts in the DEIS. A user conflicts reporting system would provide the Forest with a means to gathering this overlooked but important data. Furthermore, an analysis of user conflicts is essential to effective application in route designation of the minimization criteria outlined in Executive Order 11644. Again, this is a case where an issue raised in the implementation plan should also be directly dealt with during the designation process.

(Ltr 278, Cmt 149,)

Comment The draft plan refers to "user" conflict in various places in the draft, such as in the fourth paragraph of the summary page where it states: "3) minimize conflicts among the various users on those lands". "User" conflict is used very successfully to displace motorized use where non-motorized users find this in conflict with their personal preferences. This is not what Executive Order 11644 intended. The correct wording as included in Appendix A, p. 161, third paragraph, is: "to minimize conflicts among the various uses of those lands." I see this as a big difference. Different uses such as OHV travel and hiking, for example, are not by definition in conflict with each other even though hikers may not want to share a route with a motorized vehicle. This rationale applies directly to single-track trails that are currently multiple use trails but which may be considered for exclusive non-motorized travel. I find that mountain bike users are often very territorial and are in conflict with having a motorcycle on the route but that the conflict is from the user perspective and not from an actual conflict in the uses. Motorcycles and mountain bikes can function very well on most trails if the users decide they can share. I have observed that the motorized recreation community is the most accommodating recreation group on the forest. It is perhaps the only group that is not trying to eliminate or exclude someone else in the pursuit of their preferred activity.

(Ltr 279, Cmt 2,)

Comment THE FOREST SERVICE MUST FAITHFULLY ADDRESS USER CONFLICT AND PROVISION OF AMPLE NON-MOTORIZED OPPORTUNITIES

The Three Forests Coalition believes that more analysis in the area of minimizing impacts and conflict must occur to meet the intent of the relevant executive Orders and [3410-11-P], Travel Management; Designated Routes and Areas for Motor Vehicle Use, RIN 0596-AC11.

(Ltr 288, Cmt 8,)

Public Concern Order **Public Concern ID 5300** **Specialist Assigned DD**

Public Concern *A few respondents felt that the proposed route closures unfairly discriminate against people who are elderly and disabled.*

Response *Chapter 1 of the DEIS and FEIS state, "Per the Rehabilitation Act of 1973, an individual with a disability will not, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity conducted by the Forest Service. All users, including those with disabilities are afforded the same motorized access opportunities and are subject to the same rules and restrictions. Restrictions on motor vehicle use that are applied consistently to everyone are not discriminatory. Motorized wheelchairs as defined in the Rehabilitation Act are not considered OHVs and therefore are not restricted by any of the alternatives."*

As described in concern 5101, closing a route to motorized access does not automatically correspond to a loss of access given that many routes provide redundant access to the same areas. Regardless to whether access is truly gained or lost, all members of the public will be offered the same recreational opportunities.

Comment In my opinion, ATV access should have similar access as most (???) horse trails. As people age ATV gives elderly and less physically fit people the ability to visit the same areas they visited while younger.

(Ltr 231, Cmt 2,)

Comment I personally think that all of these road closures are a form of discrimination that is never talked about, by closing these trails you take away access from families disabled elderly and, many other groups of people. then you give access to only one group of people those who can afford the time and equipment it takes to go into these areas safely.

(Ltr 251, Cmt 2,)

Comment Again the Fishlake Forest Supervisor, trying to appease the environmentalists and satisfy it's ego, has punished the Elderly and Handicapped. I think they must take delight in making it miserable for those people. Taking away access to 380 miles of Forest that they once could use is not a necessary

option. It does not hurt the physically fit or horseperson, on the contrary, they love it. There are not near as many people benefit by these closures as those that are punished by it.

(Ltr 260, Cmt 1,)

Public Concern Order

Public Concern ID 5700

Specialist Assigned DD

Public Concern *Several comments focused on the need to assess cost-benefit relationships and socio-economic impacts associated with motorized and non-motorized recreation. They suggest the cost-benefit analysis should include not only cost to implement and maintain the designated travel system, but also environmental costs and costs from displacing non-motorized use.*

Response *As stated in the travel rule response to comments, "Even after designations are complete, the rule will have no direct economic impact because designations merely will regulate where and, if appropriate, when motor vehicle use will occur on NFS roads, on NFS trails, and in areas on NFS lands." In addition the Federal Register document states, "The Department has determined that the final rule will not have a significant economic effect on a substantial number of small entities because the final rule will not impose record keeping requirements on them, nor will it affect their competitive position in relation to large entities or their cash flow, liquidity, or ability to remain in the market." The forest does not anticipate that the proposed travel management changes from the final preferred alternative will result in measurable changes to benefits or costs to communities that derive financial gain from motorized recreation.*

Taking measures to stop the proliferation and acceptance of user created routes and to shrink the size of the motorized route system are steps in the right direction towards creating a sustainable system that the forest can afford to maintain over time. As stated in concern 4100, the forest will form partnerships and adapt management and priorities as necessary to changing conditions or unintended consequences.

The effects analyses done for the DEIS and FEIS both indicate that the proposed actions reduce not only existing, but potential environmental impacts. Thus, environmental costs will be reduced accordingly.

The forest could spend hundreds of thousands of dollars and years collecting and analyzing the information requested by the Three Forest Coalition. However, this would divert money and time, both of which are scarce resources, from implementation of necessary on-the-ground changes to travel management and route infrastructure.

Even though motorized use has tangible financial benefits to the communities served by the forest, this is not used as a criteria for route selection. There is no scientifically credible means to predict how addition or deletion of individual routes would impact financial returns. In the final analysis, the forest feels that the changes to quantity of motorized and non-motorized opportunities are not substantial, but that quality for both should be improved because the proposed system addresses many known conflicts between motorized and non-motorized users and because the proposed route network is more logical and thought out than what exists currently. This thought is echoed in the travel rule response to comments which states, "The Department believes that a well-planned, well-designed system of designated roads, trails, and areas, developed in coordination with Federal, State, local, and tribal governments

and with public involvement, offers better opportunities for sustainable long-term recreational motor vehicle use and better economic opportunities for local residents and communities."

Comment The EIS contains no discussion of socioeconomic impacts. What about the connection to economic activities discussed in the existing and forthcoming forest plans?

(Ltr 269, Cmt 10,) *and communities."*

Comment As far as expense, I would ask that you include documentation in the FEIS for cost estimates for such signage including but not limited to the small square sign with a white arrow > indicating an open route. There also needs to be a cost/benefit analysis conducted which includes number of routes expected to remain closed due to signage, routes with minimal trespass violations, routes that are expected to be forced open with severe impacts, and the estimated costs (to wildlife habitat, riparian, and sensitive meadow restoration) from these violations. The costs of repairing, re-closing, and resigning routes most likely will show signing costs beneficial as opposed to no signing.

(Ltr 276, Cmt 2,)

Comment The Forest Service also fails to consider adequately costs to local communities involved in search and rescue and personal injury associated with ORV use.

(Ltr 278, Cmt 38,)

Comment ECONOMICS

According to the Forest Service, the DEIS eliminates detailed discussion of socioeconomic impacts because "[t]hese issues create minimal risk or are eliminated by project design." DEIS at 24. In its single-paragraph analysis of socio-economic aspects of the project, the Forest Service simply "recognizes that motorized recreation plays an important role in local economies." DEIS at 206. The Forest Service never analyzes its funding capabilities to implement the measures anticipated by the project, such as maintenance and road signing, never balances the environmental costs with purported financial benefits, and continues to rely on the unsupported assumption that user creations of trails and enforcement of ORV restrictions will be decreased by the project.

(Ltr 278, Cmt 74,)

Comment Inaccurate economic information may defeat the purpose of an EIS by "impairing the agency's consideration of the adverse environmental effects" and by "skewing the public's evaluation" of the proposed agency action. Hughes River Watershed Conservancy v. Glickman, 81 F.3d 437, 446-48 (4th Cir.1996); see also Nat'l Wildlife Fed'n v. Nat'l Marine Fisheries Serv., 235 F.Supp.2d 1143, 1157 (W.D.Wash.2002) ("An EIS that relies upon misleading economic information may violate NEPA if the errors subvert NEPA's purpose of providing decision makers and the public an accurate assessment upon which to evaluate the proposed project."). NEPA requires agencies to balance a project's economic benefits against its adverse environmental effects. Calvert Cliffs' Coordinating Comm. v. United States Atomic Energy Comm'n, 449 F.2d 1109, 1113 (D.C.Cir.1971).

(Ltr 278, Cmt 75,)

Comment Much of the Forest Service's minimal socioeconomic discussion appears to derive from the continued assertion that accommodating motorized use on the Forest is necessary to support local communities. However, the documents cited by the Forest Service do not support this assertion. The "Social and Economic Assessment" by the Utah's Governor's Office acknowledges that "ATV tourism is growing, but some communities are uncertain about its benefits versus the costs it incurs." Dixie, Fishlake & Manti-La Sal National Forest, People and the Forest: Social-Economic Assessment Tools and Data for Forest Plan Revision, prepared by the Utah Governor's Office of Planning and Budget at 49. The Governor's Office notes that "[w]ildlife-watching is also becoming a profitable enterprise. More than \$555 million dollars was spent on wildlife watching in Utah, more than double the amount spent five years earlier." Id.

(Ltr 278, Cmt 78,)

Comment The Governor's Office recommended that the Forest Service "[a]nalyze the management costs and economic benefits of new activities and Forest uses, in particular . . . ATVs and other motorized recreation." Id. at 166 (emphasis added). However, despite recognizing the necessity for such an analysis, the DEIS is completely devoid of any cost-benefit analysis that takes into account management costs, let alone non-market valuations. Accordingly, the Forest Service, in a re-issued DEIS must conduct a thorough assessment of the additional costs associated with the project, balance these costs with economic, social, and ecological benefits/costs, and reach the appropriate decision based on this assessment.

(Ltr 278, Cmt 79,)

Comment FAULTY ASSUMPTIONS REGARDING MAINTAINABILITY

A central factor that should be analyzed in order for the Forest to reach another of its noble goals--that the project results in "a system that can be maintained over time with the resources available to the Forest" is also largely ignored. Dismissal of "socio-economic impacts" in the section titled "Issues Not Analyzed in Detail" prevents the Forest from being able to understand the fiscal and opportunity costs of managing recreation on the substantial and dispersed off-road vehicle route system that is proposed as well as the more minimal, selective route system proposed in the subset Natural Heritage Alternative.. Should the Forest examine the economic benefits and costs and ecological impacts of off-road vehicles (including the economic costs of displaced use and the non-market values of ecological services and systems), the agency would be able to determine what scale and design of route system it can afford to enforce, monitor, and maintain. As described below there could be potentially three phases to this research: ecological cost analysis, displaced use and ecosystem services, and management and policy optimization. The first two phases correspond essentially to the supply (cost) side and the demand side of these resource uses, respectively. The third phase puts the two together in both a benefit-cost and regional economic framework to identify policy and management directions.

(Ltr 278, Cmt 86,)

Comment It is well known that non-motorized users will often abandon a place when off-road vehicle recreation becomes common. This abandonment by non-motorized recreationists makes it difficult to measure the effects such displacement has on an area because it is nearly impossible to find the people who abandoned the area. The Forest should attempt to discern some of the potential economic impacts of such displacement perhaps by surveying similar public lands in the region (e.g., Cedar Breaks National Monument, Arches National Park), which are not as heavily visited by off-road vehicle recreationists, as well as calculating the foregone benefits from ecosystem services that are damaged by off-road vehicle use. This aspect of the analysis would include non-market valuation estimates of non-motorized and motorized use. It would also include an ecosystem services valuation. To determine these answers, agency economists should conduct original research, surveying both types of users in one type of setting. The results would include an assessment of the benefits of both off-road vehicle and non-motorized recreation and ecosystem services benefits.

(Ltr 278, Cmt 88,)

Public Concern Order **Public Concern ID 5900** **Specialist Assigned DD**

Public Concern *A couple of respondents were concerned that the proposed route designations might close roads with RS-2477 claims.*

Response *The counties that encompass the Fishlake National Forest have been consulted with since the conception of the route designation project. County representatives have had ample time to review the proposed designations against routes where they are asserting RS-2477 claims. Due to legal considerations, county maps of RS-2477 routes have not been available to the Forest Service. Thus, we are dependent on the counties to protect their own interests in this regard. However, based on our discussions and involvement with county officials, the forest is not aware of any route designations that would have legal ramifications for RS-2477 claims. Access to private lands has been provided where there is a legal obligation to do so.*

Comment Question: Will there be any RS-2477 roads closed. If yes, then I oppose and object to the closing of those roads.

(Ltr 226, Cmt 3,)

Comment I would strongly suggest that where any RS 2477 roads are being closed, and roads going into private property that will be closed. Those County Commissioners and Private Property Owners be notified by a Registered Letter with return receipt requested. Elections coming up and probably new Commissioners, or new ranch owners in-place when you implement this project could lead to unforeseen litigation. It is called, Protecting your Rear End.

(Ltr 226, Cmt 6,)

Comment Why are we not honoring the RS 2477 roads any more? Does the Forest Service look at these roads?

(Ltr 252, Cmt 5,)

Public Concern Order

Public Concern ID 6101

Specialist Assigned DD

Public Concern *Responses to the proposed route designation changes on the south end of Fish Lake were generally positive as exemplified in the comment below and in many of the letters that supported Alternative 3 [see concern 2300].*

Response *The forest is pleased that a reasonable solution which provided access, but protected the special lake resources was possible. It will now be up to motorized users to protect this privilege by following the day use rules and acting responsibly.*

Comment #20. I know the access to the south end of Fish Lake was a controversial decision with lots of debate on both sides. I agree with the decision you made. I think it is the right one that will best serve the many cabin owners in the area that want motorized access to the lake. It was a great compromise.

(Ltr 277, Cmt 23,)

Public Concern Order

Public Concern ID 6102

Specialist Assigned DD

Public Concern *Leaving Velvet Ridges open to motorized cross-country travel was supported by motorized users and opposed by preservation groups.*

Response *Technically, Alternative 4 is the only alternative that invokes an action because it closes Velvet Ridges to motorized cross-country travel. Leaving Velvet Ridges open maintains the current condition, which according to the public responses is still able to support multiple recreational uses.*

The travel rule response to comments state that, "While areas are not intended to be large or numerous, the Department believes that it is appropriate to designate some areas for motor vehicle use. These areas would have natural resource characteristics that are suitable for motor vehicle use, or would be so significantly altered by past actions that motor vehicle use might be appropriate." The open use area remaining at Velvet Ridges in Alternatives 2, 3, and 5 falls into both categories.

Alternative 3 boundary modifications added distance to sensitive plant habitat that was near the open use area left in Alternative 2.

The two north south routes mentioned in a few of the responses would be open to motorized use in Alternative 5. Field review by the district and resource specialists indicated that the routes do not pose environmental risks.

Comment I am troubled by the proposal to designate the Velvet Ridge area near Torrey as an open area. This area is currently used by hikers, mountain bikers, and OHV users. The Velvet Ridge area represents an ideal multiple-use recreation area where forest users of varying interests use the same resource. Designating the area as open would greatly reduce or eliminate the area's usability for hikers and bikers. The Velvet Ridge's proximity to the towns of Torrey and Bicknell make it an ideal recreation area for both local residents and visitors. In my frequent travels through the area, I regularly note the presence of vehicles of hikers and bikers parked at the Bicknell trailhead. And during my own forays on the ridge (via foot and bike) I have seen all three user groups using the resource.

(Ltr 275, Cmt 1,)

Comment The necessity for placing an open area at the Velvet Ridge is not adequately addressed in the purpose and need presented in the DEIS. The DEIS does not provide an analysis of the numbers of users of each type to illustrate why the area should be designated for only one user group, nor does it analyze the effect of disenfranchising the remaining users. Indeed, designation of the Velvet Ridge area as an open area for OHV use appears to be arbitrary and capricious, and the Fishlake National Forest has not adequately analyzed the impacts from the proposal. Impacts may include increased erosion, increased noise, impacts to vegetation (including federally listed plant species which occur near the area) and increased fugitive dust.

(Ltr 275, Cmt 2,)

Comment With proper signing and enforcement, use of Velvet Ridge by bikers and hikers on designated routes is appropriate, as is use of the area by hikers and equestrians. However designation of the area as open to off-trail OHV use is inappropriate. Such designation would have adverse and potential significant impacts to resources and visitors, and should be removed from the preferred alternative.

(Ltr 275, Cmt 3,)

Comment #15. Just north of the Velvet Ridges you are proposing to obliterate two routes that come off the open riding area. In my opinion this will be impossible to do. The area is flat and in open pinyon-juniper. I don't see the resource damage of any kind. You can close the route, but most likely a new one will appear next to it. Why not leave those two routes open to allow riders some continued loop riding opportunities.

(Ltr 277, Cmt 18,)

Comment It is a great decision to have the Velvet Ridges as an open area. However, the routes to the north you have closed. This closure is not logical. You have an open area with a closed area next to it. These routes provide a great way to ride trails away from the open area and provide loops for us to ride and more than a couple of ways to get in and out of the area. They are already established and I could not find any resources damage to the point of justification for closure. Leave the trails open and close the north area to cross country travel, route only. I think this would be a management nightmare.

(Ltr 281, Cmt 7,)

Comment It is a great decision to have the Velvet Ridges as an open area. However, the routes to the north you have closed. This closure is not logical. You have an open area with a closed area next to it. These routes provide a great way to ride trails away from the open area and provide loops for us to ride and more than a couple of ways to get in and out of the area. They are already established and I could not find any resources damage to the point of justification for closure. Leave the trails open and close the north area to cross country travel, route only. I think this would be a management nightmare.

(Ltr 282, Cmt 8,)

Comment It is a great decision to have the Velvet Ridges as an open area. However, the routes to the north you have closed. This closure is not logical. You have an open area with a closed area next to it. These routes provide a great way to ride trails away from the open area and provide loops for us to ride and more than a couple of ways to get in and out of the area. They are already established and I could not find any resources damage to the point of justification for closure. Leave the trails open and close the north area to cross country travel, route only. I think this would be a management nightmare.

(Ltr 283, Cmt 7,)

Public Concern Order

Public Concern ID 6104

Specialist Assigned DD

Public Concern *Several comments focused on the proposed plan to make routes in Indian Creek and near Shingle Creek open to Street Legal Vehicles only. The action alternatives propose limiting ATV access relative to current opportunities. ATV users generally oppose this proposal, while equestrian users favor it.*

Response *The decision to limit ATV use in Indian Creek was made after careful consideration of existing management issues and potential opportunities. The issues include concerns for public safety from mixed use and illegal encroachment of ATVs onto high elevation non-motorized trails and areas. The district also recognizes an opportunity, which*

was requested by some individuals, to provide for motorized dispersed camping opportunities that exclude ATVs - the expressed concern being with noise and dust.

Each of the action alternatives makes different accommodations for OHVs < 50 inches in width. The adjustments have been made in response to public comments, both for and against the proposed changes in use. The compromise in Alternative 5 was determined by the district and forest to be the best balance between the competing interests.

As with the street legal only designations in Indian Creek, the Shingle Creek designations were made to accommodate dispersed camping opportunities without ATVs present and because of ongoing illegal use of non-motorized trails and areas. Indian Creek is on the southern boundary of the non-motorized area that is being illegally used by ATVs. The routes in Shingle creek are on the northern boundary of this area. Upon further reflection, the district decided to reduce the amount of street legal restrictions in Shingle Creek. This is due to the fact that the dispersed camping use and opportunities do occur mainly during the deer hunt and because those routes do not connect directly to the non-motorized trail system that is being illegally accessed. The street legal restriction on the main Shingle Creek road would remain in place in the final preferred alternative because it does affect the identified concerns. Alternative 5 also changed the closure location as suggested by the equestrian users.

Comment Up Indian Creek it would not hurt anything to keep the old mine road open that starts up Twitchell Canyon and loops into the Grassy Trail to the west.

(Ltr 240, Cmt 2,)

Comment There are some of the routes that we have received the most concern over:

In the same general area - Shingle Creek - why would you designate this area as street legal only? Most of the people wanting to camp there will have an ATV in the back of their truck and won't be able to use. It also seems a little silly that one can drive an ATV up the Clear Creek highway and then not be able to up those dirt roads!

(Ltr 253, Cmt 13,)

Comment Alternative 3 proposes to close the area West of Shingle Creek (specifically the route to Pine Creek Pass) to OHV use. This route violated the Non Motorized Area of the Forest Plan and is causing serious erosion and resource damage. I strongly support the proposed closure of this area. I further suggest that the road that ends at Shingle Creek be closed on the dugway dropping into Shingle

(Ltr 255, Cmt 2,)

Comment #7. I have never ridden in the Shingle Creek area just south of I-70 near the Clear Creek/Cove Creek divide. However, I have noted from traveling the Interstate, that this is a very busy and popular camping place during the hunts. I suspect that's when 75% of the use in this area takes place. Knowing Utah hunters as I do, and the fact that most everyone of them uses an ATV to facilitate their hunting experience, do you really think you can enforce the no ATV or motorcycle rule in this area? I seriously doubt it. I think it will take a lot of enforcement and education work to manage this

(Ltr 277, Cmt 10,)

Comment #8. I think the same will be true for the Indian Creek area. I wish you luck with this approach, but I think it will be very hard to enforce and make happen. This whole plan will be difficult and costly to implement. Given that, I wonder why you would take on a change in use patterns that will be very costly, and most likely impossible to implement. All I can say is good luck and I will be interested to see if you can make this happen.

(Ltr 277, Cmt 11,)

Comment I disagree with the closure of Shingle Creek and the Indian Creek areas. These areas are used by motorized recreationists for years. Closing areas such as these to use again limits the areas we can

camp and ride our OHVs (ATVs) from. Those areas are becoming smaller and fewer each year. Closing areas like these only pushes people closer together in smaller areas and then you get overuse as they say and then closures come again. I really do not see the need to close these areas. If there are problems off the routes then enforce those closures.

(Ltr 281, Cmt 5,)

Comment I disagree with the closure of Shingle Creek and the Indian Creek areas. These areas are used by motorized recreation for years. Closing areas such as these to use again limits the areas we can camp and ride our OHVs (ATVs) from. Those areas are becoming smaller and fewer each year. Closing areas like these only pushes people closer together in smaller areas and then you get overuse as they say and then closures come again. I really do not see the need to close these areas. I have not seen resource damage on the routes. If there are problems off the routes then enforce those closures.

(Ltr 282, Cmt 5,)

Comment I disagree with the closure of Shingle Creek and the Indian Creek areas. These areas have been used for motorized recreation for years. Closing areas such as these to use again limits the areas we can camp and ride our OHVs (ATVs) from. Those areas are becoming smaller and fewer each year. Closing areas like these only pushes people closer together in smaller areas and then you get overuse as they say and then closures come again. I really do not see the need to close these areas. If there are problems off the routes then enforce those closures.

(Ltr 283, Cmt 5,)

Comment Horse users say ATV riders are going up the Shingle Creek road and connecting to non-motorized trails (200, 202, 203, & 281). They have been seen driving at Shingle Meadows, Butterfly meadows, and up to Pine Creek Pass. Some may have even traveled as far as Manderfield reservoir. Horse people are willing to take a field trip. ATV users have made the opposite claim that they are losing this area due to closure in the route designation.

(Ltr 293, Cmt 2,)

Comment How do we intend to enforce and hold motorized use in the Fish Creek and Shingle Creek areas?

(Ltr 293, Cmt 6,)

Public Concern Order

Public Concern ID 6105

Specialist Assigned DD

Public Concern *The International Mountain Biking Association supports making areas in the Tushars and around Elk Meadows a backcountry area rather than wilderness because these areas are used extensively for mountain biking.*

Response *Designation of special management areas is outside the scope of the route designation project, but is being addressed in the concurrent Forest Plan revision process.*

Comment Delano: IMBA strongly recommends managing this area as a Backcountry Area or other diverse designation. Access for mountain bikes on the numerous high elevation trails in this relatively undiscovered area provides respite from extreme summer temperatures. Elk Meadows ski resort, which has struggled in recent years, could benefit greatly from attracting summer mountain bikers to trails in the Delano area. The Skyline National Recreation Trail is already well established as an enjoyable trail for bicycling. Wilderness would shut off this important mountain biking resource and restrict the ability of Elk Meadows to attract summer visitors. North of Elk Meadows, many single-track trails run throughout the Delano area, providing riders with options for longer day or multi-day rides.

(Ltr 225, Cmt 3,)

Comment Tushar: IMBA also strongly recommends managing this area as a Backcountry Area or other diverse designation. The Tushars include an abundance of excellent intermediate and advanced mountain biking terrain where cooler temperatures attract summer cyclists. Tushar and Delano both provide relatively easy access for weekend travelers coming from I-70, I-15, Highway 89 and Elk Meadows resort. In addition, many riders may be staying at the resort or in hotels in Beaver or Junction, eating meals and purchasing equipment and supplies, all providing a significant impact to local tourism economies. IMBA requests that the Forest Service consider managing this area to preserve both mountain bike access and its natural qualities. Doing so will help accommodate the increase in

summer visitors expected in the Draft Management Plan (Fishlake DMP, section 2-6), many of whom will arrive with mountain bikes.

(Ltr 225, Cmt 4,)

Public Concern Order **Public Concern ID 6106** **Specialist Assigned DD**

Public Concern *One respondent asked for information about the status of right-of-ways through the private land inholdings around Kimberly and Tip Top mountains, which are located on the Beaver District.*

Response *The forest does not have public right-of-ways on many of the routes in the Kimberly and Tip Top area. This has and will continue to be a management challenge and the district is working on solutions where possible. Piute and Sevier counties have considered asserting prescriptive public right-of-ways on one or two routes. Routes without public right-of-ways were designated as open to street legal vehicles only because of the need to provide for access to the private inholdings without encouraging ATV use on private lands.*

Comment What is our position in regards to Right of Ways across Kimberly and to Tip Top.

(Ltr 293, Cmt 5,)

Public Concern Order **Public Concern ID 6109** **Specialist Assigned DD**

Public Concern *Several motorized users are critical of the Alternative 3 proposal to limit access in Fish Creek on the Beaver District. During initial public scoping, Three Forest Coalition was critical of leaving the access open.*

Response *The forest appreciates why people value Fish Creek for recreation. Unfortunately, the access routes in and around Fish Creek are continually being used to illegally access non-motorized trails and areas in spite of aggressive enforcement. This is the same area described in concern 6104. In addition, even the legal route has numerous stream crossings that are impacting riparian habitat and water quality [see 2005 Integrated Riparian Inventory data and report]. The current use and impacts are inconsistent with the need to protect this high value fishery, which is eligible as a Wild and Scenic River and is planned for native Bonneville cutthroat reintroduction to support the conservation strategy.*

Comment I would like to comment on your proposed OHV Route Designation Project. From looking at the map of proposed routes, it looks like all motorized access to Fish Creek is to be closed. I would urge you to keep the 4WD trail 048 to Fish Creek, Trail 214 to Park's Sawmill, and the trail down to the Falls open. Fish Creek is a great place to take kids camping, please keep it accessible.

(Ltr 248, Cmt 1,)

Comment I love returning to the area where as I child I was able to explore and learn to love and respect nature. I understand that those same areas are being targeting for closure by the government. Please leave the 4WD trail 048 to Fish Creek open as well as trail 214 to Park's Sawmill. I have enjoyed so many memories in the area and would love to be able to show my children the same beautiful places. I feel that it is important to keep these areas accessible to as many people as possible, which includes 4 wheeler access. Many times, I have been ill and unable to hike, a nice ride through the mountains has lifted my spirits.

(Ltr 250, Cmt 1,)

Comment I would like to comment on the proposed closer of the fishlake canyon. this area has been a wonderful area for many families to go to picnic and camp, my family being one of those. With

these proposed road closers this will limit access to these areas to only those who or able to hike into and out of these areas. What about those who are disable in some way who could access these areas if the road were to stay as they are.

(Ltr 251, Cmt 1,)

Comment There are some of the routes that we have received the most concern over:

The road/trail up Fish Creek. If there is concern over resource damage, we need to address it, but closing this area to motorized? Not a good thing. This whole area needs to be left open. It gets quite a bit of use and I would think you would want access into the area to manage the forest.

(Ltr 253, Cmt 12,)

Comment #9. I have ridden the reaches of Fish Creek that you are proposing to close on a couple of occasions. In fact we have spent the night in this area one time and fished in the creek. We now know why they call it Fish Creek, but that is a well-kept secret and I'm not telling. I am sorry to see this route reduced from motorized to non-motorized. Since it is currently a road in Alternative 1, was portrayed as open in Alternative 2, but now is being proposed as a non-motorized trail in Alternative 3. I question that the forest can actually live without this motorized access. I know the range permittees use this road for their operations. I know there is a limit as to how far motorized can be allowed up Fish Creek, but would hope that the current road would be retained for motorized users. In the current proposal there is no motorized access to the upper reaches of Fish Creek. You are proposing to close them all. I suggest this isn't a smart move as access reaches and points, which have long been available, will now be closed. I suggest some or all of them be left open.

(Ltr 277, Cmt 12,)

Comment The road that is in Fish Creek should be left open. I understand that the route should not go all the way up and through Fish Creek, and that it is closed at the present time pasted the old road. I believe that this closure is justified but to close the old road is not. This makes a great spot to camp, picnic, fish in the Creek and have a great time. I also know that other users use this to access the area. Please leave this part of Fish Creek open.

(Ltr 281, Cmt 6,)

Comment The road that is in Fish Creek should be left open. I understand that the route should not go all the way up and through Fish Creek, and that it is closed at the present time pasted the old road. I believe that this closure is justified but to close the old road is not. This makes a great spot to camp, picnic, fish in the Creek and have a great time. I also know that other users use this to access the area. Please leave this part of Fish Creek open.

(Ltr 282, Cmt 6,)

Comment The road that is in Fish Creek should be left open. I understand that the route should not go all the way up and through Fish Creek, and that it is closed at the present time past the old road. I believe that this closure is justified but to close the old road is not. This makes a great spot to camp, picnic, fish in the Creek and have a great time. I also know that other users use this to access the area. Please leave this part of Fish Creek open.

(Ltr 283, Cmt 6,)

Comment Locals in the Kimberly area have expressed concern about motorized access to Fish Creek. The fellow we spoke with agreed that there it too much access now. He says there are three ways to get to the creek from the Kimberly/Fish Creek meadows area. The travel proposal would eliminate all three. He believes one should remain, he likes "the middle one".

(Ltr 293, Cmt 3,)

Public Concern Order

Public Concern ID 6110

Specialist Assigned DD

Public Concern *Private land owners at Puffer Lake requested that the Forest only allow motorized access through the legal right-of-way to and through their land because of impacts Forest users are creating on their property.*

Response *The route of concern would still be open in the final preferred alternative up to the private land boundary. However, it has been signed on the ground as a dead-end*

route. Also, the route has been removed as a side-trail to the Paiute ATV trail system on the map that is currently undergoing revision for reproduction. The Beaver District will continue to work with the Puffer Lake land owners to address their concerns.

Comment We currently own private land in your district know as the Puffer Lake Resort area. We feel very strongly as private land owners that we need to protect our private land. During the past several years we feel that the public has taken advantage at their own liberties to vandalize, use our private grounds for their own private use. The trash and the damage from off highway vehicles is totally out of control. The small cabins around the resort area where the lodge once was have been vandalized to the point that they are no longer rentable. We paid to have extensive clean up and the lodge demolished a year ago due to public vandalism. This was not an easy thing to do, due to the years of history behind Puffer Lake Resort. We no longer want to have liability exposure from the trespassing public. It seems that the general public no longer has any respect for the property of others. We would like to be made of record that we are AGAINST any public roads, OHV use of any kind motorized and non-motorized trails through our private ground. In observation of your proposed travel plan we find that there are some existing motorized trails and roads being shown that we would like to see removed from public use. We are aware that the Forest Service does have a recorded Right of Way to use the road around the West side of Puffer Lake to access their property, but this should be the only road. We would like to be made of record that we are AGAINST any public roads, OHV use of any kind motorized and non-motorized trails through our private ground. In observation of your proposed travel plan we find that there are some existing motorized trails and roads being shown that we would like to see removed from public use. We are aware that the Forest Service does have a recorded Right of Way to use the road around the West side of Puffer Lake to access their property, but this should be the only road.

(Ltr 264, Cmt 1,)

Comment Barbara Christensen and Joyce Barney have both had several conversations with Terry Krasko and Max Reid over these same concerns this past summer, and we apologize that we were not aware that public meetings were being held for public comment on these very issues. As private land owners we feel very strongly, that if we don't step forward now and start to do something to protect and preserve our private land, that the public will run us over and continue to devalue our property and we will loose the pristine beauty of it. As Max Reid told us, the Forest Service wants to be a good neighbor, and so do we, so we very much appreciate what help you can give us in helping us in our situation with the public trying to over-run us.

(Ltr 264, Cmt 2,)

Public Concern Order **Public Concern ID 6111** **Specialist Assigned DD**

Public Concern *A proposal was suggested to allow ATVs to use developed campgrounds. Maple Grove Campground on the Fillmore District, and Piute Campground on the Loa portion of the Fremont River District were listed as possible candidates.*

Response *The visitors at Maple Grove campground come from around the region and the site is very popular. The quiet experience that these uses seek would be compromised and likely displaced if ATVs are allowed open use of this developed site. Other than the potential tie to the Paiute trail system that does not exist currently, riding opportunities are essentially non-existent outside of the developed campground.*

The Fremont River Ranger District is considering opening the Piute developed campsite to ATVs. The route designations in the action alternatives would make this possible once a connecting motorized trail is constructed, but this is outside the scope of the route designation project.

Comment #2. I would like to see a connection made between Maple Grove Campground and the main Paiute Canyon at or near the mouth of Willow Creek. As the use of the Paiute increases, folks want and need good camping and access to the trail. Maple Grove provides good camping. Seems only logical that you would marry these two facilities with a two-mile connecting trail. Max reminds me that this is beyond the scope of this route designation effort. However, I think this is something the forest should think about and consider. Piute Campground near Johnson Reservoir is another that should be

opened to OHV use. There maybe others.

(Ltr 277, Cmt 4,)

Public Concern Order

Public Concern ID 6112

Specialist Assigned DD

Public Concern *Motorized users expressed concern with the gate closures included in Alternative 3 below Signal Peak.*

Response *The public use described in the comments below is illegal. Not only is one of the routes that comprise the "loop" gated closed, none of the routes are shown as open on the current travel map. The connection that creates the loop is user-created. The routes are needed for long-term vegetation management, but are located in high value wildlife habitat that the forest wants to protect by limiting use. Therefore, the designations remain the same in the final preferred alternative.*

Comment Annabelle reservoir trail: This trail is on your map and is an old jeep trail and I would guess an old logging road. But Kay Staples a Richfield resident tells of ride this road as a boy in a jeep. But my point is that you show it going up and dead ending. It goes through to the logging road that goes into that area. It should be a loop. Please look at this trail.

(Ltr 252, Cmt 1,)

Comment Deep Lake trail: This trail is on your map and goes to the logging road also. But it also needs to be on the map as going to the logging road and become a loop. I would be glad to ride this with Max or someone else to show them what I mean.

(Ltr 252, Cmt 2,)

Comment I am against putting up gates that will be closed year around. Don't closed area that we have travel on for years. I notice that you are putting a gate going out of Annabella lake and a barrier at the end of the roads. What does that Mean?? I have been hunting and watching wildlife in that area back in the early 60's.

(Ltr 261, Cmt 2,)

Comment I notice that you are closing areas on the lower hills around Annabella. If you are going to do that. People like to ride in the winter and look at the wildlife. If you close up this area you will create other problems.

(Ltr 261, Cmt 5,)

Comment #13. On Monroe Mountain, you are showing two routes into and towards Signal Peak as gated closed. Why are you retaining these routes behind gates? I can support the closure if that is the decision, but they need to be obliterated, not gated closed. A closed gate just entices folks to use the route. There are members of the motorized community that claim these two routes actually connect and make an ideal loop ride opportunity that they would like to see retained. This loop consideration should be looked at before a final decision is made.

(Ltr 277, Cmt 16,)

Comment The backcountry horsemen are interested in a tour of the Signal Peak proposed backcountry area. This might be a chance for the RD to take the lead and consider boundaries and management of this area. The backcountry horsemen expressed an interest in a low-elevation non-motorized (backcountry) area. When asked where such an area might be, they gave examples on the RRD (Niotche) . They might be interested in areas as small as 5,000 acres. In fact one fellow said he would like to see a serious of 5,000 acre wildernesses all across the Fishlake forest.

(Ltr 293, Cmt 8,)

Public Concern Order

Public Concern ID 6114

Specialist Assigned DD

Public Concern *Equestrian users expressed concern about illegal motorized encroachment into the White Mountain area on the Richfield District. Sevier County requested a route to be*

opened that would provide Accord Lakes land owners direct access to the Forest trail system on the western side of the inholdings.

Response *The White Mountain area provides high value big game habitat and is very popular with non-motorized users. This area has been closed to motorized use for roughly two decades. The forest is interested in providing a route that would allow land owners from the Acord Lakes area access onto National Forest provided public access is assured through the private lands and provided the access does not compromise the ability to enforce the motorized closures. An existing route that fits both of these requirements could be used to make the desired connection if the public access through private lands could be secured. A new route at Skumpah Reservoir would not be enforceable. In any case, this request is outside the current project scope.*

The Fishlake National Forest portion of the route that is allowing illegal access into Jump Creek would be obliterated in all of the action alternatives.

Comment I understand there have been requests to open an OHV route from the Acord Lakes area up through the White Mountain non-motorized area. This is an excellent area for horse use and I strongly oppose any use of OHV'S in this area.
(Ltr 255, Cmt 3,)

Comment There is need for better enforcement of motorized violations coming into the area from Gunnison Valley and there needs to be better coordination with travel restrictions on the Manti-LaSal National Forest.
(Ltr 255, Cmt 4,)

Comment Horse-use groups are concerned about motorized incursions into the White Mountain area from Gunnison Valley. Apparently, ATV riders leave the Skyline drive about 3 miles north of the FNF boundary. They then drive down MLS FS rd 1163 to the FNF boundary. There is an old fence along the boundary. They have taken the fence down and proceed to drive in the Salina Creek Jump Creek area and get onto the non-motorized trails (102 & 263).
(Ltr 293, Cmt 7,)

Comment As you know, we have been working on the travel plan maps and would like to comment on a few routes that concern us.

*As there are hundreds and perhaps thousands of visitors and land owners in the Accord lake area, there is a great need and desire to find a new ATV route from that area to the Salina Creek road. The routes to and from that area are very limited. Creating a new route (approximately 1/2 mile) near Skutumpah Reservoir would be very beneficial. We believe we could work with the private land owners and between the Forest Service and the County we could find a route that would work and still protect the White Mountain non-motorized area.

(Ltr 294, Cmt 2,)

Public Concern Order **Public Concern ID 6115** **Specialist Assigned DD**

Public Concern *Backcountry horsemen made the Forest aware of a user created route by Three Creeks Reservoir.*

Response *This is a non-motorized trail that was gated closed in the summer of 2005 to prevent motorized users from driving up Birch Creek. Designations ranging from open yearlong (Alternatives 2 and 3) to obliterate (Alternative 4) and non-motorized trail (Alternatives 1 and 5) were considered for this route. In the end, the district decided that it was best to leave this trail as non-motorized. Presumably, the activities described by the Backcountry Horsemen occurred before the gate was installed.*

Comment Backcountry horsemen (Mike Newby backed up by Kent Taylor) told us that a new (this year) trail has been build in the vicinity of Birch Creek above Three Creeks Reservoir (T25S, R6W, sec 9). It goes almost due north through the unroaded section. The trail is very well developed and would have taken considerable time to cut through.

(Ltr 293, Cmt 1,)

Public Concern Order **Public Concern ID 6313** **Specialist Assigned DD**

Public Concern *A request was received to provide a legal route that would allow the summer homes at Merchant Valley to connect to the Forest trail system.*

Response *After district verification, the existing route was added to the GIS inventory and would be open yearlong in Alternative 5 to accommodate the described use.*

Comment #11. Max tells me there is no legal route for motorized users out of the Merchant Valley Summer Home area. I suggest you identify one of the routes that currently link the summer homes to the Paiute Trail on Sawmill Ridge and make it a legal route. To do otherwise will create an enforcement nightmare.

(Ltr 277, Cmt 14,)

Public Concern Order **Public Concern ID 7103** **Specialist Assigned DD**

Public Concern *Capitol Reef National Park requested that the Forest not allow ATV access to the park boundary on the Polk Creek road because ATVs are not allowed in the park.*

Response *This road connects Capitol Reef National Park with National Forest System Lands and is currently open to all motorized vehicles. The district suggested this route be limited to street legal vehicles only beyond the corral access junction (trails xt_075 & xt_076) to reduce the potential conflict with Capitol Reef that does not allow ATVs. Wayne County has jurisdiction and maintenance responsibilities for this route. At the time the DEIS was released, Wayne County expressed their initial desire to keep the route open to all use. Therefore, Alternatives 2, 3, and 4 show the route as open yearlong. Wayne County agreed to a street legal only designation after further negotiations with the district and Capitol Reef. Thus, the route would be limited to street legal vehicles only in the final preferred alternative to address the concerns expressed by the manager of Capitol Reef National Park. This change in designation will have to be signed on the ground because the designation will not be displayed on the Motor Vehicle Use Map.*

Comment The Polk Creek Road is identified as open to OHV use within the National Forest, but would be a dead-end route for OHV users where it terminates at the boundary of Capitol Reef National Park. Non-street legal vehicles are not permitted on Park roads where they cross the border from the National Forest. It is human nature for motorists to try to find a loop route so they do not have to travel back over the same portion of road. There would be a temptation by some OHV users to pass into the Park in violation of Park regulations and access a return route across BLM lands to the north. We recommend that the Forest Service close the Polk Creek Road to OHV use from the Round Lake Road turnoff east to the Park boundary. Restricting road use to street-legal vehicles on this portion of the road would eliminate the dead end route and would help reduce potential enforcement issues on the Park. We understand that there may be problems with County jurisdiction and would be glad to meet with the Forest Service and appropriate county officials to discuss the issue.

(Ltr 285, Cmt 3,)

Public Concern Order **Public Concern ID 7106** **Specialist Assigned DD**

Public Concern *The existing emergency closure to the Beaver Dams on the Richfield District that is*

being refined in the route designation project generated opposition from some motorized users.

Response *The route was open yearlong to motorized use prior to 2004. ATVs were using the route to push into non-motorized trails, which is resulting in use conversion and is creating use conflicts and resource impacts. The upper portion of this route nearest the dams has naturally converted from a road to a motorized trail, so that portion will be reclassified as a trail. A high percentage of the ticketed violations on the Richfield district occur on this route. The district conducted a field trip with the Sevier County Commissioners to look at the option of working with ATV groups and the county to leave the route open, but build a fence to prevent users from damaging the wetlands associated with the Beaver Dams. Unfortunately, the next day some riders rode through and damaged the Beaver Dam wetlands. Subsequently, the District issued and implemented an emergency closure order.*

The Beaver Dams closure was moved due to damage at the Beaver Dams the summer of 2004 and is currently closed at the first crossing west of Burnt Hollow at the junction with route tr_324. The district proposed closing 039 to motorized use at the 1429 road junction in Alternative 3. In Alternative 5, the existing temporary closure would be maintained permanently because it is a more defensible location and because it allows users to access existing campsites that Alternative 3 would block access to.

Comment *I can't see where they are hurting the old roads and trails that's been there for years and years like the old road going into the Beaver ponds up in Sheep Valley. My father took us in there many, many years ago when I was a little boy and it looks the same to me now that it did then and that's been over 60 years ago and now you close the road just because someone sitting behind a desk says we'll close it. I hope and pray the people of this great country will all get their heads together and tell these so called higher ups what's going to be the way it should be instead of them telling us what to do and when.*

(Ltr 249, Cmt 3,)

Comment *As you know, we have been working on the travel plan maps and would like to comment on a few routes that concern us.*

**The closing of the road into the "Beavers" has us concerned. We recognize that there are a few irresponsible individuals who have caused some resource damage to this area. We also recognize that there needs to be some control to prevent further damage. What bothers us most, is closing the road to all law abiding users and preventing them from visiting this spectacular area. Our suggestion, along with the working group we formed to help study these areas, recommend that if there is to be a closure it should be no further away than 1/4 mile. This would allow the public to have a reasonable walking distance to enjoy the site.*

(Ltr 294, Cmt 4,)

Public Concern Order

Public Concern ID 7113

Specialist Assigned DD

Public Concern *One respondent recommended opening up the paved highway from Oak City to the Oak Creek campground.*

Response *The county road to the boundary is closed to ATVs and their current intent to keep this restriction in place. Users currently trail their machines to the campground to access the mountain from that road. Therefore, the street legal designation on forest is used in the final preferred alternative.*

Comment *#1. The Canyon Range above Oak City seems to have adequate routes that will meet most peoples needs. I have never ridden there. Max says most of the use is for hunting. But I do have a question about the paved route out of Oak City. I can't believe this route is not being used by locals*

for motorized OHV access to the mountain. How else are folks from Oak City getting onto the road and trail system? It doesn't seem to me that you will be able to enforce a closure on this route. I suspect Oak City locals will just thumb their nose at you and ride it anyway. Wouldn't it be easier to administer by letting the use happen on this major access route. It's similar to the situation in Monroe City, including paved access road to the mountain. Monroe's is open and Oak City's isn't. I would suggest you reconsider opening this route. At least offer to work with Millard County and City of Oak City to facilitate a legal access from town to the mountain.

(Ltr 277, Cmt 3,)

Public Concern Order **Public Concern ID 7164** **Specialist Assigned DD**

Public Concern *A couple of respondents requested public access through the Deer Trail mine area on the Beaver District.*

Response *On the surface the route designations appear to be inconsistent as suggested by the public comment. However, the designations in the proposed actions are correct. The forest does not have a public right-of-way through the Deer Trail mine. Also a debris flow after the Cottonwood fire in 2002 made the road impassible by creating a deep/steep gully through the crossing roughly 15 feet deep. A berm has been constructed to prevent motorized users from driving into the abyss.*

The upper portion of this route that occurs after going through the private lands is revegetating nicely after the Cottonwood fire in 2002. Unfortunately, the route needs to be waterbarred to prevent surface runoff from traveling down the road for long distances. It is currently causing the prism to erode. This section of 125 will be obliterated in all of the action alternatives as it is not needed for long-term access or management.

Comment #12. You are showing the access road into the Deer Trail Mine from off the Cottonwood road as closed to motorized OHV use. Yet, forest road #1105 coming in from the north is open. You need to either open the access to the mine from the Cottonwood side, or close the access along the #1105, but one open and one closed will not work. I know the owners of the Deer Trail play a role in this decision. Have they been contacted and what is their intentions and desires for the route through their property? I favor opening the access for motorized use. Also the #125 road and the #1108 road above the Deer Trail have no status shown. We need to show them open, closed or obliterated. A decision needs to be made and reflected in this analysis.

(Ltr 277, Cmt 15,)

Comment There is a discrepancy around the Deer Creek mine area off the Cottonwood road and north. Please leave at least one route open to get though or pasted the mine and on north to the other routes.

(Ltr 282, Cmt 7,)

Public Concern Order **Public Concern ID 7183** **Specialist Assigned DD**

Public Concern *Capitol Reef National Park offered suggestions about where to place physical barriers along the Paradise Flats Road.*

Response *These comments have been noted in the part of the rationale and criteria database that tracks implementation requirements and will be applied when the physical barriers are constructed.*

Comment The location of the proposed barrier along the Paradise Flats Road, which would keep vehicles off the trail, does not appear to allow for vehicle parking. The barrier should be located about 100 yards further down the old road near the two large ponderosa pine trees so people would have enough room to park and maneuver vehicles.

(Ltr 285, Cmt 5,)

Public Concern Order **Public Concern ID 7184** **Specialist Assigned DD**

Public Concern *The Southern Utah OHV club requested that the route by Sulphur Creek on the Fremont River Ranger District be left open.*

Response *The topography and vegetation are conducive to off-route travel and this route goes through potential habitat for Rabbit Valley gillia, which is a sensitive plan species. Therefore, the route will be obliterated in the final preferred alternative.*

Comment There are some of the routes that we have received the most concern over:

The trail that goes off #146 north of Torrey ends at a spectacular view point. Here again, if there is no compelling reason to close it, why not leave it alone?

(Ltr 253, Cmt 16,)

Public Concern Order **Public Concern ID 7189** **Specialist Assigned DD**

Public Concern *One commenter identified a problem with the route inventory for Forest route 1618.*

Response *The inventory was changed to reflect this condition once the information was validated with the district.*

Comment #19. Forest road #1618 just off the Hancock Flat Road is not a road. It's a trail. This route needs to be changed from road to motorized trail.

(Ltr 277, Cmt 22,)

Public Concern Order **Public Concern ID 7297** **Specialist Assigned DD**

Public Concern *One respondent pointed out that ATV side-by-sides, which are wider than 50 inches in width, have no legal means to access National Forest from Fillmore up Chalk Creek. A physical closure was also suggested at the west end of Chalk Creek by City Springs. Also, motorized users from Fillmore requested that the forest retain a short, but popular, motorized loop in the lower end of Chalk Creek.*

Response *The Paiute 03 side trail cannot be safely driven by ATV side-by-side machines because the trail is too narrow in places and the rock barrier by Copley's Cove prevents passage. The side-by-sides are also not legal on road 100, which is the only alternate access onto National Forest. Therefore, the district decided to give forest road 100 a special designation that will allow side-by-side ATV to use the road, but not ATVs with axle widths less than 50 inches.*

The suggested barricade is included in Alternative 5 to facilitate enforcement of the popular motorized loop route. Part of the concerns with this particular loop route, that occurs in an unrestricted area, is that it allows users to get onto forest road 100 that is closed to ATVs due to safety concerns. A combination of non-motorized designations and obliteration was identified in Alternatives 2, 3, and 4. A combination of open yearlong and non-motorized designations and motorized barriers are proposed to provide the desired access, but still maintain public safety.

Comment Ted pointed out that the rocks and new trail alignment by Copley's Cove (PST03) prevent the >50" "Ranger" OHVs from making the Chalk Creek loop -- sales on those vehicles are double the last two years -- this is the main access from Fillmore onto National Forest.
(Ltr 228, Cmt 2,)

Comment Open loop along the pipeline between the main canyon road and the ATV trail along the old road in the bottom of the canyon. At one point this connects to the canyon road but this could easily be blocked.
(Ltr 229, Cmt 1,)

Comment Barricade at west end of Chalk Creek by City Springs.
(Ltr 229, Cmt 5,)

Public Concern Order **Public Concern ID** 7323 **Specialist Assigned** DD

Public Concern *Some respondents requested that Trail 347 be maintained as open to motorized use because it is part of a popular loop system.*

Response *This route provides access to a pipeline that is incomplete and not being used currently, but that is being used by motorized users for a loop route and dispersed camping opportunities. The Forest was carrying this route as non-motorized in its inventory, but is located in an unrestricted area so was being used primarily by motorized users. The route is non-motorized trail in Alternatives 1, 2, 3, and 4, but would be changed to a motorized trail in Alternative 5, in part, due to response to public comments on the route.*

Comment #5. Just north of Fremont Indian State Park there is a trail #347, which is a pipeline that ATVs have been using for a long time. It facilitates a loop from the main Paiute Trail over to Big Bench area. It is part of a loop ride that some folks take from time to time. What is the reasoning for not making this a motorized route, since it has been motorized for a long time?
(Ltr 277, Cmt 8,)

Comment The route that I call the pipeline that forms a loop from the Main Paiute Trail over to Big Bench area and back to the Paiute (this is north of Fremont Indian State Park) is a great trail to take as a diversion from the main trail. It is also a great trail for those that camp on the mountain to use as a loop. With routes like this one around provides places to ride therefore, keeping people on the trails and not just running all over. Please make this route motorized so we can continue to use it.
(Ltr 281, Cmt 4,)

Comment The route that I call the pipeline that forms a loop from the Main Paiute Trail over to Big Bench area and back to the Paiute (this is north of Fremont Indian State Park) It is a great trail to take as a diversion from the main trail. It is also a great trail for those that camp on the mountain to use as a loop. It entertains the family and provides a place to ride. With routes like this one around provides places to ride therefore, keeping people on the trails and not just running all over. Please make this route motorized so we can continue to use it.
(Ltr 282, Cmt 4,)

Comment The route that I call the pipeline that forms a loop from the Main Paiute Trail over to Big Bench area and back to the Paiute (this is north of Fremont Indian State Park) is a great trail to take as a diversion from the main trail. It is also a great trail for those that camp on the mountain to use as a loop. Routes like this one provide places to ride therefore, keeping people on the trails and not just running all over. Please make this route motorized so we can continue to use it.
(Ltr 283, Cmt 4,)

Public Concern Order **Public Concern ID** 7324 **Specialist Assigned** DD

Public Concern *One respondent expressed concern about the ability of the Forest Service to enforce the proposed seasonal closure on Trail 355.*

Response *The Sand Rock Ridge Riders petitioned the Fillmore District Ranger to open this route yearlong because of the loop that it provides, which on the Fillmore District are not as common as on the rest of the Forest due to topography. The route goes through high quality big game habitat. Therefore, the decision was made to keep the route open for the summer, but close it during the hunting season to protect wildlife and to provide an opportunity for non-motorized hunters. The closure will be enforced by a barrier at each end that is designed specifically to allow foot and horse travel to pass while restricting ATVs. The barrier includes a gate that can be closed during the hunting season. There will no doubt be attempts to breach the barriers, but the district is committed to enforcing this closure.*

Comment #6. I am interested to see if you can actually manage through enforcement, the hunting season closure on the Horseflat Canyon route. I am not opposed to this, just that it will take some serious attention to enforce it during the fall hunting season. Good Luck.
(Ltr 277, Cmt 9,)

Public Concern Order **Public Concern ID 7325** **Specialist Assigned DD**

Public Concern *Several motorized users asked that Trail 622 be left open to motorized use because part of the route is challenging and offers popular vistas.*

Response *This route does not receive a lot of use, but is very popular with those who do use it. The first portion of the route includes some technical riding that would be a safety concern for inexperienced riders. The forest considered leaving this route open as it is currently (Alternatives 1 and 2) and converting it to a non-motorized trail (Alternative 3). This route remains open in the final preferred alternative, but will require signage on the ground to indicate its difficulty rating and will not be featured on maps that are handed out to the general public. This decision was reached after extended discussions with interested publics about the management of this area as a backcountry area in the revised Forest Plan.*

Comment There are some of the routes that we have received the most concern over: The lighting ridge trail (#622) needs to definitely stay open! This is a historical trail with great views and one of the few trails left that offers any kind of a challenge for the more experienced riders. The trail ends on a point that is a great jumping off place for a very nice day hike into South Cedar Ridge Canyon. No conflicts exist that I am aware of and the nature of the trail is such that you don't need to maintain much if anything. This trail was on your previous travel plan and would be a tragedy to lose.
(Ltr 253, Cmt 7,)

Comment #3. I firmly believe that trail #622 should be left open to motorized. Some refer to this route as the toll trail, some know it as the Lighting Ridge Trail, Max calls it the "Oh Shit, Secret Mountain Trail". You know I had a part in that naming. The first time he took me up it, I uttered, "Oh Shit". If you have never been there you don't have a clue. It is an old wagon road that the pioneers have cut into the ledges via which they extracted posts, fuel wood and some timber. It has been in place for well over 100 years. There is no resource damage occurring that I can see. And to my knowledge, this trail has never been restricted to motorized use. Riders are not veering from the trail. They ride the four miles to the ridge overlooking South Cedar Ridge Canyon, enjoy the view and return. Our family has used the trail on an annual basis since about 1995. We have fixed lots of evening hotdogs and hamburgers over an open fire along this trail. It gives some of the best views of the north end of the valley and Richfield that there is. It is a great place to watch the shadow of the sun recede across the valley. I have spent a lot of hours contemplating the challenges and mysteries of life from vistas off this trail. Some great husband and wife discussions and cuddles have taken place here. Not that this is important to the decision, but it is special for my family and me. If there were a user conflict, I might understand the decision to close it. However, in all my visits, I have only seen one

hiker, never a horse or a mountain bike. But I have seen numerous ATVs and motorcycles. So why now, after all these years, take it away from what I know and have observed as the primary users? There needs to be a far better reason than "because" attached to this closure action.

(Ltr 277, Cmt 5,)

Comment And the potential Bee Hive Peak Wilderness isn't viable, because, as I understand it, you aren't going to promote that action as part of the Land Management Planning effort. And, if your going to call it "Back Country", why can't back country be for and involve some motorized use to remote locations. I strongly urge you to reconsider this closure. Leave it for all the folks to use and enjoy, especially the ones who have historically been using it and enjoying it.

(Ltr 277, Cmt 6,)

Comment The route you have as #622 (Lighting Ridge Trail) This route is an old wood haling route the pioneers who settled the Sevier Valley used and people have used it for at least 100 years. It was extremely disappointing to read that you propose to close this unique route. It provides some of the greatest views of the valley and is an exciting trail to ride. Yes it is not for the beginner, but affords the average to expert rider with a great ride and opportunity. Please change your views about this wonderful route and leave it open for our use.

(Ltr 281, Cmt 3,)

Comment The route you have as #622 (Lighting Ridge Trail) This route is an old wood haling route the pioneers who settled the Sevier Valley used and people have used it for at least 100 years. It was extremely disappointing to read that you propose to close this unique route. It provides some of the greatest views of the valley and is an exciting trail to ride. Yes it is not for the beginner, but affords the average to expert rider with a great ride and opportunity. I have not seen any resource damage and have not seen any conflict with other uses. Please change your views about this wonderful route and leave it open for our use. I have used this trail for over 12 years and it provides my family a great early spring and late fall riding opportunity.

(Ltr 282, Cmt 3,)

Comment The route you have as #622 (Lighting Ridge Trail) This route is an old wood haling route that the pioneers who settled the Sevier Valley used and people have used it for at least 100 years. It was extremely disappointing to read that you propose to close this unique route. It provides some of the greatest views of the valley and is an exciting trail to ride. Yes it is not for the beginner, but affords the average to expert rider with a great ride and opportunity. Please change your views about this wonderful route and leave it open for our use.

(Ltr 283, Cmt 3,)

Comment As you know, we have been working on the travel plan maps and would like to comment on a few routes that concern us.

*We have been contacted by numerous citizens that would like to see the Lighting Point Trail (North of Richfield) remain open for ATV use. We understand this is an old wood gathering road, and is now used for recreation, site seeing, and hunting.

(Ltr 294, Cmt 5,)

Public Concern Order

Public Concern ID 7327

Specialist Assigned DD

Public Concern *One respondent was pleased with the decision to open the trail to Cottonwood Creek overlook to motorized use.*

Response *This route is popular with the locals because of the panoramic overlook at the end of the route, which is located close to Richfield. The action alternatives considered everything from opening the route to motorized use (Alternative 3 and 5) to use as a non-motorized trail (Alternatives 2 and 4). Similar to the Lightning point trail [concern 7325], this decision was reached after extended discussions with interested publics about the management of this area as a backcountry area in the revised Forest Plan.*

Comment #4. Now, while we are on the subject of routes west of Richfield, which are near and dear to my heart, let me lend my support and thank you for legally opening the route to what I refer to as the Cottonwood overlook, and the trail along the south rim of Cottonwood we refer to as the Redview Loop. These routes have been in place and used for many years. I'm told they were/are illegal. But riders don't know that. I have never seen a sign or an effort of any kind to close or restrict the use. So making them legal through this effort is good. Thank you.

(Ltr 277, Cmt 7,)

Public Concern Order **Public Concern ID 7330** **Specialist Assigned DD**

Public Concern *Capitol Reef National Park expressed concern with the administrative use designation for the road to Jones Bench.*

Response *The route in question is located along an irrigation ditch that has a Ditch Bill easement. Thus the Forest Service cannot obliterate the route.*

Comment The road to Jones Bench, near the northwestern boundary of the Park, would be a gated administrative use road and closed to all vehicular use by the public under the Proposed Alternative. The EIS does not identify the nature of the administrative use of this road. We request that the Forest Service identify the intended administrative use of this road, and obliterate the road prior to the Park boundary if the administrative use does not require vehicular travel to the termination of the

(Ltr 285, Cmt 6,)

Public Concern Order **Public Concern ID 7385** **Specialist Assigned DD**

Public Concern *Several concerns were expressed with the designation applied to the route up Red Canyon that is used to access the Bicknell water line.*

Response *Provisions that allow Bicknell Town access to their waterline is provided in all of the alternatives studied in detail in the DEIS and FEIS. Alternative 3 shows the route as a non-motorized trail because of the scenic value where the route passes through, but with the understanding that Bicknell Town would have a key to the proposed gate that would be used to restrict motorized travel.*

The route is located in a semi-primitive non-motorized management area under the current Forest Plan. Therefore, motorized recreation is not appropriate without a plan revision. The final compromise for this route that are incorporated into Alternative 5, includes moving the gate down to a more enforceable location, which also affords motorized users a view of the area. Doing so in triggers the need for a non-significant Forest Plan amendment to modify the boundary of the 3A management area.

Comment There are some of the routes that we have received the most concern over:

There is no access to the trail system from Bicknell if you close the current trail out of town. We think this is critical to the town.

(Ltr 253, Cmt 14,)

Comment Pursuant to our conversations over the past few days, I offer the following additional information regarding the State's need for additional time to effectively review and comment on the DEIS for the Fishlake National Forest Route Designation Project. John Harja stated several concerns in his September 8 email. I wish to provide further explanation and examples of concerns. The State is concerned that the trail which provides access to the Bicknell Town culinary pipeline, identified as an undesignated motorized trail in Alternative 1, is proposed as a non-motorized trail in Alternative 3. I discussed this matter with Kurt Robins and Dale Deiter at the August 25 Public meeting, in Loa. The Summary of Scoping Issues, at page 154 of 202, indicates that comments (including those provided

by Bicknell's Mayor Sherwood Albrecht) address the need for the route to "access and service Bicknell's water system". I spoke with Mayor Albrecht, on September 8, regarding this matter. He reaffirmed the need for Bicknell Town to have the ability to access the pipeline with motorized equipment, via the subject trail. Classifying the trail as non-motorized, would seem to preclude Bicknell Town from utilizing the trail to conduct needed inspection and maintenance work on this vital segment of the town's water system. Classifying the trail as gated closed seems more appropriate. Discovery of this situation caused the State to consider the need to more closely examine the DEIS to determine if similar situations might exist elsewhere. This concern, in addition to others related to the DEIS document, prompted the request for an extension.

(Ltr 268, Cmt 1,)

Comment #17. The gate location your decision shows for the upper end of the Bicknell Water Line will not work. Folks are going to want to have the overlook into what Max call's Little Bryce. The depicted gate location will not afford an overlook. It will also be impossible to defend at the location shown. The route needs to be opened an additional half-mile to let folks see and enjoy this very beautiful piece of real estate. I know it took my breath away the first time I rode up on this rim. Don't deny folks this view from the back of a four-wheeler. Also, since this is a municipal water system, which the City of Bicknell needs access for maintenance, shouldn't this be gated and shown in blue?

(Ltr 277, Cmt 20,)

Comment Another route that you have proposed to eliminate from motorized access is the upper end of the Bicknell water line. Please place the gate a little lower on the route so that we can ride to the overlook an see this spectacular view. The route is already there, put the gate just pasted the overlook and turnaround area that we are using at the present time. This is the second time you have stopped members of my family from enjoying this kind of opportunity to see this area.

(Ltr 281, Cmt 9,)

Comment Another route that you have proposed to eliminate from motorized access is the upper end of the Bicknell water line. Please place the gate a little lower on the route so that we can ride to the overlook an see this spectacular view. The route is already there, put the gate just pasted the overlook and turnaround area that we are using at the present time. This is the second time you have stopped members of my family from enjoying this kind of opportunity to see this area.

(Ltr 282, Cmt 10,)

Comment Another route that you have proposed to eliminate from motorized access is the upper end of the Bicknell water line. Please place the gate a little lower on the route so that we can tide to the overlook an see this spectacular view. The route is already there, put the gate just past the overlook and turnaround area that we are using at the present time. This is the second time you have stopped members of my family from enjoying this kind of opportunity to see this area.

(Ltr 283, Cmt 9,)

Public Concern Order

Public Concern ID 7388

Specialist Assigned DD

Public Concern *Capitol Reef National Park identified an error in the route inventory on a trail that provides access to park lands from National Forest System lands.*

Response *This error has now been fixed and is shown correctly for all alternatives.*

Comment As noted in the scoping response letter of July 28, 2004, signed by Albert J. Hendricks, Park Superintendent, the trail to Paradise Flats in T27S, R5E, Section 31 does not exist nor has it ever existed (see attached figure 1). Park staff have tried to locate this trail on several occasions. There is no evidence of a trail nor is there a safe route of travel in the vicinity of the identified route. The identified route represents a cartographic error; however, a trail exists on the next ridge to the north (see attached figure 2). We recommend that the trail indicated in figure 2 be identified as the designated non-motorized route. That change should be indicated on any maps so visitors are not confused and are not directed into an unsafe area where no trail is present.

(Ltr 285, Cmt 4,)

Public Concern Order

Public Concern ID 7389

Specialist Assigned DD

Public Concern *Several motorized users requested that the trail to Hells Hole on the Fremont River Ranger District be open to motorized use.*

Response *The district considered opening this route in response to the comments from the Southern Utah OHV Club and other motorized users that value the panoramic view offered by this route. However, the forest determined that this route could impact potential habitat for Rabbit Valley gillia, which is a sensitive plan species. Therefore, it is to be obliterated in all of the action alternatives.*

Comment There are some of the routes that we have received the most concern over:

In the same area is a trail that goes to Hell's Hole that you are proposing to gate. Why? This is a very pretty drive and should be left open.

(Ltr 253, Cmt 15,)

Comment #16. I noticed that you are proposing to gate the route into Hell Hole for approximately the last ? mile. I don't see the reasoning behind this. First the access has to be maintained by the City of Torrey for their water supply. You're going to the expense of a gate to keep folks from riding ? mile of trail and denying them access to the prettiest portion of the canyon. I think you either ought to block the entire canyon taking all vehicles out, or leave it all open. I suggest the latter.

(Ltr 277, Cmt 19,)

Comment One of the greatest views and places to have lunch is at the end of the, I believe is the Hell Hole route. The trail is established and ends by the slick rock. It is a very special place to my family and friends. Why would you prevent us from enjoying such a magnificent place. There are those of my family that can not walk the distance you would be closing off. The route does not and can not go any further than the slick rock and overlook. I have been there several times this year and do not see any erosion, off trail travel, new routes or resource problems with this route remaining open. It would be devastating to those who can not walk the (about) 1/2 mile round trip.

(Ltr 281, Cmt 8,)

Comment One of the greatest views and places to have lunch is at the end of the, I believe is the Hell Hole route. The trail is established and ends by the slick rock. It is a very special place to my family and friends. Why would you prevent us from enjoying such a magnificent place. There are those of my family that can not walk the distance you would be closing off. The route does not and can not go any further than the slick rock and overlook. I have been there several times this year and do not see any erosion, off trail travel, new routes or resource problems with this route remaining open. It would be devastating to those who can not walk the (about) mile one way.

(Ltr 282, Cmt 9,)

Comment One of the greatest views and places to have lunch is at the end of the, I believe is the Hell Hole route. The trail is established and ends by the slick rock. It is a very special place to my family and friends. Why would you prevent us from enjoying such a magnificent place. There are those of my family that can not walk the distance you would be closing off. The route does not and can not go any further than the slick rock and overlook. I have been there several times this year and do not see any erosion, off trail travel, new routes or resource problems with this route remaining open. It would be devastating to those who can not walk the (about) 1/2 mile round trip.

(Ltr 283, Cmt 8,)

Public Concern Order **Public Concern ID 7390** **Specialist Assigned DD**

Public Concern *Some motorized users commented that an Alternative 3 closure by Dry Creek Guard Station would close a useful connection route.*

Response *The district agreed with the expressed need for this route, which is now shown as open yearlong on the final preferred alternative.*

Comment Just past or to the south of the Dry Creek Guard Station on the trail to Big Table you have proposed

alternative (Alt. 3), this I do not understand, the trail has been there for some time and even has an ATV cattleguard on it. If you close this short section, one must go on down the road for some distance to then come back on to the trail. I always use this as a diversion from the road. Also enjoy riding out on the Table as a trail and looking into the west valley. This is a neat trail. Please leave that little route and connector open by the Dry Creek Guard Station. If crossing the stream is the problem, I know you can get volunteers to build a bridge and the Paiute Trail Committee will purchase the materials.

(Ltr 281, Cmt 10,)

Comment Just past or to the south of the Dry Creek Guard Station on the trail to Big Table you have closed in the proposed alternative (Alt. 3), this I do not understand, the trail has been there for some time and even has an ATV cattleguard on it. If you close this short section, one must go on down the road for some distance to then come back on to the trail. I always use this as a diversion from the road. Also enjoy riding out on the Table as a trail and looking into the west valley. This is a neat trail. Please leave that little route and connector open by the Dry Creek Guard Station.

(Ltr 282, Cmt 11,)

Comment Just past or to the south of the Dry Creek Guard Station on the trail to Big Table you have closed in the proposed alternative (Alt. 3), this I do not understand, the trail has been there for some time and even has an ATV cattleguard on it. If you close this short section, one must go on down the road for some distance to then come back on to the trail. I always use this as a diversion from the road. Also enjoy riding out on the Table as a trail and looking into the west valley. This is a neat trail. Please leave that little route and connector open by the Dry Creek Guard Station. If crossing the stream is the problem, I know you can get volunteers to build a bridge and the Paiute Trail Committee will purchase the materials.

(Ltr 283, Cmt 10,)

Public Concern Order **Public Concern ID 7394** **Specialist Assigned DD**

Public Concern *One respondent supported closing a route up Willow Creek to motorized use.*

Response *This designation was maintained in the final preferred alternative.*

Comment Closing the road above Willow Creek NW of Richfield would greatly help the expanding OHV trails on the upper bench and on up the mountain. This appears to take place under Alternative 3.

(Ltr 233, Cmt 1,)

Public Concern Order **Public Concern ID 7396** **Specialist Assigned DD**

Public Concern *One respondent indicated that a non-motorized trail near Kent's Lake is needed to provide motorized access to private lands.*

Response *Dale Deiter visited with Jerry Larsen on 10/19/05 because he could not reconcile the comment with the map. In short, the route is not needed to provide private access to the trail, but is a scenic route with overlooks that provides loop opportunities. The district plans to continue managing the route as a non-motorized trail.*

Comment There are some of the routes that we have received the most concern over:

There is a trail that takes off the #67 trail and goes to some cabins and private property down west of Kent's Lake that is the only access to the trail system. You have changed it to non-motorized. It needs to be motorized or you need to designate the main road as a legal ATV route.

(Ltr 253, Cmt 11,)

Public Concern Order **Public Concern ID 7397** **Specialist Assigned DD**

Public Concern *Two respondents commented on a route that parallels the boundary between National*

Forest System lands and the Johnson Ranch.

Response *Ultimately, this route had to be left open to provide for private land access, however the similar parallel route to the south would be obliterated in Alternative 5 because the route is having resource impacts and is being used inappropriately to harass wildlife.*

Comment The trail along the east fence of Johnson Ranch coming out of Mud Lake area needs to be closed. As long as we have the Meadow Gulch Trail, this one is not needed and will help the wildlife.

(Ltr 254, Cmt 1,)

Comment Concerning the plan three travel proposal I agree this is the best plan. I would like to see the following changes made. In the Meadow Gulch dry lake area I would like to see the trail that comes out of the East side gate of the Johnson Mountain Ranch and travels South to the dry lake and up the fence line to the top on the bald knoll where it meets the trail coming up the East side of the hill from the administration parking site closed. The reason is you can access the same area from the administration site parking area and it only serves the owners of the ranch and not the public in general. They have already constructed a new road to the North off the I-70 frontage road that gives them access to the administration parking area and should no longer need this trail. If this trail is left open then I propose you leave the one that goes along the fence line of the Mountain Ranch in carrel hole open also. This trail is South of the one above and is now scheduled to be closed.

(Ltr 262, Cmt 1,)

Public Concern Order **Public Concern ID 7403** **Specialist Assigned DD**

Public Concern *One respondent stated their desire to leave the trail that connects the North Fork of North Creek with Indian Creek open. Several other motorized users supported leaving this route open during scoping for the proposed action.*

Response *Since initiation of scoping, several comments have been received on this route from motorized users that like to make a loop between Indian Creek and the North Fork of North Creek. All action alternatives propose to obliterate this route. Opening the route would create a conflict with the prescription for Indian Creek where the district is trying to create motorized recreation opportunities that do not include ATVs. The route follows channel bottoms on both the North Fork of North Creek and on the Indian Creek side, which is a concern for watershed. Also the route has some safety concerns for inexperienced riders.*

Comment Very important! I would like to recommend that the North Fork of North Creek be looped over the old Power Line Road to Indian Creek and then down the Indian Creek Road to the Rob Roy Mine.

(Ltr 240, Cmt 1,)

Public Concern Order **Public Concern ID 7412** **Specialist Assigned DD**

Public Concern *Fremont State Park suggested converting a user created trail in Mill Creek to a non-motorized trail rather than the proposed obliteration.*

Response *This route is used as a cattle drive way, but is not otherwise needed or motorized or non-motorized access. The suggestion from Fremont Park would require constructing a new segment of trail to tie it into 051 to complete the non-motorize loop accessible from Castlerock Campground. The district is hesitant to take on additional trail given current and expected budgets. The Maple Hollow Trail that takes off from the Red Clay Mine is already a horse and foot trail linked to the Joe Lott Trail 051 that is available for public use.*

Comment Route #XT-A54 out of Mill Creek to Route #51 Joe Lott Creek be modified to a non-motorized trail to create a connection with #051 heading south at Castle Rock Campground.

(Ltr 235, Cmt 1,)

Public Concern Order **Public Concern ID 7414** **Specialist Assigned DD**

Public Concern *Southern Utah OHV Club identified a route that is not on the Forest GIS inventory.*

Response *The current condition of this route is not known. The route was likely impacted by a very large flood that occurred in the summer of 2004. According to Jerry Larson of the Southern Utah OHV Club, use on the trail was limited to off-highway motorcycles. The forest has added the route to the GIS inventory, but is delaying a decision on disposition of the route until such time that single-track use is assessed in greater detail across the forest. See also concern #5106.*

Comment There are some of the routes that we have received the most concern over: There is a motorcycle trail that goes up the canyon straight above the north interchange and joins on to the north cottonwood rim trail. You don't show the lower part of that trail.

(Ltr 253, Cmt 9,)

Public Concern Order **Public Concern ID 7415** **Specialist Assigned DD**

Public Concern *The Sevier County Commissioners asked that an unauthorized trail that provides access to Danish Meadows be left open.*

Response *This is a non-motorized trail that is being used by ATVs as it is in an unrestricted area. The beginning portion of this trail includes a ford crossing of the Fremont River that can be somewhat treacherous in the summer due to high irrigation flows, which adds to the risk of introducing petro-chemical contamination. The trail is very rough with large boulders that must be traversed. It is more suited to non-motorized use. It also gets motorized users to Danish Meadows via tr4114, where ATVs have in the past used the meadows as a raceway. All alternatives leave this trail as non-motorized for the reasons above, to provide non-motorized recreational opportunities, and to provide more effective habitat for wildlife. Areas to the east and south would remain heavily motorized.*

Comment As you know, we have been working on the travel plan maps and would like to comment on a few routes that concern us.

*We support the Wayne County Commissioners request to keep the Danish Meadows Trail open for ATV's as many of Wayne County citizens historically continue to use this trail for recreation, hunting, and site seeing.

(Ltr 294, Cmt 6,)

Public Concern Order **Public Concern ID 7416** **Specialist Assigned DD**

Public Concern *The Sevier County Commissioners asked that an unauthorized road in Coonan Draw be left open to provide motorized recreational opportunities including dispersed camping.*

Response *The district agreed with the need for this route and is shown as open seasonally in the final preferred alternative.*

Comment As you know, we have been working on the travel plan maps and would like to comment on a few routes that concern us.

*The Coonan Draw road south/west of Rex's Reservoir is scheduled to be closed. This is a short, dead-end road, that leads into the area. During the fall hunts this road allows access and is used for camping. The groups we worked with feel this road should remain open. We are unaware of any resource damage to the area. It could be considered for a seasonal closure for wildlife habitat, however, usually snow prohibits access during the winter months.

(Ltr 294, Cmt 3,)

Public Concern Order **Public Concern ID 7417** **Specialist Assigned DD**

Public Concern *One respondent asked for reasons why some mining routes are being gated and others obliterated in the Beaver Creek area.*

Response *The differences in route designations is related to whether or not the mine is active and on the specific of the current annual operating plans.*

Comment #10. In Beaver Creek, along the Paiute Trail, I notice that you plan to gate one of the mining access roads, yet there are others along the same route that you plan to obliterate. Is the difference between the two an active mining claim vs. one that isn't active? Why not close them all, or gate them all? What is the difference?

(Ltr 277, Cmt 13,)

Public Concern Order **Public Concern ID 7418** **Specialist Assigned DD**

Public Concern *One respondent indicated that there are some enforcement and resource impacts from motorized use that are not being addressed near Barney Lake.*

Response *The respondent was not clear about where the unauthorized route is located. Alternative 5 obliterates a couple of unauthorized routes in this area. Also, the forest has identified the Barney Lake area as a location needed more localized assessment and planning to reduce impacts to amphibians [see Appendix B in the DEIS and FEIS and the recommendations in the Roads Analysis supplement].*

Comment I would also like to see better enforcement to keep the OHV's off of restricted areas. Currently there is a newly 'user' cleared (downfall cut out-) ATV trail across a travel restricted area near Barney Lake. The local Forest Service has no interest in checking it out. I would love to see situations like this taken care of rather than ignored. I am not 'anti' OHV as I too ride them occasionally, but I would love to see them controlled better.

(Ltr 259, Cmt 2,)

APPENDIX A

Mail Handling and Coding Procedures and Explanations

Fish Lake NF OHV Route Designation Project - DEIS Letter Attribution Codes

Header Order: MID, OT, S, and RT fields are required. IA, UT, LG, F, CIC, RI, and CE fields are used only where necessary. The TS (Total Signatures) field will tally automatically in Oracle. A stamp containing these fields will be placed on the working copy.

Data Entry will fill in the MID field. Coders will identify organization type, number of signatures, response type and delivery type on all letters and fill in the proper box. Use CIC (Common Interest Class) and UT (User Type) fields only if this information is requested by the client. Fill in additional fields when appropriate.

MID	OT	S	RT	DT	IA	UT	LG	F	CIC	RI	CE	TS

MID FIELD - Mail Identification – required

MID is a unique respondent number assigned in the CAT Oracle Program. The Oracle form contains mailing information needed to create mailing labels and also is needed to obtain project specific demographic information about a respondent.

OT FIELD - Organization Type - required

The *Organization Type* code identifies a specific type of organization, association, agency, elected official or individual. A response is assigned an organization type other than Individual ONLY if the respondent is speaking on behalf of the organization, NOT if they are merely members or employees of the organization. Generally these respondents will show their title with their name, such as president, director, field representative, or other official title. When in doubt, you may check either by telephone call to the organization or by searching the Internet for the names of organization representatives.

Employees of governmental agencies or organizations are usually determined to be speaking on behalf of the agency or organization if the submission is on official letterhead or is sent from a government email address. Elected officials may sometimes submit comments on plain paper, from a personal email, or even sign a form letter; but if they identify themselves as elected officials, they are still given the org type codes appropriate for the level of government for which they are officials. The following are standard organization type codes, other codes may be included if needed on a specific project.

Standard Organization Types:

Government Agency/Elected Officials

Code	Description
F	Federal Agency/Elected Official
N	International Government/Association
S	State Government Agency/Elected Official/Association
C	County Government Agency/Elected Official/Association
T	Town/City Government Agency/Elected Official/Association
Q	Tribal Government/Elected Official/Agency
XX	Regional/other governmental agency (multi-jurisdictional)

Interest Group (includes legal representatives of or lobbyists for interest groups)

A	Agriculture Industry or Associations (Farm Bureau)
B	Business, [affected business] (someone speaking for or as a business owner, chamber of commerce)
D	Place Based Group (homeowner's associations, planning cooperatives, i.e. Quincy Library Group)
E	Government Employee/Union
G	Domestic Livestock Industry (incl. permittees)
H	Consultants/legal representatives
I	Individual (unaffiliated, unknown or unidentifiable)
J	Civic Group (Kiwanis, Elks, Community Councils)
K	Special Use Permittee (Rec. homes, Backcountry huts, Outfitter/Guides)
L	Timber or Wood Products Industry or Associations
M	Mining Industry/Association (locatable)
O	Oil, Natural Gas, Coal, or Pipeline Industry (leasable)
P	Preservation/Conservation
R	Recreational (non-specific)
U	Utility Group (water, electrical, gas)
V	Professional Society
W	Academic (professor, research scientist, university department)
X	Conservation District
Y	Other or unidentified Organization

- Z Multiple Use or Land Rights Organization
- AE Agency Employee (analyzed separately)
- AR Animal Rights (humane treatment org)
- CH Church/Religious Group
- PI Public Interest Group/Political Party
- LO Private Land Inholding Owner
- QQ Tribal Non-Governmental Organization/Tribal Member
- RB Mechanized Recreation (bicycling)
- RC Recreation/Conservation Organization (Trout Unlimited, Elk Foundation)
- RM Motorized Recreation (4X4, OHV, snowmobiling)
- RN Non-Motorized/Non-Mechanized Recreation (hiking, x-c ski, horse/stock animals)

Notes on Organization Type Identification:

Letters from businesses are categorized as “B” only if you believe or they assert they are impacted by the decision, otherwise they are considered to be individual responses. A letter from a member of an organization is considered to be an individual response unless the author is representing the organization in an official capacity.

Letters from government employees submitted as personal are categorized as “I” rather than as codes F, N, S, C, T Q, which are reserved for official comments from an elected official or government agency or department. Letters from government employees submitted on government letterhead or via government email are considered to be internal comment, and are separated from public comment and analyzed separately.

S FIELD - Signatures - required

To determine the number of *Signatures*, look first at the signature itself. If the correspondence is signed *John Doe*, but the return address says John and Jane Doe, count it as one signature, because it was signed by one person. If the return address says John Doe, but is signed by *John and Jane Doe*, or *Mr. and Mrs. Doe*, count it as two signatures. If no signature is present or response is anonymous, count it as one. If signed *John Doe and Family*, count it as one.

RT FIELD - Response Type - required

The *Response Type* identifies the specific format of the correspondence.

Code	Description
1	Letter
2	Form or Letter Generator
3	Resolution
4	Action Alert
5	Transcript (dictated audio, video or telephone response)

Optional RT codes (Project Specific)

6	Public Meeting Comment Form
7	Public Meeting Transcript (hearing/oral testimony)
8	Public meeting/workshop group notes
9	Workshop notes (other than at Public Mtgs)
10	Petition

DT FIELD - Delivery Type – required

The *Delivery Type* is the method by which the response was transmitted by the respondent.

Code	Description
E	Email
F	FAX
H	Hand-delivered or oral testimony (personally delivered)
M	US Mail or commercial carrier (UPS, FedEx)
T	Telephone
W	Web-based submission
U	Unknown

IA FIELD - Early Attention - Red Flags (place on LEFT side of copy)

Early Attention codes are applied only to those documents requiring an immediate response from the team. The Early Attention codes are listed in order of priority. If more than one code applies to a single document, the code with the highest priority is attached. For example, if a State

Congressman threatens bodily harm to a Forest Service representative, the letter would receive a “1” instead of a “6”. A red flag is attached to the left side of the page with the IA code written on it.

<i>Code</i>	<i>Description</i>
1	Threat of harm
2	Notice of appeal or litigation
3	Freedom of Information Act request (FOIA)
4	Provides proposals for new alternatives
5	Requires detailed review or other follow-up
6	Government entities
7	Requests public hearing
8	Request for more site specific information (non-FOIA)

Optional IA codes (Project Specific)

5a	Provides extensive technical edits – deletions/replacements
5m	Map(s) attached
6a	Requests cooperating agency status

UT FIELD - User Type

A *User Type* code may define the purpose for which an individual, organization, or agency uses public lands. User type is also often used to identify to which unit a comment or letter is submitted in multi-unit projects.

<i>Code</i>	<i>Description</i>
MIN	Motorized User from within the State of Utah
MOUT	Motorized User from outside the State of Utah
NIN	Non-motorized User from within the State of Utah
NOUT	Non-motorized User from outside the State of Utah
BIN	Motorized/Non-motorized User from within the State of Utah
BOUT	Non-motorized User from outside the State of Utah

- O Use type other than those listed above
- U Unknown user type

LG FIELD - Letter Generator

A *Letter Generator* is a response that enables respondents to extract specific text from a selection of prewritten comments. These responses are usually created through an interactive website that offers a selection of comments and allows the respondent to choose which paragraphs to include in their personal letter. Assign a consecutive LG number to these responses. Enter this number.

F FIELD - Forms (Organized Response Campaigns)

Forms or organized response campaign responses are identified when the mail processor receives 5 or more responses with identical text from different (unaffiliated) respondents. Enter the form number assigned by the team.

RI FIELD - Requests for Information - Blue flag (place on LEFT side of copy)

Requests for Information codes are applied only to those responses with specific requests for information pertaining to the proposal. The client determines the level of specificity for identifying information requests. A blue flag is attached to the left side of the page with the IR code written on it.

Code	Description
A	Mailing list only or nothing to code (<i>do not attach a flag</i>)
B	Request to be removed from mailing list (<i>do not attach a flag</i>)
C	Request copy of Federal Register Notice
D	Other request for specific information
E	Request for confirmation of receipt of letter

Optional RI codes (project specific)

- F Request for hard copy of summary of the DEIS
- G Request for full hard copy of DEIS

- H Request for full CD version of DEIS
- I Request for hard copy of summary of FEIS
- J Request for full hard copy of FEIS
- K Request for CD version of FEIS
- L Request for draft copy of proposed rule/policy
- M Request for final copy of rule/policy
- Ch Request for hard copy of Fed Register Notice of the Proposed Rule
- Cd Request for CD of Fed Register Notice of Proposed Rule
- Ce Request for electronic copy of Fed Register of Proposed Rule

CE FIELD - Comment Extension - Yellow Flag (place on LEFT side of copy)

Comment Extension codes are used when a respondent has a specific request for extending the comment period.

Code	Description
0	No specific time mentioned or other
15	Request for 15 Day comment period extension
30	Request for 30 Day comment period extension
45	Request for 45 Day comment period extension
60	Request for 60 Day comment period extension
90	Request for 90 Day comment period extension
120	Request for 120 Day comment period extension

TS FIELD - Total Signatures

The Oracle automated field totals all signatures for all MIDs assigned to a response. Do not enter any codes here.

FISHLAKE NF OHV ROUTE DESIGNATION PROJECT

DEIS ACTION CODES

Processes

PRCSS 10000-19999

- 10000 – Decision making process and methods
 - 10100 – Role/Authority
 - 10200 – Coordination and Consultation with Other Agencies
 - 10300 – Coordination and Consultation with Tribes
 - 10400 – Consistency with Other Plans

- 11000 – Decision making Philosophy (How, not what, to decide)
 - 11100 – Multiple Use Management Emphasis
 - 11200 – Ecosystems Management Emphasis
 - 11300 – Preservation (Hands Off Management)
 - 11400 – Adaptive Management Emphasis
 - 11500 – Use of Public Comment (Vote, Majority, Forms)

- 12000 – Public Involvement
 - 12100 – Agency Communication
 - 12110 – Adequacy/Availability of Information
 - 12120 – Public Meetings/Hearings
 - 12130 – Outreach/Education
 - 12140 – Collaboration
 - 12200 – Adequacy of Comment Period
 - 12300 – Adequacy of Entire Timeframe
 - 12400 – Objections, appeal, litigation

- 13000 – Use of Science; Best Available Science
 - 13100 – Adequacy of Analysis (General, Multiple)
 - 13200 – Analysis of Specific Resources
 - 13210 – Existing Condition
 - 13220 – Direct and Indirect Impacts
 - 13230 – Cumulative Effects
 - 13240 – Connected Actions

- 14000 – Agency Organization, Funding and Staffing
 - 14100 – Funding, General
 - 14120 – Funding to Implement Travel Plan
 - 14130 – Funding to Enforce Travel Plan
 - 14200 – Staffing General
 - 14210 – Staff Training, Education
 - 14220 – Volunteers

Alternatives and EIS

ALTER 20000-24999

- 20000 – Purpose of and Need for Proposed Action
 - 20100 – Need for an EA, EIS
 - 20200 – Scope, Issues that should/should not be addressed

- 21000 – Document General (NOI, DEIS, Plan)
 - 21200 – Technical and Editorial (spelling, grammar, clarity, consistency, organization)
 - 21300 – Map(s) quality / availability

- 22200 – Desired Conditions
 - 22300 – Goals
 - 22400 – Objectives
 - 22500 – Standards and Guidelines

- 23000 – Alternatives General

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- 23100 – Alternative Development/Method/Range
- 23200 – Alternatives Not Analyzed in Detail
- 23300 – Alternatives Developed By Others
- 23400 – Suggestion for New Alternative
- 23500 – Specific Alternatives Evaluated
 - 23510 – Alternative 1 – Existing Plan and Route Designations (No Change)
 - 23520 – Alternative 2 – Initial Proposed Plan and Route Designations
 - 23530 – Alternative 3 – Modified/Preferred Plan and Route Designations
 - 23540 – Alternative 4 – Non-motorized emphasis Plan and Route Designations
- 23600 – Required Design Criteria General/Multiple
 - 23610 – Resource/Area Specific Required Design Criteria
 - 23620 – Best Management Practices

Natural Resources Management

NRMGT 30000-39999

30000 – Area Management / Prevention of Impacts General/Multiple (Protect, Save, Don't Destroy, etc. when lacking a more specific resource or management recommendation)

30100 – Monitoring, Inventories, Mapping, GIS

30200 – Enforcement (Includes illegal activities on NFS land)

30500 – Restoration General/Multiple

30510 – Active Techniques

30520 – Passive Techniques

31000 – Physical Elements

31100 – Water/Watershed Management

31120 – Buffers, Riparian, Wetlands

31130 – Dams and river/stream flow

31200 – Soils Management

31210 – Slope Stability Design

31220 – Erosion Control

31230 – Soil Protection / Restoration

32000 – Biological Elements

32100 – Species Viability Assessment

32200 – Wildlife/Animals Management

32210 – Breeding Programs, Stocking, Reintroductions

32220 – Harvest Levels and Methods

32230 – Wildlife Structures (ponds, waterholes, barriers)

32300 – Vegetation Management

32310 – Active Treatment Methods (other than fire and fuels)

32311 – Pesticides and Herbicides

32312 – Cultivation

32313 – Maintenance

33000 – Fire and Fuels Management

33100 – Wildland Fires General

33200 – Role of Fire in Ecosystems

33300 – Unit Fire Plans

33400 – Fuels Reduction

33410 – Prescribed Fire/Wildland Fire Use

33420 – Mechanical Thinning

33500 – Smoke Management

34000 – Timber Resource Management

34100 – Suitability Determinations

34200 – Allowable Sale Quantity (ASQ)

34300 – Harvest Levels (Actual)

34400 – Harvest Methods

34500 – Restoration, Salvage Logging

34600 – Firewood

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Fish Lake NF OHV Route Designation Project – DEIS coding structure 10/24/2006

34700 – Christmas Trees
34800 – Alternatives to Wood Products

35000 – Domestic Livestock Management
35100 – Grazing Management
35200 – Fences and other structures

36000 – Mining and Mineral Exploration
36100 – Locatable (minerals, metals)
36200 – Leasable (oil, gas)
36300 – Saleable (gravel, landscaping rocks)
36400 – Processes, Methods, Waste Treatment/Disposal
36500 – Land Restoration, Reclamation, Bonding

37000 – Other Activities Mgmt (Multiple, Special Uses, Infrastructure, Utilities, etc.)
37010 – Permitting (except recreation permits)
37020 – Valid Existing Rights
37030 – Subsidies, Commodity Valuations, or Valuation Methods
37100 – Special Forest Products Collection (seed, plants, etc.)
37200 – Heritage Resources Management
37300 – Communication Sites and Facilities
37400 – Utility Corridors
37500 – Alternative Energy Sources, Hydroelectric Development
37600 – Research
 37610 – Facilities
 37620 – Projects
37700 – Military Operations

Transportation System Management

TRANS 40000-44999

40000 – Transportation System Mgmt General (and general access, multiple or if no other topic specified)
40100 – Changes in Route (road or trail) Type (motorized to non-motorized, or vice versa/ road to trail, or vice versa)
40200 – Changes in Route (road or trail) Classification
40300 – Motorized Cross-Country Travel (off-trail and off-road)
 40310 – Exemptions (for going off-road or trail)
 40320 – OHV Managed Use Areas (play areas)
40400 – Closed unless posted open / Open unless posted closed
40500 – Seasonal Restrictions/Closures
40600 – Rights-Of-Way
40700 – Roads Analysis Process (Designation, Mapping, Inventory)
40800 – Construction General
 40810 – Roads
 40820 – Trails
40900 – Reconstruction General
 40910 – Roads
 40920 – Trails
41000 – Maintenance General
 41010 – Roads
 41020 – Trails
41050 – Open/Remain Open General
 41051 – Roads
 41052 – Trails
41100 – Removal/Decommissioning/Close/Remain Closed General
 41110 – Roads
 41120 – Trails
41200 – Methods of Physical Closure General (Tank Traps, Gates, Boulders)
 41210 – Roads
 41220 – Trails
41400 – Trans. Related Structures: Signs/Bridges/Culverts/Stream-crossings/Gates/Safety-barriers/Habitat Linkages/Kiosks/ Trailheads

10/24/2006

Recreation Management

RECRE 50000-59999

- 50000 – Recreation Management, General/Multiple
 - 50100 – Recreation Opportunity Spectrum (more of this type of rec., less of that, group size, etc.)
 - 50110 – Area Strategies General
 - 50200 – Fee Demonstration Project/User Fees
 - 50300 – Recreation Permitting
 - 50310 – Commercial
 - 50320 – Non-commercial
 - 50400 – User Education, General/Multiple
 - 50410 – Access and Travel Management education

- 52000 – Developed Recreation / Recreation Facilities
 - 52100 – Campgrounds/Picnic Areas
 - 52200 – Launch Sites (Rafts, Kayaks, Canoes)

- 53000 – Dispersed / Undeveloped Recreation Management
 - 53100 – Motorized Recreation General
 - 53110 – Summer or Year-Round (ATV's, OHV's, Motorcycles)
 - 53111 – Jamborees
 - 53120 – Winter (snowmobiling, use of tracked ATVs etc.)
 - 53200 – Non-Motorized Recreation General
 - 53300 – Mechanized Recreation (Bicycling)
 - 53400 – Undeveloped campsites

Lands and Special Designations

LANDS 60000-69999

- 60000 – Public Land Ownership/Boundaries

- 61000 – Land Acquisition and Exchanges
 - 61100 – Appraisals and Valuation

- 62000 – Special Land Designations
 - 62100 – Roadless Areas
 - 62110 – Evaluation/Inventories
 - 62200 – Designated Wilderness
 - 62210 – Proposed, Recommendation, Study
 - 62300 – Research Natural Areas
 - 62400 – Wild and Scenic Rivers
 - 62500 – National Scenic Byways
 - 62600 – National Historic Trails
 - 62700 – National Historic Landmarks
 - 62800 – National Recreation Trails

Social and Economic

SOCEC 70000 – 79999

- 70000 – Social/Economic Actions or Activities

ATTMT – 99999

Site Specific

- Road/Trail Number; include periods and letters if provided (up to twelve digits; periods and letters are OK)

R – Road, trail, or ways by name with no number found on table (includes ambiguous designations)

M – Multiple roads, trails, or ways (not practical to separate)

S – Site or area other than road or trail (watershed, drainage, wilderness, town, campsite, etc.)

X – No reference to specific road/trail (default)

10/24/2006

Optional 1

0 - None

1 – Alternative 1 –No Change to current Motorized Travel Plan

2 – Alternative 2 – Proposed Alternative

3 – Alternative 3 – Modified Proposed Alternative/Preferred

4 – Alternative 4 – Non-motorized Emphasis Alternative

9 – Suggested New Alternative

TFC – Three Forest Coalition / UEC Proposal

DEIS RATIONALE CODES

- 001 – No affected Resource/Rationale
- 002 – Multiple Affected Resources/Rationales
(Envir, Rec, Socio, Econ)
- 010 – Persons and Groups
- 020 – Government
 - 021 – President/Executive Branch
 - 023 – Agency (Forest Service)
 - 025 – Other Federal Agencies
 - 027 – Legislative Branch (Congress)
 - 029 – Judicial Branch (Courts)
- 30 – State, County, and Municipal Governments
- 040 – American Indians/Tribes
- 050 – Interest Groups
 - 051 – Environmental Groups
 - 053 – Multiple Use/ Wise Use Groups
 - 055 – Recreation Groups
 - 057 – Industry/Business Groups (econ. issues to 900+)
 - 059 – Political Parties
- 060 – General Public
 - 061 – Local Citizens/Communities
 - 063 – Nationwide Citizens/Communities
- 100 – Laws, policies
 - 110 – Democracy
 - 120 – Federal, General/Multiple
 - 121 – Constitution
 - 123 – Federalism, States Rights
 - 125 – Individual Rights, Public Own Fed Lands
 - 127 – General Welfare, Public Good, Public Interest
 - 129 – Tribal Rights and Interests
 - 130 – Federal Laws
 - 131 – NEPA
 - 132 – NFMA
 - 133 – RS-2477
 - 135 – Endangered Species Act
 - 137 – Clean Air Act
 - 139 – Clean Water Act
 - 140 – Court decisions (past or pending)
- 150 – Tribal Treaties, Policies, Plans
- 160 – Agency Rules, Plans, Policies (Include OHV E.O.s as 160)
 - 161 – Appeals and Objections
 - 162 – Roadless Rule & Interim 1920
 - 163 – Relation to 1986 LRMP
 - 164 – Relation to 2005 Planning Rule & FP Revision
 - 165 – National OHV Policy – New OHV CFRs
 - 167 – National Fire Plan
- 170 – Rules, Plans, etc. of Other Federal Agencies
- 180 – Rules, Plans, etc. of States
- 190 – State, County or Municipal Laws, Policies, Etc.
- 200 – Interjurisdictional Consistency/Coordination
- 300 – Natural Environment, General/Multiple (national treasure, national heritage, pristine areas)
 - 301 – Environmental Quality and Ecosystem Integrity
 - 303 – Inherent worth of the environment
(apart from human benefits/use/enjoyment/need)
 - 305 – Forest Health
- 320 – Physical Elements, General/Multiple
 - 330 – Soils and Geology
 - 331 – SOIL (PRODUCTIVITY, COMPACTION, EROSION)
 - 332 – CRYPTOBIOLOGICAL SOILS
 - 333 – CAVE/KARST RESOURCES
 - 335 – MINERALS
 - 337 – Paleontological Resources
 - 340 – Water Resources General
 - 341 – SURFACE WATER
 - 342 – GROUNDWATER
 - 343 – RIPARIAN AREAS AND WETLANDS
 - 344 – WATER QUANTITY
 - 345 – WATER QUALITY
 - 346 – WATERSHED CONDITION
 - 350 – Air Quality
 - 360 – Climate, Weather, and Atmospheric Processes
 - 370 – Fire and Risk of Fire
 - 371 – Wildland Urban Interface
- 400 – Biological Elements General/Multiple Biological Resources
 - 410 – Biodiversity, Extinctions
 - 420 – GENETIC DIVERSITY
 - 430 – Ecosystem/Habitat Composition and Function
 - 431 – FRAGMENTATION, PERFORATION, AND CONNECTIVITY
 - 433 – Disturbance Regimes
 - 440 – Species of Special Concern General/Multiple (T&E, Sensitive)
 - 441 – Management Indicator Species
 - 450 – Wildlife General/Multiple
 - 451 – Avian Wildlife

- 452 - Goshawk
- 453 – Terrestrial Wildlife
- 454 – Mule Deer
- 455 – Fisheries and Aquatic Wildlife
- 456 – Native Cutthroat (Bonneville & Colorado)
- 460 – Vegetation, General/Multiple
- 461 – Forest Structure/Vegetation
- 463 – Old Growth/Old Forest
- 465 – Clearings/Canopy openings
- 467 – Non-Forested/Rangeland Vegetation
- 469 – Fuel Wood
- 470 – Invasive species
- 471 – Noxious or non-native plants
- 473 – Insects/Pests
- 475 – Aquatic Nuisance Species
- 500 – Facilities, Infrastructure
- 510 – Transportation System General/Multiple
- 511 – Road Infrastructure/Condition
- 513 – Trail Infrastructure/Condition
- 515 – Road / Motorized Trail Density
- 520 – Communication Sites and Facilities
- 530 – Dams, Diversions, Hydroelectric Developments
- 540 – Utility Corridors
- 550 – Research and Educational Facilities
- 560 – Military Structures, Facilities, Operations
- 600 – Recreation: General/Multiple/Other
- 610 – User/Use Conflicts
- 620 – Motorized Recreation
- 621 – Play areas near communities
- 623 – Loop Routes
- 625 – Single Track
- 630 – Non-Motorized Recreation
- 631 – Equestrian/Pack Animals
- 633 – Boating, Swimming
- 635 – Skiing, Snowshoeing
- 640 – Mechanized Recreation
- 645 – Single Track
- 650 – Hunting/Shooting
- 660 – Fishing
- 670 – Antler Gathering
- 680 – Camping
- 690 – Future growth
- 700 – Lands
- 710 – Potential for Special Designation
- 720 – Other/Adjacent Federal Lands (parks, BLM, military)
- 730 – Adjacent State/County Lands
- 740 – Private Property/Inholdings
- 750 – Tribal Lands/Reservations
- 760 – Towns, Communities
- 800 – Social Conditions/Values General (Including Socio-Economic)
- 810 – Quality of Life (tradition, traditional way of life)
- 811 – Value to Individuals, Families, Seniors, Disabled, etc.
- 813 – Spiritual Values, Solitude
- 815 – Scenery, Visual Resources
- 817 – Noise
- 819 – Health and Safety
- 820 – Trust and Credibility
- 830 – Anthropological Heritage and Cultural Resources
- 840 – Equity, Justice
- 841 – Future Generations, Legacy Values
- 843 – Environmental Justice
- 845 – Class and Income Equity
- 847 – ADA Compliance
- 850 – International: Transfer of Effects or Role Model
- 860 – American Indian Values/Traditions
- 870 – Demographics
- 871 – Population, Community Structure and Stability
- 873 – Urbanization and Development
- 900 – Economic Conditions and Values, General/Multiple
- 910 – Economic Role of Agency-Administered Lands/Resources
- 911 – International
- 912 – US
- 913 – Tribal
- 914 – State/Regional
- 915 – Local/Employment/Jobs
- 916 – Property Values
- 917 – Tax Base and Payments to States, Counties, etc.
- 920 – Business Viability, Profits, Profit Motive
- 921 – Mining, Oil Companies
- 923 – Timber companies
- 925 – Livestock companies (ranchers)
- 927 – Outfitting/Guiding/Recreation Industry
- 930 – Net Public Benefit and Agency Accounting
- 931 – Non-Market Products/Services/Costs/Externalities
- 933 – Tax Dollars
- 935 – Agency Funding, Expenses, Forest Budget