

Chapter 1. Purpose of and Need for Action

Document Structure

The Forest Service has prepared this final environmental impact statement (FEIS) in compliance with the National Environmental Policy Act (NEPA) and other relevant Federal and State laws and regulations. This environmental impact statement discloses the direct, indirect, and cumulative environmental impacts that would result from the Proposed Action and alternatives. The document is organized into four chapters:

Chapter 1, Purpose and Need for Action: This chapter briefly describes the Proposed Action, the need for that action, and other purposes to be achieved by the proposal. This section also details how the Forest Service informed the public of the Proposed Action and how the public responded.

Chapter 2, Alternatives, Including the Proposed Action: This chapter provides a detailed description of the agency's Proposed Action, as well as alternative actions that were developed in response to comments raised by the public during scoping. The end of the chapter includes a summary table comparing the Proposed Action and alternatives with respect to their environmental impacts.

Chapter 3, Affected Environment and Environmental Consequences: This chapter describes the environmental impacts of the Proposed Action and alternatives.

Chapter 4, Consultation and Coordination: This chapter provides a list of preparers and agencies consulted during the development of the environmental impact statement.

Appendices: The appendices provide more detailed information to support the analyses presented in the environmental impact statement.

Glossary: The glossary lists specialized vocabulary and definitions.

Index: The index provides page numbers by document topic.

Literature Cited: This lists books, periodicals, government documents, and other technical and scientific publications used in preparing this FEIS.

Additional documentation, including more detailed analyses of project-area resources, may be found in the project record located at the Modoc National Forest (MDF) Supervisor's Office at 800 W.12th Street, Alturas, CA 96101.

Background

Over the past few decades, the availability and capability of motor vehicles, particularly off-highway vehicles (OHVs) and sport utility vehicles (SUVs) has increased tremendously. Nationally, the number of OHV users has climbed seven-fold in the past 30 years, from approximately 5 million in 1972 to 36 million in 2000. California is experiencing the highest level of OHV use of any state in the nation. There were 786,914 ATVs and off-road motorcycles registered in 2004, up 330% since 1980. Annual sales of ATVs and off-road motorcycles in California were the highest in the U.S. for the last five years. Four-wheel-drive vehicle sales in California increased to 3,046,866 (1500%) from 1989 to 2002.

Across the nation, unmanaged motor vehicle use—particularly OHV use—has resulted in unplanned roads and trails, erosion, watershed and habitat degradation, and impacts to cultural resource sites. Compaction and erosion are the primary effects of motor vehicle use on soils. Riparian areas and aquatic-dependent species are particularly vulnerable to damage from motor

vehicle use. Unmanaged recreation, including impacts from OHVs, is one of “Four Key Threats Facing the Nation’s Forests and Grasslands” (USDA Forest Service, June 2004).

On August 11, 2003, the Pacific Southwest Region of the Forest Service entered into a memorandum of intent (MOI) with the California Off-Highway Motor Vehicle Recreation Commission, and the Off-Highway Motor Vehicle Recreation Division of the California Department of Parks and Recreation. That MOI set in motion a region-wide effort to “Designate OHV roads, trails, and any specifically defined open areas for motor vehicles on maps of the 19 national forests in California by 2007.”

On November 9, 2005, the Forest Service published final travel management regulations in the Federal Register (FR Vol. 70, No. 216-Nov. 9, 2005, pp 68264-68291). This final Travel Management Rule requires designation of those roads, trails, and areas that are open to motor vehicle use on national forests. Only roads that are part of a National Forest Transportation System (NFTS) may be designated for motorized use. Designations are made by class of vehicle and, if appropriate, by time of year. The final rule prohibits the use of motor vehicles off designated NFTS roads, NFTS trails and areas, as well as use of motor vehicles on roads and trails that are not specifically designated for public use.

On some National Forest System (NFS) lands, long managed as open to cross-country motor vehicle travel, repeated use has resulted in unplanned, unauthorized roads and trails. These routes generally developed without environmental analysis or public involvement, and do not have the same status as NFS roads and NFS trails included in the NFTS. Nevertheless, some unauthorized routes are well-sited, provide excellent opportunities for outdoor recreation by motorized and non-motorized users, and would enhance the NFTS. Other unauthorized routes are poorly located and cause unacceptable impacts. Only NFS roads and NFS trails can be designated for motor vehicle use. In order for an unauthorized route to be designated, it must first be added to the Forest transportation system.

In 2007, the MDF completed an inventory of unauthorized routes on NFS lands as described in the MOI and identified approximately 491 miles of unauthorized routes. The MDF then used an interdisciplinary process to conduct travel analysis that included working with the public to identify proposals for changes to the existing MDF transportation system. Roads and trails that are currently part of the MDF transportation system and open to motor vehicle travel would remain designated for such use, except as described below under the Proposed Action. This proposal makes needed changes (seasonal restrictions, vehicle class restrictions, etc.) to the Modoc National Forest NFTS roads and NFTS trails on NFS lands in accordance with the Travel Management Rule (36 CFR Part 212, Subpart B).

In accordance with the Travel Management Rule and following a decision on this proposal, the MDF will publish a Motor Vehicle Use Map (MVUM) identifying all MDF NFTS roads that are designated for motor vehicle use. The MVUM will specify the classes of vehicles and, if appropriate, the times of year for which use is designated. Unauthorized routes not included in this proposal are not precluded from future consideration for addition to the National Forest Transportation System and inclusion on an MVUM. Future decisions associated with changes to the NFTS and the MVUM may trigger the need for additional environmental analysis, public involvement, and documentation.

Travel Management on the Modoc National Forest

The Modoc National Forest has the lowest recreational use of any national forest in the country (Forest Service National Visitor Use Monitoring, or NVUM). Road use on this Forest is completely different than any other forest in California because of the low population and relative isolation of the Forest. Resource impacts or potential impacts from roads are much less than in

other areas in the state due to the lower volume of vehicle traffic and types of use. The roads on the Modoc may be less prone to erosion than on other Forests because of the flat topography.

Many of the inventoried unauthorized routes on the Modoc National Forest have been in place for over 40 years and despite their long existence, little impact has occurred based upon observational data from Engineering and other staff. Two-thirds of the inventoried unauthorized routes are less than ¼ mile in length; another 20 percent are less than ½ mile in length; and only 5 percent are over a mile in length. Most of these are very short spurs, and were considered by the public to be a part of the existing road system; but were never officially added to the NFTS (See table 1-1).

These short spur roads provide access to camping, picnic areas, and parking off dusty roads for a variety of recreational and management purposes. Many of these short roads were established by recreationists, primarily hunters, when hunting licenses for deer were unlimited. The total hunting licenses sold in 1980, before they were limited, was 21,400. Total licenses in 2007 were 3,485—an 84 percent decrease. A corresponding decrease in recreational hunting use has also occurred, along with a related reduction in unauthorized route use.

Today, many of these routes are used infrequently but do provide access to dispersed recreation and parking off the existing NFTS roads. Based on feedback given to the Forest by the public, we know that these recreational opportunities are an important resource for the local community. With the high cost of fuel and uncertainty of the economy, a substantial increase in non-local use will likely not occur over the next ten years. Local use on the Forest may increase due to the high cost of fuel and the unwillingness to travel far distances for recreational purposes. However, even this use may be tempered for the same reasons. It is reasonable to assume that use on the Modoc will remain fairly consistent with current use.

Many unauthorized routes are also used for administrative purposes such as fire control. The fire-disturbance regimes and frequent fire-return intervals—especially in east-side pine and sage-steppe ecosystems—necessitate motorized access. Decommissioning and obliteration of the roads will not occur because of this need.

Table 1-1. Length of Unauthorized Roads Common to all Action Alternatives

Number of Roads	Length	Percent
422	less than 0.1 mile	37%
336	between 0.1 and 0.25 mile	29%
208	between 0.25 and 0.50 mile	18%
125	between 0.5 and 1 mile	11%
63	more than 1 mile	5%
1,154	Total	100%

Previous decisions made over the past 10 years have led to a reduction in the number of miles of Forest Service system roads available for motorized use, and in some cases, decommissioning. These previous decisions have resulted in 28 miles being closed, 0 miles being seasonally closed, and 76.8 miles decommissioned. Analysis done during forest planning, vegetation management projects, watershed restoration projects, fuel treatment projects, trail management decisions, landscape analysis, watershed analysis and the roads analysis process (RAP) has helped to identify problems that led to management decisions of the current transportation system.

Implementation of this proposal and subsequent designation of motorized routes through publication of the Motor Vehicle Use MAP (MVUM) are only the first steps in the ongoing, overall management of the MDF NFTS.

Scope of this Action

This proposal is not intended to revisit previous decisions that resulted in the current NFTS. The current NFTS was developed over many decades and provides access for fire suppression, vegetation management, biomass production, wood cutting, permit implementation, private land access, and a host of other purposes. This proposal is focused on implementing the Travel Management Rule (36 CFR Part 212, Subpart B). Previous decisions concerning road construction, road reconstruction, road decommissioning, trail construction, and land suitability for motorized use are outside of the scope of this proposal. Further, the responsible official is limited as to staff and funding and, by necessity, must limit the scope of any project to that which is within his or her means to accomplish. Through transportation planning, the MDF identifies projects, prioritizes them, and builds them into the future program of work. Only those specific projects within the capability of the Forest are brought forward by the responsible official and carried forward in accordance with the Purpose and Need for action.

The infrastructure of a national forest will always have room for improvement, and the MDF welcomes suggestions for improving the current NFTS and restoring the environment. Such suggestions are considered within the context of the overall mission of the MDF, and will be considered as availability of staff and funding allows. Scoping for this project resulted in many suggestions for improving the NFTS through NFS road and trail construction, decommissioning, closures, restoration, etc. These ideas and suggestions have been captured by the MDF and will be considered in future programs of work.

The following list is a summary of key elements considered when developing the scope of the action:

1. Previous decisions on the NFTS do not need to be revisited to implement the Travel Management Rule (36 CFR 212.50(b)). The NFTS contains existing facilities (roads & trails) that either underwent a NEPA process or predate NEPA. Allowing continued motor vehicle use of the facilities in the NFTS in accordance with existing laws and regulations does not require a NEPA analysis and decision. The Forest Service Handbook 7709.55, section 11.3, states the following:
2. The regulations at 36 CFR Part 212, Subpart B, do not require reconsideration of previous travel management decisions.
3. Many administrative units or ranger districts have NFS roads and NFS trails that are already designated for the uses for which they are currently managed. All administrative units or ranger districts, for example, have NFS roads managed as open to highway-legal vehicles (generally NFS roads classified at Operational Maintenance Levels 2 through 5). These roads are in effect already designated for use by highway-legal vehicles.
4. User-created roads and trails, as well as temporary Forest Service-created roads are not NFTS facilities. They are unauthorized. Proposals to add these to the NFTS require a NEPA analysis and decision.
5. The unauthorized routes not included in the Proposed Action are not precluded from future consideration for either addition to the NFTS or removal from the landscape and restoration to the natural condition.

6. There are vehicles and uses that are exempt from the travel management process, such as over-snow vehicles; emergency uses; and vehicles, law enforcement activities, and other uses that are specifically authorized. Refer to 36 CFR 212.51.
7. For travel management, the Federal action requiring NEPA analysis and decision is any change to the current NFTS (e.g., prohibiting cross-country travel, adding or removing facilities, or changing vehicle class or season of use). “Designation” is an administrative act which does not require NEPA analysis and decision. Designation technically occurs with printing of the Motor Vehicle Use Map (MVUM), and NEPA is not required for printing a map.

National Forest Transportation System

The Modoc National Forest currently manages and maintains 4,580 miles of National Forest System (NFS) roads. Of these, 4,339 are open for public use. The Modoc National Forest Transportation System (NFTS) was developed over many decades to meet a variety needs, including timber management, fuel treatment, access to private inholdings, fire control, utility management, special-uses management, and recreation. Other roads were acquired with past land exchanges or acquisitions. Harvesting of special forest products such as greenery, firewood, mushrooms, and plants are among the many opportunities afforded by the NFTS.

The NFTS is managed and maintained to various road standards, depending on management objectives. The roads range from paved to roughly graded, high-clearance roads, depending on the type of access necessary. In some cases, where public access is not needed, roads are “stored” for future management use. The NFTS is displayed on the Forest Transportation Atlas. The initial Forest Transportation Atlas consists of the maps, inventories, and plans for Forest transportation facilities and associated information available as of January 12, 2001 (Forest Service Manual 7711.2). Details concerning the management of individual roads and trails are maintained in the Forest infrastructure database (INFRA).

In 2002, the Modoc National Forest populated the INFRA database by examining previous records (maintenance plans, maintenance expenditures, existing road and trail atlases, Forest maps, etc.) to capture the entire NFTS, transfer the necessary information into INFRA, and verify the Forest Transportation Atlas. Roads or trails that had no record of being mapped or maintained for a specific use were not included in the NFTS.

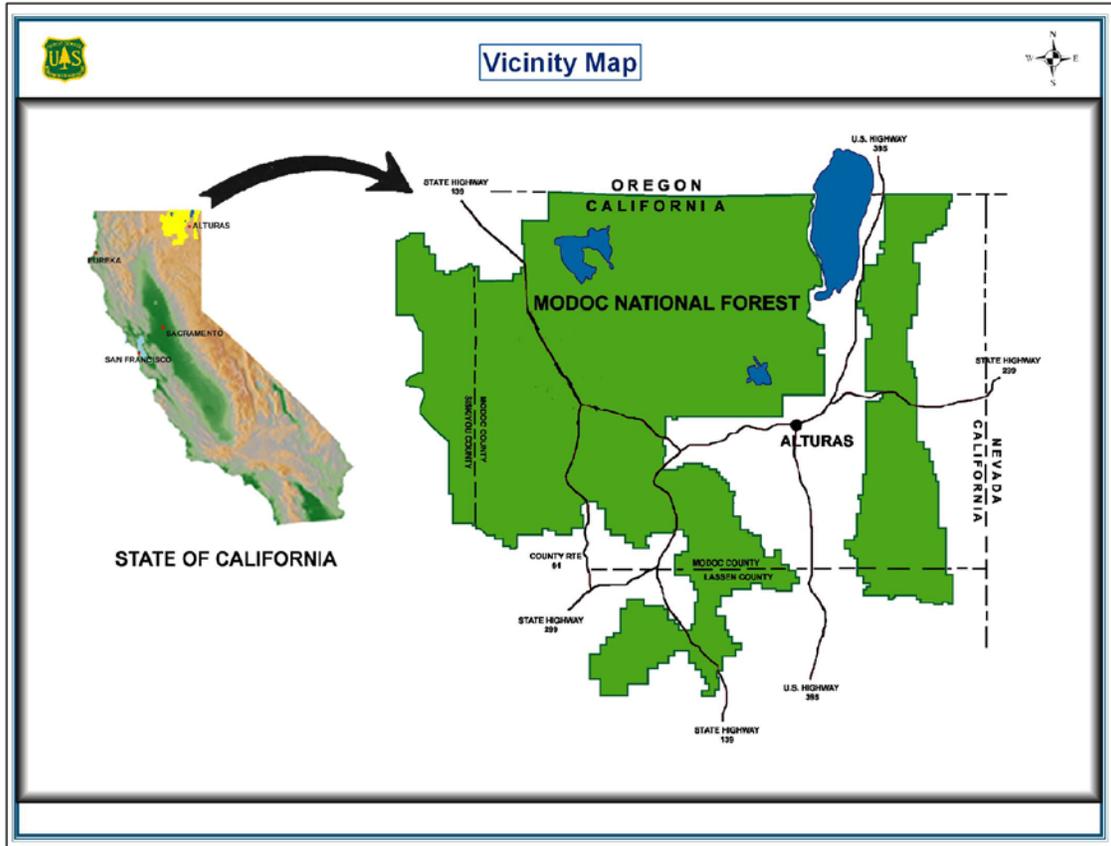
Since then, adjustments to the Transportation Atlas and INFRA database have been made to correct errors and account for NFS roads that were either newly constructed or overlooked in the 2002 effort. The current Forest Transportation Atlas identifies the existing NFTS and the management objectives for each transportation facility. Decisions regarding changes to the NFTS (new road construction, realignment, decommissioning, etc.) are subject to the National Environmental Policy Act (NEPA) and require public involvement and disclosure. The NFTS is always changing, depending on resource needs and management concerns

This travel management proposal is just one of many in the Modoc National Forest’s continuing effort to manage the transportation system to meet current and future needs. Previous decisions have changed the number of miles of NFS roads for motor vehicle use. These decisions have resulted in road closures, seasonal restrictions, and decommissioning of selected routes. These decisions have resulted in 28 miles being closed and 76.8 miles decommissioned. This has been accomplished through forest planning, vegetation management projects, watershed restoration projects, fuels treatment projects, trail construction projects, trail management decisions, landscape analysis, watershed analysis, and various roads analyses. All of these efforts have contributed to sustainable management of the Modoc National Forest NFTS.

Ongoing efforts include the following: (1) project-specific efforts to reduce the impacts associated with non-system routes, and (2) addressing impacts associated with the current Forest transportation system through the Forest’s road operation and maintenance program. Implementation of this project is only one step in the overall management of motor vehicle travel on the Modoc National Forest.

Project Location

Figure 1-1. Location of the Project



Purpose and Need

The following needs have been identified for this proposal:

1. There is a need for regulation of unmanaged cross-country motor vehicle travel by the public. The proliferation of unplanned, unauthorized, non-sustainable roads, trails, and areas created by cross-country travel adversely impacts the environment. The 2005 Travel Management Rule, 36 CFR Section 212. Subpart B, provides for a system of NFS roads, NFS trails, and areas on National Forest System lands that are designated for motor vehicle use. After roads, trails, and areas are designated, motor vehicle use off designated roads and trails and outside designated areas is prohibited by 36 CFR 261.13. Subpart B is intended to prevent resource damage caused by unmanaged motor vehicle use by the public. In accordance with national direction, implementation of Subpart B of the Travel Management Rule for the Modoc National Forest is scheduled for completion in January, 2010.

2. There is a need for limited changes to the MDF transportation system to—
 - a. Provide motorized access to existing dispersed recreation opportunities (camping, hunting, fishing, hiking, horseback riding, etc.). There is a need to maintain motor vehicle access to dispersed recreation activities that historically have been accessed by motor vehicles. A substantial portion of known, dispersed recreation activities (camping, fishing, hiking, horseback riding, hunting, etc.) are not located directly adjacent to an existing NFTS road or NFTS motorized trail. Some dispersed recreation activities depend on foot or horseback access, and some depend on motor vehicle access. Those activities accessed by motor vehicles consist of short spurs that have been created and maintained primarily by the passage of motor vehicles. Many such unauthorized, “user-created” routes are not currently part of the National Forest Transportation System (NFTS). Without adding them to the NFTS, the regulatory changes noted above would make continued use of such routes illegal through the prohibition of cross-country travel, and would preclude access to many dispersed recreation activities.
 - b. Provide a diversity of motorized recreation opportunities (four-wheel drive vehicles, motorcycles, ATVs, SUVs, passenger vehicles, etc.). It is Forest Service policy to provide a diversity of road and trail opportunities for experiencing a variety of environments and modes of travel consistent with the National Forest recreation role and land capability (FSM 2353.03(2)). Implementation of Subpart B of the Travel Management Rule will severely reduce acres and miles of motorized recreation opportunities relative to current levels. As a result, there is a need to consider limited changes to the NFTS.
3. There is a need for protection of heritage resources in the area along road 46B29HB (the road along Boles Creek between Clear Lake and Steel Swamp) due to documented cases of vandalism.
4. There is a need to consider the safety of non-highway legal vehicles users on 44N08 between the Glass Mountain Pumice Mine and 44N01 because this route is also used by large commercial haul trucks for hauling pumice.
5. There is a need for consistency between the 2005 Travel Management Rule and the Modoc NF Land and Resource Management Plan (Modoc LRMP). In 2004, the portion of the Modoc LRMP covered under the Sierra Nevada Forest Plan Amendment (SNFPA) was amended to include Standard and Guideline #69 (SNFPA Record of Decision, p. 59). Standard and Guideline #69 is consistent with the 2005 Travel Management Rule because it prohibits “vehicle travel off of designated routes, trails, and limited off-highway vehicle (OHV) areas.” However, the remainder of the Modoc NF that is not covered by the SNFPA includes the objective “Keep over 87 percent of the Forest open to OHVs (Modoc LRMP p. 4-11)” and numerous other standards and guidelines in the LRMP regarding keeping areas open for OHV use. These remaining Modoc LRMP standards and guidelines are not consistent with the 2005 Travel Management Rule, which prohibits motor vehicle use except on designated NFTS roads, NFTS motorized trails, and areas.
6. There is a need for consistency with bald eagle winter roost road closure requirements in the Modoc LRMP. Currently, use of system roads 44A19D, 44A19C, 44N19, 44N20 and 44N04Y, in the Tionesta area, is in conflict with Modoc LRMP Standards and Guidelines that require seasonal closure of roads within bald eagle winter roost sites. Currently, these roads provide access to the community of Tionesta and have been open to public use with no

discernable disturbance to the bald eagles during their wintering period. Bald eagles that roost here have become habituated to vehicle traffic. Seasonal closure of these roads, in conformance with the Modoc LRMP, would adversely impact the community of Tionesta.

In making any limited changes to the National Forest Transportation system, the MDF will be considering criteria contained in Subpart B of the Travel Management Rule, which include the following:

- A. Impacts to natural and cultural resources
- B. Public safety
- C. Access to public and private lands
- D. Availability of resources for maintenance and administration
of roads trails and areas that would arise if the uses under consideration are designated
- E. Minimizing damage to soil, watershed, vegetation, and other forest resources
- F. Minimizing harassment of wildlife and significant disruption of wildlife habitat
- G. Minimizing conflicts between motor vehicles and existing or proposed recreational uses of NFS lands or neighboring Federal lands
- H. Minimizing conflicts among different classes of motor vehicle uses of NFS lands or neighboring federal lands
- I. Compatibility of motor vehicle use with existing conditions in populated areas, taking into account sound, emissions, and other factors

When making any limited changes to National Forest System Roads, the Forest will also consider the following:

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

The Proposed Action

- 1. Prohibition of motor vehicle travel by the public off designated NFTS roads and trails, except as allowed by permit or other authorization.
- 2. Additions to the NFTS: The MDF currently manages and maintains approximately 4,339 miles of NFS roads. Based on the stated Purpose and Need for action, the MDF proposes to add 336 miles to its NFTS roads, bringing the total to 4,675 miles.
- 3. Changes to Vehicle Class on Existing NFTS Roads: The Modoc National Forest proposes to change vehicle class on 138 miles of roads by allowing non-highway-legal vehicles to travel on existing NFTS roads where they are currently prohibited.
- 4. Changes to season of use on existing NFTS roads and trails: The Modoc National Forest proposes to restrict motor vehicle use within specified dates on 312 miles of existing NFS roads:
 - a. One closure date for roads in bald eagle winter roost areas
 - b. Four other closure dates for roads that are affected by wet weather
- 5. Other changes on existing NFS roads: Prohibit non-highway legal vehicle use on 1.45 miles of 44N08 and 44N01 due to safety issues. Close 46B29HB (along Boles Creek between Clear Lake and Steel Swamp) to public use for resource protection.

6. An LRMP non-significant amendment that amends the Modoc NF Land and Resource Management Plan for areas not covered under the Sierra Nevada Forest Plan Amendment by removing the objective to “keep over 87 percent of the Forest open to OHVs” (LRMP p. 4-11)
7. A non-significant LRMP amendment that would provide a one-area exemption to the bald eagle winter roost guidelines and allow for vehicle use year round in the bald eagle winter roost area directly outside of Tionesta. The new amendment would read, “With the exception of Forest system roads 44A19D, 44A19C, 44N19, 44N20 and 44N04Y, existing roads in winter roosts will be closed during the wintering period.”

A detailed description of the Proposed Action (Alternative 2) can be found in chapter 2 of this EIS. Maps depicting the Proposed Action and the other alternatives can be found at <http://www.fs.fed.us/r5/modoc>

Principal Laws and Regulations that Influence the Scope of this EIS

The National Environmental Policy Act (NEPA) of 1969 requires that all major Federal actions significantly affecting the human environment be analyzed to determine the magnitude and intensity of those impacts, and that the results be shared with the public and that the public be given opportunity to comment. The regulations implementing NEPA further require that to the fullest extent possible, agencies will prepare environmental impact statements concurrently with and integrated with environmental analyses and related surveys and studies required by the Endangered Species Act of 1973, the National Historic Preservation Act of 1966, and other environmental review laws and executive orders. Principal among these are the Multiple Use and Sustained Yield Act of 1960, the National Forest Management Act of 1976 as expressed through the Modoc National Forest Land and Resource Management Plan, the Clean Air Act of 1970, the Clean Water Act of 1972, and the Forest and Rangeland Renewable Resources Planning Act of 1974.

Travel Management Rule, Subpart B – Designation of Roads, Trails and Areas for Motor Vehicle Use (36 CFR 212.50-57): The MDF Travel Management EIS is designed specifically to implement the requirements of 36 CFR 212, Subpart B, of the November 5, 2005, Rule for Travel Management.

Decision Framework

The responsible official will decide whether to (1) implement the Proposed Action; (2) implement an alternative to the Proposed Action; or (3) take no action to prohibit cross-country motor vehicle travel by the public off the designated system, make no changes to the existing Modoc National Forest Transportation System (NFTS), and not amend the Modoc Land and Resource Management Plan.

This proposal does not revisit previous decisions that resulted in the current NFTS. This proposal is focused on implementing Subpart B of the Travel Management Rule. Previous administrative decisions concerning road construction, road reconstruction, trail construction, road decommissioning, and land suitability for motorized use on the existing NFTS are outside of the scope of this proposal.

The Forest Supervisor for the Modoc National Forest will be the deciding official. The Forest Supervisor will sign the record of decision.

Public Involvement

The Modoc National Forest relied upon the interdisciplinary team and public involvement to ensure that a full range of alternatives, representing a broad array of perspectives, would be analyzed in this final environmental impact statement (FEIS). Public involvement occurred during three key periods. First, during the public collaboration process that began in 2007; second, during the 30-day public scoping period for the proposed action; and third, during meetings with public groups to explore issues they raised during scoping. However, scoping is ongoing and continual throughout the process.

The Modoc National Forest met with local elected officials, Indian tribes, Federal advisory groups, individuals, and community groups; including service and professional organizations, to discuss the Travel Management Rule and travel management on the Forest. Several news releases were also published in area papers along with public notices. In November 2007, four public open houses were held in Cedarville, Alturas, Adin, and Tulelake, California to gather information about which routes the public uses and to identify routes missed in the inventory of unauthorized routes. Additionally, maps of inventoried routes were available on the Forest's website and Forest Service offices. The public and the tribes used these maps to provide input into the process, and their suggestions were incorporated into the Proposed Action. The majority of public comments and discussion received during this initial phase of development favored the addition of all unauthorized routes to the NFTS unless a conflict with another resource was discovered. Information gathered during the initial collaboration process led in part to the development of the Proposed Action.

Thirty-day Public Scoping Period

In May 2008, the Forest Service completed the "Proposed Action and Notice of Intent to Prepare an Environmental Impact Statement" based on comments from the meetings held in the fall of 2007. The public comment period began with publication of a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) in the Federal Register on May 12, 2008 (Volume 73, Number 92), and ended June 10, 2008. Presentations to a variety of groups, phone calls, news releases, website postings, and emails were used to alert the public of the opportunity to comment on the Proposed Action. Public meetings were held in Cedarville (May 19), Alturas (May 20), Adin (May 28) and Tulelake (May 29) to explain the Proposed Action. The concept of "mixed use" was also introduced during these meetings. Mixed use is defined as allowing use by both highway-legal vehicles and non-highway legal vehicles. Approximately fifty comments were received from scoping, by email and regular mail. The majority of the comments were from individuals in the immediate community, but some came from individuals and groups across the nation. Several comments were received from national organizations. Meetings were held throughout the scoping period with several groups, including the Modoc County Board of Supervisors, the community vitality group, the Wilderness Society, a local motocross group, and a local Rotary club. The tribal liaison for the Forest also met with the Pit River Tribe to further explain and receive comments on the Proposed Action. During the scoping period, we received some additional information that prompted us to make changes to our Proposed Action. One change was a non-significant LRMP amendment for bald eagle winter roost areas and the prohibition of OHV use on a Level 2 road that is used by Glass Mountain Pumice for hauling. On the week of July 21, 2008, an update notice was mailed to everyone on the mailing list and a notice was placed in the newspaper of record. This update notice was intended to keep people involved and to inform them of changes made to the Proposed Action. The scoping period was extended until August 8, 2008 for comments on these changes and three additional comments were received.

Comments on the Draft Environmental Impact Statement (DEIS) and Responses

The comment period for the DEIS closed on February 11, 2009. The Forest received 49 separate comments on the DEIS. Two of those comments came as form letters through email. One was from the Wilderness Society and had 8,010 respondents. The comments in this form letter were (1) roads should not be added when you cannot maintain the existing system (2) the existing system must be considered and a minimum road system created (3) redundant roads must be identified and decommissioned (4) a science-based analysis of the existing system must be done prior to making any decision.

The other form letter was from Trout Unlimited; we received 488 emails. The concerns expressed in this form letter were (1) do not add roads when you cannot maintain existing system (2) do not value OHV use over other uses (3) the Forest must do a watershed analysis to determine if action meets ACS objectives and to minimize riparian impact (4) do not construct roads in wetlands (5) do not add roads in riparian conservation areas (RCAs) or inventoried roadless areas (IRAs) (both agency and citizen).

Fourteen comments came from organizations and 35 came from individuals. Many of the comments were similar to the comments from the form letters. Comments that came from the county, local public and tribes were mostly supportive and recommended choosing an alternative that added the most routes and recreation opportunities. Some individuals felt that the Forest was being too restrictive and others felt that we were not restrictive enough. The comments were sorted and grouped by topic. All of the comments were responded to in the FEIS, Response to Comments section (published as a separate volume).

Issues

An issue is a matter of public concern regarding the Proposed Action and its environmental impacts. Comments from the public, other agencies, and affected Indian tribes were used to formulate issues concerning the Proposed Action. The Pit River Tribe brought up the issue of elders being able to access sacred places for ritual or food gathering. The Forest will work with, coordinate with, and consult with the tribes to provide access to meet their cultural, spiritual, and gathering needs. We will also coordinate with the tribes outside of this process to provide access for these purposes.

The Forest Service separated the issues into two groups: significant and non-significant. Significant issues were defined as those directly or indirectly caused by implementing the Proposed Action. Non-significant issues were identified as those (1) outside the scope of the Proposed Action; (2) already decided by law, regulation, LRMP, or other higher-level decision; (3) irrelevant to the decision to be made; or (4) conjectural and not supported by scientific or factual evidence. The Council on Environmental Quality (CEQ) NEPA regulations explain this delineation in Sec. 1501.7, "...identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review (Sec. 1506.3)..." The non-significant issues are listed below, together with the reasons why they were determined to be non-significant.

Significant Issues

Issue 1

The Proposed Action unreasonably restricts motorized recreation use by prohibiting cross-country travel. The addition of 336 miles of unauthorized roads to the NFTS provides insufficient public access to MDF lands and unfairly limits motorized recreation.

Discussion: Concerns were raised that restricting cross-country travel across the entire Forest would impact motorized recreation opportunities and unfairly restrict access for hunting, fishing, camping and a host of other outdoor activities. The route inventory identified 491 miles of inventoried unauthorized routes across the Forest, and the Proposed Action retains only 336 miles of these. This is considered insufficient by some users for a quality motorized recreation experience on the MDF.

Issue 2

The Proposed Action does not allow for easy and enjoyable travel across the Forest for motorized users. The addition of 138 miles of mixed use to the NFTS of level 3 roads does not provide for recreational diversity for motorized travel across the Forest.

Discussion: A concern was raised that by not opening up more roads for mixed use, the Forest was impacting the public and its ability to travel the Forest freely on OHVs. It was thought to be particularly punitive to the elderly—those who may not be able to reach destinations if they have to travel cross-country on foot to get to them. An example of such use is dispersed camping at a site that is not close to an existing road. Another is hunting, where an ATV travels cross-country to haul the animal back to the vehicle. Another concern was that there is a lack of loop and connecting routes.

Issue 3

Many of the roads proposed for addition to the NFTS are poorly located and would cause adverse impacts to plants, wildlife, water quality, soils, riparian areas, and other natural resources.

Discussion: Commenters expressed concern about impacts to a variety of natural resources, citing stream crossings, habitat fragmentation, wildlife disturbance, sedimentation, cultural sites, and other resources that could be impacted by motorized use of roads. Concern was also expressed that the addition of unauthorized routes may increase the likelihood of spreading invasive species throughout the Forest, and that roads and OHV routes could possibly serve as corridors for exotic plant and disease invasion.

Issue 4

The NFTS is already too large to provide adequate maintenance and administration. Current maintenance backlogs should be addressed before proposing the addition of new routes to an already overburdened system.

Discussion: Concerns were expressed about how the types of use allowed on roads and trails would impact the need for maintenance and administration. It was expressed that some types of use, specifically motorcycles, ATVs, and four-wheel drive vehicles, result in higher maintenance costs due to resource damage caused by such uses. In addition, commenters felt that increasing the opportunities for such use by designating additional routes would result in an increased need for Forest Service administration of these roads, trails to prevent unauthorized uses, resolve user conflicts, and provide for public safety.

Issue 5

The Tribes expressed a concern that by prohibiting cross-country travel, the Forest would be unfairly restricting tribal elders from participating in traditional practices.

Concerns were expressed that by restricting cross-country travel, the elders and the very young in the tribe would be prohibited from participating in traditional practices such as vegetation gathering or ceremonies.

Discussion: The tribes were involved early in the process to insure that the roads necessary for their use were added to the NFTS. The Forest will work, coordinate, and consult with the tribes to provide access to meet their cultural, spiritual, and gathering needs. Due to the sensitive nature of this issue, the Forest will also coordinate with the tribes outside of this process to provide access for these purposes.

Issue 6

The addition of unauthorized routes to the NFTS will impact the ability of people to enjoy a quiet recreation experience. The addition of some of the routes will detract from the roadless characteristics of an area that may currently have a low number of roads.

Discussion: Concerns were expressed that the addition of roads would impact non-motorized recreational opportunities. Commenters suggested that responsible officials are required to “minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of National Forest System lands” (36 CFR 212.55). Concern was expressed that to allow OHV use in areas where there is currently a low number of roads would cause disproportionate conflict between quiet recreationists and OHV users, and possibly risk precluding roadless areas from further consideration for wilderness designation.

Non-significant Issues

Addressing maintenance and decommissioning needs on the existing National Forest Transportation System (NFTS)

Concerns were expressed that the Forest should re-consider previous decisions to establish system roads and trails in the NFTS. Commenters pointed out that some existing system roads and trails are in need of repair and maintenance and should be either repaired or closed as part of this proposal.

Reasons why not considered as a relevant issue:

Repair and maintenance of the existing NFTS are routine, ongoing, activities on National Forests and are typically categorically excluded from documentation in an environmental assessment or environmental impact statement in accordance with agency policy in Forest Service Handbook 1909.15, Chapter 30, Section 31.12 (4) “Repair and maintenance of roads trails and landline boundaries.” Further, re-evaluation of previous decisions that established the current NFTS is not necessary for implementing 36 CFR 212, Subpart B of the Travel Management Rule. However, past, present and future environmental impacts of the current NFTS are factored into cumulative effects analyses for the proposed action and alternatives.

Use travel analysis to develop a travel management plan for the existing National Forest Transportation System (NFTS).

Concerns were expressed that the Forest should analyze the entire existing road system and create a minimum road system needed for safe and efficient travel and for administration, use, and protection of National Forest System lands in accordance with Travel Management Subpart A – Administration of the Forest Transportation System (36 CFR 212.1 – 212.10). Commenters

believe that the current road density on the existing system is too great and that the impacts associated with the existing system should be analyzed for impacts to other resources, and in light of funding limitations for maintenance, monitoring, and enforcement.

Reasons why not considered as a relevant issue:

The Proposed Action implements Subpart B of the Travel Management Rule, which states,

The responsible official may incorporate previous administrative decisions regarding travel management made under other authorities, including designations and prohibitions of motor vehicle use, in designating National Forest System roads, National Forest System trails, and areas on National Forest System lands for motor vehicle use under this subpart. 36 CFR: § 212.50 (b)

The responsible official has determined that existing NFTS roads and trails will not be analyzed to create a minimum system as part of this proposal. The infrastructure of a national forest will always have room for improvement, and the MDF welcomes suggestions for improving the current NFTS and restoring the environment. Such suggestions are considered within the context of the overall mission of the MDF and will be considered as availability of staff and funding allows. Scoping for this project resulted in many suggestions for improving the NFTS through reconstruction, decommissioning, NFS road and trail closures, restoration projects, etc. These ideas and suggestions have been captured by the MDF, and may be considered in future travel management analyses. Further, re-evaluation of previous decisions that established the existing NFTS is not necessary for implementing Subpart B of the Travel Management Rule. However, past, present, and future environmental impacts of the existing NFTS are factored into cumulative-effects analyses for the Proposed Action and alternatives.

Parking off road and turning around safely

Concerns were expressed by the Back Country Horsemen regarding their ability to park and turn around safely.

Reasons why not considered as a relevant issue:

The 3,764 miles of existing Level 2 NFTS roads along with the additional proposed additions of unauthorized routes provide sufficient locations to park and turn around safely.

Travel management and snowmobile use

Concerns were expressed regarding potential impacts of snowmobile use on soils and aquatic systems when snow is less than one foot deep. A concern was also expressed regarding the potential adverse effects of snowmobile noise and air emissions.

Reasons why not considered as a relevant issue:

Designation of areas open to snowmobile use is covered under 36 CFR 212, Subpart C, and is outside of the scope of this decision, which is focused on implementing 36 CFR 212, Subpart B of the Travel Management Rule.