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Record of Decision

Motorized Travel Management (formerly Motorized Route Designation)

**Klamath National Forest
California and Oregon**



Klamath National Forest Motorized Travel Management

Record of Decision

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Introduction

This Record of Decision (ROD) documents my decision for the Motorized Travel Management (MTM) Project on the Klamath National Forest (KNF). The goal of the Travel Management Project is to implement provisions of the 2005 Travel Management Rule (36 CFR Part 212, Subpart B) designed to enhance management of National Forest System lands; sustain natural resource values through more effective management of motor vehicle use; and provide opportunities for motorized recreation experiences on National Forest System lands. The Final Environmental Impact Statement (FEIS) published in January 2010 discloses the environmental impacts associated with the agency's original Proposed Action, a No Action alternative, and five additional action alternatives developed to meet the purpose and need and respond to issues raised by the public. The FEIS also disclosed the environmental impacts of two Land and Resource Management Plan (Forest Plan or LRMP) amendments; one is a Forest-wide amendment to prohibit cross-country motor vehicle travel on the entire KNF and the other is a site-specific amendment to exempt 12.8 miles of road in the Butte Valley National Grassland from a seasonal restriction on motor vehicle use during the nesting season for Swainson's hawks.

Background

On November 9, 2005, the Forest Service published the Final Travel Management Rule in the Federal Register (70 Federal Register 216, Nov. 9, 2005 p. 68264-68291). Subpart B of the Final Travel Management Rule requires designation of those roads, trails, and areas that are open to motor vehicle use on National Forests (codified in the Code of Federal Regulations (CFR), 36 CFR 212.50). Only roads and trails that are part of a National Forest Transportation System (NFTS) may be designated for motorized use. Designations are made by class of vehicle and, if appropriate, by time of year. Part 261 – Prohibitions, 36 CFR 261.13 Subpart A of the final rule, prohibits the use of motor vehicles off designated roads, trails and areas, as well as use of motor vehicles on roads and trails that are not consistent with the designations.

The KNF currently manages and maintains approximately 4,536 miles of NFTS roads and no motorized trails. The NFTS was developed over many decades to meet a variety of needs including vegetation management, fuel treatment, fire control, public utilities, special uses management and public recreation access. Harvesting of special forest products such as ornamental greenery, firewood, mushrooms and plants, and access to secluded dispersed recreation sites are among the many opportunities afforded by the NFTS. The NFTS is managed and maintained to various road standards, ranging from paved highways to roughly graded high-clearance roads, depending on the type of access needed. The NFTS is displayed on the Forest Transportation Atlas. Details concerning the management of individual roads and trails are maintained in the Forest Service Infrastructure database (INFRA).

In accordance with the Travel Management Rule and following a decision on this environmental analysis, the KNF will publish a Motor Vehicle Use Map (MVUM) identifying all

NFTS roads and trails that are designated for motor vehicle use. The MVUM shall specify the classes of vehicles and the times of year for which use is designated.

The unauthorized routes not included in this decision may be considered in the future either for removal from the landscape and restoration to the natural condition or addition to the NFTS and designation on the MVUM. Future decisions associated with changes to the NFTS and MVUM are dependent on available staff and resources and may trigger the need for additional environmental analysis, public involvement and documentation.

Project Location

As shown on the Vicinity Map (FEIS, Chapter 1, Figure 1), the KNF is located in northern California and southern Oregon, and totals approximately 1.68 million acres in size. The Forest is located within two counties: Siskiyou (California) and Jackson (Oregon). Administratively, the KNF is divided into four ranger districts: Salmon/Scott, Happy Camp/Oak Knoll, Goosenest, and Ukonom (the latter administered by the Six Rivers National Forest). It is bordered by the Shasta-Trinity NF to the south, the Modoc National Forest to the east, the Six Rivers National Forest to the west, and the Rogue River-Siskiyou National Forest to the north. The project area includes all National Forest System (NFS) lands within the KNF boundary. The project area does not include any other federal, state, private or tribal lands.

The KNF includes approximately 381,100 acres of Wilderness within its administrative boundary: Marble Mountain Wilderness (223,500 acres); Russian Wilderness (12,600 acres); Trinity-Alps Wilderness (74,900 acres); and Siskiyou Wilderness (70,100 acres). There is a very small portion of the Red Butte Wilderness (less than 5 acres) within the KNF boundary. Almost 75,000 acres are in Research Natural Areas, designated and recommended Wild River corridors, Backcountry, and a special habitat area for *Calochortus persistens* habitat as defined by the Forest Plan. Excluding Wilderness areas and other management areas that do not permit off-highway vehicle use, the size of the project area for this decision is approximately 1.2 million acres.

Purpose and Need

The following needs have been identified for this proposal:

- 1) There is a need for regulation of unmanaged motor vehicle travel by the public. The proliferation of unplanned, unauthorized, non-sustainable roads, trails, and areas adversely impacts the environment. The 2005 Travel Management Rule, 36 CFR 212, Subpart B, provides for a system of NFTS roads, NFTS trails, and areas on NFS lands that are designated for motor vehicle use. After roads, trails, and areas are designated, motor vehicle use off designated roads and trails and outside designated areas is prohibited by 36 CFR 261.13 Subpart B. This is intended to prevent resource damage caused by unmanaged motor vehicle use by the public.
- 2) There is a need for the Klamath Forest Plan to conform to the Travel Management Rule, 36 CFR 212 Subpart B. A review of the Forest Plan has found that it is not fully consistent with the Travel Management Rule, Subpart B. For example, the Klamath Forest Plan EIS states

that off-highway vehicle use is allowed where it is not (1) legislatively restricted, (2) causing unacceptable resource damage, or (3) in conflict with other activities. The objective is to restrict use only where there is a demonstrated need. The Klamath Forest Plan includes standards and guidelines that prohibit or restrict off-highway vehicle (OHV) use in certain land allocations (e.g. Wilderness, Research Natural Areas, Backcountry areas), but OHV use is generally allowed in the other land allocations. About 70 percent of the Forest is open to unrestricted OHV use. These Forest Plan standards and guidelines are in conflict with the Travel Management Rule, at 36 CFR 212.50 (a) (Motor vehicle use off designated roads and trails and outside designated areas is prohibited by 36 CFR 261.13).

- 3) There is a need for limited changes to the NFTS to:
 - a. Provide wheeled motorized access to dispersed recreation opportunities (camping, hunting, fishing, hiking, horseback riding, etc.). There is a need to maintain motor vehicle access to dispersed recreation activities that historically have been accessed by motor vehicles. A portion of known dispersed recreation activities are not located directly adjacent to an existing NFTS road. Some dispersed recreation activities depend on foot or horseback access, and some depend on motor vehicle access. Those activities accessed by motor vehicles consist of short spurs that have been created and maintained primarily by the passage of motor vehicles. Many such 'user-created' routes are not currently part of the NFTS. Without adding them to the NFTS, the regulatory changes noted above would make continued use of such routes illegal through the prohibition of cross-country travel and would preclude motorized access to many dispersed recreation activities.
 - b. Provide a diversity of motorized recreation opportunities (4X4 vehicles, motorcycles, all-terrain vehicles (ATVs), passenger vehicles, etc.). It is Forest Service policy to provide a diversity of road and trail opportunities for experiencing a variety of environments and modes of travel consistent with the National Forest recreation role and land capability (FSM 2353.03(2)). Implementation of Subpart B of the Travel Management Rule will severely reduce motorized recreation opportunities relative to current levels. As a result, there is a need to consider limited changes and additions to the type of use permitted on existing NFTS roads as well as potential additions to the NFTS.
- 4) There is a need for socially compatible use by non-highway-legal vehicles in the vicinity of Hawkinsville where trespass, destruction of private property, and other use conflicts facilitated by the use of OHVs have become a problem. The KNF Forest Plan specifies coordination of road management objectives with private landowners within the KNF (Forest Plan Standard and Guideline 20-3). Previous complaints from residents, and comments received early in the planning process for this project, focused on needs for management changes on all or portions of Forest Roads 40N21, 43N30, 45N03X, 45N28, 45N29, 45N39, 46N16, and 46N16A.

In making any limited changes to the NFTS, the KNF will be considering criteria contained in Subpart B of the Travel Management Rule, which include the following:

- a. Impacts to natural and cultural resources.
- b. Public safety.
- c. Access to public and private lands.
- d. Availability of additional resources for maintenance and administration needs of roads trails and areas if the uses under consideration are designated.
- e. Minimizing damage to soil, watershed, vegetation, and other forest resources.
- f. Minimizing harassment of wildlife and significant disruption of wildlife habitat.
- g. Minimizing conflicts between motor vehicles and existing or proposed recreational uses of NFS lands or neighboring federal lands.
- h. Minimizing conflicts among different classes of motor vehicle uses of NFS lands or neighboring federal lands.
- i. Compatibility of motor vehicle use with existing conditions in populated areas, taking into account sound, emissions, and other factors.

When making any limited changes to NFTS roads, the KNF will also consider the following:

- a. Speed, volume, composition and distribution of traffic on roads.
- b. Compatibility of vehicle class with road geometry and road surfacing.
- c. Maintaining valid existing rights of use and access (rights-of-way).

Decision

Based on the analysis in the Klamath National Forest Motorized Travel Management Project FEIS, comments to the FEIS, and the associated project record, I have decided to implement Alternative 7 (Selected Alternative). My decision includes some modifications made to Alternative 7 in response to comments on the FEIS received from the public. Modifications and errata are listed in Appendix A of this Record of Decision. I believe the selection of this alternative best meets the purpose and need for the project and responds to the issues of access, motorized recreation opportunity, and natural resource protection.

Development of Alternative 7 in Response to Comments

After a careful review of the public comments I received in response to the Draft Environmental Impact Statement (DEIS), Alternative 7 was developed. This alternative was based on elements of Alternative 6, and was developed primarily to respond to comments on that alternative and to several omissions discovered after the DEIS was published.

One omission from the DEIS was inadvertently not proposing adding to the NFTS routes traditionally used by highway legal vehicles in the Butte Valley National Grassland. Although the effects of adding these unauthorized routes were analyzed in the process of developing

alternatives for the DEIS, none of the routes were included in any action alternative. In Alternative 7 as modified by changes listed in Appendix A to this ROD:

1. Three unauthorized routes in the Butte Valley National Grassland (totaling 12.8 miles) are proposed for designation to the NFTS for highway-legal vehicles; and
2. An amendment to the LRMP regarding season of use for Swainson's hawks in the Butte Valley National Grassland is proposed so that the three routes will be available for use year round so that visitors to the Grassland will be able to continue historic use of highway vehicles on these roads during the late spring and early summer.

In response to comments on the number of stream crossings identified in the DEIS, and the potential effect of these crossings on fish, additional field review was conducted on routes identified in the Geographic Information System (GIS) as crossing streams. Field review determined that only three routes identified in Alternative 6 actually cross perennial streams. In Alternative 7:

3. Two unauthorized routes with perennial stream crossings were removed from consideration, and the one route proposed for addition to the NFTS was closely examined by fish biologists from the KNF and from the National Marine Fisheries Service to ensure minimum effects on fish. These effects are disclosed in the Fisheries section of Chapter 3 of the FEIS and in the Fisheries Biological Assessment for the Motorized Travel Management Project (available in the project record).

In response to requests for more motorized recreation opportunities for non-highway legal vehicles than provided by Alternative 6, in Alternative 7:

4. Based on the Motorized Mixed Use Analysis (disclosed in the Transportation section of Chapter 3 and Appendix C of the FEIS, and corrections listed in Appendix A of this ROD,), all or portions of 19 NFTS Maintenance Level 3 (ML3) roads will be converted to ML2; and all or portions of 14 ML3 roads will allow use by both highway-legal and non-highway legal vehicles, for a total of about 264 miles of road that will allow non-highway legal vehicle motorized use.

In response to requests for more motorized access to dispersed recreation sites than provided by Alternative 6, in Alternative 7:

5. Forty-four routes (totaling 3.7 miles) are proposed for addition as NFTS roads to access dispersed recreation sites (these were found to be well-sited on the ground and not causing undue resource impacts) and eight routes (totaling 2.5 miles) are removed from consideration for motorized access due to resource or administrative conflict issues

(including one route removed due to potential impacts to Port-Orford-Cedar disease spread), totaling thirty-six routes added (1.2 additional miles).

In response to requests for more well-sited motorized recreation opportunities than provided by Alternative 6 (routes that provide more resource protection as well as providing motorized recreation opportunities), in Alternative 7:

6. Five routes (totaling 3.0 miles) are proposed for addition as NFTS roads to provide motorized access to a diversity of recreational opportunities (these were found to be well-sited on the ground and not causing undue resource impacts) and two routes (totaling 1.65 miles) were removed from consideration due to resource issues (including routes crossing streams that were steep and had effects that would be difficult to mitigate) for a total of three additional routes (totaling 1.35 additional miles); and
7. Two routes (totaling 2.4 miles) are proposed for addition as motorized trails that were well-sited on the ground and not causing undue resource impacts, and four routes (totaling 0.7 miles) were removed from consideration due to resource issues. These proposed changes result in a reduction of two trails and one route changed from potential use by all trail vehicles to use only by vehicles less than 50" in width.

These changes are described in more detail in Chapter 2 of the FEIS and the effects analyzed and disclosed for each affected resource in Chapter 3 of the FEIS. I have selected Alternative 7 as modified because I believe it will enhance recreation opportunities within reasonable maintenance budgets while ensuring that safety and natural resource values remain intact. I delayed signing the ROD to allow the public to review these changes. Comments received during the 30-day public review period, and responses to these comments, are summarized in the Final Environmental Impact Statement Comment Period section of this ROD. Letters received from governmental agencies after publication of the FEIS are reprinted in Appendix B.

Amendments to the Forest Plan: Two non-significant amendments to the Forest Plan (1995) would be necessary under this alternative. One Forest-wide amendment will modify the Forest Plan to restrict motor vehicle use to designated roads, trails and areas per 36 CFR 261.13. A site-specific amendment modifies Forest Plan standard 8-37 to allow continued year-round highway-legal motor vehicle use of routes in the Butte Valley National Grassland, and exempt them from a season of use restriction for Swainson's hawks.

Table ROD-1 displays a summary of the actions proposed in this alternative. A complete list of roads and trails to be added into the NFTS, including the vehicle class if applicable, can be found in Appendix A of this ROD.

Table ROD-1 Alternative 7 as Modified - Summary of Actions

Action Type		Action Proposed
1. Cross-country Travel		
Status of cross-country travel		Prohibited on all 1.7 million acres (currently prohibited on 500,000 acres)
2a. Additions to the NFTS (Routes)		Miles
Trails added		20.4
Roads added – to access dispersed recreation sites		25.0
Roads added – to provide a diversity of recreation opportunities		28.3
Total mileage of roads added		53.3
2b. Additions to Open Riding Areas		Acres
Open Riding Areas added (2)		48
3. Changes to the Existing NFTS		
Vehicle Class or Maintenance Level Changes^a		Miles
Vehicle Class or Maintenance Level Changes	System roads currently closed to motor vehicle use by the public that will be designated as open to public motorized use	4.7
	NFTS roads currently open to motorized use for all vehicle classes that will be designated as open to highway legal vehicles only	7.7
	Roads currently used by highway legal vehicles that will also allow non-highway legal vehicle use (change from ML3 to ML2)	133.0
	Roads currently managed for highway legal vehicles that will be managed for both highway and non-highway legal vehicles (allowing Mixed Use on ML3 roads).	131.5

Best Available Science: My decision is based on the best available science. All practicable means to avoid or minimize environmental harm have been adopted in the design of the Selected Alternative. I have included all of the mitigation measures and monitoring that I believe are necessary to avoid, minimize, or rectify impacts on resources affected by implementation of the Selected Alternative. My conclusion is based on a review of the record that shows a thorough analysis using the best available science. The resource analyses disclosed in Chapter 3 of the FEIS identify the effects analysis methodologies, reference scientific sources which informed the analyses, and disclose limitations of the analyses.

Mitigations and Monitoring: Mitigations minimize, reduce or eliminate impacts on sensitive resources. Specific mitigations listed in Chapter 2, and in the Soils, Recreation, and Cultural Resources sections of Chapter 3 of the FEIS, must be completed prior to designation of a route for public motorized use on the MVUM. Monitoring, including cultural resource-specific monitoring listed in the Cultural Resources section of Chapter 3 of the FEIS, must be conducted as described in Chapter 2 of the FEIS.

Reasons for My Decision

The Klamath National Forest is comprised of outstanding landscapes, with a diversity of resource values, and a rich history of human use and visitation. Motorized recreation plays an important and pivotal role in how people visit and use the National Forest.

The KNF provides a spectrum of recreation experiences that include opportunities to experience the unique challenges of exploration and discovery, as well as opportunities for quiet reflection and solitude. Forest landscapes include large expanses of undeveloped public lands that are home to many species of plants, animals and fish, and an array of valuable cultural sites.

With these factors in mind, I did not take this decision lightly. In reaching my decision, I have considered the purpose and need for action, the issues, the Forest Plan and associated amendments, current policies and regulations, effects on natural and cultural resources, a full range of alternatives, public comments received, and comments discovered through coordination with local governments and consultation with American Indian tribes. I considered the broad range of concerns expressed throughout this process relating to both motorized and non-motorized recreation opportunities.

Although my decision will reduce the number of miles of motorized opportunities available as compared to the existing condition, there is a compelling need for change. This decision implements a permanent prohibition on cross-country travel to reduce potential detrimental effects on natural resource conditions. Importantly, it implements this prohibition while ensuring continued public motorized access to recreation opportunities throughout the KNF.

Compelling Need for Change

My decision consists of three different components. The first component of the decision prohibits cross-country travel off designated routes and outside open riding areas. The second component of the decision selects carefully considered routes to add to the existing NFTS. The third component of the decision increases opportunities for use by non-highway legal motor vehicles by allowing such use on a number of NFTS roads.

Prohibiting cross-country travel is a preventative action that will ensure motorized travel is planned and managed in concert with the resource stewardship responsibilities of the Forest Service.

Adding routes to the NFTS will complement the existing system in terms of providing access to historically-used recreation sites, developing loop travel opportunities, and providing motorized trails and two designated open riding areas. In developing this aspect of the decision, I drew upon local knowledge of both employees and the public to determine which unauthorized routes and areas would meet specific recreation requests for motorized trails, loops and open riding sites, and provide access to dispersed recreation sites with minimal disturbance to natural and cultural resources.

Enhancing motorized recreation opportunities on existing NFTS roads implements recommendations from the Motorized Mixed Use analysis. This analysis provided information on road conditions and motor vehicle use levels, and determined the suitability of various ML3 roads for either mixed use or downgrading to ML2 status. In both of these cases, highway legal vehicles and non-highway legal vehicles would be allowed to use these roads, providing loop opportunities and connections between ML2 roads across the KNF. Allowing mixed use on ML3 roads is not considered to affect maintenance costs or other resources. Downgrading ML3 roads to ML2 will actually reduce maintenance costs, as disclosed in the Transportation section of Chapter 3 of the FEIS.

Balanced Approach

The Selected Alternative provides a balanced approach, weighing resource and maintenance cost concerns against the need for recreation opportunities. The Selected Alternative provides interconnected loops and linkages into backcountry landscapes and maintains access to popular dispersed recreation opportunities. While some members of the public wanted all unauthorized routes to be added and cross-county travel to continue, such an action would not adequately protect areas containing sensitive cultural sites or soils, or habitats for threatened, endangered, or sensitive plants, animals, and fish. Adding all unauthorized routes to the NFTS would not provide additional areas of quiet use for recreationists. My decision is the result of responsible stewardship that limits the additions of unauthorized routes to those that would create the best recreation opportunity while considering the magnitude of the existing Klamath NFTS and the costs associated with maintaining it. This alternative provides ample access to NFS lands through a manageable system of roads, trails and areas for local residents and Forest visitors to use. Additional routes are proposed to be added with the intent of addressing recreation needs where resource concerns do not exist or can be successfully mitigated. Careful consideration was given to creating loop opportunities in locations that were popular with OHV users and insuring that the routes that were added provided adequate access to identified dispersed recreation areas.

I believe that the Selected Alternative strikes the best balance in providing motorized recreation access, while also protecting cultural and natural resources. By prohibiting cross-country motorized travel, the Forest enhances protection of more than 2,000 cultural resource sites. Also considered and addressed in the Selected Alternative were habitat protections for endangered species, such as the Federally-listed Threatened fish species Southern Oregon/Northern California Coastal coho salmon (*Oncorhynchus kisutch*), the Federally-listed Threatened Northern spotted owl (*Strix occidentalis caurina*), the candidate mammal species, Pacific fisher (*Martes pennanti pacifica*), and the candidate plant species, Siskiyou mariposa-lily (*Calochortus persistens*). The KNF carefully limited the addition of unauthorized routes that might affect these species and included mitigations that must be completed prior to designating each route on the MVUM to minimize negative effects. The Selected Alternative protects these species and includes essential monitoring to ensure impacts to these species will be identified.

For example, the Selected Alternative provides access to the Forest while substantially reducing impacts from vehicle traffic on aquatic resources. It does this by limiting the number of routes that cross perennial streams, and by implementing mitigation measures specifically aimed at reducing sedimentation into water sources. For further explanation see the Legal and Regulatory Compliance Section of the Record of Decision that outlines in more detail the various natural resources and the Forest's efforts to protect them.

Addressing the Purpose and Need and the Travel Management Regulations

My decision has been carefully designed to respond to the purpose and need identified in the Motorized Travel Management FEIS and to implement the provisions of Subpart B of the Travel Management regulations (36 CFR 212).

The first part of the purpose and need, to regulate public motor vehicle travel, is accomplished through a permanent prohibition on cross-country travel that prevents future route proliferation. Implementation of this permanent prohibition of motor vehicle travel on 1.7 million acres of the KNF will benefit natural resources (such as fish and wildlife, and soil and water conditions) and cultural resources across the Forest.

Some measureable achievements through implementing the Selected Alternative are: the elimination of motor vehicle impacts to approximately 47 miles of unauthorized routes in riparian reserves; reduction of the amount of sediment entering stream channels by eliminating 13 perennial stream crossings; diminishment of the amount of sediment contributed to perennial streams by prohibiting cross country travel, including motor vehicle use on 423 miles of unauthorized routes; and improving more than 12 miles of routes proposed for addition to the NFTS that currently have some documented soil erosion. Three threatened, endangered and sensitive aquatic species will benefit from these protections. No routes would be added to the NFTS in inventoried roadless areas, helping to protect the roadless characteristics of these areas.

The second part of the purpose and need, to assure compliance of this decision with the Forest Plan, is accomplished through the two LRMP non-significant amendments described above. Compliance with the Forest Plan is also assured through disclosure of the consistency of the Selected Alternative with the standards and guidelines of the Forest Plan in each resource section of Chapter 3 of the FEIS.

The two components of the third part of the purpose and need, to provide motor vehicle access to dispersed recreation opportunities and to provide a diversity of motorized recreation opportunities, are accomplished through carefully selected additions to the NFTS.

The fourth part of the purpose and need, to provide socially compatible use by non-highway-legal vehicles in the vicinity of Hawkinsville, is accomplished by allowing non-highway-legal vehicle use on existing NFTS roads in some areas but prohibiting such use on the NFTS roads in the Hawkinsville area on which such use is currently allowed and is considered a problem by local residents.

Some comments received on the DEIS suggest that the existing NFTS, currently comprised of 4,536 miles of road, should meet the Purpose and Need for providing a diversity of motorized recreation opportunities by providing access to all dispersed recreation opportunities that historically have been accessed by motor vehicles. The existing NFTS provides access to developed recreation sites, as well as access to areas subject to management activities. For many years, most roads on the KNF were added to the transportation system based on management needs for vegetation management, fuel treatment, fire control, public utilities, special uses management, and developed recreation access. Access to dispersed recreation sites was not a consideration when adding these roads. As a result, many important dispersed recreation opportunities are not accessible by the present NFTS. The Selected Alternative addresses this need by adding 25 miles of road to the NFTS to maintain access to traditional dispersed recreational use areas on the Forest. These added 25 miles consist of 191 individual previously unauthorized routes that access dispersed camping opportunities or river access points. With this action, the NFTS will provide access to sites that are important to Forest users for camping, backpacking, hiking, rafting, sightseeing, exploring, fishing, and hunting, among other activities.

The Selected Alternative provides diverse recreation opportunities by providing access to a variety of riding experiences through loop opportunities created through a combination of additions to the NFTS and changes to the NFTS to allow use by both non-highway legal and highway legal vehicles (mixed use and maintenance level changes). The Selected Alternative provides about 264 miles of additional road-related recreation opportunities for non-highway legal vehicle riders, as well as 20 miles of motorized trail riding opportunities, as described in the Recreation and Transportation sections of the FEIS.

The Selected Alternative provides additional access while considering the cost of these additions to the NFTS (the cost of maintaining the NFTS was identified as a significant issue in the scoping process). I have considered the availability of resources for maintenance and administration of the roads and trails added to the NFTS in this decision as directed by the Travel Management Rule (36 CFR 212.55 (a) 6). This decision is cumulatively an economical decision in terms of annual maintenance due to conversion of 133 miles of ML3 road to ML2. Adding motorized recreational opportunities has an initial implementation cost of \$121,500 but cumulative savings in annual maintenance costs would be at least \$24,610 and may be as high as \$56,410 (see analysis in the Transportation section of Chapter 3 of the FEIS). Maintenance level 2 roads are designed to be passable by high clearance vehicles and are not maintained for passenger cars. Higher maintenance levels (ML3, 4, and 5) are associated with significantly higher maintenance costs. Implementation costs have been secured for the current fiscal year. I believe we will be able to secure adequate funding to complete needed maintenance of the transportation system over the long-term. We may need to pursue grant funding more aggressively in the future, further prioritize needed maintenance, continue to look for opportunities to reduce costs, and explore creative solutions such as road maintenance agreements or volunteer trail adoption programs. We will maintain roads and trails to management objectives to protect KNF resources.

Subpart B of the Travel Management regulations implements the Executive Orders that direct Federal agencies to ensure the use of OHVs on public lands will be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands. The Travel Management regulations implement those orders by requiring designation of roads, trails, and areas for motor vehicle use and prohibiting motor vehicle use off the designated system. The Selected Alternative, Alternative 7, fully implements this direction. Publication of an MVUM will complete the designation process by identifying the roads, trails, and areas designated for public motorized use. Site-specific Forest Orders regarding cross-country motorized travel will be superseded, and the prohibition of motor vehicle use off the designated system will take effect permanently, once the MVUM is published. For more about the criteria used to make this decision compliant with the Travel Management regulations, see the Legal and Regulatory Compliance section, Travel Management Regulations below.

Listening to Public Input

My goal throughout this effort was to work with the full range of stakeholders and interests to find an alternative that would sustain resources while providing a diverse set of recreation opportunities that satisfies the needs of the public. Despite apparent differences in opinion, the public, through their comments, revealed a strong connection with public lands on the Klamath National Forest, connections based on generations of use and exploration as well as traditions still in the making. Comments that I received provided helpful information on important areas and routes of public interest. Public input helped clarify the need for addition of some of these routes in order to provide access to important recreation opportunities and experiences. I also heard about valuable KNF resources in need of additional protection or mitigation.

Each local community maintains a unique set of characteristics, values, and beliefs that shapes its relationship with the forest and its resources. The ability of these distinct civic entities to continue to thrive economically, physically, and spiritually through their connection with the KNF cannot be overstated. The public has the right to use their Federal public lands in responsible and sustainable ways—ways that do not diminish the current or future uses of the National Forest for others. There were many who brought much needed information and thoughtful insight into this process. Their comments were greatly appreciated and were helpful in working towards this decision.

I heard from many individuals and groups with particular goals for the types of recreation and uses they consider to be appropriate on National Forest System lands. Some feel all existing unauthorized routes are valuable and important and should remain available for motorized use. For them, the freedom to choose where to go and how to get there is important. Some expressed concern that motor vehicles degrade the quality of their recreation experience. Others asserted protection of natural resource values such as roadless area character, water quality, or fish and wildlife habitat should take precedence over other needs. They believed that more restrictions on motorized travel should be in place.

Lastly, some have questioned the long-term sustainability of local social, cultural and economic ways of life as a result of perceived effects of my decision. Some believe implementation of any of the action alternatives will harm small businesses, recreation users, the tourism industry, local governments, local economies, low-income residents, families with children, and people with disabilities by reducing public access to federal lands. I respectfully disagree. I believe the Selected Alternative provides a quality network of roads, trails, and areas available for public motorized use. More importantly, I believe my decision offers better opportunities for quality, long-term recreational motor vehicle use and better social, cultural and economic opportunities for individuals and communities than either the existing network of NFTS and unauthorized routes or the other action alternatives. Both the opportunity to access and enjoy the KNF for motorized recreation and the natural and cultural resources that draw people to this special place are protected with this decision.

Fostering Citizen Stewardship in National Forest Management of Roads and Trails

The successful implementation of this decision will, in large part, be based on local community members, visitors, and land managers working together to sign routes, implement mitigation measures, and encourage compliance with regulations. I am grateful that many individuals and groups from many viewpoints have already indicated their willingness to work together towards developing community-based solutions for future on-the-ground work.

It is important that people know that I listened intently to their input even if all of their wishes are not directly reflected in the Selected Alternative. We received many articulate and heartfelt requests for routes to be added or dropped based on a wealth of knowledge from local citizens and visitors. I personally read many of your letters and I was greatly impressed by the quality of the comments. As work progressed on the FEIS, I met several times with our resource specialists and engineers to look for solutions to some of the more puzzling dilemmas. After looking at all of the issues surrounding the request for motorized access for big game retrieval, as summarized in the discussion of Alternative E (an alternative considered but eliminated from detailed analysis) in Chapter 2 of the FEIS, I decided that it would not be possible to both prohibit cross-country travel and allow motorized access for retrieving big game. This in no way should be taken as a dismissal of the importance of this issue. It is my intent to continue to work with others to look for reasonable solutions to this issue.

Klamath National Forest Implementation Strategy

The Forest Service developed the following management strategies to be used as part of all of the action alternatives to improve implementation of the designated route system.

Priorities/Timelines

A number of follow-up actions are needed to implement this decision for the disposition of all routes to be completed and for the MVUM to fully reflect the travel management goals inherent in the decision. To better understand the timeframes associated with these follow-up activities, they have been grouped into the following three stages of implementation.

First, prior to publication of the first MVUM, all necessary road and safety signing will be put in place. The first MVUM will designate: (1) the routes listed in Appendix A of the FEIS that do not require mitigation, or for which mitigation has been completed, as open to motorized travel; (2) the mixed use segments of ML3 roads as open to mixed use; and (3) the NFTS ML3 roads that are changed from ML3 to ML2 status as open to non-highway legal vehicles.

Second, routes listed in Appendix A of the FEIS as requiring mitigation, and for which mitigation has not yet been completed, will be identified in a second MVUM as open to public motorized travel as soon as mitigation is complete.

Third, there are routes or re-routes that the public asked to be considered for motor vehicle use that cannot be added through this process without conducting additional site-specific analysis. These proposals will require consideration in separate environmental analyses. The KNF will work with motorized recreation users and other interested parties to prioritize these routes for future consideration of their potential for addition to the MVUM. Future decisions may also be made to remove routes from the MVUM if resource concerns arise that cannot be mitigated or if alternative routes are found that better meet the need for motor vehicle use.

Maps/Brochures

Based on the selected alternative, the KNF will produce a primary MVUM following NFS standards that indicates which routes are designated open to the public by type of vehicle per route. The MVUM will be used as an information and education tool, and for law enforcement purposes. This map will be made available to the public free of charge. Route and open riding area designations, use restrictions, and operating conditions will be revised in future decisions as needed to meet changing conditions or management strategies. A KNF brochure will be developed as a companion document to the MVUM with clear and simple explanations of the rules and restrictions, and examples of signs on the ground.

Signing

The Forest will supplement the MVUM by signing NFTS roads and trails that are open to public motor vehicle use on the ground with a road or trail number and applicable regulatory information. Clear, consistent, and adequate signs will be installed to identify trails designated

open by type of vehicle per route corresponding to the public MVUM. Signing of dead-end routes leading to or stopping at private land or rivers, streams, and other sensitive resources will be a priority to help protect private land and KNF resources.

Public Outreach

Successful implementation of this decision will require an extensive program of public education and outreach. The following components have been identified as key elements of this program:

- 1) Development of a public education strategy to help KNF visitors understand about the designated route system, to assist with reading and understanding the MVUM and local travel map, and to discuss how the public can help with implementation of the designated system by volunteering for maintenance activities, enforcement of the rules, and sharing knowledge with other visitors.
- 2) Continuing collaborating with groups interested in the addition, modification, or management of NFTS roads, trails, and areas on the KNF in order to build additional stewardship opportunities for the public and improve our transportation system. The activities of these groups could include, but are not limited to:
 - a) Developing a public volunteer strategy to identify opportunities for the public to help implement, enforce, maintain, and fund the designated route system.
 - b) Expanding a core of dedicated volunteers capable of supporting ongoing resource protection efforts, expanding the dissemination of public information, ensuring the effectiveness of resource monitoring, and maintaining the NFTS infrastructure (including signs, kiosks, roads, trails, and restoration efforts).
 - c) Developing a public education strategy to share information with Forest visitors about the designated route system, how to read the public MVUM and use best practices for minimizing impacts potentially resulting from motorized travel activities.
 - d) Assisting with the implementation of actions included in this decision such as disguising unauthorized route entrances.
- 3) Continue the examination of the adequacy of the designated system of routes and recommend modifications or adjustments to the system to be addressed in subsequent environmental analysis and decisions.

Public Involvement

Public involvement for Motorized Travel Management (formerly Motorized Route Designation) on the KNF began in 2004. Public involvement occurred during the public collaboration process that began with several meetings with recreational users of the KNF in California and Oregon, continued during the public scoping period for the Notice of Intent (NOI) to prepare an EIS, and included meetings with public groups to explore issues raised during the scoping period.

The Responsible Official and Interdisciplinary Team (IDT) relied on public involvement to ensure that a full range of alternatives, representing a broad array of perspectives, would be

analyzed. Public workshops held at Yreka, Greenview, Happy Camp and Macdoel in May 2005 were designed to introduce the route designation process and ask the public to identify motorized routes and areas they were currently using. Discussion topics at these workshops included an overview of the Travel Management Rule and national, regional and local direction to implement this Rule; why the KNF was undertaking this effort; what route designation is, the 5-step route designation process, and the time each step was likely to take; and when and how the public could be involved. The public was asked to provide maps of routes and areas being used by the end of August, 2005. Routes and areas on these maps became the initial list of publicly-identified routes to be considered in the process. At additional public meetings in February and March of 2007, in Yreka, Fort Jones, Happy Camp, and Macdoel, the KNF shared the maps, and asked for user assessments of the recreational value of identified routes and areas; this input was requested by the end of August of 2007. During this time, presentations were also made to numerous civic organizations, environmental groups, and recreational user clubs as well as to the Siskiyou County Board of Supervisors to inform them of the travel management process. The KNF also provided travel management information and consulted with American Indian tribes, including the Hoopa Tribe, Karuk Tribe, Klamath Tribes, Yurok Tribe, Pit River Tribes, Confederated Tribes of Grand Ronde Community, and Confederated Tribes of Siletz Indians, Quartz Valley Reservation, Shasta Indian Nation, and Shasta Tribe, Inc. By autumn of 2007, the KNF had identified and evaluated resource issues and concerns with the identified routes and areas, and produced maps of preliminary resource screening of routes.

In March 2008, public workshops were held again at Yreka, Fort Jones, Happy Camp, Orleans, and Mcdoel. The purpose of these workshops was to share the conceptual plan based on analysis and resource evaluations of unauthorized routes and areas; to present preliminary maps of routes that had passed the resource screening and would be analyzed further; and to provide an opportunity to comment on any routes that were missed. The public identified almost 500 miles of unauthorized routes and two areas they wanted to have considered for addition to the NFTS. The Motorized Travel Management project was posted on the Schedule of Proposed Actions for the Klamath National Forest in July 2008.

Scoping for the Notice of Intent

On October 7, 2008, the "Proposed Action and NOI to Prepare an Environmental Impact Statement" was published in the Federal Register (Volume 73, Number 195). A legal notice of the proposed action in the newspaper of record, the Siskiyou Daily News, on the same date initiated the scoping period that began that day and was scheduled to end on November 6, 2008. An extension was requested by a number of individuals and organizations, and the scoping period was extended 30 days, ending on December 6, 2008. Presentations to a variety of groups, phone calls, news releases, website postings, and e-mails were used to alert the public of the initiation of scoping and extension of the scoping period. Open houses were held in Happy Camp, Ft. Jones, Macdoel and Yreka to explain the Proposed Action. The agency

received scoping comments from 72 individuals, agencies, tribes and organizations (including letters, e-mails, and hand-delivered documents). All of this is summarized in the Scoping Report and the Content Analysis Report, Klamath National Forest, Travel Management Plan NOI, hereby incorporated by reference and found in the Project Record. Using the comments from the public, other agencies and governments, tribes, and agency resource specialists, the IDT developed a list of issues to address.

Siskiyou and Jackson County officials were informed of the KNF's plans and intent throughout this process. Another presentation was done to the Siskiyou County Board of Supervisors in 2008 to present the Proposed Action and answer questions about the process. The KNF shared the NOI with officials of Siskiyou County and worked with them to develop alternative ways to manage motorized travel that incorporated interests of the County. In 2008, the KNF also shared the motorized mixed-use analysis with Siskiyou County to coordinate the designation of NFTS roads. In 2009, the KNF provided a briefing to the Jackson County Commissioners. The mixed-use analysis was submitted to the local California Highway Patrol office for concurrence on the safety aspects of designating ML3 roads less than 3 miles in length for non-highway legal motorized use, and to share information on downgrading some ML3 roads to ML2 to accomplish the same purpose and save annual maintenance costs.

Draft Environmental Impact Statement Comment Period

Following more than 5 years of work and many public workshops, tribal consultations, meetings with local government officials, and presentations to a wide variety of interest groups, the Draft Environmental Impact Statement (DEIS) was released for public comment. Interested parties, tribes and reviewing agencies were sent a letter (via email or by mail) announcing the availability of the DEIS. The DEIS and maps were posted on the KNF website the same day. Hard copies and/or compact discs (CDs) of the DEIS were sent to tribes, reviewing agencies and any individuals or organizations that requested such documents. All agencies, tribes and individuals received a summary and website location for downloading documents and maps. The notice of availability was published by the Environmental Protection Agency in the Federal Register on June 5, 2009, and a legal notice was published in the Siskiyou Daily News on the same date which initiated the 45-day comment period. Public open houses were held in June 2009 in Fort Jones, Happy Camp, Macdoel and Yreka to provide the public with an opportunity to comment and to ask questions regarding the DEIS.

The KNF received several comments requesting an extension to the comment period. I decided to extend the comment period for an additional 15 days. On July 9, 2009, a legal notice explaining the extension was published in the Siskiyou Daily News. A letter was also sent to interested parties, reviewing agencies and tribes on noting the extended comment period. The Environmental Protection Agency published an amended notice in the Federal Register extending the comment period on July 24, 2009.

The KNF received 418 total responses to the DEIS, including 22 original responses and 396 form letters or modifications of form letters. A summary of the comments, and KNF responses to comments, appears in Appendix E of the FEIS.

Final Environmental Impact Statement Comment Period

A Notice of Availability for the Final Environmental Impact Statement was printed in the Federal Register on January 29, 2010, and a legal notice in the Siskiyou Daily News on the same date. The latter initiated a 30-day comment period on the FEIS, ending March 1, 2010. Hard copies and/or CDs of the FEIS were sent to tribes, reviewing agencies, and any individuals or organizations that requested such documents. All who had participated in scoping or made comments on the DEIS received a summary and website location for downloading documents and maps. The letters summarizing the FEIS included a notation that public comments made on the DEIS did not need to be resubmitted on the FEIS. Public open houses were held in February 2010 in Happy Camp, Macdoel, Etna, and Yreka to provide an opportunity to comment on and ask questions concerning the FEIS. Comments were received from 34 individuals, agencies and organizations. All comments received were considered in my decision. Comments specific to the FEIS, and KNF responses to these comments, are addressed in Appendix B of this Record of Decision.

Identification of Issues

Comments from the public, other agencies, local government and tribes were used to formulate issues concerning the Proposed Action. An issue is a matter of public concern regarding the Proposed Action and its environmental impacts. The Forest Service separated these issues into two groups: significant issues and non-significant issues. Significant issues were defined as those directly or indirectly caused by implementing the Proposed Action. Non-significant issues were identified as those: 1) outside the scope of the Proposed Action; 2) already decided by law, regulation, Forest Plan, or other higher-level decision; 3) irrelevant to the decision to be made; or 4) conjectural without supporting scientific or factual evidence. The Council on Environmental Quality (CEQ) NEPA regulations explain this delineation in Section 1501.7, "...identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review (Sec. 1506.3)..." A summary of issues, comments, questions, and suggested alternatives is located in the Scoping Report, which is incorporated by reference in the Project Record.

The KNF identified the following significant issues during scoping:

Issue 1: *The original Proposed Action (in the NOI) unreasonably restricts motorized recreation use by prohibiting cross-country travel. The proposed addition of only 92 miles of unauthorized routes (78 miles of NFTS roads and 14 miles of NFTS trails) to the NFTS does not provide*

enough motorized public access or diversity of motorized recreational opportunity to KNF lands including loops, connecting scenic destinations, campgrounds, local services, watersheds, and low and high elevation areas.

Issue 2: *The KNF NFTS is too large to provide adequate maintenance and administration given the current maintenance backlog. No new roads should be created as existing roads are largely unmaintained.*

Issue 3: *Some roads proposed for addition to the NFTS are in close proximity to wilderness or inventoried roadless areas (IRAs). The designation of unauthorized routes near these areas would encourage incursion of motorized use into wilderness and impact the ability of people to enjoy a quiet recreation experience.*

Issue 4: *Many of the unauthorized routes proposed for addition to the NFTS are poorly located and will cause adverse impacts to plants, wildlife, water quality, soils, riparian areas, and other natural resources.*

How Issues were Addressed in the DEIS and FEIS

Issue 1 was addressed in the DEIS in Alternatives 5 and 6. Although neither proposed adding more miles of roads to the NFTS than were proposed for addition in the Proposed Action, Alternative 5 proposed adding 22 miles of motorized trail and Alternative 6 proposed 18 miles of motorized trails, compared to the Proposed Action which proposed adding 14 miles. Alternative 5 also proposed adding mixed use to 272 miles of existing NFTS roads, and Alternative 6 proposed 105 miles of mixed use, compared to the Proposed Action which proposed 119 miles. In the FEIS, Alternative 7 addressed Issue 1 by increasing the number of miles of use by non-highway legal motor vehicles on ML3 roads by 131.5 miles, and by downgrading 133 miles of ML3 road to ML2 to allow motorized use by non-highway legal vehicles. Although the total number of miles of route proposed for addition to the NFTS is decreased from 78 in the Proposed Action to 53 in Alternative 7, the number of miles of motor vehicle trails being added to the NFTS increases by 6 miles over the Proposed Action.

Issue 2 was addressed in the DEIS in Alternative 3 by not adding any routes to the NFTS, thus limiting the costs associated with new route additions. Alternative 4 addressed this issue as well, by adding 7 miles of roads and trails to the NFTS. In the FEIS, Alternative 7 addressed this issue by changing the objective maintenance level on 133 miles of ML 3 roads, thus decreasing annual maintenance costs.

Issue 3 was addressed in the DEIS in Alternative 3 by not adding any routes to the NFTS, and in Alternative 4 by not adding any routes in close proximity to wilderness. In the FEIS, Alternative 7 proposes the addition to the NFTS of 21 short routes (totaling 1.5 miles) to access

dispersed recreation sites within ½ mile of wilderness boundaries (Recreation section of Chapter 3 of the FEIS). Mitigation for all action alternatives includes signing on routes within ¼ mile of a wilderness boundary to improve voluntary compliance with restrictions on motor vehicle use in wilderness (Chapter 2 of the FEIS). None of the action alternatives propose adding unauthorized routes to the NFTS within Inventoried Roadless Areas.

Issue 4 is addressed in the DEIS through mitigation and monitoring applicable to all action alternatives as disclosed in Chapter 2 of the DEIS. In the FEIS, Alternative 7 addresses this issue by proposing addition to the NFTS of only unauthorized routes that are well-sited, thereby reducing any adverse impacts to plants, wildlife, water quality, soils, riparian areas, and other natural resources, as well as through mitigation and monitoring displayed in Chapter 2 of the FEIS.

Alternatives Considered in Detail but Not Selected

In addition to the Selected Alternative, I considered six other alternatives, analyzed in detail in the FEIS, which are summarized below. A more detailed comparison of these alternatives, and the alternatives considered but eliminated from detailed study, can be found in Chapter 2 of the FEIS.

Alternative 1 (No Action)

This alternative serves as a baseline for comparison among the alternatives, and is required by the implementing regulations of the National Environmental Policy Act (NEPA). The No Action Alternative represents the continuation of cross-country travel. Under the No Action Alternative, no changes would be made to the NFTS and there would be no prohibition of cross-country travel. Current management plans would continue to guide project area management. The Travel Management Rule would not be implemented, and no Motor Vehicle Use Map (MVUM) would be published. Motor vehicle travel by the public would not be limited to designated routes. Unauthorized routes would continue to have no status or authorization as NFTS facilities.

There are a number of reasons I did not select this alternative. It does not implement the Travel Management Rule and does not meet the need for regulation of unmanaged motor vehicle travel as required by the Rule because cross-country travel, with the potential of continued route proliferation, could cause continued adverse resource impacts. This alternative has the most potential for negative effects on natural and cultural resources, conflicts with adjacent landowners and impacts on non-motorized or quiet recreation activities of any of the alternatives. It does not allow non-highway legal motor vehicle use to occur on any of the ML3 roads. Continued use of 497 miles of unauthorized routes, and potential future proliferation of routes, could lead to negative resource impacts.

Alternative 2 (Proposed Action)

The Proposed Action, as described in the NOI published in the Federal Register, includes the following: prohibition of cross-country motorized travel, proposed changes to the existing NFTS (adding mixed use on 119 miles), and additions to the NFTS (adding 24 miles of unauthorized routes to access dispersed recreation sites, 54 miles as roads for a diversity of recreation experiences, 14 miles as motorized trails, and 65 acres in two open riding areas). This alternative was developed during the course of more than a year's worth of public meetings, including workshops where the public identified important routes for addition. The focus of this alternative was to meet motorized recreation needs by adding some unauthorized routes to the NFTS and providing for some mixed use opportunities

Alternative 2 represents a starting point for the development of Alternatives 4, 5, and 6. It regulates unmanaged motor vehicle use and provides access to 258 dispersed recreation sites but no reduction of annual maintenance costs by lowering maintenance levels on NFTS roads. After the development of Alternative 2, it was determined that some of the unauthorized routes proposed for addition to the NFTS were not well-sited to protect cultural and natural resources (for instance, 2 routes crossed perennial streams) and some were not locatable on the ground. I did not choose Alternative 2 for these reasons. This alternative also did not include almost 13 miles of unauthorized route traditionally used by highway legal vehicles in the Butte Valley National Grassland, and did propose adding to the NFTS one route to a dispersed campsite that is in an area in which Port-Orford-Cedar root disease might spread.

Alternative 3

Alternative 3 meets the objective of prohibiting cross-country motorized travel, but proposes no additions or changes to the NFTS. This alternative provides a baseline for comparing the impacts of other alternatives that propose changes to the NFTS. None of the currently unauthorized routes would be added to the NFTS under this alternative and motorized access beyond existing NFTS routes would be prohibited except as allowed by permit or other authorization. No maintenance levels would be changed on system roads and mixed use would not be allowed on any ML3 roads. This alternative responds to the issue of cost by not adding any new facilities to the NFTS, but does not realize savings from changes in maintenance levels as proposed in Alternative 7.

There are a number of reasons that I did not select this alternative. Although this alternative meets the need to regulate unmanaged motor vehicle use, the diversity of motor vehicle recreation opportunities and access to dispersed recreation are all confined to the existing NFTS. This alternative does not incorporate routes suggested by the public that provide additional important dispersed recreation opportunities. Alternative 3 is the environmentally preferable alternative if only biological and physical factors are considered in that unauthorized routes are no longer available for travel and resource-related damage caused by continued use or proliferation of unauthorized routes would not occur. This alternative was not chosen because

it does not provide a diversity of motorized recreation opportunities or access to dispersed recreation sites. This alternative also did not include almost 13 miles of unauthorized route traditionally used by highway legal vehicles in the Butte Valley National Grassland.

Alternative 4

Alternative 4 addresses access, economics and natural resource protection. This alternative meets the need of providing diverse motor vehicle riding opportunities by improving riding opportunities for non-highway legal vehicles on 119 miles of NFTS roads, and adds 7 miles of additional routes. Under this alternative a combination of vehicle class changes and minimal addition of unauthorized routes to the NFTS are used to address concerns about both dispersed recreation access and riding opportunities for non-highway legal vehicles, while constraining the resource and economic impacts from addition of many routes. This alternative would not create motor vehicle riding opportunities in open riding areas. This alternative provides the most opportunity for quiet recreation of all the action alternatives other than Alternative 3.

Although this alternative regulates unmanaged motor vehicle travel, provides a diversity of recreation opportunities and riding experiences in the context of the existing NFTS, and contains costs by adding just 7 miles to the NFTS, it was not chosen because it does not provide the quality and quantity of recreation diversity and access to dispersed recreation that are offered by the Selected Alternative. This alternative also did not include almost 13 miles of unauthorized route traditionally used by highway legal vehicles in the Butte Valley National Grassland.

Alternative 5

Alternative 5 addresses access to dispersed recreation sites and a diversity of motorized recreation opportunities through adding 69 miles of unauthorized routes, and 2 open riding areas totaling 53 acres, to the NFTS. It also would allow non-highway legal motor vehicles on 278 miles of existing ML3 roads and one ML4 road. In this way, the alternative meets the needs of access to dispersed recreation and diverse riding opportunities. This alternative would be relatively expensive to implement and would have higher annual maintenance costs because no ML3 roads would be downgraded to ML2.

I did not select this alternative because I was concerned about the locations of some of the routes proposed for addition to the NFTS, three of which would have crossed perennial streams. This alternative also did not include almost 13 miles of unauthorized route traditionally used by highway legal vehicles in the Butte Valley National Grassland, and did propose adding to the NFTS one route to a dispersed campsite that is in an area in which Port-Orford-Cedar root disease might spread.

Alternative 6

Alternative 6 addresses access to dispersed recreation sites and a diversity of motorized recreation opportunities through adding 59 miles of unauthorized routes, and 2 open riding areas totaling 53 acres, to the NFTS. It also would allow non-highway legal motor vehicles on 105 miles of existing ML3 roads. In this way, the alternative meets the needs of access to dispersed recreation and diverse riding opportunities. This alternative would have been somewhat expensive to implement and would have high annual maintenance cost in that none of the ML3 roads would be downgraded to ML2.

I did not select this alternative because I was concerned about the locations of some of the routes proposed for addition to the NFTS, three of which would have crossed perennial streams. This alternative also did not include almost 13 miles of unauthorized route traditionally used by highway legal vehicles in the Butte Valley National Grassland, and did propose adding to the NFTS one route to a dispersed recreation area in a location in which Port-Orford-Cedar root disease might spread.

Environmentally Preferable Alternative

The environmentally preferable alternative is often interpreted as the alternative that causes the least damage to the biological and physical environment, but other factors relevant to this determination are provided in Section 101 of NEPA. These include fulfilling the responsibilities of each generation as a trustee of the environment for succeeding generations; assuring safe, healthful, productive, and aesthetically and culturally pleasing surroundings for all Americans; and achieving a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities. If I take into account only the physical and biological effects, I would consider Alternative 3 to be the environmentally preferable alternative because it prohibits cross-country travel on the entire KNF, and adds no unauthorized routes or open riding areas to the NFTS. Based on my consideration of all these factors and the effects disclosed in the FEIS, however, I consider Alternative 4 to be the environmentally preferable alternative because it prohibits cross-country travel on the entire KNF, adds no open riding areas and just 7 miles of roads and trails to the NFTS, and provides additional motorized recreation opportunities for non-highway legal vehicles on 119 miles of existing NFTS roads while restricting motor vehicle use to highway legal vehicles on about 8 miles of route leading to private land. My reasons for not selecting Alternatives 3 or 4 are provided above.

Legal and Regulatory Compliance

My decision complies with the laws, policies, and executive orders listed below and described in Chapter 2 and 3 of the FEIS.

Forest Plan Consistency

My decision includes one Forest-wide amendment to the management direction contained in the Forest Plan as well as one site-specific amendment to the LRMP.

Non-significant Forest-wide Plan Amendment: This is a Forest-wide Forest Plan amendment to prohibit motor vehicle travel off designated roads, trails, and outside open riding areas where such motor vehicle use is currently permitted (on approximately 1.2 million acres of the KNF).

Non-significant Site-specific Forest Plan Amendment: This is a site-specific plan amendment to exempt approximately 12.8 miles of added road in the Butte Valley National Grassland from a season of use restriction due to Swainson's hawk nesting.

Evaluation of Significance

The National Forest Management Act (NFMA) requires evaluation of whether proposed forest plan amendments would constitute a significant change in the long-term goods, outputs and services projected for the National Forest. The following criteria are used to determine the significance of Forest Plan amendments (FSM 1926.51-52).

FSM 1926.51 - Changes to the Forest Plan that are Not Significant.

Changes to the Forest Plan that are not significant and can result from:

1) Actions that do not significantly alter the multiple-use goals and objectives for long-term land and resource management

The Forest-wide amendment prohibiting cross-country travel, and the site-specific amendment to allow traditional use of highway legal vehicles on the Butte Valley National Grassland during the nesting season for Swainson's hawks (which the project biologist found to be habituated to highway vehicle use and not disturbed by traffic during nesting), are both consistent with the Forest Plan goals to provide recreation opportunities while protecting natural and cultural resources.

2) Adjustments of management area boundaries or management prescriptions resulting from further on-site analysis when adjustments do not cause significant changes in the multiple-use goals and objectives for long-term land and resource management

There are no boundary adjustments in either Forest Plan amendment. Management prescriptions adjusted in amendments do not cause significant changes in the multiple-use goals and objectives of providing recreation opportunities while protecting resource values.

3) Minor changes in standards and guidelines; and,

These Forest Plan amendments would necessitate minor changes in the standard and guidelines for the Butte Valley National Grassland and other management areas that now allow cross-country motorized travel.

4) Opportunities for additional management practices that will contribute to achievement of the management prescription.

The Forest-wide amendment would allow added management practices that contribute to management prescriptions that protect natural and cultural resources. The site-specific amendment would allow traditional recreation use to continue.

FSM 1926.52 - Changes to the Land Management Plan that are Significant.

The following examples indicate circumstances that may cause a significant change to a land management plan:

1) Changes that would significantly alter the long-term relationship between levels of multiple-use goods and services originally projected [section 219.10(e) of the planning regulations in effect before November 9, 2000 (36 CFR parts 200 to 299, revised as of July 1, 2000)]

Neither Forest Plan amendment would alter the long-term relationships between the levels of goods and services projected in the Forest Plan.

2) Changes that may have an important effect on the entire land management plan or affect land and resources throughout a large portion of the planning area during the planning period

The Forest-wide amendment would have an effect on a large portion of the planning area during the planning period but this effect would not be important to the entire Forest Plan. The effect on the land and resources of the KNF would be beneficial. The site-specific Forest Plan amendment does not have implications for the entire Forest Plan, or the land and resources over a large portion of the planning area.

Conclusions

I have determined that the Forest Plan amendments included in my decision:

- a. Do not significantly alter the multiple-use goals and objectives for long-term land and resource management.
- b. Do not cause significant changes in the multiple-use goals and objectives for long-term land and resource management.
- c. Represent minor changes in Standards and Guidelines.
- d. Provide opportunities for additional management practices that contribute to achievement of the management prescription.
- e. Do not alter the long-term relationships between the levels of goods and services projected in the Forest Plan.
- f. Do not change land allocations or management direction for other elements of the Forest Plan.

Based on consideration of the factors above, and the analysis contained in the FEIS, I determined that neither the forest-wide nor the site-specific Forest Plan amendment is significant in the context of NFMA. I hereby amend the Forest Plan with the non-significant amendments discussed above.

Travel Management Regulations

The Travel Management regulations require that certain criteria be considered when designating routes for motor vehicle use (36 CFR 212.55(a) through (e)). These criteria have been considered at all stages of this process beginning with the development of the underlying Purpose and Need, development of the alternatives, analysis of effects (as documented in the 'Compliance with the Forest Plan and Other Direction' sections of each resource section in Chapter 3 of the FEIS), and ultimately my selection of Alternative 7. Throughout the ROD and the FEIS, there are many specific examples of how I considered the Travel Management Rule criteria in making this decision. The criteria for designation of NFTS roads, trails and areas from Subpart B of the travel management regulations (36 CFR 212.55) are outlined in two sections, 212.55 (a & b). I considered these criteria in my decision:

Impacts to natural and cultural resources

My decision will not adversely affect cultural resources (Cultural Resources section of Chapter 3 of the FEIS). For sites where the FEIS discloses uncertainty regarding effects, this decision includes monitoring of these sites per the stipulations in the Motorized Recreation Programmatic Agreement. Further, this decision is in full compliance with Programmatic Agreements with the State of California. The State Historic Preservation Office of Oregon has been consulted and has determined that this undertaking will have no effect on cultural resources on the part of the KNF in Oregon.

For information on impacts to natural resources see Travel Rule 212.55 (b) 1 and 2 below.

Public safety

Public safety has been my top priority when considering whether to allow non-highway legal motor vehicle use on ML3 roads. The Selected Alternative authorizes non-highway legal motor vehicle use on only those ML3 roads that have been determined to be generally safe (Transportation section of Chapter 3 and Appendix C of the FEIS).

Safety from exposure to naturally occurring asbestos has also been a top priority. None of the unauthorized routes proposed for addition to the NFTS are underlain by ultramafic rock (a source for naturally-occurring asbestos) except for 27 short spurs to dispersed recreation sites. As discussed in the Geology section of Chapter 3 of the FEIS, it is unlikely that motor vehicles could reach speeds sufficient to generate dust on these short spurs. However, to provide additional margins of safety, these short routes have been sampled and tested. None of the sampled routes showed evidence of naturally occurring asbestos using the California Air Resource Board standard of 0.25% as discussed in the Geology section of Chapter 3 of the FEIS. These routes are considered to be safe for public use and will be added to the NFTS.

Provide for recreational opportunities.

I carefully considered diversity of recreational opportunities and access to dispersed recreation in adding selected unauthorized routes to be added to the NFTS by this decision. Although the existing NFTS generally provides access to major developed recreation areas and for KNF management activities, it does not contain some routes that are important for accessing long-

used dispersed recreation opportunities. The Selected Alternative addresses this need by adding 25 miles of roads to user-identified dispersed recreation areas and 28 miles for diverse riding opportunities. Among these 25 miles to dispersed areas, there are at least 191 individual routes with known dispersed campsites or river access points. The enhanced transportation system in the Selected Alternative will provide access to sites and routes that are important to Forest users for camping, backpacking, hiking, sightseeing, exploring, fishing, and hunting, among other activities.

The Selected Alternative also provides diverse recreation opportunities by providing access to a variety of riding experiences through creating additional OHV loop riding opportunities that include a combination of additions to the NFTS and changes to the NFTS (mixed use and lowering of maintenance levels on some roads). The Selected Alternative provides more than 20 miles of motor vehicle trails. This alternative also downgrades objective maintenance levels from ML 3 to ML 2 on 133 miles of NFTS roads and changes maintenance level on more than 131 miles of ML3 roads to allow safe use by both highway legal and non-highway legal vehicles.

Access to public and private lands

When identifying trails to add to the NFTS, I focused on meeting the needs of the public by providing access to the most desired trails and roads on the Forest. In addition, my decision will not impact access to private lands, as this project does not designate roads or trails through private lands where the Forest Service does not have right-of-way, nor will it change existing rights-of-way for adjacent private landowners. Private landowners that need to use one of the unauthorized routes that were not added through this effort can work with the KNF on an individual basis to obtain special use permits that will grant them the needed access.

Conflicts among uses of National Forest System lands

When developing the alternatives to the proposed action, the issue of use conflicts was addressed by seasonally separating use on 32 NFTS roads by over-snow vehicles and vehicles other than those that travel over-snow in order to avoid user conflicts.

Need for maintenance and administration of roads, trails and areas that would arise if the uses under consideration are designated

The Forest currently has a deferred maintenance backlog for roads of approximately \$20 million (see Appendix C of FEIS). This alternative carefully considers the availability of resources for maintenance and administration of roads, trails and areas given a combination of additions and changes to the existing NFTS maintenance levels. As stated previously, the additions proposed in Alternative 7 would result in an implementation cost of approximately \$121,500 (Transportation section of Chapter 3 of the FEIS). Annual maintenance costs would decrease by at least \$25,000 to \$50,000 from the \$3 million needed to maintain the existing NFTS. I have determined that the Forest would have sufficient resources to administer and maintain the additional NFTS within the Selected Alternative.

Damage to soil, watershed, vegetation, and other forest resources

Routes added to the NFTS as part of my decision are expected to maintain and improve water quality and satisfy all federal and state water quality requirements. Only one route addition to the NFTS crosses a perennial stream channel; this route has been carefully examined by fisheries biologists from both the KNF and National Marine Fisheries Service, will be rocked to mitigate any effects to fish, and will be monitored for at least 5 years as stated in the Fisheries section of Chapter 3 of the FEIS and the Fish Biological Assessment. My decision minimizes impacts to both soil and water resources, including riparian and aquatic habitats, by only adding routes where adverse impacts could be either avoided or mitigated to acceptable levels. This decision adds 20 miles to the NFTS that go through riparian reserves; however, less than 1 mile is located within riparian habitats (affecting about 1.2 acres). These routes were carefully considered and will not negatively impact water quality or fish. The full analysis displaying these effects can be found in the Hydrology section of Chapter 3 of the FEIS.

Botanical Resources

The analysis contained within the Botanical Resources section of Chapter 3 of the FEIS determined that my decision is not likely to result in a trend toward federal listing or loss of viability for any sensitive plant species. The project includes species-specific mitigation to reduce or avoid potential impacts to rare plants, including monitoring of the one higher risk route to ensure rare plants are protected. My decision includes mitigation to control high priority weed occurrences adjacent to designated routes and direction to clean road maintenance equipment to prevent further weed spread (Non-native Invasive Species section of Chapter 3 of the FEIS).

Harassment of wildlife and significant disruption of wildlife habitat

I considered whether there would be harassment of wildlife or significant disruption to wildlife in this decision. The terrestrial wildlife analyses indicate that such effects, if they occur, would be minor.

Aquatic Resources

I considered whether there would be direct effects to Federally-listed Southern Oregon Northern California Coastal (SONCC) coho salmon or significant disruption to fish habitat for this species in this decision. I also considered possible effects to Chinook salmon or steelhead trout sensitive fish species and their habitat. This decision adds only one route that would directly cross a perennial stream that provides habitat for federally listed or sensitive aquatic species. For all Federally-listed and Forest Service sensitive aquatic species, it was determined that the Selected Alternative may affect species and habitat but would not result in a trend towards Federal listing or a loss of viability (Fisheries section of Chapter 3 of the FEIS and Fish Biological Assessment and Evaluation, located in the process records).

Conflicts between motor vehicles and existing or proposed recreational uses of NFS lands or neighboring Federal lands

This decision does not add any routes in Wilderness Areas, "Wild" portions of the Wild and Scenic Rivers, Inventoried Roadless Areas, or within Primitive or Semi-primitive Non-motorized

Recreation Opportunity Spectrum classes (Recreation and Inventoried Roadless Area sections of Chapter 3 of the FEIS). It addresses route conflicts between recreationists, both on the existing NFTS and on new additions connected to the existing NFTS, by adding trails for motor vehicle use and not allowing motor vehicles to use other KNF trails (Alternatives Considered but Eliminated from Detailed Study section of Chapter 2, and Recreation and Society, Culture and Economy sections of Chapter 3 of FEIS).

Conflicts among different classes of motor vehicle uses on NFS lands or neighboring Federal lands

My decision minimizes the potential for conflicts between different classes of vehicles by designating some routes specifically for certain vehicle classes, and by separating season of use by wheeled vehicles and snowmobiles.

Compatibility of motor vehicle use with existing conditions in populated areas, taking into account sound, emissions, and other factors

Most of the routes added to the NFTS are located far from populated areas. The Selected Alternative adds no routes within 1/2 mile of communities, areas with higher densities of residences, or commercial buildings (Recreation section of Chapter 3 of the FEIS).

Speed, volume, composition and distribution of traffic on roads

I have determined that the terrain, sight distance, and condition of the road surface of the 73 miles of unauthorized routes being added to the NFTS makes them suitable as low standard roads or motorized trails rather than higher standard roads. The number of roads and trails added in the Selected Alternative coupled with the existing road and trail system are expected to continue to support low traffic densities on most of the NFTS. Signs to warn drivers of the class of vehicles authorized and expected on particular routes will be posted as part of the implementation of the route designation process. Maintenance Level 3 NFTS routes designated for mixed use will be signed appropriately to warn drivers of mixed use (Ch. 2 Mitigation Measures).

Compatibility of vehicle class with road geometry and road surfacing

Routes added to the NFTS will be designated as either Maintenance Level 2 roads or motorized trails based on vehicle compatibility considerations and the need to provide a range of different recreational opportunities. The analysis of each Maintenance Level 3 road proposed for motorized mixed use considered the compatibility of each vehicle class with the road geometry and surfacing based on an assessment of the type and size of vehicle in conjunction with the driver's level of skill.

Maintaining valid existing rights of use and access (rights-of-way)

When identifying routes to add to the NFTS, I focused on meeting the needs of the public by providing access to the most desired trails and roads on the KNF. In addition, my decision will not impact access to private lands, as this project does not designate roads or trails through private lands where the Forest Service does not have right-of-way, nor will it change existing rights-of-way for adjacent private landowners. Private landowners that need to use one of the

unauthorized routes that were not added through this effort can work with the Forest on an individual basis to obtain special use permits that will grant them the needed access.

Findings Required by Other Laws and Regulations

The National Environmental Policy Act at 40 CFR 1502.25(a) directs “to the fullest extent possible, agencies shall prepare draft EIS concurrently with and integrated with ...other environmental review laws and executive orders.” Each resource section in the FEIS includes a list of applicable laws, regulations, policies and Executive Orders that are relevant to that resource. Surveys, analyses, and findings required by those laws are specifically addressed in Chapter 3 of the FEIS. These laws include:

National Forest Management Act. With the proposed Forest Plan amendments, consistency with the National Forest Management Act is addressed in the Forest Plan Consistency section. The decision for the MTM project is also compliant with the 2001 Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffers, and Other Mitigation Measures Standards and Guidelines (2001-ROD) with updates from annual species reviews. Pertinent information from annual species reviews was considered part of the best available information in developing the FEIS for the MTM project. I used the results of an analysis that considered the potential for significant negative impacts to the habitats, life cycles, microclimates, or life support requirements of Survey and Manage species to determine the need for pre-disturbance surveys for the species per direction in the Standard and Guidelines Section (page 22) of the 2001-ROD. The analysis results are available in a process paper entitled Survey and Manage Species Analysis (Ford, J., Perrochet, J., and Knight, M., May 21, 2010) in the project record for the MTM FEIS at my office in Yreka, CA.

Clean Water Act. Compliance with the Clean Water Act is achieved through implementation of the Total Maximum Daily Load (TMDL) action plans for the Scott and Salmon Rivers, and will be achieved through implementation of the TMDL action plan for the Klamath River when the plan is finalized. The Selected Alternative would help to achieve TMDL requirements by reducing road density, reducing vehicle-generated sediment, and reducing the potential for sediment delivery to streams by subjecting designated routes to improvement and maintenance of running surfaces. This project constitutes a control of sediment waste discharge as required under the Memorandum of Understanding between the Regional Water Quality Control Board and the U.S. Forest Service. Clean Water Act compliance is also achieved by implementing the 1981 management agency agreement with the Water Board and the State of California that requires use of State-approved and Environmental Protection Agency certified Best Management Practices.

Endangered Species Act. All Federally-listed Threatened and Endangered plant, wildlife and aquatic species under the jurisdiction of the US Fish and Wildlife Service (USFWS) were

analyzed considering the existing regional programmatic consultation completed for route designation (USDA FS PSW Region 2006; USDI FWS 2006). A separate Biological Assessment (BA) was prepared for the northern spotted owl and marbled murrelet, including critical habitat. The determination for these species was May Affect, Not Likely to Adversely Affect with Beneficial Effects, and No Effect on critical habitat (see letter of concurrence from USFWS dated January 19, 2010). The BA for plants indicated No Effect to listed or candidate species; therefore, no further consultation with the USFWS was needed. The potential effects of implementing the Selected Alternative were analyzed for Federally-listed anadromous fish which are under the jurisdiction of the NMFS. The determination from the Fish BA was May Affect, Not Likely to Adversely Affect (see agreed upon Biological Assessment of January 19, 2010, and letter of concurrence dated April 5, 2010).

Executive Order 13112 Invasive Species 64 FR 6183 (February 8, 1999). Consistent with this Order, this project has incorporated feasible and prudent mitigation measures in the Selected Alternative to minimize risk of harm caused by invasive species. All routes that have known high priority weeds within 100 feet will be monitored (and treated as practicable) in the early stages of project implementation as discussed in the Non-native Invasive Species section of Chapter 3 of the FEIS. Required weed treatment mitigations are listed in Appendix A of this ROD.

National Historic Preservation Act. This project was designed to meet this act in California by following the Programmatic Agreement among the U.S.D.A. Forest Service, Pacific Southwest Region, California State Historic Preservation Officer and Advisory Council on Historic Preservation Regarding the Process for Compliance with Section 106 of the National Historic Preservation Act for Designating Motor Vehicle Routes and Managing Motorized Recreation on the National Forests in California (2005). The State Historic Preservation Office of Oregon has been consulted as disclosed in the FEIS, and this travel management undertaking was determined to have no effect on cultural resources on the part of the KNF in Oregon.

Migratory Bird Treaty Act. Within the National Forests, conservation of migratory birds focuses on providing a diversity of habitat conditions at multiple spatial scales and ensuring that bird conservation is addressed when planning for land management activities. As part of the Travel Management process, the Klamath National Forest has conducted an assessment of unauthorized roads and trails within Forest boundaries. Any new construction, reconstruction and maintenance of system roads or trails will be conducted under a separate NEPA analysis and decision. Because current travel management efforts are directed at identifying which existing unauthorized routes will be formally added to the NFTS while prohibiting cross-country travel, and because there is no expectation of new construction or development, no changes in the distribution or abundance of habitats available to migratory birds are anticipated. Changes in authorization are not anticipated to contribute to measurable increase in use levels, but the

prohibition of cross-country travel is expected to result in less use across the landscape. Therefore, habitat functionality is expected to remain similar or improve, and levels of disturbance related to use are expected to remain similar to or decline, from pre-decision levels.

Special Area Designations

I have determined that the Selected Alternative complies with laws, regulations, and policies that pertain to the following special areas. In addition, I believe that this decision enhances the values that make these special areas unique.

Research Natural Areas. No routes are added to the NFTS for motor vehicle use within any of the Research Natural Areas.

Special Interest Areas. No routes are added to the NFTS for motor vehicle use within any of the Special Interest Areas.

Inventoried Roadless Areas. No routes are added to the NFTS for motor vehicle use within any of the Inventoried Roadless Areas (IRAs). Roadless characteristics will be maintained in all IRAs by the prohibition of motorized cross country travel which will help prevent the creation of unauthorized routes.

Wilderness Areas. No routes are added to the NFTS for motor vehicle use within Wilderness.

Wild and Scenic Rivers. The Selected Alternative would add 12 short spurs (totaling 3.4 miles) to the NFTS as roads within corridors of rivers classified as "Recreational" within the Wild and Scenic River system to access river launch points and dispersed camping sites. The Recreational classification allows development along shorelines. The Hydrology and Fisheries analyses have determined that the additions would meet requirements of the Aquatic Conservation Strategy and the Clean Water Act sufficient to protect the outstandingly remarkable values of the Wild and Scenic Rivers

Administrative Review or Appeal Opportunities

This decision is subject to appeal pursuant to 36 CFR 215. In accordance with the April 24, 2006 order issued by the U. S. District Court for the Missoula Division of the District of Montana in Case No. CV 03-119-M-DWM, only those individuals and organizations who provided comments during the comment period are eligible to appeal [36 CFR 215.11(a), 1993 version]. Appeals must be filed within 45 days from the publication date of the legal notice in the Siskiyou Daily News. Notices of appeal must meet the specific content requirements of 36 CFR 215.14. An appeal, including attachments, must be filed (regular mail, fax, e-mail, hand-delivery,

express delivery, or messenger service) with the appropriate Appeal Deciding Officer [36 CFR 215.8] within 45 days following the publication date of the legal notice. The publication date of the legal notice is the exclusive means for calculating the time period to file an appeal [36 CFR 215.15 (a)]. Those wishing to appeal should not rely upon dates or timeframe information provided by any other source.

Appeals must be submitted to the Regional Forester, USDA Forest Service, 1323 Club Drive, Vallejo, CA 94592. Appeals may be submitted by FAX [(707) 562-9091] or by hand-delivery to the Regional Office, at the address shown above, during normal business hours (Monday-Friday 8:00am to 4:00pm). Electronic appeals, in acceptable [plain text (.txt), rich text (.rtf) or Word (.doc or .docx)] formats, may be submitted to appeals-pacificsouthwest-regional-office@fs.fed.us with Subject: **Klamath Motorized Travel Management**.

For electronically mailed appeals, the sender should normally receive an automated electronic acknowledgment from the agency as confirmation of receipt. If the sender does not receive an automated acknowledgment of the receipt of the appeal, it is the sender's responsibility to ensure timely receipt by other means [36 CFR 215.6(a)(4)(iii)].

Implementation Date

If no appeals are filed within the 45-day appeal period, implementation of the decision may occur on, but not before, five business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

Contact Person

The FEIS and supporting documents are available for public review at the Klamath National Forest Supervisor's Office, 1312 Fairlane Road, CA 96097. For further information on this decision, contact Togan Capozza, Recreation Officer at (530) 841-4467.

Signature and Date

/s/ Patricia A. Grantham

7/29/2010

PATRICIA A. GRANTHAM

Forest Supervisor, Klamath National Forest
Yreka, CA

Date

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Appendix A – Modifications of Alternative 7, Errata, and Route and Area Monitoring and Mitigation

The following modifications to Alternative 7 are included in the Selected Alternative:

- Season of use for the Humbug open riding area and trails in the Humbug drainage is changed from 5/1 through 10/31 to open year round based on new information from the California Department of Fish and Game (CDFG). The KNF had included a season of use in the FEIS based on a verbal recommendation from CDFG. The CDFG subsequently concluded that closing this section of the KNF from 11/1 through 4/30 was not needed to protect deer using this portion of the designated winter range. The CDFG concluded that the overall effect of the Motorized Travel Management Preferred Alternative is to reduce disturbance to deer winter range. There is currently no seasonal restriction on motor vehicle travel on NFTS or Siskiyou County roads in the Humbug drainage so not imposing a seasonal restriction is not a significant change. An analysis of the effects of this modification, “Deer Disturbance in the Humbug Drainage” is included in the process record for this project.
- Route 43N69 is changed from maintenance level 3 (ML 3) to ML 2 correcting an error in the FEIS.
- Route 51-11a (also known as 47N22.Y1 in the Horse Heli project ROD) is scheduled to be decommissioned and will not be added to the NFTS.
- Route 7J031.5A is removed from the routes to be added to the NFTS as motorized use was found to conflict with resource protection in a way that could not be mitigated.
- Routes 43012001 and 45N88.2 are changed from requiring mitigation to requiring no mitigation, correcting an error in the FEIS.
- Routes 7J031.5, 46083401 and 46083301 require mitigation to protect resources. The best way to provide these mitigations may require re-routing that is not included in the analysis of this FEIS. If so, the re-routing will be analyzed in a separate environmental analysis. These routes will not be added to the MVUM until mitigations are complete.
- The citation in the FEIS for the Recovery Plan for *Arabis macdonaldiana* var. *Eastwood* is corrected to omit var. *Eastwood*.
- The title on the final row of Table NNIS-3 is corrected to omit “# of Sites with High” and read “Risk of Spread.”
- Table IRA-4 is corrected to 7 routes in the “SUBTOTAL” row for the Trinity Alps, in Alt. 5, 6, and 7, and mileage in Alt. 6 is corrected to 0.42 miles. Routes 54-58 and 54-59 are removed from Alt. 6. The “TOTAL-ALL” row is corrected to 23 routes for Alt. 5, 19 for Alt. 6, and 21 for Alt. 7.
- Table IRA-5 is corrected for the “Miles of routes added to NFTS within CIRAs” for Alt. 2 (3.9), Alt. 5 (2.8), Alt. 6 (2.7) and Alt. 7 (2.5).

- Methodology for IRA analysis is corrected to indicate that miles of route were multiplied by 640 acres (rather than 320 acres) representing a ½ mile buffer on either side of the route.
- The total acreage of citizen inventoried roadless areas in Table IRA-3 is corrected to 355,227.
- Letters from federal, state and local governments (omitted from the FEIS) are attached.

The following tables include the routes that will be added to the NFTS in the Selected Alternative, or for which use will be changed. Monitoring and mitigation requirements applicable to all routes are not noted in these tables. Instead, only route-specific monitoring and mitigation are displayed.

Table A-1 Routes Added as Roads

Route ID	Vehicle Class	Length (miles)	Monitor	Mitigation Measure
45N53.3	All	0.11	Erosion	Improve drainage/establish tread
46N24.1	All	0.06		
7H002.2	All	0.16	Sedimentation	Improve drainage/establish tread; improve stream crossing by rocking & shaping approach
7J002.6	All	0.35		
6.1	All	0.18		
6.4	All	0.74		
77.5	All	0.44		
43N20.B1	All	1.00		
43N35.1	All	0.37		
43N67.2	All	0.31		
44N06Y.3	All	0.39		
44N08.7	All	1.08		
44N16.1	All	0.14		
44N27Y.2	All	0.52		
44N68.2	All	0.57		
44N75C.1	All	0.42		
44N83.1	All	0.09		
44N84.1	All	0.84		
44N89.1	All	1.83		
44N90A.1	All	0.27		
45N22Y.2	All	0.81		
46N04.6	All	0.22		

Route ID	Vehicle Class	Length (miles)	Monitor	Mitigation Measure
5Q002.6	All	1.82		
6.4A	All	0.57		
6P01.2	All	0.34		
6P01.3	All	0.11		
6P01.4	All	0.38		
8Q002.2	All	0.51		
8Q01.3	All	0.90		
8Q020.1	HLO	4.80		
S-97.2	HLO	7.00		
S-97.2A	HLO	1.00		

Table A-2 Routes Added as Trails

Route ID	Vehicle Class	Length (miles)	Monitor	Mitigation Measure
43012001	All Trail Vehicles	0.44		
45N88.2	All Trail Vehicles	3.00		
45080101	Vehicles < 50"	0.45		Improve drainage/establish tread
45080104	Vehicles < 50"	0.23		Improve drainage/establish tread; delineate through signing, barriers, or brush to camouflage takeoffs of other routes
45080205	Vehicles < 50"	0.74		Improve drainage/establish tread; delineate through signing, barriers, or brush to camouflage takeoffs of other routes
45080207	Vehicles < 50"	0.65		Improve drainage/establish tread
45080301	Vehicles < 50"	0.43		Improve drainage/establish tread
46082601	Vehicles < 50"	0.38		Improve drainage/establish tread
46082701	Vehicles < 50"	2.46		Improve drainage/establish tread
46083301	Motorcycles only	1.13		Improve drainage/establish tread; delineate through signing, barriers, or brush to camouflage takeoffs of other routes
46083401	Motorcycles only	2.43		Improve drainage/establish tread; delineate through signing, barriers, or brush to camouflage takeoffs of other routes

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Route ID	Vehicle Class	Length (miles)	Monitor	Mitigation Measure
46083501	Vehicles < 50"	0.57		Improve drainage/establish tread
46083502	Vehicles < 50"	0.94		Improve drainage/establish tread; delineate through signing, barriers, or brush to camouflage takeoffs of other routes
46083503	Vehicles < 50"	0.57		Improve drainage/establish tread; delineate through signing, barriers, or brush to camouflage takeoffs of other routes
46N24.2	Vehicles < 50"	0.12		
46N24.4	Vehicles < 50"	1.88		
46N24.4A	Vehicles < 50"	0.20		Delineate through signing, barriers, or brush to camouflage takeoffs of other routes
46N24.4B	Vehicles < 50"	0.27		
46N24.5	Vehicles < 50"	0.77		Improve drainage/establish tread
46N24.6	Vehicles < 50"	0.76		
46N30.9	Vehicles < 50"	0.18		Improve drainage/establish tread
7J001.11	Vehicles < 50"	0.29		Improve drainage/establish tread; delineate through signing, barriers, or brush to camouflage takeoffs of other routes
7J001.11A	Vehicles < 50"	0.41		Improve drainage/establish tread; delineate through signing, barriers, or brush to camouflage takeoffs of other routes
7J001.9	Vehicles < 50"	0.84		Improve drainage/establish tread
7J031.5	Motorcycles only	0.05		Improve drainage/establish tread; delineate through signing, barriers, or brush to camouflage takeoffs of other routes
8J002.3	Vehicles < 50"	0.24		Improve drainage/establish tread
8J002.3C	Vehicles < 50"	0.14		Improve drainage/establish tread

Table A-3 Routes Added as Roads to Dispersed Recreation Sites

Route ID	Vehicle Class	Length (miles)	Monitor	Mitigation Measure
51-03	All Vehicles	0.02		
51-03a	All Vehicles	0.18		
51-05	All Vehicles	0.02		
51-05a	All Vehicles	0.03		
51-11	All Vehicles	0.10		
51-11a	All Vehicles	0.13		
51-12	All Vehicles	0.34		
51-14	All Vehicles	0.05		
51-15	All Vehicles	0.12		
51-18	All Vehicles	0.19		
51-22	All Vehicles	0.09		
51-25	All Vehicles	0.16		
51-28	All Vehicles	0.11		
51-28a	All Vehicles	0.03		
51-29	All Vehicles	0.03		
51-31	All Vehicles	0.07		
51-33	Hwy Legal Vehicles Only	0.65		
51-34	Hwy Legal Vehicles Only	0.03		
51-38	All Vehicles	0.02		
51-39a	All Vehicles	0.07		
51-41	All Vehicles	0.02		
51-41a	All Vehicles	0.26		
51-41b	All Vehicles	0.04		
51-42	All Vehicles	0.02		
51-43	All Vehicles	0.02		
51-46	All Vehicles	0.18		
51-47	All Vehicles	0.02		
52-04	All Vehicles	0.25		
52-05	All Vehicles	0.09		
52-05a	All Vehicles	0.54		
52-06	All Vehicles	0.28		
52-07	All Vehicles	0.11		
52-09	All Vehicles	0.16		
52-09b	All Vehicles	0.06		
52-10	All Vehicles	1.41		
52-10b	All Vehicles	0.08		
52-12	All Vehicles	0.04		

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Route ID	Vehicle Class	Length (miles)	Monitor	Mitigation Measure
52-13	All Vehicles	0.09		
52-15	All Vehicles	0.08		
52-16	All Vehicles	0.23		
52-17	All Vehicles	0.08		
52-18	All Vehicles	0.17		
52-20a	All Vehicles	0.03		
52-23	All Vehicles	0.06		
52-23a	All Vehicles	0.16		
52-BB	Hwy Legal Vehicles Only	0.10		
54-05	All Vehicles	0.09		
54-08	All Vehicles	0.09		
54-09	All Vehicles	0.18		
54-10	All Vehicles	0.14		
54-11	All Vehicles	0.61		
54-12	All Vehicles	0.10		
54-13	All Vehicles	0.05		
54-13a	All Vehicles	0.14		
54-17	All Vehicles	0.06		
54-18	All Vehicles	0.44		
54-24	All Vehicles	0.05		
54-25a	All Vehicles	0.02		
54-28	All Vehicles	0.38		
54-29	All Vehicles	0.17		
54-30	All Vehicles	0.05		
54-31	All Vehicles	0.07		
54-32a	All Vehicles	0.02		
54-32b	All Vehicles	0.12		
54-36	All Vehicles	0.01		
54-37	All Vehicles	0.03		
54-39	All Vehicles	0.26		
54-40	All Vehicles	0.01		
54-40a	All Vehicles	0.08		
54-43	All Vehicles	0.10		
54-43a	All Vehicles	0.04		
54-44	All Vehicles	0.04		
54-46a	All Vehicles	0.05		
54-47	All Vehicles	0.33		
54-48	All Vehicles	0.10		
54-49	All Vehicles	0.04		
54-52	All Vehicles	0.03		

Route ID	Vehicle Class	Length (miles)	Monitor	Mitigation Measure
54-53	All Vehicles	0.10		
54-54	All Vehicles	0.06		
54-55	All Vehicles	0.22		
54-56	All Vehicles	0.02		
54-57	All Vehicles	0.13		
54-62	All Vehicles	0.08		
55-01a	All Vehicles	0.04		
55-06a	All Vehicles	0.17		
55-13	All Vehicles	0.50		
55-14	All Vehicles	0.64		
55-15	All Vehicles	0.15		
55-15a	All Vehicles	0.03		
55-15b	All Vehicles	0.02		
55-17a	All Vehicles	0.02		
55-18	All Vehicles	0.38		
55-19a	All Vehicles	0.19		
55-23	All Vehicles	0.18		
55-24	All Vehicles	0.03		
55-25	All Vehicles	0.04		
55-26	All Vehicles	0.04		
55-27	All Vehicles	0.02		
55-28	All Vehicles	0.03		
55-44	All Vehicles	0.22		
55-46	All Vehicles	0.06		
55-54	All Vehicles	0.03		
55-56	All Vehicles	0.38		
55-57	All Vehicles	0.08		
55-57a	All Vehicles	0.07		
55-59	All Vehicles	0.06		
55-60	All Vehicles	0.04		
55-61	All Vehicles	0.01		
55-61a	All Vehicles	0.03		
55-62	All Vehicles	0.10		
55-63	All Vehicles	0.06		
55-64	All Vehicles	0.04		
55-65	All Vehicles	0.41		
55-66	All Vehicles	0.33		
55-67	All Vehicles	0.11		
55-72	All Vehicles	0.06		
55-75	All Vehicles	0.02		
55-77	All Vehicles	0.04		

**Motorized Travel Management Record of Decision
Appendix A: Modifications and Errata**

Route ID	Vehicle Class	Length (miles)	Monitor	Mitigation Measure
55-77b	All Vehicles	0.01		
55-77c	All Vehicles	0.01		
55-78a	All Vehicles	0.01		
55-79	All Vehicles	0.04		
55-80	All Vehicles	0.01		
55-81	All Vehicles	0.03		
55-83	All Vehicles	0.05		
57-01	All Vehicles	0.07		
57-03	All Vehicles	0.44		
57-09	All Vehicles	0.17		
57-13	All Vehicles	0.12		
57-13a	All Vehicles	0.04		
57-16	All Vehicles	0.04		
57-16a	All Vehicles	0.06		
57-19	All Vehicles	0.03		
57-20a	All Vehicles	0.04		
57-21	All Vehicles	0.05		
57-26a	All Vehicles	0.04		
57-31	All Vehicles	0.04		
57-32	All Vehicles	0.38		
57-35	All Vehicles	0.48		
57-37	All Vehicles	0.06		
57-41	All Vehicles	0.03		
57-41a	All Vehicles	0.03		
57-42	All Vehicles	0.20		
57-43	All Vehicles	0.06		
57-47	All Vehicles	0.03		
57-51	All Vehicles	0.03		
57-52	All Vehicles	0.13		
57-53	All Vehicles	0.05		
57-53a	All Vehicles	0.06		
57-54	All Vehicles	0.08		
57-55	All Vehicles	0.36		
57-56	All Vehicles	0.24		
57-57	All Vehicles	0.17		
57-60	All Vehicles	0.70		
57-61	All Vehicles	0.15		
57-66	All Vehicles	0.25		
57-67	All Vehicles	0.44		
57-68	All Vehicles	0.11		
57-69	All Vehicles	0.09		

Route ID	Vehicle Class	Length (miles)	Monitor	Mitigation Measure
57-69a	All Vehicles	0.04		
57-70	All Vehicles	0.04		
57-70a	All Vehicles	0.22		
57-71	All Vehicles	0.40		
57-72	All Vehicles	0.12		
57-73	All Vehicles	0.16		
57-75	All Vehicles	0.21		
57-80	All Vehicles	0.13		
57-81	All Vehicles	0.03		
57-82	All Vehicles	0.41		
57-82a	All Vehicles	0.09		
57-83	All Vehicles	0.03		
57-84	All Vehicles	0.01		
57-84a	All Vehicles	0.03		
57-85	All Vehicles	0.18		
57-89	All Vehicles	0.16		
57-91	All Vehicles	0.03		
57-92	All Vehicles	0.14		
57-93	All Vehicles	0.07		
57-94	All Vehicles	0.09		
57-95	All Vehicles	0.02		
57-95a	All Vehicles	0.02		
57-96	All Vehicles	0.05		
57-96a	All Vehicles	0.02		
57-97	All Vehicles	0.34		
57-98	All Vehicles	0.05		
57-99	All Vehicles	0.02		
57-99a	All Vehicles	0.04		
57-100	All Vehicles	0.02		
57-101	All Vehicles	0.07		
57-102	All Vehicles	0.03		
57-103	All Vehicles	0.10		

Table A-4 Roads Selected for Added Use by Non-highway Legal and Highway Legal Vehicles

Road ID	Length (miles)	Old Maintenance Level	New Maintenance Level
12	22.69	3	3
20	13.09	3	2
40S15	7.23	3	2
40S16	6.40	3	2
45N28	12.00	3	2
46N42	1.34	3	3
46N50	9.80	3	3
47N69	4.17	3	2
15N19	5.12	3	3
17N11	7.60	3	2
17N16	16.56	3	2
45N85	4.44	3	2
46N03	1.13	3	3
39	32.07	3	3
10N04	18.69	3	2
38N27	9.86	3	2
39N23	13.29	3	3
39N41	0.32	3	3
39N60	2.33	3	3
40N08	13.21	3	3
6	2.66	3	3
43N02	1.90	3	2
43N03	2.24	3	2
43N37	0.71	3	2
43N69	2.68	3	2
44N03	8.82	3	2
44N23	4.93	3	2
44N25	0.71	3	2
46N09	2.12	3	3
47N05	2.34	3	2
47N13	8.46	3	2
13N11	11.77	3	3
15N17	13.60	3	3

Table A-5 Roads Selected for Use by Highway Legal Vehicles Only

Road ID	Length (miles)
45N03X	0.50
45N39	0.99
46N16	2.25
40N21	2.22
45N28	0.28
46N16A	1.20
43N30	0.54

Table A-6 Road Opened for Motorized Use

Road ID	Length (miles)
41S10	4.66

Table A-7 Open Riding Areas

Name	Size (acres)	Monitor	Mitigation Measure
Humbug	5.00	At a minimum, monitor every other year to identify effects on soil and cultural resources adjacent to the area.	Define perimeter with signs, fencing or other barriers; install kiosk with rules, regulations and tread lightly information.
Juniper Flat	48.00	At a minimum, monitor every other year to identify effects on soil and cultural resources adjacent to the area.	Define perimeter with signs, fencing or other barriers; install kiosk with rules, regulations and tread lightly information. Do not provide access to caves

Comments on the DEIS from Agencies and Elected Officials

The following comments received from agencies and elected officials in response to the DEIS were inadvertently omitted from the FEIS. They are reprinted on the following pages.



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Pacific Southwest Region
1111 Jackson Street, Suite 520
Oakland, California 94607

IN REPLY REFER TO:
ER# 09/576

Electronically Filed

20 July 2009

Patricia Grantham, Forest Supervisor
ATTN: Travel Management DEIS, Klamath National Forest
1312 Fairlane Rd.
Yreka, CA 96097

Subject: Review of the Draft Environmental Impact Statement (EIS) for Motorized Travel Management (Formerly Motorized Route Designation), Klamath National Forest, Siskiyou County, California, and Jackson County, Oregon

Dear Ms. Grantham:

The Department of the Interior has received and reviewed the subject document and has no comments to offer.

Thank you for the opportunity to review this project.

Sincerely,

Patricia Sanderson Port
Regional Environmental Officer



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

D7205

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

JUL 29 2009

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

Dear Ms. Ford:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act. Our detailed comments are enclosed.

EPA commends the Forest Service for its efforts to address the many challenges inherent in developing a balanced Public Motorized Travel Management Plan that responds to recreational and resource management demands. We acknowledge that the Travel Management Plan process is a positive step in addressing resource impacts from motorized uses. The permanent prohibition of cross country travel off designated routes and the switch from unmanaged to managed motorized recreational use will result in significant environmental benefits.

We commend the proposal to avoid designation of routes near wilderness areas and hydrologically sensitive areas of the west side and to avoid and minimize designation of routes in high or very high Erosion Hazard Rating soil categories. We have rated the DEIS as Environmental Concerns – Insufficient Information (EC-2) (see enclosed "Summary of Rating Definitions") due to our concerns regarding the scope of the travel management planning process, season of use and wet weather closures, potential effects on water resources, and naturally occurring asbestos. Additional information is necessary to fully describe monitoring, enforcement commitments, effects of climate change, and future planning for specific designated routes.

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

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

We acknowledge the constraints of funding and resources, and the current efforts to address NFTS maintenance requirements; nevertheless, we had hoped the Forest Service would take this opportunity to review and rationalize the NFTS, pursuant to Travel Management Rule direction to identify the minimum road system needed (36 CFR Part 212 Subpart A); to address known road-related resource impairments and use conflicts of both the existing NFTS and unauthorized user-created system; and to align the transportation system with maintenance and enforcement capabilities. We note a similar request has been made by Senator Feinstein and Congress (H.R. 1105 Omnibus Appropriations Act, 2009 Explanatory Statement) (see attachments).¹

Route designations are only part of what is needed to reduce the ongoing adverse impacts to water quality and other resources from the NFTS. We continue to believe a more holistic approach to travel management planning, whereby route designations are guided by travel analysis, known locations of resource impairment, and prior determination of the minimum road system needed, would better serve the long-term interests of the public, Forest Service, and National Forest resources.

We appreciate the opportunity to review this DEIS. When the FEIS is released for public review, please send one hard copy and one CD ROM to the address above (mail code: CED-2). If you have any questions, please contact me at (415) 972-3521, or contact Laura Fujii, the lead reviewer for this project. Laura can be reached at (415) 972-3852 or fujii.laura@epa.gov.

Sincerely,



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

Enclosures:

Detailed Comments
Summary of Rating Definitions
Letter from Senator Dianne Feinstein to Regional Forester, December 18, 2008
H.R. 1105 – Omnibus Appropriations Act, 2009 Explanatory Statement, p. 1146

¹ H.R. 1105 – Omnibus Appropriations Act, 2009 Explanatory Statement, Division E – Department of the Interior, Environment, and Related Agencies, Page 1146, March 11, 2009.

EPA DETAILED DEIS COMMENTS - KLAMATH NATIONAL FOREST MOTORIZED TRAVEL MANAGEMENT, SISKIYOU COUNTY, CA. & JACKSON COUNTY, OR., JULY 29, 2009

Scope of the Alternatives Analysis

Provide information on the minimum Forest road system needed and how this information was used to formulate the alternatives. The scope of this action includes prohibition of motorized vehicle travel off designated routes, the addition of unauthorized user-created roads and trails to the National Forest Transportation System (NFTS) so they may be designated for motor vehicle use, and changes to vehicle class and season of use. The draft environmental impact statement (DEIS) also states that unauthorized routes not included in this proposal are not precluded from future consideration for addition to the NFTS and inclusion on the Motor Vehicle Use Map (MVUM)(p. 21). We believe a holistic approach to travel management planning, whereby route designations are guided by travel analysis, known locations of resource impairment, and prior determination of the minimum road system needed, would best serve the long-term interests of the public, Forest Service, and National Forest resources.

Recommendations:

The final environmental impact statement (FEIS) should describe the information that was used to formulate the motorized travel management alternatives, and the relationship of that information to the requirement to identify the minimum road system needed for safe and efficient travel and administration of National Forest System lands (36 CFR Part 212 Subpart A, Section 212.5(b)). The FEIS should describe how the minimum road system needed will be identified pursuant to the requirements of the Travel Management Rule (36 CFR Part 212 Subpart A).

The FEIS should describe the factors that would be used in the consideration of future additions of unauthorized routes. We recommend that such factors include travel analysis and identification of the minimum road system needed.

Expand the scope of the action to include current NFTS roads and trails with known impacts. The current estimate of annual deferred road and trail maintenance is approximately \$20 million for the Klamath National Forest (Forest) (p. 345). EPA is concerned with the Forest Service's ability to adequately address known road- and trail-related resource impairments, given the limited maintenance funds and this proposal to add to the NFTS additional miles of roads and trails known to contribute to soil and water resource impairment (Section 3.8 Hydrology).

Recommendation:

We recommend the Forest expand the scope of this action to consider, for seasonal or permanent closure to public motorized use, current NFTS roads and trails with known resource impacts.

Season of Use and Wet Weather Closures

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

Recommendations:

EPA recommends implementation of proven, protective, season of use periods and wet weather closures. We advocate the expanded use of seasonal closures as a means to avoid and minimize adverse resource effects of motorized use of roads and trails. For instance, we recommend season of use periods and wet weather closures in watersheds with sensitive resources such as meadows, fens and seeps, vulnerable threatened and endangered species habitat, or high erosion potential soils.

We recommend the FEIS describe the criteria and scientific data used to determine the season of use dates proposed for the designated routes.

The FEIS should provide information on significant environmental impacts caused by current wet weather road and trail use. In addition, we recommend the FEIS analyze the potential environmental impacts that would result from opening roads that are currently closed year-round.

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

Recommendations:

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

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

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

Recommendations:

We recommend the FEIS describe, in detail, how use restrictions, such as temporary closures of native surface routes after heavy rain, will be enforced and what enforcement approaches have been successful. EPA encourages the Forest Service to consider enforcement as a significant issue driving the design and analysis of alternatives for motorized travel management. Once a road closure occurs due to wet road conditions, we recommend considering a policy of keeping the road closed until the end of the wet season in order to minimize public confusion and simplify enforcement.

Water Resources

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

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

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

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

Recommendations:

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

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

Recommendations:

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

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

Provide an evaluation of the water quality effects of the change from highway-only to mixed-use and the associated reduced maintenance level. The action alternatives, except Alternative 3 Cross-Country Travel Prohibition Only, would convert NFTS roads to trails and change NFTS roads from highway-legal-only to use by all vehicles with the associated reduced maintenance level (p. 348). EPA acknowledges that this action may better align road maintenance requirements with available funds and resources. However, roads and trails are primary contributors of excess sediment and water quality contaminants, many as a result of limited maintenance. We are concerned with the potential adverse water quality effects of a reduction of maintenance on roads where existing use may already be adversely affecting resources.

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

Recommendations:

The FEIS should provide a more rigorous evaluation and description of the effects of the proposed redesignation of roads to trails and highway-legal-only to all vehicle use. Specifically, the FEIS should include a description of the final maintenance levels for these roads and the potential environmental impacts to sensitive resources. We recommend additional BMPs be included to ensure the change in NFTS use and maintenance levels do not result in additional adverse water quality or sediment effects.

Decommissioning of Unauthorized Routes

Prioritize and initiate decommissioning of unauthorized roads and trails. The conference report³ for the Omnibus Appropriations Act of 2009 states, “[t]hat up to \$40,000,000 of the funds provided herein for road maintenance (to the Forest Service) shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed.” The report language also states, “the decommissioning of unauthorized roads not part of the official transportation system shall be expedited in response to threats to public safety, water quality, or natural resources.”

Recommendations:

EPA recommends the Forest Service follow the Congressional report language by using the information in the DEIS as a basis to prioritize unauthorized roads for decommissioning. The FEIS should specifically provide for decommissioning of unauthorized routes as available funding allows.

Naturally Occurring Asbestos

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

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

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

Recommendations:

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

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

Monitoring and Enforcement

Develop, describe, and implement a Travel Management Plan Monitoring and Enforcement Strategy. It is important that wildlife protection, vegetation management, and erosion control goals be achieved to minimize the potential adverse effects of the Motorized Travel Management Plan. Effective enforcement is especially critical given the proposal to designate trails with existing resource concerns requiring mitigation prior to use (Appendix A: Route-Specific Data). We believe the public and decision makers would benefit if a strategy is developed that includes specific information on funding, monitoring and enforcement criteria, thresholds, and priorities.

Recommendations:

We recommend development of a detailed Travel Management Plan Monitoring and Enforcement Strategy. Such a Strategy should include specific information on the monitoring and enforcement program priorities, focus areas (e.g., issues, specific locations), personnel needs, costs, and funding sources. We recommend the FEIS demonstrate that the proposed monitoring and enforcement strategy is adequate to assure that motorized vehicle use will not violate access restrictions or exacerbate already identified road-related resource problems. We recommend the Monitoring and Enforcement Strategy be periodically updated (e.g., annually or biennially).

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

Recommendations:

The FEIS should state whether the Motor Vehicle Use Map (MVUM) would include the designated routes that are not yet available for use due to required mitigation measures. If these routes will be included on the MVUM, describe how use would be restricted until identified mitigation measures are implemented. If these routes are not included on the MVUM, described how and when the Forest would open and designate these routes for use.

We recommend routes not yet open due to required mitigation measure be excluded from the MVUM in order to reduce the unintentional un-authorized use of these routes.

Climate Change

Address climate change and its potential effects on proposed route designations. The DEIS does not appear to consider the effects of climate change on route designations. A number of studies specific to California have indicated the potential for significant environmental impacts as a result of changing temperatures and precipitation.⁴ Climate change effects and the need to adapt to climate change are emerging issues which should be considered in this action. According to the Government Accountability Office (GAO) report entitled, "Climate Change: Agencies Should Develop Guidance for Addressing the Effects on Federal Land and Water Resources" (August 2007), federal land and water resources are vulnerable to a wide range of effects from climate change, some of which are already occurring. A change in the timing and quantity of precipitation may increase the vulnerability of native surface roads and trails to erosion and sedimentation. Roads and their use contribute to species stress through habitat fragmentation, increased disturbance, introduction of competing invasive species, and increased fire risk; which may further exacerbate species' ability to adapt to the changing climate.

Recommendations:

The FEIS should include a discussion of climate change and its potential effects on the Forest as they relate to the route designation decision and final National Forest Transportation System. Of specific interest are potential cumulative effects of climate change and the NFTS on the connectivity of wildlife and threatened and endangered species habitat, air quality, water quality and quantity, fire management, invasive species management, and road maintenance.

⁴ For example: Draft 2009 Climate Action Team Biennial Report to the Governor and Legislature. See internet address: <http://www.climatechange.ca.gov/publications/cat/index.html>.

We recommend the discussion include a short summary of applicable climate change studies, including their findings on potential environmental effects and their recommendations for climate change adaptation and mitigation measures.

Full Disclosure and Procedural Comments

Commit to route-specific environmental analysis for user-created route additions. On some National Forest System lands, repeated use by motor vehicle travel has resulted in unplanned and unauthorized routes, developed without environmental analysis or public involvement. These routes may be poorly located and cause unacceptable impacts (p. 20). EPA is concerned with the addition of unauthorized user-created roads and trails to the NFTS which may not have undergone site-specific environmental analysis or public involvement.

Recommendations:

The FEIS should state how the Forest will ensure specific user-created routes are adequately evaluated pursuant to NEPA requirements. Where prior site-specific environmental analysis has not occurred, we recommend the FEIS specify the manner and criteria by which specific user-created routes would be analyzed prior to the route's addition to the NFTS or its designation for public motorized use.

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

Recommendation:

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

SUMMARY OF EPA RATING DEFINITIONS*

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

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

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

"EC" (Environmental Concerns)

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

"EO" (Environmental Objections)

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

"EU" (Environmentally Unsatisfactory)

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

ADEQUACY OF THE IMPACT STATEMENT

"Category 1" (Adequate)

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

"Category 2" (Insufficient Information)

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

"Category 3" (Inadequate)

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

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

DIANNE FEINSTEIN
CALIFORNIA



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

United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

December 18, 2008

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

Dear Regional Forester Moore:

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

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

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

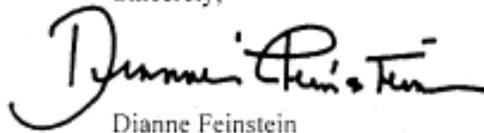
I am also concerned that the Tahoe National Forest plans to publish a route system map, which may leave the public with the impression that all roads present on the map will be permanently open to motorized vehicle access -- unless the public is simultaneously notified of a process to identify and remove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

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Dianne Feinstein". The signature is written in a cursive style with a large initial "D" and a long horizontal flourish at the end.

Dianne Feinstein
United States Senator

DF:jw:db



COUNTY OF SISKIYOU

COUNTY ADMINISTRATIVE OFFICE

Ric Costales, Natural Resource Policy Specialist
P.O. Box 750 • 201 Fourth Street, Yreka, CA 96097
Phone: (530) 842-8012, Fax Number: (530) 842-8013
Email: rcostales@co.siskiyou.ca.us

August 4, 2009

Klamath National Forest
Attn: Patty Grantham, Supervisor
1312 Fairlane Road
Yreka, CA 96097

Subject: KNF Motorized Travel Management Draft Environmental Impact Statement

Dear Patty:

The Siskiyou County Board of Supervisors and I have stated many times during the process of developing Motorized Travel Management (MTM) for the Klamath National Forest (KNF) that there are numerous shortcomings with the approach and likely outcome. It is acknowledged that most, if not all, of the issues raised thus far are problematic within the context of the mandated process. Notwithstanding this recognition and, indeed, sympathy for the KNF staff who are faced with this daunting, thankless task, it is incumbent upon me to articulate these concerns for purposes of the official record of the Draft Environmental Impact Statement (DEIS).

As well, and despite the criticism herein expressed, I want to extend sincere compliments for the manner in which the KNF has handled this difficult assignment. The attempts made to involve the public and to coordinate with the County have been conducted with due respect for the spirit with which it was intended that federal agencies fulfill their responsibilities. As near as I can gather from what has been transpiring with other National Forests, our County is very fortunate in this regard.

Finally, given the universal understanding that this is merely the "first shot" at refining MTM on the KNF, the DEIS is aimed at establishing a workable starting point. Among the various alternatives presented in the DEIS, Alternative 5 secures the KNF's environmental goals while allowing the least loss of motorized access. Therefore, it should serve as the bottom line for any potential decision.

The following are my comments on the MTM DEIS:

- Management of motorized travel on the KNF is a prudent and reasonable goal. In making the transition from an unmanaged state, motorized travel will

obviously be restricted to a much smaller level of access. How this occurs on federal land is a matter for the federal land management agency to decide. Siskiyou County is more than 62% federal with most of it managed by the United States Forest Service (USFS). KNF area is 42% of the County land base. In August of 2008, the Siskiyou County Board of Supervisors adopted Resolution #08-153 (attached) asserting legal standing and formally requesting coordination with federal and state agencies. In response to the MTM initiative undertaken by the USFS, in November of 2008, Siskiyou County further adopted Resolution #08-186 (attached) regarding Motorized Access and/or Travel on Federal Lands in Siskiyou County. The intent of this latter resolution was to assist the USFS in federally mandated coordination with the County on the MTM effort.

A key element of that Resolution states, *"...that before any road, trail or area on federal land is closed to motorized access and/or travel, all reasonable mitigations and alternatives should be explored in order to prevent closure..."* Essentially, within the context of prudent environmental protection and balancing multiple use, the policy seeks to maximize motorized access.

While federal law does not require the USFS to completely toe the line on such local government policies, it does generally require that the USFS "coordinate" with local government to insure that federal decisions are "as consistent as possible" with such locally expressed guidelines. While coordination between the County and the KNF has been active, the level of achieving consistency could be greater in some areas. For example, seasonal closures for the Humbug area could likely be shortened and still meet environmental concerns, thus achieving greater consistency.

Most notable of the "consistency" gaps between the County's policy and the proposals within the DEIS would seem to be the treatment of dispersed camping. In response to County concerns, a very significant effort has been made by KNF to identify dispersed camping areas and include their use in MTM. However, it appears nothing else has been proposed to accommodate the County's concerns regarding motorized dispersed camping that obviously would have insignificant environmental consequences and thus not require management. For example, there are innumerable places on the road system of the KNF where someone could pull off the road a little bit in order to camp with the convenience of easy access to their vehicle, get away from dust, noise, and traffic and yet would involve virtually no environmental impact. It would seem possible within the DEIS to have developed a programmatic response to accomplish this goal within the context of some of the various alternatives.

- Due to the mutually acknowledged complications and shortcomings of the MTM approach and process, coordination discussions with KNF have often touched on the need to provide a relatively simple, expeditious and cost-effective approach to adapting the KNF MTM rule. As well, these conversations have involved how this could help minimize "heartburn" among motorized users of the forest and, thus, enforcement aspects of MTM. I am not sure where, if any place, in the DEIS there is any manifestation of something that would address these expressed desires in terms of attempting to achieve consistency with the County's policy.

Perhaps it would be best put in as an implementation strategy in "*Appendix D: Law Enforcement.*" For example, since the KNF clearly has an interest in minimizing every negative aspect of enforcement, it only makes sense to whittle down the need for an enforcement response. A major omission of the DEIS-listed ways to do this was a suggestion for the KNF to move expeditiously on dealing with the problematic motorized access areas and issues.

As a strategic response to implementation, perhaps another "E" for "Enhancement" should be added, meaning that KNF should aim to get the unreasonable, if unavoidable, bugs out of its MTM ASAP! Since everyone's interests, including the KNF, are to be served by MTM, it is not only users that should be responsible for initiating needed changes. KNF MTM needs to incorporate this concept beyond simply saying, "The process is open to changes."

- One area of the MTM DEIS that is problematic is in the issue of mixed use. This is particularly thorny for the County as it, too, is having difficulty with the issue of mixed use on its roads. Currently, the County's "unofficial" policy is to leave action on a formal policy in abeyance until circumstances compel a response. While such a position obviously facilitates mixed use, the KNF does not have this luxury. The lack of an official County mixed use policy doesn't give the KNF much with which to be consistent. Thus, County Resolution #08-186 must serve as the best statement by which to inform my comments and seek consistency.

Even in the most favorable alternative to motorized access in the MTM DEIS, much of the KNF road system that could safely and ecologically support mixed use, is left closed to OHVs. There are many reasons for this, some of the main ones subject to interpretation and controversy. The KNF has given an excellent look at roads whose maintenance classification can be altered. Further access to mixed use could be done on some of the roads by temporary closure to OHVs during high use periods, logging contracts or other circumstances that don't facilitate mixed use. Such a compromise,

while not based on a specific mixed use policy, is consistent with Siskiyou County's policy to mitigate, rather than eliminate, motorized uses.

- Finally, it cannot be denied that OHV use is by far the most impacted user group in the MTM process. The overall reduction in access on a per acre basis to this form of recreation must certainly be in excess of 90% with the elimination of "cross country travel." Responsible people and organizations within the OHV community readily acknowledge that the loss of much of this OHV accessible ground is prudent for environmental, safety and shared-use considerations. On the other hand, these users also feel that they are being deprived of much of this use unjustifiably or without sufficient attempt to analyze or mitigate impacts.

I am solely responsible to the Siskiyou County Board of Supervisors for maintaining an active involvement and a functional awareness for a multitude of issues and landscapes. With such breadth and a constantly changing knowledge base attending each issue, there is no way that I can comment at the detailed level demanded of the KNF's MTM DEIS. Instead, in such situations I have come to rely on other people and organizations with sufficient skill and background in the relevant issues. For purposes of this DEIS, that organization is the Recreation Outdoors Coalition (ROC). Attached are their comments. As an expression of substantive comments that reflect the concerns of many Siskiyou County citizens, I support a rigorous attempt by the KNF to evaluate ROC's comments and incorporate them into the FEIS.

It is my hope that these comments will help provide some refinement of the Klamath National Forest's Environmental Impact Statement on Motorized Travel Management.

Sincerely,



Ric Costales, Natural Resource Policy Specialist
County of Siskiyou

cc: Jan Ford, KNF Public Uses Staff Officer

RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SISKIYOU ASSERTING LEGAL
STANDING AND FORMALLY REQUESTING
COORDINATION WITH ALL FEDERAL AND STATE AGENCIES
MAINTAINING JURISDICTION OVER LANDS AND/OR
RESOURCES LOCATED IN SISKIYOU COUNTY

WHEREAS, Siskiyou County is a public unit of local government and a five member elected Board of Supervisors serves as its chief governing authority; and,

WHEREAS, the Siskiyou County Board of Supervisors is charged with supervising and protecting the tax base of the County and establishing comprehensive land use plans (including, but not limited to, the General Plan) outlining present and future authorized uses for all lands and resources situated within the County; and,

WHEREAS, Siskiyou County is engaged in the land use planning process for future land uses to serve the welfare of all the citizens of Siskiyou County; and,

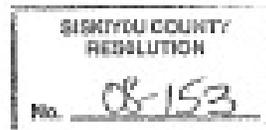
WHEREAS, approximately sixty eight percent (68%) of lands in Siskiyou County are publicly owned, managed, and/or regulated by various federal and state agencies; and,

WHEREAS, the citizens of Siskiyou County historically earn their livelihood from activities reliant upon natural resources and land which produces natural resources is critical to the economy of Siskiyou County; and,

WHEREAS, the economic base and stability of Siskiyou County is largely dependent upon commercial and business activities operated on federally and state owned, managed, and/or regulated lands that include, but are not limited to, recreation, tourism, timber harvesting, mining, livestock grazing and other commercial pursuits; and,

WHEREAS, Siskiyou County desires to assure that federal and state agencies shall inform the Board of Supervisors of all pending or proposed actions affecting local communities and citizens within Siskiyou County and coordinate with the Board of Supervisors in the planning and implementation of those actions; and,

WHEREAS, coordination of planning and management actions is mandated by federal laws governing land management, including the Federal Land Policy and Management Act, 43 USC § 1701, and 43 USC § 1712, regarding the coordinate status of a county engaging in the land use planning process, and requires that the "Secretary of



the interior [Secretary] shall . . . coordinate the land use inventory, planning and management activities . . . with the land use planning and management programs of other federal departments and agencies and of the state and local governments within which the lands are located"; and,

WHEREAS, the coordination requirements of Section 1712 provide for special involvement by government officials who are engaged in the land use planning process; and,

WHEREAS, Section 1712 sets forth the nature of the coordination required with planning efforts by government officials and subsection (f) of Section 1712 sets forth an additional requirement that the Secretary "shall allow an opportunity for public involvement" (including local government without limiting the coordination requirement of Section 1712 allowing land or resource management or regulatory agencies to simply lump local government in with special interest groups of citizens or members of the public in general); and,

WHEREAS, Section 1712 also provides that the "Secretary shall . . . assist in resolving, to the extent practical, inconsistencies between federal and non-federal government plans" and gives preference to those counties which are engaging in the planning process over the general public, special interest groups of citizens, and even counties not engaging in a land use planning program; and,

WHEREAS, the requirement that the Secretary "coordinate" land use inventory, planning, and management activities with local governments, requires the assisting in resolving inconsistencies to mean that the resolution process takes place during the planning cycle instead of at the end of the planning cycle when the draft federal plan or proposed action is released for public review; and,

WHEREAS, Section 1712 further requires that the "Secretary shall . . . provide for meaningful public involvement of state and local government officials . . . in the development of land use programs, land use regulations, and land use decisions for public lands"; and, when read in light of the "coordinate" requirement of Section 1712, reasonably contemplates "meaningful involvement" as referring to ongoing consultations and involvement throughout the planning cycle, not merely at the end of the planning cycle; and,

WHEREAS, Section 1712 further provides that the Secretary must assure that the federal agency's land use plan be "consistent with state and local plans" to the maximum extent possible under federal law and the purposes of the Federal Land Policy and Management Act and distinguishes local government officials from members of the general

public or special interest groups of citizens; and,

WHEREAS, the Environmental Protection Agency, charged with administration and implementation of the National Environmental Policy Act (NEPA), has issued regulations which require that federal agencies consider the economic impact of their actions and plans on local government such as Siskiyou County; and,

WHEREAS, NEPA requires federal agencies to consider the impact of their actions on the customs of the people as shown by their beliefs, social forms, and "material traits," it reasonably follows that NEPA requires federal agencies to consider the impact of their actions on the rural, land and resource-oriented citizens of Siskiyou County who depend on the "material traits" including recreation, tourism, timber harvesting, mining, livestock grazing, and other commercial pursuits for their economic livelihoods; and,

WHEREAS, NEPA requires federal agencies to consider the impact of their actions on the customs, beliefs, and social forms, as well as the "material traits" of the people; and,

WHEREAS, it is reasonable to interpret NEPA as requiring federal agencies to consider the impacts of their actions on those traditional and historical and economic practices, including commercial and business activities, which are performed or operated on federally and state managed lands (including, but not limited to, recreation, tourism, timber harvesting, mining, livestock grazing, and other commercial pursuits); and,

WHEREAS, 42 USC § 4331 places upon federal agencies the "continuing responsibility . . . to use all practical means, consistent with other considerations of national policy to . . . preserve important historic, culture, and natural aspects of our national heritage"; and,

WHEREAS, Webster's New Collegiate Dictionary (at 227, 1976) defines "culture" as "customary beliefs, social forms, and material traits of a group; the integrated pattern of human behavior passed to succeeding generations"; and,

WHEREAS, in 16 USC § 1604, the National Forest Management Act, requires the Forest Service to coordinate its planning processes with local government units such as Siskiyou County; and,

WHEREAS, federal agencies implementing the Endangered Species Act, the Clean Water Act, the Clean Air Act, and the Outdoor Recreation Coordination Act (16 USC § 4801-1(c) and (d)) are required by Congress to consider local plans and to coordinate and cooperate directly with plans of local government such as Siskiyou County; and,

WHEREAS, the coordinating provisions referred to in the resolution require the Secretary of the Interior to work directly with local government to resolve water resource issues and with regard to recreation uses of the federal lands; and,

WHEREAS, the regulations issued by the federal agencies in this resolution are consistent with statutory requirements of coordination and direct cooperation and provide implementation processes for such coordination and direct consideration and communication; and,

WHEREAS, the California Constitution has recognized Siskiyou County's authority to exercise its local, police and sanitary powers, and the California Legislature has recognized and mandated exercise of certain of those powers in specific statutes; and,

WHEREAS, the California Legislature has mandated in Government Code Section 65300 that each county shall prepare a comprehensive plan, and stated legislative intent in Section 65300.9 that the county planning shall be coordinated with federal and state program activities, and has mandated in Section 65103 that county local plans and programs must be coordinated with plans and programs of other agencies; and,

WHEREAS, the California Legislature has stated its intent in Section 65070 that preparation of state and regional transportation plans be performed in a cooperative process involving local government; and,

WHEREAS, the California Legislature has mandated in Section 65041 that the State Office of Planning and Research shall "coordinate, in conjunction with . . . local agencies with regard to matters relating to the environmental quality of the state"; and,

WHEREAS, in Water Code §§ 8126-8130, the California Legislature has placed planning for non-navigable streams within the authority of county supervisors, and since such planning activities must be coordinated with natural resource planning processes of federal and state agencies; and,

WHEREAS, in Streets and Highways Code §§ 940-941.2, the California Legislature has placed the general supervision, management, and control of county roads and highways - including closing such roads (Section 901) and removing and preventing encroachment of such roads and highways, and since planning and actions with regard to such roads by any federal or state agency must be coordinated with the county; and,

WHEREAS, in Public Resources Code § 5099.3, the California Legislature has mandated coordination by the state with Siskiyou County since it is a county having interest in the planning, development, and maintenance of outdoor recreation resources

and facilities,*

NOW, THEREFORE, BE IT RESOLVED that the Siskiyou County Board of Supervisors does hereby assert legal standing and formally requests coordination status with all federal and state agencies maintaining jurisdiction over lands and/or resources located within Siskiyou County.

BE IT FURTHER RESOLVED that the Clerk of the Board shall cause a copy of this Resolution to be transmitted annually to local, regional, state, and/or national offices of all federal and state agencies maintaining jurisdiction of lands and/or resources located within Siskiyou County and to all federal and state elected representatives serving Siskiyou County.

BE IT FURTHER RESOLVED that the Clerk of the Board of Supervisors is authorized and hereby directed to publish a copy of this Resolution in the Siskiyou Daily News, a newspaper of general circulation printed and published in Siskiyou County, California.

PASSED AND ADOPTED this 12th day of August, 2008, by the following vote:

AYES: Supervisors Overman, Erickson, Armstrong, Kobseff and Cook

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE



Chair, Board of Supervisors
N.R. Overman

ATTEST:

COLLEEN SETZER, CLERK

Board of Supervisors

By 
Deputy

C:\Inet\BISCUIT\PROCESSED\0808\080812\080812-001

This document is a correct copy of the original on file in this office.

ATTEST
COLLEEN GITTER
County Clerk

of the State of California
In and for the County of Siskiyou

[Signature]
Deputy

**RESOLUTION OF THE SISKIYOU COUNTY
BOARD OF SUPERVISORS REGARDING
MOTORIZED ACCESS AND/OR TRAVEL
ON FEDERAL LANDS IN SISKIYOU COUNTY**

WHEREAS nearly two-thirds of Siskiyou County is federal land; and

WHEREAS the ability to use and recreate on the federal lands in Siskiyou County is enjoyed by all citizens of the United States as well as the citizens of Siskiyou County; and

WHEREAS when the land in Siskiyou County was reserved by the federal government and became part of the National Forest system it was done with the understanding that the land would be open for the access, use and enjoyment of all citizens; and

WHEREAS, similar understanding exists relative to federal lands managed by the Bureau of Land Management; and

WHEREAS it is through access, use and enjoyment that people are able to develop the appreciation for the value of federal lands that leads to the popular public support necessary to fund and manage the federal lands; and

WHEREAS the ease, simplicity and economy of motorized transportation make the federal lands accessible, useable and enjoyable to people who might not otherwise have the time, physical ability or finances to enjoy the benefits of the National Forests; and

WHEREAS virtually all uses of and access to the National Forests rely to some degree on motorized transportation; and

WHEREAS fishing, hunting, camping, nature-viewing, mining, wood-cutting, cattle-management and recreational Off Highway Vehicle (OHV) riding are among the uses that depend on motorized access; and

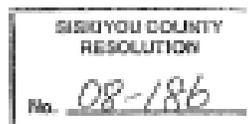
WHEREAS Reserve Statute 2477 has established certain rights of way on federal lands; and

WHEREAS all of these uses are important components of the custom, culture and economy of Siskiyou County; and

WHEREAS it is imperative to the continued enjoyment of federal lands by all user-groups that considerate, tolerant, environmentally reasonable management be applied to motorized access; and

WHEREAS, Siskiyou County can play a major role in helping shape a sound, workable approach to motorized access to federal lands within its boundaries,

NOW, THEREFORE, BE IT RESOLVED that the Siskiyou County Board of Supervisors declares it to be the policy of Siskiyou County that all roads, trails and areas on federal land that were available to motorized access and/or travel as of the date of adoption of this Resolution should remain open to all forms of motorized travel, including snowmobiles and OHVs, unless sufficient environmental or other scientific justification exists for the closure of the road, trail or area; and



BE IT FURTHER RESOLVED that Siskiyou County recognizes compatibility issues between motorized access and/or travel and other uses of the federal lands and understands and supports reasonable, prudent efforts by federal agencies and the public to find workable compromises satisfactory to all user groups; and

BE IT FURTHER RESOLVED that before any road, trail or area on federal land is closed to motorized access and/or travel, all reasonable mitigations and alternatives should be explored in order to prevent closure; and

BE IT FURTHER RESOLVED that all federal agencies are required to coordinate with Siskiyou County at the earliest stage and throughout the development of any road, trail or area closure proposal.

Passed and adopted this November 18, 2008, by the following vote:

AYES: Supervisors Overman, Ametzrung, ~~Kolseff and Cook~~

NOES: NONE

ABSENT: Supervisor Erickson

ABSTAIN: NONE



W.R. Overman, Chair
Siskiyou County Board of Supervisors

ATTEST:
Colleen Setzer, County Clerk



Deputy

RECREATION OUTDOORS COALITION
4000 Beacon Drive
Anderson, CA 96007

July, 2009

Klamath National Forest
Attn: Public Uses Staff Officer
1312 Fairlane Road
Yreka, CA 96097-9549

Subject: Forest DEIS for Motor Vehicle Travel

Dear Staff Officer Ford:

Thank you for the opportunity to comment on the Klamath National Forest Draft Environmental Impact Statement (DEIS) for Travel Management. Recreation Outdoors Coalition (ROC) is a non-profit organization created to promote responsible access, multiple use, stewardship, tolerance and safety for those recreating on our public lands. We support local, State and federal land management policies while advocating environmentally sustainable recreation use.

ROC has, in general, been very supportive of route designation. We believe a well designed and managed, sustainable off-highway vehicle (OHV) program is necessary to provide quality riding experiences on the Klamath National Forest (KNF). After review of the DEIS, we recommend your staff analyze a new or revised alternative to comply with National Environmental Policy Act (NEPA) and to provide a better balance between motor vehicle access, affordability and environmental stewardship.

1) General Comments on the DEIS

- a) Impacts have not been fully evaluated for some resources such as Recreation and Transportation Facilities as explained in this letter. We suspect you will amend the alternatives and your effects analysis or consider new alternatives based on the public comments you receive on the DEIS. To this end, ROC recommends you provide a minimum 45 day public comment period on the FEIS prior to issuing the Record of Decision (ROD). This will provide the public with another opportunity to review the changes in the FEIS and to submit their comments for your consideration in the ROD.
- b) Implementation of the 2005 Travel Management Rule (36 CFR Part 212, Subpart B) prohibits motorized cross-country travel (except over snow) and allows motorized use of only designated roads and trails and areas. The alternatives and their direct/indirect effects do not objectively clarify the impact of this reduction on the motorized recreation public.

Page 20 states 1.2 million acres on the Klamath National Forest is currently available for OHV use, although, from a practicable stand point, only 508,000 acres is usable. The alternatives (Table 7, page 45) give back 0-65 acres

for OHV motorized recreation off designated routes. This is a 100 percent to
99 percent reduction in riding opportunity. How many of your OHV users will
be affected by this? Will 65 acres safely (environment and human)
accommodate this desire/demand for an off road/trail experience? Please
describe the impacts from such a significant reduction in areas for
motorized recreation. In 2001 you show 8.5 percent of your recreation activity
as OHV (Table 17, pg 68).

Page 21, 351 and 352 show the existing road system as having 4715,
4596.5 and 4767.9 miles of system roads, which is correct. Using
Table 114 on page 351 the OHV community has been safely using 2768.7
miles of ML-2 roads, 810.7 miles of ML-3 roads and portions of 102.6 miles
of ML-4 roads or 3682 miles of road. The alternatives designate OHV
use on only 277.77 miles of ML-3 and ML-4 roads. This is a further
reduction in riding opportunity of 635.3 miles of hardened roads or another 10
percent reduction.

In reviewing your maps, the majority of the ML-2 roads are dead end
spurs and not conducive to a quality OHV riding experience. Please review
Exhibit 1 for ROC's concept of successful travel management
planning. How many more miles of existing roads can be safely designated to
provide a successful travel route system? Please analyze additional
routes to provide a better balance between motorized access and environmental
protection. This could be displayed as alternate 7.

c) ROC received a July 21, 2008 spreadsheet from the Regional Office that
shows the Klamath National Forest inventoried 800 miles of unauthorized
routes. But you analyzed only 437 of these miles and propose using 0-92
miles of these. Or a 100 percent to 88 percent reduction in permitted use of
unauthorized routes.

Appendix A, Summary of Route Specific Data, lists all unauthorized
routes that were analyzed as proposed additions to the National Forest
Transportation System (NFTS). A total of 437 miles of unauthorized
routes (55 percent of the inventory) were analyzed for this project. Please
display all 800 miles of unauthorized routes in Appendix A so the public
understands why the rest were eliminated from detailed study and not proposed
for designation. The analysis does not conform with NEPA Regulations to
describe the reasons for eliminating routes or the social/environmental
impacts from prohibiting motor vehicle travel.

d) Reference Appendix A, Table A-3. This table is designating the unauthorized
routes as ML-2 roads. However, you have restricted some to "Vehicles 50
Inches or less in width, All Trail Class Vehicles (?) and Motorcycle Only".
Could these be classified as trails or 4WD trails?

e) There is an inadequate range of alternatives. The five action alternatives
propose to designate between 0 to 11.5 percent (or 0 to 92 miles) of your total
unauthorized routes. ROC requests the KNF analyze a new or revised
alternative that would provide a better balance between public access and

environmental stewardship. These two goals are not mutually exclusive. Our organization has developed a set of "Proven Principles" that will result in good travel management plans when there is effective collaboration with interested parties (Exhibit 1).

The first principle starts with a "Conceptual Plan" that will satisfy current and projected visitor and agency expectations. This plan cannot be developed without interaction with the public, looking at maps and discussing the value of each desired route. Where credible and specific issues warrant limitations to your existing system, the impacts to recreation and public access should be explained and mitigated where possible. With this kind of collaboration, you will engender public trust and have greater support for your preferred alternative. There is no reference to working with your County Boards of Supervisors.

- f) How was the seasonal closure of October 31 to May 1 determined? Why was it established? How does it effect hunting seasons? How does it effect over the snow travel? Is it correct to assume that these closures apply also to USFS travel? If they were chosen for dry conditions, what happens in a wet year? Please provide this information in the FEIS so the public understands the rationale for applying seasonal closures.

g) Motorized Mixed Use on Other Public Roads through the Klamath National Forest

A key objective of travel management planning is: "To coordinate travel planning and analysis on NFS lands with federal, state, county and other local governmental entities and tribal governments and to allow the public to participate in the designation of NFS roads, NFS trails, and areas on NFS lands for motor vehicle use."¹

Collaboration with other road management agencies is critical for the development of sound NF travel management plans. ROC is working with many counties to designate all unpaved county roads through NFS land for mixed use unless an exception exists for public safety, past accidents, resource impacts, user conflicts or other considerations that cannot be mitigated. Our goal is to have an interconnected transportation system for non-highway legal vehicles using unpaved county and National Forest System (NFS) roads. If County Boards choose to designate mixed use on their unpaved roads, please review the KNF's final designations to provide a seamless transportation system for the traveling public.

h) Motorized Mixed Use on Unpaved National Forest System Roads

ROC asserts unpaved NFS roads are not "highways." Our analysis of the Region's mixed use policy and the California Vehicle Code supports this.

Your discussion in Chapter 3, section 3.16.2, beginning on page 341, indicates that you understand the Statutes, Regulation, and Direction the same as ROC for motorized mixed use, but have had to modify your applications to respond to Region 5 Regional

¹ Forest Service Manual 7702, Objectives (effective 01/06/2008).

Forester direction.

We suggest you modify the maintenance level descriptions shown on page 344 and page 5 and 6 of Appendix C white paper, to match the correct and current FSH definition shown on page 2 of Appendix C.

Table 114, page 351 lists 810.7 miles of ML-3 roads and 102.6 miles of ML-4 roads for a total of 913.3 miles but you evaluated only 277.8 miles for mixed use. Why were the remaining 635.5 miles not evaluated? You stated that passenger cars are only about 2 percent of your traffic and, therefore, we wonder about the cost effectiveness of maintaining these 635 miles at the higher maintenance level. These excluded hardened unpaved roads provide for more environmentally friendly use, better dispersal of use and more satisfying travel experiences.

Forest Service Passenger Car Roads:

ROC understands the FS definition of maintenance level (ML) 3, 4, and 5 roads as being passenger car roads. However, our interpretation of current Forest Service Manual and Handbook direction is this: Prudent drivers of standard passenger cars, in nearly all cases, stay on ML 5 (paved) roads. We believe all paved (asphalt, chip seal, etc.) roads should be ML 5 roads.

Motorized Mixed Use Policy for the Pacific Southwest Region:

The Region 5 motorized mixed use policy cites the CVC for prohibiting non-highway legal vehicle travel on ML 3-5 roads. However, agencies may propose "combined use" on highway segments if the procedures in Section 38026 CVC are followed and the CHP concurs. Since the Regional Forester says ML 3-5 roads are subject to the CVC, then the correct term to permit non-highway legal vehicles on NFS "highways" is "combined use," not mixed use. If a Forest Supervisor assumes supremacy over the CVC in the management of NFS passenger car roads, the correct term would be mixed use. If the Regional Forester accepted CHP's interpretation that the CVC does not apply to unpaved ML 3-5 "roads," then the correct term to permit non-highway legal vehicles on these roads is also mixed use.

Engineering Analyses:

Under the Region's current policy, Forest Supervisors are constrained from designating passenger car roads for "combined use" if road segments are greater than three miles (Section 38026 CVC). Forest Supervisors may exceed this length if they assume supremacy over the CVC in accordance with 36 Code of Federal Regulations (CFR) 212.5(a)(1) and the response to public comments to the 2005 Travel Management Rule, which state:

"Under the current rule, traffic on roads is subject to State traffic laws where applicable, except when in conflict with the Forest Service's prohibitions at 36 CFR Part 261. If there is a conflict, the agency's prohibitions preempt State traffic laws. To ensure that the agency's intent with respect to designation of roads, trails, and areas is fully effectuated, the proposed and final rules also provide for preemption of State traffic laws when they conflict with those designations."² (Underlining added for emphasis.)

² Federal Register, Vol. 70, No. 216, Rules and Regulations, November 9, 2005.

Forest Service directives say:

"The use of motor vehicles on NFS roads is subject to State traffic law where applicable, except when in conflict with motor vehicle designations (36 CFR 212.51) or with the rules at Title 36 Code of Federal Regulations, Part 261 (36 CFR 212.5(x)(1)). On NFS roads, designations for motor vehicle use take precedence over conflicting State traffic laws. The Forest Service may designate some NFS roads under Title 36, Code of Federal Regulations, section 212.51 as open to a vehicle class that would normally be precluded from public roads under State law (for example, NFS roads could be designated for all motor vehicles, where State law allows only highway-legal vehicles)."

4) Affordability Analysis and Road Maintenance Levels

Chapter 3, Section 3.16 Transportation Management and Forest Engineer Stagg's White Paper demonstrate that the KNF understands the changing use dynamics and its impact in providing a safe transportation system!

Further reduction of operational road maintenance levels should be seriously considered in bringing the KNF's road maintenance program in alignment with the Forest's expected out year budgets.

Table 114 page 351		Table 113	Budget	Table 115	2008
Operational	Miles	Annual	Needed for	Miles	Maintenance
Mtxc Level		Maintenance	System	Maintenance	Expenditure
		\$/mile	Maintenance	2008	
1	813.0	\$ 30	\$ 24,390	40.97	\$ 1,229
2	2,768.7	250	692,175	686.03	171,506
3	810.7	700	567,490	677.28	404,096
4	102.6	7,000	718,200	60.2	421,400
5	41.5	\$25,000	1,037,500	33.2	830,000
Total	4,536.5		\$3,039,755	1437.68	\$1,827,133

we did not find the amount of road maintenance funds the forest had to work with in 2008, but based upon what we have learned from other forest's DEISs you do not get enough. This is why lowering maintenance levels commensurate with actual travel demand is needed.

Describing road management objectives and re-classifying maintenance levels are administrative and not subject to NEPA. Since passenger car travel will not be

³ Forest Service Manual 7311.2, #1 and #3 (effective 10/07/2008).

prohibited and operators can choose to drive their passenger cars on ML 2 roads, NEPA is not required.

Consider the factors listed in FSH 7709.59, 62.31 when selecting maintenance levels. It makes little sense to keep roads at a higher maintenance level if passenger cars are a minor component of the traffic. ROC believes "prudent drivers in standard passenger cars" with P-rated tires almost always stay on paved roads. The primary vehicle class using the road should drive the assignment of operational road maintenance levels and not vice versa. ROC does not consider the KNF's unpaved ML 3 and 4 roads to be passenger car roads or "highways." Unless paved, they are "roughly graded" and becoming more so over time. The lack of road maintenance is a serious liability issue for the Agency when the operational maintenance level is reported higher than what you can accomplish with given budgets.

As a further option in reducing your maintenance costs, temporarily raise the operational ML of a road to provide more economical commodity haul (or for some other management purpose), then lower the operational ML when the activity has ended. Consider converting some ML 2 roads with low use to ML-1 or motorized trails to further reduce your maintenance costs. Assign your operational maintenance levels commensurate with your use.

"The operational maintenance level is the maintenance level currently assigned to a road considering today's needs, road condition, budget constraints, and environmental concerns; in other words, it defines the level to which the road is currently being maintained."⁴

ROC suggests the KNF follow the criteria in FSM 7715.5 for roads when assigning road maintenance levels, which state:

"In addition to the general criteria in FSM 7715.5, consider the following for NFS roads:
a. Speed, volume, composition, and distribution of traffic on roads; and
b. Compatibility of vehicle class with road geometry and road surfacing."⁵

Absent traffic survey data, ROC highly recommends the following steps to bring your road system in alignment with your projected annual road maintenance budgets:

- > Set the operational maintenance level on all unpaved roads as ML 2.
- > Begin monitoring actual use according to accepted protocols for traffic surveillance to determine volume, distribution and type of traffic actually flowing on KNF roads.
- > Adjust the operational maintenance level up when standard passenger cars, buses, motorhomes or vehicles pulling trailers exceed 50 percent of the total traffic on individual roads and the ADT is at least 100. Sport utility vehicles and pickups are considered high clearance.
- > Use "No Traffic Signs" on all ML-2 roads, per FSH 7709.60 (2/09) to further reduce costs.

When motorized mixed use is designated on a road in California, State OHV Trust Funds may be used to maintain the road. They will help reduce the KNF's backlog of

⁴ Forest Service Handbook 7709.59, 62.31.

⁵ Forest Service Manual 7715.5, #3.

road maintenance if the FS chooses to apply for these grants. This is another reason for lowering your maintenance levels and allowing mixed use.

Please address the opportunity to use volunteers to maintain roads if they are designated for mixed use (e.g. remove vegetation encroachment). Describe your current OHV volunteer program and its potential to assist with the Forests future road and trail maintenance through such programs as Adopt-a-Trail or Adopt-a-Road.

Include a table that shows the road maintenance levels under each alternative in the FEIS. Display the miles of roads open to all vehicle classes or just highway legal vehicles. Under all the action alternatives, some roads are proposed for closure; maintenance levels will change on other roads; vehicles classes will change on several roads; and some new roads will be added. The reader cannot evaluate the effect of all these proposals on motorized recreation and road maintenance budgets without this information.

6) Implementation Schedule for Pre-Mitigation Measures

Appendix A displays specific data for each route analyzed for this project on a route data sheet.

There are 124 individual data (route) sheets. Some of the routes require mitigation work to be done but the year in which it is to be done is not listed. We assume these routes will not be on the MVUM until the work is completed. Please add a year to the data sheets.

8) Parking and Dispersed Camping Off Roads

ROC urges continued motor vehicle access to all historically used dispersed campsites and we noted the efforts you have made to do this. The public does not want to stage one vehicle length from the edge of a road. They desire the security, privacy, solitude, and scenic amenities that dispersed recreation sites provide. If there were prior resource concerns, ROC assumes action would have been taken before now to address them. At some dispersed sites, please consider designating an area for vehicle parking to protect riparian areas, meadows or other sensitive resources. Monitor these sites to determine if other mitigation is required.

ROC recommends motor vehicle access for other dispersed camping (separate from the historically used campsites) be permitted within 100 feet of a designated road, trail or OHV area when it is feasible to do so and does not cause damage to national forest resources or facilities. (Refer to FSM 7715.74 and FSM 7716.13.) Monitor impacts to see if access needs to be modified in some areas.

ROC recommends parking be permitted within 30 feet from any designated road, trail or open OHV area when it does not cause damage to national forest resources or facilities. This is consistent with the new FS travel management directives found in FSM 7716.1. Regulations in 36 CFR 261.15 allow FS officers to issue violation notices for damage to national forest resources. Monitor use and determine if this length needs to be modified in some areas.

7) Non-Highway Legal Vehicle Travel within Developed Campgrounds

In the Forest's MVUM, please adopt a 5 mph speed limit for non-highway legal vehicles (if not all vehicle classes) within developed recreation areas if they are permitted to travel on these roads. Concern over excessive noise, public safety, and visitor conflicts can be avoided by requiring operators to "idle in" and "idle out" of developed campgrounds where this is allowed. There is no reason to go any faster.

8) Big Game Hunting Retrieval

The DEIS is silent on big game retrieval. During the hunting season, ROC recommends the RW- seasonally allow cross-country travel with all-terrain vehicles (ATVs or minis) for the specific purpose of big game retrieval (barring any wet weather, fire-related or other off-road closures already in place). See FSM 7715.74 and FSM 7716.13 for designations for big game retrieval. This is a reasonable accommodation to hunters if desired by the public for certain hunting zones or all zones. Vehicle operators causing damage to national forest resources can be cited. If not allowed, describe the effects of eliminating ATV use for big game retrieval in the FEIS.

8) Personal Use Firewood Cutting

This is a universal need and has been allowed off-road access for years. Your plan defers addressing this issue and future continuation of the "free" access will create a public relations challenge for you. Please analyze the environmental impacts for continuing cross-country travel for firewood and display them in the FEIS.

10) Environmental Consequences of the Alternatives

General Comments: ROC believes the overall impacts from adding unauthorized routes are so minor, that when aggregated with other impacts occurring across the forest landscape (existing roads/trails, vegetation management, wildfires, mining, grazing, etc.), they are imperceptible and discernible. These routes are already in place and are being used. Ground disturbance and other resource impacts have already occurred and will likely remain the same if designated. The adverse effects from route designation are minor compared to the impacts from cross-country travel, which will now be prohibited. Overall, the effects from designation are an improvement over the existing situation since many miles of unauthorized routes will be closed to motor vehicle travel. Chapter 3, "Affected Environment and Environmental Consequences" section should describe the context of the proposed route additions in light of all these other activities.

11) Recommendation

After reviewing your concise document we believe more miles of ML 3 – 4 unpaved roads can be assigned an operational maintenance level of 2 and thus further reduce your road maintenance obligations. Most of your activities on the Forest involve motorized access.

Recreation says Alt. 5 is the most beneficial for motorized recreation.

Hydrology says Alt. 5 has no effects to water quality from changing vehicle class on existing roads.

Soil says Alt. 5 will be beneficial due to no cross-country travel. Mixed use on the road will not effect soil resources.

Fisheries says Alt 5 will not have any direct or indirect effects on fisheries resources or fish.

Terrestrial Wildlife says Alt. 5's negative impacts would be countered by the elimination of cross-country travel on 102,000 acres of LS habitat. And "Insignificant differences exist between action alternatives for various species groups".

Cultural Resources says Alt. 5 cumulative effects are not anticipated.

Botany says Alt. 5 cumulative effect of these activities should be beneficial.

Non-native Invasion Species says Alt. 5's cumulative effect is the same as Alt. 1 and Alt. 6.

Visual Resources says Alt 5's impact on the landscape would have higher scenic integrity than currently exists with less evidence of human activity over time.

Transportation Management says Alt. 5 cumulative effects are minimal.

Social and Economic Resources says Alt. 5 would yield more displacement (dispersal) of motorized recreators than the proposed action but serve to improve the lifestyles of individuals concerned with resource conservation and non-motorized recreation.

Inventoried Roadless Area says Alt. 5 has no cumulative effects.

Geological Resource says Alt. 5 would have minimum cumulative effects.

Therefore, ROC recommends the KNF analyze a revised Alternative 5 or add a new Alternative (7) that will provide additional motorized recreation opportunities using both NFTS and unauthorized routes.

Conclusion: Again, thank you for the opportunity to submit ROC's comments. I would like to receive a hard copy of the FEIS and all the maps when it is issued.

Sincerely

/s/ Sylvia Milligan

SYLVIA MILLIGAN
Chair, Recreation Outdoors Coalition

Enclosures:

Exhibit 1: Proven Principles: Roads and Trails as Recreational Route Systems

CC:

Angela Coleman, Deputy Regional Forester

Gregg Mumm, BlueRibbon Coalition

Don Amador, BlueRibbon Coalition

Dave Pickett, American Motorcyclist Association

Robert Reed, John Stewart, and Amy Granat, California Association of 4 Wheel Drive Clubs, Inc.

Fred Wiley, Off Road Business Association

Bill Dart

Tom Grimmins, National Off-highway Vehicle Conservation Council

Daphne Greene and Phil Jenkins, CA. Off-highway Motor Vehicle Recreation Division

Siskiyou County Board of Supervisors

Modoc County Board of Supervisors

Del Norte County Board of Supervisors

Shasta County Board of Supervisors

Exhibit 1

Recreation Outdoors Coalition

Roads and Trails as Recreational Route Systems – 6/09

Successful recreational travel management requires an integrated system of routes. Individual routes when considered alone cannot meet the diverse requirements, needs and demands of public land stakeholders or the mission of managing agencies.

There are basic concepts, practices, procedures and proven techniques that are common to successful recreation travel programs worldwide. As society changes and land use issues continue, more ideas will evolve.

The concepts, practices and ideas presented here form the framework for success. Individual projects may require creativity to insure successful outcomes. We can meet the challenge.

Successful Travel Route Systems Must Provide:

- An acceptable level of resource impact
- Sustainable routes
- Satisfaction of participants (fun)
- Active and responsible management by the agency

The Planning Process Requires:

- A conceptual plan - what can be provided, where are the opportunities, who will use the routes, etc.
- Resource inventory - identify potential constraints of the area
- Route inventory - authorized and unauthorized routes, location and condition
- Planned system of routes - adequate mileage, dispersal, range of challenge, destinations, loops, etc.
- Development and documentation of Road and Trail Management Objectives (RMOs/TMOs) - how will routes be managed, maintained and monitored?

Elements Necessary for Success:

- Resource protection
- Visitor safety
- Satisfaction of participants - enough mileage and "time in the saddle"
- Clear, concise and documented management objectives
- Loop routes
- Desirable destinations
- Variety of experience, challenge and difficulty
- Variety of route widths, single track, ATV, 4x4
- Access from trailheads, staging areas, campgrounds, communities
- Access to goods and services
- Youth and beginner loops and areas
- Play areas for non-trail based interests and activities (training, education, play riding)
- Accurate and current maps and handouts
- A sign system coordinated with maps
- Active management, agency presence and involvement
- Cost effective operation and management
- Utilization of stewardship and volunteer agreements, cost share agreements and concessionaire permits
- Use of existing roads and trails where conceptual plan goals can be met
- Change classification of roads to trails and reconfigure to meet management objectives (challenge, variety, etc.)

Shared Use Roads:

- Roads have two different roles - transportation and recreation
- As a transportation facility, roads provide quick legal access
- As recreation facility, roads are part of the overall system, contribute to the recreation experience, disperse use, and provide vital connections between trail segments
- Roads can be easily downgraded to lower maintenance levels to enhance use as a recreation facility
- Roads can be legally converted into trails, thereby changing use levels and patterns and lowering maintenance requirements
- Roads can serve special purposes such as featured long distance loop and destination opportunities (the Lassen Backcountry Byway, Share The Dream Trail and California Back Country Discovery Trails are examples)

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Appendix B: Response to Comments on FEIS

This appendix provides the Klamath National Forest response to comments received during the 30-day review period between release of the FEIS on January 29, 2010, and March 1, 2010. This review period was provided to the public to provide an opportunity to comment on the Preferred Alternative (Alternative 7) which, although similar to Alternative 6, differed somewhat in the number of roads added and the method of achieving mixed use. Alternative 7 was developed to respond to comments on the DEIS. In order to allow the public an opportunity to review the changes made in the FEIS, especially in the Preferred Alternative 7, signing of the Record of Decision (ROD) was delayed. Comments received during this review period were considered in making the decision to choose Alternative 7, with minor modifications, as the Selected Alternative for Motorized Travel Management (MTM) on the Klamath National Forest.

During the 30-day review period on the FEIS, four open houses were held in Yreka, Etna, Happy Camp and Macdoel to share information about the changes made in the document and maps between DEIS and FEIS, and to receive feedback on these changes. Members of the public made comments in writing on feedback forms; others sent letters and emails. Some of the comments received during the 30-day comment period are repetitions of comments made on the DEIS. These are summarized below and references are made to the KNF responses to those comments in Appendix E of the FEIS.

Comments on the FEIS that are the same as those received on the DEIS include requests to:

- Complete Subpart A of the Travel Management Rule, including travel analysis and identifying a minimum road system, before completing Subpart B (FEIS Appendix E, pages E-3-4, E-5, E-9, E-18 and E-24). As indicated in Appendix E, travel analysis and identification of a minimum road system are not required to inform decisions related to the designation of roads, trails, and areas for those administrative units and ranger districts that had issued a proposed action as of January 8, 2009. The KNF issued a proposed action through a Notice of Intent to Prepare an Environmental Impact Statement on October 7, 2008, and is exempt from a requirement to use a travel analysis to inform the current MTM decision.
- Consider the affordability of maintenance for routes included in the MTM decision (see page E-1 and the expanded affordability analysis in the Transportation section of Chapter 3 of the FEIS, especially pages 92-93 and 105-107) and need to disclose cumulative and direct environmental impacts of the proposal to add roads to a system “that it cannot afford to maintain to standard” (see also the purposes of maintenance in the Transportation section of Chapter 3 and Appendix C of the FEIS, and the commitment to taking steps to prevent resource damage in the monitoring section of Chapter 2, page 19 and E-23). A strategy to maintain the NFTS within current allocations is discussed in the Travel Management section of Chapter 3.
- Comply with Forest-wide Standard 20-1 in the LRMP that “non-system roads not needed for future management shall be ‘put to bed’ ” (see page 89 of FEIS for complete wording of Standard 20-1 and page E-41 for response to revegetation of unneeded unauthorized routes), and decommission routes that are not added to the NFTS (beyond the scope of the MTM project as stated on pages E-5, E-6, E-24, E-31- and E-32). The complete wording of Standard 20-1 includes direction to “place needed non-system [now called

unauthorized] roads in the Forest road system.” The unauthorized routes being proposed for addition to the National Forest Transportation System (NFTS) in Alternative 7 are determined to be needed for motor vehicle use in the MTM decision. The term “put to bed” is defined in the LRMP as “roads are obliterated or decommissioned and are no longer part of the transportation system.” Unauthorized routes (or non-system roads) were never part of the transportation system so there is some confusion about applying this definition to unauthorized routes. The MTM FEIS is in compliance with this standard in the LRMP by not allowing motor vehicle use on unauthorized roads that are not added to the NFTS and thus allowing them to revegetate and become “obliterated.” A strategy for treating unneeded roads, outside the scope of this MTM decision, is described on pages 6 and 98 of the FEIS. The non-motorized use of unauthorized routes and motorized use relating to mining and authorized special uses are outside the scope of the MTM FEIS. These uses would need to be considered in any proposal to actively obliterate routes or restore them by decommissioning, and any such proposal would require additional environmental analysis and disclosure.

- Minimize the adverse impacts of the current transportation system (see page E-24; the response to this comment should have said the FEIS does not analyze the effects of the current transportation system other than as part of the current situation). Minimizing the adverse impacts of the current NFTS is outside the scope of the MTM FEIS and decision. The effects of the current NFTS are included as part of the effects of the existing situation in the resource sections of Chapter 3 of the FEIS, and the cumulative impacts of MTM alternatives plus the current NFTS and reasonably foreseeable future actions are addressed for each appropriate resource. In particular, the effects of the road density of the current NFTS plus the proposed additions are disclosed on pages 256-257 in the Hydrology section and page 292 in the Fisheries section and in the effects on relevant wildlife species in the Terrestrial Wildlife section (pages 315-316, 337-338, 346) of Chapter 3 of the FEIS.
- Make the MTM project consistent with laws, regulation, policy and the LRMP (see Chapter 3 of the FEIS for the consistency with laws, regulation, policy and the LRMP) and with the watershed analyses and the Forest-wide Roads Analysis (see pages E-31 and E-32). Watershed Analyses (WAs) and other assessments provide information but are not decision documents and do not set policy. While recommendations made in WAs are considered in project analyses on the KNF, decisions are not required to be consistent with WA recommendations. Decisions made outside the MTM FEIS may focus on decommissioning routes recommended in WAs or roads analyses. The Forest-wide Roads Analysis focused on maintenance level 3, 4 and 5 roads; the MTM focuses primarily on adding unauthorized routes as maintenance level 2 roads, on downgrading some roads to maintenance level 2 and on allowing mixed use on appropriate maintenance level 3 roads.
- Avoid adding unauthorized routes on which the Erosion Hazard Rating (EHR) is determined to be High or Very High, especially in the Humbug drainage (see discussion of EHRs on pages 228-230 of the FEIS, disclosure of the effects of Alternative 7 on pages 235-236, and response to comments on pages E-36, E-37, and E-38). As noted in the FEIS, the lands on the KNF are 65% in High and Very High EHRs, unauthorized routes are 46% in High and Very High EHRs, and of the unauthorized routes proposed to be added to the NFTS in the Preferred Alternative (7) 40% are in High and Very High

EHRs. A total of 30 miles of unauthorized route would be added to the NFTS in High and Very High EHRs, and motorized use on 240 miles of unauthorized routes in these EHR categories would be prohibited. Mitigation to minimize the effects of adding routes on soil erosion and potential sedimentation are included in all action alternatives as noted on page 236 of the FEIS.

Comments on the FEIS

The following KNF responses address comments on the FEIS that were not the same as those received on the DEIS, or not made by the same respondents. Many of the comments on the FEIS focused on Alternative 7. Comments are grouped by topic. The bracketed numbers following each comment indicate who made the comment based on the list attached at the end of this appendix.

Adding Routes and Areas

Public comment: Some of those who commented on the FEIS thought that the Preferred Alternative should add more unauthorized routes and areas to the National Forest Transportation System (NFTS) and allow mixed use on more roads [12, 13]; others indicated the KNF should not add as many unauthorized routes to the NFTS as are proposed in Alternative 7 [9].

Response: Alternative 7 seeks a balance between providing motorized access to the KNF and protecting resources as required by the Travel Management Rule. Alternative 7 is based on Alternative 6 with modifications in adding 12.8 miles of unauthorized route to the NFTS in the Butte Valley National Grasslands (BVNG) for only highway legal vehicles to maintain traditional motorized access to the BVNG. This proposal is described in Chapter 2 of the FEIS and the effects are analyzed in resource sections of Chapter 3. Two unauthorized routes that cross perennial streams that were proposed for addition to the NFTS in Alternative 6 are not proposed for addition to the NFTS in Alternative 7, leaving only one unauthorized route crossing a perennial stream in Alternative 7. The effects of this stream crossing are disclosed in the Fisheries section of Chapter 3 of the FEIS. More routes to dispersed recreation sites are added in Alternative 7 to address needs for access to these sites. The one unauthorized route proposed for addition to the NFTS in Alternative 6 that was found to be in Port-Orford-Cedar habitat is removed from addition to the NFTS in Alternative 7 to prevent the spread of the *Phytophthora lateralis* (Port-Orford-Cedar root disease). Other modifications between DEIS and FEIS are listed in Chapter 2 of the FEIS. In response to comments on the FEIS, maintenance levels have been modified on several NFTS roads; these are listed in the Modifications and Errata Appendix A of this Record of Decision and in the Route-specific section of this Response to Comments on the FEIS.

One additional route to a dispersed site, discovered to be an unauthorized route slated for decommissioning in an earlier project decision, was removed from the Selected Alternative. Another route was removed when a previously unidentified conflict with resource protections was discovered. Several mapping errors were highlighted by the public; these are listed in the Modifications and Errata Appendix A of this Record of

Decision and will be corrected on the Motor Vehicle Use Map (MVUM) to be published as implementation of the decision on this project.

Public comment: One group of organizations expressed concerns that the number of miles of unauthorized routes proposed for addition to the NFTS in Riparian Reserves and Key Watersheds in Alternative 7 was greater than in Alternative 6 [9].

Response: Alternative 7 proposes adding 20 miles of unauthorized route to the NFTS within or adjacent to Riparian Reserves (compared to 18 in Alternative 6), and 6.7 miles (compared to 6.2 miles in Alternative 6) in Key Watersheds as defined in the KNF LRMP. The effects of these additions are disclosed in the Hydrology and Fisheries sections of Chapter 3 of the FEIS. As disclosed in the FEIS, effects are found to be minimal (pages 254-255, 288-289) and the project was determined to be in compliance with LRMP standards, including the Aquatic Conservation Strategy which includes Riparian Reserves and Key Watersheds (FEIS, pages 257-259, 294). Also, as noted in the FEIS, a discussion of the effects on Key Watersheds was added to address comments on the DEIS from this group of organizations; all routes being added to the NFTS in Key Watersheds are short spurs to dispersed recreation sites on which travel speed will be low and effects of use minimal. Also, as discussed in the Key Watersheds process paper (available in the project record) and in the Travel Management section of Chapter 1 of the FEIS, the KNF has been implementing the LRMP for 15 years, during which it is estimated that 100 miles of roads and 58 miles of unauthorized routes have been decommissioned in Key Watersheds. In addition, 15 miles of roads are scheduled for decommissioning in ongoing and reasonably foreseeable future actions. There is no requirement that each project decision that implements the LRMP in Key Watersheds contain actions to decommission roads, only that new road construction mileage is offset with road decommissioning miles overall in projects implementing the LRMP. The LRMP Standard 6-24 that directs no net increase in the amount of roads in Key Watersheds includes both NFTS and unauthorized routes. Alternative 7 includes turning 6.7 miles of unauthorized route into NFTS roads. This does not increase the amount of roads in Key Watersheds but just moves 6.7 miles of routes from being unauthorized to being part of the NFTS.

Public comment: One group of organizations expressed concern that the number of miles of unauthorized routes proposed for addition to the NFTS on unstable lands, and on soils with high or very high erosion risk, in Alternative 7 was contrary to findings and recommendations in the Lower South Fork Salmon Roads Analysis and Forest-wide Late Successional Reserve Assessment [9].

Response: The Motorized Travel Management FEIS analyzed and disclosed the effects of adding 6 miles of unauthorized routes on unstable lands (Geology section of Chapter 3) and 31 miles on high and very high erosion risk lands (Soils section of Chapter 3) to the NFTS in Alternative 7. Some effects of adding unauthorized routes to the NFTS on these lands are expected, but these are disclosed to be minimal for all resources in Chapter 3 of the FEIS. The Motorized Travel Management project considered the findings and recommendations in previous analysis and assessment documents on the

KNF; however, these are not decision documents and their recommendations do not set policy for the KNF.

Botanical Resources

Public comment: One group of organizations states that the “KNF’s reliance on the 2007 Survey and Manage ROD that illegally eliminated that mitigation measure of the NWFP [Northwest Forest Plan] is misplaced...the KNF LRMP, every watershed analysis pertaining to the project area, the KNF LSRA [Late-Successional Reserve Assessment] and the NWFP all assumed that the agency would implement the Survey and Manage program prior to authorizing activities in the habitat for rare species...the FEIS makes no mention of the fact that on 12/17/10 [sic] Federal District Court Judge John Coughenour ruled in our favor regarding our claims against the illegal 2007 ROD to which the FEIS tiers.” [9]

Response: The Motorized Travel Management (MTM) FEIS, prepared for publication before the KNF was notified of Judge Coughenour’s 12/17/09 decision on survey and manage species, discloses that such botanical species are addressed in the section on sensitive species if they were so designated and as other species of interest if they were not designated as USFS sensitive species (Botanical section of Chapter 3 of FEIS, page 381). Judge Coughenour’s decision specified that the Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffers, and Other Mitigation Measures Standards and Guidelines (2001) should be followed in analysis of effects on species. On page 22 of the 2001 Survey and Manage ROD it is stated that surveys for these species must occur if “habitat-disturbing activities” will occur in a project. Habitat-disturbing activities are defined as those disturbances likely to have a significant negative impact on the species’ habitat, its life cycle, microclimate, or life support requirements. As indicated in the effects section of action alternatives in the Botanical Resources and Terrestrial Wildlife sections of Chapter 3 of the FEIS, prohibition of cross-country travel will prevent habitat disturbance to botanical and several Survey and Manage wildlife species. Wildlife species not specifically addressed in the Terrestrial Wildlife section are addressed in the Survey and Manage Species Analysis (located in the project record for MTM). No habitat for any Survey and Manage species exists in the open riding areas. No activities proposed for any action alternatives are likely to have a significant negative impact on the habitat of any Survey and Manage species as described in Chapter 3 of the FEIS and in the Survey and Manage Species Analysis process paper (Ford, J.A., Perrochet, J., and Knight, M., May 2010). Based on this information, the ROD for the MTM decision states that this decision is in compliance with the 2001 Survey and Manage ROD.

Cultural Resources

Public comment: One group of organizations expresses concern that Alternative 7 “will potential [sic] impact up to 40 historical/cultural sites, 35 of which have already been damaged by the agency’s reluctance to manage motorized use.” [9]

Response: The Travel Management rule requires that the effects on cultural resources be considered, with the objective of minimizing damage, when designating roads, trails, and areas for motor vehicle use. The implementation of Alternative 7 would comply with LRMP standards, with the requirements of the Motorized Recreation Programmatic Agreement (PA) with the California State Historic Preservation Office (SHPO), and with requirements of the Oregon Office of Historic Preservation. The severity of effects are defined on page 145 of the Cultural Resources section of Chapter 3 of the FEIS; negligible effects are defined as no measurable effects with no mitigation measures prescribed and minor effects are defined as perhaps needing monitoring to ensure that the minor degree of disturbance does not increase over time. The FEIS discloses that 35 cultural resource sites are currently receiving negligible to minor effects; these are not considered to be “damaged.” Four sites are not currently affected and do not need any mitigation. One cultural resource site has been determined to be receiving moderate effects. No sites are receiving major effects. The moderate determination requires mitigation. Mitigation of effects on this site will include defining the route that will avoid negative impacts on the site with barriers and signing, and monitoring the future effects to the site. These mitigations are listed on page 157 of the MTM FEIS and have concurrence from the California SHPO (letter of 1/19/2010 in MTM process record with confidential information redacted).

Environmental Effects of Maintenance

Public comment: Concern was expressed that the environmental effects on water quality of lowering road maintenance levels on existing routes from maintenance level 3 to 2 were not adequately analyzed and disclosed in the FEIS. Recommendations were made to use the draft TMDLs that are currently out for public review in planning this MTM project and to maintain roads in all “impaired watersheds, especially riparian reserves, in order to comply with Total Maximum Daily Load (TMDL) requirements.” [32]

Response: The objectives of road maintenance levels are related to the type of vehicle expected to use the road. Maintenance level 3 roads are maintained for safe passage of passenger vehicles; maintenance level 2 roads are maintained for high clearance vehicles. The KNF travel management strategy includes downgrading maintenance levels only where this is possible without compromising user needs or resource protection (FEIS, Appendix C, p. C-11). Maintenance to protect resources would continue regardless of the maintenance level of a road; maintenance to provide relatively smooth surfaces for passenger cars would no longer take place if roads are downgraded from maintenance level 3 to maintenance level 2. The effects of this decision on social and economic factors are discussed in the Transportation, Recreation, and Society, Culture and Economy sections of Chapter 3 of the FEIS.

As discussed in the FEIS (pages 257-258), all “action alternatives in the Klamath Travel Management project would help to achieve TMDL requirements by reducing road density, reducing vehicle-generated sediment, and reducing the potential for sediment delivery to streams by subjecting designated routes to improvement and maintenance of running surfaces.” Because there is no final Klamath River TMDL, the MTM project cannot state that it is in compliance with TMDL requirements; however, the measures

noted on pages 257-258 of the Hydrology section of Chapter 3 of the FEIS are expected to meet the final TMDL requirements. If it is necessary to modify the decision on the MTM project to meet final TMDLs, this can be undertaken in a separate decision with environmental analysis and disclosure of effects.

Environmental Effects of Road Closures

Public comment: The FEIS failed to use studies cited in comments to the DEIS on the effects of various ways to close roads to prevent environmental damage and avoid illegal use. [9]

Response: Studies, letters and testimony cited by the public were considered along with other comments in developing the FEIS. Most of these were related to illegal use and ways to prevent illegal use. The FEIS focused on the effects of legal use of the KNF. Implementation strategies to encourage legal use and discourage illegal use are included in the FEIS but no analysis was undertaken on the effects of illegal use. The MTM project decision is focused on prohibiting cross-country motor vehicle use, amending the LRMP to adopt standards to include this prohibition, and designating roads, trails and areas where motorized use may legally occur. Analyzing and disclosing the effects of illegal use is beyond the scope of this decision.

Impacts of increased Motorized Use on the spread of Noxious Weeds

Public comment: There is concern that the KNF makes no attempt to quantify or analyze the foreseeable change in motorized use patterns that will result from publication of the MVUM, nor what this increased use on designated roads, trails or area will do to the spread of noxious weeds. [9]

Response: As noted in the Recreation and Society, Culture and Economy sections of Chapter 3 of the FEIS and on page E-26, most use of the KNF is from the local population, population size in the local area is low and population growth in the analysis area for the MTM project has been slow, and future increases in motorized use are likely to be minimal. It is possible that there will be some increase in such use on existing roads and added roads and trails due to the prohibition of cross-country travel but there is no reliable way to predict the size of this increase, were it to occur. Monitoring of such use will occur in the future through the National Visitor Use Monitoring program (as stated in Chapter 2 of the FEIS). Based on monitoring data, effects of use may be evaluated and used in future decisions about travel management on the KNF.

Public comment: There is concern that the “KNF appears ready to cede the Humbug drainage to yellow star thistle because it is difficult to control” which is not in line with Executive Order 13112 which requires the agency to take all “feasible and prudent measures to minimize risk of harm” to resources from management decisions that may influence the spread of invasive species. [9]

Response: As noted on page 419 of the FEIS, lower elevations on the KNF, such as the Humbug drainage, contain major state or county roads which are heavily-used entry

points for weeds moving into the less-invaded parts of the KNF. The KNF has an active manual weed treatment program, but some widespread species such as star thistle cannot be effectively treated using hand methods on a large scale. Feasible and prudent measures to minimize risk of harm from the spread of star thistle that will be implemented include treating high priority locations to minimize the risk of spread into protected and weed-free areas as noted on page E-27 of the FEIS.

General Comments

Public comment: General lack of support for the MTM project on the KNF was provided in several comments, and support for continued traditional use of motor vehicles throughout the KNF was stated. [27, 28, 29, 30] Comments supported the use of ATVs as a good way to pass time and have fun without causing trouble [17] and indicated ATV and motorcycle use are a tourist attraction and leisure activity for family and friends. [21] One comment linked motorized use of the KNF to support for tourism and economic well-being of communities. [31]

Response: These comments were submitted by respondents other than those who commented on the DEIS. They are similar in content to comments received on the DEIS that are addressed in Appendix E of the FEIS, specifically on pages E-2, E-3, E-6, E-14, E-15, E-18, E-19, E-20, E-24, E-25, E-28, E-29, E-30, E-31, E-34, E-35, E-36 and E-37. As noted in Appendix E of the FEIS, these comments are specifically addressed in the Recreation, and Society, Culture and Economy sections of Chapter 3 of the MTM FEIS.

Mitigation

Public comment: There are concerns with how the KNF reconciles site-specific mitigations with the direction in the NWFP “not [to] use mitigations or planned restoration as a substitute for preventing habitat degradation.” [9]

Response: The KNF Forest Plan incorporates the direction of the NWFP and repeats the referenced standard for managing Riparian Reserves as MA 10-12. Mitigation measures included in the MTM FEIS (pages 20-21) are built into the project design of action alternatives to minimize impacts over time, or to prevent the impacts from reaching a threshold where ACS standards are not met. They are not used as substitutes for preventing habitat degradation.

Public comment: The KNF failed to analyze the effectiveness of proposed route closure mitigation measures. [9]

Response: Mitigation measures in the FEIS do not include year-round route closures. The seasonal closures proposed in the FEIS to protect deer winter range have been removed from the selected Alternative 7 based on new information from the California Department of Fish and Game. The only remaining route closures are those to eliminate conflicts between over-snow vehicles and other motor vehicles. Forest Orders designating seasons of use to eliminate conflicts between over-snow vehicles and other motor vehicles have been in place for a number of years and have been successful in separating the two types of use.

Mixed Use

Public comment: The KNF should re-analyze all cooperatively maintained roads that connect with maintenance level 2 roads for mixed use. [13]

Response: Cooperatively maintained roads that cross private land may or may not have public access rights-of-way (ROWs) negotiated by the KNF with private landowners. If these roads do not have public access ROWs, the KNF cannot assure public motorized access across the private land. In future, if public access ROWs are secured on cooperatively-managed roads, these roads may be analyzed for mixed use on a case-by-case basis.

Season of Use

Public comment: The California Department of Fish and Game (DFG) submitted a letter of clarification indicating that it appeared that incomplete information was exchanged in early consultations with the KNF that resulted in recommendations by DFG for a seasonal restriction for motorized travel in the Humbug Drainage. After further review of the FEIS, the CFG stated that this restriction is unwarranted due to its limited scale. [33]

Response: Restrictions on the season of use in the Humbug drainage had been developed by the KNF to protect deer on winter range based on early verbal consultations with the California DFG. Based on additional information provided by DFG that a seasonal restriction is not needed for deer winter range in the Humbug drainage, the season of use is changed to year-round. The FEIS had included qualitative analysis of the effects of seasonal restrictions. After receiving the written response from DFG, the KNF analyzed the number of acres of deer winter range that might be affected by a decision to drop seasonal restrictions. This analysis is available in the process records for the MTM decision. In summary, it indicates that the acreage of deer winter range currently affected by the county roads and NFTS roads in the Humbug drainage is approximately 3,200 acres. The acreage that would be affected if no routes were added to the NFTS is about 2,100 (Alternative 3). The acreage that would be affected by adding routes as indicated in the Selected Alternative would be about 2,900 acres. This difference, about 800 acres, is considered limited in scale compared to the 220,000 acres of deer winter range affected by prohibiting cross country travel in this decision.

Public comment: One group requested that the season of use on the Humbug open riding area and trails in the Humbug drainage be changed to 4/1 through 11/15 (from 5/1 through 10/31) to match the season of use on existing roads on the KNF. [12]

Response: Restrictions on the season of use in the Humbug drainage were developed to protect deer on winter range designated by the California Department of Fish and Game (CFG). Based on additional information provided by CFG that a seasonal restriction is not needed for deer winter range in the Humbug drainage, the season of use is changed to year-round.

Public comment: One organization questioned the magnitude of the impact on deer habitat affected by the seasonal closure of the Humbug open riding area and trails in the Humbug drainage. [13]

Response: CFG used (1) the relatively small scale of the area affected by the season of use; (2) improvements in habitat capability achieved by a reduction in open road density; and (3) the fact that adjacent NFTS and County roads would remain open year-round, as the basis for their determination that a seasonal restriction is not needed in the Humbug drainage.

Rehabilitation of unauthorized routes not included in NFTS

Public comment: A concern is raised that the KNF is not proposing any hydrological rehabilitation of unauthorized routes that are not added to the NFTS and that there is no peer-reviewed literature indicating that closed routes will no longer intercept and concentrate precipitation and groundwater flow into surface [sic] without active rehabilitation. [9]

Response: Most unauthorized routes not designated as part of the NFTS will be allowed to revegetate naturally in all action alternatives (FEIS page E-41); however, some limited physical restoration and naturalization treatments may be needed to address resource or visitor conflict concerns. No peer-reviewed literature was found to indicate how long it would take for closed routes to no longer intercept and concentrate precipitation and groundwater flow. All known literature focuses on the time required for restoration after construction of roads; none discusses restoration of existing unauthorized routes. For this project, air and ground photos and specialist knowledge of site-specific conditions (Laurent 2009, personal communication) were used to document time required for passive restoration (FEIS page 242).

Route-specific Comments

Public comment: One comment requested including mixed use on Route 48N06 from Route 96 to Bullion Mountain. [12]

Response: Road 48 N06 was not analyzed for mixed use in the MTM FEIS because most of the route is on private land and there is no possible staging area on NFS land; therefore, mixed use on this route cannot be included in the MTM decision. This does not preclude analysis in the future as discussed on page 5 of Chapter 1 of the FEIS.

Public comment: One organization repeats the request made in their comments on the DEIS for specific route additions, adds that Preferred Alternative 7 fails to adequately address the issues and concerns of the local off road user groups, and asks that all routes identified for addition in their DEIS comment be added with new emphasis on 7H002.2, 8J002.3C segments 1 and 3. The comment stated that these routes are regularly used, all but one being old roads, and they tie the Humbug open riding area to Road 45N22. [13]

Response: Appendix E of the FEIS (pp. E-33 and E-34) responds to this request. Route 7H002.2 is a short route between a county road and an NFTS road and is included in Alternative 7. Routes 8J002.3 and 8J002.3C are also included in Alternative 7. One short

segment of 8J002.3C that connected to Forest Road 46N22 was not selected for addition to the NFTS because adding it would not provide a recreation experience that is not offered on other trails in the Humbug area.

Public comment: Several comments requested that existing roads 15N10, 17N16, 17N11, 45N85F, 18N33, 18N30, 18N28 be available for use by non-highway legal vehicles [16, 18, 19, 20, 22, and 31] and some requested the same for existing road 19N01. [19, 20, 22, and 31]

Response: None of these roads were analyzed for mixed use in action alternatives in the FEIS because they were not publicly identified as being desired for mixed use until after the FEIS was published. These roads will be examined further to determine whether the current ML3 objective is reasonable, or whether they should be considered for downgrading to ML 2. If the examination shows that maintenance levels on these roads can be downgraded, a decision to change the maintenance level of these roads can be made outside this MTM FEIS without further environmental analysis. If they cannot reasonably be downgraded to ML2, additional environmental analysis and disclosure would be needed to consider them for mixed use.

Public comment: A request was made to allow the road below Indian Scotty campground to the Box Canyon/Paradise Lake trailhead road to be open for non-highway legal vehicles. [4]

Response: The NFTS road (44N41) from the end of the county road known as the Canyon Creek Road (6E002) to Box Canyon Saddle will be open to all motor vehicles as it is currently. The MTM decision will not affect this road.

Trails

Public comment: A request was made to create more motorized trails or use existing closed roads and skid trails as motorized trails. [12]

Response: Skid trails are developed for specific project uses and are not designed for use by the public. They cannot be added to the NFTS as system as roads or trails without determining whether they could safely accommodate vehicle traffic, and whether they confer access for recreation or other resource uses. This action would require further environmental analysis and disclosure of effects. The National Forest Management Act (NFMA) mandates that surplus roads constructed in support of a contract, permit or lease are to be closed and revegetated “within ten years after the termination of the contract, permit, or lease ... [u]nless the necessity for a permanent road is set forth in the forest development road system plan” 16 U.S.C. § 1608(b). No additional motorized trail opportunities, beyond those unauthorized routes analyzed in the MTM FEIS, were considered in the FEIS. This does not preclude analysis of the potential for using closed roads for motorized trails in the future as discussed on page 5 of Chapter 1 of the FEIS.

Public comment: A request was made to expand the proposed Juniper Flat open riding area into 2 additional adjacent Sections, and to add several trails west of the riding area to the NFTS. [12]

Response: The only unauthorized route near the proposed Juniper Flat open riding area that was analyzed for potential addition to the NFTS was one that went from County Road A12 to an area of the KNF that includes caves and cultural resource sites. This route was not selected for inclusion in the NFTS in any action alternative as discussed in

an alternative considered but eliminated for detailed study (Alternative F). If there are other routes that would provide trail riding opportunities outside the Juniper Flat open riding area, they may be considered for addition to the NFTS through a separate decision based on additional analysis and disclosure of effects.

Public comment: One organization repeated the request contained in its comments on the DEIS that Siphon Lake Trail be designated as for motor vehicle use, adding that access to a trail historically used by motor vehicles should be considered first before a closure is enacted. [13]

Response: This comment was addressed in Appendix E of the FEIS (p. E-33). Routes that followed existing equestrian or foot trails that were part of the KNF trail system were eliminated from consideration as motorized trails (FEIS, Chapter 1, p. 18). This was discussed further in an alternative considered but eliminated from detailed study (Alternative B), which mentions Siphon Lake trail specifically. The reasons given for eliminating this alternative from detailed study include that the alternative does not meet the purpose and need of the MTM project, and that adding motorized use to equestrian and foot trails would create conflicts between motor vehicles and existing recreational uses of NFS land, and create safety issues associated with those conflicts. For these reasons, allowing motorized use on the Siphon Lake Trail was not analyzed in detail in any of the action alternatives or in the no action alternative. Routes not analyzed in detail cannot be added to the NFTS without further environmental analysis and disclosure of effects. This does not preclude further analysis of this proposal in a separate planning document.

Water quality/sediment

Public comment: One group of organizations cites concerns that dust clouds created by use of the Humbug open riding area will place sediment into Humbug Creek. [9]

Response: Off-road travel in the proposed open riding area will generate some dust. Dust has not been identified by either the Environmental Protection Agency or the North Coast Water Quality Control Board as a concern for water quality. The proposed Klamath River Total Maximum Daily Load does not identify dust as an issue. The Klamath National Forest will be conducting stream monitoring in the Humbug drainage for at least 5 years after the Travel Management project is approved. Monitoring processes will be consistent with requirements set by the North Coast Board and should indicate whether stream condition is adversely affected by activities taking place in the drainage, including activities in the open riding area.

Names and Addresses of parties commenting on the FEIS

The following individuals and groups commented on the FEIS during the 30-day review period following publication of the FEIS.

- | | | |
|-------|---------------------------|--|
| 1 | Carl Schwarzenberg | 7800 French Creek Rd., Etna, CA |
| 2 | Wayne Linn | 899 Hillview Dr., Ashland, OR 97520 |
| 3 | Yvette Rooker | |
| 4 | Frank Wittington | 8727 Far Away Pl., Fort Jones, CA 96032 |
| 5 | Iginio Fontana | |
| 6 | Michael and Lisa Kisell | 3477 Heron Lake Lane, Elk Grove, CA 95758 |
| 7 | Fred Walker | |
| 8&12 | Dave Shaw | P.O.Box 462, Yreka, CA 96097 |
| 9 | George Sexton, Cons. Dir. | P.O. Box 102, Ashland, OR 97520
Klamath Siskiyou Wildlands Center |
| 10 | James Clemons | P.O.Box 854,, Fort Jones, CA 96032 |
| 11 | Tom Hamilton | P.O. Box 145, Dorris, CA 96023 |
| 13 | Jim Lipke, President | P.O.Box 1925, Yreka, CA 96097
Siskiyou County Off Road Riders (SCORR) |
| 14 | Mike Irvine | |
| 15 | R. Cameron | |
| 16 | Stuart Love | |
| 17 | Laszlo Pethes | |
| 18 | James Manley | |
| 19 | Jimmy Dewberry | |
| 20 | Rita King | Happy Camp Chamber of Commerce |
| 21 | Maylissa Quenn | |
| 22&23 | Denver Lantow | |
| 24 | Duane Armbruster | P.O.Box 54, Happy Camp, CA 96039 |
| 25 | Ellen Johnson | P.O.Box 262, Happy Camp, CA 96039 |
| 26 | Greg Sherburn | |
| 27 | Robert Spence | P.O.Box 713, Happy Camp, CA 96039 |
| 28 | Robert Goodwin | P.O.Box 1043, Happy Camp, CA 96039 |
| 29 | Sara Spence | P.O.Box 713, Happy Camp, CA 96039 |

- 30 Chelle Albonico P.O.Box 961, Happy Camp, CA 96039
- 31 Gary King
- 32 Kathleen Goforth, Mgr. 75 Hawthorne St., San Francisco, CA 94105
Environmental Review Office, U.S. Environmental Protection Agency
- 33 Karen Kovacs 601 Locust Street, Redding, CA 96001
Wildlife Program Supervisor, Northern Region, CA Department of Fish and Game

The following individuals provided comment on the FEIS after the 30-day review period was concluded.

- 34 Derek Gendvil 9030 W. Sahara Ave., #360, Las Vegas, NV 89117
- 35 Jonathan J. Rhodes P.O.Box 15286, Portland, OR 97293-5286
Hydrologist, Planeto Azul Hydrology

Comments on FEIS from Agencies and Elected Officials

Copies of comments received in response to the FEIS are reprinted on the following pages.

State of California—Business, Transportation and Housing Agency ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

P.O. Box 942898
Sacramento, CA 94298-0001
(916) 843-3002
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)



May 26, 2010

File No.: 2.A15350.061.10-0468

RECEIVED

MAY 28 2010

KLAMATH N.F.

Patricia A. Grantham, Forest Supervisor
United States Department of Agriculture
Forest Service
Klamath National Forest
1312 Fairlane Road
Yreka, CA 96097-9549

Dear Ms. Grantham:

In November 2009, you requested combined-use highway designations for specific locations within the jurisdictional boundary of the Yreka Area command of the California Highway Patrol.

Your request for combined-use designation for Road Numbers 46N42, 45N19, 46N03, 39N41, 39N60, 6, and 46N09 has been reviewed and approved based on the submitted proposal. Approval is contingent upon the completion of the posting of required signage in the designated area.

If you have any questions, please contact Captain Paul Congi of our Research and Planning Section at (916) 843-3340 or Captain Doug Uhlik of our Yreka Area at (530) 841-6006.

Sincerely,

A handwritten signature in blue ink that reads "T. J. Clark".

T. J. CLARK
Assistant Commissioner

cc: Northern Division
Yreka Area
Department of Parks and Recreation, Off-Highway Division

Safety, Service, and Security



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

RECEIVED

MAR 04 2010

MAR 01 2010

KLAMATH N.F.

Patricia A. Grantham, Forest Supervisor
Klamath National Forest
1312 Fairlane Road
Yreka, CA. 96097-9549
Attn: Travel Management

A handwritten signature in blue ink, appearing to be "P. Grantham", written over the recipient's name.

Subject: Final Environmental Impact Statement for Klamath National Forest
Motorized Travel Management, Siskiyou County, CA and Jackson
County, OR (CEQ# 20100023)

Dear Ms. Grantham:

The U.S. Environmental Protection Agency (EPA) has reviewed the Final Environmental Impact Statement (FEIS) for the above-referenced project. Our review and comments are pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

EPA reviewed the Draft Environmental Impact Statement (DEIS) for Klamath National Forest Motorized Travel Management and provided comments to the Forest Service on July 29, 2009. We rated the DEIS as Environmental Concerns – Insufficient Information (EC-2) due to our concerns regarding the scope of the travel management planning process, season of use, potential effects on water resources, and naturally occurring asbestos. We advised that additional information was needed to fully describe monitoring, enforcement commitments, effects of climate change, and future planning for specific designated routes.

EPA commends the Forest Service for its efforts to address the many challenges inherent in developing a balanced Public Motorized Travel Management Plan that responds to recreational and resource management demands. We acknowledge that the Travel Management Plan process is a positive step in addressing resource impacts from motorized uses. The permanent prohibition of cross country travel off designated routes and the switch from unmanaged to managed motorized recreational use will result in significant environmental benefits.

We appreciate the efforts of the Forest Service and its consultants to respond to our comments on the DEIS. The FEIS describes and adequately addresses EPA's issues concerning asbestos and mitigation. EPA is particularly pleased that Forest Service has included mitigation measures in order to reduce or eliminate erosion, including treatment of stream crossings in the impaired Humbug Creek watershed. We continue to

recommend maintenance in all impaired watersheds, especially riparian reserves, in order to comply with Total Maximum Daily Load (TMDL) requirements. The California Klamath River TMDLs for temperature, dissolved oxygen, and nutrients are currently out for public review and are scheduled to be approved in December 2010. EPA suggests utilizing these TMDLs in the final planning of this project to ensure the preferred alternative contributes to, and does not hinder, attainment of pollutant load reductions required by the approved TMDLs.

We continue to support a thorough evaluation of the water quality effects of the change of 130 miles of roads from "highway-only" to "mixed use" and the associated reduced maintenance level in the preferred alternative. EPA acknowledges that this action may better align road maintenance requirements with available funds and resources; however, roads and trails are primary contributors of excess sediment and water quality contaminants, many as a result of limited maintenance. We are concerned with the potential adverse water quality effects of a reduction of maintenance on roads where existing use may already be adversely affecting resources.

Route designations are only part of what is needed to reduce the ongoing adverse impacts to water quality and other resources from the National Forest Transportation System (NFTS). EPA had hoped the Forest Service would take this opportunity to review and rationalize the NFTS, pursuant to Travel Management Rule direction, to identify the minimum road system needed (36 CFR Part 212 Subpart A); to address known road-related resource impairments and use conflicts of both the existing NFTS and unauthorized user-created system; and to align the transportation system with maintenance and enforcement capabilities. We continue to believe that such a holistic approach to travel management planning would better serve the long-term interests of the public, Forest Service, and National Forest resources, and we recommend the Forest Service implement Subpart A as soon as possible.

We appreciate the opportunity to review this FEIS. Should you have any questions regarding our comments, please contact me at (415) 972-3521, or contact Stephanie Skophammer, the lead reviewer for the project. Stephanie can be reached at (415) 972-3098 or skophammer.stephanie@epa.gov.

Sincerely,



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



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

RECEIVED

APR 13 2010

KLAMATH N.F.

APR 02 2010

In response reply to:
2010/00567

Ms. Patricia Grantham
Forest Supervisor
Klamath National Forest
1312 Fairlane Road
Yreka, California 96097

Dear Ms. Grantham:

On January, 25, 2010, NOAA's National Marine Fisheries Service (NMFS) received your January 21, 2010, letter and biological assessment (BA), requesting informal consultation on the Klamath National Forest (KNF) Travel Management Project (Project), pursuant to section 7(a)(2) of the Endangered Species Act (ESA), as amended (16 U.S.C. 1531 *et seq.*), and its implementing regulations at 50 CFR Part 402.

This letter constitutes informal consultation for federally threatened Southern Oregon/Northern California Coast (SONCC) coho salmon (*Oncorhynchus kisutch*; June 28, 2005, 70 FR 37160) and their designated critical habitat (May 5, 1999, 64 FR 24049). This letter also serves as consultation under the authority of and in accordance with provisions of the Fish and Wildlife Coordination Act of 1958 (FWCA), as amended. Pacific salmon Essential Fish Habitat (EFH) occurs in the Project area. The KNF determined that the Project will not adversely affect coho or Chinook salmon EFH; therefore, consultation as required under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C 1801 *et seq.*) was not requested.

Proposed Action

The KNF proposes travel management that includes the following changes to route access and maintenance: (1) prohibit cross-country motor vehicle travel off designated National Forest Transportation System (NFTS) roads, motorized trails, and areas by the public, except as allowed by permit or other authorization (excluding snowmobile use); (2) make a non-significant amendment to the KNF Land and Resource Management Plan to conform with the Travel Management Rule, Subpart B, by removing reference to off-highway vehicle cross-country travel in the Forest Plan and including a Forest-wide standard: "Prohibit motorized vehicle travel (with the exception of snowmobiles) off designated roads, trails and areas except as allowed by permit or other authorization"; (3) add approximately 28.33 miles of existing unauthorized routes to the NFTS as roads open to the public for motorized vehicle use by vehicle class and season of use; (4) add approximately 25 miles of existing unauthorized routes to the NFTS as roads open to the public for motorized vehicle use to access dispersed recreation opportunities (e.g. river access, dispersed camping, etc.) by vehicle class and season of use; (5) add approximately 20.59 miles of existing unauthorized routes to the NFTS as motorized trails open to the public for



motorized vehicle use by vehicle class and season of use; (6) designate 53 acres (2 areas) to open motorized vehicle riding where cross-country travel is not prohibited; and (7) make the following changes to existing Forest roads:

- allow non-highway legal vehicle use on approximately 261 miles (32 segments) of existing NFTS roads where such use is currently prohibited;
- prohibit non-highway legal vehicle use on approximately 7.66 miles (7 segments) of existing NFTS roads where such use is currently allowed; and
- open 4.66 miles (one closed level 1) of NFTS road to public use where such use is currently prohibited, to enhance motorized recreation by creating a loop opportunity.

The proposed action also includes mitigations and monitoring applicable to anadromous fish, as described in Appendix G of the BA.

ESA Consultation

Motorized vehicle travel in proximity to streams frequently results in degradation of riparian vegetation, increased bank erosion, sedimentation and, chemical contamination to streams. These effects decrease water quality, which negatively impacts to aquatic resources, including anadromous fish. The analysis of these effects in the Project BA (USDA-FS 2010) identified the Middle Fork Humbug Creek and Upper Humbug Creek 7th field subwatersheds as areas where the Project has the greatest potential to impact SONCC coho salmon and their designated critical habitat (CH) downstream. Project proposed route additions and associated mitigations are in closest proximity to streams in these two subwatersheds.

The KNF determined that the Project will have insignificant or discountable effects on SONCC coho salmon and their CH due to the following: (1) the Project prohibits cross-country vehicle use on approximately 418 miles of unauthorized routes throughout the Project area; (2) the route additions to the NFTS are typically short segments that average 0.14 mile in length and generally increase 7th field subwatershed designated route densities by less than 0.1 percent; (3) the greatest increase in 7th field subwatershed designated route density is less than one percent in Upper Humbug Creek, and these routes are hydrologically disconnected; (4) the addition of the 7H002.2 route segment to the NFTS is the only Project activity that crosses a stream (*i.e.*, a low-flow ford across Middle Humbug Creek) or has the potential to directly mobilize sediment to the stream via the crossing, and this crossing is located 0.7 mile upstream from SONCC coho salmon CH; (5) improved rocking of the 7H002.2 crossing, its approaches, and follow-up annual effectiveness monitoring for five years will reduce sediment mobilization from vehicle traffic; (6) all other Project routes and areas are separated from stream channels by functioning buffers able to intercept any sediment mobilized by motorized vehicle use or NFTS maintenance activities; (7) all route, crossing, and area maintenance will be conducted according to wet weather operations guidelines and soil moisture requirements; (8) limited physical restoration, barricading, and naturalization treatments may occur at the point of closure for unauthorized routes not included in the NFTS; (9) routes that are added to NFTS will be brought up to standard, using activities like surface repair, brushing out, construction of drainage structures such as water bars or rolling dips, and grading prior to public use; (10) Project roads and trails made available for public use will be subject to the NFTS monitoring program, with problems addressed as resources allow; and (11) a separate monitoring program will be applied to

motorized trails and open riding areas, with a minimum of 20 percent of motorized trails and one open riding area monitored every year. The KNF intends to seek funding to supplement appropriated funds for annual NFTS maintenance. NMFS concurs with the KNF's determination that the Project may affect, but is not likely to adversely affect, SONCC coho salmon or their CH.

This concludes informal consultation for the Project. Reinitiation of consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if: (1) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered, (2) the action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered, or (3) a new species is listed or critical habitat designated that may be affected by the action.

ESA Conservation Recommendations

Section 7(a)(1) of the ESA directs Federal agencies to utilize their authorities to further the purposes of the ESA by carrying out conservation programs for the benefit of endangered and threatened species. Conservation recommendations are discretionary measures suggested to minimize or avoid adverse effects of a proposed action on listed species or critical habitat, to help implement recovery plans, or to develop additional information.

NMFS believes the following conservation recommendation is consistent with these obligations, and therefore, should be implemented by the KNF. NMFS recommends that the KNF confirm non-use of roads and trails prohibited to motorized travel when undertaking NFTS monitoring, and then sign and barricade any unauthorized roads and trails still being used by the public, at their point of closure.

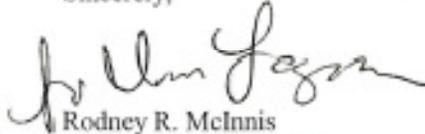
FWCA Consultation

The purpose of the FWCA is to ensure that wildlife conservation receives equal consideration, and is coordinated with other aspects of water resources development (16.U.S.C. 661). The FWCA establishes a consultation requirement for Federal departments and agencies that undertake any action that proposes to modify any stream or other body of water for any purpose, including navigation and drainage [16 U.S.C. 662(a)]. Consistent with this consultation requirement, NMFS may provide recommendations and comments to Federal action agencies for the purpose of conserving fish and wildlife resources, but has none for the Project.

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If you have any questions regarding these consultations, please contact Mr. Don Flickinger on my staff at (530) 841-3111, or via e-mail at donald.flickinger@noaa.gov.

Sincerely,



Rodney R. McInnis
Regional Administrator

cc: Julie Perrochet, KNF, Yreka
Laura Finley, Fish and Wildlife Service, Yreka
Copy to file – ARN 151422SWR2010AR00076

U.S. Department of Agriculture – Forest Service. 2010. Biological Assessment/Biological Evaluation for Klamath Travel Management. Klamath National Forest. January.

Motorized Travel Management Record of Decision
Appendix B: Response to Comments



California Natural Resources Agency
DEPARTMENT OF FISH AND GAME
Northern Region, 601 Locust Street, Redding CA 96001
<http://www.dfg.ca.gov>

ARNOLD SCHWARZENEGGER, Governor
JOHN McCAMMON, Director



April 12, 2010

Ms. Patricia A. Grantham, Forest Supervisor
Klamath National Forest
1312 Fairlane Road
Yreka, CA 96097-9549

Attention Public Uses Staff Officer

Subject: Travel Management FEIS - Humbug Drainage Season of Use
Restrictions

The Department of Fish and Game (DFG) has reviewed the subject FEIS with respect to the potential effects of motorized vehicle use in the Humbug drainage on deer. The intent of the FEIS is to develop a comprehensive strategy for travel management on public lands administered by the Klamath National Forest (KNF).

Minimizing motorized travel or implementing seasonal travel restrictions within critical deer winter ranges, can reduce adverse impacts to deer that may occur if essential behaviors related to foraging, reproduction, or resting are disrupted. The FEIS eliminates cross country motorized travel from 220,000 acres of deer winter range, significantly reduces road densities, and cumulatively will reduce disturbance to deer wintering on lands managed by the KNF.

Apparently, incomplete information was exchanged in early consultations between our respective staffs that resulted in recommendations by DFG for a seasonal restriction for motorized travel in the Humbug Drainage. After further review of this document we believe this restriction is unwarranted due to its limited scale (~700 acres) and will not provide significant or overall population benefits to deer.

Thank you for the opportunity to comment on the FEIS. If you have any questions regarding this information please contact Environmental Scientist Mr. Robert Schaefer at (530) 598-6820.

Sincerely,

Karen Kovacs
Wildlife Program Supervisor

ec: See Page Two

Conserving California's Wildlife Since 1870



IN REPLY REFER TO:

81333-2010-I-0006

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Yreka Fish and Wildlife Office
1829 South Oregon Street
Yreka, California 96097

Tel: (530) 842-5763 Fax: (530) 842-4517



January 28, 2010

Ms. Patricia Grantham, Forest Supervisor
U. S. Forest Service
Klamath National Forest
1312 Fairlane Road
Yreka, California 96097

Subject: Informal Consultation on Motorized Travel Management Route Designation on the Klamath National Forest

Dear Ms. Grantham:

This responds to your letter dated January 4th, 2010, requesting U.S. Fish and Wildlife (Service) concurrence with your determination that the proposed action, Motorized Travel Management Route Designation (Route Designation) on the Klamath National Forest (KNF), may affect, but would not adversely affect, and would have beneficial effects on northern spotted owls (*Strix occidentalis caurina*) (NSOs) and marbled murrelets (*Brachyramphus marmoratus*) (MAMU). This response addresses Alternative 7 of Route Designation alternatives.

In 2005, the Forest Service promulgated the Travel Management Rule (36 CFR 212, Subpart B) which requires each National Forest or Ranger District to designate those roads, trails, and areas open to motor vehicles. Once designation is complete, the rule prohibits motor vehicle use off the designated routes or inconsistent with the route designation. According to the December 22, 2009, Biological Assessment, KNF's Route Designation is expected to eliminate cross-country travel on approximately 508,000 acres that are currently open and accessible (<35% slope) by off-highway vehicles (OHV). Once implemented, 58 miles of existing unauthorized road would be added to the National Forest Transportation System (NFTS); and OHV use would be prohibited on the remaining 439 miles of existing, unauthorized roads. In addition, 20.6 miles of existing trail would be added to the system and OHV use would be permitted in two existing riding areas of concentrated use (53 acres).

In 2006, the U.S. Forest Service Pacific Southwest Regional Office developed programmatic design criteria for route designation with the Service; consultation on the project design criteria was completed on December 27, 2006. The Service concurred that by following the design criteria, route designation would have "no effect" on some listed species, including NSOs and MAMUs. (The KNF's Route Designation incorporates the programmatic design criteria.) The programmatic consultation did not address designated Critical Habitat for NSOs and MAMUs.



Ms. Patricia Grantham, Forest Supervisor

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At subsequent local Level One team (Yreka Fish and Wildlife Office biologists and KNF biologists) meetings, the Level One team concluded that because routes are already established on the ground, habitat will not be degraded or removed with the implementation of any action alternative. Therefore, Route Designation would have no effect on primary constituent elements of designated Critical Habitat for NSO and MAMU. The Level One team also discussed that the action alternatives could benefit NSOs and MAMUs due to the elimination of cross country travel, which if continued, could result in future habitat modification or disturbance.

According to the Biological Assessment, the Forest-wide closure to cross-country travel would prohibit OHV use within 68,980 acres of NSO nesting/roosting habitat and 12,000 acres of MAMU habitat, currently available for cross-country travel. (Note: 68,980 acres of NSO habitat are a subset of the 508,000 total acres referenced above and 12,000 acres MAMU habitat are a subset of the 68,980 acres.) It is not known to what extent cross country OHV travel currently occurs, particularly in older forest habitats where densely-stocked trees probably inhibit OHV access.

A more likely beneficial effect of the Route Designation would be the reported reduction in potential for disturbance on 37,760 acres of NSO nesting/roosting habitat that are within 0.25 miles of the 439 miles of unauthorized routes designated for closure to OHVs. Similarly, Route Designation would reduce the potential for disturbance on 1,568 acres of MAMU habitat that are within 0.25 miles of the 439 miles of unauthorized routes designated for closure to OHVs. The two existing open riding areas and the existing trails to be added to the system are not within suitable habitat for NSO or MAMU. To ensure that implementation of this Route Designation will not result in disturbance of normal breeding activities of NSOs or MAMUs, the incorporated project design criteria prevent OHV staging areas from occurring within 0.25 miles of occupied MAMU sites, NSO sites, or NSO nesting habitat.

The Service agrees that limiting OHV access in suitable habitat can be beneficial to avian species including NSO and MAMU. Areas open to OHVs are subject to activities, such as woodcutting, that remove habitat components. Human disturbances, including those that result in noise above ambient levels, may cause harassment of nesting or roosting birds. In a study of human disturbance on MAMUs in coastal California, researchers observed that adult MAMUs spent significantly more time at non-resting behavior ("raised head" and "bill up") during periods when they were subject to experimental disturbance when compared to pre- and post-disturbance periods (Hébert and Golightly 2006). A study underway in northern California is investigating the impacts of OHV use on NSOs. Preliminary results showed significantly increased secretion of corticosterone (the primary non-specific stress response in birds) in male NSOs that had been subjected to noise from simulated staged motorcycle riding events (University of Washington). Therefore, actions that reduce disturbance to NSO and MAMU are regarded as beneficial. The Service concurs with your determination that Route Designation may affect, is not likely to adversely affect, and will have beneficial effects on NSO and MAMUs for the following reasons: 1) Route Designation does not alter, downgrade, or remove suitable habitat for NSOs and MAMU; and 2) the prohibition of OHV use on 439 miles of existing unauthorized routes would eliminate the potential for noise disturbance to NSOs in the 37,760 acres of habitat associated with those routes; similarly, the prohibition of OHV use on 439 miles of existing unauthorized routes would eliminate the potential for noise disturbance to MAMUs in the 1,568 acres of

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YREKA FWD

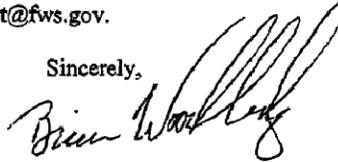
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Ms. Patricia Grantham, Forest Supervisor

Page 3

habitat (a subset of the 37,760 acres) associated with those routes. Therefore, unless new information reveals effects of Route Designation that may affect listed species or their designated Critical Habitat in a manner or to an extent not considered, or a new species or Critical Habitat is designated that may be affected by the proposed action, no further action pursuant to the Endangered Species Act of 1973, as amended, is necessary. For more information regarding this response, please contact Karen West, Fish and Wildlife Biologist, of my staff, at 530-841-3120 or karen_west@fws.gov.

Sincerely,



(f) Phil Detrich
Field Supervisor

Ms. Patricia Grantham, Forest Supervisor

Page 4

Literature Cited

Hébert, P. N., R. T. Golightly, and H. R. Carter. 2006. Breeding biology of Marbled Murrelets (*Brachyramphus marmoratus*) nesting in Redwood National and State Parks, California. Pages 69 - 131 in Hébert, P. N. and R. T. Golightly. 2006. Movements, nesting, and response to anthropogenic disturbance of Marbled Murrelets (*Brachyramphus marmoratus*) in Redwood National and State Parks, California. Unpublished report, Department of Wildlife, Humboldt State University, Arcata, California.

University of Washington, Center for Conservation Biology, Endocrine Indices of Disturbance of Northern Spotted Owl, available at
<http://depts.washington.edu/conserv/Spotted%20Owls.html>