

APPENDIX A

Final Environmental Impact Statement

Motorized Vehicle Use on the Rogue River-Siskiyou National Forest

Summary of Comments

And

Responses to Comments Received on the March 2009 Draft EIS

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June 2009

Appendix to Final Environmental Impact Statement Motorized Vehicle Use on the Rogue River-Siskiyou National Forest

Responses to Comments Received on the March 2009 Draft EIS

The Draft EIS was made available for public review and comment under the provisions of the National Environmental Policy Act (40 CFR 1500-1508), and Notice, Comment, and Appeal Procedures for National Forest System Projects and Activities, (36 CFR 215). The Forest Service accepted written, electronic and oral comments as provided in §215.6. Pursuant to 36 CFR 215.6 (b), (1), this appendix documents the Responsible Official's consideration of all substantive comments submitted in compliance with paragraph (a) of this section.

PUBLIC INVOLVEMENT

A 45-day DEIS public comment period for Motorized Vehicle Use on the Rogue River-Siskiyou National Forest formally began on March 28, 2009 with publication of a Notice of Availability in the Federal Register Vol. 74, No. 58 (FR page 13432). The 45-day comment period closed on May 11, 2009.

Two hundred twenty paper copies and 100 compact discs of the full DEIS were produced along with 125 paper copies of the Summary. Copies of the full DEIS were distributed to federal and state agencies, local governments, elected officials, seven Federally recognized tribes, media representatives, libraries, organizations, and businesses (See DEIS, Chapter VII, for a listing). The full DEIS was provided to others upon request. The document was also made available on the Rogue River National Forest website at <http://www.fs.fed.us/r6/rogue/>. Copies were available at five libraries in Jackson and Siskiyou Counties. Copies were also available for review at Forest Service offices in Medford, Grants Pass, Ashland, Butte Falls, Prospect, Cave Junction, Gold Beach, Brookings, and Powers.

Numerous radio, television and newspaper stories followed publication of the DEIS. A variety of organizations throughout the region discussed the DEIS in their newsletters, websites, and/or prepared special mailings for their memberships.

SUMMARY OF PUBLIC RESPONSE

A total of 11,359 comments (various forms of input; see below) to the Draft EIS were received by the Forest at the close of the Comment Period. Approximately 1,200 additional comments were received after May 11, 2009. All comments received by the close of the Comment Period were reviewed and were considered as part of the comment analysis process. Comments received following the close of the Comment Period (through June 5, 2009) were reviewed for substantive content and were entered in the database (and responded to as appropriate). All comments were read and coded based on content and intent, by a Forest Service planning team, with Forest oversight, review and concurrence.

The following statistics are provided for information only to show the basis and diversity of public response and comment to the Draft EIS.

Form of Response

The Forest Service tracked the various types of comments by form of response communication. Approximately 11,032 (97 %) of the comments were received via the electronic email site established by the Forest Service to receive comments on the Draft EIS (comments-pacificnorthwest-rogue-river-siskiyou@fs.fed.us).

Approximately 10,672 of these comments were generated via an electronic site established to facilitate an electronic response (that contained a pre-determined viewpoint). Five or more responses received from different individuals but containing identical text, or identical text plus brief additional comments similar in content, are considered and defined as organized response campaigns.

The remaining 327 comments (3%) were in the form of emails to Forest Service individuals, form cards, written letters or postcards, facsimiles, petitions, and comments written on maps at public meetings.

Type of Respondent

The Forest Service tracked the various types of comments by type of respondent. The following table shows the type of respondent tracked and the number of comments received by each type. Duplicate letters and multiple submissions by the same individual/family or other type of respondent have been eliminated. Thus, the number of actual respondents is less than the total number of comments received. As required by Forest Service policy, copies of the actual letters received by governmental agencies are contained at the end of this Appendix.

10,266	Individual/family
3	Federal agency
1	State agency
1	City agency or official
13	Environmental organization
18	Business/business organizations
14	Interest Group
16	Other
10,332	Total

Geographic Location

The database developed for tracking comments allowed the Forest Service to determine the geographic location of those providing comment. This is for informational purposes only and merely offers a sensing of the location of those who chose to comment on the DEIS.

Comments were received from all 50 states (including Washington, DC) and from some foreign countries. The most respondents were from California (15%), followed by New York (8%), Oregon (8%), and Florida (6%). Approximately 61% of the Oregon comments were from southwest Oregon (from Coos Bay and Roseburg south to the California border and west of the Cascade Crest). There was at least one comment from most communities within the broad geographic area of the Forest within southwest Oregon. In contrast, very few of the California comments, less than one half of 1%, came from far northern California (from the border south to Redding).

Outside of the United States, comments were received from the following foreign countries: Australia, Belgium, England, France, Germany, Greece, Netherlands, Peru, Poland, South Africa, Spain, Sweden, Turkey, and United Arab Emirates.

Summary of Comments

Substantive comments received generally focused on the transparency of analysis, and the detail and basis of assumptions of analysis. There were some comments that provided new information or sources of new information, or expanded on existing issues. A number of comments offered suggestions or ideas for specific actions, i.e., locations of road or trails that should or should not be part of the alternatives (or the final decision). There were several comments that suggested methodologies for implementation, mitigation, or enforcement.

The majority of comments received were not considered substantive, as they primarily offered opinions or rationale for their viewpoint. These viewpoints tended to focus on support for motorized vehicle use or opposition to motorized vehicle use. Many of these non-substantive comments were sincerely written and offered some detail in support of their opinion, from all perspectives (i.e., for or against motorized vehicle use).

Many comments asked for identification of the minimum road system for safe and efficient travel. As stated throughout this process, identification or “rightsizing” of the entire road system is neither a goal nor part of the analysis conducted for designation of motorized vehicle use on the RRSNF. The purpose of the Travel Management Rule is to designate a system of roads, trails, and areas for motor vehicle use (other than over-snow vehicle use) and end unmanaged cross-country motor vehicle use.

This project is not evaluating the entire Forest Transportation System, nor is it making recommendations for road closing or decommissioning. This process is about designating where motorized vehicle use would be allowed; it is not a proposal to physically close (or decommission) any roads or trails. The DEIS did not intend to imply that the requirements at 36 CFR 212 Subpart A (§212.5) would not be met by the Forest; they would however not be attained with *this process* for motorized vehicle use designation. In addition, site-specific (project by project) Roads Analysis has and will continue to be accomplished in compliance with 36 CFR 212 Subpart A (§212.5).

Many comments provided information regarding illegal motorized use and/or resource damage apparently caused by illegal use (some very specific with photographs). While the Forest appreciates this information, existing resource damage caused by illegal motorized use as associated with the current condition is predominately not within the scope of this process. Many of these examples will trigger the need for additional enforcement actions, additional facilities to be installed or repaired, or restoration of resource conditions. However, these actions are not being proposed under this process; they are ongoing management or maintenance.

Further, this process cannot analyze or predict illegal activities. A certain amount of illegal activities are likely to continue under any scenario for motorized use, however, the goal of this process is to enact a system that would help to curtail illegal use, and provide a mechanism to allow enforcement citations for any illegal use.

Additional comments were received from mining interests regarding access and permitting requirements. The right of reasonable access for purposes of prospecting, locating, and mining is provided by mining law. Such access must be in accordance with the rules and regulations of the Forest Service. Although the claimant has the right of access, under these regulations the government has authority to approve the route and method of access so as to minimize the surface disturbance. However, it is important to note that access to a mining claim is a nondiscretionary right of the miner and is not subject to a right-of-way permit or a special use permit issued under 36 CFR 261.

Finally, comments regarding consequence analysis often asked for consideration of the effects from the ongoing current condition use of roads and trails. Consideration of the consequences of current uses was a part of the Travel Analysis step of this process (compiled in 2008). Many of these conditions provided the basis for changes proposed as part of the alternatives considered in detail in the 2009 DEIS. As stated in the DEIS, this step of the process and its analysis under NEPA has focused on the change from the current situation. A tightly focused process was enacted; this includes focused site-specific proposals that do not aim to solve all travel management issues at once.

RESPONSE TO COMMENTS

Coding of each comment was based on the plain meaning and content of the sentence or paragraph as understood by Forest Service analysts. The original comment letters, as well as letter copies displaying the analyst's coding, are included in the Project Record.

Rules for Content Analysis

As each letter was read, all comments were sorted into one of two primary types – either substantive or non-substantive. As overarching guidance, **substantive comments** are defined as: “[c]omments that are within the scope of the proposed action, are specific to the proposed action, have a direct relationship to the proposed action and include supporting reasons for the Responsible Official to consider [36 CFR §215.2 Definitions].” Statements or observations not meeting the above definition are **non-substantive comments**.

Each statement, question, proposition or assertion was assigned a code, as defined in **DEIS Comment Codes**. Comments identified as substantive were sequentially coded within the letter during the review to track the respondent and the category of response. Substantive information contained in the letters was extracted using the standards for timeliness and consideration furnished in the notice and comment regulations promulgated at 36 CFR §215.6 (a) and (b).

A ***substantive comment*** (which was underlined in the input and received an associated number code) is a response that:

Identifies a new, not previously described issue or expands upon an existing issue in a new or important way;

Provides information, pertaining to existing environmental conditions, design of the proposed action, design of an alternative or the consequences presented in the environmental document, which reveals an inconsistency or omission in the analysis;

Identifies or recommends a specific method, procedure, system, manipulation, allowance or constraint to modify or add to potential variation in, or a differing approach to, the proposed action (or another evaluated alternative) that portrays an opportunity to change the magnitude, duration or significance of disclosed environmental consequences;

Offers a practical and completely new alternative (not heretofore considered) that is pertinent to the underlying need for the proposal and also may be instructive to a more complete environmental analysis;

Poses a question or explicitly/implicitly identifies information that could improve understanding of the design of the proposal, the affected environment or anticipated impacts;
or

Offers a science study/citation that was not included in the Forest Service analysis or that suggests another perspective (i.e., that provides a differing or opposing viewpoint) to support a contention that environmental impacts described are incomplete, incorrect or do not adequately reflect scientific uncertainty or disagreement.

Non-substantive comments (which received an associated number code [001 through 006]) are defined as statements that:

Express values, opinions, beliefs or assertions, and/or convey support, agreement or a preference (vote) for a particular action, alternative or outcome, that declares the respondent's perspective but does not dispute the results of the environmental review or explain the relevance of the statement to the proposed project design and acknowledged impacts [Note: While expressions of viewpoint are legitimate feedback for the Forest Service to consider, and it is important to understand varied perspectives, an agency response is not ordinarily warranted for these types of statements.];

Recite existing laws, regulations, management direction, policy, resource management knowledge, science literature conclusions/citations, definitions, forestry practices or policies (or provide a personal interpretation of such) or restate analysis or information already documented in the environmental document;

Provide commentary that is outside the scope of the proposal at hand (for example, implementation of the requested action would not comply with current law/policy or the relevance of a statement is not made clear with regard to the proposal, the suggested adjustment is outside of the Responsible Official's decision space or the commentary is not related to the proposal or its purpose and need under consideration);

Lacks site specificity to identify an effects analysis deficiency, lack clarity to understand the meaning of the respondent's statement in connection with the proposal at hand, or the comment is composed of expansive or vague assertions unsupported by data, logical line of reasoning, observation, evidence or specific relationship to the proposal under consideration;

Offer comments on availability of NEPA documents, internet, notice for public meetings, adequacy of process, etc. or

Make reference to or are based on the position or comments of others (out of scope)

The following section contains substantive comment statements and responses. After analyzing the comment statements as described below, the Planning Team with assistance from the Interdisciplinary Team grouped the related topics to avoid duplication and then responded to the comments. The comments and responses are intended to be explanatory in nature; if there are any inadvertent contradictions between this Appendix and the text of the Final EIS, the Final EIS prevails.

Each substantive comment is captured in **bold** below, followed by the agency's response to each. To minimize duplication, substantive comments addressing essentially the same topic or concern have been consolidated among the various letters. Each comment contains an example citation and/or reference to the comment letters where contained. Every comment was read, reviewed and considered, regardless of whether it was one comment repeated many times by many people, or a comment submitted by only one person. Emphasis was placed on the content of the comment.

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SUBSTANTIVE COMMENTS

DEIS CORRECTIONS/CLARIFICATIONS: TEXT

Comment #1: What is inventory referenced on DEIS II-12 (and statements on II-17)? (050)

On page I-17, it states that a “science based analysis was conducted and documented in 2004 for the Forest. On page II-12, it states that “Under the No Action alternative, the existing condition as reflected in the Forest route inventory and analysis of the transportation system completed August 2008 would continue. How are these different? I also have an inventory of forest roads dated 2006. (DC-322, page 1)

Response: The alternative development process for Motorized Vehicle Use on the Rogue River-Siskiyou National Forest is documented beginning on DEIS II-3. The statement at I-17 is in reference to the 2004 Roads Analysis, for which some people commented during scoping should be used exclusively for this process. While the 2004 Roads Analysis was utilized, a complete re-analysis of the roads and trail inventory was conducted in 2008 for this process, and culminates in Travel Analysis (see DEIS II-7).

The 2008 analysis was designed to update all previous inventories including the 2006 inventory mentioned in this comment, was designed to be in concert with the 2004 Roads Analysis, and was used as the most current and accurate inventory for which travel Analysis under this process was based.

Comment #2: Clarify reference to other forests, BLM lands, and private property for cross-country opportunities (III-27). (051)

The potential consequences of the prohibition of motorized cross-country travel is phrased as “travel to other forests”. This is a strange conclusion. (DC-324, page 4)

Response: The intent of this statement was to describe short term effects prior to nationwide implementation of the Travel Management Rule. In the long term, cross country travel on most National Forests will most likely be reduced or prohibited; thereby the potential consequence of “travel to other forests” was not an accurate statement. BLM may also be applying tighter restrictions on cross-country motorized travel in the future (see DEIS at III-33), but at present there is no BLM national direction that would prohibit cross-country motorized travel.

Comment #3: Are the developed campgrounds at Prospect/Union Creek part of the OHV system? (III-38) (052)

Are the developed campgrounds in Union Creek, Farewell Bend, etc. part of the 250-mile Prospect OHV system? (DC-324, page 4)

Response: The Prospect OHV system, developed in the early 1990s, does not include the developed campgrounds of Union Creek, Farewell Bend, etc. However, all of the campgrounds listed at in the DEIS at page II-38 (except Whiskey Springs) are associated with, and directly linked to, the Prospect OHV system. Also see response to Comment #73. This will be clarified in the FEIS.

Comment #4: Clarify effectiveness/feasibility rating of noxious weed treatments based on “available funding”. (053)

Page II-60 of the DEIS relies on inventories and treatments of noxious weed sites on motorized trails to mitigate weed spread while acknowledging that such mitigation is “dependent on available funding and workforce.” The DEIS then rates the effectiveness of this mitigation measure as E3, F3. No disclosure of the number of acres/miles the Forest Service can afford to inventory and treat. (DC-325, page 7)

Response: While not possible to meaningfully predict Forest Service budgets for noxious weed treatments, or the potential for grants or volunteers to accomplish noxious weed treatments, the Effectiveness and Feasibility rating of this mitigation measure should not have been “3”. They will be changed to “E2” and “F2” in the FEIS.

Comment #5: DEIS S-10 and II-72 implies ACS applies only at the 5th field scale. (054)

DEIS S-10 and II-72 implies ACS applies only at the 5th field scale. Courts have determined that impacts must be revealed at several scales. (DC-325, page 23; DC-370, page 8)

Response: This implication was contained in summary tables and was not an accurate summary of the findings of the attainment of the Aquatic Conservation Strategy (ACS) as documented in section 2 (DEIS pages III-49 thru 53. The Forest understands the latest ruling regarding the ACS and did not mean to imply attainment at only the 5th field scale. This will be clarified and these tables edited in the FEIS.

Comment #6: Clarify effectiveness/feasibility rating of highly effective for invasive pathogen mitigation. (055)

Contention at DEIS II-61 that pathogen mitigation measures are likely to be highly effective for the action is erroneous. Gates are not effective and many users refuse to abide by seasonal closure or to wash their vehicles. (DC-325, page 41)

Response: As noted with noxious weed treatments, the Feasibility rating of these invasive pathogen mitigation measures should not have been “F3”. It will be changed to “F2” in the FEIS. The basis for this, specifically for gate closures for prevention of spread of *Phytophthora lateralis* (PL) is Jules et al. (2002) where it was shown that 72 percent of the infection events studied were the result of vehicle traffic. Reducing vehicle access by gates or other means was found to reduce the potential to spread PL.

A qualitative assessment of a number of management practices, including road gating was completed as part of the Final Supplemental Environmental Impact Statement – Management of Port-Orford-Cedar in Southwest Oregon (FSEIS). This assessment was developed by field observation over time on sites in and around project areas where treatments have been conducted. A professional forester or forest technician visits the site several times to determine (a) if the prescription has been correctly implemented and (b) whether or not any evidence of POC mortality / PL infection has developed in or near the project area. Each project is given a rating of 1 to 5 for correct implementation after the project was complete. Each disease management technique was given a rating of 1 to 3 for effectiveness (1= not effective, 2=partially effective, 3= effective) based on combined results of root disease observations for all visits. The data summarized the average results for 70 multifaceted projects done on a variety of sites on the Rogue River-Siskiyou NF between 1994 and 1999. Gate information is shown below:

Qualitative Assessment of POC Mitigation Practices		
Activity	Average Implementation Rating	Average Effectiveness Rating
Temporary road closures	4.4	2.5

(USDA-FS; USDI-BLM 2004)

Comment #7: Roads 850 & 855 (Hinkle Lake) allow motorized use despite closure order and protection project. (056)

According to the DEIS, roads 850 and 855 leading into Hinkle Lake and Botanical Area are open to OHV use. This is despite a forest order closing the area, a history of OHV abuse, conflicts with other use groups and the Hinkle Lake Protection Project to be implemented this summer closing road 850 and 855 to OHV use. (DC-340, page 32)

Response: The 855 road dead ends at Arnold Mine and does not lead to either Hinkle Lake or the Botanical Area. The DEIS accurately portrays the 850 Road as ending at the border of the Botanical Area. The road does continue into the Botanical Area and Hinkle Lake, but it is Maintenance Level 1 (closed to motorized use). Forest Order RSF-106 prohibits motorized vehicle travel off of “Forest Development Roads” both within, and adjacent to, the Botanical Area. In late Fall 2009, a gate will be placed at milepost 1.8, in order to implement the Forest Order.

Comment #8: Off-road listed as 274,670; only 5% due to terrain and vegetation: show reduced figure in all text. (057)

Throughout the DEIS, off-road travel opportunity is listed as 274,670 acres. The DEIS also states only 5% actual use due to terrain and vegetation. This reduced acreage figure should be shown in all tables and text. (DC-357, page 2)

Response: As stated in Chapter III (page II-2) under Assumptions for Analysis;

- Cross-country (or off-road) travel is currently allowed on approximately 275,000 acres of the Rogue River-Siskiyou National Forest. Of those acres, the majority are not utilized due to topography and heavy vegetation. Based on analysis of the current condition, it is estimated that approximately 5% (13,750 acres) actually receive cross-country use.

Because this is only an estimate used for analysis, it was not used throughout all tables and text. This will be clarified in the Chapter II portion of the FEIS.

Comment #9: Boundary Trail text confusion in Alternatives 2 and 3 as to currently closed or not. (058)

The reference to Boundary Trail is confusing. One sentence says the trail is motorized, but the “reason for change” descriptions could lead the reader to believe it is closed to motorized use. (DC-357, page 2)

Response: As stated on DEIS II-21 (for example);

Reason for Change: The Rogue River-Siskiyou National Forest is guided by two separate Forest Plans. The Boundary Trail is located on both of the former Rogue River and Siskiyou National Forests. The Forest Plans are inconsistent and provide conflicting guidance at this location as associated with the Boundary Trail...

Motorized use is currently and historically (last 40 years) allowed on the Boundary Trail. This current use is inconsistent with the Forest Plans, in one or more locations. DEIS Alternatives 2 and 3 include Forest Plan Amendments to remedy this inconsistency. This will be clarified in the FEIS.

Comment #10: Clarify statement on Appendix B-8; PCT closed to “any vehicle other than a snowmobile”. (059)

In an Appendix B-8 list of prohibited uses, it lists the Pacific Crest National Scenic Trail as being closed to “any vehicle other than a snowmobile”. It is the understanding of the Pacific Crest Trail Association that the PCT is closed to ALL motorized use. (DC-365, page 2)

Response: The statement on DEIS Appendix B-8 is a quote from the “Off-Road Vehicle Management Plan” which is Appendix C of the 1990 Land and Resource Management Plan for the Rogue River NF. It is not clear to the Forest why at that time this statement would have been made. Note that the 1990 ORV Plan is being proposed to be removed via a Forest Plan Amendment, under all Action Alternatives. That means this statement (and that plan/appendix) would be removed. Snowmobiles are not allowed on the PCT.

Also note that this statement was part of “Traffic Laws and Orders, as of the date of publication of the Forest Plan.” These orders have changed over time and the current set of orders was presented in the DEIS as Appendix E.

Comment #11: Clarify reference to NFS roads as highways, especially in California. (060)

“Road” is the only term used throughout the FS directives. By its own manual direction, the FS manages roads, not highways. Any link to the term “highway” is incorrect. Only state and local agencies manage “highways.” Unpaved NFS roads are not “highways” under the California Vehicle Code. Please clarify for roads in California. (DC-367, page 6)

Response: Forest Service roads are managed under the federal “Highway Safety Act”; this may be why reference to or interpretation as “highways” was noted. The FEIS will clarify Oregon and California State laws regarding mixed use and how these laws apply to Forest Service managed roads.

Comment #12: Clarify use of unauthorized routes (Alt 3; III-2, II-22-39); what is current condition? (061)

Please clarify exactly which unauthorized routes are proposed for use as trails in Alternative 3. DEIS indicates that Alternatives will allow currently existing unauthorized routes (DEIS III-2). However, description at II-22 through II-39 provides no such indication. (DC-370, page 4)

Response: The statement on DEIS III-2 is a general statement indicating that unauthorized routes received field assessments from specialists as part of the current condition. Alternative 3 proposes to add only two routes to the system as described in Chapter II. This will be clarified in FEIS.

Comment #13: Clarify intent to comply with all relevant laws (not comply with CFR 212, subpart A reference)? (062)

Clarify intent to comply with all relevant laws; the Forest does not have the option to selectively determine with which law it will comply (DEIS abstract). Specifically, it is not within the Forest’s discretion to state it does not intend to comply with CFR 212, subpart A). (DC-370, page 4)

Response: The sentence in the DEIS Abstract (and elsewhere) actually states:

This process does not aim to comply with 36 CFR 212 Subpart A (§212.5); other site-specific analyses and projects will undertake this compliance requirement.

The statement did not intend to imply that the requirements at 36 CFR 212 Subpart A (§212.5) would not be met by the Forest; they would however not be attained with *this process* for motorized vehicle use designation. In addition, site-specific (project by project) Roads Analysis has and will continue to be accomplished in compliance with 36 CFR 212 Subpart A (§212.5). This will be clarified in the FEIS.

Comment #14: Clarify statement about erosion and sedimentation being primarily a facility not a “use” issue. (063)

Clarify (II-67); statement about erosion and sedimentation is primarily a facility not a “use” issue. (DC-370, page 7)

Response: This statement was contained in section of DEIS Chapter II (page II-67) that discussed “Alternatives and Elements Considered but Eliminated from Detailed Study”. It was contained in the following paragraphs:

“Consider Actions to Construct, Reconstruct and Conduct Maintenance on Roads and Trails.

Comments were received that raised issues and concerns relevant to conditions on specific roads and trails (i.e., facility issues). For example a concern about erosion and sedimentation of streams is primarily a facility issue, not a “use” issue. The Forest Service intends to address these through future site-specific analysis, consistent with applicable NEPA procedures, once a decision is made through this designation process on the types of uses that are to be managed for on each specific route.

This decision is needed first so that the agency knows the use or uses to be designed for in future proposals for road and trail construction, reconstruction, or maintenance. The scope of this analysis was limited to those actions described in Chapter I and proposed in Chapter II. Therefore, these actions were considered but eliminated from detailed study.”

The intent of these paragraphs was to communicate that actions that would repair current conditions were not necessarily part of the proposals under this EIS to designate where motorized use would be permitted. Its intent was to imply that there would be more impacts from construction, reconstruction and maintenance of roads and trails, than by use, which is mostly already occurring. This will be clarified in the FEIS.

Comment #15: Clarify effect determination for NFMS consultation. (064)

Has the forest made a “may affect” determination, a “no-effect” determination or a “not likely to adversely affect” determination for which it is seeking the written concurrence of the National Marine Fisheries Service? (DC-370 page 9)

Response: The DEIS did not provide a determination of effects for listed aquatic species. A determination and the results of consultation with National Marine Fisheries Service will be provided in the FEIS.

Comment #16: What is definition of “motorized trail”? (065)

Could you define a “motorized trail?” We have not seen this definition in this document or any other federal publication. (DC-371, page 3)

Response: Motorized trail classifications and specifications were described in the DEIS in Table II-2, page II-11:

Class I	Trail specifications for Class I trail types are designed to accommodate 3 to 4 wheel machines that are 50 inches wide or less (typically referred to as “quads”). Tread width varies from about 48 to 60 inches, with clearing widths up to 72 inches wide.
Class II	Trail specifications for Class II trail types are designed to accommodate vehicles that are greater than 50 inches wide – generally these are 4-wheel drive sport utility vehicles, side-by-side utility vehicles, and pickup trucks requiring a wider tread and clearing width than class 1 vehicles.
Class III	Trail specifications for Class III trails are designed to accommodate vehicles on two wheels (motorcycles). The tread width varies from 12 to 30 inches with a clearing width of up to 60 inches wide.

In addition, the following information from the Forest Service Manual 2350 and Code of Federal Regulations (CFR) provide definitions:

- Trail. A route 50 inches or less in width or a route over 50 inches wide that is identified and managed as a trail (36 CFR 212.1).
- Motor Vehicle. Any vehicle which is self-propelled, other than:
 - a. A vehicle operated on rails; and
 - b. Any wheelchair or mobility device, including one that is battery-powered, that is designed solely for use by a mobility-impaired person for locomotion and that is suitable for use in an indoor pedestrian area (36 CFR 212.1).
- Trail Type. A category that reflects the predominant trail surface and general modes of travel accommodated by a trail.
 - a. Standard Terra Trail. A trail that has a surface consisting predominantly of the ground and that is designed and managed to accommodate use on that surface.
 - b. Snow Trail. A trail that has a surface consisting predominantly of snow or ice and that is designed and managed to accommodate use on that surface.
 - c. Water Trail. A trail that has a surface consisting predominantly of water (but may include land-based portages) and that is designed and managed to accommodate use on that surface.

The travel management process on this Forest is only addressing motorized use on “standard terra” trails, not snow or water trails.

Comment #17: Cedar Springs described as being on Biscuit Hill Trail (II-61); this is incorrect; North Fork Diamond Creek. (066)

The DEIS describes Cedar Springs described as being on Biscuit Hill Trail (II-61); this is incorrect; Cedar Springs is on the McGrew Trail and is shown on the USGS maps as a headwaters of the North Fork of Diamond Creek. (DC-372, page 43)

Response: The DEIS stated “if conversion of ML 1 Road 4402494 (Cedar Springs to Biscuit Hill) requires construction...” The statement was meant to give a geographic framework for conversion of this road to a trail. The DEIS did not state that Cedar Springs is located on the proposed Biscuit Hill Trail. The 1996 USGS Buckskin Peak quadrangle shows Cedar Spring as originating immediately below the McGrew Trail on the North Fork of Diamond Creek.

SUBSTANTIVE COMMENTS

DEIS CORRECTIONS/CLARIFICATIONS: MAPS

Comment #18: Fiddler Gulch: 029 Road extends further than shown on map. (500)

Fiddler Gulch: 029 Road (T38S, R9W, S34, 35, 36) extends further than shown on map. (DC-3, page 1)

Response: The upper end of this road is classified as Maintenance Level 1, which is closed to motorized use, and therefore would not show on alternative maps (or the MVUM).

Comment #19: Inset Map “F”: Road 2512 is not paved. (501)

Inset Map “F”: Road 2512 is not paved. (DC-111, page 1)

Response: This was an error in the DEIS and this correction will be made in the FEIS.

Comment #20: Inset Map “G”: Road 4201 not paved. (502)

Inset Map “G”: Road 4201 not paved from Green Bridge to Kalmiopsis boundary. (DC-111 page 1)

Response: This was an error in the DEIS and this correction will be made in the FEIS.

Comment #21: Inset Map “G”: Road 4130 not paved. (503)

Inset Map “G”: Road 4130 not paved downstream from junction with McCaleb Ranch. (DC-111, page 1)

Response: This was an error in the DEIS and this correction will be made in the FEIS.

Comment #22: Inset Map “J”: Road 4612 is not all paved. (504)

Inset Map “J”: Road 4612 is not all paved. (DC-111, page 1)

Response: This was an error in the DEIS and this correction will be made in the FEIS.

Comment #23: Inset Map “J”: Road 4611 not paved at top end. (505)

Inset Map “J”: Road 4611 not paved at top end. (DC-111, page 1)

Response: This was an error in the DEIS and this correction will be made in the FEIS.

Comment #24: Seasonal closure gate on 091 Road (Bald Mountain) does not actually exist. (506)

Seasonal closure gate on 091 Road (Bald Mountain) indicated on (some) maps, does not actually exist. (DC-236, page 1)

Response: This gate has been vandalized and will be replaced. Also see response to Comment #25 below.

Comment #25: Bald Mountain Road (2512091) is actually closed. (507)

Bald Mountain Road (2512091) is actually closed and should not be shown on maps. (DC-258, page 1)

Response: The 091 road is a ML 2 road and is open to the public and motorized use. There is no Forest Order that prohibits motorized use of this road. There may have been a period of time that this road was closed after the 1987 Silver Fire.

Comment #26: Map 3 & Map II-7 omits portion of road from Chetco Pass to wilderness boundary (non paved mixed use). (508)

Map 3 & Map II-7 omits portion of road from Chetco Pass to wilderness boundary (non paved mixed use). (DC-258 page 3)

Response: The 4103087 Road continues west for another approximately 0.3 miles before terminating near the Kalmiopsis Wilderness boundary, however this last segment is classified as ML 1 and is not open to motorized use.

Comment #27: Maps (Wild Rivers & Siskiyou Mountains) don't list a short E-W connector trail to Boundary Trail. (509)

Maps (Wild Rivers & Siskiyou Mountains) don't list a short E-W connector trail to Boundary Trail. This is an important connector that completes a loop so that other trails do not have to be backtracked. (DC-352, page 4)

Response: This is a user-created trail constructed by an equestrian many years ago and is locally known as the "Sparling Trail." It is not an authorized National Forest System Trail as defined by 36 CFR 212.1 and is therefore not shown on the maps.

Comment #28: Maps don't list a short connector trail Mt. Elijah toward Caves Monument. (510)

Maps don't list a short connector trail Mt. Elijah toward Caves Monument. This existing trail completes a key loop. (DC-352, page 4)

Response: The Mt. Elijah Trail #1206 is closed by Forest Order from it's junction with Bigelow Lakes Trail # 1214 westward towards the Oregon Caves National Monument. Non-motorized trails were not shown on the maps in the DEIS.

Comment #29: Why are DEIS maps different than district transportation maps and 2006 inventory? (511)

Why are DEIS maps (proposed action) different than district transportation maps and 2006 inventory of forest roads? (DC-322, page 1)

Response: As noted in response to Comment #1, the 2008 analysis as documented in the DEIS was designed to update all previous inventories and maps, was designed to be in concert with the 2004 Roads Analysis and was used as the most current and accurate inventory for which Travel Analysis under this process was based.

SUBSTANTIVE COMMENTS

DEIS CHAPTER I - PURPOSE AND NEED

Background

Comment #30: CFR 212.5 (subpart A) requires identification of the minimum road system for safe and efficient travel. (1000)

CFR 212.5 (subpart A) requires that "For each national forest...the responsible official must identify the minimum road system for safe and efficient travel for administration, utilization, and protection on national forest system lands." (DC-108, page 1)

Response: As stated in DEIS page I-16:

“36 CFR §212.5 requires that a responsible official identify the minimum road system for safe and efficient travel. Note that this requirement does not include trails. This regulation also requires a science-based roads analysis.

As stated throughout this process, identification or “rightsizing” of the entire road system is neither a goal nor part of the analysis conducted for designation of motorized vehicle use on the RRSNF. The purpose of the Travel Management Rule is to designate a system of roads, trails, and areas for motor vehicle use (other than over-snow vehicle use) and end unmanaged cross-country motor vehicle use.”

As noted in response to Comment #13, the DEIS Abstract (and elsewhere) states that “This process does not aim to comply with 36 CFR 212 Subpart A (§212.5); other site-specific analyses and projects will undertake this compliance requirement.” The requirements at 36 CFR 212 Subpart A (§212.5) will be met by the Forest and the responsible official; they would however not be attained with *this process* for motorized vehicle use designation. In addition, site-specific (project by project) Roads Analysis has and will continue to be accomplished in compliance with 36 CFR 212 Subpart A (§212.5). This will be clarified in the FEIS.

Purpose and Need

Comment #31: Suggestion for new wording of P&N based on intent of Travel Management rule. (1100)

I propose a purpose and need based on the intent of the Travel Management Rule as follows: The purpose for action is to enact the Travel Management Rule. Current regulations prohibit trail construction and operation of motor vehicles in a way damaging to the land, wildlife, or vegetation. The need for action is to identify, analyze and evaluate the impacts associated with OHV use on the RRSNF and create a management plan to control or direct OHV use... (DC-340, page 5)

Response: The Purpose and Need for this action was established by the responsible official early in the process and was based on the Travel Management Rule. The suggested wording does not offer any new intent or purpose not already contained in the stated Purpose and Need. The Purpose and Need and this project is for all motorized use, not just ORV use. Further, it would be illogical to change the Purpose and Need at this time as it would require re-initiation of the entire process under NEPA.

Issues

Comment #32: Restrictions may cause OHV users to ride wherever they want; a new enforcement issue. (1200)

The proposals are so limited that the OHV user will be extremely unhappy with the limited areas they would be able to ride. The restrictions proposed may cause OHV users to ride wherever they want. This will cause a law enforcement problem. (DC-56, page 1)

Response: See response to Comment #103. Based on many years of enforcing OHVs, implementation of the Travel Management Rule from a law enforcement perspective assumes the following to be true. Additionally, these assumptions are based on several case studies in Region 5 (California).

Enforcement Assumptions:

- Enforcement of the laws and regulations related to Travel Management would be enforced equally in authority and weight as with all other Federal laws and regulations.

- As with any change in a regulation on NFS lands, there is usually a transitional period for the public to understand the changes. It is anticipated there would be a higher number of violations to the Travel Management Rule the first few years, then the number of violations would decline as the users understand and comply with the rules.
- Users in communities adjacent to the Forest would comply within 1 to 2 years; frequent users, but further away from the Forest, would comply within 2 to 3 years, and infrequent users regardless of distant may take up to 5 years to comply.
- Law enforcement officer and agency personnel's presence and enforcement actions would positively affect OHV users' behaviors and attitudes.
- The Travel Management Rule and associated MVUM would clearly define the designated routes; therefore, making violations to the rule unequivocal.
- Once the motor use vehicle map is published, the implementation of the established dedicated network of roads, trails, and areas with signs, and user education programs, would reduce the number of violations.

Trends in violations related to the Travel Management Rule can be analyzed and appropriate action(s) taken, if needed. Appropriate action(s) may involve one or more techniques or adaptive strategies. In the law enforcement community, this is often referred to as the "three E strategy" of engineering, education, and enforcement. The discussions regarding enforcement will be expanded and clarified in the FEIS.

Comment #33: Closing roads may affect the availability of access/escape in case of natural disasters. (1201)

Closing roads may affect the availability of access/escape in case of natural disasters. It is imperative to have access to communities and micro neighborhoods if the airport and major traditional routes are not viable. People could be evacuated out of an area affected and outside assistance would be able to provide aid thru the maintained Forest Service routes. (DC-57, page 1)

Response: This proposal and its analysis is not about closing roads. As stated in the DEIS, Maintenance Level 1 roads are "closed" by definition, and Level 2-5 roads are "open" by definition. This process is about designating where motorized vehicle use would be allowed; it is not a proposal to physically close (or decommission) any roads or trails.

Given this assumption, none of the Action Alternatives would substantially change the ability to physically use and Maintenance Level 2-5 road in the case of an emergency. Access on most Level 1 roads would also not be changed; some are passable now, some are not, and some could be made passable with some additional clearing in the event of an emergency.

Comment #34: Concern for petroleum products, fire and sewage affecting water quality from play area. (1202)

The greatest concern of the Medford Water Commission is centered around petroleum products contaminating the aquifer, catastrophic fire, and dumping of RV holding tanks (sewage). (DC-69, page 2)

Response: Development of an OHV play area does not mean that the spilling or release of fuels and lubricants or septic effluent from any source would be allowed; these would be illegal activities. The existing abandoned sand pit may provide a better opportunity for these types of illegal activities because it is highly accessible, close to recreation areas at Willow Lake, and infrequently patrolled. However, development of a play area would address the need to ensure containment and removal of both vehicle and human waste. The existing conditions of flat terrain, sandy soils, sparse vegetation, and low traffic pose minimal risk of fires.

Comment #35: Play area; concern for safety around Road 3050 and county road 821. (1203)

Another concern of the Medford Water Commission is safety around Road 3050 and county road 821. (DC-69, page 3)

Response: The location of the play area is off the county road, and has a vegetation barrier. Safety considerations for OHV riders and the public would be designed into the play area. This will be clarified in the FEIS.

Comment #36: Play area; concern for conflicts with dispersed camping policy and Big Butte Springs Watershed. (1204)

Another concern of the Medford Water Commission is conflicts with the dispersed camping policy and Big Butte Springs Watershed. (DC-69, page 3)

Response: As stated in DEIS page II-16, section 2 – Parking for Dispersed Camping:

- Under all Action Alternatives, off-road parking for dispersed camping would be prohibited within Botanical Areas, Research Natural Areas, or other areas deemed to have high resource values. Current closures would remain in effect for specific areas. In addition, parking for dispersed camping would be prohibited within 1,320 feet of any potable water source.

Further, as stated in DEIS page II-37 (Alternative 3 – High Cascades Ranger District Elements):

Under this alternative, parking for dispersed camping is generally allowed up to 300 feet along most roads designated as open except within the Elk Creek Watershed, and areas currently closed by Forest Order, e.g., portions of the Big Butte Springs Watershed (see common to all discussion, section D, 2, this Chapter).

Forest Order RR-26 specifically prohibits dispersed camping in the Big Butte Springs Municipal Watershed. This will be clarified in the FEIS.

Comment #37: Concern for conflicts of play area and Willow Lake Bald Eagle Management plan. (1205)

An additional concern is a conflict with play area and the Willow Lake Bald Eagle Management plan. (DC-69, page 3)

Response: The proposed play area is not within the Willow Lake Bald Eagle Management Area; designating it for motorized use is not a substantial change from the current and ongoing use it receives and would not be expected to conflict with bald eagle use at Willow Lake. This will be clarified in the FEIS.

Comment #38: Public safety issue with less motorized access; increased motorized usage on less routes. (1206)

There is a potential public safety aspect associated with squeezing everyone into small areas as accidents will increase with too many motorized recreationists on too few routes. (DC-99, page 15)

Response: The DEIS states the following at page III-23:

“In **Alternative 2**, traffic density would remain the same as Alternative 1. Traffic density on open roads would increase slightly in **Alternatives 3 and 4** due to closure of some roads, but this change would not likely be noticeable to the public and would not have a measurable increase in risk to because the proposed road closures are less than one percent of currently open roads. Though unauthorized mixed use currently occurs on many paved roads on the Forest, the prohibition of mixed use on paved roads under Alternatives 2 and 4 would improve public safety.

Effects would be similar on trails as for roads except that a greater amount of trails would be closed to motorized use in Alternative 4 than in Alternative 3. This may result in increased use on those motorized trails that remain open, thereby decreasing safety on those trails.”

It is acknowledged that safety risks on trails would increase due to less motorized trail mileage available in Alternative 4 and consequent higher densities. There would be immeasurable change in safety risks on trails in Alternatives 1, 2, and 3 and on roads in all alternatives since the amount of change is such a small percentage of the Forest’s road and trail system. This will be clarified in the FEIS.

Comment #39: Possible population of *Lilium columbianum* along FS spur 270, near road 1101? (1207)

Plants were observed in Peavine Ridge area about .1 and .15 miles west of the junction of FS road 1101 and spur road 270 that may be possible population of *Lilium columbianum*. (DC-104, page 2)

Response: This observation was explored by the District Botanist who confirmed that the population was not *Lilium columbianum*; see response to Comment #181.

Comment #40: Why is invasive pathogens an “other” issue, as effects are variable by alternative. (1208)

“Other Issues” are defined as differing “from significant issues in that they describe minor and/or non-variable consequences.” I question how minor or variable phytophthora spread is given the finality of infestation. (DC-340, page 35)

Response: While there may be some variability in the “risk” of pathogen spread by alternative, there are no predictable direct effects that vary by alternative. Further, Alternatives 3 and 4 would predict a reduced potential risk over the current conditions (Alternatives 1 and 2). This degree of risk did not elevate this issue to a “significant issue” status and “invasive pathogens” was not used as a specific element of an alternative theme. Its consideration of importance is not changed because it is an “other” issue as opposed to a “significant” issue.

The question of finality of infestation of *Phytophthora lateralis* (PL) is an open one. Preliminary (3 year) monitoring from the Biscuit Fire has shown the following: Twenty-one of twenty-two plots planted in spring 2004 had mortality caused by PL. Mortality in the fall 2004 planting has declined from that seen in spring 2004. Fewer plots showed *Phytophthora lateralis* -caused seedling mortality and fewer seedlings overall were infected. PL mortality declined to thirteen, nine, and six plots respectively in 2005, 2006, and 2007 (Betlejewski 2009). This will be clarified in the FEIS.

Comment #41: Issue that would allow non-highway legal vehicles on all unpaved roads was not analyzed. (1209)

In Recreation Outdoor Coalition response to Notice of Intent, we asked the Forest to consider several significant issues. One would allow non-highway legal vehicles on all unpaved NFS roads. (DC-367, page 2)

Response: An alternative that would allow non-highway legal vehicles on all unpaved NFS roads was considered; this theme will be discussed as “Considered but Eliminated” in the FEIS. Note that under NEPA, this idea is not an “issue”; it is a theme for an alternative or an element of an alternative.

Comment #42: Issue that would describe the road and motorized trail program was not analyzed. (1210)

In Recreation Outdoor Coalition response to Notice of Intent, we also asked that the Forest describe the road and motorized trail maintenance program and public use of these facilities. (DC-367, page 3)

Response: For trails (motorized and non-motorized) and roads, a large portion of the maintenance program is funded under the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106-393). In addition, volunteers perform trail maintenance across the Forest. Congressionally appropriated funds for both road and trail maintenance have steadily declined in recent years and the Forest no longer has the traditional trail and road crew resources. Road and trail maintenance funding is a year to year issue. Under the current administration, funding for stimulus projects this year are going to road maintenance to help maintain the existing road system. Public use of roads and motorized trails was discussed in the “Motorized Opportunities” section of the DEIS beginning on page III-23. This will be clarified in the FEIS.

Also note that under NEPA, this idea is not an “issue”; it is a topic of analysis or disclosure.

Out of Scope Issues

Comment #43: Regarding State ORV grant; what other sources of funding were used? Conflict of interest? (1400)

In January of 2008, the RRSNF requested and was granted \$75,000 from the Oregon State Parks and Recreation Department OHV grant fund for the development of the TMP. Does this not represent a conflict of interest? What other sources of outside funding have been requested or accepted in regards to the RMP process? Is it legal or just to create NEPA documents with such obviously biased funding sources? (DC-340, page 7)

Response: As stated in the DEIS at page I-19:

“The Forest made a request for state grant money from Oregon State Parks and Recreation Department (OHV grant funding) in January 2008. These funds are to be used for motorized use planning. There is no commitment, agreement or guarantee associated with these funds to provide any quantity or type of motorized or OHV uses. They simply are used to supplement federal appropriated funding to support planning. Funds were needed because there has been no specially appropriated funds to conduct an analysis of the transportation system for this designation process; Forest funding sources include Forest roads and trails appropriated funds, which are the same funds that are used for administration and maintenance of existing access facilities.

As part of the designation process, advice was provided by the Forest Service that suggested that a mix of appropriated funding could be used to conduct this process. This advice is applicable for federally appropriated funds from Congress; there is no prohibition on a Forest requesting grant monies to supplement the motorized-use planning process. State grants associated with this process allow an approximate 50/50 match with appropriated funds.”

No other requests were made nor funds received to assist with funding for this process. Less than one-quarter of the total financing for the NEPA process was from grant funding.

Comment #44: Locatable minerals are different than other resources listed at I-18; not out of scope. (1401)

The DEIS lumps mining and mineral resources in with such other activities as grazing and other special uses. Locatable mineral resources and locatable mineral mining under the US Mining Laws is a unique management category all to itself and unlike no other resource on the national forests. (DC-366, page 56)

Response: The statements at DEIS I-19 did not mean to imply that minerals was the same as grazing or other special uses. The Forest understands that locatable mineral resources and locatable mineral mining under the US Mining Laws is a different management category. This paragraph and this position will be clarified in the FEIS.

SUBSTANTIVE COMMENTS DEIS CHAPTER II - ALTERNATIVES

Alternative Development Process

Comment #45: Proposals show no consideration for the disabled and elderly. (1500)

DEIS proposals show no consideration for the disabled and elderly. (DC-49, page 1)

Response: There are no legal requirements to allow persons with disabilities to use motor vehicles on roads, on trails, and in areas that are closed to motor vehicle use. Restrictions on motor vehicle use are applied consistently to everyone and are not discriminatory. Generally, granting an exemption from designation for people with disabilities would not be consistent with resource protection and other management objectives of designation decisions and would fundamentally alter the nature of the Forest Service's travel management program (29 U.S.C. 794; 7 CFR 15e.103). The Forest Service recognizes persons with disabilities in other areas of recreation where resource protection is not an issue such as Golden Eagle passes, etc.

Comment #46: How will process address people with forest in-holdings and their access roads? (1501)

How will process address people with forest in-holdings and the roads they now use to gain access to their own property? (DC-60, page 1)

Response: Motorized use designation would not affect access to forest in-holdings; written agreements would continue to allow use such as easements or permits; see FSM 7715.75 for Forest Service policy. This will be clarified in the FEIS.

Comment #47: Include adequate research of county records & acquire input on potential RS 2477 routes. (1502)

We request that this planning project include adequate research of the county records and adequate form consultation and coordination with the county to get their input on RS 2477 routes. (DC-99, page 31)

Response: Revised Statute 2477 is a law from 1866, providing (granting) right of way across public lands. These rights often predate the establishment of the National Forest. As noted above, this project is not evaluating the entire Forest Transportation System, nor is it making recommendations for road closing or decommissioning. Rights granted under this statute are not being affected or changed.

For the RRSNF, no specific routes were identified as qualifying for RS 2477. If the Forest Service proposes to close roads (not being proposed with this process) that could potentially have RS 2477 implications, the county would be notified to get their input. Counties were contacted during scoping and the DEIS comment period. This will be clarified in the FEIS.

Comment #48: User-created routes that have received FS funding or put on maps are system facilities. (1503)

Motorcycle Riders Association believes that many of the so-called “user-created” routes are actually FS facilities since appropriated funds were expended by the agency to place them on previous or current agency maps or are/were maintained by federal agents. These facilities are by definition system routes and should not be analyzed as user-created routes. (DC-106, page 9)

Response: There are many roads and trails that appear on older maps where appropriated funds were likely expended by the agency for construction or maintenance. These routes were removed for a variety of reasons (e.g., resource protection, user conflict, public safety, and other reasons). These were not “user-created” routes. A user-created route is one constructed (or created through constant travel) by the public without authorization. The Forest is not aware of funds being expended on user-created routes, either for maintenance or placement on a map.

Comment #49: Process does not comply with 36 CFR 212.5, subpart A. (1504)

CFR 212.5 (subpart A) requires identification of the minimum road system for safe and efficient travel. (DC-325, page 3)

Response: See response to Comment #13 and Comment #30.

Comment #50: How can new motorized routes be proposed without disclosing ability to maintain? (1505)

The agency cannot propose to construct new motorized routes, and codify ORV routes on existing routes that are poorly maintained without disclosing the ability of the Forest Service to maintain motorized roads and trails. (DC-325, page 3)

Response: Motorized trail maintenance funding is a year to year issue. Under the current administration, funding for stimulus projects this year are going to facilities maintenance to help maintain the existing systems. Also see response to Comment #42. This will be clarified in the FEIS.

Comment #51: Page IV-98 of Siskiyou LRMP prohibits motorized use in Non-motorized Backcountry; why are motorized trails in the Silver Glory area in Proposed Action? (1506)

Page IV-98 of the Siskiyou NF LRMP states: “In areas designated ‘Non-motorized Backcountry’ the use of motorized equipment is prohibited except by 1)administrative use and 2)mining. This standard and guideline applies to the Silver Glory non-motorized recreation area where motorized trails appear on the proposed actions maps. (DC-325, page 47)

Response: No motorized use was proposed in the Silver Glory area with the Proposed Action. The Proposed Action actually proposes to exclude motorized use within this Land Management allocation, as shown on Map II-9, DEIS page II-34. This will be clarified in the FEIS.

Comment #52: Alternative 1 baseline includes an undisclosed number of routes. (1507)

The No-Action alternative is based on the 2008 updated inventory. Thus, the baseline maps contain an undisclosed number of unauthorized routes that have been given instant motorized use status with no NEPA oversight. Unauthorized roads must have accessible field verified data to support their inclusion as No-Action roads. Essentially, the FS added unauthorized level 1 routes to this alternative while dropping system level 1 roads from all alternatives. (DC-325, page 48)

Response: No unauthorized routes were added to the system as part of the 2008 inventory; all routes shown on maps were considered to be authorized. All routes were based on Forest Service database information. Also see response to Comment #53 below. Further information on the route inventory will be provided in the FEIS.

Comment #53: Baseline date is needed because new roads are continuously being constructed or created. (1508)

The Forest Service must also establish a date for the baseline or no-action alternative such as the date scoping commenced or when the travel rule was adopted. This date is necessary as roads are continuously being constructed or created illegally. (DC-325, page 49)

Response: As discussed in response to Comment #1, the alternative development process for Motorized Vehicle Use on the Rogue River-Siskiyou National Forest is documented beginning on DEIS II-3. While the 2004 Roads Analysis was utilized, a complete re-analysis of the roads and trail inventory was conducted in 2008 for this process, and culminates in Travel Analysis (see DEIS II-7). Therefore the baseline data was documented as of the date of the DEIS.

The 2008 analysis was designed to update all previous inventories, was designed to be in concert with the 2004 Roads Analysis and was used as the most current and accurate inventory for which travel Analysis under this process was based. Based on comments received on the DEIS and further updating, the baseline inventory will be established as of the date of publication of the FEIS.

Comment #54: Why must LRMP be amended for existing condition, or if non-compliance routes not opened? (1509)

Why must the LRMP be amended if no new routes or those currently in restrictive management areas are not to be opened? Why must LRMP be amended if the agency is simply retaining existing opportunities? (DC-340, page 8)

Response: See response to Comment #9. Motorized use is currently allowed on the Boundary Trail. This current use is inconsistent with the Forest Plans, in one or more locations. DEIS Alternatives 2 and 3 include Forest Plan Amendments to remedy this inconsistency. Alternative 4 does not include amendments to allow consistency with Forest Plans (see Table II-4. Plan Amendment Proposal by Alternative) because motorized use on the Boundary Trail is not being proposed as part of this alternative.

Comment #55: How does OHV use in BCNM, RNA, & BGWR help to achieve LRMP desired future conditions? (1510)

How does OHV use in Backcountry Non-motorized, Research Natural Area and Big Game Winter Range (land allocations) help to achieve LRMP desired future conditions? (DC-340, page 17)

Response: Motorized (OHV) use is compatible on designated roads and trails in Research Natural Area and Big Game Winter Range (land allocations) and is in concert with Forest Objectives as stated in LRMP Chapter 4. See discussion of Backcountry Non-motorized as contained in response to Comment #57.

Comment #56: Why are plan amendments not proposed for motorized trails in other (SISNF) Botanical Areas. (1511)

Why are amendments necessary to create an exception for OHV use in Botanical Areas on the Boundary Trail, based on historical and ongoing use into inappropriate but unenforceable areas? (DC-340, page 19)

Response: As stated on DEIS page II-4 and elsewhere, OHV use on trails is a conflict for the Boundary trail on the Rogue River portion of the Forest under its Forest Plan. The Siskiyou portion of the Forest currently does not prohibit OHV use in Botanical Areas.

Comment #57: LRMP 4-24 lists management areas where OHV use is prohibited, including BCNM; explain. (1512)

RRNF LRMP 4-24 lists management areas where OHV use is prohibited, including Back Country Non-Motorized. This appears to be a prohibition with no exceptions. (DC-340, page 20)

Response: The statements at 4-24 of the RRNF LRMP may need to be amended as well. This need was not identified in the DEIS but will likely be part of the plan amendments proposed for Alternatives 2 and 3 in the FEIS. Alternative 4 would not need this amendment.

Comment #58: DEIS fails to identify class of vehicle for trails and season of use. (1513)

The FS completed a roads analysis but no similar analysis has been completed for trails. The DEIS fails to identify the season of use or class of vehicle suitable for use on proposed motorized trails. The season of use is not specified for roads. (DC-360, page 3)

Response: As previously noted, Roads Analysis is a requirement of FS system roads only, not trails. Trails were inventoried as part of this process and are part of Travel Analysis. The FEIS (and the MVUM) will include trail specific requirements like class of vehicle and season of use.

Comment #59: DEIS fails to consider and coordinate travel management decision on adjacent BLM lands. (1514)

The DEIS failed to consider travel management decision on adjacent BLM lands and failed to coordinate with BLM with any substantive analysis or decisions. (DC-360, page 21)

Response: The DEIS states the following on page I-11:

“The Rogue River-Siskiyou National Forest held discussion and dialogue with neighboring Forests and Bureau of Land Management (BLM) District Offices including: the Umpqua, Fremont-Winema, Six Rivers, and Klamath National Forest(s); as well as Roseburg, Coos Bay, Lakeview and Medford BLM Districts.”

In addition, the DEIS considered BLM lands in the cumulative effects section for Motorized Opportunities at page III-33. The dialogue with BLM officials will continue before and after publication of the FEIS and ROD.

Comment #60: DEIS fails to conform to the 2001 Roadless Rule. (1515)

The Forest Service proposal to route motorized trails through Roadless Areas seems inconsistent with the Roadless Rule. (DC-341, page 4; DC-360, page 25)

Response: The 2001 Roadless Rule would not prohibit continued existing motorized use of trails in IRAs. At this time, it is unclear to the agency how the requirements of the Roadless Rule are applicable. A Secretary of Agriculture Memorandum 1042-154 has reserved authority to approve road construction and timber harvesting on certain lands (IRAs identified in the 2000 FEIS for Roadless Area Conservation to the Secretary. However, no alternative under this Motorized Vehicle Use process would construct roads or harvest timber on lands inventoried as roadless. Note that the function of Alternative 4 is to avoid motorized use within IRAs and has been analyzed in detail. This will be clarified in the FEIS.

Comment #61: DEIS fails to consider impacts to Forest Supervisor proposals for wilderness made in Biscuit FEIS. (1516)

Some areas now considered for motorized routes are Roadless Areas that the Forest Supervisor and Undersecretary of Agriculture Mark Rey actually recommended for wilderness after the Biscuit Fire. (DC-341, page 4; DC-360, page 27; DC-374, page 2)

Response: Under this process (motorized vehicle use), limited motorized use in this area (currently not wilderness) is ongoing and no new routes are being proposed. Therefore, proposals under this process to allow motorized would not preclude future designation as Wilderness. This will be clarified in the FEIS.

The Biscuit Recovery Project EIS evaluated the quality of Inventoried Roadless Area characteristics. The EIS did not make wilderness recommendations. The Forest Supervisor recognized that some IRAs have wilderness quality but a proposal has not been formalized to Congress.

Comment #62: Prohibiting use including off-road for miners materially interferes and is a violation of Mining Law, MUSYA, NFMA, etc. (1517)

Prohibiting use including off-road for miners materially interferes and is a violation of Mining Law, MUSYA, NFMA, etc. Requiring written authorization materially interferes with prospecting, mining...and thus is in violation of the law. (DC-366, page 50)

Response: Any person entering federal lands for the purpose of exploration, sampling, or beginning prospecting may use motor vehicles on all publicly maintained roads (including ML I roads) without further authorization from the Forest Service. 36 CFR §228.4 specifically states that such use is exempt from notifying the Forest Service. Further, if an operator reasonably concludes that the travel associated with exploration, sampling, or beginning prospecting will not cause a significant disturbance of surface resources, cross-country travel could also be exempt from notifying or obtaining additional authorization from the Forest Service prior to conducting this activity. The discussions regarding mining and mining access will be expanded and clarified in the FEIS.

Comment #63: Cite the legal authority by which the Forest claims it can close an RS 2477 ROW. (1518)

Please cite the legal authority by which the Forest claims it can close an RS 2477 right-of way. (DC-366, page 56)

Response: As stated in DEIS page I-18:

“Revised Statute 2477 is a law from 1866, providing (granting) right of way across public lands. These rights often predate the establishment of the National Forest. Comments were received that expressed concern that rights (particularly access for mining) were being precluded, based on an assumption that roads potentially qualifying as RS 2477, were being closed.

As noted above, this project is not evaluating the entire Forest Transportation System, nor is it making recommendations for road closing or decommissioning. Rights granted under this statute are not being affected or changed. For the RRSNF, no specific routes were identified as qualifying for RS 2477. The MVUM would designate roads available for public motorized use. Other (special) uses are not being precluded. Because there is no change (no effect) this issue is considered out of scope.”

Comment #64: No information on whether FS consulted with County Commissioners in alternative development. (1519)

There is no information in DEIS on whether FS actively consulted with County Commissioners in the development of travel management alternatives to ensure consistency. (DC-367, page 4)

Response: The DEIS states on page I-11 that “periodic meetings and telephone call briefings of the project efforts and status were held with local elected officials including County Commissioners, and with local Congressional staffs.” County Commissioners and Board of Supervisors were also briefed by the District Rangers. This effort will continue through the preparation of the FEIS and ROD.

Comment #65: For motorized mixed use in California, State OHV trust funds may be used for maintenance. (1520)

For motorized mixed use in California, State OHV trust funds may be used for maintenance. This would help reduce the backlog of road maintenance if the FS chooses to apply for these grants. (DC-367, page 9)

Response: The Forest is aware that State funds are available through grants in both California and Oregon. Funds can be used for maintenance, law enforcement, and new trail construction. The California funds could be used on the southern portions of the Wild Rivers and Siskiyou Mountains Ranger Districts.

Alternatives Considered in Detail

Comment #66: Closure of trail between Burnt Ridge Road and Shasta Costa Creek is in a well roaded area. (1600)

The closure of the no name trail east of Agness that goes between Burnt Ridge road and Shasta Costa just because its in a roadless area does not make sense because it is in a well roaded area. (DC-83, page 1)

Response: This trail is only proposed to be excluded from motorized use (closure) under DEIS Alternative 4. This alternative was developed in order to “be responsive to Scoping comments received in fall of 2008. Many people were concerned about possible effects to roadless character within Inventoried Roadless Areas...” (DEIS, page II-40). The trail is located within the Shasta Costa Inventoried Roadless Area.

Comment #67: Closure of Game Lake Trail because its overgrown: I will get a crew to make it passable. (1601)

In Alternative 3, the proposal to close Game Lake trail to Nancy Creek is unfounded just because the trail is overgrown. If that is the determining factor, I will personally put a crew together to make it passable again. (DC-83, page 3)

Response: The Forest acknowledges and appreciates this offer. Due to lack of funds, this trail has not been maintained for a number of years. This will be further addressed in the FEIS.

Comment #68: Crossing of Lower Illinois can be done with rowboat; same obstacle as hikers. (1602)

The DEIS says that Game Lake trail requires crossing of the Illinois at its lower end, which is true. Hikers have the same obstacle; I have used a small row boat to ferry motorcycles across. (DC-83, page 1)

Response: It was the combination of the river crossing and overgrown conditions on the trail that led to the Alternative 3 proposal to exclude a portion of this trail to motorized use (motorcycles). This will be further addressed in the FEIS.

Comment #69: Lawson Trail should be open in Alternative 3; users keep it open. (1603)

The only ones that keep the trail open are the people that ride bikes in there. (DC-94, page 1)

Response: See response to Comment #67.

Comment #70: Proposal for Biscuit Hill Trail (494) did not consider previous recommendations for wilderness and W&SR eligibility. (1604)

While the DEIS proposes to convert the Biscuit Hill Trail (494) to a motorized route, it fails to disclose the recommendations of previous agency analysis and findings about the high-risk of these routes, the RRSNF's recommendation that the area the Biscuit Hill Trail goes through be considered for addition to the Kalmiopsis Wilderness and Baldface Creek's eligibility to be added to the National Wild and Scenic River system. (DC-323, page 2; DC-372, page 2)

Response: See response to Comment #61 and #92.

Comment #71: It needs to be crystal clear that day use parking is on the side of road and not off-road. (1605)

It seems acceptable to identify terminal facilities on the side of roads when it is safe, when it causes no resource damage, when it is within one vehicle length or 20 feet from the edge of the road for parking for day use facilities. But it needs to be crystal clear that day use parking is on the side of road and not off-road. (DC-324, page 2)

Response: Assumptions and criteria regarding parking for dispersed camping will be clarified in the FEIS.

Comment #72: Is it really safe to operate quads/ATVs on pavement? (tires, torque, wet or frosty conditions). (1606)

Is it really safe for any number of people, of all ages and operating experience to operate quads/ATVs on pavement? ATVs are documented to be more than a little skittish on pavement, having to do with tires, torque, wet or frosty conditions, etc. (DC-324, page 3)

Response: The OHV accident rate on paved roads on this Forest has been extremely low over the years. While the commenters' statements are true, it is expected that the recently enacted "Rider Fit Program" in the State will increase safety for riders (DEIS, page II-10). As stated in the DEIS at page II-38, "The designation of paved roads for mixed use is subject to completion of the mixed use analysis that is currently being completed on the road segments proposed for change." The results of that analysis will be addressed in the FEIS and will help inform the final decision by the Forest Supervisor.

Comment #73: Opening campgrounds could create conflict with those seeking peaceful ambience. (1607)

Unless now predominately occupied with OHV use, opening campgrounds could create conflict with those seeking peaceful forest ambience. (DC-324, page 3)

Response: All of the campgrounds listed at in the DEIS at page II-38 (except Whiskey Springs) are associated with, and directly linked to, the Prospect OHV system. At present, these campgrounds are used by tent, RV, and OHV campers. It would not make sense to require OHV recreationists to load up their trailers, haul their OHVs to just outside the campground entrance, and then unload their vehicles in order to use the trail system. This would potentially create more noise than if the riders just started from their campsite and exited the campground. Whiskey Springs receives less OHV use than the other campgrounds associated with the Prospect system and is directly linked to a number of Maintenance Level 2 roads where mixed use is allowed.

Comment #74: Rule and R6 specifies day use parking not to exceed 300 ft.: parking at terminal facilities. (1608)

Day use is not included in the "specified distance" but must be addressed as parking at terminal facilities or within 1 vehicle length or 20 feet of the edge of the road, if it safe and can be done without resource damage. (DC-324, page 3)

Response: The FEIS will clarify the meanings and differences between "day use" parking and "parking for dispersed camping". Also see response to comment #71.

Comment #75: Why do all action alternatives include trail through Red Flat Botanical Area? (1609)

Why do all action alternatives include trail through Red Flat Botanical Area? The harm to the botanical values is self evident and the risk of further harm is high. It seems reasonable to consider an action alternative that protects the values of this botanical area. (DC-325, page 18)

Response: The Red Flat Botanical Area is located on the Gold Beach Ranger District southeast of Gold Beach. To address the theme of Alternative 4, this trail should not have been shown as motorized on Alternative 4 maps. This will be corrected in the FEIS.

Comment #76: Why is road 3318310 being converted to a motorized trail; 30 stream crossings, Key Watershed and sediment predicted to reach Lawson Creek (III-11)? (1610)

Road 3318310 (a currently closed road) is being proposed for conversion to a motorized trail even though the DEIS (III-11) anticipates that the road and its associated drainage features degrade due to minor rutting associated with motorized trail use and sediment and runoff are likely to increase over the long term. This road is being proposed despite 30 channel crossings in a Key Watershed protected by the Northwest Forest Plan. (DC-325, page 20)

Response: In the DEIS, Road 3318310 was identified as a currently closed road (ML 1). This road is actually currently open and should have been described as a ML 2 road. This was an error that will be corrected in the FEIS. The road has experienced erosion and sedimentation problems over the years; several recent road maintenance and/or restoration projects are in place to improve the current conditions. The consequences of the proposal for conversion to a motorized trail were also in error; some of which was based on an earlier version (1995) of the Lawson Watershed Analysis. Iteration 2 of the Lawson Watershed Analysis (April 1997) does not identify this road for decommissioning or closure. The environmental effects of the proposal for conversion to a motorized trail will also be updated in the FEIS.

Comment #77: Are Key Watershed S&Gs being followed in Silver Creek watershed? (decrease road density). (1611)

In the Silver Creek Key Watershed, please follow the recommendations of watershed analysis and the standards and guidelines of the Northwest Forest Plan by decreasing road density. (DC-325, page 22)

Response: As previously noted, this project is not evaluating the entire Forest Transportation System, nor is it making recommendations for road closing or decommissioning. Therefore it is not a purpose and need of this project to decrease road density in Key Watersheds. The Key Watershed standards and guidelines require maintaining or no net increase in road density. None of the Action Alternatives would increase road density in any Key Watershed.

Comment #78: Map shows 43103087 ends at Chetco Pass; nothing to stop Slide Creek & Wilderness entry. (1612)

While the proposed action shows motorized use of the Chetco Pass road ending at approximately Chetco Pass, there is nothing to prevent vehicles from driving in the top part of the Slide Creek watershed before it enters the Kalmiopsis Wilderness. The POC risk assessment found a high risk of introducing PL. (DC-350 page 6)

Response: As stated in the response to Comment #26, the 4103087 Road continues west for approximately another 1/3 of a mile before terminating near the Kalmiopsis Wilderness boundary, however this last segment is classified as ML 1 and is not open to motorized use.

The POC Risk Key from the POC ROD (USDA-FS 2004) was used to assess appreciable additional risk to POC that measurably contribute to meeting management objectives. The Proposed Action would not introduce appreciable additional risk to POC that measurably contribute to meeting management objectives in the immediate vicinity of Chetco Pass. This will be clarified in the FEIS.

Comment #79: RRSNF inventory state Trail #1173 and #1169 not designated for motorized use; DEIS shows this use as the current condition. (1613)

RRSNF inventory states Trail #1173 (Lawson Creek) and #1169 (Game Lake) not designated for motorized use. However, the DEIS shows motorized use on these trails as an existing use (III-27). (DC-350, page 12)

Response: The page reference in the comment should be III-28. The actual statement in the RRSNF inventory is that neither of these trails (Game Lake #1169 and Lawson Creek #1173) are “designed for” motorized use. Motorized use is currently allowed (motorcycles only due to narrow width). There are no prohibited user groups according to the RRSNF inventory.

Comment #80: User created trails may occur near new Play Area, if not currently existing. (1614)

Are there motorized trails adjacent to the proposed play area? If not, it would seem you are creating a management problem for the future. If no trails are available they will be created by the users. (DC-357, page 3)

Response: There are no motorized trails adjacent to the proposed play area near Willow Lake. The potential does exist for riders to create user-created trails in the vicinity of the proposed play area and this will be disclosed in the FEIS.

Comment #81: Biscuit Hill Trail (II-30) crosses stream to Baldface Creek: risk of PL to uninfected drainage. (1615)

In Alternative 3, Biscuit Hill trail is proposed for motorized use. This trail crossed the head of creeks draining into pristine Baldface Creek and there is serious danger of introducing PL into this uninfected drainage which contains stands of Port-Orford-cedar. (DC-361, page 1)

Response: Roads are by definition high risk sites for new areas of root disease. Jules et al. (2002) have shown that the number of POC and their proximity to roads are significant factors for new infection. The Proposed Action would introduce appreciable additional risk to one eight acre population of measurably contributing POC along the 4402-494 road. The road is also a concern as it intersects four seventh field watersheds that contain POC cores. Seasonal closures for POC root disease would be employed as needed based on risk and the ROD and FEIS for Port-Orford-Cedar (2004). This will be further considered and clarified in the FEIS.

Comment #82: Conversion of 3313110 to motorized trails appears to be in a meadow (ACS violation). (1616)

Conversion of 3313110 to motorized trails and construct approximately 0.5 miles of new motorized trail to connect these routes to the Woodruff Trail (T36s, R13W, section 9) is particularly ill-suited because the trail location appears to be in a meadow and proposed motorized use would cause sedimentation of adjacent stream (DEIS III-11) contrary to the ACS. (DC-1616, page 6)

Response: Further evaluation of this road and new motorized trail construction and verification of location of the existing trail will be conducted to fully understand conditions and consequences regarding ACS consistency. This evaluation will be included in the FEIS.

Comment #83: Conversion of 3680351 to motorized trail would impact restoration from Biscuit Fire. (1617)

Road 3680351 has had culverts and fills removed from several stream crossings. These sensitive areas within riparian reserve are in recovery. Conversion to motorized use is inconsistent with Alternative 3 because motorized use would cause unacceptable erosion and damage to stream banks. (DC-360, page 9)

Response: The situation regarding restoration since the Biscuit Fire is accurate. The effects of converting this route to a motorized trail are analyzed in the DEIS; the consequences of this action will be considered in the final decision. This will be clarified in the FEIS.

Comment #84: Lower Rogue Trail 1168 is too narrow (bridge) and unsafe for motorized use. (1618)

Lower Rogue Trail 1168, a popular hiking trail was obviously designed for hikers and is unsafe for motorcycles and cannot be used by class 1 vehicles because it's a single tread and bridges are too narrow (see photos attached to comment). (DC-360, page 11)

Response: Like many motorized trails on the Forest, the Lower Rogue River Trail #1168 was not specifically designed for motorcycles. However, skilled riders seek single-track hiking trails because of the challenges they offer and in order to appreciate the natural features of a particular area. Skilled riders do not have a problem with the bridges on this trail as shown in one of the commenter's photos. In another photo a sign states "not safe for motorcycles or horses." Users are appropriately warned, whether they are a motorcyclist or an equestrian.

Comment #85: Unauthorized route (3577355) is in roadless area (Alt 4 theme) and violates ACS. (1619)

An unauthorized route (motorized trail) in the North Kalmiopsis Roadless Area (Gold Beach District) and parallels Nancy Creek in section 28 and connects to road 3577-355. The unauthorized route also connects to Indian Flat via sections 28, 33, and 34 (T35S, R11W). This route must be removed from all alternatives because it appears to violate the Roadless Rule and the ACS. (DC-360, page 15)

Response: This comment involves a currently existing motorized trail that is considered an authorized route. This trail is partially within an IRA and motorized use is included in Alternative 2 and 3; motorized use of this trail is not included in Alternative 4. The 2001 Roadless Rule does not prohibit continued existing motorized use of trails in IRAs. This motorized trail connects to Road 3577355; this road has a number, is part of the road system, is not within the Roadless Areas, and is not an "unauthorized" route. This situation and consequences regarding ACS will be clarified in the FEIS.

Comment #86: Consider seasonal closure (POC) for conversion of 4402494 Road. (1620)

Seasonal closures for POC protection during the winter and wildfire protection during the summer would greatly restrict the potential for authorized use. Promoting motorized use on this road is inconsistent with Alternative 3. (DC-360, page 18)

Response: Seasonal closures for POC root disease would be employed as needed based on risk and the ROD and FEIS for Port-Orford-Cedar (2004). There is a POC gate with a seasonal closure on the 4400112 Road about 2.25 miles below the junction with 4402494 Road.

Comment #87: DEIS fails to report acres of off-road use from dispersed camping and actual accessibility. (1621)

There is insufficient information to determine the effects on dispersed camping (number of currently used sites on each district, number of sites where vehicle access will be prohibited, effect on recreation use patterns, etc.). There is no information on how hunting access may be affected on the prohibition of cross-country travel for big game retrieval. (DC-367, page 4)

Response: Further information regarding dispersed camping will be provided in the FEIS. The Regional Forester has reserved the authority for decision to designate the use of motor vehicles within a specified distance off designated routes for the purpose of big game retrieval (R6 Implementation Guidelines, April 2009). This will be clarified in the FEIS.

Comment #88: List all user created routes and mitigation measures in an Appendix to the FEIS. (1622)

Please list all proposed route changes to NFS roads and trails (by road or trail number) in an Appendix to the FEIS along with any recommended mitigation measures. (DC-367, page 3)

Response: All proposed changes to roads and trails by alternative, along with criteria and mitigation measures, was contained in DEIS Chapter II. Because of the importance of this information, it will continue to be presented in Chapter II in the FEIS. As appropriate, it will be clarified in the FEIS.

Comment #89: List all proposed changes to roads & trails in an Appendix to the FEIS along with rationale. (1623)

Please list all proposed changes to NFS roads and trails (by road or trail number) in an Appendix to the FEIS along with rationale for the change. (DC-367, page 3)

Response: As noted above, all proposed changes to roads and trails by alternative, along with rationale for change, was contained in DEIS Chapter II. Because of the importance of this information, it will continue to be presented in Chapter II in the FEIS. As appropriate, it will be clarified in the FEIS.

Comment #90: Explain why no parking for dispersed camping allowed on the Wild Rivers District? (1624)

Please explain why no parking for dispersed camping would be allowed on the Wild Rivers District; what is the rationale? DC-367, page 4)

Response: Dispersed camping for the Wild Rivers Ranger District as proposed in the DEIS was based on the direction from the District Ranger. The ranger had hoped that specific proposals where dispersed camping currently occurs and should be allowed, would be forthcoming. Based on public and agency response to this situation, and comments to the DEIS, the proposal to not allow dispersed camping will likely be modified in the FEIS to include most of those areas that currently allow dispersed camping, based on further analysis. Additional detail will be provided in Chapter II of the FEIS.

Comment #91: Consider allowing parking within 30 ft. off a designated road or trail, where acceptable. (1625)

Recreation Outdoors Coalition recommends parking be permitted with 30 feet from any designated road, trail or open OHV area when it is feasible and does not cause damage to forest resources or facilities. (DC-367, page 10)

Response: The DEIS recommended 20 ft. off of a designated road or trail (DEIS page II-16). This comment does not provide support or rationale for the 30 foot distance. The FEIS will clarify the difference between parking for dispersed camping and parking for day use activities.

Comment #92: Biscuit Hill proposal is inconsistent with Settlement Agreement - American Rivers, of June 1991. (1626)

Motorized use is inconsistent with the RRSNF commitment to manage Biscuit Hill as a Wild River and is in violation of the Forest Service's Settlement Agreement - American Rivers, of June 1991. (DC-372 page 5)

Response: A Settlement Agreement was reached between the Forest Service and the American Rivers Council and Oregon Rivers Council in June 1991. The purpose of this agreement was to provide interim protection of streams eligible for consideration as Wild and Scenic Rivers. An excerpt of this agreement is provided below:

Interim Protection of Streams Found Eligible

9. Upon a determination of eligibility (following items 4 and 6), the Forest will initiate the process to amend the Forest Plan to protect and manage the streams for their outstandingly remarkable values and potential classification. Interim Management Prescriptions and accompanying Standards and Guidelines will be in accordance with applicable Federal acts, laws, regulations, and executive orders. More specifically, management direction is given in FSM 2354 - River Recreation Management, and Chapter 8 - Wild and Scenic River Evaluation (FSH 1909.12). The recommended Visual Quality Objectives for Wild and Scenic River classifications are provided in FSM 2554.42m (4/89 R-6 Supplement). Any amendment or revision of the Forest Plan will utilize the most current direction available for managing streams identified as eligible prior to a determination of suitability.

10. If a project or other activity is proposed that might adversely affect the potential eligibility or classification of a river or tributary being assessed pursuant to items 1 or 5 before a final determination has been made concerning that stream's eligibility, the Forest will either defer the project or activity, in whole or in part, until a final eligibility determination has been made, or accelerate the assessment of eligibility so that a final determination may be made prior to any decision approving the project or activity. The Forest may implement portions of a proposed project or activity that would not prematurely commit the Forest Service to approval of the deferred portions. The Forest may also redesign a proposed project or activity to avoid adverse impact on a river's eligibility or classification, and proceed with its implementation.

Because of this agreement and its purpose, motorized use of the Biscuit Hill trail appears to be inconsistent, as noted, and will be reconsidered as a proposal and clarified in the FEIS.

Comment #93: Allowing motorized use of McGrew and Biscuit Hill Trails will impact Wild and Scenic section of NF Smith River and outstanding remarkable values. (1627)

Increasing 4-wheel drive use of Sourdough Camp by formally designating both the McGrew and Biscuit Hill Trails as motorized routes will indirectly impact the Wild Section of the National Wild and Scenic NF Smith River and its outstanding values. (DC-372, page 12)

Response: The FEIS will include a more complete analysis of Outstandingly Remarkable Values as related to the Smith River. As noted above in response to Comment #92, motorized use of the Biscuit Hill trail appears to be inconsistent with the Settlement Agreement, as noted, and will be reconsidered as a proposal and clarified in the FEIS.

Comment #94: Address trespass issues by public - private land (Jack Churchill); FS 33 to Pine Grove Trail. (1628)

My concern is with the ongoing trespass issues of the public over my private spud road by off-road vehicles to access part of the Pine Grove Trail (from FS 33 to Pine Grove Trail) and to trespass over my property to establish an illegal staging area where my road intersects with the trail. (DL-2, page 2)

Response: There are both resource and private property issues associated with the lowest portion of the Pine Grove Trail. These issues will be addressed in the FEIS.

Comment #95: Chetco Pass road was not engineered to FS standards; switchbacks and slides and signed as "not suitable for public travel". (1629)

Chetco Pass road was not engineered to FS standards; there are stacked switchbacks, a spur road below it, and a large streamside slide on Rancherie Creek. The road is an old unauthorized mining track that was signed as “not suitable for public travel”, and has risk of introducing Port-Orford-cedar disease. (DL-44, page 1)

Response: This road is tracked as a National Forest System road. It is suitable as a 4-wheel drive road; the signing is based on suitability for low clearance passenger vehicle use. Seasonal closures for POC root disease will be employed as needed based on risk and the ROD and FEIS for Port-Orford-Cedar (2004). Also see response to Comment #78.

Assumptions and Elements Common to Action Alternatives

Comment #96: Increased law enforcement and many new signs should be installed. (1800)

The USFS needs to employ many more law enforcement and forest protection officers to police motorized vehicle use. Many thousands of new signs should be installed to identify roads and trails open to motorized use. (DC-326, page 1)

Response: This Forest (as are all Forests) is bound by national policy and direction for implementation of the Travel Management Rule and production of the MVUM. Details of implementation on the Forest will be clarified in the FEIS.

Comment #97: FS should produce pamphlets and DVDs to explain implementation of the Rule. (1801)

It would be helpful for the Forest Service to produce and distribute pamphlets and DVDs to explain the implementation of the Travel Management Rule. (DC-326, page 2)

Response: As noted above, this Forest is bound by national policy and direction for implementation of the Travel Management Rule and production of the MVUM.

Comment #98: Alternatives should include costs for implementation and maintenance. (1802)

The FEIS should include both the cost of maintaining roads and motorized trails, as well as cost associated with managing the motorized recreation systems, such as signage, trailhead management, enforcement, monitoring, and map production. (DC-325, page 5)

Response: The costs for road and trail maintenance by alternative is not directly related to the process for designating motorized use, especially given that there is very little change over current conditions.

Comment #99: Contact Dr. M. Wing (OSU) for cost estimating model. (1803)

We encourage you to contact Dr. Wing and disclose the FEIS the results of his cost estimate model as it applies to the RRSNF motorized route system. (DC-325, page 5)

Response: The Forest investigated the modeling from Dr. Wing; these models appeared to be centered around GIS spatial analysis, network analysis, and evaluating the entire road and trail system. This modeling will be considered for use in the FEIS. Also see response to Comment #98 above.

Comment #100: Roads Analysis states only 30% of funds necessary for road maintenance are received. (1804)

The agency's Roads Analysis of January 2004 (page I-1) indicates that the RRSNF currently receives on 30% of the necessary funding to maintain the existing road system. Substantiate the agency's underlying assumptions in the NEPA analysis. (DC-325, page 6)

Response: The Forest Roads Analysis was conducted in 2003 and documented in 2004; the funding statements represent a situation that is now over 5 years old. Road maintenance funding is a year to year issue. The 30% figure is likely not relevant today. Under the current administration, funding for stimulus projects this year are going to road maintenance to help maintain the existing road system. This will be clarified in the FEIS.

Comment #101: How many of roads and routes proposed are (or can be) routinely maintained? (1805)

How many of the roads and trails proposed for motorized use in the DEIS are "routinely maintained"? What size of road and route system does the agency anticipate being able to routinely maintain? (DC-325, page 6; DC-340, page 13)

Response: The extent of road and trail maintenance funding is not directly related to this process for designating motorized use, especially given that there is very little change over current conditions. Also see response above to Comment #98 and #100.

Comment #102: See recommendations and BMPs documented in Off-Road Vehicle Use on Forestlands. (1806)

See recommendations and BMPs documented in Off-Road Vehicle Use on Forestlands - Wild Utah Project and Wildlands CPR. (DC-325, page 15)

Response: While this document was reviewed, this Forest is bound by national Forest Service policy and direction for implementation of the Travel Management Rule.

Comment #103: How to enforce in remote areas, source of funding and consequences for non-compliance? (1807)

How will OHV route rules be enforced, especially in remote back country and roadless landscapes? Where will the money for enforcement and monitoring come from? What will be the consequence if rules are disregarded and environmental damage persists as problem? (DC-340, page 8; DC-341, page 6)

Response: Law enforcement is discussed in the DEIS at pages III-116-118:

"The Forest Service has several methods of enforcing compliance with the regulations applicable to the RRSNF. Forest Protection Officers (FPOs) are the primary personnel involved in enforcing regulation compliance. Forest Service law enforcement officers (LEOs), or Sheriff's office personnel, commonly handle more dangerous violations such as disorderly conduct. The RRSNF currently has approximately 25 FPOs who can write warnings and citations as necessary to solicit compliance. The RRSNF also has six assigned field LEO positions, plus one LE supervisor/program manager...

The State of Oregon OHV allocation committee provides grant funding opportunities quarterly; law enforcement grant opportunities are offered once a year. The OHV grant process requires that the applicant provide 20-50 percent of the project cost as matching funds. The matching fund component can be met with in-kind services or materials. Appropriated annual funding would be used to meet the 20-50 percent matching funding or in-kind services/materials for requests placed to the State of Oregon OHV Grant opportunities. The RRSNF receives an annual budget to fund \$160,000 of the cost of law enforcement personnel and contract deputies through the Jackson and Curry County Sheriff's departments. Currently, there is no funding for Josephine and Coos Counties."

It is acknowledged that enforcement throughout the Forest's 1.8 million acres is at times difficult and challenging, whether it be related to motor vehicle use or other issues. As stated in the DEIS, "in the long term, it is expected that Forest visitors will become accustomed to the MVUM, which will clearly show where motorized use is allowed" (DEIS, page III-117)." Also see response to Comment #32.

Money for enforcement and monitoring will come from both annual appropriations as well as through grant opportunities with the states of Oregon and California. If laws are disregarded, then individuals will be cited.

Comment #104: Provide evidence for basis of assumption of compliance based on education & enforcement. (1808)

The assumption of compliance based on education and enforcement is unsubstantiated, biased, and completely naïve. This assumption needs to be backed up with evidence, substantiated with examples, and compared to the long track record of non-compliance in the OHV community. (DC-340, page 11)

Response: This assumption is based on common sense, studies in other area regarding human compliance (e.g., successes related to seat belt and drunk driving enforcement), and is the position of the agency. Non-compliance with laws and regulations occurs with all types of user groups including hikers, mountain bikers, equestrians, and OHV operators. The percentage of violators is small within each group. In general, the OHV community follows laws and regulations on this Forest. There are exceptions where trails and/or routes have been created illegally by OHV enthusiasts and other user groups.

Comment #105: What lead to "not recommended" classification in ROG and why proposed for OHV use? (1809)

What conditions lead to "not recommended" classification in Recreation Opportunity Guide and why are these same trails now proposed for OHV use? (DC-340, page 36)

Response: The majority of trails on the Forest were designed for hikers before more lightweight motorcycles were developed in the 1960s and 1970s. Since that time, a number of design parameters have been developed for different types of trails that include hiker/pedestrian, pack and saddle, bicycle, motorcycle, ATV, skier, and snowmobile. These are guidelines only and in many cases some of the design parameters are similar, especially for single-track multi-use trails used by hikers and motorcyclists. This will be clarified in the FEIS.

The term "not-recommended" is used on some older Recreation Opportunity Guides (ROGs), but that has been replaced by "trail is not designed for..." a specific use(s) such as motorcycles, mountain bikes, and pack and saddle. The most recently updated ROGs can be found on the Forest's website at www.fs.fed.us/r6/rogue-siskiyou/recreation/trails/.

The proposals only reflect current OHV use on some existing trails (where it is not closed by a Forest order) and to provide a motorized opportunity to a segment of our public. Other trails, currently open to motorized use are proposed to be closed in varying degrees in Alternatives 3 and 4 (DEIS at pages II-24-II-53).

Comment #106: Minerals management is not the same as special uses; (CFR part 228, not part 261). (1810)

The RRSNF appears to be mixing mineral resource management in with special uses or “permitted activities.” Numerous recent court decisions have made it clear that locatable minerals activities carried out under the US Mining Laws do not fall under the designation of “special use” or other “permitted” activity. (DC-366, page 52)

Response: The DEIS did not mean to imply that minerals was the same as grazing or other special uses. The Forest understands that locatable mineral resources and locatable mineral mining under the US Mining Laws is a different management category. This position will be clarified in the FEIS. Also see response to comment #218.

Comment #107: Describe consistency of FS plans with county road management plans. (1811)

Describe consistency of FS plans with County General Management Plans and road management objectives where county roads flow into NFS lands. (DC-367, page 4)

Response: Information regarding the FS proposal was shared with Counties throughout the process and no conflicts were identified. County governments did not provide comments to the DEIS.

Comment #108: Assumption that roads & trails are in acceptable conditions is contrary to 2004 Roads Analysis. (1812)

The DEIS assumption that all roads and trails are assumed to be in an acceptable condition is inconsistent with the 2004 Roads Analysis. For example, maps on page VI-3 to VI-6 of the Roads Analysis show areas across the forest that face a high concern for subwatershed cumulative environmental risk. (DC-370, page 6)

Response: The 2004 Roads Analysis was a modeling exercise that identified areas of concern; it was used for the Travel Analysis process. This process included site visits by resource specialists, especially where high concern areas were identified.

The assumptions for Roads Analysis were for the purpose of looking at the entire system. Where site-specific conditions or concerns are identified, remedies are included in plans to be maintained or repaired; this occurs outside of the motorized use designation process.

Comment #109: Fully explore opportunities for public education and enforcement in FEIS. (1813)

EPA is supportive of the volunteer strategy discussed on page II-62 that would identify opportunities for the public to help implement, enforce, maintain, and fund the designated route system. The FEIS should more fully explore these kinds of non-traditional public education and enforcement strategies. (DC-450, page 5)

Response: An implementation strategy/plan will be more fully developed in the FEIS and/or Record of Decision.

Comment #110: Forest should coordinate on McGrew Trail with Six Rivers NF. (1814)

The RRSNF should coordinate with the adjacent Six Rivers NF on the management of the south end of the McGrew Trail (approximately 0.71 miles) as the Smith River NF Recreation Area Travel Plan did not address the McGrew Trail; the majority of it is on the RRSNF. (DC-372, page 3)

Response: The RRSNF has jurisdiction of the McGrew Trail, including the short portion that crosses the state line onto the Six Rivers. As stated in the DEIS at page I-11, the Forest held “discussions and dialogue with neighboring Forests” including the “Six Rivers NF.”

Comment #111: FEIS should specify the nature and scope of increased law enforcement - OHV abuse (1815)

The FEIS should specify the nature and scope of increased law enforcement as an associated tool to control ORV misuse. (DC-325, page 43)

Response: The DEIS states at page III-117 that “the RRSNF would utilize grant funding as well as agency appropriated funds to increase staff patrols.” It is recognized that grant funding from the State of Oregon will be more competitive as other Forests implement the Travel Management Rule and that there is no guarantee of additional funding at this time. This will be discussed in the FEIS.

Comment #112: What is rationale for 788 miles of prohibited mixed use on unpaved roads (Prospect)? (1816)

What is the Forest’s reason or rationale for prohibiting OHV use on over 700 miles of unpaved road (e.g. 788 under Alternative 3 and 4)? (DL-36, page 1)

Response: The vast majority of the non-paved roads that do not allow mixed use are on the former Prospect Ranger District (now the northern third of the High Cascades Ranger District. When the Prospect OHV system was developed in the 1990s, a decision was made to only allow OHVs on roads that were part of the formalized “Prospect OHV System.” This, and the prohibition of mixed use on roads not part of the Prospect OHV system rationale will be presented with more detail in the FEIS.

Comment #113: Please don’t decommission roads that provide human safety and fire access. (1817)

Consider not closing (decommissioning) certain roads in the Sucker Creek area south of Oregon Caves in case of a forest fire possibly of Biscuit size for human safety (evacuation of miners) and fire access. (DL-42, 2)

Response: As previously noted, this proposal and its analysis is not about closing or decommissioning roads. As stated in the DEIS, Maintenance Level 1 roads are “closed” by definition, and Level 2-5 roads are “open” by definition. This process is about designating where motorized vehicle use would be allowed; it is not a proposal to physically close (or decommission) any roads or trails.

Given this assumption, none of the Action Alternatives would substantially change the ability to physically use and Maintenance Level 2-5 road in the case of an emergency. Access on most Level 1 roads would also not be changed; some are passable now, some are not, and some could be made passable with some additional clearing in the event of an emergency.

Additional (or new) Actions or Alternatives to Consider

Comment #114: Allow Trails 1166 & 1161 - Oak Flat to Indian Flats for motorized use (older age accessibility). (2000)

Please consider the portion of trail 1166 and 1161 from Oak Flat to Indian Flats to be left open to motorized use. These particular sections make an overnight campout at Indian Flats accessible for people who cannot hike many miles with a backpack in their older age years. (DC-38, page 1)

Response: This situation is part of the Proposed Action (Alternative 3) as presented in the DEIS. Alternative 4 would not authorize motorized use on these routes.

Comment #115: Designate more existing system roads for OHV use. (2001)

If OHV use is causing excessive damage when used off-road, consider designating all of the system roads as OHV routes. (DC-56, page 1)

Response: As stated in Chapter II (page II-66) under Alternatives and Elements Considered But Eliminated;

“Alternative 2 allows use on all existing motorized NFS routes and would prohibit use of the unauthorized routes on the RRSNF. Developing another alternative that includes all NFS and unauthorized routes that are determined to be compliant with LRMP standards and guidelines was considered. After reviewing the public input from the public meetings, interested groups, and interested individuals, an assessment of unauthorized roads or trail was conducted by each Ranger District to determine which routes would be carried forward to the proposed action. Individual routes were evaluated against screening criteria designed to highlight whether a proposed route was a desired recreation opportunity, would result in unmanageable impacts to resources, had impacts to private land or access, or was consistent with existing plans. Designating all unauthorized routes determined to be consistent with Standards and Guidelines would fail to address these concerns, as well as fail to meet the Purpose and Need for this project to better manage public wheeled motor vehicle travel and address the National Travel Management Rule of 2005 and its associated criteria (see Purpose and Need statement above). Therefore, this alternative was considered but eliminated from detailed study.”

Comment #116: Unregulated & unmitigated damage will continue unless plan incorporates enforcement. (2002)

Unregulated & unmitigated damage will continue unless plan incorporates enforcement into its design and selection of motorized routes. (DC-62, page 2)

Response: See response to Comment #32. Trends in violations related to the Travel Management Rule can be analyzed and appropriate action(s) taken, if needed. Appropriate action(s) may involve one or more techniques or adaptive strategies. In the law enforcement community, this is often referred to as the “three E strategy” of engineering, education, and enforcement. The discussions regarding enforcement will be expanded and clarified in the FEIS.

Comment #117: New plan should include reward for photographic documentation of off-road violations. (2003)

The new plan should also include reward for photographic documentation of off-road violation, so that citations may remain a substantial deterrent even for those violators who avoid the scarce and occasional FS ranger. (DC-62, page 2)

Response: This Forest (as are all Forests) is bound by national policy and direction for implementation of the Travel Management Rule and implementation of the MVUM. Details of implementation on the Forest will be clarified in the FEIS.

Comment #118: Create an additional interesting and challenging Class II route. (2004)

Few trails are being designated for Class II vehicles; alternatives lack an interesting and challenging Class II route. (DC-65, page 1)

Response: The McGrew Trail on Wild Rivers Ranger District is a nationally recognized and challenging Class II route and is included in all alternatives except Alternative 4. Several Maintenance Level 1 roads on Gold Beach Ranger District would be converted to motorized trails suitable for Class II vehicles. In addition, there are a number of existing Maintenance Level 2 roads that provide challenges to high clearance 4-wheel drive vehicles. Examples include the 700 Road on the south side of Whiskey Peak on the Siskiyou Mountains Ranger District and the 087 Road up the West Fork of Rancherie Creek to Chetco Pass on Wild Rivers Ranger District.

Comment #119: Consider a “hardened trail” connecting drainages along the boundary; Trail 048 and 903. (2005)

Consider a “hardened trail” connecting drainages along the boundary; Trail 048 and 903; provides access to the Bigelow Lakes areas from Sturgis Fork. (DC-66, page 1)

Response: “Hardened trail” refers to a variety of techniques that help prevent erosion and gully formation in the trail. Examples include the use of large rock, placement of synthetic geoblock, and application of soil hardening agents that bind soil particles together. Depending on Forest trail priorities, trail hardening on certain sections of the Boundary Trail and connecting trails could be a useful tool on short segments of trail. Trail # 903 is the Sturgis Fork Trail. #048 is a road, not a trail.

Comment #120: Give consideration to “sideXside” vehicles that are wider than 50 inches. (2006)

Please give an equal opportunity for “sideXside” vehicles that are wider than 50 inches, but banned from regular ATV trails. (DC-72, page 1)

Response: “SideXside” vehicles are relatively new OHVs that hold two people that sit side by side in the vehicle. These vehicles are considered Class II OHVs in Oregon. In regard to opportunities, see response to Comment #118. This will be clarified in the FEIS.

Comment #121: Consider trail connecting roads 3680 and 1703 (T37, R13, S 8 & 17) logical loop. (2007)

Consider trail connecting roads 3680 and 1703 (T37, R13, S 8 & 17); provides logical loop, fire access and helps to avoid conflicts with cars and trucks. (DC-75, page 1)

Response: This connecting trail opportunity was not identified or considered during Travel Analysis process. This connection would only lessen conflicts with cars and trucks on approximately 2 miles of road. Furthermore, it would not connect with any other trails in the area. This connection will remain as a future opportunity for consideration, outside of this process.

Comment #122: Roads 4402, 4612080, 4612472, 4612492, 4201091, 2402130, 2308016, 23330, 2300150, 2308150, motorized roads and trails adjacent to Abbot Creek RNA and within ¼ mile of the PCT should be excluded from use. (2008)

Roads 4402, 4612080, 4612472, 4612492, 4201091, 2402130, 2308016, 23330, 2300150, 2308150, motorized roads and trails adjacent to Abbot Creek RNA and within ¼ mile of the PCT should be excluded from use to prevent threat to rare plants, sensitive soils, aquatics species and enjoyment of quiet recreation. (DC-80, page 1 [and all form letter Bs])

Response: Many of these suggestions were considered as part of the discussions in the DEIS, page II-68. These suggestions will be further considered in the FEIS.

Comment #123: OHV use has created safety hazards on Pine Grove Trail; remove from motorized use. (2009)

OHV use has created safety hazards on Pine Grove Trail; remove from motorized use due to resource damage. (DC-81 page 1)

Response: There are both resource and private property issues associated with the lowest portion of the Pine Grove Trail. These issues will be addressed in the FEIS.

Comment #124: Lower Rogue Trail #1168 should be non-motorized; private parcels and visuals. (2010)

Lower Rogue Trail #1168 should be non-motorized; private parcels and visuals: use existing jeep trail for quad access. (DC-81, page 2)

Response: Issues associated with the Lower Rogue River Trail #1168 will be further addressed in the FEIS. In regard to the “quad trail,” it is assumed that the commenter is referring to the unnumbered trail between Tom East and Bridge Creeks near Potato Mountain (T. 35S, R. 12W, sections 17 and 20).

Comment #125: Consider replacing Frog Lake Bridge (3313100) with OHV/foot traffic bridge. (2011)

I would like to the Frog Lake Bridge be replaced with an OHV/foot traffic bridge, missing since the Biscuit Fire. (DC-82, page 1)

Response: This opportunity was not identified or considered during Travel Analysis process. It will remain as a future opportunity for consideration, outside of this process.

Comment #126: Develop a pro-recreation alternative that includes more and more challenging trails for OHV. (2012)

Develop a pro-recreation alternative that includes more and more challenging trails for OHV, including: sharing non-motorized trails with mountain bikes and motorcycles, creating new mountain bike trails and motorcycle trails, creating ATV trails from roadbeds that are both currently open and closed, creating new ATV trails, creating new ATV trails that connect converted roadbeds to create loops and establish 4X4 challenging routes that are currently both open and closed including historic mining routes. (DC-9, page 4; DC-106, page 9)

Response: Several types of alternative packages were received during Scoping that identified with this and similar themes. The RRSNF chose not to represent these alternatives as received because there would simply be too much change, confusion, debate and duplication with numerous alternatives and themes. For the Draft EIS, the RRSNF chose to focus on a limited number of alternatives, representing an adequate range for consideration.

Public comment on the Draft will be important to the Responsible Official to determine if this range is appropriate and how to modify or add alternatives considered in detail in the Final EIS.

Comment #127: Dual-use or unrestricted width trail designation for all motorized routes except single-track. (2013)

Capitol Trail Vehicle Association request dual-use or unrestricted width trail designation for all motorized routes except single-track, to provide family OHV recreation. (DC-99, page 13)

Response: As stated in the DEIS at II-70, over 3,400 miles of road would be open to mixed use, which would provide for family OHV recreation. At page II-14, the DEIS states that a trail can be greater than 50 inches in width if defined and managed as a trail. The FEIS will list trails by class.

Comment #128: Review existing level 3-5 roads; consider designation as mixed use (connectors, staging). (2014)

Review existing level 3-5 roads; consider designation as mixed use. Such mixed use roads should act as connectors between various trail systems and staging areas or offer unique recreational or scenic opportunities to OHV users. (DC-106, page 10)

Response: Existing level 3-5 roads were considered for designation as mixed use during the planning process (Travel Analysis). Those that were thought to be appropriate were included as either existing mixed use or proposed as mixed use in one or more of the alternatives considered in detail.

Comment #129: Illinois River Trail: moving Kalmiopsis boundary would open more use from Agness to Selma. (2015)

Currently the northern edge of the trail defines the northern boundary of the Kalmiopsis Wilderness. If that boundary were moved about three feet to the southern edge of the trail, then the trail could be left open all the way through from Agness to Selma – for motorcycles (Sept 15th through May 15th). (DC-206, page 1)

Response: Wilderness boundaries are established by Congress. Increases or decreases in Wilderness acreage (or moving boundaries), is outside the scope of this analysis.

Comment #130: Mt. Elijah Trail: connect to Sucker Creek drainage via road 098 or 092. (2016)

It is important and common sense to have connectors to prevent dead ends and mandatory uphill climbs to get back to the point of trail entry: Mt. Elijah Trail: connect to Sucker Creek drainage via road 098 or 092 (DC-241, page 1)

Response: Response: This opportunity was not identified or considered during Travel Analysis process. It will remain as a future opportunity for consideration, outside of this process.

Comment #131: Boundary Trail/Mt Elijah Trail: connect with road 070. (2017)

It is important and common sense to have connectors to prevent dead ends and mandatory uphill climbs to get back to the point of trail entry: Boundary Trail/Mt Elijah Trail: connect with road 070. (DC-241, page 1)

Response: It is important to have connectors and to avoid dead ends when possible, feasible, and when not in conflict with other policy, law or regulation. This is true for both motorized and non-motorized users. The Mt. Elijah Trail #1206 is closed by Forest Order from its junction with Bigelow Lakes Trail #1214 westward towards the Oregon Caves National Monument in order to be consistent with the Monument's policy of no motorized use on the portion of trail located within the Monument.

Comment #132: Hobson Horn system: connect bottom with Bear Camp Road. (2018)

It is important and common sense to have connectors to prevent dead ends and mandatory uphill climbs to get back to the point of trail entry: Hobson Horn system: connect bottom with Bear Camp Road. (DC-241, page 1)

Response: This is included in the Proposed Action. The Silver Peak/Hobson Horn Trail #1166 connects to the Illinois River Trail #1161 and comes out at the lower Oak Flat Trailhead. Street legal motorcycles could then access Bear Camp Road via the lower Illinois and Rogue River Roads. Riders that are operating a non street legal motorcycle could take the Nancy Creek Trail (unnumbered) to the 2308 Road system and come out near the summit of Bear Camp.

Comment #133: Bald Mountain Road (2512091) is proposed for closure in Alt 4; should also be in Alt 3. (2019)

Bald Mountain Road (2512091) is proposed for closure in Alternative 4; should also be in Alternative 3 because: it has a long political history of controversy, there is little history of use, provides access to Kalmiopsis Wilderness, there is an opportunity for a hiker trailhead. (DC-258, page 3)

Response: The 091 road is a ML 2 road and is open to the public and motorized use. There is no Forest Order that prohibits motorized use of this road. There may have been a period of time that this road was closed after the 1987 Silver Fire.

Comment #134: Consider stopping use at Chetco Pass; make this a trailhead for Little Chetco Trail 1102. (2020)

Consider stopping use at Chetco Pass; make this a trailhead for the Little Chetco Trail 1102. This analysis not in the DEIS because this portion of road has not been shown accurately as current use. (DC-258, page 3)

Response: The Chetco Pass Road (4103087) continues west for approximately another 1/3 of a mile before terminating near the Kalmiopsis Wilderness boundary, however this last segment is classified as ML 1 and is not open to motorized use.

Comment #135: Consider motorized use on gravel road (---715 Prospect: see map DC-200). (2021)

Consider motorized use on gravel road (---715 Prospect: see map DC-200). (DC-200, page 2)

Response: Hamaker Bluff OHV Trail already provides a loop connection in the area of Road 6530 (see Prospect OHV Trail Map).

Comment #136: Lawson Creek Trail/Seven Mile Camp to Borrow Pit; existing trail provides loop (2022)

Lawson Creek Trail/Seven Mile Camp to Borrow Pit; consider designating existing trail to provide loop (T35, R12, Section 35). (DC-257, page 2)

Response: This existing trail is motorized and will be reflected on maps associated with the FEIS.

Comment #137: Opportunity to connect 610 Rd. to Bear Camp Road. (2023)

Opportunity to connect 610 Rd. to Bear Camp Road; ridgetop trail, section 18. (DC-257, page 3)

Response: The 610 Road (Maintenance Level 1) branches off the 650 Road and extends to about the center of section 18. Construction of a new motorized trail in this vicinity would not appreciably improve motorized opportunities in this area as the connection only leads to dead end roads in the immediate vicinity that connect to Bear Camp Road. This opportunity will be further discussed as Considered but Eliminated in the FEIS.

Comment #138: Road 4402019 is unnecessary and affects residents via noise. (2024)

Road 4402019 only provides a shortcut and is not needed at the expense of taking quiet away from local residents and therefore should be closed to motorized use. (DC-326, page 2)

Response: Road 4402019 is the eastern portion of the McGrew Trail. Historically there has been no complaint of noise from the nearest house, which is over 0.50 miles from the trailhead. This will be clarified in the FEIS.

Comment #139: Road 4402112 should terminate at junction with 019; possible parking and trailhead location. (2025)

Road 4402112 should only be open to motorized use from its beginning at 4402 to the “fire safe zone” at the junction with 4402019. The “fire safe zone” would be a good parking area and trailhead for campers, hunters, hikers and horseback riders. (DC-326, page 3; DC-349, page 1)

Response: There is already a well established trailhead beyond the junction of the 4402112 and the 019 Roads. There is no reason to incur the costs associated with moving this trailhead to the junction suggested. This opportunity will be further discussed as Considered but Eliminated in the FEIS.

Comment #140: Proposed Action should include a plan to close and decommission unnecessary roads. (2026)

The Proposed Action should be supplemented with a plan to close and decommission unnecessary or damaging roads (as determined through Travel Analysis as described in the directive for implementing the Travel Management Rule) to allow for maintenance of a road system that provides for public safety and ecological health, (DC-325, page 4; DC-356, page 3; DC-375, page 2)

Response: As stated throughout this process, identification or “rightsizing” of the entire road system is neither a goal nor part of the analysis conducted for designation of motorized vehicle use on the RRSNF. The purpose of the Travel Management Rule is to designate a system of roads, trails, and areas for motor vehicle use (other than over-snow vehicle use) and end unmanaged cross-country motor vehicle use.

As noted above, this project is not evaluating the entire Forest Transportation System, nor is it making recommendations for road closing or decommissioning. This process is about designating where motorized vehicle use would be allowed; it is not a proposal to physically close (or decommission) any roads or trails.

Comment #141: An action alternative should be based on minimum (affordable) road system. (2027)

The DEIS does not consider an action alternative that would identify the minimum road system and proposed routes and roads for decommissioning. (DC-325, page 9)

Response: See response to Comment #140 (above)

Comment #142: Consider an alternative that limits OHV use to designated roads only (amend Alt #4). (2028)

By limiting OHV use to designated roads, resource values would be protected. Costs associated with the ability of the LEOs to enforce, monitor, sign, and otherwise implement strategies would be reduced under an amended Alternative 4. (DC-340, page 40)

Response: Assuming this suggestion means limiting OHVs to National Forest System roads, this was considered but was eliminated in the Travel Analysis process. Further, it would fail to address the stated purpose and need, and would not be a logical adjustment to DEIS Alternative 4. This will be clarified in the FEIS.

Comment #143: Consider FS law enforcement patrols at parking areas and staff Guard Stations. (2029)

USFS law enforcement officers should frequently patrol roads and should designate parking areas to guard against vehicle vandalism. It would be good to establish and staff guard stations to provide information, safety, and law enforcement. (DC-349, page 1)

Response: See response to Comment #32. Trends in violations related to the Travel Management Rule can be analyzed and appropriate action(s) taken, if needed. Appropriate action(s) may involve one or more techniques or adaptive strategies. It is probably impractical and too costly to establish guard stations specifically to enforce travel management; the discussions regarding enforcement will be expanded and clarified in the FEIS.

Comment #144: Consider an alternative that excludes unauthorized routes. (2030)

At least one alternative should illustrate the newly mapped unauthorized routes as being excluded from public motorized use as a proposed change to Alternative 1 (i.e., one alternative would be free of public motorized access to unauthorized routes and would trigger NEPA analysis to estimate the impacts of not using them for public travel). (DC-360, page 4)

Response: Unauthorized routes were not shown as current condition routes. Any routes shown on the Alternative 1 maps are considered authorized routes and are part of the Forest transportation system. See response to Comment #144. No unauthorized routes were added to the system as part of the 2008 inventory; all routes shown on maps were considered to be authorized. All routes were based on Forest Service database information. Also see response to Comment #53. Further information on the route inventory will be provided in the FEIS.

Comment #145: Consider “zone” routes and ORV staging areas away from campgrounds. (2031)

In our scoping comments Kalmiopsis Audubon Society suggested a strategy to reduce use conflicts to “zone” routes and to site ORV staging areas away from campgrounds. We did not see that this suggestion was taken into consideration. (DC-341, page 5)

Response: There are a number of motorized trails that start at campgrounds on the Prospect OHV system. See response to Comment # 74. The scoping comment referred to above focused on the Oak Flat Campground which is located on the lower portion of the Illinois River, and indicated that use would increase here with publication of the MVUM. The Forest considered formal creation of staging areas early in this process; however felt that there were already a large number of informal staging areas associated with large turnouts, landings, and rock pits. Specific to Oak Flat, an increase in use associated with the MVUM and the potential of increased noise and exhaust cannot be predicted.

Comment #146: Analyze an alternative that designates all unpaved ML 3-4 roads for mixed use (follow FSH 7709.55, 30.3). (2032)

Please analyze a new alternative to designated all unpaved Maintenance Level 3-4 roads for motorized mixed use and prepare engineering judgments when the three criteria in FSH 7709.55, 30.3 are met. (DC-367, page 7)

Response: As noted in response to Comment #128, existing maintenance level 3-5 roads were considered for designation as mixed use during the planning process (Travel Analysis). Those that were thought to be appropriate were included as either existing mixed use or proposed as mixed use in one or more of the alternatives considered in detail.

Comment #147: Consider creation of trails which require a permit (control numbers, time of year, etc.). (2033)

Consider creation of trails which require a permit; this would control type of vehicles, numbers of vehicles and time of year that access would be available for some of the more sensitive areas. (DC-371, page 3)

Response: This idea has merit and a permit system could be implemented in the future as appropriate. No route specific permitting proposals are part of the current process.

Comment #148: Consider limiting motorcycle size; smaller ones don't cause damage. (2034)

Have you considered limiting the size of motorcycles? The smaller bikes are capable and they don't have enough power to tear up a lot of ground. (DC-376, page 3)

Response: The Forest has not considered limiting the size of motorcycles. In general, motorcycles used on single track trails are far lighter and smaller than those used on roads. In addition, riding style is a more substantial factor in "tearing up the ground" than the size of the motorcycle.

Comment #149: Consider seasonal use restriction in Mule Mountain Area (Big Game Winter Range). (2035)

ODFW recommends that trail systems within designated Big Game Winter range have seasonal restrictions from Nov 1 - May 1. The Mule Mountain area is a very important deer winter range and has been the focus of large prescribed burn habitat improvement projects. (DC-441, page 2)

Response: Enacting seasonal restrictions for motorized use (vehicle access) within Big Game Winter Range (Rogue River Land Management allocation MA-14) is already an option, as stated in Forest Plan Standards and Guidelines for recreation at LRMP page 4-165:

6. Control vehicle access in big game winter range as needed between November 1 and April 30 to prevent biological stress.

This use restriction can be implemented by the responsible official (District Ranger) at any time, regardless of the motorized vehicle use process. If this restriction is enacted, it would be shown on the MVUM.

Comment #150: Consider restricting motorized use of dispersed camping within perennial streams, lakes, and intermittent streams. (2036)

EPA recommends if or where corridors to dispersed camping are allowed, restrict motorized access for dispersed camping within 300 feet of perennial streams, 150 feet of lakes, and 100 feet of intermittent streams to lessen sediment delivery to streams. (DC-460, page 5)

Response: Dispersed camping would be allowed on existing sites, except where resource protection would preclude it. DEIS II-16 included the assumptions associated with dispersed camping. Those pertinent to streams and the Action Alternatives included:

“Off-road parking may not damage the land, vegetation, or streams and no live trees may be cut.”

“Under all Action Alternatives, off-road parking for dispersed camping would be prohibited within Botanical Areas, Research Natural Areas, or other areas deemed to have high resource values. Current closures would remain in effect for specific areas. In addition, parking for dispersed camping would be prohibited within 1,320 feet of any potable water source.”

“At no time may any transportation use take place that would cause unacceptable resource damage. Additional site-specific closures and seasonal restrictions (such as emergency fire closures or where unexpected resource damage is occurring) may be implemented on a case-by-case basis for management, wildlife, and resource protection through authorized travel orders. “

Assumptions and criteria regarding parking for dispersed camping will be clarified in the FEIS.

Comment #151: Consider connecting FR 310 with FR 3318 (Wildhorse Road) to create a loop access. (2037)

I propose that the Lawson Creek Road 310 remain open to ATV Class I and Motorcycle Class III use. In addition, I propose connecting Road 310 with road 3318 (Wildhorse Road) thereby creating a loop access. (DC-462, page 1)

Response: This opportunity was not identified or considered during Travel Analysis process. It will remain as a future opportunity for consideration, outside of this process.

Comment #152: Consider seasonal closure (gate) at Junction of 19N01 and 4402: botanical and private property. (2038)

There is an area south of Road 19N01 that is heavily scarified and has been used to access roads on my property. I ask for a season gate on this road to prevent further intrusion into sensitive and botanically unique areas I am trying to protect. (DC-373, page 3)

Response: Road 19N01 is located on the Six Rivers National Forest. The RRSNF does not have jurisdiction on this road and suggests that this commenter contact the District Ranger at Gasquet to discuss this opportunity.

Comment #153: Restricting motorized use (camping) in Bigelow Lakes area may reduce OCNM water contamination. (2039)

Oregon Caves NM suggests that restricting motorized use (camping) in Bigelow Lakes area may reduce potential for water contamination to the monument. (DL-3, page 3)

Response: The Proposed Action (Alternative 3) and Alternative 4 as presented in the DEIS would restrict motorized access in the Bigelow Lakes area.

Comment #154: Consider unmapped road T41S, R7W section 1: exists & provides access to Bolan Lakes area. (2040)

There is a road on the Illinois Valley RD District Map that has been in existence since at least the 1970s that does not show up in this process. In addition to offering emergency egress, this “4 WD” road provides access to the Bolan Lake area without having to go all the way back to Cave Junction. (DL-4, page 1)

Response: This road is user-created and is not authorized. Emergency egress and access to Bolan Lake are available on the 4703 and 4812 Roads and does not require a return trip to Cave Junction.

Comment #155: Consider permanent closure (now gated) of Road 990 (T35S, R11W, section 5) to motorized use. (2041)

Oregon Wild requests that the gate at the top of FS Road 990 be permanently closed with no motorized use allowed. This area provides a fine recreational hiking experience to Shasta Costa Creek. (DL-37, page 1)

Response: This opportunity was not identified or considered during the Travel Analysis process. It will remain as a future opportunity for consideration, outside of this process.

Mitigation Measures

Comment #156: Request funding to implement user education, signs, law enforcement and physical barriers. (2400)

Request funding to implement user education, signs, law enforcement and physical barriers to protect public resources from damage by motor vehicles. (DC-80, page 1 [and all form letter Bs])

Response: The Forest is bound by national policy and direction for implementation of the Travel Management Rule and production of the MVUM. The Forest will make efforts to request federal appropriated funds for implementation, as well as grants, volunteers, etc. for education and enforcement. This will be clarified in the FEIS.

Comment #157: El Dorado NF limits to exposure & ultramafic serpentine soils are applicable to the RRSNF. (2401)

Regarding naturally occurring asbestos in ultramafics and related rocks, concerns expressed by the California Geological Survey to the El Dorado NF regarding “limits to exposure” and “recommendations” are applicable to the RRSNF. (DC-207, page 1)

Response: The Forest has reviewed this situation and the management protocols as outlined in the USDA Forest Service Region 5 website, regarding the potential for Naturally Occurring Asbestos (NOA). The RRSNF will likely adopt these protocols and apply them to this Forest. This will be clarified in the FEIS.

Comment #158: Consider posting warning signs about asbestos in serpentine areas. (2402)

Consider posting warning signs about asbestos in serpentine areas. (DC-360, page 27)

Response: As noted above, the Forest has reviewed the management protocols as outlined in the USDA Forest Service Region 5 website, regarding the potential for Naturally Occurring Asbestos (NOA). The RRSNF is considering adoption of these protocols, including posting of warning signs about asbestos hazards, and apply them to this Forest. This will be clarified in the FEIS.

Comment #159: Consider a 5 MPH speed limit in developed recreation areas. (2403)

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. (DC-367, page 10)

Response: The following national direction is from Sign and Poster Guidelines for the Forest Service (EM-7100-15):

“Impose speed limits only where and when necessary. Speed limits shall be authorized by law or an order following 36 CFR 261 and FSH 7109.59 and shall be enforced. The establishment of speed limits shall be based on engineering studies made in accordance with established traffic engineering practices. At least every 5 years, nonstatutory speed limits should be re-evaluated where significant roadway characteristics or surrounding land use has changed. Minimum posted speeds on NFSRs should not be less than 15 miles per hour.”

In some cases, a 15 mph speed is unsafe at some developed sites, and lower speed limits have been imposed or “traffic calming” devices such as speed bumps have been installed. A 5 MPH speed limit would not be applicable at all developed recreation sites.

Comment #160: Implement wet weather restrictions based on wet weather conditions, not specific dates. (2404)

Implement wet weather restrictions based on wet weather criteria, not on specific dates that have no relation to actual conditions on the ground. (DC-367, page 11; DL-47, page 2)

Response: From the Record of Decision for the Final Supplemental Environmental Impact Statement – Management of Port-Orford-Cedar in Southwest Oregon (FSEIS): Dry season (Pathology section of the FSEIS), is identified as “generally between June 1 and September 30, when conditions are dry and temperatures typically exceed 68 degrees F”. Note that the dry season dates are listed as “generally” not exclusively between June 1 and September 30.

Wet weather restrictions may be adopted for implementation of the Travel Rule based on the flexibility provided by the MVUM standards. This will be clarified in the FEIS.

Monitoring

Comment #161: Monitoring system needs to be in place continually to correct new problems. (2500)

Monitoring system needs to be in place, not only for the “test period” but throughout time so that we can quickly correct any erosion problems that may arise or any other problem related to opening up new traffic. DC-23, page 1)

Response: It is unclear as to what is meant by the “test period.” The DEIS states at page II-63 that “a detailed Monitoring Plan will be developed specific to the activities contained in the Record of Decision.” This will include monitoring for erosion and will be ongoing.

Comment #162: What will be the monitoring thresholds of concern and what will be violation consequences? (2501)

What will be the monitoring thresholds of concern and what will be the consequences for violating these thresholds? (DC-340, page 37)

Response: The monitoring plan which will be based on the decision, will discuss monitoring thresholds and consequences of violations, as appropriate; see response to Comment #163 (below).

Comment #163: Develop a comprehensive implementation and adaptive management (monitoring) plan and include in the FEIS (not ROD). (2502)

EPA recommends that a comprehensive implementation and adaptive management plan be incorporated into the action alternatives, and that initial details of this plan be included in the FEIS (as opposed to the ROD). (DC-460, page 4)

Response: A framework for the monitoring plan will be provided in the FEIS. A detailed Monitoring Plan would be incorporated by reference and made an attachment to the Record of Decision (ROD) for authorized activities. A final, detailed plan will not be developed until a decision is made so that the monitoring plan can be designed to match the decision. This would allow it to be developed specifically to the activities contained in the ROD, and be specific to the area(s) where authorized actions would occur. Also see response to Comment #162.

Comment #164: See approach to adaptive management chapter of Idaho Forestry Program Document. (2503)

One conceptual example of an approach to adaptive management is contained in the adaptive management chapter of the Idaho Forestry Program Document (reference provided). (DC-460, page 5)

Response: The Idaho Forestry Program document was reviewed by the planning team. Information derived from monitoring can be utilized in an adaptive management approach. More discussion of this will be provided in the FEIS.

SUBSTANTIVE COMMENTS - DEIS CHAPTER III AFFECTED ENVIRONMENT/BACKGROUND/MECHANISMS

Comment #165: There is little acknowledgement of the Big Butte Springs Watershed and its significance. (3000)

There is little acknowledgement of the Big Butte Springs Watershed and its significant value. (DC-69, page 1)

Response: The presence and importance of municipal watersheds across the Forest will be clarified in the FEIS.

Comment #166: Proposed play area is located in high infiltration zone; pollutants could affect groundwater. (3001)

Proposed play area is located in high infiltration zone as shown on Big Butte Springs Groundwater Hazard Zonation Map. The high zone is an area that is vulnerable to contamination from surface activities; pollutants can potentially infiltrate into the groundwater system/aquifer. (DC-69, page 1)

Response: The Forest recognizes that the proposed play area is within an area identified as having a high aquifer contamination hazard from infiltration. The existing sand pit was identified as a potential entry point for pollution through infiltration in the Big Butte Springs Geohydrologic Report. The presence of the two lane highway (Fish Lake Road), which traverses the same area, has resulted in no detectable degradation despite its higher use level and greater potential for concentration of pollutants through road runoff.

A core hole drilled across the highway from the sand pit documents deposits of alluvial material of about 10 feet overlying andesite volcanic flow deposits of 178 feet deep. It is recognized that pollutant releases would quickly navigate the alluvium and infiltrate the rock that serves as a groundwater conduit. The Proposed Action is evaluated assuming that the play area would be properly administered to ensure that illegal dumping does not occur. Alternatives were considered (e.g., Alternative 2 and 4) that do not contain the proposed play area, however exclusion of the play area would not prevent illegal dumping of waste oil or septic effluent. This situation will be clarified in the FEIS.

Comment #167: Bill Hicks report indicates significant naturally occurring asbestos in ultramafics on RRSNF. (3002)

The attached report of April 24, 2009 by certified engineering geologist Bill Hicks (commissioned by KSWild) indicates significant naturally occurring asbestos in ultramafics on RRSNF. (DC-207, page 1)

Response: The Forest appreciates the submittal of this information. However, there is no specific documentation in the Hicks report containing information on the level of asbestiform minerals to indicate or suggest the level of significance on the Forest. The levels of naturally occurring asbestos remain largely unknown. Not all ultramafic and serpentine rock contains asbestos; however the Forest acknowledges the potential for naturally occurring asbestiform minerals in the ultramafics found on the Forest. Forest Service geologists, soil scientists and hydrologists are investigating this situation and further clarification will be provided in the FEIS.

Comment #168: Additional information: web sites for naturally occurring asbestos information and mapping. (3003)

Information presented by California Geological Survey, California Air Resources Board, Williams-Irwin and Forest Service Region 5 web site references provided. (DC-207, page 2)

Response: The Forest has reviewed these sources of additional information as outlined in the USDA Forest Service Region 5 website, regarding the potential for Naturally Occurring Asbestos (NOA). The RRSNF will utilize this information; further clarification will be provided in the FEIS.

Comment #169: DEIS fails to report saturated soil conditions on Biscuit Hill Trail and high risk for POC. (3004)

The DEIS fails to report that saturated soil condition on road 4402-112 and the Biscuit Hill trail (494) have high risk for the introduction and spread of Port-Orford-cedar disease due to year round use by motor vehicles. (DC-323, page 2; DC-372, page 3)

Response: See response to Comment #81.

Comment #170: See Wisdom et al. for impacts on elk movement from off-road recreation. (3005)

The agency should address the findings of a study regarding the impacts of OHV use on elk movement by Wisdom et al. (DC-325 page 30)

Response: The findings of the Wisdom et al. 2005 study regarding the impacts of traffic on mule deer and elk movement were considered for this analysis. This study was cited in DEIS Chapter IV (References).

Comment #171: See provided references on impacts from OHV on human health and safety. (3006)

A comparison of potential injuries vis-à-vis open route miles would be a valuable addition to your decision. The presence of law enforcement on user behavior and public health and safety should be disclosed. See web sites from southern Oregon provided. (DC-325, page 30)

Response: Trends in violations related to the Travel Management Rule can be analyzed and appropriate action(s) taken, if needed. Appropriate action(s) may involve one or more techniques or adaptive strategies. The web sites referenced will be reviewed by the planning team. The discussions regarding enforcement will be expanded and clarified in the FEIS.

Comment #172: Roadless Rule defines trail as 50 inches or less; larger trails not allowed in IRAs. (3007)

The Roadless Rule defines a “trail” (as opposed to a road) as a route 50” or less in width. The DEIS at II-11 anticipated clearing widths of 72” for Class I quads and 60” for Class III motorcycles. Hence these “trails” are actually roads and should not be permitted in IRAs. (DC-325, page 38; DC-360, page 4)

Response: At this time, the status of the Roadless Rule is unknown and uncertain (see response to Comment #60 #85 and #222). Clearing widths are not the same as track widths that are used to define a road. No new road construction or trail construction is proposed within an IRA. Existing uses are allowed under the 2001 Roadless rule

Comment #173: See reference (Monaghan 2001) (Gregory) on tendencies of OHV users. (3008)

See findings according to a 2001 study of ORV riders in Colorado by Monaghan and Associates (reference provided). Also see testimony of Jack Gregory, Special Agent USFS Southern Region before Senate Subcommittee, 2008 (reference provided). (DC-325, page 42; DC-341, page 3)

Response: These documents will be reviewed by the planning team and incorporated into the FEIS.

Comment #174: See USDA 2008; Preparing Climate Change in the Rogue River Basin of Southwest Oregon; Stressors, Risks, and Recommendations... (3009)

According to USDA 2008; Preparing Climate Change in the Rogue River Basin of Southwest Oregon; Stressors, Risks, and Recommendations for Increasing Resilience and Resistance in Human, built, Economic and Natural Systems, the warming trend will increase the likelihood for pathogens to over-winter and will likely stress native plants with drought conditions, allowing exotics to out-compete native plants. (DC-325, page 45)

Response: This document has been reviewed by the planning team. Additional detail will be provided in the FEIS regarding climate change.

Comment #175: FS has not conducted botanical surveys along roads and motorized trails proposed for use. (3011)

The Forest Service has neglected to conduct botanical surveys along roads and motorized trails proposed for use in the analysis. The public cannot know the risks the action presents to listed plant species. (DC-325, page 51)

Response: Surveys have been or will be conducted in areas proposed for changes over the current condition and/or where potential impacts may occur, prior to rendering a decision about motorized use. Surveys are not required along currently open routes. This will be clarified in the FEIS.

Comment #176: Many ORV trails currently receive infrequent use; NSOs may not be habituated to noise disturbance. Effects were disclosed only for new motorized routes. (3012)

The DEIS only disclosed the potential for new motorized routes to result in harassment. Many ORV trails currently receive infrequent use; northern spotted owls may not be habituated to noise disturbance. (DC-325, page 51)

Response: Currently open roads and or motorized trails are assumed by both the FS and FWS as not likely to have an adverse effect to spotted owls and murrelets due to habituation regardless of use. This will be clarified in the FEIS.

Comment #177: User conflicts over simplified; must address conflicting values and degradation of forest. (3013)

The analysis of user conflicts in the DEIS was over-simplified. The issue is more than an issue with public safety; user conflict has to do with conflicting values and the degradation of national forest user experiences. (DC-340, page 16)

Response: It is acknowledged that user conflict is more than a public safety issue and it involves not just motorized and non motorized users as stated in the DEIS at II-21 (e.g., mountain bikes on stock trails). It was also discussed on page III-114-116, which is quoted in part below:

“In addition, sounds over which people feel they have no control or which are unpredictable, are considered annoying. Sounds such as motorized vehicles, deemed as annoying by many non-motorized users (hikers), distract from the quality of the recreational experience. Conflict frequently arises between those who wish to enjoy and preserve quiet areas, where natural sounds predominate, and those whom wish to use mechanized equipment in such environments (Kariel 1990). On the RRSNF, user conflicts have been documented most noticeably on the Boundary Trail, and to a lesser extent, on other trails where motorized use (primarily motorcycles) is allowed.”

Comment #178: Alternatives propose use in North Fork Smith River watershed, contrary to WA & POC risk ratings. (3014)

The DEIS in various alternatives proposed and thus encourages 4-wheel drive use of 4402-112, 4402-450(McGrew Trail), and 4402-494 (Biscuit Hill Trail), ignoring the site-specific recommendations of the North Fork Smith watershed analysis. Environmental impacts and risks were not discussed. (DC-350, page 7)

Response: The POC Risk Key from the POC ROD (USDA-FS 2004) was used to assess appreciable additional risk to POC that measurably contribute to meeting management objectives. Use of the Risk Key identified that the Proposed Action would introduce appreciable additional risk to four seventh field watersheds containing POC Cores and one POC population in the vicinity of Biscuit Hill. Seasonal closures for POC root disease would be employed as needed based on risk and the ROD and FEIS for Port-Orford-Cedar (2004). This will be further considered and clarified in the FEIS. Also see response to Comment #81.

Comment #179: No description of current roads & trails program, maintenance costs, deferred maintenance, etc. (3015)

There is no “transportation facilities” section in Chapter II of the DEIS that describes the Forest’s roads and trails program, the annual road/trail maintenance budget, the annual road maintenance costs by level, and the amount of deferred road maintenance. (DC-367, page 8);

Response: There is no requirement for a “transportation facilities” section in the DEIS that describes the Forest’s roads and trails program, the annual road/trail maintenance budget, the annual road maintenance costs by level, and the amount of deferred road maintenance. This EIS for motorized use is about road and trail facilities. This EIS process is not about managing the Forest’s system – it is about specific proposals for change regarding motorized use. Under the current administration, funding for stimulus projects this year will be directed toward road maintenance to help maintain the existing road system. Also see response to Comment #100.

Comment #180: See email from FS botanist Clint Emerson; Lilium at road 1101 is *L columbianum* (tiger lily). (3016)

FS botanist Clint Emerson responds to claim that Lilium at road 1101 is *Lilium kellogii*. Extensive surveys confirm *L columbianum* (tiger lily), not *kellogii*. (DC-377, page 1)

Response: This observation was explored by the District Botanist who confirmed that the population was not *Lilium columbianum*. Also see Comment #39.

Comment #181: Inadequate analysis of asbestos, given the extent of serpentine soils on forest. (3017)

As noted on DEIS III-59, information regarding levels of asbestiform minerals in serpentine soils on the Forest is limited. Given the extent of serpentine soils on the Forest, EPA believes that the risk of potential exposure has not been adequately analyzed. (DC-460, page 3)

Response: The Forest will conduct further investigation regarding levels of asbestiform minerals in serpentine soils and the potential for Naturally Occurring Asbestos (NOA) on the Forest and the risks of effects from human exposure. Discussion on this topic will be clarified and expanded in the FEIS.

Comment #182: See Strittholdt et al., Ross et al. and Carroll et al. for specific wildlife linkages KS ecoregion. (3018)

We suggest that the FEIS include site-specific wildlife analysis of the unique location of the Boundary Trail in the context of terrestrial linkage zones; see Strittholdt et al., Ross et al. and Carroll et al. for specific wildlife linkages KS ecoregion. (DL -1, page 2)

Response: The Forest is familiar with these opinion papers that support conservation of ecosystems of the Klamath province. The Boundary Trail is proposed for motorized use per the current condition under Alternative 2, reduced motorized use under Alternative 3, and no motorized use under Alternative 4. This variability within alternatives is in part due to consideration of terrestrial wildlife linkages. Note that no vegetation changes are proposed in alternatives that would allow the continued motorized use of the Boundary Trail. Any disturbance to terrestrial wildlife is historical and ongoing.

Comment #183: See Fisher et al.; Off Highway Vehicle Uses and Owner Preferences in Utah (3019)

The Utah Division of Parks and recreation commissioned Utah State University to survey riders; see results in Fisher et al. 2002; Off Highway Vehicle Uses and Owner Preferences in Utah. (DC-687, page 3)

Response: The Forest appreciates bringing this document to the attention of the Forest Planners; they have reviewed the Fisher et al. report along with other reports and studies regarding OHV use across the country. These documents will be appropriately cited in the DEIS.

Comment #184: See Lewis and Page; Selected Results from 2006 Survey of Registered OHV Owners in Utah (3020)

In 2006, the Montana Fish, Wildlife and Parks received survey response from 446 owners of register off-road vehicles; see Lewis and Page; Selected Results from 2006 Survey of Registered OHV Owners in Montana. (DC-687, page 3)

Response: See Response to Comment #183 above.

SUBSTANTIVE COMMENTS - DEIS CHAPTER III ENVIRONMENTAL CONSEQUENCES

Comment #185: Fire Risk: unlike cars & trucks, OHV (quad) muffler is 18 to 30 inches off ground; no risk. (5000)

OHVs have to comply with fire regulations and unlike cars and trucks that have catalytic converters down next to the ground that can start fires, an OHV's muffler and exhaust is 18 to 30 inches off the ground. The chances of a fire starting from exhaust from a quad are almost zero. (DC-61, page 2)

Response: This situation makes the analysis of fire risk more conservative than stated; there remains a low risk for all types of motorized use. This will be clarified in the FEIS.

Comment #186: Basis for "minimal resource impacts" from play area; water quality needs additional analysis. (5001)

What resource impacts were evaluated to determine that they are minimal? If the resource issue is the Municipal Water Supply (groundwater aquifer), this should require additional analysis. (DC-69, page 2)

Response: Resource impacts resulting from the play area include surface erosion and soil impacts. Direct releases of petroleum products or human effluent were not evaluated since these are prohibited throughout the National Forest. Incidental releases, such as those occurring by vehicles on the neighboring highway, were not addressed. See response to Comment #166. The resource impacts of the play area will be re-evaluated and documentation clarified in the FEIS.

Comment #187: DEIS provides no site-specific (road or trail) POC root disease analysis. (5000)

DEIS provides no site-specific (road or trail) POC root disease analysis. (DC-81, page 2; DC-320, page 2; DC-325, page 40; DC-350, page 3))

Response: The POC Risk Key has been applied to all changes to current motorized vehicle use in the range of POC. Individual roads and trails as well as mapped and modeled measurably contributing POC populations and areas of POC root disease are identified along with the management practice(s) that are recommended for the roads, trails, measurably contributing POC populations and infested areas. This will be clarified in the FEIS.

Comment #188: What is the cumulative effect of recreation closures in the state? (5003)

What is the cumulative effect on the public of this motorized access and motorized recreation closures combined with all other motorized access and closures in the state? (DC-99, page 8)

Response: As stated in DEIS page I-7:

“Some commentors feel that motorized recreational opportunity has been and will be drastically reduced throughout the region. They suggest the Proposed Action continues the trend of eliminating opportunity for vehicle-based recreation. Additional closures are being proposed by land managers across the region and nation. They feel that the cumulative loss of motorized recreational opportunity should be brought into the analysis and incorporated into the decision making process. Significance criteria could include number of miles closed, number of acres closed or other similar quantifiers.

This issue is considered out of scope because this issue cannot be solved with a single project analysis for one Forest. The context for this analysis is the entire RRSNF. The analysis will include a brief description of the current travel management activities on adjacent public lands. This analysis cannot account or foresee all ongoing travel management planning projects on all public lands in the region or nation.”

Comment #189: What POC core areas were removed because of Biscuit? (DEIS III-79). (5004)

Please provide a list (with names not just numbers) and map of the 38 POC core areas that were removed due to Biscuit Fire and the core areas that remain in relationship to the Travel Plan. (DC-107, page 1)

Response: Post Biscuit Fire POC mapping and inventory updates show that twenty-eight of the original uninfested 7th field watersheds do not have 100 acres of POC. These twenty-eight seventh field watersheds will continue to be managed as POC cores. One seventh field watershed (12J07F) has approximately 2.5 acres of infested POC and about 75 acres of healthy POC. Seventh field watersheds generally are not named so the only identifier currently available is the seventh field watershed number.

A map of all seventh field watersheds can be found at: <http://www.fs.fed.us/r6/rogue-siskiyou/projects/foresthealth/poc/08-map-2.pdf>

The Proposed Action would introduce additional risk to six seventh field watersheds. Four are in the vicinity of Biscuit Hill on the Wild Rivers Ranger District (90B03F, 90B04W, 90B06W and 90B08W) and two are in the vicinity of Game Lake and Wildhorse Lookout on the Gold Beach Ranger District (07L08W and 10C03W). They are identified in the POC analysis and this will be clarified in the FEIS.

Comment #190: What watershed had 13% infection and was removed from core list? (DEIS III-79). (5005)

Please provide a name and a map showing the watershed found to have 13% PL infection (when it was discovered, how was the PL introduced and where was it introduced?). (DC-107, page 1)

Response: One seventh field watershed (07L14W) will be removed from the POC core list. This watershed exceeds the five percent infection criteria from the POC ROD (USDA-FS 2004). In this seventh field watershed, post Biscuit Fire mapping shows approximately 26 acres of infected POC and 168 acres of healthy POC. Infection percent for this seventh field watershed is 13.4%. The two new PL locations were identified in 2004 as part of the post Biscuit Fire POC mapping update. It is not possible to tell exactly when or how the area became infested. The new PL areas are located in the northeast quarter of section 29, Township 36 South, Range 12 West. A map of the watershed is included as part of the POC analysis.

Comment #191: Are POC core areas (DEIS III-79) the same as “uninfested 7th field watershed (DEIS III-77)? (5006)

Are POC core areas (DEIS III-79) the same as “uninfested 7th field watershed (DEIS III-77)? (DC-107, page 1)

Response: “Uninfested 7th field watersheds” are watersheds with greater than 50 percent Federally managed lands and with greater than one hundred Federal acres in stands that include POC (not including reforestation units where POC did not previously occur), where at least the Federal lands are uninfested or essentially uninfested with PL. These stands occur in Matrix as well as various “Reserve” land allocations. Uninfested POC stands within these watersheds are referred to as POC cores. POC cores are not necessarily contiguous acres. Analysis done for the POC FSEIS using existing GIS stand mapping indicates there were 162 uninfested 7th field watersheds in Oregon (BLM and FS) (USDA-FS 2004). This will be clarified in the FEIS.

Comment #192: Please provide a map of unprotected, uninfested POC, and status of gated or closed roads. (5007)

Please provide a map of unprotected, uninfested POC, and status of gated or closed roads. (DC-107, page 2)

Response: A General Location Map for each Ranger District showing existing Port-Orford-cedar populations and PL areas as associated with the Final Supplemental Environmental Impact Statement – Management of Port-Orford-Cedar in Southwest Oregon (FSEIS), is included in the POC analysis for this project, and is available on request. Gate locations for the Gold Beach and Wild Rivers Ranger Districts are shown on the map. These are seasonal closures. Gate locations for the Powers Ranger District are not available on a map, their locations are listed in a table (available on request). This information was not included with the DEIS as it is primarily concerned with the current condition and POC management.

Comment #193: Please provide pre-Biscuit & updated map/process of POC populations - Biscuit Fire area. (5008)

Please provide pre-Biscuit Fire map of POC and an updated map of POC populations in the Biscuit Fire area and methodology for the population update. (DC-107, page 2)

Response: See response to Comment #192 above. The updated Biscuit Fire area POC and PL locations are shown on the General Location Maps. A pre-Biscuit Fire POC map can be found on the Rogue River – Siskiyou National Forest website at:

<http://www.fs.fed.us/r6/rogue-siskiyou/biscuit-fire/feis/25-chapter-3-04-port-orford-cedar-map.pdf>

The post Biscuit Fire mapping was done via service contract. Language from that service contract is available on request. This information was not included with the DEIS as it is primarily concerned with the current condition, POC management, and the Biscuit Fire.

Comment #194: No citation for contention (DEIS III-59) exposure to low levels of asbestos for short time poses minimal risk. (5009)

While acknowledging that “state and federal health official consider all types of asbestos to be hazardous” the DEIS concludes that “exposure to low levels of asbestos for short periods of time poses minimal risk”. No citation is provided to support this contention. (DC-207, page 2)

Response: As noted in previous comments regarding asbestos (i.e., responses to Comments #157 and #158, the Forest will review the situation regarding the potential for Naturally Occurring Asbestos (NOA). The levels of risk will be re-evaluated and documentation clarified in the FEIS.

Comment #195: Is DEIS adequate for Civil Rights Impact Assessment (CRIA)? May need an explicit determination (III-127). (5010)

Is DEIS II-27 paragraphs adequate for CRIA? May need an explicit determination in FEIS. (DC-324, page 5)

Response: CRIA is an analytical process used to determine the scope, intensity, direction, duration, and significance of an agency’s proposed employment and program policies, actions, and decision. More detail on the CRIA will be provided in the FEIS.

Comment #196: Noise issue did not consider adjacent residents and property owners. (5011)

The noise issue in the DEIS was not considered in a way to protect adjacent residents and property owners. (DC-326, page 2)

Response: Sound levels (noise issue) was discussed at DEIS page III-12 thru II-116. This will be clarified in the FEIS in regard to adjacent residents.

Comment #197: Effects from designating 4402494 not accurate. (5012)

The DEIS is inadequate in that it does not disclose the direct and indirect hydrologic impacts, botanical values, and the ability to enforce at this isolated location. (DC-325, page 21)

Response: Hydrologic impacts are discussed at DEIS III-12; botanical impacts are discussed at DEIS III-18 thru III-20. The effects regarding the Biscuit Hill trail, including enforcement will be clarified in the FEIS.

Comment #198: Contention that no alternation of riparian vegetation is false; ORV use will spread POC disease, affecting streamside POC. (5013)

The contention that no alternation of riparian vegetation is false. It is inevitable that streamside Port-Orford-cedars will die in area which the FS promote riparian ORV use. (DC-325 page 24)

Response: It is understood that the various disease-controlling management practices do not “prevent” disease spread, but can reduce the risk of such spread. Some risk is practical to mitigate; some risk is not. For this reason, the Agencies will often apply control measures to their own or contractor activities that may not apply to others. Examples are: unwashed private vehicles will drive past washing stations; hunters will walk on roads closed to contract use or permittees; and administrative traffic adherence to various practices will vary depending upon the nature of the work and individual familiarity with localized conditions. These differences will be a result of various applications of the risk key, control over the conduct of a particular activity, and cost-benefit considerations. The objective is to provide cost-effective mitigation for controllable activities creating appreciable additional risk to important uninfested POC, not to reduce all risk to all trees at all cost (USDA-FS 2004).

Final Supplemental Environmental Impact Statement – Management of Port-Orford-Cedar in Southwest Oregon (FSEIS) 100-year *P. lateralis* spread rate predictions for the selected alternative from the POC FSEIS are on page 63 of the POC ROD. This information can also be found at:

<http://www.fs.fed.us/r6/rogue-siskiyou/projects/foresthealth/poc/poc-rod-fs.pdf>

Comment #199: Illegal motorized use accessing PCT on Cook and Green and Boundary (located on the Klamath NF) trails not recognized. (5014)

It is unclear why the DEIS acknowledges inappropriate (and illegal) motorized use on the PCT originating from the Horse Camp Trail while ignoring identical inappropriate and illegal motorized access of the PCT that originates from the Cook and Green or (Klamath) Boundary Trails. (DC-325, page 29; DC-340, page 15)

Response: The Forest Service acknowledges that illegal motorized (and mountain bike) use occurs on the Pacific Crest Trail (PCT). This illegal use is considered very light based on trail reports from users, trail crews, and trail administrators.

The Horse Camp Trail, unlike the Cook and Green Trail, terminates on the PCT. From that junction the PCT must be ridden in order to access the road at Cook and Green Pass to the east or the Lilypad Lake area to the west if the rider chooses to make a loop. The Cook and Green Trail terminates at a road at Cook and Breen Pass. Typically, motorcycle riders make a loop by going up Cook and Green Trail and returning down to the Applegate Lake area via the 1055 Road. The PCT crosses approximately 15 roads between Cook and Green Pass and the Forest Boundary near Mt. Ashland where there are numerous opportunities (illegal) for motorized access to the PCT.

Motorized access to the PCT does not occur from the Boundary Trail (#1207) on the Rogue River-Siskiyou NF or from the Boundary Trail (12W47 located primarily on the Klamath NF. Access from either trail would require extensive travel through Red Buttes Wilderness and there has never been a substantiated report of this activity taking place.

Comment #200: Discussion on fisher does not include impact of increased noise and human disturbance. (5015)

The discussion of the pacific fisher is lacking. No mention is made in the DEIS of the impacts of increased noise and human disturbance on the remaining fisher habitat. (DC-325, page 32)

Response: No fisher habitat would be affected under any alternative. The DEIS at III-91 contains the following documentation regarding disturbance:

“Pacific Fisher

Effects to the Pacific fisher due to disturbance under **Alternatives 1, 2, and 4** would result in a **“no impact” determination.**

Effects to the Pacific fisher due to disturbance could occur under **Alternative 3 (Proposed Action)** and would result in a **“may adversely impact individuals, but not likely to result in a loss of viability on the planning area, nor cause a trend to federal listing or a loss of species viability range wide”** determination. This determination is due to the proposed trail construction/reconstruction and conversion of Maintenance Level 1 roads to motorized trails under this alternative. It is assumed that there would be no measurable change in the amount of use these routes currently receive. However, at this time there is no information that would allow the FS to meaningfully measure, detect, or evaluate potential effects. Therefore, though any effects may be discountable, a “may impact individuals” determination (MIH) is made for disturbance for Pacific fisher.”

Comment #201: Efficacy of seasonal (or year round) closure mechanisms was not disclosed. (5016)

The efficacy of seasonal (or year round) closure mechanisms was not disclosed in the DEIS. (DC-325 page 34)

Response: See response to Comment #6.

Comment #202: Analyze direct, indirect & cumulative effects of lack of compliance with designated system. (5017)

To counter the anticipated lack of compliance with a designated motorized route system, the NEPA analysis should also address the impacts, direct, indirect or cumulative that will flow from the EIS decision. (DC-325, page 42)

Response: Trends in violations related to the Travel Management Rule can be predicted, analyzed and appropriate action(s) taken, if needed. See response to Comment #32 for assumptions regarding compliance. As with any change in a regulation on NFS lands, there is usually a transitional period for the public to understand the changes. It is anticipated there would be a higher number of violations to the Travel Management Rule the first few years, then the number of violations would decline as the users understand and comply with the rules. This process cannot analyze the effects of an unknown degree of lack of compliance; it is cumulatively not foreseeable. The discussions regarding enforcement will be expanded and clarified in the FEIS.

Comment #203: Consider effect of climate change on the project: invasion of exotics and pathogens. (5018)

The FS did not consider the effect of climate change on the project, yet this is a crucial consideration given that rare species of plants with small endemic ranges and unique botanical areas will likely be impacted by increased ORV use and the increased likelihood of invasion by exotic species and pathogens due to global warming. (DC-325, page 45)

Response: Climate change is discussed at III-123 through 25. Also see responses to Comment #174 and #175.

Comment #204: No site-specific analysis for plan amendments to open Boundary Trail. (5019)

Although the agency has proposed to amend the standards and guidelines of existing special management area in order to open the Boundary Trail, no site specific analysis was presented in the DEIS. (DC-340, page 9)

Response: The effects of motorized use on the Boundary Trail was documented as part of the current condition. Effects of the alternatives considered in detail (i.e., the changes) are documented in DEIS Chapter III, and are the same or less than the current condition, depending on the alternative. An evaluation of the significance of proposed Forest Plan amendments pursuant to 36 CFR 219.6(a)(2) will be made a part of the FEIS.

Comment #205: Each trail to be opened to OHV use should be analyzed separately by ranger district. (5020)

The FEIS should analyze each trail to be opened to OHV use separately and thoroughly, by breaking down the proposal into Ranger Districts and disclosing the impacts of specific proposal by each district. (DC-340, page 10)

Response: In Chapter II, proposals for change (roads and trails) were presented by ranger district, along with rationale. In Chapter III, the effects of each route change was discussed by ranger district, when appropriate. While there will be an effort to clarify this in the FEIS, the format and presentation of the proposals and the way effects are presented will not change.

Comment #206: Effects on NSO habitat and how will seasonal restrictions be enacted? (5021)

How will effects on spotted owl habitat be addressed in relation to motorized use? Will seasonal closures be enacted and how will they be enforced? (DC-340, page 15)

Response: Seasonal restrictions would be put in place in areas with new activities if the activities are within the disturbance distances of known spotted owl and/or murrelet sites, per current consultation Project Design Criteria, LRMP, and as discussed at DEIS page II-58 & 59. The enforcement mechanism for any seasonal restriction associated with motorized vehicle use would be the forthcoming MVUM.

Comment #207: Does existing OHV use in BCNM exceed the 5% threshold stated at LRMP 5-8? (5022)

Would the fact that Sherwood and Grayback Mountain Back Country Non-motorized areas are proposed for motorize use exceed the 5% threshold as stated on page 5-8 of the LRMP? (DC-340, page 17)

Response: This question is based on Recreation Opportunity Spectrum (ROS) and is presented as a summary of the monitoring and evaluation process for the entire Rogue River portion of the Forest, in Primitive, Semi-Primitive non-motorized and semi-primitive motorized. The indicator is in change in acres and is not designed to be applicable to any one Management Area.

Motorized used on the Boundary Trail has no effect on acres and was occurring in 1990. The change in motorized use on the trail would be minor over the years, would not represent a change in ROS or acres and would not exceed the 5% threshold.

Comment #208: There is no trail specific analysis of botanical impacts. (5033)

In the DEIS, no analysis of botanical areas was provided. No analysis of botanical impacts on specific trail and botanical areas was produced. Such analysis must be included in the FEIS. (DC-340, page 19)

Response: Site-specific analysis of botanical impacts and Botanical Areas was presented in Chapter III. The effects associated with the Boundary Trail were site-specifically discussed at III-17 thru 20 and III-63 thru 70. This will be clarified in the FEIS.

Comment #209: Big game winter range; where are sensitive areas in relation to trails and closures? (5034)

The FS should enact seasonal closures from Nov. 1 to June 30 to reduce biological stress and impacts to fawning and calving. The FEIS should disclose the location of foraging, calving and fawning area in relation to proposed OHV trails. The FEIS should compare impact to big game winter range under each alternative. (DC-340, page 21)

Response: As noted in response to Comment #149, enacting seasonal restrictions for motorized use (vehicle access) within Big Game Winter Range (Rogue River Land Management allocation MA-14) is already an option, as stated in Standards and Guidelines for recreation at LRMP page 4-165. This use restriction can be implemented by the responsible official (District Ranger) at any time, regardless of the motorized vehicle use process. If this restriction is enacted, it would be shown on the MVUM.

The analysis of big game impacts was documented as part of Issue 10. Management Indicator Species, at DEIS page III-94 thru III-100. This will be clarified in the FEIS.

Comment #210: DEIS states 38 POC core areas removed re Biscuit Fire; what is correct number & rationale? (5035)

DEIS states 38 POC core areas removed due to Biscuit Fire (III-79). In response to Friends of Kalmiopsis questions, the FS revised this number to 28. There is no scientific rationale for removing these POC core areas provided. (DC-350, page 6)

Response: See response to Comment # 189 and #190.

Comment #211: Effects on Women (III-127) may not be accurate; may be underrepresented and/or intimidated. (5036)

For a woman hiking solo on road less trails, including the Boundary Trail, would be at times unnerving to meet up with ORVs. There is an intimidation factor for women. (DC-355, page 1; DC-360, page 25)

Response: The statements at DEIS III-27 may not be accurate, based on the amount of motorized use (trails) contained within each alternative. This will be clarified in the FEIS.

Comment #212: Official designation of routes will cause increased use and impacts; needs to be addressed. (5037)

Official designation of routes within sensitive management areas will create user conflict, environmental damage and cross-country riding. This issue of increased use must be addressed in the FEIS. (DC-340, page 35)

Response: See response to Comment #32.

Comment #213: Off road travel for 300 ft. would increase the potential for spreading POC root disease. (5038)

Allowing off road travel for 300 feet would greatly increase the potential for spreading POC root disease because it would allow vehicles to travel on native soils often saturated soils where POC grows. (DC-360, page 22)

Response: The POC Risk Key from the POC ROD (USDA-FS 2004) was used to assess appreciable additional risk to POC that measurably contribute to meeting management objectives. The POC Risk Key has been applied to all changes to current motorized vehicle use in the range of POC. The 300 foot off-road travel allowance would be less than current motorized vehicle use. For this reason, it would not add appreciable additional risk to POC that measurably contribute to meeting management objectives and not trigger the risk key. This will be clarified in the FEIS.

Comment #214: Conflict: Boundary Trail risk is high (III-19); plant habitat damage is not expected to occur (III-20). (5039)

The DEIS provides conflicting analysis for the Boundary Trail stating on page III-19 that “the risk of direct adverse effect to plant habitat is relatively high due to the ease of leaving the trail at Sugarloaf/Windy Gap” but then states on page III-20 that “damage to these habitats from off-road use is not expected to occur.” (DC-360, page 24)

Response: Both of these statements are true; while the risk may be high, the only reasonable expectation that the agency can assume (based on stated assumptions III-2) is that motorized users will follow the rules, would not leave authorized trails and that the degree of this illegal use would be minor and that “damage to these habitats from off-road use is not expected to occur.” This will be clarified in the FEIS.

Comment #215: Safety assessment not available due to lack of criteria and mixed use analysis. (5040)

Motorized mixed use assessment (engineering analysis) for mixed use proposal have not been completed. (DC 367, page 3)

Response: Mixed use analysis on roads being proposed for change will be presented in the FEIS. Future mixed use on roads where mixed use is currently allowed (consistent with State law) could also change (an administrative change based on safety assessment). Allowable mixed use would be shown on the MVUM as appropriate.

Comment #216: DEIS fails to provide site specific data about asbestos on routes proposed for motorized use. (5041)

The DEIS is defective because the FS failed to obtain site specific data about asbestos on specific road proposed for motorized travel. (DC-360, page 27)

Response: See response to Comments # 157 and #158; the Rogue River-Siskiyou National Forest acknowledges the potential for naturally occurring asbestiform minerals in the ultramafics on the Forest and will be adopting the management protocols as outlined in the USDA Forest Service Region 5 website, regarding the potential for Naturally Occurring Asbestos (NOA). More specific and route specific information will be included in the FEIS.

Comment #217: DEIS fails to describe how written authorization requirement would affect miners. (5042)

The DEIS fails to even hint at how much a requirement (for prospectors and miners) would affect them, or how, and under what guidelines would “written authorization” be given. (DC-366, page 51)

Response: See response to Comment #62 and #106. The right of reasonable access for purposes of prospecting, locating, and mining is provided by mining law. Such access must be in accordance with the rules and regulations of the Forest Service. Although the claimant has the right of access, under these regulations the government has authority to approve the route and method of access so as to minimize the surface disturbance. However, it is important to note that access to a mining claim is a nondiscretionary right of the miner and is not subject to a right-of-way permit or a special use permit issued under 36 CFR 261. The discussions regarding mining and mining access will be expanded and clarified in the FEIS.

Comment #218: No information on how hunting (big game retrieval) would be affected. (5043)

There is no information on how hunting access may be affected on the prohibition of cross-country travel for big game retrieval. (DC-367, page 4)

Response: Hunting access would change for those who used cross country travel in the past although hunting areas would not change. The Travel Rule does allow for limited retrieval “solely for the purpose...[of] retrieval of a downed big game animal” (DEIS at page I-2). However, 2009 Region 6 policy states the following:

“No off-road motor vehicle travel to retrieve big game will be authorized, except by the Regional Forester. Discussions with adjacent regions and State Fish & Wildlife Department indicate support for not designating use of motor vehicles off designated routes for the purpose of big game retrieval. (R6 GUIDELINES - Implementation of the Travel Management Rule, September 6, 2006, Revised April 20, 2009.)

It is expected that a relatively small number of hunters may be affected. Access is already controlled during hunting season under the Green Dot system, High cascades RD. This will be clarified in the FEIS.

Comment #219: No rationale for control of OHV trespass on private property. (5044)

The DEIS fails to adequately analyze how the FS will limit OHV trespass on private property. Relying on State grant funds for assistance for funding law enforcement is not adequate. (DC-368 page 2)

Response: See response to Comment #32. The Forest Service does not have jurisdiction or authority over motorized use on private lands; efforts to coordinate with private land-owners are ongoing as appropriate. This will be clarified in the FEIS.

Comment #220: Proposal to add 23 miles of motorized routes requires effects analysis. (5045)

A proposal to add 23 miles of motorized routes to a forest with an already overbuilt road system necessitate that the Forest consider how the proposal will impact the forest’s resources in light of the existing and future of that road system. (DC-370, page 5)

Response: An increase of 23 miles of motorized routes (trails) is associated with the Proposed Action (Alternative 3). Note that Alternative 3 proposes an overall decrease in roads “open” to the public. The changes that are part of the increase of 23 miles of trails is primarily conversion of existing Level 1 roads to motorized trails and the construction of 2 miles of trails on locations that already have existing pathways. Trails do not have the same impacts on resources as roads and the overall impacts of roads and trails under Alternatives 3 and 4 is a net decrease, which would suggest an improved impact on resources. The direct, indirect and cumulative impacts of this change is discussed in the DEIS and will be clarified in the FEIS.

Comment #221: DEIS does not discuss Roadless Areas & potential impacts on wilderness designation. (5046)

The DEIS provides no site specific analysis of these routes on roadless areas and potential impacts of wilderness designation. (DC-372, page 27; DC-460, page 3)

Response: Inventoried Roadless Areas were discussed as a significant issue at DEIS pages III-33 thru III-38. The focus of this issue was the affect on roadless characteristics within these areas. No alternative proposes an increase in motorized use over current conditions; therefore there would be no effect to the potential wilderness designation. A specific section on the effects on suitability for future designation as wilderness was contained on DEIS page III-37. This will be clarified in the FEIS.

SUBSTANTIVE COMMENTS - DEIS CHAPTER IV OR V

Comment #222: Big Butte Springs Watershed Geohydrologic Report, March 1990, is not listed. (7000)

One of the most important references in evaluating the possible effects on activities on the Big Butte Springs Watershed is Big Butte Springs Watershed Geohydrologic Report, March 1990. (DC-69, page 3)

Response: This report was utilized for reference and analysis; not being listed in the references chapter of the DEIS was an oversight. The Big Butte Springs Watershed Geohydrologic Report will be referenced in the FEIS.

Comment #223: No geologist listed who could professionally evaluate actions & effects on groundwater supply. (7001)

There was not a geologist listed which in Oregon is the only professional that can legally evaluate the effects of activities and how they might affect the groundwater supply. (DC-69, page 3)

Response: A professional Forest Service geologist (Pete Jones) was consulted for this project and he will continue to consult for improved documentation, in conjunction with the work of the Forest’s Soil Scientist and Hydrologists in the FEIS. A geologist will be identified as part of the IDT in the FEIS.

SUBSTANTIVE COMMENTS - OTHER

Comment #224: Please extend Comment period to allow time to field-visit certain sites. (8000)

Please extend Comment period to 30, 45, 90 days to allow time to field-visit certain sites or provide comment. (DC-80, page 1; DC-366, page 46; DC-453, page 1 and other form letter Bs)

Response: This request was considered by the Responsible Official and a formal reply was made to some of those who requested an extension. As noted in the reply and this Response to Comments document, no formal extension was granted. There was simply not enough time to offer an extension, submit to the Federal Register and retain the ability to conclude this process in the prescribed timeline by the Agency (and former Chief Dale Bosworth). However comments received after the close of the comment period were read and coded for substance through June 5th, 2009. Based on the amount of site-specific input (see Project Record for late comments) many interested parties were able to field-visit many sites

Comment #225: Assign a difficulty level to OHV trails on the user map. (8001)

If all trails are put on an OHV user map, assign a difficulty level to OHV trails. (DC-83, page 1)

Response: While the MVUM is subject to national policy and direction for implementation of the Travel Management Rule, it may be possible as a separate user map for the Forest webpage to indicate difficulty level for motorized trails.

Comment #226: FS did road construction on Road 4402019, prior to decision that could close to motorized use. (8002)

The FS performed substantial road construction about 200 feet of road 4402019 across a Botanical Area in April 2009 during the DEIS comment period. This is a clear breach of public trust and indicate a preordained plan by the FS to allow motorized use regardless of the DEIS record. (DC-326, page 2)

Response: The first 200 feet of this road was highly eroded with consequent vegetation damage in nearby areas caused by vehicles driving around eroded sections. The project was not road construction, it was maintenance of an existing road. This work was independent of the decision to allow (or not allow) motorized use on this road. It was done to ensure resource protection.

Comment #227: RRSNF was granted \$38,000 to develop Mule Mountain. ORV Trail; is this pre-decisional? (8003)

RRSNF was granted \$38,000 to develop Mule Mountain Trail into an OHV trail. It would appear that this was done before the decision to open this trail to motorized use was made, effectively denying the public of any official or meaningful comment. (DC-340, page 7, DC-340, page 33)

Response: This grant money was received to maintain the existing Mule Mountain Trail which currently allows motorized use. This work was independent of the decision to allow (or not allow) motorized use on this trail. It was requested to ensure resource protection. At this time, work has not been completed.

Comment #228: Grayback Mountain MRA club ride scheduled for 8/16/09; is this pre-decisional? (8004)

Grayback Mountain MRA club ride scheduled for 8/16/09. This is in a Back Country area where OHV use is "prohibited." Is this pre-decisional and should this ride be cancelled until the issue OHV use along the Boundary Trail is resolved? (DC-340, page 14)

Response: This traditional ride along the Boundary Trail goes through the (former) Rogue River and Siskiyou NF. Current Forest Plan direction is inconsistent between the Forest Plans (see DEIS page II-30 and II-35). One stated purpose and need for this analysis is to make management direction consistent.

There is no order closing this area to motorized use and there is no mechanism to prohibit this use as it is currently not illegal or unauthorized. Further, under Forest Service policy, group activities for fewer than 75 participants does not require a permit. The forthcoming decision under this process will either make this type of use consistent with the Forest Plans (by amending the plan), or decide to not allow motorized use on this trail (rendering a plan amendment unnecessary). This will be clarified in the FEIS.

Comment #229: Provide a minimum 45-day comment period on the FEIS. (8006)

Provide a minimum 45-day comment period on the FEIS. This would provide the public with another opportunity to review the changes in the FEIS and submit comments for consideration in the ROD. (DC-367, page 3)

Response: While this will be a consideration by the Responsible Official, at this time, there is no indication that a comment period on the FEIS would be warranted. There is likely not enough time to offer a Comment Period on the FEIS, respond to those comments, and issue a Record of Decision and retain the ability to conclude this process(issue an MVUM) in the prescribed timeline by the Agency (and former Chief Dale Bosworth).

Comment #230: No maps were provided for Alts 3 & 4 in DEIS packet or compact disc. (8007)

Recreation Outdoors Coalition found no maps provided for Alternatives 3 & 4 in DEIS packet or compact disc. (DC-367, page 4)

Response: As explained at DEIS page II-13:

“**Included with this document is a map packet containing several large maps.** These maps display current conditions for roads and trails that **allow** motorized vehicle use for the five Ranger Districts on the Rogue River-Siskiyou National Forest (Powers, Gold Beach, Wild Rivers (two maps), Siskiyou Mountains, and High Cascades (two maps).

And for Alternative 2 and DEIS page II-20:

The **maps associated with Alternative 1** (No Action) of the five Ranger Districts on the RRSNF, showing current condition for roads and trails that allow motorized vehicle use, **are also applicable to Alternative 2** (available in the map packet).”

Because of the focus on the changes from the current condition, maps for specific routes for Alternatives 3 and 4 were contained in Chapter II. There were no large maps prepared for Alternatives 3 and 4; inset maps as referenced by the large maps were included.

Comment #231: What will future processes for MVUM be and how can public participate? (8008)

Our specific concern is for future processes for MVUM be and how the public can participate in updates. (DC-371, page 2)

Response: Any changes beyond the forthcoming decision for motorized use on the Forest is subject to additional NEPA analysis as appropriate and necessary. Public involvement as required by NEPA would be put into place at that time. Also note statement at DEIS II-17:

- “At no time may any transportation use take place that would cause unacceptable resource damage. Additional site-specific closures and seasonal restrictions (such as emergency fire closures or where unexpected resource damage is occurring) may be implemented on a case-by-case basis for management, wildlife, and resource protection through authorized travel orders. Nothing discussed in the alternative descriptions precludes future project-specific environmental analysis from proposing the construction of new system roads or trails, or the decommissioning or closing of roads or trails.”

Comment #232: Chief Kimbells testimony on 2010 budget states priority to decommission unnecessary roads. (8009)

Note in Chief Kimbells testimony on 2010 budget indicates that one of the three priorities will be to “implement travel management plans with an emphasis on decommission unnecessary roads.” (DL40, page 1)

Response: The Forest position on this is contained in the response to Comments #13 and #30. Also note that this testimony is in regard to the President’s (proposed) budget request for 2010.

LIST OF RESPONDENTS

Government Agencies

- Environmental Protection Agency-Region 10
- Medford Water Commission
- Oregon Caves National Monument
- Oregon Department of Fish and Wildlife
- US Department of the Interior

Interest Groups

- American Lands Access Association
- Blue Ribbon Coalition
- Capital Trail Vehicle Association (CTVA)
- Deschutes County 4-Wheelers
- Gold Beach User Group
- Lone Rock Timber Management Co.
- Motorcycle Riders Association
- OHV Allocations
- Oregon Hunters Association
- Pacific Crest Trail Association
- Recreation Outdoors Coalition
- Southern Oregon Timbers Industries Assoc.
- SW Oregon Mining Association
- Waldo Mining District

Environmental Organizations

- American Hiking Society
- FLOW (Friends of Living Oregon Waters)
- Friends of the Kalmiopsis
- Kalmiopsis Audubon Society
- Klamath Siskiyou Wildlands Center
- Maryland Ornithological Society
- Native Plant Society of Oregon
- New York Audubon
- Pacific Rivers Council
- SCARF (Selma, OR)
- Siskiyou Regional Education Project
- Western Environmental Law Center
- Wilderness Society

Businesses

Brown Trust
Fish Lake Resort
Half Moon Bar Lodge
Hiden Hill Farm
Hurd's Hardware
Moore Mill & Lumber Company
Mountcrest LP
Northwest River Outfitters
Peace Meal Garden
Pipe Organs/Golden Ponds Farm
Red Blanket Rentals
River West Outfitters
Southern Oregon Guide Service
Southport Forest Products, Inc.
Swanson Group
Talent Irrigation District
The Illahe Lodge
Union Creek Resort

Other

American Heritage Service, Inc. and The Ecotopian Society
Applegate Valley Community Forum
Circle Of Hope A Special Ministry Of MCC
Clyde Alvin Severson Trust
ICF International
LeDuc Recreational Residence Living Trust
Oahspe Foundation
OR-ID Annual Conference of United Methodists
Pine Lake Estates
Rockydale Neighborhood Association
St. Bede Monastery
St. Joseph Convent
Stuart Trust
Tulane CBR
Upper Applegate Grange #839
Urban Reservation HDFC

Individual/Family

The listing of the approximately 10,266 individuals and/or families that provided comment would occupy a substantial amount of pages in this FEIS Appendix and is not included here for that reason. The complete listing is part of the Project Record and is available on request. Note that a majority of the individual comments were generated via an electronic site established to facilitate an electronic response (that contained a pre-determined viewpoint), and therefore were essentially identical.

RESPONSE FROM FEDERAL, STATE, AND LOCAL AGENCIES



DC-69
P1/3
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April 14, 2009

USDA Forest Service
Travel Management Team
645 Washington St.
Ashland, Oregon 97520

RE: Comments concerning DEIS for Motor Vehicle Use on Rogue River – Siskiyou NF

Dear Mr. Conroy,

The Medford Water Commission contacted Steve Johnson and received a map showing the proposed OHV road-use and “Play Areas” during the scoping period. We were very surprised to see an “OHV Play Area” proposed right in the heart of the Big Butte Springs Municipal Watershed, especially in the “Red Zone”(Groundwater Hazard Zone II, The High Infiltration Zone, as defined in the 1990 Big Butte Springs Watershed Geohydrologic Report). Staff expressed our concerns and that we were opposed to the proposed OHV Play Area located within one of the sensitive areas of the Big Butte Springs Municipal Watershed in our letter of October 13, 2008.

The Commission was even more surprised to see the OHV Play Area still proposed in the Draft Environmental Impact Statement. **We are requesting that this Element (Proposed OHV Play Area in Alternative 3) be removed from further consideration for the following reasons:**

1. There is very little acknowledgement in the Draft EIS of the Big Butte Springs Municipal Watershed and its significant value. This watershed provides drinking water for over 130,000 people in the Rogue Valley. This relatively small watershed (56,400 acres out of a million acres) provides all the water for Medford and most surrounding communities and for six months of the year, it is the sole source of supply. The only treatment this water receives is disinfection – it is not filtered. After our letter, of October 13, 2008, the Big Butte Springs Municipal Watershed should have been added to the “Significant Issues” issues used to evaluate alternatives.
2. The proposed Play Area, commonly referred to as the “Sand Pit”, is an old gravel quarry that has been excavated down to bedrock. Groundwater in this area of the watershed could be as shallow as 20-30 feet. In the 1990 geohydrologic report, it was proposed that an ancestral Skeeter Creek was buried by lava flows from Mt. McLoughlin and may provide a direct conduit to Big Butte Springs. It is also located in **ZONE 2: High Infiltration Zone** (more commonly referred to as the “Red Zone”) as designated and shown on the **Big Butte Springs Groundwater Hazard Zonation Map**. This map is part of the Big Butte Springs Geohydrologic Report published in March, 1990. This Report was completed by the U.S. Forest Service for the Medford Water Commission. The High Infiltration Zone (Red Zone) is an area that is vulnerable to contamination from surface activities. Any pollutants can potentially infiltrate into the groundwater system/aquifer.

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3. In the DEIS, on page S-7, What are the effects of the Alternatives, paragraph 2, concerning significant issues, it states the following: *"They are significant because of the extent of their geographic consequence, the duration of the effects, or the intensity of interest or resource conflict"*. The Commission's policy is to Minimize Risk by minimizing use or activities that may affect the water quality, i.e., do not increase use or intensify use. Establishment of a New OHV Play Area will definitely increase and intensify use in a very sensitive area. We understand that the area has been used by OHV's informally over the years due to lack of enforcement.
4. The Medford Water Commission developed a **"Wellhead Protection Program"** in cooperation with the Big Butte Springs Watershed Stakeholders. In this program, a Protection Zone Overlay was created to manage and minimize risk to the water supply from certain contaminants and surface activities. **The "Proposed Play Area" is right at the eastern boundary of "Protection Zone I - High Risk Zone"**. Protection Zone I is the zone that is most critical in terms of protection, due to its vulnerability to contamination and short length of time to reach the springs source. By designating this official OHV Play Area in this zone, it would increase and intensify activity and risk in this area. Our greatest concern is centered around petroleum products contaminating the aquifer, catastrophic fire, and dumping of RV holding tanks (sewage). **This risk of possible contamination of the aquifer is not acceptable.**
5. The Medford Water Commission has supported the "Multiple-Use" concept of watershed management. The Medford Water Commission has worked in partnership with the U.S. Forest Service for over 80 years to manage and protect this watershed and ultimately the water supply while allowing multiple-uses on this municipal watershed. Under Management Strategy 23 in the Rogue River National Forest Land and Resource Management Plan, 1990, it states: *"When conflicts exist between watershed management and other resources, the conflict will be resolved in favor of the watershed resource, subject to rights under law and regulation"*.
6. In the DEIS, Appendix E lists the Rogue River National Forest Orders. RRF-026 prohibits the use of vehicles off of forest developed roads and no camping except in developed campgrounds. This order has been in effect since May 16, 1984.
7. In the DEIS under 4. District Specific Elements of Alternative 3, e. High Cascades Ranger District Elements, on page II-37, it states: *"Reason for Change: This proposed play area would provide increased recreation opportunities for motorized users, particularly for less experienced riders, with minimal resource impacts."* What resource impacts were evaluated to determine that they are minimal? If the resource being evaluated is soil, that may be true, but if the resource is the Municipal Water Supply (groundwater aquifer) that may not be true and should require additional analysis.
8. In the DEIS under Chapter III – Affected Environment and Environmental Consequences, Section C – Environment and Consequences associated with Significant Issues, 1. Water Quality and Erosion, c. Direct and Indirect Effects of Alternatives, High Cascades Ranger District, on page III-15, it states: *"The location of the proposed activity is flat terrain"*

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within an existing borrow pit. Due to the flat terrain, effects to hydrology are expected to be very localized, and mostly contained within the pit.” Again, if we were only concerned about sediment movement, this statement might be true, but the **potential effects on groundwater water quality need to be evaluated.**

9. In the DEIS, Chapter IV – References – One of the most important references in evaluating the possible effects of activities on the Big Butte Springs Watershed groundwater supply is the Big Butte Springs Watershed Geohydrologic Report, March 1990 is not listed.
10. In the DEIS, Chapter V – List of Preparers and Contributors – There was not a geologist listed, which in Oregon is the only professional that can legally evaluate the effects of activities and how they might affect the groundwater supply.
11. Other issues and concerns are:
 - a. Safety around intersection of USFS Road 3050 and county road 821.
 - b. Creation of new unauthorized off-road trails from OHV Play Area.
 - c. Enforcement and monitoring
 - d. Noise due to proximity to Whiskey Springs campground.
 - e. Conflicts with dispersed camping agreement/policy for watershed.
 - f. Potential conflict with Willow Lake Bald Eagle Management Area plan.

The Commission is not opposed to any of the other motorized vehicle use changes proposed in the DEIS, just the development of OHV Play Area in the Heart of the Big Butte Springs Municipal Watershed and a High Hazard Zone, where the aquifer is vulnerable to contamination.

In closing, The Commission would like to repeat that, we are adamantly opposed to the development of a OHV Play Area on the Big Butte Springs Municipal Watershed and respectfully request that it be removed from further consideration, due to the potential risk of contamination to this significant source of supply.

Thank you for your time and consideration in this matter and if you have any questions, feel free to contact Bob Jones, Geologist at 541-774-2439 or bjones@ci.medford.or.us.

Respectfully,



Cathie Davis
Chair



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
620 SW Main Street, Suite 201
Portland, Oregon 97205-3026



9043.1
IN REPLY REFER TO
ER09/368

Electronically Filed

May 11, 2009

Scott Conroy
Forest Supervisor
Ashland Ranger Station
645 Washington Street
Ashland, Oregon 97520

Dear Mr. Conroy:

The Department of the Interior has reviewed the Draft Environmental Impact Statement for Motorized Vehicle Use on the Rogue River-Siskiyou National Forest, Douglas, Klamath, Jackson, Curry, Coos, and Josephine Counties, Oregon; and Del Norte and Siskiyou Counties, California. The Department does not have any comments to offer.

We appreciate the opportunity to comment.

Sincerely,

Preston A. Sleeper
Regional Environmental Officer



Oregon

Theodore R. Kulongoski, Governor

Department of Fish and Wildlife

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May 11, 2009

Scott Conroy, Forest Supervisor:
 C/O Steven R. Johnson, Project Lead
 Ashland Ranger Station
 645 Washington St.
 Ashland, OR 97520-1402
 Fax: 552-2922

The Oregon Department of Fish and Wildlife (ODFW) has reviewed the Draft EIS, Motorized Vehicle Use on the Rogue River-Siskiyou National Forest (EIS).

ODFW is statutorily charged with the management of fish and wildlife resources in Oregon, and recognizes that many people, including hunters, enjoy off highway vehicles (OHV) and all terrain vehicles (ATV) in the outdoors. ODFW supports managed OHV/ATV use.

Vehicles traveling on roads, trails, and cross-country have been shown to affect fish and wildlife and their habitats in different ways. Some of the main environmental/biological concerns include potential soil erosion, degraded water quality, affects to herpetile riparian and movement corridors, and sensitive nesting/foraging habitats for birds and small mammals. Affects to big game habitat can be loss of quantity of habitat by animal's avoidance of road/trail corridors, harassment, spread of invasive weeds, and access for poaching and other illegal activity. ODFW feels that these concerns are adequately addressed in Alternative 3, the Proposed Action, with the following suggestions;

ODFW recommends that trail systems that are within designated Big Game Winter Range have seasonal restrictions, prohibiting motor vehicle use between Nov. 1 – May 1. Specifically, we recommend that the Mule Mountain (#919), Mule Creek (#920), Charlie Buck/Baldy Peak (#918), and Little Grayback (#921) system of trails should be closed to vehicles from Nov. 1-May 1. The Mule Mt. area is a very important deer winter range, and has been, and will continue to be, the focus of large prescribed burn habitat improvement projects sponsored by ODFW, USFS, and the Oregon Hunter's Association (OHA).

The Woodruff Flats in the High Cascades Ranger District is a very important calving area for Roosevelt elk. The critical months for calving are late April through July. ODFW strongly feels that based on known calving times the Woodruff OHV Play Area and Trail System should not open earlier than June 15 and July 1, respectively.



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ODFW feels that the Green Dot system of road closures currently in place during the Cascade Elk season should remain in place regardless of which alternative is chosen.

Thank you for the opportunity to comment on this document.

Sincerely,



Vince Oredson
Wildlife Habitat Biologist



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

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OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

May 11, 2009

Travel Management Team
Rogue River-Siskiyou National Forest
Siskiyou Mountains Ranger District
645 Washington Street
Ashland, OR 97520

Recd May 14, 2009
Postmarked May 11, 2009
BJ

RE: U.S. Environmental Protection Agency (EPA) review and comments for the Motorized Vehicle Use on the Rogue River-Siskiyou National Forest (Forest) Draft Environmental Impacts Statement (EIS). EPA Project Number: 08-053-AFS

Dear Mr. Conroy:

This review was conducted in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Under our policies and procedures, we evaluate the environmental impact of the proposed action and the adequacy of the impact statement. We have assigned an EC-2 (Environmental Concerns, Insufficient Information) rating to the Draft EIS/OEIS. A copy of the EPA rating system is enclosed.

We believe the action alternatives – especially alternative 4 - promise increased environmental protection in comparison to the no-action alternative. Unmanaged Off Highway Vehicle (OHV) use on federal lands has resulted in unplanned roads and trails, soil erosion, watershed and wildlife habitat damage, impacts to cultural sites, safety concerns, and increased degradation of recreational experiences, especially a loss in opportunities for solitude, primitive hunting and other quiet experiences (Okanogan-Wenatchee National Forest Motorized Travel Management Proposed Action Scoping Document, p. 3).

Our review of the DEIS has identified the following concerns:

- The proposed alternative (Alternative 3) may not be fully consistent with the direction in the 2005 Travel Management Rule (36 CFR 212), or with previous Forest Service direction regarding proposed wilderness areas adjacent to the Kalmiopsis Wilderness.
- Because information about levels of asbestiform minerals in serpentine soils on the Forest is very limited, the Forest may not have adequate information to analyze the risk of exposure to naturally occurring asbestos.
- We believe that the Draft EIS contains insufficient information related to implementation and adaptive management planning. These are vital aspects of ensuring that predicted environmental benefits are fully realized.
- We are concerned about potential impacts to water resources from dispersed recreation. Impacts from dispersed recreation are generally concentrated around streams, lakes and other areas of special interest for forest users.

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We support the selection of Alternative 4 as it most effectively addresses each of the concerns raised above. Our attached comments provide additional detail about our concerns, and specify the key components of Alternative 4 that we recommend be included in the final preferred alternative.

We also provide a series of recommendations to assist the Forest in the development of a more integrated Implementation and Adaptive Management Plan. We suggest that this plan be a part of any proposed action alternative and include additional details and discussion about (i) Effectiveness Monitoring and Adaptive Management, (ii) Education and Enforcement and (iii) Collaboration. We also recommend that the Final EIS consider the water quality benefits of including more specific and restrictive measures for dispersed recreation.

Thank you for this opportunity to comment on the Proposed Action and if you have any questions please contact Teresa Kubo of my staff at (503) 326-2859.

Sincerely,



Christine B. Reichgott, Manager
Environmental Review and Sediment
Management Unit

Enclosures:
EPA Region 10 Detailed Comments
EPA Rating System for Draft EISs



**EPA REGION 10 DETAILED COMMENTS FOR THE MOTORIZED VEHICLE USE
ON THE ROGUE RIVER-SISKIYOU NATIONAL FOREST DRAFT EIS**

Consistency with Planning Rule and Existing Guidance

As noted in the DEIS, and in the Federal Register¹, the 2005 Travel Management Rule is intended to manage motorized use on Forest Service roads and trails so as to protect natural resources, promote the safety of all users, and minimize conflict among users. Under the proposed alternative, the Land and Resource Management Plans (LRMPs) for the Rogue and Siskiyou National Forests would be amended to allow for motorized use in areas where motorized use is currently prohibited (specifically the Boundary Trail area). As noted in the DEIS, there are Forest Service Sensitive species and habitat along the Boundary Trail (p. III-69) and user conflicts have been documented on the Boundary Trail (p.III-114). Amending the Forest Plans to allow for use in these areas would reconcile existing use with the land use allocation, but we do not believe it would be consistent with the direction in the Planning Rule.

We also note that the Forest Service has indicated support for considering five inventoried roadless areas around the Kalmiopsis Wilderness (64,670 acres) for wilderness designation². The DEIS does not discuss the potential impact of the current planning process on this potential designation. We are concerned that by allowing for motorized trail use in inventoried roadless areas (such as the South Kalmiopsis Inventoried Roadless Area), Alternative 3 may compromise the ability of the Forest Service to pursue this wilderness designation.

Recommendations:

- We recommend that the Forest Service continue to prohibit motorized use along the Boundary Trail (consistent with the direction under Alternative 4).
- We recommend that the FEIS discuss the potential impact of the current planning effort on potential future wilderness designations.

Naturally Occurring Asbestos

As noted on page III-59 of the DEIS, information regarding levels of asbestiform minerals in serpentine soils on the Forest is very limited. Given the extent of serpentine soils on the Forest, we believe that the risk of potential exposure has not been adequately analyzed. In recent years EPA has conducted activity-based sampling in two areas in the Sierra Nevada Range in California known to have naturally occurring asbestos on site (El Dorado Hills³, and the Clear Creek Management Area⁴). Both of these assessments found exposure levels to be of concern due to the potential for long-term development of asbestos-related diseases. We recognize that the serpentine deposits on the Rogue-Siskiyou National Forest may be significantly different than those in California. There are, however, portions of the western lower elevation Sierra Nevada range that have geology similar to that of the Rogue-Siskiyou. In the absence of a more robust analysis, we believe that reasonable and appropriate steps should be taken to reduce potential asbestos exposure.

¹ Federal Register Volume 70, Number 216, Page 68264

² 2004 USFS Record of Decision, Biscuit Fire Recover Project, Page R-24

³ <http://www.epa.gov/region09/toxic/noa/eldorado/index.html>

⁴ <http://www.epa.gov/region09/toxic/noa/clearcreek/index.html>

Recommendations:

- We recommend prohibition of motorized use on trails within serpentine areas consistent with the direction under Alternative 4.

Environmentally Preferred Alternative

EPA recommends adoption of Alternative 4. As noted on page S-6 of the DEIS, Alternative 4 addresses concerns about possible effects to Botanical Areas, serpentine soils (and associated meadows, fens, and bogs), water quality, and the spread of invasive non-native species. Key elements of Alternative 4 that we recommend be incorporated into the preferred alternative in the FEIS include:

- Prohibition of motorized use within Inventoried Roadless Areas, Botanical Areas and serpentine soils This would result in a lower risk of inhaling asbestos (page III-60) and protect a high proportion of endemic and rare plants.
- No motorized use on Maintenance Level 1 National Forest Service roads.
- No parking for dispersed camping along paved roads on the Powers and Gold Beach Ranger Districts (II-42&43)
- Closure of the Boundary Trail and its connecting trails. This would reduce some soil erosion (Page III-13) and reduce "... conflicts stemming from the noise associated with motorized vehicle use between motorized and non-motorized trail users" (Page III-115).
- Closure of the motorized trail system in the Mule Mountain areas. This would eliminate a source of localized disturbance that generates erosion and sediment, and damages riparian function (Page III-15).

Effectiveness Monitoring and Adaptive Management

In examining consistency with the objectives of the Aquatic Conservation Strategy, the DEIS notes that existing road conditions may be causing localized damage, and that "monitoring of these areas as proposed under mitigating measures would allow road related damage to be documented and repaired" (Page III-52). This monitoring and adaptive management effort will be key to meeting the stated goal of reducing existing resource damage from motorized use.

Monitoring and adaptive management will also play a key role in determining the need for future updates and revisions to the MVUM. We strongly support the concept of revising the MVUM based on monitoring results in order to improve resource protection. Because effective monitoring and adaptive management are critical to achieving the predicted environmental benefits, we recommend that additional detail about these efforts be included in the FEIS.

Recommendations:

- We recommend that a comprehensive implementation and adaptive management plan be incorporated into the action alternatives, and that initial details of this plan be included in the Final EIS (as opposed to being developed subsequent to the Record of Decision).
- This adaptive management plan should:
 - describe a decision tree to guide future decisions,
 - identify specific decision thresholds and management responses for resources of concern (e.g. fish, wildlife and sensitive plants),
 - discuss the monitoring needed to assess whether thresholds are being met, and
 - forecast funding opportunities and constraints for the monitoring.

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- Contribution of OHVs to sedimentation of streams should be given priority within the implementation and adaptive management planning framework. Providing a management trigger related to water quality standards for sediment may be a useful method for ensuring benefits to the aquatic environment are realized.

One conceptual example of such an approach to adaptive management is contained in the adaptive management chapter of the Idaho Forestry Program Document⁵.

Education and Enforcement

As noted under the assumptions on page III-2, some illegal use is expected to continue. We concur with this assessment and believe that extensive trail use, signage challenges, and other compliance issues will present a challenge to plan implementation. Without compliance, predicted environmental benefits will not be realized.

Recommendation:

- We are fully supportive of the volunteer strategy discussed on page II-62 that would identify opportunities for the public to help implement, enforce, maintain, and fund the designated route system. We recommend that the FEIS more fully explore these kinds of non-traditional public education and enforcement strategies. These may be a cost effective means of increasing compliance.

Collaboration

Cooperative agreements with adjacent landowners, citizen groups, government agencies, universities and research organizations may also increase the Forest's capacity to achieve compliance and monitor the effectiveness of management actions. We recommend that the FEIS discuss possible and appropriate formal partnerships with relevant stakeholders.

Dispersed Recreation

EPA believes that motorized access to dispersed recreation has the potential to cause relatively high and concentrated adverse environmental impacts. Impacts are generally concentrated around streams, lakes and other areas of special interest for forest users. We appreciate the restrictions on parking for dispersed camping within ¼ mile of developed recreation sites (II-24) and 1,320 feet of potable water sources. We encourage the Forest to adopt similar restrictions where appropriate to protect water quality and aquatic resources.

Recommendation

- If or where corridors to dispersed camping are allowed, we recommend restricting motorized access for dispersed camping within 300 feet of perennial streams, 150 feet of lakes, and 100 feet of intermittent streams. Restricting motorized access around waterbodies will lessen potential sediment delivery to streams – an important threat to aquatic resources – by limiting route treads that become drainage pathways.

⁵ See especially "Table II-1 The IFP implementation framework" and related text at http://www.idl.idaho.gov/eis/idaho_forestry_program_doc/SecI_I_AdaptiveManagement_011209.pdf.



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

Environmental Impact of the Action

LO – Lack of Objections

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

EC – Environmental Concerns

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

EO – Environmental Objections

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

EU – Environmentally Unsatisfactory

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

Adequacy of the Impact Statement

Category 1 – Adequate

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

Category 2 – Insufficient Information

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

Category 3 – Inadequate

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

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987

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P. 1/3



United States Department of the Interior

NATIONAL PARK SERVICE
Oregon Caves National Monument
19000 Caves Highway
Cave Junction, Oregon 97523

Rec'd 5/22/2009
SJ

IN REPLY REFER TO:

L76

May 18, 2009

Steve Johnson
Travel Management Team Leader
Rogue River-Siskiyou National Forest
Siskiyou Mountains Ranger District
645 Washington Street
Ashland, OR 97520

Dear Mr. Johnson:

Thank you for allowing the National Park Service at Oregon Caves National Monument (Monument) to review the Draft Environmental Impact Statement (DEIS) for Motorized Vehicle Use on the Rogue River-Siskiyou National Forest (Forest). The Monument is surrounded by the Rogue-Siskiyou National Forest and we appreciate being able to review the document to analyze any potential impacts to Monument resources. Based on our review we have the following comments on the DEIS.

We support the recommended closure to motorized vehicles of the former section of the road to Bigelow Lakes as delineated on Map II-10, Wild Rivers RD, Alternative 3, Inset Map J in Chapter 2, page 32. We believe such a restriction will be a useful tool for the USF in managing this important resource area. Additionally, such a closure will be of assistance to the Monument, since it should help reduce incursions on Monument land from the section of this Forest. While the impassability of the road to Bigelow Lakes has for all practical purposes ended motorized use, the vegetation around the lakes has recovered with virtually no human-caused trails visible. We note that when the road was passable, ORV tracks had been found adjacent to and near both lakes, as well as tire marks found inside the southern end of Oregon Caves from the this trailhead location. Our greatest concern to Oregon Caves is that if this road were open and passable to ORVs early in the season, it will increase the possibility of transferring *Phytophthora* to Port Orford cedars in the Monument where it has not yet invaded.

We also support the closure of this road to motorized use, since it would prevent conflicts between vehicles and hikers on the Mt. Elijah trail. At least two staff members from Oregon

Caves have personally witnessed that dirt bikes and hikers can conflict on the narrower parts of the trail.

As you likely know, the Bigelow Lakes Botanical area has over 111 vascular plant species within a hundred yards of one or the other lake. This makes it one of the most diverse botanical areas in the Rogue-Siskiyou National Forest. Per acre, the Bigelow Lakes area has more disjuncts and range-limited vascular plant species than most anywhere else in a bioregion known for high percentages of both. This likely is partly a result of the area's high habitat diversity.

About 31 species in the Bigelow Lakes area are disjunct in some part of their range. If the identification is correct, the only site in the Western United States for *Dryopteris campyloptera* Clarkson is at Lower Bigelow Lakes. The Bigelow Lakes area is at or near the southern range limit of *Cardamine oligosperma* Nutt var. *kamtschatica* (Regel) Detlig, *Sidalcea malviflora* (DC.) Gray ex Benth. ssp. *virgata* (S. v. T.J. Howell) C.L. Hitchc., and *Penstemon cardwellii* T. J. Howell.

The area also is at or near the northern range limit of *Cornus glabrata* Benth, *Streptanthus tortuosus* Kellogg var. *orbiculatus* (Greene), *Eriophorum crinigerum* (Gray) Beetle, *Frangula californica* (Eschsch.) Gray ssp. *occidentalis* (J. Howell) Kartesz & Gandhi, *Gentiana setigera* A. Gray, *Hastingsia alba* (Dur.) S. Wats., *Arabis breweri* var. *breweri* S. Wats., *Trifolium longipes* Nutt. ssp. *oreganum* (T. J. Howell) J. Gillett, and *Eriogonum urisinum* S. Wats. The last two are also regional endemics.

The Bigelow Lakes are also near some ecology plots that Robert Whittaker inventoried in 1949 or 1950. Recent monitoring of those sites by Dr. Susan Harrison revealed some interesting changes in biodiversity and plant communities that most likely are due to a combination of fire suppression and climate change. Evidence from Bigelow Lakes supports the tentative conclusions of this study. For example, *Penstemon newberryi* A. Gray ssp. *berryi* (Eastw.) Keck was at or near its northern range at Bigelow Lakes until the species apparently migrated northward to Douglas County where it was first recorded in 2003. *Philadelphus californicus* Benth. was also at or near its northern limit at Bigelow Lakes but it may have had a range contraction as it was last recorded there in 1949. However, due to high habitat diversity, extirpations caused by climate change likely are rare in this area.

The Bigelow Lakes area also has a rich vertebrate fauna. The number of visitors and staff reports of sightings and signs of mountain lions and black bears at and near the area in the last twenty years suggest both species are quite common there. Fishers have also been seen at Bigelow Lakes and one is likely to have been one of two to three individuals recorded from the Monument. Near Bigelow Lakes was also one of most credible wolverine sightings in the Klamath-Siskiyou in the last fifty years. Uncommon or rare birds seen at or near the Lakes include the Northern Waterthrush and several owls (Long-eared, Northern Saw-whet, Northern Pygmy & Flammulated).

Lastly, due to this large variety of sensitive flora and fauna, in the Bigelow Lakes Botanical Area and the adjacent Monument, we support the USFS' preferred alternative of prohibiting motorized use of the trails and roads in this area. Such activity would be incompatible with the sensitivity of these resources.

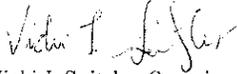
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On another matter, we support limiting motorized access to dispersed camping sites. Allowing such access intensifies and could increase the impacts of camping, and slowing their recovery from the intensive use they could get. Dispersed camping was designed to prevent such concentration and thus aid recovery rates. Several counties in the Forest have low rates of paid garbage collection. Limiting access to dispersed camping could therefore lower the dumping of household waste that has become increasingly problematic in the last few decades. Vehicles that can negotiate such routes also have become in general, larger than in the past and therefore are more likely to carry the smaller lots of garbage further afield. As in our general recommendation regarding dispersed camping, restricting motorized access and camping to the Bigelow Lakes trailhead more specifically may reduce the likelihood of waste contaminating our public water supply.

If you have any questions, with respect to these comments, please contact John Roth, Monument Resource Management Specialist. You can reach him at the above address, via phone at 541.592.2100 x 230 or email: john_e_roth@nps.gov. Thank you for the opportunity to comment on the DEIS/Plan.

Sincerely,



Vicki J. Snitzler, Superintendent
Oregon Caves National Monument
Phone: 541-592-2100 x 222
Fax: 541-592-3981
e-mail: Vicki_snitzler@nps.gov