

Appendix N: Response to Public Comments

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Introduction

The public comment period on the Motorized Travel Management Draft Environmental Impact Statement for the Modoc National Forest began on May 12, 2008 and closed on June 10, 2008. Agencies, officials, and members of the public were invited to comment on the DEIS. Public open houses were provided throughout May, and the public was invited to provide the Forest with written comments on the Draft Environmental Impact Statement.

The Forest received 49 comment letters, including two form letters—one with 8,010 signatures, and one with 488 signatures. Fourteen letters came from organizations, 35 from individuals.

The Council on Environmental Quality regulations for implementing the procedural provisions of the National Environmental Policy Act (40 CFR Parts 1500-1508) state,

Comments on an environmental impact statement or on a proposed action shall be as specific as possible and may address either the adequacy of the statement or the merits of the alternatives discussed or both.” (40 CFR 1503.3) Comments and responses in this section are based on those types of specific comments, “which proposed to (1) modify alternatives including the proposed action, (2) develop and evaluate alternatives not previously given serious consideration, (3) supplement, improve, or modify its analysis, and (4) make factual corrections (40 CFR 1503.4).

Comments were grouped by type of substantive comments described above, and were forwarded to the interdisciplinary team for review. The Interdisciplinary Team prepared statements which reflect the concerns expressed. The following sections contain those statements and the responses to them.

The bracketed numbers following the comment indicate who made the comment. They correspond to the list on the last page (“Commenters on the Draft Environmental Impact Statement”).

Adding Routes

Public comment 1: Some respondents thought that we should not add any more routes—the Forest Service cannot maintain the existing National Forest Transportation System (Same as issue 4 p.10 of the FEIS). [44, 45, 23, 14, 1, 32].

Response: Alternatives 2, 4, and 5 add a range of 286 to 336 miles of unauthorized routes to the National Forest Transportation System. Alternatives 1 and 3 do not add any unauthorized routes to the National Forest Transportation System. The Forest maintains Maintenance Level (ML) 3, 4, 5 routes with our existing budget, and we have sufficient funds to maintain ML 2 routes that need attention; however, the need is very small each year. Refer to the Transportation, Affordability section in chapter 3 of the FEIS.

Public comment 2: Some respondents stated that 336 miles is too many roads added to the National Forest Transportation System [2, 44, 43, 45].

Response: The Modoc National Forest is currently open to cross-country travel on 87 percent of the land. After this decision is implemented, cross-country travel will be prohibited, and access to many popular recreation activities will be reduced. The Forest Service completed an inventory of unauthorized routes in 2007, and 491 miles of unauthorized routes were identified. Many of these routes provide important motorized access and recreation opportunities. In order to maintain opportunities for the public to use and recreate on the Modoc National Forest, a range of 286 to 336 miles of routes were analyzed in the FEIS for potential addition to the National Forest Transportation System. Although these additions may seem to be great, when compared to the loss of use of 87 percent of the Forest, it is quite small. In addition, in considering these potential additions to the National Forest Transportation System, the Forest Service considered factors such as safety, law enforcement, costs, user conflicts, public opinion and desires, resource impacts, and motorized and non-motorized opportunities. The FEIS addressed all of these factors. Chapter 3 of the FEIS analyzes impacts of the additions to each resource, including recreation.

Public comment 3: One respondent thought that all unauthorized routes should be added to the National Forest Transportation System and those roads with erosion problems should be added as ML 1 roads until the problem can be repaired [21].

Response: All unauthorized routes were evaluated against many different possible environmental consequences, not just erosion, to determine if they should be added to the National Forest Transportation System. If it was determined that the route would cause environmental consequences to other resources that could not be mitigated, that route was not proposed for addition. The amount

of harm caused by its inclusion in the National Forest Transportation System would outweigh the benefit of the addition. All of the unauthorized routes that would be added to the National Forest Transportation System will be brought in as ML 2 roads.

Public comment 4: One respondent suggested that a table should show each route proposed for addition and evidence that supports the inclusion into the National Forest Transportation System. Show methodology for choosing routes [33 - #5].

Response: Volume 2, appendix A of the FEIS contains a table that shows why each route is being proposed for addition into the National Forest Transportation System. The Interdisciplinary Team evaluated each inventoried unauthorized route against a series of GIS backdrops, including fens, vernal pools, noxious weeds, Threatened and Endangered plants, critical aquatic refuge, lost river short nose sucker, shortnose sucker, Threatened and Endangered fish, Modoc National Forest Threatened and Sensitive fish, hydrological area of concern, soil areas of concern, primitive recreation opportunity spectrum class, recreation sites, resource and natural areas, recreation opportunity spectrum class semi-primitive non-motorized, special interest areas, riparian streamside, Riparian Conservation Area, riparian reserve, tribal areas of concern, tribal kosale area of concern, bald eagle, bald eagle winter roost, California spotted owl, golden eagle, goshawk, leks, prairie falcon, sandhill crane, Swainson's hawk, northern spotted owl, caves, roadless area, and user comment. The user comment layer was created in response to comments we received regarding specific, particular unauthorized routes and their use by the public.

Each of the inventoried unauthorized routes was displayed against the backdrop of all of these layers. If the route was found to be in conflict with a resource and the resource specialist found the impact to be unacceptable and immitigable, the route was eliminated from further consideration. The remaining routes were proposed for potential addition. The reason for proposing addition of the route is explained in the first table in Appendix A, Route Analysis.

Public comment 5: Several respondents requested that a short spur route should be added at Reservoir F for use by fly fisherman [20, 46, 47, 48].

Response: The Responsible Official agrees on adding this route to the National Forest Transportation System, along with seasonal closures. However, because additional analysis is necessary to determine potential effects, addition of this route would be addressed outside of the travel management process.

Air Quality

Public comment 1: Some respondents felt that the DEIS fails to adequately address issues of air quality. Consequently, we must use quantification and modeling to understand whether the MDF's plans will comply with Federal and State air quality standards and to know what impact they may have on human health, wildlife, vegetation, water bodies, and climate [33].

Response: See FEIS, Chapter 3, Affected Environment Overview, Information on Other Resources, Air Quality. The number of vehicle miles traveled annually by Forest users is not expected to change in any alternative through prohibition of cross-country travel and the redirection of motorized use onto designated routes. Therefore, no change is anticipated that will adversely affect air quality.

Alternatives

Public comment 1: Some respondents thought that Alternative 3 should include seasonal closures on all native surface roads in winter [15, 11, 1, 32].

Response: Thank you for your comment. Seasonal closure areas were chosen where the potential for damage by weather related incidents may occur. Areas outside of these concerns were not evaluated, however they are not excluded from the possibility of taking future action for closure if necessary.

Public comment 2: Many respondents thought that an Alternative that considers road closures on the existing national forest road system must be included in the range of alternatives [33, 43, 31, 32].

Response: The Purpose and Need for action is identified in chapter 1 of the FEIS. The Proposed Action deals specifically with Subpart B of the Travel Management Rule. It provides direction for a system of National Forest Transportation System roads, trails, and areas designated for motor vehicle use, and the prohibition of motor vehicle use off designated roads and trails and outside designated areas. Subpart B is intended to prevent resource damage caused by unmanaged motor vehicle travel by the public. Therefore, any analysis of our existing system and comprehensive changes made to that system are beyond the scope of this analysis. We did, however, close one road because of known resource vandalism – knowledge of the vandalism was known prior to analysis and we used this process as the vehicle to provide the necessary protection.

The Forest Service Handbook 7709.55, section 10.2 provides further direction on travel planning for the designation of roads, trails and areas for motor vehicle use. Under objective number 1, it states that reconsideration of the entire Forest transportation system is not required or appropriate (Forest Service Manual 7715.1).

Adequacy of Analysis

Public comment 1: Many respondents stated that the Forest must do a science-based travel analysis [33, 44, 45, 32].

Response: The resource specialists' analyses in the FEIS are based on the best available science known to the Forest staff at the time of document preparation. We also note that Forest Service Manual 7712 (1) states the following: "...travel analysis is not required to inform decisions related to the designation of roads and trails for those administrative units and ranger districts that have issued a Proposed Action as of January 8, 2009." Nothing in the travel management regulations at 36 CFR 212 requires that travel analysis must be completed before roads and trails on National Forest System lands are designated for motor vehicle use in accordance with Subpart B of the Travel Management Rule (36 CFR 212.50).

Public comment 2a: Some respondents requested that the Forest Service incorporate previous decisions into the analysis of the impacts of those routes (existing system) [33].

Public comment 2b: The Forest Service should perform a comprehensive inventory of its past transportation decisions as part of travel analysis [33].

Response: The Forest Service believes that reviewing and inventorying all roads, trails, and areas without regard to prior travel management decisions would be unproductive, inefficient, and counter to the purposes of the Subpart B of the Travel Management Rule. In its response to comments on these regulations, the Department of Agriculture explained that "[n]othing in this final rule requires reconsideration of any previous administrative decisions that allow, restrict, or prohibit motor vehicle use on NFS roads and NFS trails or in areas on NFS lands and that were made under other authorities, including decisions made in land management plans and travel plans." 70 Fed. Reg. 68264, 68268 (Nov. 9, 2005). To clarify that travel management decisions implementing Subpart B need not review and inventory all past transportation decisions, the Forest Service added paragraph (b) to 36 CFR 212.50, which provides that these prior decisions may be incorporated in the designation of roads, trails, and areas pursuant to Subpart B. Similarly, the Forest Service Manual 7715.03 – Policy (1) states that the Forest must use previous decisions to establish a **starting point** for proposals to change travel management decisions. Please see the "Baseline" section in this document for additional information.

Public comment 3: One group suggests that no decisions should be made until the Forest completes a comprehensive inventory of all roads, trails, temporary roads and user created routes [33].

Response: The existing NFTS routes are in the INFRA database. The Forest conducted an extensive effort to inventory the existing unauthorized routes on the Forest. Public meetings and open houses were held to inform the public about the inventory and to receive comments on the inventory. The inventory was posted on the Forest's website, and many comments were received from the public. Missing routes identified by the public were visited and were added to the inventory where appropriate. Some unauthorized routes were no longer used by wheeled motor vehicles, and so were not included in the inventory.

Aquatics

Public comment 1: The DEIS did not analyze impacts to Goose Lake and Warner Lake (sic) redband trout [32, 43, 33].

Response: The analysis of effects of the Proposed Action on the Goose Lake redband trout and the Warner Valley redband trout were completed in the Biological Evaluation for aquatic species, p. 7-8 (available in the project record). For the Goose Lake redband trout it was determined that there would be a "may affect individuals, but is not likely to result in a trend toward Federal listing or loss of viability" determination. On a Forest-wide scale, in-channel sediment delivery, habitat alteration, and collection were not expected to be a significant impact due to the limited amount of motor vehicle use in the areas of concern. With the prohibition of cross-country travel and no identified unauthorized routes within or adjacent to its habitat, the Warner Valley redband trout does not have suitable habitat that is directly, indirectly, or cumulatively affected by the Proposed Action. There is a "no impact" determination for the Warner Valley redband trout.

Public comment 2: There was no analysis of this redband trout done in the DEIS. Seasonal closures on the existing system roads should be enacted in the spawning area of the Warner Lake (sic) redband trout [32, 43, 33].

Response: The analysis of effects of the Proposed Action on the Warner Valley redband trout was completed in the Biological Evaluation for aquatic species, p.7. Seasonal closures on existing system roads to protect spring spawning habitat for the Warner Valley redband trout would have limited effectiveness as these spawning areas are generally not accessible by vehicle traffic during spawning season for this species.

Public comment 3: The DEIS does not mention listed Threatened and Endangered species (Modoc sucker, shortnose sucker, Lost River sucker, Shasta crayfish, and the proposed Oregon spotted frog) [33].

Response: The analysis of effects of the Proposed Action on Threatened and Endangered species is contained in the aquatic Biological Assessment for aquatic species (available in the project record), which is part of the project record and is incorporated by reference in the FEIS. The analysis of effects of the project determined that there would be "no effect" on any Federally listed species or their habitat with implementation of the Proposed Action. The Oregon spotted frog is currently designated as a candidate species, and was not analyzed in the Biological Assessment. Analysis of candidate species is not a requirement of the ESA.

Public comment 4: The DEIS does not disclose how the OHV designation decisions will minimize impacts to riparian areas [33].

Response: Direct and indirect effects to habitat can be found in the Biological Assessment for aquatic species, p. 5-6 (available in the project record). During the ID Team analysis process each route was looked at for potential impacts to riparian areas. If there was a known impact or conflict with the riparian resource, the route was excluded from addition to the NFTS.

Public comment 5: There should be strict seasonal closures on roads in spring spawning area of redband trout. [43]

Response: The Biological Evaluation determined that all action alternatives would eliminate cross-country travel and reduce overall authorized use at varying levels from the current baseline. This reduction would result in no significant impacts (direct, indirect, or cumulative) from road use during spring spawning to these species from the current baseline. Furthermore, the roads that is in the spring spawning area self-regulate and is essentially impassable during the spawning season. Weather conditions make the road impassable to all vehicles most years. In the years where passage does occur, vehicle use would be limited to system roads and is so low that impacts are considered insignificant.

Bald Eagle (LRMP Amendment)

Public comment 1: Some respondents asked that the winter bald eagle roost closure remain in place [31, 3, 2, 23, 16, 15].

Response

Biological History

Bald eagle winter roosting at Timber Mountain has been known to the Modoc National Forest since at least 1988. Records indicate that local residents were aware of winter roosting occurring on the north edge of Timber Mountain as early as 1984. Roosting appears to have occurred at two locations. One location was near the border of the Forest with private land in sections 22 and 15. This is near what was the Watt Ranch in the late 1980s. For purposes of clarity this site will be referred to as the “Ranch roost” in this response. The second site is uphill and south of the private land straddling the section line between sections 21 and 28 near a game guzzler. This site will be referred to as the Guzzler roost. Both roost sites were used during the period of 1988 through 1992 during the winters. In June 1992, the Timber Mountain fire burned with stand-replacing intensity through the Ranch roost while the Guzzler roost was under burned, but fire did not kill the roost trees. Eagle roosting was observed in the Ranch roost in the fall of 1992 with some indication in the spring of 1993 that further roosting had occurred. Spring surveys of the Guzzler roost in 1993 also indicate that some roosting may have occurred during the winter of 1993. No formal surveys have been made since 1993 of roost areas. Anecdotal information and incidental observations indicate a probable decline in bald eagle use of the Timber Mountain and Highway 139 corridor.

Change in use pattern

There may have been a change in the use of the local area by bald eagles. Prior to 1993, observations of bald eagles eating road killed deer along Highway 139 are relatively common in the Forest incidental observation database. After 1993 they are infrequent. The working theory of local biologists is that road-killed deer declined so significantly that road-killed carcasses were generally unavailable to feed large groups of eagles. The severe deer herd kill that occurred during the winter of 1992-1993 reduced the deer herd significantly. California Department of Fish and Game data indicate a drop in the number of deer from 90,000 in 1992 to 30,000 for 1993 in the northeastern California deer assessment unit (Loft et al. 1998 Report to the Fish and Game Commission). There is no current evidence of a rebound in numbers of deer.

Current condition of the roosts

There is little evidence that that the Ranch roost is still viable or used. Most of the area has no trees or snags suitable for perching due to the fire and salvage activities. The Guzzler roost may be used occasionally when weather conditions and deer herd movements result in regular deer road kill along Highway 139.

Management History

The Ranch roost and Guzzler roost were considered at the time of Forest Land and Resource Management Plan finalization in 1990. However, after plan signature in 1991, signing of closures and Forest orders did not occur before the Timber Mt. fire occurred in 1992. With subsequent changes in eagle use in the Timber Mountain area, a seasonal closure was never implemented. It does not appear that there is a viable winter roost at the Ranch roost site at this time. The Guzzler site appears to provide structurally suitable conditions for roosting but may have provided only a sporadic food source after the 1992-1993 winter deer die-off. The Guzzler site is also inaccessible most winters due to snow drifting on the roads that access the area. These roads do not provide access to the electronics site on the top of Timber Mountain and therefore generally remain untracked and inaccessible.

Conclusion

Given the low suitability of the Ranch roost site, and the low accessibility of the Guzzler site, there does not appear to be a need to implement a road closure buffer for these two roosts. A seasonal road closure would not appear to provide any additional protection for bald eagles in this location. Therefore, the Forest proposes making a non-significant amendment to the Land and Resource Management Plan to reflect conditions on the ground and to clarify public access in the vicinity of the community of Tionesta.

Baseline

Public comment 1: Some respondents suggest that the Forest Service has not provided adequate or reliable documentation for what they consider to be the "baseline" of the current transportation system. The Forest has not provided decision notices, records of decision, NEPA documentation, road management objectives, or funding allocation data for putative system routes in its jurisdiction [33].

Response: The National Forest Transportation System was reviewed prior to the start of this project, and was established as the baseline. A combination of the INFRA database and the Forest’s GIS system serve as the transportation atlas for the Forest. This atlas was created by reviewing historic transportation maps which were checked by experienced personnel for accuracy. Once the existing system was determined, the data was then uploaded into the INFRA database. The INFRA database is periodically updated as things change across the transportation system.

Public comment 2: One respondent felt that the No-Action Alternative should not be used as a baseline to compare against the other alternatives. [33]

Response: Thank you for your comment. The Forest Service is required by law to follow the Council on Environmental Quality Regulation, Sec. 1502.14 (d) which directs us to include the alternative of no action. The Region feels that this is an appropriate baseline for this project since it compares how the landscape would be affected if current management continues against the other alternatives which enact the Travel Management Rule by prohibiting cross country travel.

Big-Game Retrieval

Public comment: One respondent requested that reasonable allowance should be made for big game retrieval with ATVs . There was a suggestion to employ a permit system which allows hunters to retrieve their game from off road with an ATV or other motorized vehicle [8].

Public comment 1: Several respondents request that the MDF should seasonally allow cross-country travel with ATVs for the specific purpose of big-game retrieval [34, 3, 8].

Response: Thank you for your comment. Forest Service Manual 7715.74 (3) states that “ To promote consistency, the Regional Forester should coordinate designations pursuant to Forest Service Manual 7715.74, paragraph 1, within states and among adjoining administrative units.” The Regional

Forester of Region 5, which includes the Modoc National Forest decided to not generally provide for retrieval of big game by ATVs across country.

Public comment 2: One respondent suggested that the Forest Service work with the county Fish, Game, and Recreation Commission to develop a process for downed game retrieval [40].

Response: Thank you for your comment. See response immediately above.

Botany

Public comment 1: One commenter suggests that mitigations such as barriers or re-routing of roads would be effective in eliminating OHV effects on the two Sensitive species plants [34].

Response: The FEIS, Botanical Resources, Addendum to Effects Analysis, states that Alternatives 2 and 5 may have effects on three Sensitive plant species: *Buxbaumia viridis*, *Calochortus longebarbatus* var. *longebarbatus*, and *Eriogonum umbellatum* var. *glaberrimum*. There are three occurrences of *Buxbaumia viridis*, four occurrences of *Calochortus longebarbatus* var. *longebarbatus*, and one occurrence of *Eriogonum umbellatum* var. *glaberrimum* located within 100 feet of proposed route additions under Alternatives 2 and 5 (eight total Sensitive plant occurrences). The Responsible Official has decided not to add routes located within 100 feet of these sensitive plants to eliminate any potential for harm. The routes that impact these species will not be included as part of the National Forest Transportation System or shown on the Motor Vehicle Use Map.

In response to the barrier question, it is unlikely that erecting barriers or re-routing roads would eliminate effects on these three Sensitive plant species. These are typically spur roads which often pass through or adjacent to the occurrence, and through potential habitat. An effective barrier would essentially negate the value of the spur in several instances, or simply close the spur. Re-routing of roads could cause further disturbance in potential habitat and negate possible benefits of re-routing for Sensitive species.

Public comment 2: One group suggests that the Forest should conduct field surveys of Sensitive and Watch List plant species on proposed routes with a high likelihood of their presence [41].

Response: Field surveys were performed on vernal pools located within 300 feet of proposed routes which had potential habitat for the two Federally listed plant species, *Orcuttia tenuis* and *Tuctoria greenei*. Survey results are available in the project record. All routes with a potential to affect any occurrence of either of these species were removed from all of the action alternatives.

Analysis of the effects of proposed routes on Sensitive plant species was conducted with the best available information. Please see Appendices A-2 and F for additional information.

Public comment 3: The Modoc National Forest has very little current, accurate field data as to how much public rangeland and Forest is infected with noxious weeds, and what the effect of the action will have on the situation [43].

Response: An inventory of weed locations on the Forest exists, and is updated as new occurrences are discovered. Surveys for new occurrences of noxious weeds are conducted annually concurrently with sensitive plant surveys, even though no systematic surveys have been conducted exclusively for noxious weeds since 2004. The FEIS effects analysis for noxious weeds was conducted using the best available information on noxious weed infestations across the Forest. The potential effects of the action alternatives on noxious weeds are analyzed in the FEIS, Noxious Weeds, Affected Environment and Environmental Consequences; and in the Noxious Weed Risk Assessment, Modoc National Forest Motorized Travel Management Project. The Record of Decision for Noxious Weed Treatment was approved on August 12, 2008.

Public comment 4: Additional information is necessary to evaluate the continued use of roads and trails near fens, wet meadows, riparian habitat and vernal pools.

Response: The focus of the current action is to implement the prohibition on cross-country travel contained in the Travel Management Rule, and to address important motorized recreation access and opportunities affected by the prohibition. The Forest is not, at this time, evaluating whether use on existing system roads and trails should continue (see response to comment Adequacy of Analysis 2b above). The effects of proposed routes and mixed use near fens, wet meadows, riparian habitat, and vernal pools were analyzed in the FEIS, Chapter 3-Botanical Resources, Affected Environment and Environmental Consequences. Effects associated with the National Forest Transportation System are considered in the cumulative effects section of Chapter 3, Botanical Resources, pp. ___.

Public comment 5: There have been no systematic noxious-weed surveys on the Forest since 2004 and no route-specific surveys done for travel management (p. 178). Very little current field data is available on how much land is affected; therefore, the Forest Service also does not know what the situation is on hundreds of miles of proposed unauthorized routes [33].

Response: A basic inventory of weed locations on the Forest exists, and is updated as new occurrences are discovered. Surveys for new occurrences of noxious weeds are conducted annually concurrently with sensitive plant surveys, even though no systematic surveys have been conducted exclusively for noxious weeds since 2004. The FEIS effects analysis for noxious weeds was conducted using the best available information on noxious weed infestations across the Forest.

Public comment 6: The DEIS reveals the failure of the Forest to comply with its Land and Resource Management Plan (LRMP) standards and guidelines, which direct the Forest to control noxious weeds and perform annual monitoring of noxious weed population levels [33].

Response: The noxious weed specialist report did not clearly describe LRMP monitoring requirements for noxious weeds, and this has been corrected in the FEIS. See Chapter 3, Noxious Weeds, Analysis Framework: Statute, Regulation, Forest Plan, and Other Direction.

The Land and Resource Management Plan requires that noxious weed monitoring results be reported annually, but monitoring itself is an ongoing process, expected to have only moderate precision and moderate reliability (see the Modoc National Forest Land and Resource Management Plan, p. 5-8, “Forest Pests.”).

Surveys for new occurrences of noxious weeds have been conducted every year since 2004 concurrently with sensitive plant surveys, although these were not “systematic” in the sense that they were dedicated weed-mapping surveys. New weed-occurrence reports are completed whenever new occurrences are found, and these new occurrences have been added to the Forest’s noxious weed database annually, both prior to and after 2004. Surveys were not systematically looking for weeds, which typically occur in disturbed areas such as roadsides, along trails, in landings, around recreation areas, etc. Botany surveys generally focus on potential habitat for Threatened, Endangered, Sensitive, and Watch list Plant species, which typically occur on sites which have not been greatly altered, while noxious weeds are more common on sites that have been disturbed. During botany surveys, new noxious weed locations are mapped, however, there has been no systematic inventory specifically for noxious weeds across the Forest.

Public comment 7: The assumption in the DEIS that change of vehicle class on National Forest Transportation System roads has no impact to rare plants or their associated habitats (p. 128) is not correct and contradicts (p. 185) other statement in same document [43].

Response: We agree that some statements regarding the effects of change in vehicle class were confusing in the DEIS and have made corrections in the FEIS. Within the section, we addressed the

potential indirect effect on TES plants from increased noxious weed risk in the Environmental Consequences section.

Public comment 8: For each route proposed to be added, the FEIS should provide the specific rationale that supports the decision that the benefits of continued motorized routes outweigh the negative effects. Analysis should be for routes within 100 feet of sensitive habitats [41].

Response: Botany analysis included sensitive habitats within 100 feet of proposed routes. Site-specific rationale for adding proposed routes to the National Forest Transportation System are documented in appendix A, vol. 2, Modoc National Forest Motorized Travel Management FEIS.

Public comment 9: The Proposed Action allows motorized travel to continue within or adjacent to sensitive habitats (fens, wet meadows, riparian habitat and vernal pools) (p. 141-154). Include the rationale for each specific road or trail within 100 feet. of sensitive habitats, and modify or reduce proximity to and adverse effects on these resources [41].

Response: Potential effects of proposed route additions, seasonal closures, changes to vehicle class, and changes to the existing road system are analyzed in the FEIS for each of the alternatives in the Botany, Environmental Consequences section. Also in the Biological Assessment for *Orcuttia tenuis* and *Tuctoria tenuis*, p. 9-15; and in the Biological Evaluation for Sensitive Plants, p. 5-17.

Climate Change

Public comment 1a: One group suggests that the DEIS violates NEPA by failing to analyze the impacts of climate change [33].

Public comment 1b: One group asks that the FEIS include a discussion of climate change and its potential effects on the Forest as it relates to the route designation decision and the National Forest Transportation System [41]

Response: This action is focused on managing where motor vehicles travel. This action does not regulate or increase the number of vehicles on NFS lands. The regulation of emissions is not within the jurisdiction of this agency. The Forest Service acknowledges that climate change has the potential to affect resources on the forest. These effects are discussed in Chapter 3 in the Soils and Hydrology section.

Close System Roads

Public comment 1a: Several responders suggest that the Forest should close system routes around Lava Beds National Monument and the South Warner Wilderness, to prevent trespass [37, 15, 1].

Public comment 1b: Several responders suggest that the Forest close 46N17 and spurs east of Lava Beds National Monument and 46A21MB and MA to maintain the roadless characteristics of the area [15].

Response: The purpose and need for the current action is to implement Subpart B of the travel management regulations and address unmanaged motorized cross-country travel, not to close existing National Forest Transportation System roads and trails. However, the educational and law-enforcement efforts that will be associated with implementation of this decision may help with motorized trespass issues in general. In addition, the need for this action may either be addressed outside of this process and closed administratively, or be carried forth into the revision of the Land Management Plan.

Cross-Country Travel

Public comment 1: Some respondents feel that cross-country travel should be allowed on the Forest [6, 22].

Response: 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 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 and NFTS trails, as well as use of motor vehicles on roads and trails that are not specifically designated for public use.

No National Forest is exempt from this rule.

Cultural Resources

Public comment 1: One responder stated that the Forest Service has misconstrued its obligations to apply the minimization criteria at a site-specific level during the route-designation process, and the agency proposes to designate roads through 234 archeological sites resulting in negative effect to the heritage resources on those sites [33].

Response: We are following the Motorized Recreation Programmatic Agreement (2006) with the State Historic Preservation Office, which allows the Forest to implement the following strategy found on page 96 of the FEIS, Volume 1:

National Register of Historic Places evaluation, however, can be deferred for historic properties where (1) no physical damage or reasonable potential for physical damage exists, (2) effects are ambiguous and monitoring is prescribed, or (3) Standard Resource Protection Measures (cf., OHV Programmatic Agreement (PA)) can be prescribed to ensure that the values or potential values of the historic property can be protected. If effects are ambiguous (i.e., origin, age, severity, etc.), then limited-term monitoring (see Monitoring) may be employed to more fully characterize the nature of any effects, the need for evaluation, or whether additional management measures might be implemented in lieu of NRHP evaluation or other procedures under 36 CFR 800. NRHP evaluation is required at sites where physical damage from past vehicle use is noted, and forests cannot or will not protect properties from new or ongoing effects using prescribed protection or treatment measures listed in this strategy, the OHV PA, or other measures identified in consultation with the SHPO.

We have evaluated effects to heritage resources associated with each proposed route addition. We determined that the observed effects of the existing user-created routes on most heritage resource sites are minor or negligible, as identified in appendix F.

A sample of the 242 archaeological sites designated for monitoring should be examined each year. It is recommended that a 10 percent sample be selected—or 24 sites per year for three years. If no noticeable effects are identified on any of these sampled sites, then the need to continue monitoring should be reexamined.

Directives

Public comment 1a: Some respondents suggest that the proposed action is insufficient in the Sierra Nevada Forest Plan Amendment and Northwest Forest Plan directives. Watershed analysis must be completed to determine influence of each road on Aquatic Conservation Strategy objectives.

Public comment 1b: The exemption in the final directives is contrary to the Travel Management regulations at 36 CFR 212.

Response: This comment addresses issuance of national travel management directives and is outside the scope of the current action.

Dispersed Camping

Public comment 1: Some respondents stated that dispersed camping should be addressed in this action. [39,36]

Response: The Responsible Official decided to designate short spur roads in lieu of setting aside specific dispersed camping areas in this action. Based on public input, the Forest learned that the use on the Modoc National Forest is Forest-wide, and that the public prefers to have a range of choices on where they camp rather than be limited to a specific area.

Public comment 2: Some respondents did not want the Forest to limit parking to one vehicle length; instead, to designate the spurs for use as access to dispersed camping or parking [39, 36].

Response: See comment Dispersed Camping 1 above. Once the Travel Management Rule is implemented and the Motor Vehicle Use Map is issued, motorized travel will no longer occur across country. Once the Motor Vehicle Use Map is published, motor vehicles must stay on the designated roads, within one vehicle length, or within 30 feet of the road.

Public comment 2: Some respondents want dispersed camping (separate from historic use) to be permitted within 100 feet of a designated road. (Forest Service Manual 7715.74 and 7716.13), and to monitor impacts of use. [34].

Response: Thank you for your comment. It states in Forest Service Manual 7715.74 (1) that “the Responsible Official may include in a designation the limited use of motor vehicles within a specified distance of certain forest roads...solely for the purpose of dispersed camping or retrieval of a downed big game....” It further states that the authority in paragraph 1 should be used sparingly... and that rather, the official should designate spur roads for this purpose. The Responsible Official will provide for dispersed camping along or at the end of designated routes. Nowhere in the handbook does it designate or recommend a specific length off a road for use by dispersed camping.

Public comment 3: One respondent had concerns that dispersed camping would be closed (Upper and Lower Dan Ryan) [19].

Response: If the roads that access dispersed camping at Upper and Lower Dan Ryan are added to the National Forest Transportation System, they would not be in compliance with the riparian guidelines for the Forest and therefore would not meet the Purpose and Need for this project. An individual can park on a designated road and walk into the site if he or she wants to camp. The two routes that access the sites in question will not be added to the National Forest Transportation System because both of these roads would require design and substantial reconstruction in order to safely access the main road.

Do not Close Forest

Public comment 1: Some respondents understood the action as closing the Forest to public use [24, 22].

Response: This action will not close the Forest to public use; however, it will restrict the use of motor vehicles by the public to designated roads and trails.

Enforcement

Public comment 1: One respondent requested information on where funding comes from for enforcement. [39]

Response: As stated in appendix G, volume II of the FEIS, page 165:

The national Law Enforcement and Investigation (LEI) budget is funded by appropriated funds from Congress to provide law enforcement services on the National Forest System lands. The Travel Management program is one of many Forest programs to benefit from federal law enforcement funding. For the past few years, law enforcement funding has increased, and that has translated into an increase in field law enforcement personnel.

To enhance enforcement of the Travel Management Rule, Region 5 Forest recreation programs have applied for and received grant dollars (green-sticker funding) from the State of California Off-Highway Motor Vehicle Recreation Division Grants Program. These state funds are earmarked specifically for enforcement of off-highway vehicle laws and regulations on the various forests, and are performed primarily by forest protection officers (FPOs). In addition, law enforcement officers (LEOs) support the FPOs as needed, especially if serious violations have occurred. In recent years, state law enforcement grants have ranged from three to four million dollars annually, with similar funding anticipated for the 2008-2009 grant cycle.

Further information on law enforcement and how it relates to travel management can be found in appendix G of the FEIS.

Executive Orders

Public comment 1: Executive Orders 11644 and 11989 should guide the Travel Management process. The route designation process should be directed by current Forest Service policy, as well as certain regulatory mandates, and the best peer-reviewed and objective ecological data available. Executive Orders 11644 (1972) and 11989 (1977): Require the agency to ensure the use of off-road vehicles on public land will be controlled [32, 33].

Response: The Forest Service promulgated the Travel Management Rule to implement these executive orders, which both address “Use of Off-Road Vehicles on the Public Lands” (E.O. 11644, as amended by E.O.11989). The current action implements direction contained in the Travel Management Rule regarding management of motor vehicle use on the National Forests, and in particular, the management of OHV use and cross-country travel.

Implementation and Education

Public comment 1: One group states that no action should be taken to decommission routes if they are not added to the National Forest Transportation System [40].

Response: Decisions to decommission routes are made on a case-by-case basis. Travel analysis is not required to inform decisions to decommission unauthorized routes, including those discovered through monitoring (Forest Service Manual 7710 (7)). Therefore, if a need is identified in the future for decommissioning the routes, it can be done then.

Public comment 2: One respondent requested that the FEIS address implementation of the Travel Management Rule [39].

Response: An implementation strategy can be found in appendix G, volume I, p. 167-168 of the FEIS in the Law Enforcement section. Pages 167-169 speak directly to implementation.

Public comment 3: Some respondents suggested share-the-road information, maps, speed limits, and road signs would greatly enhance visitor safety on all ML 3 roads designated for mixed use [34, 40].

Response: Education will be an ongoing effort across the Forest, especially in the early stages of implementation of the Travel Management Rule. Signage of National Forest Transportation System routes that will show on the Motor Vehicle Use Map will be completed within the first three years of the project. The implementation strategy in volume II of the FEIS in Appendix G, Law Enforcement, p. 167-168, describes the types of educational activities we foresee.

Public comment 4: Respondents indicated that education of public would be important prior to implementation [34, 40].

Response: Education will be an ongoing effort across the Forest, especially in the early stages of implementation of the Travel Management Rule. The implementation strategy in volume II of the FEIS in Appendix G, Law Enforcement, p. 167-168, describes the types of educational activities we foresee.

Public comment 5: Some respondents stated that additional information would be necessary to fully describe monitoring and enforcement commitments, the affected environment, and proposed increase in mixed use [41].

Response: In Volume 2 of the FEIS there are two appendices that relate to this concern: Appendix C, Monitoring Plan; and Appendix G, Law Enforcement. Both of these appendices contain information about monitoring and enforcement commitments. The affected environment and the proposed increase in mixed use is addressed throughout volume 1, chapter 3 of the FEIS.

INFRA Database

Public comment 1: One group states that the Forest Service is unable to provide convincing evidence that all routes in the INFRA database were designed to be open for long-term, public motorized recreation [33].

Response: Updating the INFRA database is an ongoing effort; however, considerable time was taken to insure that roads designated for long-term, continuous use were correctly input into the INFRA database when the transportation atlas was being created. That said, through the travel management process additional coding errors were found, and will be corrected prior to the publication of the Motor Vehicle Use Map (MVUM). Furthermore, once the MVUM is produced, it will be updated annually and any additional corrections will be made at that time.

Public comment 2: Respondents noted that routes in the INFRA database that are ML 1 are showing on the DEIS maps [33].

Response: Thank you for helping us to find that discrepancy. An error occurred in the production of maps for the DEIS. ML 1 routes will not be shown on the maps for the FEIS because ML 1 roads are closed to motorized vehicle use.

Inventoried Roadless Areas (IRAs)

Public comment 1a: Some respondents indicate that to allow OHV use in Inventoried Roadless Areas would cause disproportionate conflict between the quiet recreationist community and OHV users, and would risk precluding roadless areas from further consideration for wilderness designation [2, 33] (same as Issue 6 in FEIS).

Public comment 1b: Some respondents suggest that the Forest Service is proposing to add routes in Roadless areas.

Response: There are no unauthorized routes proposed for addition in agency dedicated Inventoried Roadless Areas. The Citizen Proposed Wilderness Areas already contain roads, and additional roads are being proposed in these areas. See discussion and analysis in the Inventoried Roadless Areas, and the Roadless Characteristics section of chapter 3.

Public comment 2: Several respondents asked that the Forest Service remove all roads (National Forest Transportation System and unauthorized routes from agency roadless areas).

Response: The purpose and need for the current action is to address unmanaged cross-country travel and to implement Subpart B of the travel management regulations, not to close and decommission existing National Forest Transportation System roads. See responses to comments addressing Subpart A below.

Public comment 3: Routes 46N21M and 46A21M are currently used by an OHV group for their Mt. Dome run. They are in a roadless area. Other routes are available for use and these should be closed.

Response: The purpose and need for the current action is to address unmanaged cross-country travel and to implement Subpart B of the travel management regulations, not to close and decommission existing National Forest Transportation System roads. See responses to comments, Subpart A .

Maintenance

Public comment 1: Use volunteers to control vegetation encroachment on mixed use roads. Describe the current OHV program and the potential to assist with the Forest's future road maintenance through programs such as adopt-a-trail or adopt-a-road [34].

Response: There are only a few recreation user groups in the area; therefore, it is difficult to recruit volunteers to do this kind of work. We have had some limited success with specific projects such as installing signs on the California Backcountry Trail, and developing trailheads at Pepperdine and East Creeks. We will continue to use volunteers and partners as opportunities arise.

Public comment 2a: The Forest cannot maintain its existing National Forest Transportation System, yet is proposing to add routes. As roads degrade from lack of maintenance, this is a liability for the Forest [42, 40, 33].

Public comment 2b: How can the Forest Service address known road-related resource impairments, given the lack of maintenance funds and the addition of new routes to the system?

Response: The majority of the road maintenance costs on the Forest is for ML 3, 4, and 5 roads. Maintenance level (ML) 2 roads do not significantly add to our costs. All of the roads proposed for addition to the National Forest Transportation System are ML 2 roads, so the additional cost is minimal. See the FEIS, Chapter 3, Transportation Facilities, Affordability.

Public comment 3: If the Forest Service adds routes, they should be able to maintain them. Non-maintained routes may lead to erosion, may collapse, and may cause serious safety problems [42, 13, 40, 33].

Response: The routes proposed for addition to the National Forest Transportation System are all ML 2 roads. Maintenance on ML 2 roads is focused on correcting safety hazards, preventing resource damage, and on route identification signs. As safety or resource problems are identified, they will be prioritized for inclusion in our road maintenance program along with the maintenance needs of the other roads.

Public comment 4: One respondent asked the Forest Service to upgrade National Forest Transportation System Forest Route 10 to a good-quality, unpaved road with proper foundation and surfacing aggregate materials (gravel)[37].

Response: This comment is outside the scope of the project. However, the Forest received funding to improve Primary Route 10 under the American Recovery and Reinvestment Act (ARRA) of 2009. Work is currently planned to start early next spring on the repairs to this road.

Public comment 5: One respondent suggests that there should be a sign put at Ash Creek that says “No vehicles past this point.”

Response: Without additional information about where on Ash Creek this sign should go, the Forest cannot respond to this request.

Maps

Public comment 1: Some respondents requested that citizen wilderness areas should be shown on maps [31, 15].

Response: The creation of maps is an expensive and time-consuming activity. The maps that have been created to show the alternatives display a large amount of information. There could be endless amounts of additional information displayed on those maps. We feel that additions to those maps, such as Citizen Inventoried Areas, would allow for a loss of clarity. However, a smaller version of the map is located in the Roadless section of chapter 3. Furthermore, the GIS layer of citizen inventoried roadless areas is available on the Forest and if a specific need is identified for those maps, the public may request them on an as-needed basis.

Public comment 2: One respondent asked how the Motor Vehicle Use Map will be funded each year, and how quality control would ensure routes aren't lost off maps from year to year. Maps should be good for more than a year [39].

Response: The Motor Vehicle Use Map will be funded through our normal budget process. Official files of the Motor Vehicle Use Map will be retained at the Forest headquarters, and can be revised as needed.

Minimum Road System

Public Comment 1: The Forest Service (FS) should identify the minimum road system needed for safe and efficient travel and for protection of FS lands. Close and decommission National Forest Transportation System routes that are duplicative [44, 41, 31, 15].

Response: The travel management regulations comprise three parts: Subpart A, Administration of the Forest Transportation System; Subpart B, Designation of Roads, Trails, and Areas for Motor Vehicle Use; and Subpart C, Use by Over-Snow Vehicles. Subpart A of the travel management regulations includes the provision referred to in this comment. The focus of this action is implementation of Subpart B, which directs the Forest Service to designate a system of roads, trails, and areas for motor vehicle use. Subpart B also provides that prior decisions regarding the existing National Forest Transportation System may be incorporated into the designated system. For purposes of the current proposal, the Forest has identified a need to end unrestricted cross-country travel to protect Forest resources, while at the same time maintaining motorized access and recreational opportunities for the public. A broad-scale effort to close and decommission roads does not meet the purpose and need for action at this time. Implementation of Subpart B will have immediate, on-the-ground effects, which are the subject of the analysis contained in this FEIS.

Mixed Use

Public comment 1: One group states that the DEIS does not adequately analyze mixed use and its effects of OHV use and adding routes [33].

Response: Thank you for your opinion. Information on the impacts of mixed use is available in the project record.

Public comment 2: One respondent felt that OHV travel on unpaved county and National Forest System roads is legal [34].

Response: The Forest Service does not have jurisdiction over county roads. OHV use on unpaved National Forest System roads may be authorized by the Responsible Official, the Forest Supervisor.

Public comment 3: Green-sticker vehicle access on ML 3 roads is essential for a complete recreational experience with loop opportunities [36].

Response: 36 CFR 212.55, Criteria for Designation of Roads, Trails, and Areas, states the following:

The Responsible Official shall consider effects on National Forest System natural and cultural resources, public safety, *provision of recreational opportunities*, access needs, conflicts among uses of National Forest System lands, the need for maintenance and administration of roads, trails, and areas that would arise if the uses under consideration are designated; and the availability of resources for that maintenance and administration [italics added].

Based on public comments, there is an interest in designating ML 3 roads for use by OHVs so that loop routes are connected for recreational opportunities. The mixed-use analysis in the project record provides details on mixed use. Alternative 2 and Alternative 5 designate additional mixed use on the Forest. Mixed use allow for use by both highway legal and non-highway legal vehicles.

Public comment 4: One commenter states that it a misnomer to call unpaved roads passenger car roads, since most use is done by high-clearance vehicles [34].

Response: Thank you for your comment. The road ML 2 addresses this question. This level is assigned to roads open for use by high-clearance vehicles. Generally, this level is not suitable for passenger cars. Surface smoothness is not a consideration, and the surface is normally unpaved native materials.

Public comment 5: Several respondents ask that the Forest allow mixed use on all unpaved level 3 to 5 roads where it is safe [34, 7, 40].

Response: All of Modoc National Forest ML 4 and 5 roads are paved. Alternative 5 provides mixed use on ML 3 roads on the Forest. Alternative 2 also provides mixed use on ML 3 roads, but to a lesser amount than Alternative 5. These roads are not paved. Refer to the description of alternatives in chapter 2 of the FEIS. Mixed use is allowed on ML 3 roads in Alternatives 2 and 5.

Public comment 6: The region's mixed-use policy invalidates your mixed-use proposals on passenger car roads greater than three miles [34].

Response: Based on Forest Service Manual 7715.77 (5), Motorized Mixed Use of National Forest System Roads, decisions on motorized mixed use, like other travel management decisions, is the responsibility of the Responsible Official, in this case the Forest Supervisor. If the Forest Supervisor wishes to provide for mixed use on ML 3 roads, a mixed-use analysis is required and needs to be reviewed by the Regional Engineer. The final decision is determined by the Regional Forester (Regional Forest Team), in consultation with the Forest Supervisor. Information on mixed use is available in the project record.

Public comment 7: One respondent states that proposing “combined use” designations on 544 miles of ML 3 roads requires conformance with Section 38026 of the California Vehicle Code [34].

Response: Combined use is a California Highway Patrol designation. Mixed use is a Forest Service designation, and mixed use is provided for in Alternatives 2 and 5.

Public comment 8: One respondent asked if the process for designating lengths of over three miles for mixed use as proposed by the RO is followed, how many proposals will be approved [34]?

Response: Each Forest has its unique conditions. It is not appropriate to speculate about how many proposals would be approved.

Public comment 9: One respondent asks that we explain in the FEIS how the Regional Forester can cite the California Vehicle Code to prohibit mixed use on National Forest System passenger roads, but then allow it on certain roads that are far greater than three miles. This is in conflict with section 38026 of the California Vehicle Code [34].

Response: The Regional Forester’s letters addressing mixed use are clear on this issue. Information on mixed use for Alternatives 2 and 5 is available in the project record.

Public comment 10: The Forest Service does not have enough mixed-use accident data from Region 5 Forests to adopt a regional policy that prohibits mixed use on thousands of unpaved roads in California [34, 4].

Response: Thank you for your comment. Neither the Forest nor the California Highway Patrol has any record of any accidents involving mixed use on the Forest.

Public comment 11: The Forest Service should approach the California Highway Patrol and California State Parks’ Off-Highway Motor Vehicle Recreation Division to see if state safety requirements for minors need to be strengthened [34].

Response: Safety requirements for vehicle operation for minors are the responsibility of the California Highway Patrol. The Forest Service has discussed safety requirements for all motor vehicle operations with them.

Public comment 12: Designating ML 3 roads for mixed use increases the threat of noxious weeds [33].

Response: Based on our traffic count surveys for ML 3 roads, which counted 5 OHVs out of a total of 791 vehicles, the potential increase for noxious weeds is very low. Refer to the mixed-use analysis in the project record. Within the Botany, Environmental Consequences section, we addressed the potential indirect effects on Threatened, Endangered, and Sensitive plants from increased noxious weed risk.

Public comment 13: NEPA requires an analysis of routes proposed for mixed use. They must be analyzed for surface type and how additional vehicles would affect these roads [33].

Response: Routes considered for mixed use are addressed in the Draft and Final Environmental Impact Statements. Further information on mixed use is available in the project record.

Public comment 14: Do not cite the Highway Safety Act (HSA) as a reason for prohibiting motorized mixed use on National Forest System roads [34].

Response: We agree that the HSA does not directly relate to prohibition of motorized mixed use and is actually a safety regulation.

Multiple Use

Public comment 1: Motorized use is being unfairly valued against other use on the Forest [45].

Response: The purpose of this action is to manage use of motorized vehicles across the Forest.

The Travel Management Rule of 2005 requires designation of those roads and trails that are open to motor-vehicle use, and the prohibition of cross-country travel.

National Forests are managed by law for multiple use. The Multiple Use Sustained Yield Act defines multiple use, in part, as "...management of all the various resources of the National Forests so that they are utilized in the combination that will best meet the needs of the American people." The act does not prohibit motorized use.

Prohibition of motor vehicles would not meet part of the Purpose and Need for this project: (1) to provide motorized access to dispersed recreational opportunities, and (2) to provide a diversity of motorized recreational opportunities.

National Environmental Policy Act (NEPA)

Public comment 1: Some respondents state that the decisions concerning which new routes to designate are arbitrary, and that no method of analysis is given for determining which unauthorized routes were added to the National Forest Transportation System [33].

Response: The basis for addition of unauthorized routes is founded in the Final Travel Rule, 36 CFR Parts 212, 251, 261, and 295—Travel Management; Designated Routes, and Areas for Motor Vehicle Use. We heard from the public that they use the routes across the Forest for recreation and for making a living. The Forest felt that the addition of routes would be appropriate for recreational access unless there was conflicting and immitigable resource damage that would occur with the addition. See the travel analysis process response section in this document. Chapters 1 and 2 of the FEIS further describe the public involvement process and development of alternatives. The route-screening document can be found in the project record.

Public comment 2: One group states that the FEIS should state how the Forest will ensure specific unauthorized routes are adequately evaluated pursuant to NEPA requirements. Was environmental analysis or public involvement done adequately to insure that the routes are not poorly located or cause unacceptable impacts [41]?

Response: Public involvement was done throughout the process and is documented in Chapter 1 of the FEIS. Environmental analysis was done both through travel analysis and by each of the resource specialists. It is documented in Chapter 3 of the FEIS. See "Travel Analysis Steps" (below).

Noise

Public comment 1: the DEIS inadequately considers the potential impacts of the propagation of engine noise around roads and trails in either its route-specific assessment or its analysis of cumulative impacts of the motorized system [33].

Response: Motorized use on the Modoc NF is extremely low and is not expected to increase through this action. We do not expect a significant increase in use, and therefore do not expect a significant increase in noise with this action. The elimination of cross-country travel will reduce or eliminate noise in areas that are inaccessible by road.

Not Adding Routes (Appendix A-1 of the DEIS)

Public comment 1: Display all unauthorized routes so that readers can understand why routes were not added to system.

Response: This information is available upon individual request and currently resides in the project record. Routes were generally not added to the system if there was an existing or potential conflict with other resources that could not be mitigated.

Open Areas

Public comment 1: Open areas should be created on the Forest [3].

Response: The Federal Register Vol. 70, No. 216/ Wednesday, November 9, 2005, p. 68274 states, “Under the Travel Management Rule, no administrative unit or Ranger District will be required to designate an area.” The Responsible Official for the Modoc National Forest chose to not designate additional (open) areas, but to add appropriate unauthorized routes.

Over-Snow Vehicles

Public comment 2: Why are over-snow vehicles not addressed in the DEIS [3]?

Response: See 36CFR212.81. Over-snow vehicles will be addressed in Subpart C. This action addresses only Subpart B of the Travel Management Rule, so it is not appropriate to address over-snow vehicles in this process.

Parking

Public comment 1a: Some respondents state that parking should be permitted within 30 feet from any designated road or trail when it does not cause resource damage [34].

Public comment 1b: Some respondents state that the Forest should restrict parking (dispersed camping) to one vehicle length or a 300-foot corridor rather than adding spurs [31].

Response: The Forest Service Manual 7716.1 (1) – Content of Designations states,

A designation of a road or trail includes all terminal facilities, trailheads, parking lots, and turnouts associated with the road or trail. The designation also includes parking a motor vehicle on the side of the road, when it is safe to do so without causing damage to National Forest System resources or facilities, unless prohibited by state law, a traffic sign, or an order (36 CFR 261.54). Road designations must specify either that they include parking within one vehicle length of the edge of the road, or within a specified distance of up to 30 feet from the centerline of the road.

The Forest has chosen to add spurs that access dispersed camping; in many cases these are extensions of existing system routes. Parking will be allowed one vehicle length, or a maximum of 30 feet, from designated roads.

Permitted Use

Public Comment 1a: Several respondents would like to see a change in grazing and woodcutting permits to include permanent language in the permits [42, 40, 35, 9].

Public Comment 1b: One respondent states that the terms and conditions of fuelwood permits should comply with the principles of the 2005 Travel Management Rule [34].

Public Comment 1c: One respondent asks that woodcutting permits be amended to restrict vehicle travel to no more than 100 feet from the road. This should be analyzed in the FEIS [34].

Response: The permitting process is outside the scope of this action as stated in the Travel Management Rule 36 CFR 212.51 (a) (8). Permitted use is specifically authorized under a written authorization issued under Federal law or regulations.

Plan Direction

Public comment 1: Minimize cumulative watershed impacts on stream channel condition and water quality [must be analyzed] by assessing the effects of each land-disturbing activity prior to its undertaking [43].

Response: This undertaking does not include land-disturbing activities. The unauthorized routes proposed to be added to the road system already exist.

Primitive and Semi-Primitive Non-Motorized Recreation Opportunity Spectrum

Public comment 1: The DEIS is proposing to designate two ML 2 routes and add three new unauthorized routes in the Primitive Recreation Opportunity Spectrum area [33].

Response: Thank you for your comment. An error was made during the map-making process. It was not the intention of the Forest to add routes in the primitive Recreation Opportunity Spectrum areas. This error will be corrected prior to publication of the FEIS.

Private Property

Public comment 1a: Do not show routes that cross private property on the Motor Vehicle Use Map. Add signs to help keep people out of private property [5, 28].

Public comment 1b: Routes that cross private property where the Forest Service does not have a right-of-way or easement, should not be displayed on the Motor Vehicle Use Map.

Public comment 1c: Private landowners can sign their property if they want to restrict public access. The lack of a formal or legal road agreement across private ownerships should not eliminate unauthorized routes from designation [34, 3].

Response: The final rule requires Responsible Officials to recognize rights of access in designating roads and trails 212.55(d)). Rights of access include valid existing rights and rights of use of National Forest System roads and National Forest System trails under § 212.6(b). This final rule does not affect reciprocal rights-of-way between the Forest Service and private landowners. Some property owners may also possess reserved or outstanding rights-of-way or other rights providing access across National Forest System lands. These may or may not require a written authorization from the Forest Service. Those rights must be recognized under § 212.55(d). Although many private landowners allow recreational use of their lands, it is at the discretion of the landowners what public access, if any, occurs on their lands. The Forest Service does not have the authority to dictate the use of private lands by private landholders, and does not have the authority to display any lands without right-of-ways on the Motor Vehicle Use Map or to direct the public to cross private lands where a right-of-way does not exist.

Public comment 2: The road marked at 48N67 is shown as a Forest Service road. It is not 5.

Response: Thank you for your comment. The 48N67 road is not a Forest Service road once it crosses the private land boundary. This road will not be shown on the Motor Vehicle Use Map.

Purpose and Need

Public comment 1: The Purpose and Need statement is insufficient to set up a proper and complete analysis [33].

Response: Thank you for your comment. We see no evidence that the Purpose and Need impedes our ability to conduct a complete effects analysis. The Purpose and Need is established by the

Responsible Official. In this case that purpose addresses the designation of motorized routes and prohibition of cross-country travel (unless authorized by designated line officers).

Public comment 2: Travel analysis must evaluate and address the environmental, social, and cultural impacts associated with unauthorized routes and system routes on a landscape scale [33].

Response:

Per Forest Service Handbook 7709.55, Chapter 20,

Use travel analysis ... to inform decisions related to the designation of roads, trails, and areas for motor vehicle use per 36 CFR 212.51, provided that travel analysis is not required to inform decisions related to the designation of roads, trails, and areas for those administrative units and ranger districts that have issued a proposed action as of January 8, 2009.

The Modoc National Forest was not required to do travel analysis at any specific scale for this project. However, the environmental, social and cultural impacts of this action are addressed in chapter 3 of volume 1 of the FEIS.

Ranking Tables

Public comment 1: Some commenters were confused by the ranking tables for each resource and did not understand what was being displayed [3].

Response: Thank you for your comment. The Forest has realized that the ranking tables are not a good way to accurately explain the relationship between the alternatives and the effects on the environment. We also felt that the tables are confusing for the public and did not portray any additional accurate information. Therefore, we have decided to remove the ranking tables from the FEIS document and replace them with a summary paragraph.

Recreation

Public comment 1: Several respondents state that OHV use is a very small percentage of use on the Forest, but creates a disproportionate amount of disturbance and resource damage [45,32,18].

Response: Thank you for your comment. As stated in the Travel Management Rule, as part of the evaluation criteria for designating roads and trails where motor vehicle use will be allowed, the Forest Supervisor must consider the effects of route designations on conflicts among uses of National Forest System lands. The Recreation section, Environmental Consequences in chapter 3 of the FEIS discusses the possible conflicts among uses that would result from implementing each of the alternatives. Because of the low use on the Forest, the potential for conflict is considered to be low.

Public comment 2: One respondent asked that the FEIS should include the total number of routes that access dispersed campsites in the discussion of measurement indicator 3 (DEIS, p. 70). [34]

Response: Measurement indicator 3 looks at the impact of proposed changes in the National Forest Transportation System to motorized access to dispersed recreation opportunities, by alternative. The method used to compare alternatives was miles of proposed routes accessing dispersed sites. In the FEIS we analyzed the number of routes that accessed dispersed recreation opportunities, not just campsites.

Alternative 1 is unique among the alternatives in that there are no proposed changes to the National Forest Transportation System, and that cross-country travel would continue.

Public comment 1: The MDF proposal is not in line with its neighboring forest's proposals; their restrictions may increase use on the Modoc [43].

Response: It is impossible to predict how restrictions on other forests will affect use on the Modoc. However, based on historical use of the Forest, we expect use to remain similar to what it is currently. Furthermore, communication with neighboring forests regarding this proposal is ongoing.

Roadless Areas (Citizen-Inventoried and Agency)

Public comment 1: No roads should be added in Agency Inventoried Roadless areas, Citizen-Proposed Wilderness Areas, or Semi-Primitive Non-Motorized Areas [32].

Response: No roads will be added in the agency-designated areas. The citizen-proposed areas are currently roaded, and the addition of routes is addressed in chapter 3 of the FEIS. Alternative 3 does not add any roads to the NFTS.

Public comment 2: National Forest Transportation System routes in the Callahan SPNM (46A21MA and MB, 46N16A, 46A17BB and 46A17B) are completely overgrown and should not be shown on the Motor Vehicle Use Map [43].

Response: Not showing a route on the Motor Vehicle Use Map is in reality removing the road from the National Forest Transportation System. Closing existing system roads is beyond the scope of this project. However, project level analysis can be done to add or decommission routes as necessary.

Public comment 3: The DEIS did not analyze the impacts of the existing system routes on wilderness [31, 33, 23, 17].

Response: Wilderness areas are closed to motor vehicles by statute 212.55(e):

Wilderness areas and primitive areas. National Forest System roads, National Forest System trails, and areas on National Forest System lands in wilderness areas or primitive areas shall not be designated for motor vehicle use pursuant to this section, unless, in the case of wilderness areas, motor vehicle use is authorized by the applicable enabling legislation for those areas.

Chapter 3 contains a section on the impacts of adding roads in wilderness areas. Examining the impacts of existing system routes is beyond the scope of this action.

Roads - Appendix N of the DEIS

Public comment 1: One responder requested that the Forest define traffic service levels in the DEIS [34].

Response: Traffic service levels were listed in the engineering reports for mixed-use analysis. However, they were not used in the analysis because they did not add analytical value. For information, traffic service levels are defined as follows:

- a. free-flowing with mixed traffic
- b. congested during heavy traffic
- c. flow interrupted; use limited
- d. slow flow or may be blocked

Public comment 2: The traffic count is not scientifically valid [34].

Response: The traffic counts provide detailed information of vehicle use on ML 3 routes and validated our knowledge—gained by observation—that motorized recreation use on the Modoc National Forest is very low. The sample points were located at entry points to the Forest and other places where the highest use was anticipated. The traffic counts are considered adequate for the purposes for which they were used. Motorized use on ML 2 routes is much lower than on our main access, ML 3 routes.

Public comment 3: One responder suggested that maintenance levels on all roads be lowered to match the existing vehicle use. The most common vehicle type is a high-clearance vehicle [34].

Response: Most of the vehicles using our roads are high-clearance vehicles. However, other factors such as user comfort, travel speed, transportation efficiency, and vehicle maintenance costs are also considered when assigning a maintenance level to a road. As stated in Forest Service Manual 7716.11 – Vehicle Class (4),

Designation of routes for motor vehicle use does not imply that they can conveniently and safely accommodate all uses encompassed by the designation. Designation does not invite or encourage use, but merely indicates that use is not prohibited under 36 CFR 261.13.

Public comment 4: One responder requested information regarding criteria and benchmarks used to determine crash probability and severity [34].

Response: The factors considered are included in the mixed-use analysis in the project record. A description of crash probability and severity is presented in this appendix.

Public comment 5: One commenter stated that traffic counts should not be taken at intersections [34].

Response: Traffic counts were taken at intersections to more efficiently gather data. One person stationed at an intersection can count the traffic on two or more roads. In some cases this results in one vehicle being counted twice (once on each road). However, this still results in a satisfactory count for vehicles using each individual road.

Public comment 6: How did we determine average speed [34]?

Response: The average speeds listed are a professional estimate of the 85th percentile speed, the speed at or below which 85 percent of the motorized vehicles travel. No specific speed studies were conducted.

Route-Specific Comments

Public Comment 1: One group submitted a spreadsheet containing several routes they would like to see not be added to the National Forest Transportation System because of various resource concerns. [33]

Response: These routes were removed for addition in Alternative 4.

Safety

Public comment 1: One group states that several members of the public have had close calls with ATV riders while operating cattle trucks on these roads. Build some flexibility into this decision and monitor for safety and revise if safety issues emerge [42].

Response: The Motor Vehicle Use Map will be updated when needed and re-issued annually. If safety issues arise, the mechanism is already in place to revise the Motor Vehicle Use Map annually. Furthermore, the Responsible Official has the authority to take immediate action to make corrections if an unsafe situation is discovered. Forest Service Manual 7716.51, Temporary Emergency Closures 1 states,

If the Responsible Official determines that motor vehicle use on a National Forest System road, a National Forest System trail, or in an area on National Forest System lands is directly causing or will directly cause considerable adverse effects on public safety, soil, vegetation, wildlife habitat, or cultural resources associated with that road, trail, or area, the Responsible Official shall immediately close that road, trail, or area to motor vehicle use (36 CFR 212.52(b)(2)).

Scope of the Project

Public comment 1: One group suggests that limited funding and schedule constraints and resources are not adequate reason to limit scope of the project [41].

Response: The Responsible Official has the authority to determine the scope of the Proposed Action, and to determine which actions are undertaken annually as part of the Forest's program of work. Although funding and other constraints are nearly always a concern in conceiving and developing agency actions, the action and alternatives considered in this EIS were determined by the stated Purpose and Need, not the rationale as described in this comment. Here, the Purpose and Need is to implement Subpart B of the travel management regulations and especially Subpart B's prohibition on cross-country travel. Because this prohibition would eliminate many popular and important recreational opportunities, the Forest Service also identified the need to consider potential additions to the National Forest Transportation System to continue to provide motorized recreation opportunities and access to non-motorized recreation activities.

Public comment 2: Several respondents ask that the scope be expanded to include current roads and trails with known impacts [42, 44].

Response: The scope of the proposal is directly related to the Purpose and Need for action. Please see the responses provided to comments regarding reviewing the existing National Forest Transportation System and identification of the minimum system. See response under Minimum Road System comments. However, as part of the current analysis, the Forest Service identified a road with resource impacts. The Boles Creek road was removed from the National Forest Transportation System because of known resource damage. There were no additional roads identified during this process. However, it is policy to address impacts from roads as they occur. This is done by the District Rangers and the engineering department through its annual maintenance program.

Public comment 3: Several respondents suggest that since the Forest Service has not included alternatives that consider road closures on the existing National Forest Transportation System, a full range of alternatives has not been evaluated [33, 41, 4].

Response: The purpose and need for action determines the range of alternatives considered in detail in the FEIS. The purpose and need for the current action is to address unmanaged cross-country travel and to implement Subpart B of the travel management regulations, while maintaining important motorized access and recreational opportunities for the public. The purpose and need is not to examine the existing National Forest Transportation System for potential road closures. Please also see response to comment above. The travel management regulations (36 CFR 212.50(b)) state,

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.

The "Scope of this Action", as defined in Chapter 1 of the EIS also states,

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

A Forest-scale analysis of the existing National Forest Transportation System for closures requires consideration of a different and broader set of management needs than the current proposal. Such an analysis would make the current analysis effort more complex. It would exceed our capacity to complete Subpart B, thus further delaying implementation of the needed prohibition on cross-country travel.

Public comment 2: The proposal focuses too much on analyzing the potential impacts of designating new unauthorized routes, and not enough on assessing the impacts of the existing system of roads [41, 27].

Response: Thank you for your comment. As noted above, the identified need for action is to implement the prohibition on cross-country travel contained in Subpart B of the travel management regulations and to identify for potential addition to the National Forest Transportation System those user-created routes that are well-situated and provide important access and recreation opportunities. The FEIS appropriately focuses on the direct and indirect effects associated with the proposed action and alternatives. However, the entire road and trail system was considered in the cumulative effects analyses in the EIS, including National Forest Transportation System roads and trails, unauthorized routes, state, county and Federal roads, and routes on private lands.

Public comment 3: One group suggests that the travel management process should be used to create a better motorized travel system—one that minimizes impacts to natural resources, roadless backcountry, opportunities for quiet and solitude, and non-motorized visitor experiences [32].

Response: This travel management document seeks to define where motorized vehicles will be allowed to travel, and evaluate the impacts of that motorized use, including the impacts identified in this comment. The decision regarding which areas of the Forest should be allocated to motorized and non-motorized activities was previously made in the Forest Plan. The decision will be reconsidered in Forest Plan revision, which is expected to be completed over the next several years.

In addition, none of the alternatives proposes any new additions to the National Forest Transportation System that have a significant impact on the character of agency Inventoried Roadless Areas.

Seasonal Closures

Public comment 1a: The DEIS does not provide information on wet-weather conditions and related environmental impacts [41].

Public comment 1b: Closures should be based on weather-related criteria, and not set dates (DEIS, p. 22) [41].

Response: The Travel Management Rule allows for seasonal designations: “...if appropriate, the times of year for which use is designated.” (36 CFR § 212.56.) The Motor Vehicle Use Map, the enforcement instrument, is printed annually. It is necessary to establish dates for seasonal restrictions when these designations are part of the Motor Vehicle Use Map. The timing of the seasonal restrictions was based on historical data and local knowledge. The dates were determined based on annual averages of soil moisture, with the understanding that there would be considerable variation.

Public comment: Some respondents suggest that there should be enforced seasonal closures on all unpaved routes during winter months and during peak game migration periods.

Response: Closures on all unpaved roads during the winter months are not necessary, and would unnecessarily limit travel across the Forest. Areas that are affected by wet weather were identified, and closures were put in place in the FEIS.

Soils and Hydrology

Public comment 1: The cumulative watershed effects (CWE) analysis is inadequate. The soils and hydrology section does not disclose cumulative impacts [33].

Response: Approximately 80 of the 120 6th field sub-watersheds located on the Modoc National Forest were analyzed for the potential for an adverse cumulative effect to soil and water quality. The Forest hydrologist, in conjunction with the regional hydrologist, developed a modified approach to cumulative effects. This approach was based on local geomorphic factors (slope, hillside stability, soil sensitivity, and watershed sensitivity).

The remaining 6th field sub-watersheds that included proposed routes were analyzed for cumulative watershed effects, using the Region 5 cumulative watershed effects analysis model. Included in this analysis were the existing condition, proposed action, and potential foreseeable action. We did not analyze impacts of all five alternatives. Instead, we chose the alternative with the most acres of soil disturbance to analyze for potential cumulative impacts. The results of both the modified CWE analysis and the Region 5 CWE analysis model were disclosed in the cumulative effects section of the hydrology and soils section of the FEIS.

Public comment 2: Where are the streams that have PFC (proper functioning condition) rating of “at risk”, and how will designating routes affect recovery [33]?

Response: The streams identified as FAR (functional at risk, referring to proper functioning condition, or PFC rating) were used in the development of the threshold of concern (TOC) used in the Region 5 CWE Analysis. In general terms, the reaches of streams that were identified as FAR are located in the Warner Mountains. Since the majority of the FAR routes to be designated are pre-existing skid trails and temporary roads and are for the most part not actively eroding or adversely affecting the stream channels stability, it is unlikely that designating these routes would adversely affect the stream recovery. By designation of these routes, the Forest could obtain maintenance funds to be used to maintain and improve the condition of these routes (where necessary), thereby aiding in the recovery of the FAR streams.

Public comment 3: Where is the RCOA (riparian conservation objectives analysis) for the routes within the riparian conservation areas (RCAs)?

Response: No separate, standalone riparian conservation objectives analysis was completed. However, the fundamental riparian conservation objective (RCO) was used in the analysis completed to determine if direct, indirect, or cumulative effects to soil or water quality would occur by designation of these routes to the transportation plan. Ground disturbance had already been done in previous years, and the designation of these routes was not ground disturbing in nature. The designation of these routes would enable the Forest to maintain, improve, and enhance the condition of the Riparian Conservation Areas by completion of maintenance (where necessary) of these designated routes.

Public comment 4: The DEIS fails to comply with the Modoc NF Land and Resource Management Plan (LRMP) soils and watershed standards and guidelines. The DEIS does not include any analysis to determine average soil loss and whether this project would result in exceeding the allowable soil loss.

Response: The LRMP standards and guidelines were disclosed in the hydrology and soils section of the FEIS. The LRMP soils and watershed standards and guidelines are based on Region 5 soil quality standards (R5 SQS) and best management practices (BMPs).

The specific LRMP standard and guideline referenced in this comment is as follows:

Design management activities not to exceed an average allowable soil loss of one ton per acre per year

There was no direct soil measurement to determine whether the amount of soil loss was less than one ton per acre per year. However, the standard sets an average allowable soil loss of one tone per acre per year. This method used was to determine if the proposed route met the effectiveness measure from BMPEP T02 Form. These measures are as follows:

1. Erosion on skid trail surface: little or no evidence of rills
2. Rutting: little or no evidence of rutting
3. Water bars
 - a. Diversion of runoff: less than 10 percent of water bars fail to divert flow off skid trail
 - b. Sediment below: sediment deposition absent, or does not extend beyond outlet control
 - c. Erosion below outlet: no evidence of rills or gullies
4. Sediment to channel: no evidence of transport to the streamside management zone (SMZ)

If the above-referenced standards were met, the effectiveness measurement was fully successful and was consistent with soils and hydrology standards and guidelines.

Approximately 150 routes were field checked across the Forest to determine if these routes were consistent with LRMP standards and guidelines for soils and hydrology. Of these routes, only one short stretch of one route was identified as not meeting the above-referenced standard and guideline (erosion on skid-trail surfaces: minor departure as less than 20 percent of skid-trail surfaces). Since this route did not receive a fully successful rating, but rather a minor departure from fully successful, it was reasoned that this skid trail or proposed route did not meet the LRMP standard and guideline for allowable soil loss. This conclusion was disclosed in the FEIS.

Public comment 5: The Modoc NF must carefully adhere to the Modoc NF LRMP when making a proposal.

Response: Noted. The alternatives proposed adhere to LRMP direction for management of National Forest System (NFS) lands on the Modoc National Forest.

Public comment 6: Stream crossings are required to be designed to pass a 100-year flood for passage of aquatic fauna [45].

Response: This public concern applies to only those portions of the Forest that are covered by the Northwest Forest Plan (NWFP). There is a small amount of the Forest that is covered by the NWFP. Where a stream crossing for a perennial or seasonally flowing stream consists of a low-water crossing or ford, a fisheries biologist is routinely consulted during the planning phase to determine if the in-channel structure would allow for the passage of aquatic fauna.

In consultation with Engineering, where existing culverts or bridges on perennial or seasonally flowing streams are upgraded within the NWFP, appropriate size of structure will be used to allow for the passage of the 100-year storm flow and passage of aquatic fauna.

Public comment 7: The soils and hydrology section does not disclose both site-specific and cumulative impacts.

Response: The Soils and Hydrology, Environmental Consequences section of the FEIS discloses site-specific and cumulative impacts. Please see the response to the first comment in this section (above) regarding the methodology used for the cumulative effects analysis for hydrology. The methodology used to conduct a site-specific analysis of direct and indirect effects to soils and hydrology is described in the FEIS and included a review of [explain what was used for all routes, e.g., GIS

database, existing soil maps, etc.] In addition, the Forest conducted field surveys of approximately 150 routes across the Forest to determine if these routes were consistent with LRMP standards and guidelines for soils and hydrology. Of these routes, only one short stretch of one route was identified as exceeding the soil loss standard. This information is disclosed in the hydrology and soils section of the Travel Management FEIS.

The Forest hydrologist determined that with the application of site-specific BMPs, it is unlikely that the designation of pre-existing routes to the transportation plan would result in an adverse direct, indirect, or cumulative effect to soil or water quality. This finding was stated in the hydrology and soils section of the Travel Management FEIS.

Public comment 8: The soils and hydrology section describes an eight-step process for determining the acceptability of routes, but there is no documentation of this having actually occurred.

Response: The process was completed using GIS-generated data and maps from the corporate GIS data base for soils and hydrology, and direct field observations obtained by a resources crew and the Forest hydrologist. This data was then used in determining which routes should be field reviewed, based on the risk factors for direct and indirect effect to soil quality. The results of the field review were disclosed in the Travel Management FEIS.

Public comment 9: There is no actual, site-specific information regarding soil types, erosion hazard, existing condition, slope stability, or needed mitigations.

Response: Soil type, soil erosion hazard, and slope stability information were obtained from the following publications: Soil Survey of Intermountain Area, Soil Survey of Surprise Valley-Home Camp Area, and Modoc Forest Area of California. The existing conditions and site-specific information were obtained from a field review by the Forest hydrologist. The results of the field review did not indicate that additional mitigation measures were necessary to protect soil and water quality in excess of best management practices and Modoc NF LRMP standard and guidelines for soils. This conclusion was disclosed in the direct and indirect effects section of the soils and hydrology section of the Travel Management FEIS.

Public comment 10: Which existing or proposed new routes are on the patches of soil that have a high or high-to-very high maximum erosion hazard rating?

Response: Sixty routes in the Warner Mountains were identified on soils that had a high-to-very high maximum erosion hazard rating. All 60 routes were field-checked by the Forest hydrologist, and only one route was found to be actively eroding, and thereby exceeding LRMP standards and guidelines. This information is disclosed in the direct and indirect effects section of the soils and hydrology section of the FEIS.

Special Designations

Public comment 1: No roads should be added in agency Inventoried Roadless Areas [32].

Response: No unauthorized routes are proposed to be added to the system in agency Inventoried Roadless Areas.

Public comment 2: The ROD should be consistent with the 2006 petition from the State of California to the Secretary of Agriculture, requesting that 100 percent of all Inventoried Roadless Areas in CA remain in their current condition. This means that no new roads or trails should be built or developed in Inventoried Roadless Areas [32].

Response: No unauthorized routes are proposed to be added in Inventoried Roadless Areas in this action.

Subpart A of the Travel Management Rule

Public comment 1: Subpart A should immediately follow Subpart B [32].

Response: The Region is in the process of developing guidelines for addressing Subpart A. The Forest will address Subpart A as funding and personnel become available. Travel analysis for purposes of identification of the minimum road system is separate from travel analysis for purposes of designation of roads and trails for motor vehicle use. Travel analysis for both purposes may be conducted concurrently or separately (Forest Service Manual 7712 (2)). See the next response for an explanation of Subparts A and B of the Travel Management Rule.

Public comment 2a: The Forest Service did not follow 36 CFR, part 212, Subpart A because it did not identify a minimum road system needed [41].

Public comment 2b: The Modoc National Forest has not identified the minimum road system needed for safe and efficient travel and protection of Forest Service lands [33, 27].

Public comment 2c: Close and decommission National Forest Transportation System routes that are duplicative.

Public comment 2d: The FEIS should describe the information used to formulate the alternatives and their relationship to the minimum road system needed for safe and efficient travel and administration of the National Forest Transportation System [41].

Public comment 2e: The Forest Service did not address known, road-related resource impairments and use conflicts of both the existing National Forest Transportation System and unauthorized routes [41].

Response: The Purpose and Need for action determines the range of alternatives analyzed in detail in the FEIS (FEIS, Chapter 1, Purpose and Need). The FEIS analyzes resource impacts and any use conflicts associated with routes proposed for addition to the National Forest Transportation System. The existing National Forest Transportation System is included in the cumulative effects analyses provided for each resource. The existing National Forest Transportation System is maintained to meet certain standards, and where substantial resource concerns are occurring, the Forest plans to address those concerns outside of this project. See response above regarding Subpart A.

Terrestrial Wildlife

Public comment 1: The DEIS does not appear to describe or address the presence or absence of wildlife corridors...or movement [41, 33].

Response: Although not specifically addressing corridors for any single species, corridors and effects to wildlife movement are considered within the analysis. Wildlife movement was considered during the interdisciplinary team process that was used to examine each known unauthorized route. The document does address impacts to wildlife movement as reflected in metrics such as the Disturbance Index for ungulates, the Security Index for goshawks, and the Habitat Influence Index for goshawks. These indices provide a means of comparing impacts of the alternatives on wildlife disturbance and the impact of the presence of a route. Although not specifically addressed, wildlife movement is inherently addressed by the comparison of indices between alternatives. For many of the indices used there were only minor or no differences between alternatives. This lack of difference indicates limited impacts from unauthorized routes because there were limited differences between Alternative 3 (which would not add any routes to the National Forest Transportation System), Alternative 2 (the Proposed Action), Alternative 1 (the existing condition), and Alternatives 4 and 5 (the remaining alternatives).

Additionally, 66 percent of the routes proposed for addition under Alternative 2 and Alternative 5 (the alternatives with the most routes added to the National Forest Transportation System) are less than ¼

mile in length. The short length of these segments would appear to provide limited impact to movement of larger mammals because the unauthorized routes already exist on the landscape. Migratory wildlife have already included the effects of these routes in their current movement patterns. Thus the document, although considering impacts of routes at a watershed level through the various indices, focuses on more salient points of concern to wildlife such as impacts to habitat over time.

Public comment 2: The DEIS does not appear to describe or address the presence or absence of ...habitat integrity [41, 33].

Response: Each of the species group discussions describes miles of route within habitat (both to be added to the National Forest Transportation System and the amount of National Forest Transportation System), as well as describes qualitative impacts to habitat and individuals. Most of the group discussions also include a comparison of indices across alternatives by sixth-order watershed. The document provides a comparison of existing condition (Alternative 1), least vehicular traffic action (Alternative 3) and intermediate actions (Alternatives 2, 4, and 5). In addition, cumulative effects for each species group are discussed and analyzed for the foreseeable actions and the actions proposed in this EIS. The combination of indices, range of alternatives, and cumulative effects analysis does provide a description of habitat integrity for each of the species groups and for wildlife as a resource. Habitat integrity is adequately discussed in a manner to provide the decision-maker with a “hard” look within the scope of the action.

Public comment 3: The Modoc NF Travel Management Plan DEIS identifies management direction in the Modoc NF Land and Resource Management Plan for mule deer, a Region 5 management indicator species: “K. Within mule deer habitat: On deer winter ranges where OHV use is demonstrated to adversely affect deer, institute OHV closures from December 1 to March 31.” However, the DEIS provides no map of deer winter range. Nor does it make any provision for the protection of critical fawning habitat.[33].

Response: Because all alternatives except Alternative 1 would restrict motorized, wheeled traffic to designated routes, no OHV traffic would occur off designated routes during this period anywhere on National Forest system lands administered by the Modoc. Therefore, there is no need to include a map of wintering range in the FEIS. We disagree with the assertion that there would be no provision for protection of critical fawning habitat. The primary protection would be the cessation of cross-country travel in Alternatives 2-5. As discussed in the ungulate group section, the inventoried routes do not play a significant role in impacting deer. This can be seen in the lack of difference between Alternative 3 and Alternatives 1, 2, 4, and 5 in the habitat influence rankings.

Public comment 4: [The DEIS does not] make any provision for the protection of critical fawning habitat [33, 43].

Response: As noted in Chapter 3, Terrestrial Wildlife, Affected Environment and Environmental Consequences, Alternatives 2 through 4 would have no acres open for cross-country travel. The unauthorized routes, when converted to equivalent-acres, would affect an area from 0 percent (Alternative 3) to 0.06 percent (Alternative 1) of the modeled mule deer habitat on the Modoc National Forest. See Public Comment 3 above.

Public comment 5: The DEIS suggests that winter and early spring seasonal restrictions in Alternative 2 would reduce impacts on 312 miles of road, but the impact is predicted to be undetectable because snow drifts currently make the roads unavailable. The trend in increasing use in winter of high-clearance, 4-wheel drive vehicles may contradict that suggestion.[33].

Response: The winter and early spring seasonal closures proposed in Alternatives 2, 4 and 5 would prevent the use of high-clearance, 4-wheel drive vehicles within the closure areas. The impacts of the

closures are undetectable in comparison to existing observed use where snow drifts prevent wheeled vehicle use.

Public comment 6: The analysis of the effects of adding unauthorized routes to the Forest transportation system is not scientifically valid. In addressing direct and indirect effects, the DEIS states that the differences between alternatives are essentially undetectable against the background fluctuations of weather and stochastic (random) events such as fires. The wildlife biologist who wrote this section provides no reference to published literature or scientific basis for this claim [33, 43].

Response: The effects of stochastic (random) events on wildlife populations are so ingrained within the scientific literature that citation was not included. Since this concern was raised we have added a section to discuss the direct and indirect effects setting to the wildlife portion of Chapter 3.

Public comment 7: [T]he DEIS claims that because Alternative 2 contains only seven percent more routes in late-successional species habitat than Alternative 3, the difference is undetectable. The wildlife biologist who wrote this section provides no reference to published literature or scientific basis for this claim [33].

Response: The Chapter 3 wildlife section compares effects not just as a percentage of mileage difference between alternatives, but also compares effects using the habitat influence index comparisons. The habitat influence index comparison is based on the Gaines et al. (2003) document. In addition, a description of the direct and indirect effects setting has been added to the document, providing further scientific basis for the level of stochastic (random) fluctuations that occur on the Modoc National Forest.

Public comment 8: We request that the Forest refer to the studies of impacts of roads and motor vehicles to wildlife that we included in our scoping comments [33].

Response: Several of the studies in the commenter's scoping comments were used in the wildlife chapter, the draft biological evaluation, or the MIS report. These included the Birds of North America entry for Swainson's hawk by England, Bechard, and Houston (1997), Steidel and Anthony's 2000 paper in the Journal Ecological Applications, Verner et al's 1994 Technical Assessment of the California Spotted Owl, and Ruggiero et al's 1994 RM-GTR-254 document on conserving forest carnivores. In addition, our biologist was familiar with several of the other references provided by the commenter such as the Studies in Avian Biology number 31 technical assessment of goshawk status ecology and management (Morrison editor 2006), Lyon and Anderson's 2003 Wildlife Society Bulletin paper on impacts to sage-grouse, and the 1990 Interagency Scientific committee Report on the conservation strategy for the northern spotted owl.

Public comment 9: In addressing cumulative impacts, the document says that routes "can be converted to equivalent-acres by assuming each mile of route is approximately 1.8 acres based on a 15-foot wide impact. Thus the 35 miles of new roads added to northern goshawk habitat in the Proposed Action would be equivalent to approximately 64 acres, or about one percent of the area impacted annually by timber harvest for sawlogs or fiber. There are two flaws with this argument. The first is that the comparison is not warranted [33].

Response: We feel that this analysis is warranted and appropriate under cumulative effects. What this and other sections do is to place habitat loss (or gain) on an equivalent basis in order to analyze impacts to potential habitat trends within a cumulative effects setting. Cumulative effects are the "incremental impact of the action when added to other past, present, and reasonably foreseeable future actions" (40 CFR 1508.7). Additionally, the equivalent acres of habitat as a percentage of total habitat on the Forest (0.03 percent for Alternative 2) are disclosed in the biological evaluation.

Public comment 10: The [Proposed Action] Alternative should be compared to one that does not add new routes, not to the Forest's timber program [33].

Response: The Proposed Action is compared to Alternative 3, which does not add new routes. Alternative 2 (the Proposed Action) is also compared to Alternatives 1 (the current condition), as well as Alternatives 4 and 5.

Public comment 11: The assumption that the impact from a 15-foot-wide road is 15 feet is not based on sound wildlife biology. The impact of a road to wildlife is not limited to the footprint of the road itself. Even a cursory examination of the scientific literature would provide many examples to counter this argument [33].

Response: The impact to wildlife is larger than the footprint. Disturbance impacts were compared between alternatives using the zone of influence and habitat disturbance index. The commenter notes the use of these indices three paragraphs later in their comment letter to support the commenter's view that the National Forest Transportation System should be analyzed for closure.

Public comment 12: The Modoc NF Travel Management Plan DEIS identifies management direction in the Modoc NF Land and Resource Management Plan for mule deer, a Region 5 management indicator species

Response: Mule deer are not a management indicator species for the Modoc National Forest.

Public comment 13: The Forest uses no scientific studies to determine the potential effect zone of roads open to motor vehicles, and thus, the analysis is speculative at best.

Response: The biological analysis in the FEIS is based on the best available science known to the Forest staff at the time of document preparation. Gaines et al. 2003 is specifically quoted and used as a basis for a portion of the analysis. Gaines et al. 2003 is based on over 225 literature citations and provides a peer-reviewed process for analyzing the effects of linear routes on wildlife habitats. Other publications are noted in the methodology section, including Trombulek and Frissell 2000.

Public comment 14 (Same as Issue 3 Chapter 1 of the FEIS): The Modoc NF Travel Management Plan DEIS identifies management direction in the Modoc NF Land and Resource Management Plan for mule deer, a Region 5 management indicator species:

K. Within mule deer habitat: On deer winter ranges where OHV use is demonstrated to adversely affect deer, institute OHV closures from December 1 to March 31. However, the DEIS provides no map of deer winter range. Nor does it make any provision for the protection of critical fawning habitat [33]

Response: Because all alternatives except Alternative 1 would restrict motorized, wheeled traffic to the National Forest Transportation System, no OHV traffic would occur during this period anywhere on National Forest system lands administered by the Modoc. There was no need to include a map of wintering range in the FEIS as the quoted direction is moot under any of the action alternatives. We disagree with the assertion that there would be no provision for protection of critical fawning habitat. The primary protection would be the cessation of cross-country travel in alternatives 2-5. As discussed in the ungulate group section, the inventoried routes do not play a significant role in impacting deer. This can be seen in the lack of difference between Alternative 3 and Alternatives 1, 2, 4, and 5 in the habitat influence rankings.

Public comment 15 (Same as Issue 5, chapter 1 of the FEIS): The DEIS suggests that winter and early spring seasonal restrictions in Alternative 2 would reduce impacts on 312 miles of road, but the impact is predicted to be undetectable because snow drifts currently make the roads unavailable. The trend in increasing use in winter of high-clearance 4-wheel drive vehicles may contradict that suggestion [33].

Response: The winter and early spring seasonal closures proposed in Alternatives 2, 4 and 5 would prevent the use of high-clearance 4-wheel drive vehicles within the closure areas. The impacts of the closures are undetectable in comparison to existing observed use where snow drifts prevent wheeled vehicle use.

Public comment 16: Species associated with old forest ecosystems include: California spotted owl, Goshawk, American marten, Pacific fisher, Sierra Nevada red fox, wolverine, and a number of migratory bird species, all of which are found in the Modoc National Forest [33].

Response: As noted in the late-successional group discussion in Chapter 3 of the FEIS, wolverine and Sierra Nevada red fox appear to be absent from the Forest.

Public comment 17: Among the notable species on the Modoc NF are the federally threatened subspecies of western snowy plover and northern spotted owl, as well as the California State Endangered bald eagle, American peregrine falcon, western yellow-billed cuckoo, willow flycatcher, and California State Threatened Swainson's hawk and bank swallow [33].

Response: The federally threatened subspecies of western snowy plover is restricted to the Pacific coast population. Snowy plovers observed on the Modoc National Forest are members of the interior population. As noted in the Federal Register listing rule (Federal Register Vol. 58, No 42 page 12864 3/5/1993) for the Pacific coast population of the western snowy plover, this population is genetically isolated from western snowy plovers breeding in the interior. The yellow-billed cuckoo is not known to occur on the Modoc National Forest. The yellow-billed cuckoo in northern California is associated with Sacramento Valley riparian hardwood forests and habitats.

Travel Analysis

Public comment 1: Travel analysis should have been used to designate routes. The FEIS should describe how travel analysis was used in the route designation process.

The responsible official determined that the scope of the analysis would be Subpart B, which is Forest wide in scale and focused on the prohibition of cross-country motor vehicle travel, the addition of unauthorized routes and changes to vehicle class and season of use. This would allow implementation of subpart B and the production of a Motor Vehicle Use Map in accordance with the Travel Management Regulations.

Travel Analysis Steps

Public Comment 1: Several comments were made stating that the Forest did not do Travel Analysis for this project.

Response: The process used in determining the scope of this action and how best to meet the purpose and need is described in chapter 1 of the FEIS.

Public comment 2: By not using travel analysis to analyze the entire system, the assessment of cumulative impacts is deficient under NEPA.

Response: Cumulative effects of adding unauthorized routes are identified and described in Chapter 3 of the FEIS. The NFTS was considered in the cumulative effects analysis for each resource.

Unauthorized routes

Public comment 1: One responder suggested that we prohibit use on all unauthorized routes and replant with native vegetation.

Response: This project does not initiate road decommissioning. Decommissioning decisions will be made outside of this project. Alternative 3 prohibits use on all inventoried unauthorized routes and prohibits cross country travel. The consequences and impacts associated with each of the alternatives are addressed in Chapter 3 of the FEIS.

Commenters on the Draft Environmental Impact Statement (DEIS)

Note: If your name is not shown below, it is because your comment was the same or similar to another comment. Your individual comment letter can be found in the project record.

C Robert Wells	1
Jim and Liz Robinson	2
Michael Damaso	3
Larry Ellenberger	4
Pete and Carolyn Carey	5
Phil Vermillion	6
Modoc County Sherriffs Posse	7
Earl S. Roberts	8
June Roberts	9
Jan and Gyla Kovalka	11
Mrs. Chuck Roethler	12
John Looper	13
Larry Laffoon	14
George and Francis Alderson	15
Lynn Hague	16
Lo I and Won Yin	17
Paul Moore	18
Claude Singleton	20
Rick Ferndon	21
Robert G. Nelson	22
Betsy Shade	23
Dearly Ellenberger	24
Robert D. Cameron	25
Mick Baldwin	26
Darca Morgan (Audubon Society)	27
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Elizabeth Norton	29
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