



Travel Management Rule, Administration, Subpart A Frequently Asked Questions (FAQs), Region 6

QUESTIONS ABOUT THE PROCESS

Q. How many roads do you expect will be closed as a result of this process?

A. No roads will be closed as a direct result of the travel analysis process (TAP) as this is strictly an analysis and not a decision making process. However, opportunities for changes to the road system will be identified and carried forward to inform decision making processes that will likely reduce the overall size of the road system. It is not possible to estimate how much smaller the future road system will be prior to completion of the analysis. The analysis must weigh and balance the needs for access, with the expected environmental risks and/or benefits associated with the road system and the costs associated with operating and maintaining the road system.

Will this analysis result in immediate action?

A. No. The travel analysis process is not a decision making process. However, it is expected that through the TAP, forests will set up priorities for possible future projects which will be can be implemented following appropriate NEPA analysis and decisions.

Q. How much will this analysis cost Region 6?

A. For all forests in the region to complete this analysis by 2015, it is estimated to cost approximately \$10 million.

Q. Must Forests and Grasslands include unauthorized (user-created) roads in TAP?

A. In order to add any unauthorized road(s) to the transportation system, they must first be included in a TAP. Any unauthorized roads potentially needed for future access or management should be included in the TAP and then analyzed through a NEPA process to determine whether to add them to the road or trail system.

Q. If the size of the road system is reduced, how will response time for fighting fires be affected?

A. Response time for initial attack of wildfires is related to road density. More roads mean greater access for firefighters and equipment, and roads often serve as good fire line locations. However, firefighters reach fires through a variety of methods, including driving, hiking, landing in a helicopter, or jumping or rappelling from aircraft – depending in part on the distance from the nearest open road. Fewer roads will simply mean greater use of aircraft and hiking for initial attack, and somewhat longer response times. Fire fighter safety will be the primary consideration for appropriate response action.

Q. How will this process affect fire frequency?

A. Given conducive fuels and weather, slower response time for initial attack will mean that fires will get larger. Open roads are often used as locations for suppressing fires, so in some cases fires will be larger when fewer roads are open. Closed roads can still be used as fire line locations or to access fires once they are reopened for fire use, but this takes time and pre-planning.

Q. How will this process affect natural resources or recreation, scenic, cultural and heritage resources?

A. The travel analysis process will not have a direct effect on natural resources (soil, water, fish, wildlife, plants, air quality) or recreation, scenery or heritage and cultural resources. This process analyzes and identifies the benefits and risks associated with retaining, upgrading, decommissioning, or closing roads. The process itself will not make those decisions, but rather, will inform future decisions and actions regarding all or portions of the road network. Implementation of the recommendations from the TAP would be subject to the appropriate level of NEPA analysis. Thus, specific risks and benefits to natural resources, recreation, scenic, heritage or cultural resources would only occur as a result of implementation of future project decisions and would be further analyzed at the appropriate project scale.

Q. What is the talking point for the potential to reduce the size of the National Forest road system and how it relates to the Framework for Sustainable Recreation and the National push for the Great Outdoors, and at the same time be an affordable system?

A. Tie to a Forest's local recreational niche and local recreation demands. Forests should consider managing for current and future demands. It is important to remember that the financial analysis is only one factor out of four that must be weighed in the analysis. The administrative unit must analyze the proposed action and alternatives in terms of striking the best balance among the following components of the future road system:

- Meet resource and other management objectives adopted in the relevant land and resource management plan;
- Meet applicable statutory and regulatory requirements;
- Reflect long-term funding expectations;
- Ensure that the identified system minimizes adverse environmental impacts associated with road construction, reconstruction, decommissioning, and maintenance.

Q. How do we account for the cost of road conversion (e.g. upgrade, decommissioning, etc.) in the financial analysis spreadsheet?

A. The investment costs for road improvements, decommissioning, storm damage repair, deferred maintenance, and other costs associated with changing/reducing maintenance levels will be identified for the total investment cost needed, but will not be included in the annual maintenance cost analysis. The financial analysis will be based on routine annual maintenance work funded with routine annual maintenance funding.

QUESTIONS ABOUT PRIVATE LAND and ROADS UNDER OTHER JURISDICTIONS

Q. Does TAP apply to routes not under the jurisdiction of the Forest Service such as county or state routes that cross National Forest System (NFS) land?

A. No. While the analysis should include connections to other roads (private, county, state or other agency jurisdictions) opportunities associated with the travel analysis process under Subpart A only apply to NFS routes.

Q. Should we consider private land (adjacent to or surrounded by Forest Lands) access needs?

A: There is a need for coordination with Lands Staff at the beginning or inception of the TAP. It is critical to have a knowledge base of the land ownership and the ownership of rights-of-ways that serve non-federal properties within the exterior Forest boundaries. All planning considerations must take into account these ownerships.

Private land (or rather any non-federal land) adjacent to National Forest Land (outside of the declared National Forest boundary) and private land within the declared National Forest boundary are evaluated differently for access.

In the case of private land adjacent to but outside of the declared National Forest boundary, requests to access those lands from NF land is a wholly discretionary decision on the Forest Service. Those lands have no statutory access rights under ANILCA. By definition in 36 CFR 251.111, a *landowner(s)* means the owners of non-Federal land or interests in land within the boundaries of the National Forest System.

In the case of lands within the boundaries of the National Forest System, all access to non-federal land must be considered under 36 CFR 251 Subpart D.

When evaluating access to non-Federal land within the Forest Boundaries, consider the existing rights of use of National Forest System roads for access. 36 CFR 212.6 – Ingress and Egress provides a right to use Forest System roads to access non-Federal landownerships.

36 CFR 212.6(b):

Actual Settlers and other persons residing within the National Forests and other areas administered by the Forest Service shall be permitted ingress and egress over the same and use of existing National Forest System roads and trails in order to reach their homes and to utilize their property: Provided such ingress and egress or use shall conform to rules and regulations governing the protection and administration of the lands and the roads or trails to be used.

In the larger picture, consider strategies and goals to preserve existing access rights and routes and/or similar alternative access to non-federal lands. Imposing special use authorizations into situations where access was allowed under 36 CFR 212.6 is not only a political liability for the Agency but may create legal liabilities as well.

Q. Is there a need to address ANILCA access issues or RS2477 issues in the analysis?

A: ANILCA access issues and RS 2477 are two separate and distinct subjects.

ANILCA: Section 1323 of the [Alaska National Interest Lands Conservation Act](#) of 1980 is a statutory requirement for the Forest Service to allow for “adequate access” to non-federal lands

within the exterior boundaries of National Forest Land. The Forest Service has published regulations in Title 36 CFR 251 Subpart D that provide the requirements and application processes for access to non-federal lands.

RS 2477: Revised Statute 2477 is a statutory right to operate and maintain a public highway under the mining law of 1866. This law was repealed by the Federal Land Policy and Management Act of 1976 (FLPMA). Valid and existing RS 2477 rights were not repealed by FLPMA. RS 2477 rights may only be perfected (easements were never issued by the Government for RS 2477 ROWs) by a competent Federal Court. The Forest Service has no authority to recognize unperfected RS 2744 ROWs. However, perfected RS 2477 ROWs are public highways, not Forest System roads, and are under the control and jurisdiction of a local or state public road agency.

Q. How are cost-share roads addressed?

A. Roads under cost-share agreements, (Road Right-of-way Construction and Use Agreements), are under NFS jurisdiction and would be included as part of the travel analysis process. However, decisions for any changes to management of those cost-share roads must be made in agreement with the respective land owners, (i.e., cost-share cooperators).

QUESTIONS ABOUT PUBLIC INVOLVEMENT

Q. Will the public have an opportunity to voice its opinion or provide comments during the TAP?

A. The regulations at 36 CFR 212.5(b)(1) state that when determining the minimum road system, “the responsible official must incorporate a science-based roads analysis at the appropriate scale and to the degree practicable, involve a broad spectrum of interested and affected citizens, other State and Federal agencies, and tribal governments.”

Forest Service Handbook FSH7709.55 Chapter 20, provides guidance on when to provide opportunities for public involvement during the travel analysis process as follows: “As appropriate, obtain input from external groups, other members of the public, and other governmental agencies”.

Therefore, Line Officers have the discretion and responsibility to determine the amount and type of public involvement appropriate for the local issues associated with the area under analysis. They should engage the public in the process to the extent practical for the given situation. Unlike a NEPA decision which includes a defined public comment period, public engagement for travel analysis should build on continuing dialogue with the public regarding roads in national forests that were initiated with previous efforts (i.e. 2001 roads analysis process) and through development of the 2005 Travel Management Rule Subpart B. The public will have subsequent opportunities to respond, through the NEPA process, to future project actions that may be informed by opportunities identified in the TAP report.