



United States
Department of
Agriculture

Forest
Service
Region 6
August, 2010



Final Environmental Impact Statement

Travel Management Project

Appendices D & F

Deschutes National Forest, Ochoco National Forest, and
Crooked River National Grassland
Deschutes, Jefferson, Crook, Klamath, Lake, Grant and
Wheeler Counties, Oregon

Appendix D- Response to Comments 3
 Summary..... 3
 Letters and Responses 3
Appendix F- Media Coverage..... 283

Appendix D- Response to Comments

Summary

This section includes the comments that were received on the Deschutes and Ochoco National Forest and Crooked River National Grassland Travel Management Project Draft Environmental Impact Statement and the Forest Service Response to those comments.

There was an initial 45-day comment period on the Draft Environmental Impact Statement. This was extended to 60 days in response to requests by the public. The extended comment period was from October 9 – December 8, 2009. 110 letters from 116 respondents with 131 signatures were received in total by the end of the extended public comment period. These letters contained over 600 comments that were coded and received individual responses. Non-governmental respondents were primarily individuals (95), followed by preservation/conservation organizations (7), motorized recreation organizations (5), non-motorized /mechanized recreation organizations (2), recreation/conservation organizations (1), and utilities (2). 82 of the respondents had mailing addresses in Oregon, 2 each from Washington and Montana, and one each from Florida, Wisconsin, and Connecticut. 22 respondents did not supply mailing addresses. Sixty-two percent of the responses were delivered by e-mail, thirty-five percent delivered via ground delivery, and three percent were delivered by facsimile.

Comments and responses are included in this section- Appendix D – Response to Comments. Three letters were received from federal and state agencies. Copies of government agency letters are included in Appendix E – Governmental Agency Comments on the Draft Environmental Impact Statement. Copies of all letters submitted are available upon request.

A brief summary of some of the most prevalent topics are included in the ROD. Of the 633 coded comments, 17 were addressed by changing or modifying the preferred alternative identified in the Draft Environmental Impact Statement. 62 of the comments were addressed with a correction or a modification to the analysis in the FEIS. The remaining comments had already been addressed in the DEIS, were outside the scope of this Decision, or were determined to be non-substantive. Non-substantive comments often expressed an opinion – such as general support or opposition to the proposed action or alternatives, or reflected the respondent’s personal values about management of the National Forests and Grassland – without suggesting a specific change to the DEIS. Some comments suggested adopting or including specific information, or utilizing particular models.

Letters and Responses

The following section describes all of the letters that were received regarding the DEIS. The letters have been placed in numerical order with all comments pulled out of the individual letters. The corresponding responses have been placed under the comments.

Letter 1

Comment 1

Our riding experiences were severely limited by the restrictions, berms, closures and disrepair of existing 3-and4- digit forest service roads. While we strive always to regard the regulations concerning ATV operation on roads, we discovered over and over that the Forest Service (FS) continually placed much of the area in a "Catch 22" – damned if you do, and damned if you don't. One Prime example is the Green Mountain OHV trail. We reported its disrepair in June to Kathy Lund of the Prineville National Forest

Service. We had ridden it in May and found it as delightfully fun as always. By late June it had obviously been tracked with some sort of plow, exposing large rocks, huge tree roots, and making it nearly impassable for a \$-wheeler in safety. We tried once again on September 116th. Not only was it still unrideable, but as we started at the south end, off FR3380, we were dismayed to discover the north end was bermed by a HUGE concrete barrier to our right so NO ONE could pass!! No mention of this barrier was signed at the beginning of the south end. In other words, we were forced to backtrack over the worst ATV trail we'd ever ridden! I we know that FR33 had been closed to motorized traffic as well as all trails west of the Green Mountain Trail. But my goodness, at least put the berm to the left as you're exiting the trail to the north so that you can go on over to FR3320, which is not off-limits to ATVers. This was an unconscionable and arbitrary act and we fear it is indicative what is to come if you follow the plan as proposed.

Response

The concrete barrier was used during a temporary road closure on the 33 road while two major culverts were being replaced. That project is complete and there are no longer any barriers on road 33. Your concerns over the condition of the trail have been forwarded to the recreation staff on the Lookout Mountain District.

Comment 2, 6

Our one joy is riding our "toys". In doing so this summer we found our joy diminished by extensive logging operations, slash piles left carelessly high, and roads and terrain destroyed by the logging equipment and trucks. We were even more appalled by the wide-ranging herds of cattle and to some extent near Big Summit Prairie, even more sheep than cattle. There was not one stream, creek, nor spring that tested safely for drinking, all polluted by the herds. We had to be careful on all roads not to track in fresh "cow plop", of which there was PLEW. There were very few areas without some such impact, much less the destroying of the terrain by thousands of hooves.

On your mission statement, under your guiding principles, may we remind you we are NOT customers!! We are the owners of this and all forests. You draw your budget funds from our taxes. We do NOT support commercial interests to have precedence over those needs of the general public. You are responsible for what you do in this matter. As to accountability&, we know it is obviously NOT to the general public or these matters would never have been brought to light. Despite our several responses to surveys, attending public meetings which show favor for Alternative 1, No Action/No Plan, you're just going to do whatever you wanted to do in the first place. It is only so much lip service.

Response

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrants supplement or improvement of the analysis presented in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS.

Comment 3

Now you propose to close even more areas for motorized access to the public!? There are so few roads now ' available in your Millions of acres that we're permitted to use that in effect you are saying you want no ATVs in your forest May we remind you of your mandate by Gifford Pinchot "to provide the greatest amount of good for the amount of people in the long run." By limiting even further the roads that can be used, you put even further pressure on those that are. The mingling in a small area of many types of vehicles will no doubt prove dangerous.

Response

There are more than 8,000 miles of roads that are open to motorized mixed use (ROD p. 18). The final selected alternative added approximately 300 miles of road that had been proposed for highway legal only that will remain open to motorized mixed use (highway and non-highway legal vehicles).

Comment 4

In ALL our 2500+ miles traveled this summer, we saw ONE horse and rider and NO hikers. We encountered many groups of ATVers, all out enjoying the wonders of the forest as it can only be seen in this manner. We are responsible riders, wearing helmets and full protective gear, riding single file, and yielding to traffic, as were these people. The Forest Service apparently has an agenda to limit this activity and will stop at no measure to achieve this wile goal.

Response

The Forest Service agrees that many ATV riders participate responsibly and safely. However, as noted in Chapter 1 (Purpose and Need) of the DEIS and FEIS, there are important reasons why the Forest Service established the Travel Management Rule and proposed limiting motorized access to designated routes.

Comment 5

We suggest if you want to make it more agreeable to you, then charge for the usage just as you receive fees from the loggers and ranchers. If ATVers become commercial enterprises would it be more feasible? Would the science support it? There would certainly be no more impact by them than what we've seen by the present commercial enterprises! It would seem for now that your mission statement of "Listening to the people and responding to their diverse needs in making decisions" is just that ... a statement, not action.

Response

Charging fees for all ATV use, and/or allowing only commercial uses of ATVs are not within the scope of this analysis.

Letter 2

Comment 1

Portions of Section 19 and 20 T16S R26E WM (160 Acres)

I have owned the above referenced 160 acre tract of land, which is surrounded by the Paulina District of the Ochoco National Forest, for over 30 years. The subject in-holding was patented prior to the creation of the National Forest on May 25, 1900.

In as much as I am entirely dependent on accessing my property across National Forest land, I have always been concerned about the Agency's road management policies, as well as, the on-going Deschutes and Ochoco National Forest Travel Management Project. I have had numerous conversations and exchanged letters with Forest personnel over the years, most recently with Mollie Chadet, and have been repeatedly assured that the Agency will not close roads that are essential for me to access my property. Nevertheless, I thought it would be appropriate, by way of this letter, to document my current concerns in this regard.

Historically, the access to the property was from the Forest boundary via Roads #58 (AKA #158) and #550 (AKA# 1647) to its northwest corner. I was advised several years ago that portions of road #550 would have restrictions or closures implemented on it through Sections 9 and 17 in T16S W6E, but I could

still access my property by traveling around the closures on Road #100. I want to be a good neighbor, but I am not certain that the alternative routing will serve my access needs in periods of incremental weather. I would like to know what your thoughts are in this regard

In reviewing, the Motorized Access for Dispersed Camping -Travel Management Project Paulina RD map, I discovered that Road #550 had been truncated in Section 18 T16S W6E, and if this map depicted the actual conditions on the ground, the missing road segment would preclude access to my property. See:

I reviewed other maps in the Travel Management Project and did not find Road #550 to be truncated on any other maps. I also called the Agency and it was thought that there was a mapping issue with this particular map. However, because the missing road segment in the Dispersed Camping map is an absolutely critical part of the historic access to my property, I am respectfully requesting that you review this matter and advise me of your findings.

Response

The Motor Vehicle Use Map shows that you have year round open designated access to your inholding located within the boundaries of the Paulina Ranger District. These designated open roads are the result of past administrative actions and are therefore not within the scope of the decision being made with this EIS.

As you mentioned in your letter, portions of the 5800-550 road through Sections 9 and 17 in T16S R26E has seasonal restrictions. However, you will still be able to access your property along roads that are open year-round. FS Road 58, 5870, 5870-100, 5800-550, 5860-560 and 5800-561 will provide year-round access to the northwest corner of your property. Our field personnel indicate that in inclement weather this alternative routing will better serve your access needs, because this route has a southwestern exposure and should melt out faster than the section of FS Road 5800-550 with seasonal restrictions. These roads are all open designated roads on the Motor Vehicle Use Map.

Letter 3

Comment 1

Motorized recreation is the fastest growing type of recreational activity in the country and Wisconsin Off-Highway Vehicle Association appreciates the stress that this growth is putting on the roads and trails in all of our National Forests. WOHVA encourages all OHV enthusiasts to recreate responsibly and enjoy the great outdoors. This increase in use has put additional congestion on already crowded roads and trails.

Response

Data from the National Visitor Use Monitoring reflected in Chapter 3 of the DEIS/FEIS does not support that motorized recreation is the fastest growing type of recreational activity on the Deschutes and Ochoco National Forests. The respondent has not provided any localized information about use levels on roads and trails on the Deschutes and Ochoco National Forests that could contribute to this analysis. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS.

Comment 2

With additional and growing demand for motorized recreational opportunities, Wisconsin Off-Highway Vehicle Association does not support any Forest Plan which does not list as an alternative the expansion of motorized recreational riding opportunities.

Response

The scope of the decisions to be made in the Deschutes and Ochoco Travel Management Project do not include designations of new motorized trail systems. However, there are currently several proposed motorized trail projects that are undergoing separate environmental analyses. These include the Three Trails and Lava Rock Motorized Trail Projects on the Crescent and Bend-Ft. Rock Ranger Districts of the Deschutes National Forest, and the Ochoco Summit Motorized Trails Project on the Lookout Mountain and Paulina Districts of the Ochoco National Forests.

Comment 3

Wisconsin Off-Highway Vehicle Association encourages the Forest Service to work with motorized recreational groups to develop a partnership with these groups. It is our belief that by working with motorized recreational volunteer groups the Forest Service can find solutions to some of their financial and budgetary restrictions.

Response

The Deschutes and Ochoco National Forests, along with the Prineville Bureau of Land Management (BLM) have an excellent, regionally recognized OHV program managed by the Central Oregon Off Highway Vehicle Operations (COHVOPS) group. This program manages over 1000 miles of designated OHV trails, staging areas and several play areas on the Ochoco and Deschutes National Forests, the Crooked River National Grassland and the Prineville BLM. An important part of this program provides education and compliance for motorized visitors on all Forest and BLM lands. Their annual program budget is over \$1,000,000 for operations and maintenance, law enforcement, education, planning and development, of which almost 80 percent is provided by Oregon State ATV grants, along with grants from other entities such as Yamaha, and the Secure Rural Schools program. The Deschutes and Ochoco National Forests continue to be committed to our partnerships with motorized trail users. These partnerships have a long and robust history, and have resulted in an estimated \$70,000 worth of in-kind labor annually from individuals and groups assisting with a variety of activities including monitoring, trail maintenance, trail grooming, trail patrolling, and user education.

Letter 4

Comment 1

We believe Alternative 2 is the best choice.

- *The travel management plan is going to be difficult to administer at best.*
- *The "General Provision" will be the most consistent to administer.*
- *The "Special" category is hard to define and will lead to confusion.*

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. Final selection of an alternative is not determined by "votes" for or against a particular course of action, although these comments may also be reflective of a community's support for a particular action. The final decision will consider of the trade-offs involved in the commitment and uses of resources, environmental impacts, laws and policies.

Comment 2

We do a lot of dispersed camping 10 – 20 days a year. Some dispersed sites were used 10 – 20 years ago and are very faint – yet that are there. We could argue that very old sites meet the definition of “existing sites”. We are not interested in arguing definition with some forest manager. Overall the Travel Management proposal is well done.

Response

The Forest Supervisors support continued Motorized Access for Dispersed Camping. Field personell will work with members of the public to provide reasonable interpretations of these terms. This comment provides rationale for the commenter's support of the "general" provisions, and some of the potential difficulties of identifying "existing" sites.

Letter 5

Comment 1

I am not able to attend Sisters area meetings as I will be out o f state through Nov. 19. However, this is an issue that is very important to me and my neighbors, living as we do at Cross Roads, a residential area outside Sisters off highway 242. Much of our property borders FS land. Thus we are subjected to dust and noise in our homes from ORV's, dirt bikes, ATV's etc. More importantly, the fragile soils, plant life and a seasonal stream are negatively impacted by motorized vehicles running willy-nilly all over the place as well as creating new trails and roads.

Response

Existing use proximate to residential areas is likely to decrease as a result of changes in use designations and the elimination of cross-country travel (DEIS, pp. 40-41; FEIS p. 72-73); Appendix A, Map A-2). The Draft EIS identified approximately nine miles of roads within the Wildland-Urban Interface areas that would be changed from a “mixed-use” to a “highway legal vehicle only” designation (DEIS, p. 273, ROD, Appendix 2). After final review, there were a total of 13 miles of roads that will be changed from motorized mixed use to highway-legal vehicles only. Although the Travel Management decision does not address individual issues of barricading or obliterating existing closed roads, these roads will become illegal for motorized use and will not appear on the Motor Vehicle Use Maps (MVUM) published annually. The elimination of legal cross-country travel and a better definition of closed roads are likely to reduce dust generated by motorized vehicles, especially from areas proximate to the residential areas adjacent to the Forest. The DEIS and FEIS recognize the impacts associated with unregulated motorized access. These impacts and the resource benefits associated with limiting motorized access to designated routes is identified throughout Chapter 3, Environmental Consequences.

Comment 2

While I am sorry not to see a more restrictive plan, I put in my vote for Alternative 3. I know many compromises had to be made. (I am well aware of how well motorized users are supported by the industry). Alternative 3 appears to at least improve a bit on the current situation in our forest.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. Final selection of an alternative is not determined by "votes" for or against a particular course of action, although these comments may also be reflective of a community's support for a particular action. The final decision will consider of the trade-offs involved in the commitment and uses of resources, environmental impacts, laws and policies.

Letter 6**Comment 1**

I am astonished to see that dirt-bikers are going to lose almost all the trails we currently have. We do not want to ride on quad-wide trails. Take a look at the single-track class III only trails in the prospect area of Gifford Pinchot up in Washington State to see what I am talking about. Dirt bikes have been in this area for a lot of years. Its history and it's being abolished.

Response

Implementation of the Travel Management Rule will close areas not on a designated route to unauthorized motorized travel. Impacts to Class III opportunities are disclosed in the DEIS in Chapter 3, Recreation, pg. 229; FEIS p. 90). The Final EIS more clearly defines impacts to Class III opportunities. It is not within the scope of this document to designate new motorized trails, including designating existing unauthorized trails. However, there are currently several proposed motorized trail projects that are undergoing separate environmental analyses which may include existing unauthorized single-track routes for Class III where they are appropriate. These include the Three Trails and Lava Rock Motorized Trail Projects on the Crescent and Bend-Ft. Rock Ranger Districts of the Deschutes National Forest, and the Ochoco Summit Motorized Trails Project on the Lookout Mountain and Paulina Districts of the Ochoco National Forests.

Comment 2

I am fed up with seeing old single-track signed off limits/destroyed/or turned over to the mountain bikers and hikers. Leave our trails alone and let us continue to ride them legally! A the very least give us more miles of tight technical trail that is long, continuous, and actually goes somewhere, rather than forcing us to ride the rat maze of quad trails (EFR).

Response

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrants supplement or improvement of the analysis presented in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS.

The two Forests are currently proposing, under separate NEPA analyses, three projects that would include some amount of single track motorcycle trails (See Chapter 2 of Draft and Final EIS). The Draft and Final EISs acknowledge the potential impact of the prohibition on cross-country motorized travel to various communities of interest, user groups, and recreational opportunities in the Social and Economic and Recreation section of Chapter 3 of the Draft and Final EIS.

Letter 7**Comment 1**

Do not limit the ability to access trail heads in order to ride horses and mules in our beautiful surroundings. That is what our Forest Lands are all about.

Response

The Deschutes and Ochoco National Forests Travel Management EIS does not propose any road closures. (FEIS, Chapter 2 p. 44)

Letter 8

Comment 1

The primary problem is this; you can pass all the rules and regulations one can devise, but there must be teeth in the regulations that mean enough to the ORV rider to prevent violation of those rules. People who can afford to pay \$8,000 for a toy to race around the woods and prairies is beyond \$125 fines and reprimands. Stringent fines of \$2500 per violation, loss of riding privilege for a year and confiscation of vehicle for repeat violations of closed will bring some control to these people. And it is not just a few individuals who violate the present rules and regulations. In operations and personal recreation in the Mt. Hood and Deschutes National Forests I see the same people using their ORV's anywhere or anytime they choose. The same is true in my experiences on Steens Mtn. and other public lands. It is my contention that you can take the most mild mannered Sunday School teacher and put her astraddle of an ATV and she will become the most arrogant, self-centered, selfish [explicative] you have ever met. So make all the rules and regulations you want to but don't expect most ORV riders to obey them unless you put some long, sharp teeth in those regulations.

Response

The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS. The Travel Management Implementation Strategy will include a description of some of the approaches that will be used to enforce the new regulations.

Letter 9

Comment 1

I support the Travel Management Project Alternative II.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. Final selection of an alternative is not determined by "votes" for or against a particular course of action, although these comments may also be reflective of a community's support for a particular action. The final decision will consider of the trade-offs involved in the commitment and uses of resources, environmental impacts, laws and policies.

Letter 10

Please remove me from the mailing list.

Letter 11

Comment 1

The dispersed camping area called Man Camp by the folks at the Ochoco Ranger Station is a wonderful spot for equestrian groups to camp. I hope it can be preserved as a dispersed camping area. This area is located between Roads 2630-300 and 2630-302. On the maps Man Camp does not appear to be a dispersed camping area but I sure hope this can be changed.

Response

Road 2630-300 and 2630-302 are currently open and will remain open to all motorized vehicles on the Motor Vehicle Use Map (MVUM). As long as the dispersed site is within 300 feet of either of these roads, motorized access to the dispersed site will remain open. If the site is more than 300 feet from one of these open roads, then motorized access will not be allowed, and the Forest Service will need to make a

determination whether or not to designate a new route to the site. The Forest Service recognizes that motorized access would be eliminated to approximately 20 percent of all currently inventoried dispersed camp sites. The Forests have identified that locating the sites that are more than 300 feet from an open designated road is an important component of the implementation strategy. The implementation strategy has been developed and is posted on the Forests' website and is available upon request.

Comment 2

The dispersed camping area adjacent to Corral Flat (off 2630-100) is also a popular dispersed camping site and staging area for an annual equestrian endurance race. I could not tell from the map whether dispersed camping will be permitted in this area. I would like to see this area designated as a legal dispersed camping site as well.

Response

Road 2630-100 is currently open and will remain open to all motorized vehicles on the MVUM. As long as the dispersed sites at Corral Flat are within 300 feet of the road, motorized access to the dispersed sites will remain open. If there are dispersed sites more than 300 feet from the road, the Forest Service will need to make a determination whether or not to designate a new route to the site(s) on one of the annual updates of the MVUM. Camping for the annual equestrian event would be determined by the terms of the permit.

Comment 3

I was delighted to see that the dispersed camping area along Canyon Creek in the Metolius Basin (along Rd. 99 off Rd. 12) will remain a legal camping area.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. Motorized access for dispersed camping will be allowed within 300 feet of open designated roads to existing, designated, or defined sites no closer than 30 feet to a stream, wetland, or water body. This decision does not actually affect where you can camp, only where you can drive a motor vehicle.

Comment 4

I remain concerned about ATV use in two areas that I understand were outside the scope of this project. These areas are:

- *The Metolius Windigo Trail near Crescent Lake*
- *The Old Santiam Wagon Road near Big Lake*

If possible I would like to be on the Forest Service's mailing list for actions related to both of these areas.

Response

Thank you for your interest in these important planning efforts. Your letter will be forwarded to the Crescent Ranger District, Three Trails Project, and Sisters Ranger District, Meadow Lakes Project to add you to their project mailing lists.

Comment 5

I really had to hunt to find out where to submit my comments. I could not find this information on either the website or in the DEIS Executive Summary.

Response

Thank you for submitting your comments in a timely manner. The Forest Service regrets any inconvenience or difficulty you may have had in finding where to submit those comments. The addresses for submitting electronic, written, and oral comments included in the "Dear Reader" letter that was included with the Draft EIS and the Executive Summary and the abstract portion of the DEIS and Executive Summary located at the beginning of those documents. All of these documents were also posted on our website. There is also an electronic link on the website to the Deschutes and Ochoco National Forest comment data base. Although there were different addresses for submitting electronic and written comments between the Dear Reader letter and the abstract, either of the addresses would work. As a result of other similar comments we received, we also posted where to submit comments prominently on the website.

Letter 12

Comment 1 and 2

We support the Forest Service proposed rules for the Deschutes and Ochoco National Forest regarding off road vehicles.

Motorized vehicles should be able to use the forest service land, but only on designated roads, trails and play areas. Multiple use in the National Forest is good, but must be managed

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. Final selection of an alternative is not determined by "votes" for or against a particular course of action, although these comments may also be reflective of a community's support for a particular action. The final decision will consider of the trade-offs involved in the commitment and uses of resources, environmental impacts, laws and policies.

Letter 13

Comment 1

I am holding firm on Alternative #1

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. Final selection of an alternative is not determined by "votes" for or against a particular course of action, although these comments may also be reflective of a community's support for a particular action. The final decision will consider of the trade-offs involved in the commitment and uses of resources, environmental impacts, laws and policies.

Comment 2-3

There is not enough \$\$\$ in anyone's coffers to facilitate the other options (2 and 3).

Without \$\$\$ and manpower to manifest – facilitate the forest closure options it would isolate deserving valid tax paying prime forest users from their right to forest access. The cost to unravel and clean up all the by product from the results of the closure options could well exceed the intended benefit

Response

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrants supplement or improvement of the analysis presented in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS. The Forest Service will continue to work with our partners throughout the various communities to implement the selected alternative.

The Forest Service believes that it will be easier to enforce the Motor Vehicle Use Map than the variety of special management area designations and public use restrictions now in effect. The Motor Vehicle Use Map will provide clear direction about where motorized use is or is not allowed, thus eliminating the need to have areas posted as "closed" in order to enforce motorized closures. The Forest is developing an Implementation Strategy that will include an education and enforcement component designed to help people understand and comply with the new regulations. The Forest Service has demonstrated in the past a strong commitment to leverage funding by combining with other Law Enforcement agencies and will continue to do so into the future.

Comment 4-5, 7

Without coming off as ultimatum or threatening in any way: the OHV community is of outstanding tax paying citizens with equal rights in our nation. Even though our finances and apparent group number may differ we have equal rights to forest usage! Taking away an Americans rights doesn't seem like the way to go with our national forest.

If keeping our forest in the most ultimate condition and only letting the user groups that supports this ultimatum condition: then there would need to be a complete National infrastructure re-design for those "ultimate condition" "users groups". This type of thought is completely reckless, heinous and once again strips Americans of their rights!

It's not too late to make the right choice to support and Americans Rights to use the forest and work with all groups to build harmony. Our user group – club supports the forest well being and we should be building communities with this type user group support and not taking away American rights!!!

Response

The Deschutes and Ochoco National Forests have a strong commitment to providing OHV opportunities. As described in the Recreation section of Chapter 3, the two Forests currently provide some of the premier OHV trail opportunities in the State. However, as described in Chapter 1, there is a need to regulate motorized access that the Forest Service is responding to by establishing and implementing the Travel Management Rule. While this decision will limit motorized access to designated routes and areas, it does not eliminate motorized access on National Forest lands.

Comment 6

Another point is the economic destruction and damage the forest closures would cause to business communities around the nation that have built many industries from the various user groups.

Response

The commenter does not provide any specific evidence of economic impacts that closing motorized access off of designated roads and trails on the Deschutes and Ochoco National Forest and Crooked River Grassland would cause to business communities locally, regionally, or nationally. The DEIS and FEIS have evaluated the potential economic impacts of the Alternatives in Chapter 3(Social and Economic).

Letter 14

Comment 1

Numerous environmental advocacy groups are asking that the Forests enact an "immediate Interim Emergency Closure Order" to eliminate all OHV use outside of designated OHV systems. These groups feel that the National Forests should be managed primarily for preservation of natural values, water quality, wildlife habitat, endangered species, biological diversity, quiet and spiritual renewal. However, the Department of Agriculture disagrees.

36 CFR 212 and the associated Final Directives state the following:

"National Forests are managed by law for multiple uses. They are managed not only for the purposes stated in these comments, but for timber, grazing, mining, and outdoor recreation. These uses must be balanced, rather than one given preference over another."

"Pursuant to MUSY (16 USC 528-531), the Forest Service manages NFS lands for multiple uses, including motorized and non-motorized and recreational and non-recreational uses, without favoring one use over another. "

"MUSY specifically provides 'that some land will be used for less than all of the resources.'"

*"It is the intent of E.O.11644 that motor vehicle use of trails and areas on Federal lands be managed to address environmental and other impacts, but that motor vehicle use on Federal lands continue in appropriate locations. An extreme interpretation of "minimize" would preclude any use at all, since impacts always can be reduced further by preventing them altogether. This interpretation would not reflect the full context of E.O.11644 or other laws and policies related to multiple-use management of NFS lands. Neither E.O.11644, nor these other laws and policies, establish the primacy of any particular use of trails and areas. The Agency believes that the phrase, "shall consider * * * with the objective of minimizing * *" will ensure that environmental impacts are properly taken into account, without categorically precluding motor vehicle use."*

The Department disagrees that motor vehicle use should be allowed only when it can be clearly proven to be harmless to the environment."

"A system of quiet use areas established outside the designation process is unnecessary.

"The Department believes that a well-designed system of routes and areas designated for motor vehicle use can reduce maintenance needs and environmental damage, while enhancing the recreational experience for all users, both motorized and non-motorized."

We [Deschutes County 4-Wheelers Club] strongly urge the Forests to abide by these principles and provide adequate areas for OHV Class II 4x4 vehicle users to recreate.

Response

This comment provides numerous citations from the Response to Comments section of the Final Travel Management Rule. None of these comments are specific to the proposed actions in the DEIS. However, as noted in the Chapter 2 of the DEIS/FEIS, several areas are currently being considered for motorized trail designations, including for Class II 4x4.

Comment 2

As you are aware, both the travel management rule and the travel management directives give the responsible official discretion to make appropriate decisions at the local level. The Plan will eliminate cross-country travel and will prohibit use of Maintenance Level 1 (ML 1) roads by OHVs. Although the Forests are pursuing development of dedicated Class II trails in the Lava Rock, Three Trails and Ochoco Summit areas, these trails will not be available for several years. Class II users will be limited to the 21 miles designated in the Edison Butte OHV system. In order to reduce overcrowding and over use on the Edison trails, we [Deschutes County 4-Wheeler Club] ask that you make available some of the less-maintained ML 1 roads for our use.

Response

Opening of roads that are currently closed to motorized travel (ML 1 roads) is outside the scope of this document. New motorized routes, including ML 1 roads, are being considered in other, separate motorized trail proposals as described in the DEIS/FEIS, Chapter 2.

Comment 3

The travel management rule and the travel management directives also allow the responsible official discretion to designate user-created and/or non-system routes (36 CFR 212, FSM 7715.78 and FSH 7709.55). While we [Deschutes County 4-Wheeler Club] realize that most user-created routes are not appropriately situated, the Forest Service acknowledges that some user-created routes are well-sited, provide excellent opportunities for outdoor recreation and would enhance the system of designated routes.

Response

This comment correctly cites the Forest Supervisor's authorities under the Travel Management Rule to designate unauthorized routes as a part of a designated system of routes, trails and areas, if found to be suitable. This is not a new authority. The East Ft. Rock OHV Trail System evaluated over 1000 miles of unauthorized trails (characterized as "user-created" until the publication of the Travel Management Rule) during the designation process for that trail system.

However, the Travel Management Rule does not mandate that such routes be designated. Designating new motorized routes is not within the scope of the actions included in this EIS. New motorized routes, including unauthorized routes that have been created by users, are being considered in other, separate motorized trail proposals as described in the DEIS/FEIS, Chapter 2.

Comment 4

The Plan states that only existing system routes are being designated in the Travel Management process. If this is the case, then why did the Forests request users to provide their favorite non-system routes during the early planning stages? According to the Department Response to the Final Rule 36 CFR Part 212 published in the Federal Register (Vol. 70, No. 216, Pg. 68270):

"The Department does not believe that immediate closure of all user-created routes, without local evaluation and public input, is necessary or appropriate." (Emphasis added)

There are numerous user-created and non-system routes that are currently used by OHV Class II recreationalists that will be eliminated in the Proposed Action. We [Deschutes County 4-Wheeler Club] strongly urge the Forests to evaluate the specific user-created and non-system routes listed below and incorporate them into the Plan per the directives.

Response

This comment accurately reflects the proposed action in the Deschutes and Ochoco National Forests Travel Management DEIS. As described in Chapter 1, the Deschutes and Ochoco National Forests understood early on that motorized access off of existing designated routes (cross-country travel) would be affected by this decision and so put into action consideration of several areas across the Forest to ultimately increase the amount of designated routes available to all users. Information provided by the user groups about the use of unauthorized roads or trails have helped to inform the proposed actions for these motorized trails projects.

This comment correctly cites a statement from the comment response section of the Final Travel Management Rule; however, this statement is taken out of the context in which it is presented. This statement represents only a part of an overall national approach to implementing the Travel Management Rule. However, in their response to comments, the Department of Agriculture also emphasizes the importance of making local decisions based on local conditions. On page 68266 of the final Rule published in the federal register, the statement "The Department believes that National Forests should provide for both motorized and non-motorized users in a manner that is environmentally sustainable over the long term. ... The Department believes such choices and evaluations are best made at the local level, with full involvement of Federal, tribal, State, and local governments, motorized and non-motorized users, and other interested parties...." also reflects the Department's intent concerning the designation of motorized roads and trails. The Deschutes and Ochoco National Forest Supervisors also recognize the importance and controversy of designating motorized trails, and are doing so through several separate, localized environmental analyses and decision processes. The Travel Management Rule and the directives do not mandate that all unauthorized trails be made a part of any designated system.

Comment 5

We [Deschutes County 4-Wheelers Club] support Alternative 2 with the following change to the Proposed Action Maps:

Road 16 from the south end at Three Creeks Lake northward to the intersection with Road 1620 is currently designated as FSM 7711.3.5a, - Open Only to Highway Legal Motor Vehicles. We request that this road be changed to FSM 7711.3.5b - Open to All Motor Vehicles or to FSM 7711.3.5g - Special Vehicle Designation (36 CFR 212.51; FSM 7711.3) to allow use by OHV Class II 4x4 highway legal and non-highway legal vehicles. Currently OHV Class II vehicles are allowed on Road 370, as well as most of the roads to the northwest of Road 16. Our club regularly travels Road 370 and continues north to the Dugout Lake area. This change will allow for connection of these two areas, as there are no other road options available. Please see Attachment A-I.

Response

Road 16 near Three Creeks Lake is currently a maintenance level 3 road that is maintained for passenger car traffic and is subject to the Highway Safety Act. According to ORS 821.055, Class I, II, and III ATVs may not operate on public roads that are maintained for passenger car traffic. (FEIS, Chapter 3, p. 177, Appendix C-2) Although the Forest Service has the authority under ORS 821.020 to designate such routes for ATV use following an engineering study, our policy is generally not to supersede state law on our current maintenance level 3-5 roads. The scope of this action is also limited to evaluating ML 2 roads that allow for motorized mixed use and determine whether this use can safely be continued. Your proposal to connect ML 2 roads for non hwy-legal vehicles could be considered in the future. For the present, all of road 16 will continue to be shown on the MVUM maps as open to highway-legal vehicles only.

Comment 6

We [Deschutes County 4-Wheelers Club] support Alternative 2 with the following change to the Proposed Action Maps:

Roads 1514 and 1524 located just northwest of Road 16 are proposed by the Plan to be changed to FSM 7711.3 .5a - Open Only to Highway Legal Motor Vehicles. We request that these roads also have a FSM 7711.3 .5g - Special Vehicle Designation allowing OHV Class II 4x4 highway legal and non-highway legal vehicles. Please see Attachment A-2.

Response

Road 1514 and the section of road 15 that you show on your map (not road 1524) are maintenance level 2 roads that were formally analyzed under an engineering study to determine their suitability for motorized mixed use during the summer of 2008. The results of the engineering analysis show that the probability and severity of accidents on those road segments are high. The responsible official has indicated that he will not allow motorized mixed use on roads with high risk ratings (ROD p. 8-9). Therefore, these two road segments will be shown on the MVUM maps as open for use by highway-legal vehicles only.

Comment 7

We [Deschutes County 4-Wheelers Club] support Alternative 2 with the following change to the Proposed Action Maps:

We request a change of all looped and/or connecting ML 1 roads located in the Kiwa Butte area from Road 45 on the west to Road 41 on the east, and from Road 46 on the north to Road 4140 on the south. These roads are currently ML 1 roads and we ask that they be changed to FSM 7711.3.5b - Road Open to All Motor Vehicles or to FSM 7711.3.5g - Special Vehicle Designation allowing OHV Class II 4x4 highway legal and non-highway legal vehicles. This is a popular area for OHV Class II recreationalists. Please see Attachment A-3.

Response

It is not within the decision scope of this project to open roads that are currently closed to public use. See DEIS/FEIS Chapter 1). Decisions concerning the long-term use and maintenance level of roads are made on each Ranger District according to a detailed analysis that has taken into consideration factors such as the desired open road densities, effects of roads on other resources, and maintenance budgets. Before roads which have been established as closed to public travel can be opened, a similar hard look at the conditions which determined that closure will need to be taken. The DEIS/FEIS in the Recreation section of Chapter 3 recognizes that use of ML1 roads, within areas that do not otherwise prohibit motorized access off designated routes (cross-country travel) has been one of the types of recreation experiences that will be most affected by the proposed actions in the EIS.

Comment 8

We [Deschutes County 4-Wheelers Club] support Alternative 2 with the following change to the Proposed Action Maps:

Road 4525 in the Edison/Wake Butte area is proposed by the Plan to be changed to FSM 7711.3.5a - Open Only to Highway Legal Motor Vehicles. We request that this road have a FSM 7711.3.5g - Special Vehicle Designation allowing OHV Class II 4x4 highway legal and non highway legal vehicles. The Edison Butte OHV system is currently the only designated OHV Class II area and this road is the main access road to the west end of the system. Please see Attachment A-4.

Response

Road 4525 is currently a maintenance level 2 road that was analyzed for suitability as a mixed use road during the summer of 2009. Upon completion of the analysis it was determined that the probability and severity of accidents could be reduced to a moderate or low level with proper signage and roadside brushing to improve sight distances. The responsible official has agreed to allow this road to be used for motorized mixed use following this mitigation work (ROD Appendix p. 12). Work is planned to be scheduled for the spring of 2010. Therefore, this road will show on the MVUM map as open to all motorized vehicles.

Comment 9

We [Deschutes County 4-Wheelers Club] support Alternative 2 with the following change to the Proposed Action Maps:

Road 4050 in the Wake Butte area is proposed by the Plan to be changed to FSM 7711.3.5a - Open Only to Highway Legal Motor Vehicles. We request that this road have a FSM 7711.3.5g - Special Vehicle Designation allowing OHV Class II 4x4 highway legal and non-highway legal vehicles. The Wake Butte area has been proposed by our club to the Forest as a potential future OHV Class II area and is used extensively by OHV Class II recreationalists. Please see Attachment A-5.

Response

Road 4050 is a maintenance level 2 road that was analyzed for suitability for both highway-legal and non-highway-legal vehicles in the summer of 2009. Upon completion of that analysis, it was determined that the probability and severity of accidents between highway-legal and non-highway-legal vehicles would be low. Therefore this road will be shown as open to all motorized vehicles on the MVUM map.

Comment 10

We [Deschutes County 4-Wheelers Club] support Alternative 2 with the following change to the Proposed Action Maps:

In the Wake Butte area, Road 400 lies directly adjacent and parallel to Wake Butte from Road 40 to Road 4030. In the approximate center of Section 14, T20S, R9E, there is a road from Road 400 leading northeast up to a viewpoint on Wake Butte. While this spur road does not appear on the current system maps, it is obviously an administratively constructed road and not a user created trail. The surface of the road has been bladed in the past and water bars are present. We request this route be added to the Plan (36 CFR 212, FSM 7700 and FSH 7709.55), with a FSM 7711.3.59 - Special Vehicle Designation allowing OHV Class II 4x4 highway legal and non-highway legal vehicles. Please see Attachment A-6.

Response

It is not within the decision scope of this document to add non-system roads to the road system, or to designate closed roads as open roads.

Comment 11

We [Deschutes County 4-Wheelers Club] support Alternative 2 with the following change to the Proposed Action Maps:

Road 9710 adjacent to the north side of the Monument is classified as FSM 7711.3.5a – Open Only to Highway Legal Motor Vehicles. We request that this road also have a FSM 7711.3.5g - Special Vehicle Designation allowing OHV Class II 4x4 highway legal and non-highway legal vehicles. This road is a

main access route for OHV Class II recreationalists to reach the upper elevations northeast of the monument. Please see Attachment A-7.

Response

The segment of Road 9710 referred to is currently a maintenance level 3 road that is maintained for passenger car traffic and is subject to the Highway Safety Act. According to ORS 821.055, Class I, II, and III ATVs may not operate on public roads that are maintained for passenger car traffic. (FEIS, Chapter 3, p. 177) Although the Forest Service has the authority under ORS 821.020 to designate such routes for ATV use following an engineering study, our policy is not to supersede state law on our current maintenance level 3-5 roads. Changing roads from highway legal vehicle use only to use by all motor vehicles was not within the scope of this Environmental Impact Statement (See Chapter 1, Purpose and Need). Therefore, this segment of road 9710 will continue to be shown on the MVUM maps as open to highway-legal vehicles only.

Comment 12

We [Deschutes County 4-Wheelers Club] support Alternative 2 with the following change to the Proposed Action Maps:

Road 1810 is proposed by the Plan to be changed to FSM 7711.3.5a - Open Only to Highway Legal Motor Vehicles. We request that this road also have a FSM 7711.3.5g - Special Vehicle Designation allowing OHV Class II 4x4 highway legal and non-highway legal vehicles. Again, this road is a main access road to the higher elevations east of the monument and is heavily used by OHV Class II recreationalists. Please see Attachment A-8.

Response

Road 1810 is currently a maintenance level 2 road that was analyzed for suitability as a mixed use road during the summer of 2009. Upon completion of the engineering analysis, required by the Region 6 Regional Forester, it was determined that the probability and severity of accidents could be reduced to a moderate or low level with proper signage and roadside brushing to improve sight distances. The responsible official has agreed to allow this road to be used for motorized mixed use following this mitigation work. The work is planned to be scheduled for the spring of 2010. Therefore, this road will be shown on the MVUM map as open to all motorized vehicles.

Comment 13

We [Deschutes County 4-Wheelers Club] support Alternative 2 with the following change to the Proposed Action Maps:

There are two utility easement roads which pass through the monument just east of Hwy. 97. These roads are Road 1800012, the powerline road, and Road 1800013, the gasline road. Road 9735 also passes through the Monument. Currently, all routes within the Monument are designated as FSM 7711.3.5a - Open Only to Highway Legal Motor Vehicles. During the working group discussions, you, (Mr. Allen) stated that technically OHVs could be allowed to pass through the Monument. While we understand the position of not allowing OHV motorcycles and quads to operate on Monument routes, we request that these three sections of roads have a FSM 7711.3.5g - Special Vehicle Designation allowing OHV Class II 4x4 highway legal and non-highway legal vehicles to pass through the Monument. Please see Attachment A-9

Response

The Newberry National Monument (NNVM) Management Plan provides guidance for all activities related to the various special management areas identified by the NNVM Legislation (Public Law 101-522 - Nov. 5, 1990). The Monument Plan does not permit recreational use of ATV's within the Monument (M-71, Pg 46, Newberry National Volcanic Monument Comprehensive Management Plan). One of the roads to which the commenter refers is within an area designated by the Legislation as "The Transferal Corridor." While the Transferal Corridor is not within the boundaries of the NNVM itself, it is directed by the legislation to be managed in accordance with the NNVM, and therefore also prohibits recreational use of All Terrain Vehicles on any roads within that area as well. Changing this Standard and Guideline of the NNVM is not within the scope of this proposal.

Segments of the roads cited in this comment cross through the NNVM, except their numbering is incorrect. Where the powerline road crosses the NNVM it is numbered 9710-012, and where the gas line road crosses the NNVM it is numbered 9721-013. The last segment of 9735 runs through the NNVM, and is numbered correctly.

Comment 14

We [Deschutes County 4-Wheelers Club] support Alternative 2 with the following change to the Proposed Action Maps:

Road 9724 accesses Sugar Pine Butte. Directly southwest of Sugar Pine Butte is a small butte encircled by Road 9724800. Road 9724800 is currently shown as a closed ML 1 road, although it is actively used by OHV Class II recreationalists. We request that this road be changed to a FSM 7717.3.59 - Special Vehicle Designation allowing OHV Class II 4x4 highway legal and non-highway legal vehicles. Please see Attachment A-1 0.

Response

It is not within the decision scope of this document to open roads that are currently closed to public access.

Comment 15

We [Deschutes County 4-Wheelers Club] support Alternative 2 with the following change to the Proposed Action Maps:

Directly east of the Road 9724800, Road 9725730 connects from Road 9725 to Road 9724. While this connection is not shown on system maps, it is heavily used by OHV Class II 4x4 highway legal and non-highway legal vehicles, particularly during the winter months. We request this route be added to the Plan (36 CFR 212, FSM 7700 and FSH 7709.55), with a FSM 7711.3.5g - Special Vehicle Designation allowing OHV Class II 4x4 highway legal and non-highway legal vehicles. Please see Attachment A-11.

Response

It is not within the decision scope of this document to add non-system roads to the road system or to designate new motorized trail systems. This comment will be forwarded to the Bend-Fort Rock Ranger District for consideration in the Lava Rock Trail planning Analysis.

Comment 16

We [Deschutes County 4-Wheelers Club] support Alternative 2 with the following change to the Proposed Action Maps:

Road 9735 is proposed by the Plan to be changed to FSM 771 1.3.5a - Open Only to Highway Legal Motor Vehicles. We request that this road also have a FSM 7711.3.5g - Special Vehicle Designation allowing OHV Class II 4x4 highway legal and non-highway legal vehicles. This road is a main access road to the areas west of the Monument. Please see Attachment A-12.

Response

This segment of road 9735 is a maintenance level 2 road that was formally analyzed under an engineering study to determine its suitability for motorized mixed use during the summer of 2009. The results of the engineering analysis show that both the probability and severity of accidents on this road segment is high. The responsible official has indicated that he will not allow motorized mixed use on roads with those risk ratings (ROD p. 8-9). Therefore, this road segment will be shown on the MVUM map for use by highway-legal vehicles only.

Comment 17

We [Deschutes County 4-Wheelers Club] support Alternative 2 with the following change to the Proposed Action Maps:

Many of the roads located within East Fort Rock OHV area are designated as FSM 7711.3.5a - Open Only to Highway Legal Motor Vehicles. We request an additional designation of FSM 7711.3.5g - Special Vehicle Designation allowing OHV Class II 4x4 highway legal and non highway legal vehicles. This will allow non-highway legal OHV Class II vehicles to legally access the various rock/cinder pits that are proposed by the Plan as Areas Designated Open to Motorized Access Off Designated Routes, particularly the extremely popular Ground Hog Rock Crawl pit that was constructed by our club. Please see Attachment A-13.

Response

The East Ft. Rock OHV Environmental Assessment established the conditions of use for highway and non-highway legal vehicles within the boundaries of the OHV area. It is outside the scope of the Travel Management EIS to change existing highway legal only to mixed motorized use in the East Ft. Rock OHV area. This comment has been forwarded to the Bend-Ft. Rock District Ranger and to the Central Oregon Off-Highway Vehicle Operations for their consideration.

Comment 18

We [Deschutes County 4-Wheelers Club] support Alternative 2 with the following change to the Proposed Action Maps:

Many of the roads and all of the user-created routes in the Cabin/Coyote Buttes area are proposed to be closed by the Plan. The area surrounding these buttes is plagued by numerous problems including severe trash dumping, innumerable user-created trails, uncontrolled target shooting and extreme enforcement challenges. Simply closing this area will not stop these problems. Trash dumpers are not likely to look on a MVUM to see where they can legally drive. For the past several years, Deschutes County 4-Wheelers have hosted the annual Horse Butte Recreational Area Clean Up in an effort to reduce the trash problem, yet it returns immediately. In addition, this area is popular with local OHV users due to its close proximity to town.

Several years ago, the Deschutes County 4-Wheelers submitted a proposal for a Cabin Butte/Coyote Butte OHV Class II Trail System. This trail system consists of loops and trails which would provide a wide range of activities and levels of difficulty for OHV Class II users. In addition, this trail system would incorporate "trail filters" thereby reducing the occurrence of trash dumping by eliminating access to the area by the average vehicle. Trail filters are obstacles located at the beginning of each trail which are equal in difficulty to the most difficult obstacle along the trail. Our proposed trail system also provides for erosion control, the removal of all other user-created trails, and reforestation of the area. The existing cinder pits would still be accessible by the general public.

The negative environmental impacts of this proposal would be minimal while the positive impacts would be significant. Positive impacts would include reduction in water erosion, reduction in soil erosion, removal of unnecessary routes, decrease in illegal trash dumping and reforestation of the area.

We request that this trail system be incorporated in the Plan. Please see Attachment A-14.

Response

The statement " Many of the roads and all of the user-created routes in the Cabin/Coyote Buttes area are proposed to be closed by the Plan" is not an accurate depiction of the proposed actions. The Deschutes and Ochoco Travel Management EIS does not propose to close any open designated system roads. It will incorporate past actions in accordance with 36 CFR 212.50 (b), and it will prohibit motorized access off of the open designated road and motorized trail systems or outside of designated areas. As noted in the DEIS/FEIS, Chapter 3, this would prohibit motorized access to unauthorized roads and trails in the area.

The Forest Service acknowledges and appreciates the great volunteer work done by the Deschutes County 4-Wheelers Club to help to clean up illegal dumps. Nothing in these proposed actions would prohibit the Forest Service from authorizing other actions or activities that could involve motorized access, such as cleanups.

It is not within the decision scope of this document to add new trail systems. This proposal will be forwarded to the Bend-Fort Rock Ranger District for consideration in future OHV trail planning projects.

Comment 19

Text Revisions

It would appear in the EIS that certain sections present a distinct bias against OHV use on National Forests through the use of subjective adjectives and verbiage. [For specific examples, please see comments 20 - 138] This is in direct opposition to E.O 11644 as described at the beginning of these comments. NEPA requires accurate and expert site-specific and cumulative impacts analysis. We [Deschutes County 4-Wheelers Club] have noticed several instances where scientific fact has not been applied, but rather unsupportable and highly questionable assumptions.

According to 40 CFR Part 1502.1, the EIS

"shall provide full and fair discussion of significant environmental impacts and shall inform decision makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment."

The CFR also states:

"An environmental impact statement is more than a disclosure document. It shall be used by Federal officials in conjunction with other relevant material to plan actions and make decisions."

According to the Department Response to the Final Rule 36 CFR Part 212 published in the Federal Register (Vol. 70, No. 216, Pg. 68271):

"Provision of recreational opportunities and access needs are two of several criteria the responsible official must consider under [section] 212.55 of the final rule in designating routes for motor vehicle use."

Response

The specific comments alleging bias in the DEIS have been reviewed and are addressed in response to specific examples (please see response comments 20 - 138). There is no intent to show bias in favor or in opposition to any type of allowed use on National Forests. The intent of the Deschutes and Ochoco National Forests Travel Management EIS is to meet the requisites of NEPA (40 CFR 1500 - 1508). The Forest Service acknowledges the accurate quote of 36 CFR 212.55. The Forest Supervisors for the Deschutes and Ochoco National Forest understand this regulation is intended to apply to the management of motorized use and will continue to use these criteria to guide them in those decisions into the future.

Comment 20

Not all OHVs are equal and not all OHV mileage figures are equal. The majority of the readers will not know the difference between the three classes of OHV. The reader clearly will not understand that when the figure of 351 miles of OHV trails on the Deschutes and 27 miles on the Ochoco is presented, that only 21 miles are available to OHV Class II 4x4 on the Deschutes and zero on the Ochocos. The average reader will also not understand the difference between trail miles that are actual trails and miles that are actually shared use roads. This document must clearly provide the differences whenever OHV miles are given. In order to be a factually based document, Class II trail mileage must be broken out each and every time that OHV trail mileage is given, as the miles are not equal.

This document will be used to guide agencies in the decision making process concerning motorized recreation for the foreseeable future. It will also be used as the foundation for developing designated specialized motorized trails systems in the near term. Therefore, it must be a fair, unbiased document based upon credible scientific evidence. It must also weigh equally the recreational desires of the motorized users of public lands.

Response

The Forest Service agrees that the DEIS could have more clearly articulated the mileage available by vehicle class and did so in the FEIS. The description of the Edison Butte Trail System (DEIS, Chapter 3, p. 212; FEIS p. 70), was changed to acknowledge there are only 21 miles open to Class II trails (FEIS, Chapter 3, p. 68). Chapter 3 of the FEIS

The DEIS, Chapter 3, p. 229 (FEIS p. 90), described the lack of trail opportunities for Class II and III motorized use by noting, there currently are no designated Class III single track trails favored by many motorcyclists, and 25 miles (changed to 21 miles in the FEIS) of designated Class II routes for jeep type vehicles. The DEIS, Chapter 3, p. 229 (FEIS p. 90) disclosed that "On the Ochoco, there currently are no

designated Class II routes for jeep type vehicles and no designated Class III single track trails, which are favored by many motorcyclists. Existing roads do not provide the level of challenge or undeveloped motorized experience that many of these users prefer. While any future designated trail systems would be designed to provide different levels of challenge, user discretion to travel off designated routes would be lost." The DEIS, Chapter 3, Affected Environment, p. 211-214(FEIS p. 70-73), includes detailed descriptions of each of the Central Oregon Designated OHV Trail systems and the class of vehicle they are designed and managed for. Millican Valley Designated OHV Trail System includes 72 miles of trails designated for Class I, II, and III. The Forest Service disagrees that Class II mileage should be broken out each and every time that OHV mileage is mentioned because as stated above, the DEIS contains references in the document clearly displaying existing opportunities, and impacts to Class II and III vehicles. When describing the overall motorized trail opportunities in the Edison System, it is more helpful to the public to summarize those miles and therefore will not be changed at every reference.

Comment 21

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers Club] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 9, Last Paragraph: "Based on these considerations, the Forest Supervisors identified a two-part strategy to implement the Rule for non-winter use to meet the prescribed time frame..."

According to the Directives published in 36 CFR 212, the Forest Service plans to complete the task of implementing the travel management rule on all units of the NFS within 4 years of publication of the final rule. While the MVUM may be completed within this prescribed time frame, the completion of the designated motorized trail systems will not. This will leave OHV Class II 4x4 users with a distinct lack of recreational areas and will cause significant negative impacts. We urge the Forests to mitigate these significant impacts by implementing the map changes listed above and to complete the designated OHV systems without delay.

Response

The DEIS, Chapter 3, p. 229(FEIS p. 90) discloses the impacts to motorized use and lack of designated trail opportunities available for both Class II and III vehicles. The DEIS, p. 229(FEIS p. 90), paragraph 2 discloses that "Restricting access to designated roads and trails would have a significant impact on motorized users..." The two Forests are moving forward as quickly as possible to evaluate and designate the motorized trail systems proposed. Most of the changes suggested by the Deschutes County 4-Wheelers Club were outside of the scope of this decision, including opening roads closed by past decisions and changing motorized mixed use designations on roads which were designated as open to highway licensed vehicles only from past decisions. However, some of the roads that were proposed for changes from motorized mixed use to highway only use were within the scope of this EIS and were adopted into the selected alternative (ROD p. 4; ROD Appendix 2).

Comment 22

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers Club] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 15, 1st Paragraph: "Members represented specific organized groups, including but not limited to, Oregon Hunters Association, Deschutes County 4x4 club, Ochoco Trail Riders, Oregon Wild,

*Backcountry Horsemen, Friends of the Metolius, and the general public at large.”
The legal name of our club is Deschutes County 4-Wheelers.*

Response

The Forest Service regrets incorrectly noting the name of the Deschutes County 4-Wheelers Club. That error has been corrected in the FEIS.

Comment 23

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers Club] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 16, 1st Paragraph: "Many users feel that the amount of currently designated motorized trail areas is insufficient in either miles of trail or specialized classes of trails to provide for even a portion of the recreational demand. These users also feel that prohibiting travel off of designated routes would result in increasing already crowded conditions on the designated trail systems."

We request that the following sentence be added to give the reader a better sense of the current situation: "For example, there are only 21 miles of designated 4x4 trails in the project area."

Response

The Forest Service agrees that this statement could be further clarified to describe more specific impacts to Class II and III vehicles and has done so in the FEIS. The FEIS has added the following sentence "For example, there are only 21 miles of designated 4x4 trails, one 4x4 play area, and no single track motorcycle trails in the project area."(FEIS, Chapter 1, p. 11)

Comment 24

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers Club] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 19, 1st Paragraph: "While there are additional motorized trail systems currently in the planning stages that could provide additional specialized motorized opportunities within the next 3 to 5 years, there is uncertainty regarding the ultimate outcome of those systems and the degree to which they will adequately replace the current perceived area available for recreational motorized use. "

This sentence appears to have a biased slant against development of these systems. We request the sentence be replaced with a more neutral sentence such as: "There are additional motorized trail systems currently in the planning stages that could provide additional specialized motorized opportunities within the next 3 to 5 years. It is unknown the degree to which they will adequately serve the OHV community."

Response

The Forest Service disagrees that the referenced sentence contains a biased slant against development of these systems. This statement accurately reflects the status of any proposal currently under consideration by the Forest Service. The Forest Service does not agree that the suggested replacement language represents a better assessment of the situation.

Comment 25

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers Club] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 19, 3rd Paragraph: 'Non-motorized recreation continues to be one of the most popular categories of recreation throughout the state and within the local region. "

This sentence is highly subjective and unnecessary; and we request it be eliminated, particularly since page 255 states the following:

"Although many of these activities are often classified as "non-motorized," the lines between motorized and non-motorized uses begin to blur for many of these activities. For instance, viewing natural features, one of the top activities for both forests can be either a motorized or non-motorized activity"

Response

The Forest Service disagrees that the referenced sentence is highly subjective and unnecessary. The sentence needs to be taken in the full context of the paragraph. The DEIS, Chapter 3, p. 220 (FEIS p. 77), states that "Three of the top five most popular recreation pursuits in this country are common to the entire population, including OHV users". Many recreational activities may be enjoyed by both motorized and non-motorized users as part of their over-all experience on National Forest lands. DEIS/FEIS, Chapter 3, Recreation. Table 3-75(FEIS Table 15) - Secondary Activities reported by primary OHV users in the Pacific Northwest Region of the Forest Service (DEIS p. 217; FEIS p. 80), shows that OHV users participate in several non-motorized activities. Non-Motorized recreation activities (those activities in which a motorized vehicle is not utilized in the activity) continue to be the most popular categories of recreation on the Deschutes and Ochoco National Forest(s). Table 3-74(FEIS Table 11) - Deschutes National Forest activity participation and primary activity (NVUM) and national user participation (NSRE) in comparable recreation activities (FEIS, p.76) – summarizes the 2000/2001 NVUM results. When added together by activity, the results from both National Forest(s) show that more than 100% of those surveyed (respondents had the opportunity to identify more than one activity) participated in specifically non-motorized activities, with about 40% identifying those activities as their primary activity. 50% of those surveyed identified participating in specific motorized activities, with 3% identifying that activity as their primary activity.

Comment 26, 32, 34-35

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers Club] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 24, Last Paragraph: "The proposed action could potentially affect the location of unplanned human-caused starts associated with access by motorized vehicles and suppression forces. Although there are no statistics maintained specifically for fire starts associated with motor access, there are related categories that could be associated with the use of motorized vehicles off designated routes or with motorized access for dispersed camping. Those categories include equipment, smoking, campfires, debris burning, children, and unknown human caused."

If there are no statistics, then the remainder of the paragraph is based on conjecture or opinion. NEPA demands that the EIS be based on verifiable facts, not opinions. Non-motorized users also have the

categories of equipment, smoking, campfires, debris burning, children and unknown human caused.

According to 40 CFR 1502.22:

When an agency is evaluating reasonably foreseeable significant adverse effects on the human environment in an environmental impact statement and there is incomplete or unavailable information, the agency shall always make clear that such information is lacking.

(a) If the incomplete information relevant to reasonably foreseeable significant adverse impacts is essential to a reasoned choice among alternatives and the overall costs of obtaining it are not exorbitant, the agency shall include the information in the environmental impact statement.

(b) If the information relevant to reasonably foreseeable significant adverse impacts cannot be obtained because the overall costs of obtaining it are exorbitant or the means to obtain it are not known, the agency shall include within the environmental impact statement:

A statement that such information is incomplete or unavailable;

A statement of the relevance of the incomplete or unavailable information to evaluating reasonably foreseeable significant adverse impacts on the human environment;

A summary of existing credible scientific evidence which is relevant to evaluating the reasonably foreseeable significant adverse impacts on the human environment, and

The agency's evaluation of such impacts based upon theoretical approaches or research methods generally accepted in the scientific community. For the purposes of this section, "reasonably foreseeable" includes impacts which have catastrophic consequences, even if their probability of occurrence is low, provided that the analysis of the impacts is supported by credible scientific evidence, is not based on pure conjecture, and is within the rule of reason."

A summary of existing credible scientific evidence linking fire risk solely to motorized vehicles, completely excluding non-motorized users, is not possible. The analysis of these impacts must be supported by credible scientific evidence and not based on conjecture.

Pages 68, Fire Risk Section:

This section contains the phrases, "not possible to determine", "likely increase", "likely remain the same", "not directly quantifiable". The NEPA analysis must be based upon verifiable scientific fact. Using subjective adjectives to support a predetermined point of view is not allowed. Please provide a summary of existing credible scientific evidence which is relevant to evaluating the reasonably foreseeable significant adverse impacts on the human environment, and the agency's evaluation of such impacts based upon theoretical approaches or research methods generally accepted in the scientific community. The analysis of these impacts must be supported by credible scientific evidence and not based on conjecture.

Page 73, 1st Paragraph: "As urban populations and Forest use increases into the future, unplanned human-caused ignitions associated with motorized users would likely increase...challenging suppression, prevention and law enforcement resources."

This sentence again contains subjective wording to arrive at a predetermined outcome not based on site-specific facts. Within Deschutes County 4-Wheelers, all rigs are required to carry a fire extinguisher. In addition, during the summer months, all rigs must carry an additional gallon of water and a shovel. That means that if there are ten rigs on a run in the summer, there are ten fire extinguishers, ten gallons of water and ten shovels. Can the same be said for hikers, bird watchers or horseback riders?

It is unfair and inaccurate to infer in this paragraph that motorized users are more responsible for causing devastating forest fires than others. Please provide a summary of existing credible scientific evidence which is relevant to evaluating the reasonably foreseeable significant adverse impacts on the human environment, and the agency's evaluation of such impacts based upon theoretical approaches or research methods generally accepted in the scientific community. The analysis of these impacts must be supported by credible scientific evidence and not based on conjecture.

Page 74, 2nd Paragraph: "While Alternative 2 and 3 represent a reduction in the acreage available for motorized access, it is not possible to quantitatively infer the effects of this reduction in acreage in terms of fire risk, as statistics do not specifically capture starts associated with motorized access."

If it is "not possible to quantitatively infer" then don't. The remainder of the page contains phrases such as, "most likely", "likely", "potentially," "possible effects." The assumption is made that by shifting motorized use from the broader landscape to the 300' strip, that fire potential increases in a quantifiable amount. Please provide a summary of existing credible scientific evidence which is relevant to evaluating the reasonably foreseeable significant adverse impacts on the human environment, and the agency's evaluation of such impacts based upon theoretical approaches or research methods generally accepted in the scientific community. The analysis of these impacts must be supported by credible scientific evidence and not based on conjecture.

Response

The Forest Service disagrees with the commenter's characterization of the impact analysis in the DEIS as being based on conjecture. Additionally, there is no intent to: 1) characterize motorized users as responsible for devastating forest fires; 2) infer that motorized users pose more of a fire risk than non-motorized users; or 3) infer that the proposed action or Alternative 3 would lead to a net increased fire potential – nor are there statements intentionally asserting these claims in the DEIS. However, some clarifications/corrections are warranted to ensure that these characterizations are not being inferred. The analysis does not predict a reasonably foreseeable adverse impact on the environment.

The NEPA emphasizes agencies evaluate an impact in proportion to its importance to the decision to be made. The EIS is supported with credible scientific information about the causes of fires. Based on the professional judgment of the fire specialists, the potential effects with their limitations were documented. The DEIS uses a professional common sense application of the data that is known to the probabilities of relative changes in risk.

There is no available data to support finite judgments of the cause and effect relationship between motorized access and ignitions. The categories of human-caused fires documented in the DEIS, while not the exact metric needed to justify that, at times, fires are caused by users that access the Forest via a motorized vehicle, serve as a suitable proxy. The agency does not agree that it is conjecture or opinion to assume that some percentage of the human-caused fires documented in this DEIS were caused by users who access the Forest through motorized means. Regardless of the proportion of these human-caused fires that are associated with motorized access, the effects of the actions described in the DEIS remain the same. It is not possible to quantify this percentage, since the Forest does not maintain this exact metric.

The following scientific evidence (DEIS p. 70; FEIS p. 325), does not provide the connection between general motorized users and human-caused fires; however it does support the assumption that human-caused ignitions could be directly caused by motorized vehicles.

“While the connection between unplanned human-caused ignitions and motorized access cannot be directly inferred from these statistics (see Appendix B-10), literature has shown that vegetation or ground fuels that come in direct contact with a hot engine or exhaust system or a spark from a hot engine or exhaust system may smolder and eventually ignite (USDA 2007, Pitts 2007). Spark arrestors, which are required on all vehicles intended for off-highway use on Forest Service lands in Oregon (OPRD 2009), pulverize carbon particles to a size (<0.023 inches) which decrease the likelihood of glowing or flaming combustion from ejected sparks. Spark arrestors do not decrease the likelihood of ignitions from direct contact with vegetation (i.e., parking on or driving through brush or grass) and during periods of high fire danger, spark arrestors will not provide complete protection against exhaust spark fires (USDA 2007). During these periods, Forests may implement use restrictions to prevent ignitions. Sparks can also be generated from activities on designated routes such as loose tow chains, improperly maintained brakes and wheel bearings, exploding solenoids on winches, and driving on flat tires, to name a few.”

Fires, especially those caused by humans, are inherently unpredictable events. Therefore, analysis of them can only be described by relative terms based on the assumption that reducing the acreage available for motorized vehicle access, one causal factor associated with unplanned, human-caused ignitions, will tend to shift future human-caused ignitions that are associated with motorized vehicle access from the broader landscape and be more concentrated in the areas where motorized use would be allowed. That area would be within 300 feet of open designated routes or areas proposed to be open to motorized access off of designated routes (i.e., rock/gravel pits). The results of these assessments are reasonable, if not precise assessments of relative risk that help to inform the decision-maker.

As mentioned previously, the intent of this section of the DEIS was not to infer that motorized users pose more of a fire risk than non-motorized users. It is recognized that non-motorized users may also be a source of ignitions (quote from Page 74 of the DEIS; FEIS, p. 333). “Additionally, Alternatives 2 and 3 would not affect non-motorized travel, so unplanned human-caused ignitions associated with this user group would not be affected.”

Nowhere in the DEIS does it state that the proposed action or alternatives would lead to a net increased fire potential. On the contrary, it is stated that (on page 74 of the DEIS; FEIS p. 333): “It is most likely that the total number of unplanned human-caused ignitions across the administrative units per year would likely remain the same or increase with projected increases in Forest use, but would be shifted from the broader landscape and potentially be more concentrated in the area within 300’ of open designated routes.”

However, a factual clarification is warranted to ensure that a reader does not infer that fire potential will increase as a result of the alternatives that will affect those starts associated with non-motorized users.

The FEIS modifies the previously quoted sentence as follows:

“It is most likely that the total number of unplanned human-caused ignitions associated with motorized access across the administrative units per year would remain the same or increase with projected increases in Forest use, but would tend to be shifted from the broader landscape and be more concentrated in the areas where motorized use would be allowed. That area would be within 300 feet of open designated routes or areas proposed to be open to motorized access off of designated routes (i.e., rock/gravel pits).” Additionally, Table 3-5 on pages 74-75 of the DEIS will be removed from the FEIS as it could lead the reader to incorrectly deduce that the proposed action and alternative 3 would lead to a predictable, quantifiable change to future human-caused ignitions associated with motorized access.

Comment 27

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers Club] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 27, 1st Response: "Response: All of these issues are outside the scope of this proposed action, which is limited to identifying the existing designated road and trail system established by past administrative decisions and prohibiting motorized access of of those existing designated routes in accordance with the Rule (36 CFR 212.50(b)) and establishing conditions for motorized access for dispersed camping within a specified distance adjacent to existing open designated routes as allowed by the Rule.

This statement is incorrect. The Rule does not limit the Forest Service to just existing designated road and trail systems established by past administrative decisions. Quite the contrary.

According to the Department Response to the Final Rule 36 CFR Part 212 published in the Federal Register (Vol. 70, No. 216, Pg. 68270):

"The Department does not believe that immediate closure of all user-created routes, without local evaluation and public input, is necessary or appropriate. (Emphasis added)

The Department Response to the Final Rule 36 CFR Part 212 published in the Federal Register (Vol. 70, No. 216, Pg. 68268) states:

"The Department believes that evaluation of user-created routes is best handled at the local level by officials with first-hand knowledge of the particular circumstances, uses, and environmental impacts involved, working closely with the local governments, users and other members of the public."

The Department Response to the Final Rule 36 CFR Part 212 published in the Federal Register (Vol. 70, No. 216, Pg. 68269) states:

"...some user-created routes would make excellent additions to the system of designated routes and areas. The Forest Service is committed to working with user groups and others to identify such routes and consider them on a site-specific basis."

The Department Response to the Final Rule 36 CFR Part 212 published in the Federal Register (Vol. 70, No. 216, Pg. 68277) states:

"...user-created roads and trails may be identified through public involvement and considered in the designation process. After public consideration and appropriate site-specific environmental analysis, some user-created routes may be designated for motor vehicle use pursuant to [section] 212.57 of the final rule. These routes would become NFS roads or NFS trails and would be included in a forest transportation atlas and reflected on a motor vehicle use map."

The Department Response to the Final Rule 36 CFR Part 212 published in the Federal Register (Vol. 70, No. 216, Pg. 68286) states:

"The Department expects that some user-created routes will become designated roads and trails, after site-specific evaluation." (Emphasis added)

FSM 7703.21 states:

“Responsible officials should work with user groups and others to identify those unauthorized routes that should be considered for designation, based on the criteria in 36 CFR 212.55.”

FSH 7709.55 Chapter 10, Section 12.1 states:

“Appropriate consideration should be given to unauthorized routes, based on their potential contributions to the forest transportation system.”

These are just a few examples where the Department clearly states that user-created routes may be appropriate and can be included. The Travel Management Plan is not limited to only identifying the existing designated road and trail system established by past administrative decisions. The Rule allows for and expects some site-specific environmental analysis to be included in this EIS to allow for inclusion of user-created routes. We urge the Forests to comply with the Rule by including the non system routes that are listed in the Map Revisions section above.

Response

The commenter has misinterpreted the statement on page 27 of the DEIS (FEIS p. 24). The statement is not incorrect. The statement "...in accordance with the Rule (36 CFR 212.50 (b))..." referenced specifically that portion of the Rule that allows: "The responsible official may incorporate previous administrative decisions regarding travel management made under other authorities...." The statement could have been better phrased to clarify its intent. The intent was to clearly identify that the scope of this proposed action is limited to: 1) identifying the existing designated road and trail system established by past administrative decisions in accordance with the Rule (36 CFR 212.50(b)); 2) prohibiting motorized access of those existing designated routes and 3) establishing conditions for motorized access for dispersed camping within a specified distance adjacent to existing open designated routes as allowed by the Rule.

Comment 28

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers Club] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 27, 3rd Response: "Response: The maximum area that the Rule allows for motorized access for dispersed camping adjacent to the open designated routes is 300 feet."

This statement is inaccurate. The Rule specifically does not give a maximum distance for dispersed camping.

The Department response to the Travel Management Directives published in the Federal Register (Vol. 73, No. 237, Pg.74691) states:

"Determination of the specified distance for limited motor vehicle use of a forest road or trail is a local decision dependent on site and route-specific circumstances. Therefore, the travel management rule and final directives give the responsible official some discretion in making this determination. "

FSM 771 5.74.1 states:

"The responsible official may include in a designation the limited use of motor vehicles within a specified distance of certain forest roads and forest trails where motor vehicle use is allowed, and if appropriate within specified time periods, solely for the purposes of dispersed camping or retrieval of a downed big game animals by an individual who has legally taken that animal (big game retrieval)."

This is a local decision and the NEPA document should give the specific, scientific reasoning behind the distance of 300 feet, or give the specific document reference where this dimension is regulated.

Response

The Forest Service agrees that this statement was in error. The commenter is correct that the Travel Management Rule does not specify a 300 foot distance. However, the Regional Guidelines for designating corridors does limit the distance to a maximum of 300 feet. This correction has been made in the FEIS, Chapter 1 p. 24.

Comment 29

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers Club] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 28, 1st Response: "The 300' corridor considered in the proposed action is the maximum corridor with that can be accommodated within the Rule"

Again, please cite the regulation reference.

Response

The citation on page 28 of the DEIS (FEIS p. 25), "The 300 foot corridor considered in the proposed action is the maximum corridor that can be accommodated within the Rule," was incorrect. It has been corrected in the FEIS to read as follows:

The 300 foot corridor considered in the proposed action is the maximum corridor width that can be accommodated in accordance with Regional Guidelines for Implementing the Travel Management Rule (Revised 4/20/09). This regional guidance states, "A fixed distance from designated routes not to exceed 300 feet distance from either side of the designated route to a dispersed campsite may be authorized."

Comment 30

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers Club] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 29, Meadow Lakes List: "Considering some limited links with Santiam OHV Recreation area on the adjacent Willamette National Forest and limited Class II trails, mainly to access dispersed camp sites."

The OHV Class II trails which have been discussed with District Ranger Bill Anthony are not mainly to access dispersed campsites. They are trails intended for OHV Class II recreation.

Response

The Sisters Ranger District is currently in the process of developing a proposed action for the Meadow Lakes area. The Deschutes and Ochoco Travel Management Draft EIS was not intending to improperly characterize the actions being developed, but information was limited at the time of the DEIS printing. The language regarding the proposed action for the Meadow Lakes area will be reworded based on the status of that project at the time the Deschutes and Ochoco Travel Management Final EIS is prepared for printing.

Comment 31

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers Club] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 62, 2nd Paragraph: "There are no proposals in the DEIS to designate any new roads or trails that are not currently a designated National Forest System road, trail or area."

See comments for Page 27 concerning user-created trails. The Rule does not limit the Forests to a narrow view of only existing designated routes, but rather provides an avenue to review user-created routes as well.

Response

The Rule does not mandate that unauthorized (user-created) routes be designated, or mandate the scope of decisions to be made under the National Environmental Policy Act to implement the Rule. As noted in other comments, the two Forests are currently evaluating several areas for additional proposed trail systems in accordance with the spirit of the Rule.

Comment 33

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers Club] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 69, 1st Paragraph: "Campfires are documented as the most prevalent known causes of unplanned human ignitions across both units."

It must be clarified that both motorized and non-motorized users are responsible for the human-caused starts by campfires. This will eliminate the reader from assuming that the EIS in inferring that the campfire starts being discussed only include those used by motorized users.

Response

The Forest Service agrees that a factual correction is warranted. Text will be added to clarify that all human-caused ignitions documented in this section include those caused by motorized and non-motorized users.

Comment 36

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers Club] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 75, 3M Paragraph: "Some roads that are currently available for mixed motorized use will be changed to allow only highway-legal vehicles if either action alternative is implemented. As a consequence of this change, some connectivity between traditional OHV use areas may be changed or lost. The OHV rider may need to load and transport the OHV from one geographic location to another in certain areas."

40 CFR 1502.14.f states:

"Include appropriate mitigation measures not already included in the proposed action or alternatives. "

Loss of connectivity is a significant negative impact to OHV Class II users. We have proposed specific changes to the mixed use analysis which are presented in the Mapping section of these comments above. It is important for OHV Class II users to have interconnections, particularly since we have only one designated system (Edison) and therefore, must use roads.

It is important to note that most non-highway legal Class II OHVs operate identically to highway legal 4x4 vehicles. In addition, all Class II OHV operators must be licensed drivers. Children and unlicensed drivers are not allowed to operate any Class II vehicle on any road or trail.

What mitigating measures were analyzed? Mitigation measures should be analyzed such as signage and speed limits. The negative impacts to OHV Class II users should not just be dismissed.

Response

An engineering analysis was completed for all maintenance level 2 roads on the Ochoco and Deschutes National Forests during 2008 and 2009, to determine the suitability of these roads to carry both highway-legal and non-highway-legal vehicles at the same time. The results of the analysis show that some of those roads are not suitable for carrying motorized mixed use. On some of those roads the probability of accidents occurring and the potential severity of accidents could be reduced through mitigation measures such as signing the roads to increase operator awareness of the mixed use, and roadside brushing to improve sight distances. Some of the proposed changes in the mapping section of your comments were changed by employing some of these mitigation measures (ROD Appendix p. 8). Some of the roads had risk factors that could not be mitigated and therefore remained on the list to change to highway-legal vehicles only. Please refer to the responses to the specific roads and road segments in that section of your comments.

Comment 37

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers Club] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 81, 6th Paragraph: "Approximately 64 percent of the road system is maintained for high clearance vehicles only (Maintenance Level 2) and approximately 30 percent of the roads are currently closed to motor vehicle use, (Maintenance Level 1)."

This means that approximately 30 percent of the roads will be unavailable for OHV Class II recreationalists. When the 181 miles of DNF and 125 miles of ONF mixed use roads are removed from our use, OHV Class II users will be losing over 3700 miles of routes. What is being done to mitigate this impact? Between the time when this Plan is implemented and when any future OHV systems are

constructed, the ability of OHV Class II users to recreate on our national forests is severely limited. At the very least, each and every one of the 14 map changes requested should be granted.

Response

As described in the DEIS/FEIS, Maintenance Level 1 roads are roads that have been put into administrative "storage" that have been closed to public travel. Depending upon the Forest Plan land use allocation within which any particular ML1 road lies, the area may or may not have motorized access off of designated open roads available to public use. If the area does not prohibit such use, and the user does not cause resource damage, then travel off of designated routes may occur (cross-country travel). If in such an area, if the user chooses to use a road otherwise closed to the public, this use is also not prohibited. However, to assume that all of these roads currently allow OHV recreation use is not correct. Chapter 2 of the DEIS/FEIS summarizes the acres that currently do not prohibit motorized access off designated routes, and discloses that there will be a loss of cross-country, off-road recreation opportunities as a result of this decision. However, there will continue to be roads that are maintained only for high-clearance vehicles that will provide OHV opportunities across both forests (See DEIS/FEIS, Chapter 3, Recreation).

Comment 38

Page 83, 2nd Paragraph: "We expect to see significant portions of these objective maintenance level 2 roads move into an operational 1 (closed) category due to lack of ability to maintain them."

What is a "significant portion"? Please state how many miles of ML 2 roads are expected to be moved into a ML 1 category. This will reduce the amount of miles available to OHV Class II users significantly more. What is being done to mitigate this loss? The amount of reduction in ML 2 roads that are expected in the foreseeable future is important to document for the responsible decision maker.

Response

Some maintenance level 2 roads close by natural means each year due to the roads growing in with brush and small tree reproduction. In years past, many of these roads would be re-opened for resource management purposes. With the decrease in timber harvest levels over the past 20 years, many of these roads don't get brushed out and maintained as frequently as they used to. There is no way to reliably estimate how many miles may change annually from being drivable to being nondrivable each year, as there are too many variables to consider. The section of the DEIS quoted as saying "a significant portion of roads" was a poor choice of words. The FEIS was corrected to more accurately reflect the relationship to roads that become brushed in to those roads that will be shown as open to motorized access on the Motor Vehicle Use Map. Any roads that are closed to motorized use in the future will be determined through site-specific NEPA decisions.

Comment 39

There are several incorrect statements of fact. Therefore, we request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 83, 4th Paragraph: "Therefore, the option for managing the road systems are limited to either reducing the mileage and/or standard of roads to maintain, or continuing to prioritize maintenance work on the existing system and accept a continued increase in our deferred maintenance backlog."

This statement is inaccurate. The Forest-Wide Roads Analysis for the Ochoco and Deschutes National Forests and the Crooked River National Grassland presented six management strategies. One of these

strategies included converting roads to motorized trails. By converting unused roads or roads in need of significant improvement, the Forests could acquire trail funding, thus relieving road budgets.

Response

The Forest Service disagrees that the statement referenced is inaccurate. "Reducing the mileage of roads" includes the option to convert them to other uses such as motorized or non-motorized trails.

Comment 40

There are several incorrect statements of fact. Therefore, we request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 88, 4th Paragraph: "The end product of recreation management is the experience people have. "

This statement is very true. An example is given in this section concerning the camping experience. However, since this plan deals extensively with OHV access to the Forests, it would be appropriate to include a paragraph contrasting the true off-road OHV experience versus the graded gravel road experience.

According to the Department Response to the Final Rule 36 CFR Part 212 published in the Federal Register (Vol. 70, No. 216, Pg. 68271):

"Provision of recreational opportunities and access needs are two of several criteria the responsible official must consider under [section] 212.55 of the final rule in designating routes for motor vehicle use."

The provision of recreational opportunities for the OHV Class II 4x4 user will be severely reduced by the actions of this Plan. Therefore, the map changes listed above should be incorporated to provide recreational opportunities in place of those that will be lost.

Response

The referenced quotation is from the DEIS, Scenery Resources section. Although there are some references to recreation experiences and activities in this section of the DEIS, the emphasis of this section is on describing impacts to scenic resources. The difference in recreational experiences for off-road OHV experience is described in more detail in the Recreation section of the DEIS. The Forest Service agrees that since this DEIS is focused on motorized access, it could have included a comparison of motorized experiences under different scenery settings. The FEIS has been changed to add the following: "The same is true when comparing motorized recreation experiences where the setting provides a desired set of experiences from primitive, undeveloped (off-road) settings, to more developed road settings." Impacts to motorized uses areas are also described in the Chapter 3, Recreation in the DEIS/FEIS.

Comment 41

There are several incorrect statements of fact. Therefore, we request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 92, 1st Paragraph: "Over time, these alterations may become a distinctive change to the scenic views of the surrounding landscape, although not substantially.

A distinct bias against motorized use is present in this sentence. We suggest rewording the sentence to, "Over time, these alterations are not expected to substantially alter the scenic views of the surrounding landscape."

Response

The Forest Service disagrees that the original text presents a distinct bias to motorized use, however the Forest Service agrees to the following change to this sentence in the FEIS: "Over time these alterations to the landscape may become more distinct but are not expected to substantially alter the scenic views of the surrounding landscape."

Comment 42

There are several incorrect statements of fact. Therefore, we request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 107, 2nd Paragraph: "The amount of motorized access currently allowed off of designated routes within the Congressionally Designated Areas is relatively small, a total of approximately 1, 141 acres or less than 1% of the total acres on both Forests."

A distinct bias against motorized use is present in this sentence. Describing an amount less than one percent as being "relatively small" is misleading. Less than one percent is significantly small.

Response

The sentence (DEIS,pg. 107) was changed in the FEIS, Chapter 3, pg 102 to read "The amount of motorized access currently allowed off of designated routes within the Congressionally Designated Areas is approximately 1,141 acres which is less than one percent of the total acres of Congressionally Designated Areas on both Forests".

Comment 43

There are several incorrect statements of fact. Therefore, we request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 121, 1st Paragraph: "Alternative 3 would not designate any motorized access for dispersed camping in any IRA which would have a further beneficial effect of improving the experience of an unroaded, natural landscape by eliminating motorized travel except on existing open roads within IRA's."

A distinct bias against motorized use is present in this sentence. The analysis evaluated this alternative from a non-motorized experience only. Alternative 3 would also have a further negative effect on motorized users by eliminating the experience of an unroaded, natural landscape. This Plan must be developed from an unbiased perspective, analyzing the effects from both a non-motorized as well as a motorized position.

It must also be noted that motorized routes, including trails, are allowed in roadless areas. In addition, the Department Response to the Final Rule 36 CFR Part 212 published in the Federal Register (Vol. 70, No. 216, Pg. 68282) states:

"Nor does the Department believe that it would be appropriate to prohibit motor vehicle use within a buffer zone surrounding wilderness." (Emphasis added)

Response

The commenter misunderstands the reasons and use of specific criteria for evaluating the proposed alternative activities on Inventoried Roadless Areas (IRA). IRAs were identified as a part of the forest planning process in part because of the lack of human disturbance at the time the Forest Plans were authorized. The Forest Service is required by agency policy to consider the actions proposed on the values or features for which the IRAs were identified. Those features include 1) high quality or undisturbed soil, water, and air, 2) sources of public drinking water, 3) diversity of plant and animal communities, 4) habitat for threatened, endangered, proposed, candidate, and sensitive species dependent on large, undisturbed areas of land, 5) primitive, semi-primitive non-motorized, and semi-primitive motorized classes of dispersed recreation (such as mountain bikes), 6) reference landscapes, 7) natural appearing landscapes with high scenic quality, 8) traditional cultural properties and sacred sites, and 9) other locally identified unique characteristics. The DEIS contained information that evaluates the effects of the alternatives on these criteria. The criteria required for evaluating effects to IRAs do not include impacts to motorized recreation from a motorized user's perspective. Forest Service proposed actions within IRAs were also evaluated for the ability to be considered for Wilderness designation in the future. The FEIS contains additional analysis and description of this process which includes a discussion on the effects of the Alternatives on areas outside of IRAs that meet the criteria in Forest Service Handbook 1909.12, Chapter 70 for potential wilderness area inventory. The DEIS/FEIS (Chapter 3, IRAs) also includes a list of the Forest Service requisite criteria used to evaluate potential Wilderness. These criteria also do not include motorized recreation. The actions proposed under either Alternative 2 or 3 do not include designating new routes or closing existing routes so there is no change to motorized use of the current designated system of roads and motorized trails. The Recreational Opportunity Spectrum of "semi-primitive motorized" within IRAs is described as an opportunity to view primitive areas adjacent to roads within the IRA, rather than to provide opportunities for cross-country travel off of designated routes or trails. However, in some IRAs, cross-country motorized travel is not currently prohibited. The evaluation of the amount of area that is off of roads is described in more detail in the Recreation section of Chapter 3.

The Forest Service disagrees that the analysis is biased because it focuses on the evaluation of required criteria for IRAs and potential Wilderness that do not include motorized recreation. We believe that we have adequately described the effects on motorized recreation in the DEIS, however, an additional description of effects within areas that have been inventoried as semi-primitive on our Recreational Opportunity Spectrum inventory was added to the Recreation section of Chapter 3 of the FEIS. The FEIS also includes a description of the existing designated motorized trails within IRAs on both Forests and Grassland. Use of these trails will not be affected by this decision. There are no new trails designated, nor any trail systems closed with either action alternative.

A summary of the differences in the effects to motorized recreation opportunities between Alternatives 2 and 3 is described in the Recreation, Social and Economic sections of the DEIS/FEIS. Both Alternatives 2 and 3 reduce motorized access off of designated routes (cross-country travel). The effects of this action are described in the recreation section of the FEIS and are also applicable to reducing cross country travel within IRAs. There is no intent with any of the Alternatives to establish a "buffer zone" around Wilderness areas.

In accordance with the NEPA, the proposed actions in Alternative 3 were designed to respond to public issues raised about motorized access for dispersed camping proposed during scoping for this EIS. Considering an Alternative that would prohibit motorized access in these areas is a reasonable alternative to consider for those issues.

Comment 44

There are several incorrect statements of fact. Therefore, we request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 138, 2nd Paragraph: "For comparison, approximately 370 miles of OHV trails are currently designated across the 1,057,214 acres of Deschutes and Ochoco National Forest lands open to motorized access off of designated routes."

The mileage for OHV Class II 4x4 must be separated out from the 370 mile figure. Only 21 miles of trail are available to Class II. It is inaccurate and misleading to lump these trail miles together.

Response

The Forest Service agrees to clarify in the FEIS that there are only 21 miles of designated Class II trail opportunities, wherever trail mileage is broken out by vehicle class, however we disagree that Class II mileage must be broken out in each and every reference to the total amount of designated OHV trails available because that information is contained in other areas throughout the FEIS.

Comment 45

Page 138, 2nd Paragraph: "The 370 miles of designated trails constitutes less than .a003 miles of trail per acre of forest open to motorized vehicles."

It must be clearly stated that only 21 miles of these 370 miles of trail are designated for OHV Class II use. This constitutes less than .00002 miles of trail per acre of forest! Graded gravel roads are not trails. Very few readers will know the difference between the OHV classes and will assume that all OHV miles are open to all types of OHVs. There is a significant difference in the mileage of OHV Class I and Class III trails versus the mileage available to OHV Class II. It is important to always make this distinction when discussing OHV trails.

Response

The DEIS clearly discloses the impacts to Class II opportunities. The Forest Service agrees to clarify in the FEIS that there are only 21 miles of existing designated Class II trail opportunities, wherever trail mileage by vehicle class is broken out, however we disagree that Class III mileage must be broken out in each and every reference to the total amount of designated OHV trails available because that information is contained in other areas throughout the FEIS, Chapter 3, Recreation Section.

Comment 46-47

There are several incorrect statements of fact. Therefore, we request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 138, 2nd Paragraph: "Although it is not known at what rate new trail miles are being created, the percentage of the land base currently committed to detrimental conditions by this activity can be estimated..."

A distinct bias against motorized use is present in this sentence. The Department Response to the Final Rule 36 CFR Part 212 published in the Federal Register (Vol. 70, No. 216, Pg. 68286) states:

"Some user-created routes are well sited, provide excellent opportunities for outdoor recreation by motorized and non-motorized users alike, involve less environmental impact than unrestricted cross-country motor vehicle use, and would enhance the system of designated routes and areas."

Subjective, biased adjectives are not allowed in a scientific NEPA document and must be omitted.

Page 138, 3M Paragraph: "Although localized conditions are likely to be more concentrated than this, the percentage of the soil resource committed to a detrimental condition as a result of motorized access..."

A distinct bias against motorized use is present in this sentence. It must be reworded to reflect a neutral, unbiased position.

Response

The comment misinterprets the scale and definition of the statement "detrimental conditions" used in the cited text. The scale of "detrimental condition" described pertains to the surface area of the actual trail tread of these trails and makes no assumption as to the peripheral extent or effects of this condition on the soil resource off of the tread. The estimations of the extent of a detrimental condition for unauthorized or designated trails in this analysis utilizes only the amount of surface area comprised by the trail treads (DEIS, p. 138; FEIS p. 254). It is acknowledged that the peripheral and indirect effects of these trails on other watershed conditions vary according to the layout, topography and soil type on which they are located (DEIS, pp. 135-136; 155, 160-162; FEIS p. 251-252; 213-214; 216-219)).

The definition of "detrimental condition" is tiered to the Forest Plan and Region 6 Standards and Guidelines for the soil resource under this analysis (Deschutes and Ochoco LRMP; R-6 Supplement). These documents define detrimental conditions for the soil resource, which include thresholds for compaction or displacement that affect the productivity of the site or makes the soil resource unable to support vegetation. The treaded surfaces of OHV recreational trails are displaced of surface organics and compacted to a degree that meet the definition of detrimental soil disturbance.

Comment 48

There are several incorrect statements of fact. Therefore, we request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 201, 1st Paragraph: "Off-highway vehicles (OHV) caked in mud acquired elsewhere potentially introduce or disperse seeds of non-native and invasive species..."

It must be added that OHV use is but one of many vehicular dispersal vectors including driving for pleasure and driving to participate in other non-motorized activities such as hiking, bird watching or horse-back riding. It is biased to single out only OHV use in the discussion.

Response

Ouren et al. (2007) made this statement specific to off-highway vehicles in their report: "Environmental Effects of Off-Highway Vehicles on Bureau of Land Management Lands: A Literature Synthesis, Annotated Bibliographies, Extensive Bibliographies, and Internet Resources". As stated on page 201 of the DEIS (FEIS p. 276), research has shown that vehicular routes are a primary pathway for plant invasions into arid and semi-arid ecosystems (reviewed in Brooks and Lair 2005). The Forest Service agrees that vehicles, in general, are vectors for dispersal of invasive plant seeds; however we disagree that the referenced citation must be supplemented with the suggested language. Citations to specific references are used in the context in which they are presented in the literature.

Comment 49

There are several incorrect statements of fact. Therefore, we request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 209, 5th Paragraph: "With Alternatives 2 and 3, effects to motorized use would include a loss of access to non-highway legal vehicles to some additional roads that would be open only to highway legal vehicles. The roads that are open to non-highway legal vehicles may be fragmented by roads that are open only to highway legal vehicles which would not provide connectivity to make connections to other roads to reach desired destinations. There is expected to be increased use on designated roads and trails with more interaction and potential conflicts between different classes of motorized vehicles, especially on mixed use roads."

As stated above, 40 CFR 1502.14.f states:

"Include appropriate mitigation measures not already included in the proposed action or alternatives."

Loss of connectivity is a significant negative impact to OHV Class II users. We have proposed specific changes to the mixed use analysis which are presented in the Mapping section of these comments above. It is important for OHV Class II users to have interconnections, particularly since we have only one designated system (Edison) and therefore, must use roads.

Response

An engineering analysis was completed for all maintenance level 2 roads on the Ochoco and Deschutes National Forests during 2008 and 2009, to determine the suitability of these roads to carry both highway-legal and non-highway-legal vehicles at the same time. The results of the analysis show that some of those roads are not suitable for carrying motorized mixed use. On some of those roads the probability of accidents occurring and the potential severity of accidents could be reduced through mitigation measures such as signing the roads to increase operator awareness of the mixed use, and roadside brushing to improve sight distances. Some of the proposed changes in the mapping section of your comments were incorporated into the final selected alternative by employing some of these mitigation measures. Some of the roads had risk factors that could not be mitigated and therefore must remain on the list to change to highway-legal vehicles only. Please refer to the responses to the specific roads and road segments in that section of your comments. An analysis of the effects of connectivity for non-highway legal vehicles was completed based on the final selected alternative and is included in the analysis of changes between the Draft and Final EIS.

Comment 50, 52

There are several incorrect statements of fact. Therefore, we request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 211, 1st Paragraph: "In addition, there are 343 miles of trail open to motorized travel for AN'S and motorcycles including 25 miles open to 4 WD jeeps on the Forest."

This statement is inaccurate. While Edison OHV System consists of 25 miles of trails, only 21 of these miles are open to OHV Class II use. Trail 31 is open only to ATVs and motorcycles.

Page 212, 1st Line: "Edison is open to Class I - quads, Class II vehicles under 80 inches wide and Class III - motorcycles."

Please note that only 21 of the 25 miles are open to Class II.

Response

The Forest Service agrees that the sentence includes an error in the number of miles of Class II trail at Edison Butte. The description of the Edison Butte Trail System (DEIS, Chapter 3, p. 212; FEIS, p. 70) was changed to more accurately reflect the amount of class II trails available in the Edison system. As noted earlier, the Forest Service does not agree that making this distinction at every summary of OHV trail miles within the EIS is needed to better inform the analysis.

Comment 51, 53-60

There are several incorrect statements of fact. Therefore, we request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 211, 4th Paragraph: "The trail system is designed for Class I and Class III A TVs which are quads or three-wheelers and motorcycles less than 50" in width. "

The following sentence must be added for clarity: There are no trails for Class II 4x4s in the East Fort Rock OHV trail system.

There are several incorrect statements of fact. Therefore, we request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 212, 2nd Paragraph: "The 8.5-mile trail designed for Class I and Class III ATVs winds along open ridge tops, which offer spectacular views, and passes through ponderosa pine stands."

The following sentence should be added for clarity: There are no trails for Class II 4x4s in the Green Mountain OHV trail system.

Page 212, 4th Paragraph: "The trail system is designed for Class I and Class III ATV's which are allowed on designated routes and areas only. Non-street legal motorcycles and A TV's must stay on designated trails; they may not ride on roads. "

The following sentence should be added for clarity: There are no trails for Class II 4x4s in the Henderson Flat OHV trail system.

Page 212, 7th Paragraph: "Of the 102 miles of trails, 24 are open to all three classes of ATVs the rest are specifically designed for Class I and Class III."

This sentence is misleading. The 24 miles of routes that are open to Class II are not trails but are shared use roads. We request the sentence to be rewritten as follows: Of the 102 miles of trails, 24 miles are shared use roads open to all three classes of OHVs. The rest are specifically designed for Class I and Class III. There are no trails for Class II 4x4s in the North Millican Valley Trail System.

Page 213, 1st Paragraph: "There are 111 miles of trails for Class I and III OHV's, of which 37 miles are also open to Class II OHVs."

This sentence is misleading. The 37 miles of routes that are open to Class II are not trails but are shared use roads. We request the sentence to be rewritten as follows: There are 111 miles of trails for Class I and III OHVs, of which 37 miles are shared use roads which are also open to Class II OHVs. The rest are specifically designed for Class I and Class III. There are no trails for Class II 4x4s in the Millican Plateau Trail System.

Page 213, 1st Paragraph: "There are 111 miles of trails for Class I and III OHV's, of which 37 miles are also open to Class II OHVs."

This sentence is misleading. The 37 miles of routes that are open to Class II are not trails but are shared use roads. We request the sentence to be rewritten as follows: There are 111 miles of trails for Class I and III OHVs, of which 37 miles are shared use roads which are also open to Class II OHVs. The rest are specifically designed for Class I and Class III. There are no trails for Class II 4x4s in the Millican Plateau Trail System.

Page 213, 4th Paragraph: "The play area is designed for Class I and Class III ATV's and provides challenges for riders at all levels of experience."

We request the following sentence be added: The Millican/ODOT Pit is closed to Class H 4x4s.

Page 213, 5th Paragraph: "The Rosland Play Area designed for Class I and III ATV's is located just north of Lapine at Wickiup Junction."

We [request the following sentence be added: The Rosland Play Area is closed to Class II 4x4s.

Page 214, Table 3-72- Central Oregon Designated OHV Areas:

The information presented in the ATV Classes information is misleading. It must be clearly stated in each of the areas except Edison that the Class II miles are on Shared Use Roads only and do not consist of any miles of trails. In Edison, only 21 of the 25 miles are open to Class II.

Response

Chapter 3 of the DEIS/FEIS under the section "Motorized Access on Designated Routes" describes in detail each of the designated motorized trail systems and the class of vehicle they are designed and managed for. These descriptions are taken from the available trail opportunities as publicized. The Forest Service disagrees that this section needs to describe all trail opportunities that are not available at these designated areas. The FEIS contains several places in the Recreation section of Chapter 3 where the analysis of effects to motorized users of Class II and III vehicles have been improved based on public comments. This includes sections within the Affected Environment and Analysis of Environmental Effects.

Comment 61

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 215, 3rd Paragraph: "On the Deschutes, there are roughly 983 miles of forest system trails that are managed exclusively for non-motorized uses (excluding snowmobile, cross-country ski and snowshoe trails). The 357 miles of forest trails that are managed for OHV use are also open to non-motorized uses."

While it is stated elsewhere that wilderness acres and trail mileage is not included in this plan, we feel it is important to restate this fact here, as it is stated in the Ochoco section immediately following on Page 215. We also feel it is important to highlight that these 351 miles of OHV trails are not all designated for Class II 4x4 use. We request the sentence be rewritten as follows:

On the Deschutes, there are roughly 983 miles of forest system trails outside of designated wilderness areas that are managed exclusively for non-motorized uses (excluding snowmobile, cross-country ski and snowshoe trails). The 351 miles of forest trails (of which include 21 miles for Class II 4x4 use) that are managed for OHV use are also open to non-motorized uses, for a total of 1,334 miles of trails available to non-motorized users outside of designated wilderness areas.

Response

The FEIS (p. 72) will reflect the following change to the section referenced in this comment:

"On the Deschutes, there are roughly 660 miles of forest system trails that are managed exclusively for non-motorized uses outside of designated wilderness areas (excluding snowmobile, cross-country ski and snowshoe trails). There is an additional 323 miles of trail within designated wilderness areas where motorized use is prohibited. The 351 miles of forest trails that are managed for OHV use are also open to non-motorized uses." Although motorized trails are open to non-motorized use, they are designed specifically for motorized trail experiences and are not designed to meet trail specifications for non-motorized use" and cannot be included under descriptions of non-motorized trail systems. The Forest Service disagrees that it is important to highlight in this section that the OHV miles presented are not all available for Class II 4x4 use. Chapter 3 of the DEIS/FEIS under the section "Motorized Access on Designated Routes" describes in detail each of the designated motorized trail systems and the class of vehicle they are designed and managed for. The FEIS contains several places in the Recreation section of Chapter 3 where the analysis of effects to motorized users of Class II and III vehicles have been improved based on public comments. This includes sections within the Affected Environment and Analysis of Environmental Effects.

Comment 62

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 215, 4th Paragraph: "The 27 miles of forest trails that are managed for OHV use are also open to non-motorized uses."

We also feel it is important to highlight that these 27 miles of OHV trails are not all designated for Class II 4x4 use. We request the sentence be rewritten as follows: The 27 miles of forest trails (none of which

are available for Class II 4x4 use) that are managed for OHV use are also open to non-motorized uses, for a total of 159 miles of trails available to non-motorized users outside of designated wilderness areas.

Response

The Forest Service agrees that the DEIS could more clearly define what kind of recreation trail opportunities are available on the 27 miles of designated motorized trail referenced in this comment. The FEIS reflects the following change: "The 27 miles of forest trails that are designed and managed for class I and III uses are also open to non-motorized users. Although motorized trails are open to non-motorized use, they are designed specifically for motorized trail experiences and are not designed to meet trail specifications for non-motorized use." Chapter 3 of the DEIS/FEIS under the section "Motorized Access on Designated Routes" describes in detail each of the designated motorized trail systems and the class of vehicle they are designed and managed for.

Comment 63

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 21 6, 1st Paragraph: "Nearly all Forest visitors use motorized vehicles to get to their preferred activities and settings, whether it is a hiking or equestrian trailhead, a fishing spot, or a favorite campsite."

It is important to also note that access to wilderness areas are most often by motorized uses on forest roads. Therefore, we request the sentence be rewritten as follows: Nearly all Forest visitors use motorized vehicles to get to their preferred activities and settings, whether it is a hiking or equestrian trailhead, a fishing spot, access to wilderness, or a favorite campsite.

Response

The Forest Service disagrees that the suggested wording change is necessary in this statement. This was not intended to be a comprehensive description of all non-motorized activities that involve use of a motor vehicle.

Comment 64

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 216, 3rd Paragraph: "During their visit to the forest, the top six recreation activities of visitors were hiking/walking, relaxing, viewing wildlife, viewing natural features, fishing, and downhill ski/snowboarding."

We request the following sentence be added to this discussion: Motorized activities such as driving for pleasure, OHV use and other motorized activities combined were the next primary activity, with nearly one in four visitors identifying a motorized activity on the Deschutes.

Response

The Forest Service disagrees that the suggested wording change is necessary in this statement. The statement is factually correct and taken directly from the cited 2001 NVUM report. The tables displayed in the DEIS disclose all of the activities and participation rates. Two of the top six recreation activities listed (viewing wildlife, and viewing natural scenery) could reflect either motorized, or non-motorized activities.

Comment 65, 74

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 21 9, 2nd Paragraph "National Visitor Use Monitoring (NVUM) findings support the Deschutes National Forest niche statement position that the Forest was not a major provider of OHV recreation in the year surveyed. "

This niche statement, however, is incorrect. Oregon State University prepared the Economic Impacts of Off-Highway Vehicle (OHV) Recreation in Oregon, Main Report, September 4, 2009 for the Oregon Parks and Recreation Department. This report showed Central Oregon had the second highest number of household trip days, numbering 449,668 total trip days. Of these trip days, 382,218 were from in state residents and 67,450 were from out of state residents. The region with the highest number of trip days was the South Coast area.

According to the report:

"The state had a combined total of 2.6 million household trip days for OHV recreation. This is almost four times the amount estimated by the 1999 report, which reflects a larger number of OHV households and a larger number of trip days per household.

As expected given the presence of the Oregon Dunes National Recreation Area, the South Coast region received the largest number of in-state trips and days per OHV household, as well as the largest number of trip days. Central Oregon was the next most popular destination region."

[On pg. 15 of 44 of letter, see Figure 5.1 OHV household trip days by destination region]

Page 255, 6th Paragraph: "National Visitor Use Monitoring (NVUM) findings indicate that the two Forests were not a major provider of OHV (Off-Highway Vehicle) recreation in the year surveyed."

As stated above, according to the OPRD Economic Impacts of Off-Highway Vehicle (OHV) Recreation in Oregon, 2009:

As expected given the presence of the Oregon Dunes National Recreation Area, the South Coast region received the largest number of in-state trips and days per OHV household, as well as the largest number of trip days. Central Oregon was the next most popular destination region."

Therefore we request the following sentence be added to the paragraph: However, recent studies have shown Central Oregon to be the second most popular OHV region in the state.

We also request that the data presented in the OPRD report be incorporated into the Plan.

Response

The Forest Service disagrees that the niche statement is incorrect based on the NVUM data taken from the years surveyed (2000/2001). The recently released 2008 NVUM data also supports the Niche statement, reporting that 3.7 percent of those surveyed on both Forests participated in OHV use, and out of those 1.1 percent reported OHV use as their primary activity. The 2008 survey included a new category indicating the number of those surveyed who participated in motorized trail activity. 2.45 percent of those surveyed indicated that they participated in motorized trail activities, and 0.5 percent identified that as their primary activity. The findings from these surveys indicate that the Deschutes and Ochoco National Forests are not major providers of OHV recreation as compared to other activities.

While the Forest Service has considered the data presented in the 2009 Oregon State University report "Economic Impacts of OHV Recreation in Oregon", the geographic area defined as Central Oregon is a much larger scale. The facts presented in each report are somewhat conflicting, but the study area in the 2009 Oregon State University report includes a vast area outside of the two forests where visitors could potentially recreate. The Deschutes and Ochoco National Forests combined equal less than 1/4 of 1 percent of the area defined as Central Oregon in the 2009 Oregon State University report. Since there is such a large difference in the geographic area studied, and the methodologies for analysis are not the same, the data presented does not provide a scientifically valid comparison absent significant additional analysis that the Forest Service does not feel is warranted to support the selected Alternative.

Comment 66

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 220, 1st Paragraph: "Within Oregon, the Oregon Parks and Recreation Department (OPRD) sells approximately 10,000 OHV stickers annually."

This statement is incorrect. According to Ron Price of the OPRD ATV grant program, Oregon expects to sell approximately 85,000 stickers in 2010. Because this is a two-year sticker, the number of valid stickers in 2010 is estimated to be 170,000. This is a significant difference which must be corrected.

According to the OPRD Economic Impacts of Off-Highway Vehicle (OHV) Recreation in Oregon, 2009: "Figure 1.2 shows OHV permits sold by class and year in Oregon. Note that permits are valid for two years, so annual sales are less than Table 2.1 figures for current permits. Class I includes quads and three-wheel A TVs. Class I/ includes dune buggies, sand rails, and 4x4 vehicles. Class III includes off-highway motorcycles. Snowmobiles are not included in these figures or the analysis presented in this report. "

[On Pg. 16 of 44 of letter, see Figure 1.2 OHV permits sold, fiscal year, 1999 missing, permits valid two years]

This report also presents the number of valid permits in use in 2008 by vehicle class and owner residence:

[On Pg. 16 of 44 of letter, see Table 2.1 Oregon OHV permits by class and owner residence, 2008]

These figures do not tell the whole story. According to the same report:

"OHV permits are required when riding OHVs on public land in Oregon. However, Oregon has reciprocal agreements with many states, such that persons with off-road permits from those states do not need to have an Oregon permit to ride on public lands in Oregon."

Therefore the actual number of permits in use in any given year is significantly higher when factoring in the number of reciprocal permits being used. An unknown proportion of out-of-state residents ride in Oregon with a home-state permit rather than an Oregon permit. This data is drastically different than the data presented in the Plan. We request that the figure of 10,000 OHV stickers presented on Page 220, Paragraph 1 be updated with the more accurate figure of 85,000 and the data from the OPRD report be incorporated into the Plan.

Response

The Forest Service agrees that the above statement in the DEIS, p. 220 (FEIS p. 79) is incorrect. The FEIS will reflect a change that includes an OPRD expectation to sell approximately 85,000 ATV stickers in 2010.

The Forest Service has reviewed the data presented in the 2009 Oregon State University report "Economic Impacts of OHV Recreation in Oregon". While the data presented differs somewhat from the data in the DEIS, the geographic area defined as Central Oregon in this report includes a vast area outside of the two forests where visitors could potentially recreate. The Deschutes and Ochoco National Forests combined equal less than 1/4 of 1 percent of the area defined as Central Oregon in the 2009 Oregon State University report. Since there is such a large difference in the geographic area studied, and the methodologies for analysis are not the same, the data presented does not provide a scientifically valid comparison.

Comment 67, 76

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 220, 2nd Paragraph: Based on the initial data of the Central Oregon Off-Highway Vehicle Use Study conducted by Virginia State University during 2008, East Fort Rock has the highest use levels for OHV recreational purposes, and the Millican Valley is second. "This table is somewhat confusing. If this table is supposed to represent where in Central Oregon OHV users recreate, then the Oregon Dunes NRA and Sand Lake must be removed from the calculations, as these areas are not in Central Oregon. It must also be noted that these figures apply to Class I and Class III OHVs, as there are no Class II trails in East Fort Rock or Millican Valley.

Page 256, 4th Paragraph: "Based on the initial data of the Central Oregon OH-Highway Vehicle Use Study conducted by Virginia State University during 2008, East Fort Rock has the highest use levels for OHV recreational purposes, and the Millican Valley is second."

This table is somewhat confusing. If this table is supposed to represent where in Central Oregon OHV users recreate, then the Oregon Dunes NRA and Sand Lake must be removed from the calculations, as these areas are not in Central Oregon. It must also be noted that these figures apply to Class I and Class III OHVs, as there are no Class II trails in East Fort Rock or Millican Valley.

Response

In the cited Survey, respondents were provided a list of the most commonly visited OHV areas and asked to indicate which of those areas they had visited within the past year and approximately how many days they had spent at each area. Visitors were also given the opportunity to fill in additional locations where they had recreated, and were asked to list which recreation area they frequented most often (responses can be found in the open ended comments at the end of the referenced report). Table 3-77 (FEIS Table 13) Central Oregon Off-Highway Vehicle Use Study Data, displayed in the DEIS, Chapter 3, p.220 (FEIS p. 79) shows a summary of those responses, and based on those responses, shows that East Fort Rock and Millican Trail systems clearly show the highest use levels. The DEIS/FEIS, Chapter 3, Affected Environment, includes detailed descriptions of each of the Central Oregon Designated OHV Trail systems and the class of vehicle they are designed and managed for. Millican Valley Designated OHV Trail System includes 72 miles of trails designated for Class I, II, and III. East Fort Rock Designated OHV Trail system includes a play area specifically designed and managed for Class II vehicles. The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrants supplement or improvement of the analysis presented in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS.

Comment 68

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 223, 1st Paragraph: "Some quiet recreation activities show strong growth, and they are predicted to become even more popular (such as viewing natural scenery, hiking, bicycling, kayaking, viewing wildlife.)"

It must be noted that driving off-road showed the fourth highest growth rate of all activities. To end the analysis just prior to the growth figures of off-road activities presents a biased analysis by not giving fair and complete attention to motorized activity growth.

According to 40 CFR Part 1502.1, the EIS

"shall provide full and fair discussion of significant environmental impacts and shall inform decision makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment." (Emphasis added)

Response

The Forest Service disagrees that this statement presents a biased analysis. The above referenced sentence needs to be taken in the full context of the section and paragraph from which it was taken from, DEIS/FEIS, Chapter 3, Recreation Section, Affected Environment, describing "Non-Motorized Recreation Trends". This section provides a description of growth trends for "non-motorized" activities. Fair and complete attention is given to motorized activity growth in the DEIS/FEIS, Chapter 3, Recreation Section, Affected Environment, under the title "Motorized Recreation Trends."

Comment 69

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 225, 4th Paragraph: "On the Deschutes National Forest, there are approximately 6,132 miles of existing designated roads, 343 miles of existing designated motorized trails (East Ft. Rock and Edison Trail systems), and approximately 91556 acres of designated areas included in existing designated motorized trail systems that are currently open to motorized access by either highway or non-highway-legal vehicles or both. On the Ochoco National Forest, there are approximately 1,892 miles of existing designated roads, and 26.5 miles of existing designated motorized trails (Green Mountain Trail, and Henderson Flat Trail system). "

This paragraph is very misleading with regards to OHV Class II users. The reader must be accurately informed when OHV miles are quoted.

Again, According to 40 CFR Part 1502.1, the EIS

"shall provide full and fair discussion of significant environmental impacts and shall inform decision makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment." (Emphasis added)

To provide only the mileage figures that relate to OHV Class I and Class III users while ignoring the actual OHV Class II miles is not providing a full and fair discussion. Class II users must be accurately represented in this EIS and the significant impacts associated with Class II users must also be accurately analyzed. The impacts to Class II users are entirely different than the impacts to Class I and Class III users, particularly due to the lack of trail miles available.

We request the paragraph be rewritten as follows:

On the Deschutes National Forest, there are approximately 6,132 miles of existing designated roads, 343 miles of existing designated motorized trails located in East Ft Rock and Edison Trail systems (21 miles total for OHV Class II 4x4, located in Edison), and approximately 91,556 acres of designated areas included in existing designated motorized trail systems that are currently open to motorized access by either highway or non-highway-legal vehicles or both. On the Ochoco National Forest, there are approximately 1,892 miles of existing designated roads, and 26.5 miles of existing designated motorized trails located in the Green Mountain Trail, and Henderson Flat Trail system (0 miles total for OHV Class II 4x4).

Response

The figure 91,556 acres quoted above is an incorrect cite. The error may have resulted from combining the actual number of acres (915) cited in the DEIS/FEIS with the footnote number (56) in the cited reference. The correct figure cited in the DEIS/FEIS is 915 acres. The Forest Service disagrees that the recommended text changes are necessary. Chapter 3 of the DEIS/FEIS under the section "Motorized Access on Designated Routes" describes in detail each of the designated motorized trail systems and the class of vehicle they are designed and managed for. These descriptions are taken from the available trail opportunities as publicized. The Forest Service disagrees that this section needs to describe all trail opportunities that are not available at these designated areas. The FEIS contains several places in the Recreation section of Chapter 3 where the analysis of effects to motorized users of Class II and III

vehicles have been improved based on public comments. This includes sections within the Affected Environment and Analysis of Environmental Effects.

Comment 70-71, 136

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 226, 5th Paragraph: "The 343 miles of forest trails that are managed for motorized OHV use would continue to be open to non-motorized uses."

Accurate mileage must be presented when discussing OHV miles. We request the sentence be rewritten as follows: The 343 miles of forest trails (of which 21 miles are open to OHV Class II 4x4) that are managed for motorized OHV use would continue to be open to non-motorized uses.

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 227, 2nd Paragraph: "Certain classes of ATVs are permitted on roughly 343 miles of forest trails on the Deschutes National Forest, and roughly 26 miles of forest trails on the Ochoco National Forest."

We request the sentence be rewritten as follows: OHV Class I (quads) and Class III (motorcycles) are permitted on roughly 343 miles of forest trails on the Deschutes National Forest, and roughly 26 miles of forest trails on the Ochoco National Forest OHV Class II (4x4) are allowed on roughly 21 miles of forest trail on the Deschutes National Forest and 0 miles of forest trail on the Ochoco National Forest.

Page 351, 2nd Paragraph: "This adverse effect may be considerably lessened when combined with over 800 miles of designated motorized trail systems on public lands in the central Oregon area..."

This statement is misleading. There are only 21 miles of designated OHV Class II motorized trailsystems in central Oregon. The effect remains a significant adverse effect.

Response

The Forest Service disagrees that the amount of trail miles open to OHV Class II 4x4's must be disclosed in each and every reference to the total number of designated motorized trail miles available. The DEIS, Recreation, P. 229 (FEIS p. 90) discloses the Class II motorized trail opportunities in the Analysis of Environmental Effects section. The FEIS contains several places in the Recreation section of Chapter 3 where the analysis of effects to motorized users of Class II and III vehicles have been improved based on public comments. This includes sections within the Affected Environment and Analysis of Environmental Effects.

Comment 72

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 229, 2nd Paragraph: "On the Deschutes, there currently are no designated Class III single track trails favored by many motorcyclists, and only 25 miles of designated Class II routes for jeep type vehicles."

This figure is inaccurate since OHV Class II 4x4 are not allowed on Trait 31. The correct figure is 21 miles.

Response

The Forest Service agrees that the sentence includes an error in the number of miles of Class II trail at Edison Butte. The description of the Edison Butte Trail System (DEIS/FEIS, Chapter 3, Recreation, will be changed to reflect the correct amount of trail available to class II vehicles in the Edison trail system. The Forest Service will make this correction throughout the document where the mileage at Edison Butte is stated incorrectly.

Comment 73

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 235, 3rd Paragraph: “Data also suggests that, for the two-forest area, future job-related recreation economic contributions to the communities are higher for non-motorized uses than for motorized uses”

Please cite the data supporting this statement.

Response

The data is included in Appendix B-8 of the DEIS/FEIS.

Comment 75

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 256, 4th Paragraph: “Central Oregon is a regional destination for OHV trails, with many hundreds of miles of trails that can be used throughout the year.

This statement is very inaccurate and misleading. OHV Class II 4x4 users do not have hundreds of miles of trails. Class II users have only 21 miles of trails available from April 1 to November 30 of each year. We request the sentence be rewritten as follows: Central Oregon is a regional destination for OHV trails for Class I (quads) and Class III (motorcycles) with many hundreds of miles of trails. Some of these trails are open seasonally and some are open throughout the year. OHV Class II 4x4 users, however, are severely limited to 21 miles of trail open April 1 to Nov 30, located in the Edison OHV System.

Response

The Forest Service disagrees that the statement is inaccurate or misleading. The cited reference is a true assessment of OHV use in general. The Forest Service disagrees that every summary assessment of OHV trails needs to be separate by the type of vehicle. The DEIS, Recreation, P. 229(FEIS p. 90) discloses the Class II motorized trail opportunities in the Analysis of Environmental Effects section. The FEIS contains several places in the Recreation section of Chapter 3 where the analysis of effects to motorized users of Class II and III vehicles have been improved based on public comments. This includes sections within the Affected Environment and Analysis of Environmental Effects.

Comment 77

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 258, 1st Paragraph: "According to Cordell, "quiet" recreation activities show strong growth, and they are predicted to become even more popular (such as viewing natural scenery, hiking, bicycling, and kayaking, viewing wildlife.)"

It must be noted that driving off-road showed the fourth highest growth rate of all activities. To end the analysis just prior to the growth figures of off-road activities presents a biased analysis by not giving fair and complete attention to motorized activity growth.

According to 40 CFR Part 1502.1, the EIS

"shall provide full and fair discussion of significant environmental impacts and shall inform decision makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment." (Emphasis added)

Response

The Forest Service disagrees that this statement presents a biased analysis. While the paragraph quoted describes growth in "quiet" recreation activities (Cordell, 2008), the preceding page, para. 3 (Cordell 2008), describes OHV use among the fastest growing outdoor activities. Fair and complete attention is given to motorized activity growth in the DEIS, Chapter 3, Affected Environment, starting on p. 220 (FEIS p. 79) under the title "Motorized Recreation Trends."

Comment 78

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 260, 3d Paragraph: "Many of the local organized motorized groups such as the Deschutes 4-Wheelers, or the Ochoco Trail Riders and the Central Oregon Motorcycle and ATV Club (COMAC)..."

Thank you for recognizing these motorized groups and expressing our willingness to share our forest for the enjoyment of alt. Please correct the name of our club to Deschutes County 4-Wheelers.

Response

The name of the club will be corrected in the FEIS.

Comment 79

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 265, 1st Paragraph: "For the Deschutes, of those activities surveyed, the largest income producing activity is hiking/walking, with a total labor income of over \$3,000,000; while on the Ochoco National Forest it is horseback riding with a total labor income of just over \$450,000."

The OPRD Economic Impacts of Off-Highway Vehicle (OHV) Recreation in Oregon, 2009 Report analyzed the economic impact of OHV recreation in Oregon. The analysis separated OHV expenditures into two components:

“Equipment and Trip. Equipment expenditure includes vehicle purchase, trailer purchase, maintenance, upgrades, accessories and apparel, and other "one off expenditures associated with simply owning an OHV. Trip expenditure includes fuel, lodging, food, and other expenditure made while using an OHV. Note that shod trips near home are included in the trip category, and all fuel is included in this category”.

This report found that Oregon OHV households spent \$291 million on OHV equipment in 2008. Within the Central Oregon region, \$18.7 million was spent on OHV equipment in 2008. Equipment expenditures led to impacts for the following economic variables: Output or sales; Labor income; and Employment. Note that these economic variable state totals are a sum of all regions rather than statewide. Because linkages are greater at the level of a statewide economy than at the level of a region-wide economy, statewide expenditures would generate a somewhat greater estimate than the sum across regions. The report found that the equipment expenditure output for the sum of the regions was \$285.5 million, with \$17.6 million in Central Oregon. The equipment expenditure labor income for the sum of all regions was \$53.5 million with \$3.3 million in Central Oregon, including employee compensation and proprietary income. The equipment expenditure employment for the sum of the regions generated a total of 11 62 jobs, of which 75 were in Central Oregon.

The report also found that \$250 million was spent on trip expenditures in Oregon, with \$33.4 spent on trip expenses in Central Oregon. Trip expenditures also led to impacts for output, labor income, and employment. Again, note that these economic variable state totals are a sum of all regions rather than statewide. Because linkages are greater at the level of a statewide economy than at the level of a region-wide economy, statewide expenditures would generate a somewhat greater estimate than the sum across regions. The report found that the trip expenditure output for the sum of the regions was \$245.1 million, with \$34.1 million in Central Oregon. The trip expenditure labor income for the sum of all regions was \$64.1 million with \$9 million in Central Oregon, including employee compensation and proprietary income. The trip expenditure employment for the sum of the regions generated a total of 2369 jobs, of which 3225 were in Central Oregon.

The table below summarizes the economic impact of OHV recreation in 2008 in the state and within the Central Oregon region. [On Pg. 20 of 44 of letter see table]

We request that the Economic Contributions of Recreation Use section of the Plan be reanalyzed. In order to maintain a full and fair discussion of the impacts is imperative that the findings of the OPRD Economic Impacts of Off-Highway Vehicle (OHV) Recreation in Oregon, 2009 Report be included in the Plan.

Response

The Forest Service disagrees that the Economic Contributions of Recreation Use section of the DEIS needs to be reanalyzed. The data presented in the DEIS is specific to the Deschutes and Ochoco National Forests. The Forest Service has reviewed the data presented in the 2009 Oregon State University report "Economic Impacts of OHV Recreation in Oregon". The facts presented in the DEIS and those from the cited report are somewhat conflicting, but the study area in the 2009 Oregon State University report includes a vast area outside of the two forests where visitors could potentially recreate and contribute to local economies. The combined area of the Deschutes and Ochoco National Forests equal less than 1/4 of 1 percent of the area defined as Central Oregon in the 2009 Oregon State University report which

includes all of Hood River, Wasco, Sherman, Gilliam, Wheeler, Jefferson, Crook and Deschutes counties. Since there is a large difference in the geographic area studied, and the methodologies for analysis are not the same, the data presented does not provide a scientifically valid comparison.

Comment 80

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 269, 4th Paragraph: "As noted earlier, non-motorized users and environmental advocates tend to be more susceptible to conflict from motorized users, and are less tolerant of these other uses, especially those that are fast, loud, and leave behind environmental disturbance from their activities."

This is an extremely biased sentence and shows the intolerance of the writer towards motorized users. We strongly urge the removal of the words, "...especially those that are fast, loud, and leave behind environmental disturbance from their activities." Biased analysis that is presented to arrive at the writers predetermined outcome is not allowed. This EIS must be based upon scientific fact, not personal opinion.

Response

This comment takes out of context a portion of a statement. This is part of an evaluation of the potential for conflict, and reflects the results of several studies on the factors that contribute to potential conflict between motorized and non-motorized users. (DEIS pgs 251-252; FEIS p. 124-125)). This determination is a consistent interpretation of those studies.

Comment 81

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 271, 5th Paragraph: "The amount and location of these roads as shown on the Motorized Mixed Use Map in Appendix A-2 is fairly minor, and would make motorized access to some areas inconvenient rather than eliminating all motorized access for most motorized users and aging and less physically able users. "

While the elimination of connectivity may seem "fairly minor" to the writer, it is significant to the OHV user, particularly the Class II user. Having to return to our transport vehicle, reload, drive to another area, and then unload again is more than an "inconvenience." We urge the Forests to incorporate the mapping changes listed at the beginning of these comments in order to mitigate the significant impact to these users.

Response

The Forest Service recognizes the effect that changes in motorized mixed use on some roads can affect contiguous motorized access for non-highway legal vehicles, and has taken particular note of the changes to the proposed actions suggested by public comments. Approximately 49 miles of roads were not changed in the Record of Decision (ROD) from mixed motorized use to highway-legal vehicle only. A map of these changes is included in the ROD (ROD Appendix p. 25-26). As a result of this Decision, there are approximately 257 miles of changes to motorized mixed use which is a small proportion of the designated road system. The use of the term "fairly minor" was in reference to the relative percentage of the road system available. The use of the term "inconvenient" in the DEIS has been eliminated. The ROD

Appendix 4 has a more detailed description of the amount and location of the roads where the selected alternative will affect contiguous motorized access for non-highway legal vehicles.

Comment 82

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 275, 4th Paragraph: "No groups or classes or persons were found to be disproportionately negatively affected by this travel management decision."

This statement may be true for groups identified by race, sex or religion, etc.; however, it is completely untrue for OHV Class II users. We have lost a huge amount of recreational area and now have only 21 miles of trail for a challenging semi-primitive off-road experience. Bladed forest roads do not provide the desired OHV experience for OHV Class II 4x4 users.

OHV Class I and Class III have approximately 370 miles of trails on the two forests and non-motorized users have nearly 1400 miles of trail available, yet OHV Class II has only 21. We feel we are being significantly disproportionately negatively affected by this travel management decision.

Response

Loss of cross-country travel affects many users- but the rule applies equally to all users. The cited reference only applies to groups of individuals identified as "protected classes" under the Civil Rights Act. Effects of the proposed action and alternatives on recreational user groups and communities of interest were identified in the DEIS/FEIS in Chapter 3, Social and Economic Evaluation. Impacts to recreational user groups, including motorized users is also described in Chapter 3, Recreation and is recognized in the ROD. The Forest Service acknowledges the concern of Class II users for the lack of specialized motorized trails for Class II vehicles.

Comment 83-88, 124-125

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 276, 1st Bullet: "The No Action Alternative is not expected to have any effects on spotted owls and their associated habitats."

According to this statement continued cross-country travel will have no effects on spotted owls and their habitats.

Page 276, 2nd Bullet: "The Action Alternatives "May Effect, and are likely to have a Beneficial Effect" on the northern spotted owl and it habitats.

If continued cross country travel has no effect on the owl, then the action alternatives cannot be considered beneficial, since "no effect" cannot be improved.

Page 276, 3rd Bullet: "The Action Alternatives "May Effect, and are likely to have a Beneficial Effect" on designated critical habitat...for the northern spotted owl.

If continued cross country travel has no effect on the owl habitats, then the action alternatives cannot be considered beneficial, since "no effect" cannot be improved.

Page 276, 4th Bullet: "The No Action Alternative is not expected to have any impacts on sensitive species and their habitats."

According to this statement continued cross-country travel will have no effects on sensitive species and their habitats.

Page 276, 5th Bullet: "Alternatives 2 & 3 would have a "Beneficial Impact" to the bald eagle, horned grebe, bufflehead, harlequin duck, American peregrine falcon, greater sage grouse, yellow rail, tri-colored blackbird, northern waterthrush, California wolverine, Pacific fisher, pygmy rabbit, Oregon spotted frog, Crater Lake tightcoil, silver-bordered fritillary, and Johnson's hairstreak and end their habitats for the Deschutes National Forest."

If continued cross country travel has no effect on the sensitive species and their habitats, then the action alternatives cannot be considered beneficial, since "no effect" cannot be improved.

Page 276, 5TH Bullet: "Alternatives 2 and 3 would have a "Beneficial Impact" to the bald eagle, peregrine falcon, Townsend's big-eared bas, and Johnson's hairstreak and their habitats for the Ochoco National Forest."

If continued cross country travel has no effect on the sensitive species and their habitats, then the action alternatives cannot be considered beneficial, since "no effect cannot be improved.

Page 276 states: "The No Action Alternative is not expected to have any effects on spotted owls and their associated habitats." If continued cross country travel has no effect on the owl, then the action alternatives cannot be considered beneficial, since "no effect" cannot be improved.

Page 276 states, "The No Action Alternative is not expected to have any impacts on sensitive species and their habitats." If continued cross country travel has no effect on sensitive species and their habitats then the action alternatives cannot be considered beneficial, since "no effect" cannot be improved. The impact of Alternative 2 and 3 must be revised to show no effect.

Page 289, 6th Paragraph: "Implementation of the Action Alternatives would greatly reduce disturbance to nesting, roosting, and foraging (NRF) habitat overall for the spotted owl. As can be seen from Table 3-108 there would be a 58% decrease in disturbance to NRF habitat across the forest. In addition, there would be a 30% decrease in disturbance to NRF habitat in the 2008 Critical Habitat Units (CHU) and a 4% decrease in the historic (7992) Critical Habitat Units. NRF habitat within Late-Successional Reserves (LSR) shows a 7% decrease in disturbance to habitat while home ranges show a 3% decrease. Overall, there would be a beneficial effect to suitable NRF habitat across the forest."

Page 293, 2nd Paragraph: "Alternatives 2 and 3 would result in decreased disturbance for 16 sensitive species on the Deschutes and 4 sensitive species on the Ochoco while 3 sensitive species on the Deschutes and 10 sensitive species on the Ochoco remain unchanged."

Response

Forest Service Manual (FSM) 2672.42 policy on standards for Biological Evaluations states that an analysis of the effects of the proposed action on species or their occupied habitat or on any unoccupied habitat required for recovery shall be conducted for there is no federal action occurring with the No Action Alternative, however effects or trends of effects of the existing condition are still occurring. The No Action Alternative/Existing Condition serves as a baseline for comparison; however a determination call is not required. The effects of the No Action Alternative for the Travel Management Rule are analyzed in the existing condition sections of the Biological Evaluation (Appendix B-8, pp. 296-441) and in the Environmental Effects section in Chapter 3 of the DEIS (pp 281-286; FEIS p. 302-307). Therefore, the effects determinations of the No Action Alternative for T&E and sensitive species will be removed.

Forest Service policy (FSM 2670) establishes that specific determinations of effect under the Endangered Species Act (ESA) are only needed for federal actions proposed and subject to the ESA - not for the No Action alternative as there is no federal action occurring. The DEIS did incorrectly make a determination of "No Effect" for the No Action Alternative and the FEIS has been corrected to eliminate that determination. However, there are effects or trends of effects of continuing the existing condition. The No Action/No Change Alternative reflects the continuation of the existing condition and serves as a baseline for effects analysis. These effects or trends of effects can be found in the Biological Evaluation (Appendix B-8, pp. 308-352) for the northern spotted owl and Critical Habitat (Appendix B-8, pages 352-430) for sensitive species of the DEIS.

The No Action alternative would continue trends effects from anticipated increased use by motorized vehicles, continued cross-country travel, and the use and creation of user created and system roads and trails. This use results in direct and indirect habitat loss. Direct habitat loss results in increased fragmentation of interior habitat which may affect productivity and lead to increased predation risks. Continued use of roads results in habitat loss primarily due to noise disturbance. Noise is a major factor in wildlife displacement, habitat avoidance, and increased stress levels. Approximately 44 percent of the Deschutes NF and 34 percent of the Ochoco NF lie within a 600 foot buffer (road effect zone) along open designated roads where effects are greatest. Alternatives 2 and 3 would result in less disturbance overall to wildlife habitat resulting in a beneficial effect or beneficial impact determination. See pages 275-297 of Environmental Effects section in Chapter 3 of the DEIS (FEIS p. 295-318) for more information.

Comment 89, 102-107

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 281, 3d Paragraph: "Most research regarding wildlife mortality related to roads centers around paved roads with high speed limits. However, little research is available regarding unpaved roads with slower speed limits. For the most part systematic records of wildlife road kill mortality are non-existent and therefore, it is unknown what significance this may play on wildlife populations."

This is a very important fact that must be reiterated throughout the entire section. Roads and mortality rates associated with high speed paved roads are discussed extensively in this section. The vast majority of roads within the study area are unpaved, slow-speed roads to which the data does not apply.

Page 285, 6th Paragraph: "Breeding birds are heavily affected by traffic disturbance (i. e. noise) and studies have shown reduced densities near highways and trails."

Please define the terms "heavily", and "reduced". The adjectives mean nothing to the average lay person but are used as the basis for analysis. While they may be defined in the studies that are referenced, the average layperson cannot be expected to review these documents to determine what is analyzed. A simple definition is warranted. Also, the terms "highway and trails" are subjective. What was the volume of traffic, the road surface and the setting? All of these factors affect the outcome of this analysis and must be defined. Please also relate the statement to the road setting of the study area.

Page 285, 6th Paragraph: "Birds are reported to show the most dramatic negative responses to road noise proportionate to the level of traffic."

Please define the terms "most dramatic negative" "road" and "level of traffic". These terms are subjective, mean nothing to the average lay person, but are used as the basis for analysis. While they may be defined in the studies that are referenced, the average layperson cannot be expected to review these documents to determine what is analyzed. A simple definition is warranted. Please also relate the statement to the road setting of the study area.

Page 285, 6th Paragraph: "In one study, 7 of 172 grassland bird species had reduced breeding densities near roads...and in a Boston study, breeding density of at least two grassland bird species declined with increasing traffic volume.

Please define the terms "reduced", "declined" and "increasing". Also, what is meant by the term "roads"? What was the volume of traffic, the road surface and the setting? These terms are subjective, mean nothing to the average lay person, but are used as the basis for analysis. While they may be defined in the studies that are referenced, the average layperson cannot be expected to review these documents to determine what is analyzed. A simple definition is warranted. Please also relate the statement to the road setting of the study area.

Page 285, 6th Paragraph: "Van der Zande et al. (1980) found four shorebird species in open grassland areas were disturbed within 500-600 meters of a quiet rural road and within 1600-1800 meters of a busy highway."

Please define the terms "quiet rural road" and "busy highway". What was the volume of traffic, the road surface and the setting? These terms are subjective, mean nothing to the average lay person, but are used as the basis for analysis. While they may be defined in the studies that are referenced, the average layperson cannot be expected to review these documents to determine what is analyzed. A simple definition is warranted. Please also relate the statement to the road setting of the study area.

In addition, are the four shorebird species present in the study area? If their habitat loss is presented as fact, then the presence or lack of presence of these species in the study area must also be documented.

Page 285, 6th Paragraph: "Reijnen et al. (1995) reported the road effect distance in open habitats may extend to more than 1000 meters and up to several hundred meters in woodlands (Reijnen and Thissen 1987) in those areas with high traffic volumes."

Please define the term "high traffic volumes". What was the volume of traffic? This term is subjective, means nothing to the average lay person, but is used as the basis for analysis. While this term may be defined in the studies that are referenced, the average layperson cannot be expected to review these documents to determine what is analyzed. A simple definition is warranted. Please also relate the statement to the road setting of the study area.

Page 286, 1st Paragraph: "Hutto (1995) reported that brown creepers and golden-crowned kinglets were twice as likely to occur in habitats >100 meters from a road while Foppen and Reijnen (1994) found roads and motorized trails influenced bird reproduction to a distance of 200 meters."

Are these species present in the study area? If their habitat loss is presented as fact, then the presence or lack of presence of these species in the study area must also be presented. Also, what is meant by "roads" and "motorized trails"? What was the volume of traffic? This term is subjective, means nothing to the average lay person, but is used as the basis for analysis. While this term may be defined in the studies that are referenced, the average layperson cannot be expected to review these documents to determine what is analyzed. A simple definition is warranted. Please also relate the statement to the road setting of the study area.

Response

The DEIS/FEIS acknowledges that most research on wildlife effects related to roads centers around paved roads with high speed limits (DEIS, Chapter 3, p. 281; FEIS p. 302) but not all. The research identified in the Habitat Loss section (DEIS, Chapter 3, pp. 285-286 (FEIS p. 301-302) ranges from high volume highways (50,000 cars/day) to forest settings with few vehicles (<5 vehicles/day). These conditions relate to conditions found on both forests where there are high volume highways (20, 97, etc) to forest settings with little traffic. Information on forest and road settings can be found in DEIS, Chapter 3, pp. 282-289 (FEIS p. 29-319) and in the Methods and Assumptions section in Appendix B-8 (pp. 299-308 and 444-451). Information provided in the DEIS, Chapter 3 pp. 275-298 (FEIS p. 295-319) speaks to general effects to wildlife species and provides context to what may happen given those situations or species. Many examples are given to provide the reader with information to help explain effects as well as citations for the scientific literature they were derived from.

Comment 90

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 282, 5th Paragraph: "Traffic volume has been found to have grater effects on highly mobile population densities than compared to little effects on mobile species."

We request the following sentence be added to this discussion (similar to the sentence presented in the "Traffic, road and landscape influences"): Most Forest Service roads are not paved and are designed for low speed limits. There is a low probability of wildlife mortality cause by vehicles on these roads.

Response

The sentence in question is related to traffic volume and species behavior. Although most Forest Service roads are not paved, species may react differently to the amount of traffic. The following paragraphs in the Species Behavior and Ecology section help to explain this (DEIS, Chapter 3, p. 282; FEIS p. 303).

Comment 91

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 282, 8th Paragraph: "The probability of amphibians being killed on a busy highway has been found to be between 89-98%."

We request the following sentence be added: Most Forest Service roads are not paved and are designed for low speed limits. There is a low probability of amphibian mortality cause by vehicles on these roads.

Response

Additional information on amphibian and reptile mortality is addressed on page 282 of the DEIS (FEIS p. 303).

Comment 92, 96-97, 101, 109-115, 120-122

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 283, 1st Line: "Road kill mortality as a result of Draft Environmental Impact Statement Travel Management Project collisions has been found to be a large factor in Florida panthers, ocelots, cougars in California, Iberian lynx, and wolves in Minnesota."

Are these species present in the study area? If their mortality is presented as fact, then the presence or lack of presence of these species in the study area must also be documented.

Page 284, 3rd Paragraph: "For example, sand lizards and kangaroo rats exposed to playback recordings of dune buggies at lower decibels than they would have been actually exposed to experienced hearing loss for weeks after and were unresponsive to predator sounds."

Are these species present in the study area? If their decreased sensitivity to sound is presented as fact, then the presence or lack of presence of these species in the study area must also be documented.

Page 285, 1st Paragraph: "In a study conducted by Brattstrom and Bondello (1983 in Ouren et al. 2007), spadefoot toads subjected to taped motorcycle sounds emerged prematurely from their burrows during the wrong season (absence of rain)."

Is this species present in the study area? If their communication confusion is presented as fact, then the presence or lack of presence of these species in the study area must also be documented.

Page 285, 5th Paragraph: "Mountain goats were found to run away from the road edge when truck gears were being shifted over 0.6 miles away."

Is this species present in the study area? If their habitat loss is presented as fact, then the presence or lack of presence of these species in the study area must also be documented.

Page 286, 1st Paragraph: "Rodgers and Smith (1995) found great blue herons reacted to humans afoot more than traffic and flushed at a mean distance of 32.0 + 12.3 meters."

Is this species present in the study area? If its habitat loss is presented as fact, then the presence or lack of presence of this species in the study area must also be documented. Please also relate the statement to the road setting of the study area.

Page 286, 1st Paragraph: "The 250 meter zone of influence for waterfowl species used by Gaines et al. (2003) was based on distances at which waterfowl and colonial nesters have been observed to be affected by human disturbance (Hamann et al. 1999, Kelly 1992, Markham and Brechtel 1979, Rodgers and Smith

1995, and Vos et al. 1985)."

Please identify whether these species are present in the study area. If their habitat loss is presented as fact, then the presence or lack of presence of these species in the study area must also be documented. Please also relate the statement to the road setting of the study area.

Page 286, 1st Paragraph: 'Dubois and Hazelwood (1987 in Montana TWS 1999) recommended buffer distances of 0.4 - 7.2 km around nests during the nesting season for raptors.'

Are the raptors discussed in the reference material present in the study area? If its habitat loss is presented as fact, then the presence or lack of presence of this species in the study area must also be documented. Please also relate the statement to the road setting of the study area.

Page 286, 1st Paragraph: "Holmes et al. (1993 in Montana TWS 1999) recommended a 14-190 meter buffer to avoid flushing golden eagles from perches while foraging."

Are the golden eagles referenced present in the study area? If its habitat loss is presented as fact, then the presence or lack of presence of this species in the study area must also be documented. Please also relate the statement to the road setting of the study area.

Page 286, 2nd Paragraph: "Roads and trails used during the winter by snowmobiles often results in snow compaction and may provide access routes for competitors and predators to areas used by species like lynx.

Are the lynx referenced present in the study area? If its access to predators is presented as fact, then the presence or lack of presence of this species in the study area must also be documented. Please also relate the statement to the road setting of the study area.

Page 286, 2nd Paragraph: "Roads and trails may facilitate access for falconers to remove young raptors from nests (Erdman et al. 1998 in Gaines et al. 2003) and result in increased poaching of animals, particularly big game (Cole et al. 7 997, ODF W pers. comm.)."

Please identify whether these specific species referenced in the reports are present in the study area. If their access for predators is presented as fact, then the presence or lack of presence of these species in the study area must also be documented. Please also relate the statement to the road setting of the study area.

Page 286, 2nd Paragraph: "Roads and trails are used by trappers and increase the vulnerability of species like fisher and marten to overharvest (Gaines et. al. 2003). "

Are these species present in the study area? If their access for predators is presented as fact, then the presence or lack of presence of these species in the study area must also be documented. Please also relate the statement to the road setting of the study area.

Page 288, 3rd Paragraph: "Semlitsch (1998 in Montana TWS 1999) found six species of Ambystoma salamanders varied in their dispersal and use of habitat surrounding ponds."

Are these species present in the study area? If their permeability is presented as fact, then the presence or lack of presence of these species in the study area must also be presented. Please also relate the statement to the road setting of the study area

Page 288, 3rd Paragraph: "In addition, Hart et al. (1998 in Montana TWS 1999) found northern alligator lizards were positively affected by forest edges and had increased dispersal rates near road edges."

Is this specie present in the study area? If its permeability is presented as fact, then the presence or lack of presence of this specie in the study area must also be presented. Please also relate the statement to the road setting of the study area

Page 289, 1st Paragraph: "Rich et al. (1994 in Ouren et al. 2007) found corridors attracted brownheaded cowbirds and nest predators to the corridors and the adjacent forest interior."

Is this specie present in the study area? If its fragmentation is presented as fact, then the presence or lack of presence of this specie in the study area must also be presented. Please also relate the statement to the road setting of the study area

Response

It is noted in the Methods and Assumptions section for Wildlife (Appendix B-8, p. 299 and 303) that literature on the effects of motorized and non-motorized use of roads on wildlife was not available for all species. However, effects to a variety of species have been documented in the literature, many of which do not occur on the Deschutes and Ochoco National Forests. It was assumed that species in the same genus or family would experience similar effects. For example, Florida panthers, ocelots, and lynx (species not found in the project area) are all members of the genus Felidae (cat family). It is assumed cougars and bobcats (species that are present in the project area) would experience similar effects as the previous mentioned species due to the similar nature of the species within this family. We used what information was available and extrapolated to similar species occurring within the project area to display potential effects. See DEIS Tables 3-102, 3-103, 3-104, and 3-105 (FEIS Tables 119, 120, 121, and 122), (DEIS, Chapter 3, pp. 277-281; FEIS p. 296 -300) for a list of species likely to be found in the project area. There are many more species likely to be found in the project area. These lists represent a large host of guilds (species with similar habitat requirements) that include many of the species not analyzed.

Comment 93

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 283, 3rd Paragraph: "See Table 3-106 for the acres of direct habitat lost on the forests." The total acreage of the Forests is 2,336,945 acres and the total acreage of the habitat lost is 21,762 acres. This equals a loss of 0.009 percent. We request the following sentence be added to the paragraph: The total habitat lost due to roads is 0.009%.

Response

The DEIS and FEIS (Chapter 3, Table 3-106; FEIS Table 125), display the amount of habitat lost directly to road construction. Therefore, habitat won't be present unless roads are decommissioned and allowed to return to their natural state. In addition to direct habitat loss is the amount of habitat indirectly affected by roads and traffic (also known as the road effect zone) (DEIS, p. 284-287; FEIS p. 305-306). This zone was described by Forman (2000) as the distance a significant effect extends from a road. In the DEIS, Table 3-107 (FEIS Table 126), p. 286 (FEIS p. 308) displays the additional acres affected by roads and traffic across both forests.

Comment 94

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 284, 1st Paragraph: "It should be noted however that secondary roads were defined as having a traffic volume of 10,000 vehicles/day or less which is far greater than occurs on our forest roads."

We request the following sentence be added to this paragraph: Because of the far less traffic volume on the forest secondary roads, quality of habitat is not expected to be reduced.

Response

Roads alter the quality of habitat adjacent to them primarily as a result of noise and traffic disturbance. The road effect zone, depending on the the species could extend up to hundreds of meters from the road. Effects of roads on habitat quality has been discussed at length on pages 284-286 of the DEIS (FEIS p. 305-308) in the road disturbance, noise, physiological effects, habitat loss, and access for predators sections. Much of the research cited in these sections shows effects to wildlife species through reduced habitat quality with less traffic volume.

Comment 95

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 284, 2nd Paragraph: "Noise is a major factor in wildlife displacement and avoidance of habitat."

"Effects of noise on most wildlife species is poorly understood."

"The impacts of these effects may include habitat loss through avoidance, reduced reproductive success, and mortality."

This paragraph begins with a statement that noise is a major factor, but later is "poorly understood." We request the above sentences be combined to clearly reflect the lack of understanding as follows: Because the effects of noise on most wildlife species is poorly understood, the impacts to habitat loss through avoidance, reduced reproductive success and mortality cannot be determined.

Response

Scientific information related to noise impacts on wildlife species is documented in DEIS, Chapter 3, pp. 284-286(FEIS p. 305-308).

Comment 98-99

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 285, 2nd Paragraph: "Road corridors resulting in reduced habitat quality express effects by either a decrease in abundance or density of breeding individuals or by behavioral responses like road avoidance." Because there is a difference in the effects of a high-speed, high volume, paved road versus a

low-speed, low volume (individual vehicles periodically passing) dirt road, the type of road corridors identified in this section must be identified.

Page 285, 3rd Paragraph: "Animals exhibit increases in stress hormones from disturbance related to roads. Studies have shown that species closer to roads or living in areas of high road densities have increased stress hormones..."

Because there is a difference in the effects of a high-speed, high volume, paved road versus a low-speed, low volume (individual vehicles periodically passing) dirt road, the type of road identified in this section must be identified.

Response

The literature cited in this section (DEIS, Chapter 3, p.285; FEIS p. 306) was conducted in rural settings (i.e. BLM lands, grasslands, etc.). Traffic volume, traffic speed, and type of road primarily ranged from motorcycle trails (.5 meters wide) to unpaved county roads. In one instance, information was gathered within a rural setting near a highway. These conditions represent conditions found on both Forests and therefore, similar species effects are anticipated.

Comment 100

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 285, 5th Paragraph: "Studies on ungulates and carnivores have shown heavily traveled roads are avoided or used little in comparison to lightly traveled roads."

Please define the terms "heavily traveled", "used little" and "lightly traveled". The adjectives mean nothing to the average lay person but are used as the basis for the discussion in the following paragraphs on pages 285 and 286.

Response

These terms are used in the EIS to summarize various studies. How each study may have defined or used similar terms is less important than the conclusions these studies present. The DEIS/FEIS acknowledged that most research on wildlife effects related to roads centers around paved roads with high speed limits (DEIS, Chapter 3, p. 281; FEIS p. 302) but not all. The research identified in the Habitat Loss section (DEIS, Chapter 3, pp. 285-286; FEIS p. 306-307) ranges from high volume highways (50,000 cars/day) to forest settings with few vehicles (<5 vehicles/day). These conditions relate to conditions found on both forests where there are high volume highways (eg: State Highways 20 and 97) to forest settings with little traffic. Information on forest and road settings can be found in DEIS, Chapter 3, pp. 282-289 (FEIS p. 303-310) and in the Methods and Assumptions section in DEIS, Appendix B-8 (pp. 299-308 and 444-451). Information provided in DEIS, Chapter 3 (pp. 275-298; FEIS p. 295-319) speaks to general effects to wildlife species and provides context to what may happen given those situations or species. Many examples are given to provide the reader with information to help explain effects as well as citations for the scientific literature they were derived from.

Comment 108

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 286, 1st Paragraph: "Gaines et al. (2003) also used 200 meters on either side of roads as an index to evaluate the effects of displacement and avoidance for species that use late-successional habitats (e.g. northern goshawk, northern spotted owl, brown creeper, pygmy and whitebreasted nuthatches, and white-headed woodpecker)."

Please define "road". What was the volume of traffic? Also, which species identified in the referenced document are present in the study area? If their habitat loss is presented as fact, then the presence or lack of presence of each of these species in the study area must also be documented.

Response

Gaines et. al conducted a literature review to document the effects of linear routes (roads, motorized trails, non-motorized trails, and ski and snowmobile routes) on wildlife and to assess the current level of human influences on wildlife species habitats. This information was assimilated into a General Technical Report (GTR) and is widely used. Similar to other responses, the road settings outlined in the literature reviewed varied from highways to forest roads with little traffic. All species identified (northern goshawk, spotted owl, brown creeper, pygmy nuthatch, white-breasted nuthatch, and white-headed woodpecker) are all present within the project area. For site-specific analysis on these species, refer to the Wildlife Biological Evaluation and Wildlife Report in Appendix B-8.

Comment 116

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 286, 3rd Paragraph: "A 200 meter buffer was applied to all open system roads on the Deschutes and Ochoco National Forest regardless of road surface, travel speed or use parameters."

This analysis is far too general. The effects of Highway 97 or the Cascade Lakes Highway are significantly different from that of a low-speed, low volume (individual vehicles periodically passing) natural surfaced forest road. How was the distance of 200 meters determined? The conclusion that 44% of the Deschutes and 34% of the Ochocos have roads which disrupt the life functions and activities of wildlife is not based on scientific site-specific analysis.

Response

Literature was reviewed to determine what distance from roads impacts are seen relative to disturbance and edge effects. Distances varied from the road edge to >1000 meters depending on the species and road setting. Forman (2000) described a road effects distance of 200 meters for secondary roads to calculate the indirect loss of habitat and the displacement of species. Forman also mentions this zone is highly variable and dependent on the species affected, adjacent habitat, road type, and traffic volume. This distance may over-estimate effects for some species and under-estimate for others. However, the distance selected captures known effects for many species and provides a relevant measure of change between the No Action and Action Alternatives. See DEIS/FEIS, Methods and Assumptions section in Appendix B-8 (pp. 299-307 and 444-451).

Comment 117

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 287, 3rd Paragraph: "Barriers that impede movement (i.e. roads) result in higher mortality, lower reproductive success, and smaller populations."

"Little is known about the long lasting effects of roads on animal populations in terms of reduced mobility, increased isolation, and/or splitting of gene pools."

These two sentences appear to contradict one another. If little is known about the effects of roads on mortality, then how can the conclusion be made that roads result in higher mortality? The assumptions presented in these paragraphs must be based on scientific fact. If little is known, then assumptions cannot be made.

Response

The two sentences in question are speaking to different aspects of road effects. The first sentence "Barriers that impede movement (i.e. roads) result in higher mortality, lower reproductive success, and smaller populations" is referring to more short term and direct impacts to landscape connectivity and wildlife species. The second sentence "Little is known about the long-lasting effects of roads on animal populations in terms of reduced mobility, increased isolation, and/or splitting of gene pools" is referring to long-lasting and indirect effects on populations. Several citations are presented to help explain these statements. See DEIS, Chapter 3, pp. 287-289 (FEIS p. 309-311).

Comment 118

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 287, 3rd Paragraph: "Riley et al. (2006) conducted a study to determine at what level are busy freeways resulting in physical and social barriers to gene flow in two highly mobile carnivores (coyote and bobcat). They found that high survival rates, small home ranges, high home range overlap, and barrier effects of the freeway resulted in territory packing along hard boundaries (freeway). This produced social and behavioral barriers to dispersers in that dispersers were unlikely to obtain and hold territories near the freeway. Therefore, roads reduced the gene flow below the expected migration rates."

There are no busy freeways present in the study area. The vast majority of roads are low-speed, low volume (individual vehicles periodically passing) natural surfaced forest roads. The findings of a study based on a freeway cannot adequately be compared to that of the roads found in the study area. Therefore the analysis based on busy freeways is irrelevant and must be deleted.

Response

This study (Riley et al. 2006) was included to provide context on potential effects of some of our busier highways (Highway 97) running through the forest. The conclusion to this section (DEIS, Chapter 3, p. 289; FEIS p. 311) speaks to the local situation and identifies areas where this is occurring (Highway 97) and areas where it may be likely.

Comment 119

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 288, 2nd Paragraph: "Another factor influencing the barrier effect is the relative permeability of the road and the adjacent edge habitat. Edge effects can be realized in a variety of impacts including habitat fragmentation, barriers to movement, altered predator/prey relationships, removal of critical habitat components, increased mortality, allowing competitors and predators into areas not previously accessed, and impacts from noise disturbance. Edge effects from roads and trails extend well beyond the actual road footprint (Reed et.al. 1996)."

Please identify what the edge effects are within the study area and the relative permeability of the road and adjacent edge habitat. How does this relate to the average low-speed, low volume natural surfaced forest roads found throughout the study area?

Response

The types of edge effects are described throughout the wildlife analysis in DEIS, Chapter 3 (p. 281-289 ;FEIS p. 302-310). Examples of edge effects and permeability are displayed in the section Connectivity and Barriers – Indirect Effects (DEIS, Chapter 3, p. 287-289; FEIS p. 309-311).

Comment 123

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 289, 4th Paragraph: "This has resulted in increased edge habitat with 44% of the Deschutes and 34% of the Ochocos within the road effect distance.

The effects of Highway 97 or the Cascade Lakes Highway are significantly different from that of a lowspeed, low volume (individual vehicles periodically passing) natural surfaced forest road found across the majority of the Forests. The conclusion that 44% of the Deschutes and 34% of the Ochocos have roads which disrupt the life functions and activities of wildlife is not based on scientific site-specific analysis.

Response

The percentages for each forest relate to an analysis of each forest where a 200 meter buffer was applied to all open system roads. This zone represents the area where effects to wildlife species are the greatest. This analysis was based on scientific information presented in Forman (2000) as well as others. In the DEIS, see Table 3-107 (FEIS Table 126), p. 286 (FEIS p. 308) in Chapter 3, and the Methods and Assumptions section in Appendix B-8, pp. 299-308 and pp. 444-451 for more information on this analysis.

Comment 126

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 303, 5th Paragraph: "Table 3-120(FEIS Table 95) summarizes the sensitive plant species that are either documented or suspected on the Forests and Grassland.

Please define "suspected". What constitutes a "suspected" species and what parameters must be met to achieve this identification?

Response

Management for Sensitive species follows Forest Service Region 6 Sensitive Species policy as identified in Section 2670 of the Forest Service Manual (FSM). The Regional Forester is responsible for identifying sensitive species and shall coordinate with federal and state agencies and other sources, as appropriate, in order to focus conservation management strategies and to avert the need for Federal or State listing as a result of National Forest management activities. As directed in FSM 2671.11, Regional Foresters shall identify sensitive species occurring within the Region. They shall examine the following sources as possible candidates for listing as sensitive species:

1. Fish and Wildlife Service or National Marine Fisheries Service candidates for Federal listing (categories 1 and 2) under Federal Register Notice of Review.
2. State lists of endangered, threatened, rare, endemic, unique, or vanishing species, especially those listed as threatened under State law.
3. Other sources as appropriate in order to focus conservation management strategies and to avert the need for Federal or State listing as a result of National Forest management activities.

Based on the above sources, if a species has the potential to occur on a National Forest but has not yet been located during field surveys, then this species is listed as suspected for that National Forest. Suspected means that the species is not documented to occur on land administered by the Forest Service, but may occur on the unit because: 1) the National Forest is considered to be within the species range and 2) appropriate habitat is present or 3) known occurrence of the species (historic or current) in vicinity such that the species could occur on FS land (USDA Forest Service 2008).

Comment 127-134

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 329, 2nd Paragraph: "The Deschutes is generally characterized by streams with flow regimes that are spring fed with consistent flows and result in stable systems. There are some systems that are flashy, snow melt dominated systems, but these are relatively few in number. In most of these systems bank stability is high due to the stable nature of the flow and resulting excellent vegetative growth within the near bank riparian areas. "

It must be noted that these desirable conditions exist in an environment where cross-county travel has been allowed for decades. Therefore, the reasoning that cross-country travel will produce negative effects is not consistent with existing conditions.

Page 330, 2nd Paragraph: "In addition to the potential to increase sediment, these routes also have the potential to reduce the amount of vegetation that surrounds and parallels streams or other riparian areas."

The existing conditions such as consistent flows, stable systems, high bank stability and excellent vegetative growth which have resulted during decades of cross-country travel do not support this conclusion. The impact of these routes on sediment and vegetation must be revised to show no effect

Page 331, 5th paragraph: "Effects to fisheries resources and populations of native and non-native resident and anadromous fish, and of Threatened and Endangered listed species across both Forests could come from changes in any of the following conditions:

Vegetation - loss of riparian vegetation can result in loss of shade and increase in stream temperatures.

Bank stability - unstable banks can be susceptible to erosion and result in an increase in fine sediment input to fisheries habitat.

Sediment - increased erosion from upland and riparian areas due to motorized use can result in an increase in sediment to streams."

The existing conditions such as consistent flows, stable systems, high bank stability and excellent vegetative growth which have resulted during decades of cross-country travel do not support this conclusion. The effects to fisheries must be revised to show no impact.

Page 334, 1st Paragraph: "Effects to fisheries resources in Alternative 1 include the following:

Increases in erosion and sediment yield to streams from increased use over time of dispersed sites and increases in the number of dispersed sites (see Recreation Section) directly adjacent to streams, lakes, and wetland banks (no 30' setback)

-This would be generally true across both forests and the grassland, however it should be noted that in areas where use is deemed "excessive" management actions will be taken to reduce the effects over time.

-Increases in the number of access routes to dispersed sites and associated increase in erosion from these areas as a result of soil compaction and displacement

-Assuming that there is some increase over time for the use and creation of new dispersed sites and routes (see the Recreation section in this EIS). Erosion from these routes is often directed through the dispersed site and into the adjacent water body.

-Increased turbidity from sediment entering water bodies

-Decreased bank stability from continued and expanded use along water bodies

-Decreased vegetation and associated shade adjacent to water bodies

Potential effects to fisheries resources and populations include localized increases in turbidity, decreases in vegetation and associated shade or bank stability, and potential increases in sediment loads in stream systems."

The existing conditions such as consistent flows, stable systems, high bank stability and excellent vegetative growth which have resulted during decades of cross-country travel do not support this conclusion. The impacts to fisheries resources must be revised to show no impact.

Page 332, 2nd Paragraph: "These potential effects are a result of effects from motorized access that include soil compaction and denuding of the vegetation which could lead to a reduction in shade and bank stability and an increase in soil erosion."

The existing conditions such as consistent flows, stable systems, high bank stability and excellent vegetative growth which have resulted during decades of cross-country travel do not support this conclusion. The impacts to soil compaction and denuded vegetation must be revised to show no impact.

Page 334, 4th Paragraph: "Vegetation decreases, as seen in the literature review, would continue to occur as dispersed sites expand in number and area impacted increases.

The existing conditions such as consistent flows, stable systems, high bank stability and excellent vegetative growth which have resulted during decades of cross-country travel do not support this conclusion. The impacts of decreased vegetation must be revised to show no impact.

Page 335, 1st Paragraph: "Bank stability adjacent to dispersed sites and in areas of motorized use off of designated routes would also likely continue to decrease..."

The existing conditions such as consistent flows, stable systems, high bank stability and excellent vegetative growth which have resulted during decades of cross-country travel do not support this conclusion. The impacts to bank stability must be revised to show no impact.

Page 338, 2nd Paragraph: "The following beneficial effects would be expected:

Decreases in erosion due to motorized access for dispersed camping directly adjacent to streams, wetlands and waterbodies (30' setback) - even with the "increase" in the number of dispersed sites as a result of temporary fire closure openings, because of the 30' setback.

Decreased turbidity from sediment entering water bodies

Increased bank stability from decreased motorized use

Increased vegetation and associated shade adjacent to water bodies

The existing conditions such as consistent flows, stable systems, high bank stability and excellent vegetative growth which have resulted during decades of cross-country travel do not support this conclusion. These effects must be revised to show no impact.

Response

While it is true that the existing conditions for the Deschutes Basin include consistent flows, stable systems, high bank stability and excellent vegetative growth, it is also stated that this is "generally" the case in "most" stream systems on page 329 of the DEIS (FEIS p. 183). Chapter 3, page 62-65 of the DEIS (FEIS p. 61-65) in the Analysis Assumptions sections outlines specific descriptions of "larger impacted" areas located on both the Deschutes and Ochoco National Forests where site specific impacts and effects of access for dispersed camping and travel off of designated routes have occurred and were noted by the interdisciplinary team. In addition, in Appendix B-4 of the FEIS the current condition Fisheries Report (pages 3-15) includes descriptions of fisheries habitat conditions by 4th field HUC that identify specific areas where impacts from access for dispersed camping and travel off of designated routes has occurred.

Comment 135

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 351, 2nd Paragraph: "Given the national scope of the Travel Management Rule, there is a potentially significant adverse effect to off-road motorized access and recreation across the Pacific North west region."

As stated above, according to 40 CFR Part 1502.1, the EIS

"shall provide full and fair discussion of significant environmental impacts and shall inform decision makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment."

According to the Department Response to the Final Rule 36 CFR Part 212 published in the Federal Register (Vol. 70, No. 216, Pg. 68271):

"Provision of recreational opportunities and access needs are two of several criteria the responsible official must consider under [sectopm] 212.55 of the final rule in designating routes for motor vehicle use."

40 CFR 1502.14.f states:

"Include appropriate mitigation measures not already included in the proposed action or alternatives."

We strongly urge the changes to the maps that were listed at the beginning of these comments be incorporated to reduce the significant adverse impacts to OHV Class II 4x4 users. We also urge the Forests to develop the associated specialized motorized designated trail systems currently in development as soon as possible.

Response

The DEIS/FEIS includes disclosure of the degree to which the proposed action and alternatives would affect off-road motorized users and identified the potential for adverse cumulative effects from other similar decisions across the nation. This determination was based, as disclosed, on incomplete and unavailable information regarding reliable predictors of future actual motorized uses at that scale. (DEIS p. 362; FEIS P. 375)

The DEIS proposed measures designed to minimize the impacts to cross-country motorized users by modifying the original proposed action to include hundreds of acres of rock and cinder pits designated as open to cross country travel. Although Alternatives 2 and 3 would reduce opportunities for cross-country motorized travel, as noted in the DEIS, central Oregon will continue to offer premier motorized and non-motorized recreation opportunities.

In addition, the Record of Decision has included in the final selected alternative, 257 miles of roads that were proposed under Alternatives 2 and 3 for highway-legal vehicles only and have added specific mitigation measures to allow for reducing the potential risk of collisions between highway-legal and non-highway-legal vehicles. This will reduce the total miles of road proposed to be changed to highway-legal

only in the DEIS by 44 miles. Several of these roads were listed in the proposed mapping revision section of the comment letter, (e.g., roads 1810, 4050, and 4525).

Comment 137

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 357, 6th Paragraph: "Cumulatively, this would reduce to some degree the potential adverse effects of the actions proposed in this DNS on motorized recreational trail opportunities on the Deschutes and Ochoco National Forests."

The Lava Rock, Three Trails and the Ochoco Summit Motorized Trail Projects would dramatically reduce the adverse effects of the actions in this DEIS for OHV Class II 4x4 users. The current figure of 21 miles of OHV Class II 4x4 trails systems would be increased significantly.

Response

The Forest Service disagrees that the text of the DEIS on page 357 (FEIS p. 372) should be changed to reflect the language suggested. There is insufficient information concerning the final outcomes of the referenced motorized trail projects to support a reasonable prediction. The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrants supplement or improvement of the analysis presented in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered further detail in the FEIS.

Comment 138

There are several incorrect statements of fact. Therefore, we [Deschutes County 4-Wheelers] request that the following change be made to the text of the Plan. The original text as presented in the Plan is quoted first with our comments following.

Page 362, 6th Paragraph: "In addition, the Deschutes and Ochoco National Forest and the adjacent lands managed by the Bureau of Land Management provide some of the most premier off-road vehicle designated trail systems in the state."

This statement is misleading. There are only 21 miles of designated OHV Class II motorized trail systems in central Oregon. While the Edison system is a premier off-road vehicle designated trail system, it does not provide enough miles of OHV Class II 4x4 trails to meet the demand which will result from the elimination of cross-country travel by this DEIS.

Response

The Forest Service disagrees that this statement is misleading. The existing designated OHV trail systems provide some of the premier off-road vehicle designated trail systems in the state and are a preferred destination for many riders as shown in the DEIS, Chapter 3, Recreation, p. 220 (FEIS p. 79) - Table 3-77 (FEIS Table 13) - Central Oregon Off-Highway Vehicle Use Study Data. Impacts to motorized recreation use is disclosed in the DEIS/FEIS, Chapter 3, Recreation, Environmental Effects.

Comment 139

OHV Class II 4x4 users will see significant adverse effects due to the implementation of the Travel Management Rule. The Deschutes County 4-Wheelers request the changes outlined in these comments be incorporated in the final EIS. We also urge the Forests to develop the Lava Rock, Three Trails and the Ochoco Summit Motorized Trail Projects with the utmost haste.

Response

Effects to motorized users that prefer to travel off of designated routes are described in Chapter 3, Social and Economic Analysis and Recreation of the DEIS and FEIS. All alternatives include a continuation of motorized access on many miles of designated routes. The scope of the decisions to be made in the Deschutes and Ochoco Travel Management Project do not include designations of new motorized trail systems. The Forest also recognizes that there are not many miles of designated Class II systems. That awareness has contributed to the Forest's decisions to consider several proposed motorized trail projects across the two forests. These include the Three Trails and Lava Rock Motorized Trail Projects on the Crescent and Bend-Ft. Rock Ranger Districts of the Deschutes National Forest, and the Ochoco Summit Motorized Trails Project on the Lookout Mountain and Paulina Districts of the Ochoco National Forests.

Comment 140, 146, 151

[ATT 1] Suggested Map Change No. 1 for Three Creek Lakes¹

[ATT 7]: Suggested Map Change No 7 for Road 9710

[ATT 12]: Suggested Map Change No. 12 for Road 9735

Response

Road 16 near 3 Creek Lake and the segments of roads 1810 and 9735 referred to are currently a maintenance level 3 roads that are maintained for passenger car traffic and is subject to the Highway Safety Act. According to ORS 821.055, Class I, II, and III ATVs may not operate on public roads that are maintained for passenger car traffic. Although the Forest Service has the authority under ORS 821.020 to designate such routes for ATV use following an engineering study, our general policy is not to supersede state law on our current maintenance level 3-5 roads and such a designation is outside the scope of this action. Therefore all of these roads will continue to be shown on the MVUM maps as open to highway-legal vehicles only.

Comment 141

[ATT 2]: Suggested Map Change No. 2 for Roads 1514 and 1524.

Response

Road 1514 and the section of road 15 that you show on your map (not road 1524) are maintenance level 2 roads that were formally analyzed under an engineering study to determine their suitability for motorized mixed use during the summer of 2008. The results of the engineering analysis show that the probability and severity of accidents on those road segments are high. The responsible official has indicated that he will not allow motorized mixed use on roads with high risk ratings that could not be effectively mitigated. Therefore, these two road segments will not be changed in the FEIS and will be shown on the MVUM maps as open for use by highway-legal vehicles only.

¹ Copies of maps are available upon request.

Comment 142

[ATT 3]: Suggested map Change No. 3 for Kiwa Butte Area

Response

It is not within the decision scope of this project to open roads that are currently closed to public use.

Comment 143, 147

[ATT 4]: Suggested Map Change No. 4 for Edison/Wake Butte Area

[ATT 8]: Suggested Map Change No 8 for Road 1810

Response

Roads 4525 and 1810 are currently maintenance level 2 roads that were analyzed for suitability for motorized mixed use during the summer of 2009. Upon completion of the analysis it was determined that the probability and severity of accidents could be reduced to a moderate or low level with proper signage and roadside brushing to improve sight distances. The responsible official has agreed to allow this road to be used for motorized mixed use following this mitigation work. The work is planned to be scheduled for the spring of 2010. Therefore, this road will continue to allow motorized mixed use and will be shown on the MVUM map as open to all motorized vehicles. Changing roads from highway legal vehicle use only to use by all motor vehicles was not within the scope of this Environmental Impact Statement (See Chapter 1, Purpose and Need). Therefore, this road will continue to allow motorized mixed use in the FEIS and will be shown on the MVUM map as open to all motorized vehicles.

Comment 144

[ATT 5]: Suggested Map Change No. 5 for Wake Butte Area

Response

Road 4050 is a maintenance level 2 road that was analyzed for suitability for both highway-legal and non-highway-legal vehicles in the summer of 2009. Upon completion of that analysis, it was determined that the probability and severity of accidents between highway-legal and non-highway-legal vehicles would be low. Therefore this road will continue to allow motorized mixed use in the FEIS and will be shown as open to all motorized vehicles on the MVUM map.

Comment 145, 149, 150, 153

[ATT 6]: Suggested Map Change No. 6 for Wake Butte Area

[ATT 10] Suggested Map Change No. 10 for Sugar Pine Butte.

[ATT 11]: Suggested Map Change No 11 for Road 9725

[ATT 14] Suggested Map Change No. 14 for Cabin Butte/Coyote Butte Class II Trail System

Response

It is not within the decision scope of this document to add non-system roads to the designated road system or to open closed roads. Suggestions for future road systems have been forwarded to the BFR Ranger District.

Comment 148

[ATT 9]: Suggested Map Change No 9 for Highway 97

Response

The commenter is expressing a desire to change existing roads that are open to Highway legal vehicles only to motorized mixed use in the Newberry National Volcanic Monument. The comment is outside the scope of this proposal.

Comment 152

[ATT 13] Suggested Map Change NO. 13 for East Fork Rock OHV Trail System

Response

The East Ft. Rock OHV Environmental Assessment established the conditions of use for highway and non-highway legal vehicles within the boundaries of the OHV area. It is outside the scope of the Travel Management EIS to change existing highway legal only to mixed motorized use in the East Ft. Rock OHV area. This comment has been forwarded to the Bend-Ft. Rock District Ranger and to the Central Oregon Off-Highway Vehicle Operations for their consideration.

Comment 154

While most of the OHV Class II vehicles in Central Oregon are highway legal, there is a significant percentage that is not. These non-highway legal OHV Class II vehicles function and operate very similar to their highway legal counterparts and often times one cannot tell the difference. These non-highway legal vehicles will be prohibited from operating on numerous roads that currently allow their use, thereby eliminating connectivity between traditional OHV Class II areas.

Response

The DEIS acknowledged the loss of connectivity to non-highway legal vehicles. The Record of Decision includes a detailed description of the loss of the effects of the selected alternative on connectivity of road systems for non-highway legal vehicles.

Letter 15

Comment 1

Given a choice, I would rather see the least restrictive option possible. I have serious questions about any proposal that restricts access. What roads are going to be designated? Is the plan going to leave large sections of public land virtually unreachable because of road closures? How will the new rules be enforced, and how clearly will road closures be marked?

Until my questions are answered and I can clearly see the impact of any restrictions, I cannot with good conscience support any changes from the status quo.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. The National Forest System of open roads has been established by past administrative actions. These include an extensive inventory and signing and mapping of the designated road system in the early 1980s, and subsequent corrections and new actions related to road management. This road base is reflected on the Motor Vehicle Use Map. As noted in the DEIS/FEIS, this includes over 8,000 miles of designated roads

and over 300 miles of designated motorized trails. Less than twenty percent of the two National Forests and Grassland are more than one-half mile from an open designated road.

The Forest Service believes that it will be easier to enforce the Motor Vehicle Use Map than the variety of special management area designations and public use restrictions now in effect. The Motor Vehicle Use Map will provide clear direction about where motorized use is or is not allowed, thus eliminating the need to have areas posted as "closed" in order to enforce motorized closures. The Forest is developing an Implementation Strategy that will include an education and enforcement component designed to help people understand and comply with the new regulations. The Forest Service has demonstrated in the past a strong commitment to leverage funding by combining with other Law Enforcement agencies and will continue to do so into the future.

Comment 2

It is my view that public education and tougher enforcement of existing laws are better ways to manage problems on public lands than restricting access. To restrict access to public lands to the majority of us that respect the land, because of the thoughtlessness of a few is not the right answer.

Response

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrants supplement or improvement of the analysis presented in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS.

Comment 3

I think it is especially important that wherever possible, existing roads and trails be left open. I would hope that public land users and the U.S. Forest Service can work together to develop a plan that would leave access to as much public land as possible and still protect the environment

Response

Alternatives 2 and 3 would not close any designated roads or motorized trails. The intent of the Travel Management Rule is to limit motorized access to designated roads and trails. Currently the two forests and grassland have over 8,000 miles of open roads and 300 miles of designated motorized trails available to a variety of Off Highway Vehicles. Three additional projects are underway that propose to add a considerable amount of specialized motorized trail miles as well. The Deschutes and Ochoco National Forests and Crooked River Grassland have a long history of working with public land users to promote good land use stewardship.

Letter 16

Comment 1

I am alarmed by the amount of closures that have already occurred or are planned to take place. I would like to maintain what is currently available and add trails to existing land that is set aside for OHV travel in the future.

Response

The proposed actions would not close any existing open designated road or motorized trail. Separate actions are currently proposed that consider designating motorized trails. "Setting aside" areas for future

OHV travel is outside the scope of this decision. The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrant supplement or improvement of the analysis the in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS.

Comment 2

I realize some people have abused the areas in the past but with better education regarding trail etiquette, staying on existing trails, pack out what you pack in and the like will allow users to enjoy the national forests.

Response

The education concepts cited in this comment are emphasized throughout the motorized trail system as well as in other trail uses on the National Forests and Grasslands.

Comment 3

OHV users benefit the local economies while giving people recreational possibilities that will be lost at the rate of closures now in effect.

Response

The central Oregon area is currently one of the premier Off Highway Vehicle areas in the state because of the quality and quantity of designated motorized trail systems (See DEIS/FEIS, Chapter 3, Recreation). There is no evidence upon which to base a reliable prediction of effects that prohibiting motorized use off of designated routes (cross-country travel) would equate to an economic effect. (See Chapter 3, DEIS/FEIS, Economic Effects). The economic contributions from activities which may be affected by changes in conditions for motorized access for dispersed camping such as driving for pleasure, or non consumptive wildlife viewing would not generally be affected. (DEIS p. 274; FEIS p. 148))

Comment 4

Please at least maintain the existing established trails in our forests while providing public information on plans - that are under development so we can comment or otherwise take action to protect them. With the people I talk to, I think I speak for the "silent majority" of users on these plans that are concerned about losing their favorite spots and is very concerned about overcrowding of the places that are still open.

Response

No decision under this EIS will close existing designated roads or trails (DEIS/FEIS Chapter 1). There would be some change to the class of vehicle certain roads are open to. See DEIS, Chapter 2, p. 50 (FEIS p. 51), Table 5- Expected Change in Roads Open to Highway-legal Vehicles. The scope of the decisions to be made in the Deschutes and Ochoco Travel Management Project do not include designations of new motorized trail systems. However, there are currently several proposed motorized trail projects that are undergoing separate environmental analyses. These include the Three Trails and Lava Rock Motorized Trail Projects on the Crescent and Bend-Ft. Rock Ranger Districts of the Deschutes National Forest, and the Ochoco Summit Motorized Trails Project on the Lookout Mountain and Paulina Districts of the Ochoco National Forests.

Letter 17**Comment 1**

Please consider the people with disabilities. It seems like we get left out when it comes to policies made. I would like to take my ATV into the woods to retrieve my deer or elk. Willing to put a flag on my ATV to alert people to my cause. Willing to buy a permit to do so. We also want to enjoy the woods we have trouble walking and can not go far, What are the leaders of the Forest service doing for our needs.

Response

You can still take your ATV into the woods, although you will not be able to take it off of a designated road or motorized trail to retrieve game. The effects on people with disabilities is disclosed in the DEIS Chapter 3, Social and Economic, Analysis of Environmental Effects, p.274 (FEIS p. 148). Under section 504 of the Rehabilitation Act of 1973, no person with a disability can be denied participation in a Federal program that is available to all other people solely because of his or her disability. There is no legal requirement to allow people with disabilities use of motor vehicles on roads, trails, or other areas that are closed to motor vehicles. Changes in motorized access apply equally to all groups of people, and is therefore not discriminatory towards persons with disabilities.

While the actions under this EIS would close many areas to cross-country travel, no decision under this EIS would close existing designated roads or trails (DEIS/FEIS Chapter 1 and 2). There are areas on the Paulina, Crescent, and the Bend-Ft Rock Ranger Districts that have cooperative seasonal road closures with the Oregon Department of Fish and Wildlife during hunting seasons that would not be affected by this Environmental Impact Statement. There would be some change to the class of vehicle certain roads are open to. See DEIS, Chapter 2, p. 50(FEIS p. 51), Table 5- Expected Change in Roads Open to Highway-legal Vehicles that are proposed in this Environmental Impact Statement for public safety.

The DEIS/FEIS (Chapter 3) and ROD disclose that there will adverse impacts to cross-country motorized travel. However, thousands of miles of low-maintenance road systems will remain open to all motorized vehicles, including ATVs. Chapter 3, Recreation of the DEIS/FEIS also identifies that 80 percent of the two National Forests and Grassland are within one-half mile of an open designated road.

The scope of the decisions to be made in the Deschutes and Ochoco Travel Management EIS do not include designations of new motorized trail systems. However, there are currently several proposed motorized trail projects that are undergoing separate environmental analyses. These include the Three Trails and Lava Rock Motorized Trail Projects on the Crescent and Bend-Ft. Rock Ranger Districts of the Deschutes National Forest, and the Ochoco Summit Motorized Trails Project on the Lookout Mountain and Paulina Districts of the Ochoco National Forests.

Letter 18**Comment 1**

I think riding on all open roads would be ok if there was a 20mph limit even though I know this would be hard to enforce. If people want to ride fast they can ride on a trail system.

Response

Adding speed limits is one mitigation measure that could be applied under some conditions. Proposing to change all Highway Legal roads to motorized mixed use by adding a speed limit is outside the scope of the proposed actions considered in this EIS.

Comment 2

Action: Motorized Summer Recreation

Resource(s): Recreation

I don't think riding wherever you want off road through the forest should be allowed, I don't want to hike 2 or 3 miles into the woods bow hunting and have some joy rider come by.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments.

Comment 3

More designated trail systems would spread out the amount of impact that the trails get right now. I do however think that hunters with the pioneer license should be able to retrieve their downed game with a ATV after a certain time like 10am when the best hunting is over; or someone with a handicap that can't walk very good.

Response

It is not within the scope of this EIS to designate new motorized trail systems. Access for big game retrieval was identified early in the process, and is addressed in the DEIS on pgs 47, 48, 227, 230, and 260(FEIS p. 48, 49, 88, 92, and 133).

Letter 19

Comment 1

We [US EPA] have concerns with the EIS. We believe that there may be opportunities to reduce the risk of invasive plant spread and adverse impacts to native plants and heritage resources that remain unexplored. We are supportive of the identification of non-riparian special provision areas under Alternative 2, and we recommend that you expand this network.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments.

Comment 2

We [US EPA] remain concerned about the Forests' identification and designation of a minimum system. We understand that this project focuses on 36 CFR 212.50 (b), but we maintain that the process by which the Forests intend to comply with 36 CFR 212.5 (b) (1) should be described in the forthcoming Final EIS (FEIS).

Response

Identifying a minimum road system for the Forests is outside the scope of the proposed action in this document, (DEIS, page 26; FEIS p. 23). The proposed actions in this document are limited to prohibiting motorized access off of designated routes (cross-country travel), designating some mineral material sources as open to cross-country travel, and changing some motorized mixed used roads to highway-legal only and determining where and under what conditions motorized access for dispersed camping may occur. In regards to road management overall, the proposed actions in this EIS would improve our ability to enforce road management decisions. The Forest Service believes it is important to maintain a sharp focus on the actions proposed in the Environmental Impact Statement rather than expanding them to

include alternative minimum road systems. We disagree that any more detailed process is needed in the FEIS to support the proposed decision to be made.

The Forest Service shares EPA's concerns for the impacts associated with roads, including the potential effect on water quality. This is evidenced by the numerous projects the Deschutes and Ochoco National Forests and Crooked River National Grassland have done to restore fish passage, stabilize stream banks utilizing bioengineering concepts, and other watershed restoration efforts. Road management too, plays a key part in our approach to watershed management, as is evidenced by the hundreds of miles of roads that have been closed or decommissioned in the last 10 years. As described in Chapter 2 of the DEIS/FEIS, the two Forests complete roads analysis and move toward accomplishing a minimum transportation system through watershed, roads, and travel analyses which are incorporated into subsequent NEPA analyses and decisions based on national and regional guidance and appropriated budgets or other opportunities. These NEPA decisions will be incorporated into annual updates of the Motor Vehicle Use Map. There is a more detailed description of how this process will work that is included in the Travel Management Implementation Strategy the Forests have developed for implementing the final Record of Decision and Environmental Impact Statement. This provides an important link between the process we are using to evaluate and ultimately determine a "minimum road system" with the production of the Motor Vehicle Use Map.

Comment 3

We [US EPA] are rating the DEIS Environmental Concerns – Insufficient Information (EC-2). This rating is based on our environmental concerns associated with Alternative 2's continuing motorized access off designated routes (e.g., mineral materials sites); continued opportunities to create new dispersed camping sites, and, continued designation of over 8,000 miles of roads. We also have some concerns related to the readability of the document, and the consistency of information presented.

Response

In response to EPA comments, the FEIS has been supplemented in various places to address specific concerns over insufficient information and recommendations to add additional information.

The Proposed Action and Alternatives, in accordance with 36 CFR 212.50(b), have incorporated the existing designated road and motorized trail system as the baseline from which to establish a prohibition on motorized access off of designated routes (cross-country travel). The environmental effects of this baseline condition have been analyzed in Alternative 1, the No Action/No Change Alternative in every resource section. This existing condition applies equally to all Alternatives, including the "No Action" Alternative. Therefore, the existing designated system is analyzed as a part of the existing condition, not as an effect of the proposed action.

Comment 4-7

Special Provisions – Non Riparian

We [US EPA] agree with your conclusion that there are "...some locations with greater sensitivity to motorized access for dispersed camping than others where special provisions or prohibitions should be considered" and commend the Forests for proposing to limit motorized access for dispersed camping on over 46,000 acres in Alternative 2. We believe that the special provisions – non-riparian may also provide extra protection for at-risk heritage resources and special habitat areas for native plants.

Alternative 2's Special Provision Area's – Non-Riparian are based on the "criteria for Special Provision Areas or Areas Closed to Motorized Access for Dispersed Camping Within 300 Feet of Open Designated Routes." These criteria explicitly mention "invasive plant populations". The criteria do not, however, explicitly mention special habitat areas for native plants or heritage resources. The DEIS does not clearly

disclose how each of these three issues influenced the identification of non-riparian special provision areas.

We recommend that the FEIS include additional information on the criteria and process used to identify the 31,246 acres on the Deschutes and 15,325 acres on the Ochoco that would be open to motorized access for dispersed camping under special provisions – non-riparian. The FEIS's Chapter 2 should more fully describe wherever resource concerns – such as special habitat areas for native plants – influenced the designation of upland special provision areas.

We recommend that the FEIS address the following recommendation for modification to Alternative 2's Special Provision Areas - Non-Riparian.

Special habitat for Native Plants

We are concerned that over 12,000 acres (Table 3-125) of special habitat for native plants would be open under Alternative 2 to motorized access for dispersed camping with general provisions. We recommend that the FEIS designate these areas – or some additional proportion of these areas – as Special Provision Areas – Non-Riparian.

We recommend that the FEIS describe the extent to which known upland occupied invasive plant acres influenced the identification of special provision areas – non-riparian. We further recommend that the Forests strive to reduce the area of occupied invasive plants open under general provisions in a modified Alternative 2.

Invasive plants

We are concerned that 16% and 7% of the known upland occupied invasive plant acres on the Deschutes and Ochoco/Crooked River would be within areas open for motorized access for dispersed camping with general provisions under Alternative 2. General provisions increase the risk for invasive plant spread by allowing the creation of new dispersed camping sites. We note that the “Criteria for Special Provision Areas...” include “invasive plant populations” and this project's invasive plant prevention strategy includes, “Some routes with known high levels of aggressive invasive plants would prohibit motorized access for dispersed camping within 300’ of designated routes.” (DEIS, p.204) We remain unclear; however, to what extent these known upland occupied invasive plant acres influenced the identification of special provision areas – non-riparian for Alternative 2.

Response

Special habitats for native plants were not a specific criterion used for designation of the Special Provision non-riparian areas in Alternative 2. The criteria for Special Provision Areas included “Riparian, wetland, or other identified sensitive resource area such as Forest Service Sensitive, Threatened and Endangered Species habitats, erosive soils or unsuitable topography.” (DEIS pg 42; FEIS p. 42-43). This criterion includes most of the special habitats for native plants. As noted in Chapter 2 of the DEIS and FEIS, the intent of Alternative 2 was to designate the most sensitive habitats as special provision areas, not every special habitat area. This included some areas with high levels of invasive plant populations. The degree to which motorized access to known sites was changed as a result of Alternative 2 and 3 are included in Chapter 3, Invasive Plants. Alternative 3 applied the special provisions, non-riparian to all upland areas which included other special habitats. Chapter 3 of the DEIS and FEIS, discloses the effects of each of the Alternatives to these resources. The Forest Service does not believe that a detailed listing of every route that was considered for special provision, non-riparian designation with specific rationale is needed to better understand the intent and effects of the Alternatives.

The designation of the Special Provision, non-riparian areas did also take into consideration heritage resources, although this was not specifically identified in the criteria list. This error has been corrected in the FEIS Chapter 2, p. 49 which includes heritage resource as a specific criterion. The FEIS will not include more detail about which routes were designated specifically because of heritage resources because of the sensitivity of those sites. Chapter 3 of the FEIS includes additional analysis of the effects of the Alternatives on the heritage resources.

Comment 8

We [US EPA] recommend that the FEIS address the following recommendation for modification to Alternative 2's Special Provision Areas - Non-Riparian.

We are concerned about the high risk of introducing and spreading invasive plants from the proposed 52 open mineral materials source sites. We recommend that the FEIS consider mitigation measures to reduce the risk of OHV use in materials source sites. For example, consider closure, special signage and/or washing areas in particularly high risk materials sites.

Response

As noted in the DEIS/FEIS, Chapter 3, Invasive Plants, Alternatives 2 and 3 both significantly reduce the risk of weeds being spread by motorized vehicles when compared to the existing condition by prohibiting cross-country travel and modifying the conditions for motorized access for dispersed camping. However, this risk cannot be completely eliminated because of the prevalence of invasive populations in the surrounding urban areas. (See also ROD for a discussion of this issue). Deschutes County also has an aggressive signing effort, and the Forest Service also has an active prevention program that includes brochures, monitoring, and treatment of invasive weed populations based on Forest-wide priorities. (See DEIS/ FEIS, Chapter 3, Invasive Plants). The Forest Service will continue to monitor and, as appropriate, treat invasive plant populations. The recommended mitigation measures of closing sites is a tool that the Forest Service always has at our disposal, and as such does not need to be established in the FEIS. Establishing washing areas is extremely expensive to both install and maintain, particularly in areas with no available water source. The effectiveness of these stations is also uncertain if they cannot be staffed, and they are subject to vandalism as are signs. Some of these pits are popular for target shooting and maintaining signs or expensive washing stations is not a practical mitigation measure to require as a condition of continued motorized use of these areas. Since the proposed action will significantly reduce the risk of invasive plant spread from motor vehicles, we do not feel the additional actions recommended by EPA are warranted in the few areas that have been designated to continue to allow cross-country travel.

Comment 9

Heritage Resources

We [US EPA] appreciate your quantification of the known heritage sites that would remain vulnerable to motorized access for dispersed camping under Alternative 1 – over 3,300 (p. 117). We are unsure how many of these sites would remain vulnerable under Alternative 2 and 3. Such a comparative quantification would help to more sharply compare the predicted benefits to Heritage Resources of Alternative 1, 2 and 3.

We recommend that the FEIS disclose, if possible, the different number of known heritage sites which would “remain vulnerable” to motorized access for dispersed camping under Alternatives 2 and 3. Where Alternative 3 (or simply “special provisions – non-riparian”) would result in substantially increased protection for known heritage resources we recommend the consideration of special provisions for that area.

Response

The FEIS (Chapter 3, Heritage) includes additional information about the number and types of sites that would be affected by Alternatives 2 and 3.

Comment 10

Minimum System

Where roads and trails cause environmental damage we [US EPA] strongly recommend closure and decommissioning. We commend the Forests for the over 1,200 miles of road closures and decommissioning that have been accomplished since the early 1990s.

We appreciate the DEIS's description of the Forest Service's December 9, 2008 Final Directive which separates 36 CFR 212.5 (b) (1) from 36 CFR 212.51 and we understand that this project addresses the latter. We continue to believe, however, that every project with travel management elements is an opportunity to reduce continuing road related adverse impacts on forest resources. With this perspective in mind we are concerned that the DEIS does not sufficiently describe the process that the Forest will follow to meet the requirements of 36 CFR 212.5 (b) (1).

We recommend that the FEIS include additional information on how future Motor Vehicle Use Maps (MVUM) will be used to identify and designate a "minimum system". A brief summary of the Forests' planned MVUM update process would be helpful. Please also describe: (i) the Travel Analyses and NEPA processes which would be required, and, (ii) the role your 2003 Roads Analysis, the FEIS for this project and/or other relevant analyses will likely play.

Response

Closing or decommissioning roads or motorized trails is outside the scope of this decision. Identifying a minimum road system for the Forests is outside the scope of the proposed action in this document, (DEIS, page 26; FEIS p. 23).

Regulations at 36 CFR 212.5(b)(1) require the Forest Service to identify the minimum road system needed for safe and efficient travel and for administration, utilization, and protection of National Forest System lands. However, travel analysis to identify the minimum road system can be a separate process from travel analysis for purposes of designation of roads, trails, and areas for motor vehicle use (FSM 7712). Neither the regulations under 36 CFR 212.5 or agency directives contain a time frame for determining the minimum road system. The agency does, however, view this as important work that needs to be addressed within the next decade.

Overall, the agency is reviewing priorities and resources that will be required to complete the analysis to identify the minimum road system as described in the Conference Report for the Omnibus Appropriations Act of 2009. The Forest Service road system is extensive and any process to review the entire road system will require multiple years and millions of dollars to complete. Washington Office is preparing a plan and direction on when the agency will be able to complete the analysis for the minimum road system given the other priorities the agency has.

The Deschutes and Ochoco National Forests have been implementing the intent of moving toward a minimum road system on a project-by-project basis ever since the concept was first identified with the Roads Policy published on January 12, 2001. The process that we have used, and will continue to use, to reduce our open road mileages is described in the DEIS, Chapter 2, on pages 31-33(FEIS p. 29-31).

As noted in the ROD, as national and regional direction for implementing the minimum road system identified in part A of the Rule is developed, the Deschutes and Ochoco National Forests will implement that direction. As previously noted in the EIS, the two Forests have identified more than 900 miles of roads to be closed or decommissioned since 2001

See also response to comment 2.

Comment 11

Hydrology

Motorized use – on and off designated routes – is often a primary source of sediment to streams. We [US EPA] respect the Forests’ historical efforts to close and decommission problematic roads and to conduct travel analyses for each project. These efforts have and will continue to lead to substantial water quality improvements.

This Travel Management Project represents another opportunity to continue reducing road related sediment risk to streams. We are especially interested in potential opportunities for sediment reduction in the Trout Creek Sub Basin (8 streams within which have been 303(d) listed for sediment by the Oregon Department of Environmental Quality). Our two related water quality concerns and recommendations are detailed below.

First, the DEIS states that, “There is currently no state water quality standard for sediment.” (DEIS, p. 154). However, Oregon appears to have a sediment-related Statewide Narrative Criterion. Oregon Administrative Rule 340-041-0007 (12) states, “The formation of appreciable bottom or sludge deposits or the formation of any organic or inorganic deposits deleterious to fish or other aquatic life or injurious to public health, recreation, or industry may be allowed,” The DEIS does not address this narrative criterion.

Second, the Sediment sub-section of the environmental effects for Hydrology concludes that, “Alternative 2 and 3 would meet state water quality standards for turbidity” (DEIS, p. 175). It is unclear, however, whether the same determination could be made for Alternative 1. Understanding Alternative 1’s sediment and turbidity water quality standards consistency would help to more sharply define the environmental differences between it and Alternative 2 and 3.

Understanding Alternative 1’s predictive sediment inputs would also help to disclose the relative sediment inputs associated with unauthorized roads, open roads, cross-country travel, motorized access off designated routes and motorized access for dispersed camping. Given that the Final Travel Rule addresses all of these aspects of travel management we believe it is important to fully understand the whole suite of travel related sediment inputs.

Recommendation:

To more fully understand the proposed action’s consistency with Clean Water Act requirements we [US EPA] recommend that the FEIS addresses OAR 340-041-0007 (12).

We are especially interested in the extent to which the Forests believe relevant sediment impairments are a result of the over 8,000 miles of roads proposed to be designated under the action alternatives versus sediment contributions resulting from motorized access off designated routes and for dispersed camping. A useful piece of information to disclose and analyze may be the proportion of the 8,000 miles proposed to remain open which are adjacent to (within 50 feet) or near (within 300 feet) of streams- especially 303(d) listed streams.

Please also disclose, to the best extent possible, how relevant sediment Total maximum daily loads (TMDL) and/or the Forests' Water Quality Restoration Plans may influence the future development of Motor Vehicle Use Maps (MVUM). Additional information on efforts to reduce sediment input to stream with help to ensure that this project is consistent with the Forests past and projected efforts to attain water quality standards.

Response

The statement on page 154 of the DEIS should have read, "There is currently no quantitative state water quality standard for sediment in the Oregon DEQ water quality rules. However, there is a qualitative criteria, OAR 340-041-0007 (12), found in the Narrative Criteria division of Section 41 in the Oregon Administrative Rules. It states, "The formation of appreciable bottom or sludge deposits or the formation of any organic or inorganic deposits deleterious to fish or other aquatic life or injurious to public health, recreation, or industry may not be allowed." Appreciable is not defined and deleterious implies slower, less irreparable injury to health than pernicious. Again this is a qualitative criterion which is subjective and it would be very difficult to use this criterion as a comparison of quantity or quality of sedimentation with it being more of a goal or objective from which standards or guidelines could be developed. However, this clarification was added to the FEIS.

In reference to compliance with state sediment standards for Alternative 1; currently the DEIS (pg 163 and 164; FEIS p. 227) states that, "Under Alternative 1, impacts to riparian areas and wetlands would continue and are expected to increase, resulting in:

- Increased numbers of user created trails within wetlands, wet meadows, and other riparian areas, causing increased compaction, loss of vegetation, and increased disturbed areas.
- Wetland and riparian area recovery would be slow or continue to deteriorate.
- Riparian vegetation would continue in a downward trend due to compaction and disturbance (i.e. mud bogging).
- Sediment deposition in streams and wetlands would continue to increase.

With these expected results, Alternative 1 is expected to continue to have denuded and compacted areas adjacent to water which will continue to contribute more sediment into adjacent water bodies than the action alternatives. Alternative 1 is expected to have more turbidity and sediment input to water than Alternatives 2 and 3. Alternative 1 would trend towards not meeting the qualitative State Criteria for sediment."

The number of miles of unauthorized roads and unauthorized cross-country travel routes is not known and has only been partially mapped in a few watersheds. However, resource conditions are indicative that there is localized heavy OHV use in some watersheds, with conditions getting worse in many of these areas. One example is the Upper McKay Creek watershed on the Ochoco National Forest which has been temporarily closed to motorized off road use due to resource impacts including water quality. Results of sediment delivery from studies of OHV use are summarized in the first paragraph on page 162 of the DEIS (FEIS p. 223).

Page 162 of the DEIS (FEIS p. 223) states that there are about 796 miles of open road within 300 feet of streams and there are an additional 422 miles of inactivated (closed) road and 250 miles of decommissioned. These are the roads that are most likely contributing 85-90 percent of the road related sediment. No changes are proposed or reasonably foreseeable in the base open system road network in the watersheds with sediment listed streams. The Deschutes and Ochoco National Forests Travel Management EIS would not close any of the existing designated system roads. Including these roads

would be outside of the scope of this decision. However, closure of more than 1 million acres of National Forest and Grassland to unregulated motorized access is expected to reduce the potential for sediment introduced from unauthorized motorized routes.

Page 154 of the Draft EIS (FEIS p. 218) states that the Total Maximum Daily Load (TMDL) for sediment and turbidity impaired streams (303(d)) are not expected to be finished until after this EIS is implemented. Page 153 (FEIS p. 217), indicates the Upper Deschutes Sub-Basin (where the two 303(d) listed reaches on the Deschutes River below Wickiup Reservoir are located) is in the data analysis and report writing phase while Trout Creek is still in the scoping and data collection phase. When the TMDLs are completed, the Ochoco and Deschutes National Forests will develop Water Quality Management Plans (WQMPs) indicating how water quality standards will be met for 303(d) listed streams, based on loadings assigned by the TMDL working Committees. It is expected that these WQMPs may influence future Motor Vehicle Use Maps, but the extent is not predictable until the TMDLs have been developed. Currently there is one completed Water Quality Restoration Plan (WQRP) on the Ochoco NF (Deep Creek Watershed) and a draft WQRP for the Upper Deschutes and Little Deschutes sub-basins on the Deschutes NF. The Deep Creek WQRP proposes to close and inactivate approximately 17 miles of road, decommission about 27 miles of road and reconstruct 2.5 miles of road, all in an effort to reduce sediment deposition in nearby water bodies and attain good water quality.

Comment 12

Wildlife

While we [US EPA] agree that reducing motorized access off designated routes and for dispersed camping will lead to benefits for wildlife we do not believe that the DEIS sufficiently discloses the environmental impacts of continuing the open designations for over 8,000 miles of roads. For example, we are unsure how the designation of a motorized network that is predicted to continue resulting in the “disruption of life functions and activities” for many species on over one third of the Forests results in “No Impact” determinations and is consistent with relevant Standards and Guidelines (DEIS, p. 286).

Recommendation:

To more sharply define issues of motorized travel management and wildlife we recommend that the FEIS include additional information on (i) the criteria used to make “no Impact” sensitive species determinations for Alternative 1, and, (ii) the consistency of Alternative 1 with the Forests’ wildlife related Standards and Guidelines. Because this project proposes to designate the current system of routes we believe it is necessary to understand the environmental consequences of that current system on wildlife. Endangered Species Act and Standards and Guidelines consistency determinations and analysis for Alternative 1 would help to better inform the public and the decision maker of the route designation aspect of this project’s environmental consequences.

Response

This comment does not correctly characterize the nature of the Forest Service action. The Forest Service is not proposing to designate the existing motorized network of roads and trails with this EIS. Rather, the agency is proposing to prohibit motorized access off of an existing motorized system that has already been designated by past administrative actions (DEIS/FEIS Chapter 1 and 2). The section referenced in the comment (p. 286 of the DEIS; FEIS p. 308) does not make a determination of consistency with “relevant Standards and Guidelines.” Consistency with Forest Plan Standards and Guidelines is required under the National Forest Management Act, and is a determination that is only required for Forest Service actions. There is no consistency finding required for the No Action Alternative. The Forest Service does not agree with EPAs recommendation that more analysis about the existing road system would better

inform the public or the decision maker about the actual decisions proposed because they do not include route designation. However, the Forest Service acknowledges that the complex and intertwined variety of analyses and Determinations in the DEIS were not completely correct and could be confusing.

The DEIS/FEIS provides what we believe to be a very extensive description of the effects of the existing designated motorized system on a wide variety of species. The environmental effects of the existing designated motorized system are described in the Existing Condition section for each affected species and their habitats in the DEIS (FEIS, Biological Evaluation, Appendix B-8, pp. 321-390) and in the General Effects section in Chapter 3 (pp. 275-298; FEIS p. 295-319), as well as in the FEIS. This detailed analysis helps to qualify baseline effects that do not change between alternatives and serves as the basis for comparison with the action alternatives. The Environmental Impact Statement includes analyses and Determinations that cover several laws, regulations, and policies that can be confusing when combined together. These include analysis and disclosure of the direct and indirect effects (NEPA) to wildlife species (ESA and Forest Service Sensitive and Management Indicator Species, and general wildlife species) that are affected by the proposed action. The FEIS includes a brief description of the relationship of each of these

Forest Service policy (Forest Service Manual 2672.42) requires preparation of a Biological Evaluation that analyzes the effects of proposed actions and makes specific Determinations about the effects of these proposed actions on species and their habitats (whether occupied or unoccupied) identified as Threatened or Endangered under the Endangered Species Act, or Management Indicator Species, Sensitive Species or other species identified in the Forest Plan (as amended) using specialized required terminology. Although there is no Determination required for the No Action alternative (since there is no federal action occurring), the description of the existing condition serves as a baseline for comparison of the effects of the proposed actions.

The DEIS was in error by including a Determination of “No Impact” for the No Action/No Change Alternative (Alternative 1) (Table 40 of the Biological Evaluation (FEIS, Appendix B-8, p. 323), and by including an assessment of no effects in the Executive Summary of the DEIS (pg 276; FEIS p. 296). These errors have been corrected in the FEIS. As noted above, since there is no action taken, there is no “Determination of Impact” from a proposed action to be made for the No Action Alternative in accordance with FSM 2672.42.

However, this should not be confused with there being no effect to wildlife from the existing baseline conditions, or trends of effects which would continue without change from any of the proposed actions. The effects of the No Action Alternative for the Travel Management Rule were analyzed in the existing condition sections of the Biological Evaluation (FEIS, Appendix B-8, pp. 296-441) and in the Environmental Effects section in Chapter 3 (pp 281-286; FEIS p. 295-319) of the DEIS. Expected effects from continued trends of the No Action/No Change Alternative are also identified in the FEIS, and in Appendix B- 8, Wildlife Resources.

Most importantly, to the public and the decision maker, is the analysis and conclusions that the actions proposed in this Environmental Impact Statement in both Alternatives 2 and 3 will have beneficial effects on all species and habitats evaluated.

Comment 13

Implementation and Administration

We [US EPA] believe that providing for motorized recreation that does not harm sensitive environmental resources can be as much a function of the effective implementation and administration of the MVUM as it is a function of the specific combination of designated routes. We are concerned that here is no comprehensive section on this important aspect of travel management.

Recommendations:

We recommend that the FEIS include a comprehensive section on implementation and administration. The following recommendations – taken directly from the 5/20/2009 report, “National Assessment of Travel Management Planning: Challenges, Recommendations, and Best Practices for Public Involvement”. – are provided to assist your development of this section.

-Development supplementary navigational maps in conjunction with the NVUM (e.g., Fishlake National Forest in Utah has been noted for its color maps).

-Improve enforcement through collaboration. See, for example, <http://www.idaho-ohv.org> to learn more about the Idaho Off-Highway (OHV) Public Information Project.

-Identify likely problem areas for compliance and enforcement (e.g., traditional dispersed camping areas proposed to be closed).

-Consider special signage about the environmental impacts of firewood gathering in snag habitat.

-Development partnerships to leverage resources. See “The National Assessment of Travel Management Planning” for:

--“Example Charter (Protocols and Ground Rules) for Collaborative Stakeholder Involvement.” (p. 79)

--“Example of Volunteer Recruitment (Building Partnerships)” (p. 76)

--“Example of User Education: Sharing Resources” (p. 84).

Response

The Forest Service acknowledges the support for the course of action indicated by these comments and appreciates the provided references for consideration during implementation. The Deschutes and Ochoco National Forest Supervisors agree that a descriptive plan of how the decisions described in the FEIS and ROD will be implemented is important. In accordance with national direction, the two Forests are preparing an Implementation Strategy that will identify many of the components identified by the EPA and other commenters, including an education and enforcement component designed to help people understand and comply with the new regulations. This strategy will be available on our website and upon request.

Comment 14

Climate Change

We [US EPA] appreciate the DEIS’s analysis of the project’s impact on climate change but do not believe the DEIS sufficiently describes the impacts of climate change on the project. We are concerned about the DEIS’s conclusion that, “...potential changes in climate will have no effect on the designation of motorized routes...” (DEIS, p. 359) We believe that the likely impacts of climate change should indeed influence the designation of motorized routes. Or, in other words, the designation of motorized routes should be influenced by the need to implement adaptive strategies that protect forest resources from the potentially significant adverse impacts of a changing climate.

We support the Forest Service’s January 16, 2009 guidance regarding the incorporation of climate change science in to project-level NEPA documents. For this project we believe the guidance on adaptive strategies is particularly relevant, “..., projects designed to restore the health, resilience, and productivity of forested ecosystems may also improve the capability of the stands or landscape to withstand climate change stresses.” (DEIS, p. 360) Consistent with this aspect of the guidance the DEIS identifies as climate change adaptation related need, “Higher peak flows resulting from rain on snow events and high intensity summer thunderstorms could result in increased surface and channel erosion especially in the scab stringer country.” (DEIS, p. 360). We believe this is a good example of how climate

change could exacerbate sediment problems in streams.

Botkin, D.B. et al., 2007. Forecasting the effects of global warming on biodiversity. Bioscience 57, 227-236.

Grace, J., Berninger, F., Nagy, L., 2002. Impacts of climate change on the tree line. Annals of Botany 90, 537-544.

Morin, X., Thuiller, W. 2009. Comparing niche- and process-based models to reduce prediction uncertainty in species range shifts under climate change. Ecology, 90(5), 1301-1313.

Opdam, P., Wascher, D., 2004. Climate change meets habitat fragmentation: linking landscapes and biogeological scale levels in research and conservation. Biological Conservation 117, 285-297.

Peterson, David L., McKenzie, don. 2008. Wildland Fire and Climate Change. (May 20, 2008). U.S. Department of Agriculture, Forest Service, Climate Change Resource Center. <http://www.fs.fed.us/ccrc/topics/wildland-fire.shtml>

Ruggiero, Len; McKelvey, Kevin; Squires, John; Block, William. 2008. Wildlife and Climate Change. (May 20, 2008). U.S. Department of Agriculture, Forest Service, Climate Change Resource Center. <http://www.fs.fed.us/ccrc/topics/wildlife.shtml>

Sap 4.4 Adaptation Options for Climate-Sensitive Ecosystems and Resources/ National Forests. <http://www.climatescience.gov/Library/sap/sap4-4/final-report/sap4-4-final-report-Ch3-Forests.pdf>.

Recommendation:

We recommend that the FEIS more fully discuss the climate change adaptation aspects of this project. For example, please address how this project fits into the Forests' broader climate change adaptation strategy.

Suggested Climate Change References

EPA understands that many questions surrounding climate change remain unanswered, including what effects climate change might have on the resources impacted by travel management planning. We believe the following resources, and especially those from the USFS's Climate Change Resource Center, may prove useful as background for any climate change impacts and adaptation discussion.

Response

The Forest Service regrets the error contained on pg 359 of the DEIS that is cited in and the basis for this comment. The Environmental Impact Statement does not include route designation. Although the comment is based on an erroneous statement, the Forest Service still felt the comment merited additional attention in the FEIS that would clarify how we feel that the proposed actions of limiting motorized access fit into the Forest Service's broader climate change adaptation strategy (FEIS, Chapter 3, Climate Change).

Letter 20

Comment 1

The misleading and miss representing information needs to be taken out of the draft. An example of this is on the map Alternative 1 – Existing Condition – MapA-7. It clearly shows that the National Grass lands in Closed to Motorized Access for Dispersed Camping; that is not true. I called the local USFS office about this, thinking the map was a mistake, but the person could not explain it, and she said that is what it is saying, but she did not think that was true, but did not know how to answer my question. If this hole plan is totally relying on maps, then none of this should be implemented until clear and accrete maps can be readily available and no charge to the public.

Response

As noted in the DEIS/FEIS in Chapters 1 and 2, regulations regarding motorized access off of designated routes (cross-country travel) have been inconsistent in language and application, resulting in confusion to both the public and the Forest Service. Current regulations include Public Use Restrictions off of designated routes that sometimes specify the type of vehicle (as in "Closed to Off Highway Vehicles") and sometimes are not specific to type of vehicle (such as "Closed to Motorized Access"). Sometimes, "Closed to Motorized Access" has been thought to only apply to vehicles traveling "cross-country", but not really thought to apply to people who are driving off the road to camp. More often than not, there has been no specific regulation related to motorized access for the purpose of dispersed camping. This inconsistency highlights the importance of implementing the Travel Management Rule. The Rule provides a consistent set of definitions and regulations that clearly apply to motorized travel on and off of designated routes and for motorized access for dispersed camping. Currently, Forest Plan direction for the Grassland says it is "Closed to Motorized Access" off of roads. For the purposes of the analysis of the DEIS, all areas that were so designated in the Forest Plan or through a Public Use Restriction codified into regulation, were identified on the Alternative Maps as "closed to motorized access for dispersed camping." Although this general motorized access restriction may have been interpreted differently in localized areas, this interpretation provided a more technically accurate depiction of the regulations regarding motorized access, including for the purpose of dispersed camping, as they are currently in place. Under Alternatives 2 and 3, motorized access for dispersed camping would be allowed (conditions vary by Alternative) along most roads within the Grassland.

Comment 2

If you are going to only let people travel on certain roads and camp at certain places, then they all need to be clearly marked on the road with signs, and place you cannot camp need to also be marked, in the field.

Response

The Forest Service agrees that clearly marking roads are a critical part of successful implementation of the Travel Management Rule. The two Forests and Grassland have a Travel Management Implementation Strategy which will be posted on our website and will be available upon request to the public. This includes a signing and map distribution strategy that will help to ensure that users can find whether a road they want to travel on is an open designated road. Dispersed campsites that allow motorized access should be clearly evident as areas of past use. Evaluating how well people can find and understand where motorized access for dispersed camping is appropriate and allowed will also be an important component of our Implementation Strategy.

Comment 3

It is unclear, if I stop on any road and park off the road and take my back pack and start walking, and camp beyond the 300' if that is going to be permitted.

Response

The proposed 300 foot limitation applies only to access for dispersed camping with a motor vehicle. Allowance for parking along a road is described in the DEIS, Chapter 1, Purpose and Need, p. 8 (FEIS p. 1) "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 NFS 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, or within a specified distance of up to 30 feet, from the edge of the road surface.

Comment 4

I am against the plan as written. Need to spend more time getting it right.

Response

The Forest Service acknowledges the course of action this comment supports. The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrants supplement or improvement of the analysis presented in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS.

Letter 21

Comment 1

Your goal is obviously to regulate off-road vehicle travel on the forests, due to both resource degradation issues as well as user conflicts. I agree with this goal, and your proposed regulations, in regard to dedicated off-road recreation. By dedicated off-road recreation I mean those activities where the use of a motor vehicle is the main goal. Examples would be motocross, trail riding, mud bogging, rock climbing, and jumping.

There are other recreational activities that rely on motor vehicles as a necessary tool, not a primary goal. Many of the resource harvesting activities require transportation of heavy weights, often over considerable distances. The examples that come to mind are hunting, firewooding, mining, and mushroom gathering.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments, and the distinction the commenter applies to the difference between utility motor vehicles and strictly recreational use vehicles. For many of the uses described, permits or other authorizations are required that could and do include motorized utility vehicles if needed. As noted in the DEIS/FEIS in Chapter 2, these activities would not be affected by the proposed actions of this EIS.

Comment 2

As a young man I frequently hunted wilderness areas, usually in places even horses could not go. It was normal to carry 100+ pound packboards many miles through the peaks of the Cascades when retrieving game. A whole deer was one easy load, while an elk was 3 tough ones. Now that I'm over 50 I can't do that. I can still access the country, but my days of heavy packboards are over. I now hunt the Eastern units of Oregon, on public lands. The ability to use a motorized vehicle for game retrieval is critical to my participation as a hunter. I don't hunt from a vehicle, but I can't pack animals for miles. I can usually get within a couple hundred yards of downed game with a vehicle, which is close enough.

I propose that your regulations be changed to provide for motor vehicle use incidental to recreational activities requiring movement of heavy weights. There are many things you can implement to keep impacts to a minimum. Having an animal down would be an obvious requirement for hunters. A 5 or 10 mph speed limit would be appropriate, as well as allowable hours of operation during mid-day only, and in such a manner as to minimize any signs of the vehicles' passage. You could even require use of a dedicated "retrieval person" to accompany the party, or to accomplish the actual retrieval. Such a person could be a Gov't. employee, a trained volunteer, or a commercial vendor. Any costs would have to be kept low, or participants would be excluded on economic grounds. There are many possibilities to regulated dedicated motor vehicle use without excluding incidental use for all activities.

Response

The policy regarding allowances for motorized access for big game retrieval is disclosed in the DEIS/FEIS, (Chapter 2, Alternatives Including the Proposed Action, p. 48; FEIS p. 49) and the FEIS. The authority to designate motorized access for big game retrieval within 300 feet of a designated route is retained with the Regional Forester. Regional guidance states, "Big Game Retrieval: No off-road motor vehicle travel to retrieve big game will be authorized, except by the Regional Forester. Discussions with adjacent regions and State Fish & Wildlife Department indicate support for not designating use of motor vehicles off designated routes for the purpose of big game retrieval." (Region 6 Guidelines: Implementation of the Travel Management Rule" (September 6, 2006 – Revised April 20, 2009)). Impacts to motorized access for big game retrieval are disclosed in DEIS, Chapter 3, Recreation, Environmental Effects, p. 230 (FEIS p. 92).

Letter 22**Comment 1**

I am employed by Portland General Electric (PGE) as the lead Terrestrial Biologist for the Pelton Round Butte Hydroelectric Project (FERC # 2030). During the relicensing process for the Project a number of Forest Service and BLM roads were identified for management actions in the Settlement Agreement signed on July 13, 2004 by PGE, the Confederated Tribes of the Warm Springs Reservation, and the United States Forest Service among others. Most of the management actions were to decommission and obliterate the identified roads, the remaining roads were to be gated.

In reviewing the DEIS several of the roads identified in the Settlement Agreement were included in this analysis and from what I concluded were to remain open to vehicle traffic. Listed below is a table of the roads identified in the Settlement Agreement for closure or decommissioning. Also included in the table is the current status of the road closure, general location, and closure type. It would seem that for this project the Forest Service should remove these roads from this analysis and as well as any future publications, subsequent forest travel maps, and the roads database as these roads will be closed to vehicle access.

[See Table 1 in letter: Roads listed in the Settlement Agreement for management action. To be closed but listed incorrectly by DONF document]

PGE owns approximately 8800 acres in the area just west of Lake Billy Chinook. Many of these parcels share a common boundary with USFS managed lands. PGE has cooperatively worked with the Sisters and Grassland ranger districts on projects that benefit both parties. Many of these projects involved limiting vehicle access to area through road closures and seasonal access restrictions. Several of the roads included in this analysis are completely contained on PGE owned lands, several are old fire lines which have revegetated and are basically closed, or being closed under an existing FS project. The main problem with these roads is when the public sees the road on an official FS map or sees the marking sign in the field they think they are on FS lands, and they have a right to pass. From our perspective if the road is completely on private land and the Forest Service does not have a legal easement for the road, it should be removed from your database, and any future analysis or published maps. If the road was built as a fire break it should be decommissioned, obliterated and revegetated, not just assimilated into the forest road inventory. If the road ownership is mixed the land owners should decide management actions. Table 2. below has the roads which are affected by this DEIS, abut or are close to PGE owned lands and have one or more of the above characteristics. All of these roads should be removed from the forest roads inventory or closed by this analysis.

[See Table 2 in letter: Roads which should be Closed and or removed from the FS roads inventory]

Lastly, one road that was included in the analysis is in the process of being gated and closed under a USFS project that has yet to be completed, although the necessary NEPA documentation has been completed. The Flymon Stewardship project located on Fly Creek in the northern part of the Sisters RD is scheduled to gate the 1170-900 road after the vegetation treatments are completed. The gate to close the road has been installed and when the contractor has completed the work the road will be closed by the gate. It would seem that this road should be removed from this analysis and the road inventory database to reflect the change in status.

Response

The Forest Service appreciates the partnership of PGE in accomplishing a number of important land management and restoration activities. We reviewed all of the roads identified in the referenced Tables 1 and 2. According to that review, the roads in Table 1 have had a NEPA decision to close them. Therefore the Motor Vehicle Use Map will not show any roads listed in Table 1. Most of the roads in Table 2 are a mix of roads that are currently closed or have a completed NEPA document to close them (Flymon). Roads with completed NEPA decisions listed as a part of the Settlement agreement also will not be shown on the MVUM as open for motorized vehicles, including the segment of 1170-900 that is identified for closure in the Flymon NEPA documents. However, there are 3 roads in listed in the referenced Table 2 (6300-480, 6300-541, and 6300-542) that are currently open to public travel in our data bases. It is outside the scope of this document to make decisions to close current open roads; therefore, those three roads will be shown as open on the first publication of the Motor Vehicle Use Map. The Sisters Ranger District and Crooked River National Grassland will work with PGE to identify these roads and take action as appropriate. The map will be updated annually as necessary to reflect NEPA decisions or on-the-ground changes.

Letter 23

Comment 1-3

The Department [US DOI] supports the purpose and need for the project as identified in the DEIS. We concur with the DEIS that inappropriate motorized vehicle use has resulted in resource damage. The implementation of the 2005 Travel Management Rule to prohibit motorized travel outside of existing designated routes and areas on the Deschutes and Ochoco National Forests and the Crooked River National Grasslands is an important step in protecting natural resources. We support a consistent nationwide approach through the use of the Motor Vehicle Use Map to provide clear direction and enforceable rules to minimize resource damage that has occurred as a result of motorized vehicle activities.

Although the Department [US DOI] supports the implementation of the Travel Management Rule, we are concerned that the Proposed Action (Alternative 2) will not provide sufficient protection and will allow wildlife habitat to continue to be degraded over time. Based on the information provided in the DEIS we believe Alternative 3 best protects Departmental resources because it will provide for additional protection for upland habitat through the application of “Special Provisions – Non Riparian”. We believe that the “Special Provisions” are a key component to ensure that forest resources are adequately protected from impacts resulting from motorized travel. Alternative 3 will provide important protection for not only streams, rivers, wetlands, and other water bodies, but also for upland habitat and their associated wildlife species and sensitive plants by limiting motorized access for dispersed camping to existing, designated, or defined sites. Alternative 3 would result in less disturbance overall and therefore would increase habitat quality for wildlife species. Resource benefits of Alternative 3 include: 1) highest level of protection for native plant habitats, including special habitats; 2) “No Impact or Beneficial Impact” determination for all mapped sensitive plant populations (37 species); 3) greatest protection for upland associated wildlife species; and 4) highest level of protection against the establishment, spread and expansion of invasive plant populations. Consequently we recommend selecting Alternative 3.

We [US DOI] support the use of existing rock, gravel and/or cinder pits as open to motorized access off of designated routes because they will provide recreational opportunities while minimizing impacts to wildlife habitat because of the existing disturbed nature of the area due to extraction of mineral material.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. The U.S. Fish and Wildlife Service have recognized expertise and authorities regarding Threatened and Endangered Species.

Comment 4

High density of the existing designated road system:

Currently there are about 11,432 miles of existing roads throughout the Deschutes and Ochoco National Forests and the Crooked River National Grasslands. Approximately 8,000 miles of these roads are designated open to motorized use, with an estimated 90 percent of these roads open for use by non-highway-legal vehicles. The DEIS states that approximately 88 percent of the Deschutes NF and 83 percent of the Ochoco NF total acres outside of Wilderness Areas are within one-half mile of an open designated road. Additionally, over one third of Forest Service lands in the project areas occur within the road effect distance where effects to wildlife species are the greatest. Habitat fragmentation on the Deschutes and Ochoco National Forest is considered moderate to high. Roads contribute to the effect of habitat fragmentation by creating smaller patches of habitat.

Recommendation:

We [US DOI] urge the Forest Service to initiate a separate assessment and analysis of the existing road system to determine where damaging and unnecessary roads could be administratively closed to: 1) decrease erosion, minimize turbidity, and fine sedimentation bed load within streams and rivers; 2) to create large blocks of intact habitat that provides refugia for wildlife from the disturbance of vehicle activity; and 3) to avoid and minimize impacts to sensitive species. High road densities adversely impact wildlife habitat. Seasonal closures or road decommissioning should be considered to reduce road density and minimize the disturbance to wildlife while still providing access and recreation opportunities.

Response

The Forest Service acknowledges the support the US Fish and Wildlife Service (USFW) has indicated for a separate analysis from this EIS to address road density concerns. As USFW is aware, identifying a minimum road system for the two Forests is outside the scope of the proposed action in this document, (DEIS, page 26; FEIS p. 23).

Regulations at 36 CFR 212.5(b)(1) require the Forest Service to identify the minimum road system needed for safe and efficient travel and for administration, utilization, and protection of National Forest System lands. Travel analysis to identify the minimum road system can be a separate process from travel analysis for purposes of designation of roads, trails, and areas for motor vehicle use (FSM 7712). Neither the regulations under 36 CFR 212.5 or agency directives contain a time frame for determining the minimum road system. The agency does, however, view this as important work that needs to be addressed within the next decade.

The Forest Service is reviewing priorities and resources that will be required to complete the analysis to identify the minimum road system as described in the Conference Report for the Omnibus Appropriations Act of 2009. Nationally, the Forest Service road system is extensive and any process to review the entire road system will require multiple years and millions of dollars to complete. The Washington Office is preparing a plan and direction on when the agency will be able to complete the analysis for the minimum road system.

The Deschutes and Ochoco National Forests have been implementing the intent of moving toward a minimum road system on a project-by-project basis ever since the concept was first identified with the Roads Policy published on January 12, 2001. The process that we have used, and will continue to use, to reduce our open road mileages is described in the DEIS/FEIS, Chapter 2 (DEIS p. 31-33; FEIS p. 29-31). As noted there, the two Forests have identified more than 900 miles of roads to be closed or decommissioned since 2001.

Comment 5

Off-road motorized vehicle access within 300-feet of designated routes for the purpose of dispersed camping:

The 600-foot band of motorized access around 8,000 miles of existing designated roads will allow for a substantial impact to areas adjacent to the road and will likely be difficult to enforce. Wickiup and Crane Prairie Reservoirs are an example of resource impacts resulting from a similar approach to motorized access for dispersed camping. The DEIS provides the following description of impacts:

“Wickiup and Crane Prairie Reservoirs and the surrounding areas - extensive dispersed camping and areas of high impact from the access to those dispersed sites and resulting motorized travel off of designated routes have resulted in large areas denuded of riparian vegetation and erosion is evident in a number of areas. Compaction of soils is a concern in these areas also as excessive compaction

contributes to increased runoff and therefore increased erosion”.

The DEIS states that under Alternatives 2 and 3 motorized access for dispersed camping would affect approximately 20,000 acres within 100 feet of streams, wetlands and water bodies. Additionally, Table 2-6 states that recreational opportunities for motorized access for dispersed camping would be about the same as current uses in riparian areas. We [US DOI] believe that a 30-foot setback for motorized access for dispersed camping to any “existing site” near a stream course, wetland, or waterbody is insufficient to protect these sensitive resources. Figures 2, 3, and 4 in the DEIS demonstrate the denuding of vegetation and erosion potential that could occur from vehicle access in close proximity to streams and wetlands. Additionally, “defined sites” and “existing sites” are identified by the use of boulders or wood structures and the establishment of fire rings or other evidence of past use”. This definition is vague and could be easily created by the user and will likely be difficult to enforce.

The Department is concerned that increased access for dispersed camping creates a higher risk of the spread of invasive plant species and introduction into new sites, and will create a greater challenge for detecting and controlling new invasive plant species infestations. The Forest Service has identified invasive species as one of the “Four Threats to the Nation’s Forests and Grasslands”. In their draft EIS for Invasive Plant Treatments, the Deschutes and Ochoco National Forests stated that invasive plants are currently damaging the ecological integrity of lands within the project area, and that the problems posed by invasive plants compromise their ability to manage native ecosystems. Roads and vehicles are conduits for the spread of invasive plants, providing for their transport and dispersal and providing disturbed ground for easy colonization and establishment. In general grasslands, riparian areas, and relatively dry, open forests are more susceptible to invasion.

Recommendation:

We recommend that the Forest Service select Alternative 3 because the “Special Provisions – Non Riparian” would apply to all routes proposed as open to motorized access for dispersed camping and will minimize impacts to approximately 390,000 acres of upland habitat. Alternative 3 provides the most protection against establishment, spread and expansion of invasive plant populations by reducing soil disturbance, retaining native vegetation, and minimizing vehicular transmission of invasive species seeds and propagules.

Additionally, areas adjacent to streams and wetlands or other waterbodies should incorporate the use of Forest Service “designated sites” only, and vehicles should be at least 100 feet from the wetland or waterbody. Rivers, streams, water bodies, wetlands and riparian habitat make up a small percentage of the project area, provide essential fish and wildlife habitat, and are disproportionately selected by both wildlife and recreationists. Therefore, we believe that these additional protections should be incorporated into the selected alternative.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. The DEIS/FEIS acknowledges that there is a greater issue regarding dispersed camping than just the motorized access, and that the heart of this issue is: “whether the campsite is a problem” (DEIS pg 47(FEIS p. 48)). However, determining where people would be allowed to disperse camp is outside the scope of this Environmental Impact Statement (DEIS pg 27; FEIS p. 24). Forest Service believes that modifying the conditions for motorized access for dispersed camping would reduce impacts associated with motorized access, as is described in detail in the DEIS/FEIS. The Forest Service believes that limiting motorized access to existing, designated, and defined sites will reduce the potential for creation

of new routes to these sites and will promote greater awareness of the need for resource protection associated with dispersed camping (ROD pg 5-7).

In the long term, motorized access and evaluation of dispersed camp sites will be integrated. The Forests and Grassland will continue their efforts through the dispersed recreation program to provide high quality recreational opportunities for dispersed camping in ways that will minimize impacts to sensitive riparian vegetation. Field Rangers have been updating the inventory of dispersed campsites on the Deschutes National Forest, and that work will be capitalized upon as we implement the Travel Management Rule. Having a better inventory of existing sites will give better tools to law enforcement to help implement the conditions for motorized access established in this Environmental Impact Statement. The Field Rangers are also providing evaluation of the conditions of campsites, and the Travel Management Implementation Strategy also identifies a process by which campsites more than 300 feet from a road can be identified to determine if a designated route is appropriate to continue to provide access. Many areas such as Canyon Creek on the Sisters Ranger District and McKay Creek on the Lookout Mountain Ranger District have very effectively used boulders to limit both motorized access and where people disperse camp. In both situations, campsites were found to be acceptable closer than 100 feet to a stream bank. Similarly, designated sites on the Upper Deschutes Wild and Scenic River have been established closer than 100 feet to the stream bank. These are local examples of why the Forest Supervisors do not feel that a blanket 100 foot setback is the best way to ultimately resolve the issue of appropriate dispersed camping.

The effectiveness of the 30 foot setback on motorized access included in the special provisions for reducing sediment contributions to stream courses is supported in reference literature (DEIS, p. 46; FEIS p. 47). An alternative with motor vehicle setbacks greater than 30 feet (50-100 feet) was considered but eliminated from further analysis (DEIS, p. 46-47; FEIS p. 47-48)). Existing motorized vehicle access for the purpose of dispersed camping was identified in the analysis as a cause of impacts to various resources, especially around popular water bodies like Wickiup and Crane Prairie Reservoirs (DEIS, pp. 136-137; FEIS p. 245-246)). Since the majority of known and inventoried sites across the two Forest area are located within 100' of streams and water bodies, Alternatives 2 and 3 established "Special Provisions" to limit motorized vehicle access for dispersed camping on over 59,000 acres adjacent to riparian areas.

The DEIS/FEIS acknowledges that motorized access for dispersed camping is a vector for spreading invasive plants (DEIS, pp. 201-202; FEIS p. 276-277). The analysis shows that both Alternatives 2 and 3 would lower the risk of spread by this vector when compared to Alternative 1 by reducing the amount of overlap of motorized access for dispersed camping with mapped invasive populations on the Deschutes National Forest (DEIS, p. 203; FEIS p. 278). Although the analysis shows there would be some increase in this overlap on the Grassland as a result of opening some areas that are currently closed to motorized access off of designated routes (cross-country travel) (DEIS, p. 203; FEIS p. 278), there would be no functional change in use under the action alternatives because the current motorized closure on the Grassland has not been generally applied to motorized access for dispersed camping (DEIS, p. 43; FEIS p. 42).

Comment 6

Need for monitoring to evaluate effects of motorized vehicles and compliance:

Monitoring is needed to measure and assess the effects of motor vehicle use of designated roads and trails and motorized access for dispersed camping.

Recommendation:

We recommend that the Forest Service develop a monitoring plan that is consistent across both Forests. Monitoring should include the components identified in section 212.55 of the Travel Management Rule

including but not limited to, damage to soil, watershed, and vegetation, and harassment of wildlife and significant disruption of wildlife habitats. The Department, through the Service, is willing to assist the Deschutes and Ochoco National Forests in developing a monitoring and evaluation plan for the area.

Response

The Deschutes and Ochoco National Forest agree that monitoring is an important component of the effective implementation and adaptive management of the Travel Management Rule. The Forest Service appreciates the US Fish and Wildlife's commitment to developing a monitoring and evaluation plan. The Deschutes Provincial Advisory Committee's Travel Management Subcommittee is spearheading the effort to develop a monitoring plan that can be effective and flexible to be included in the Forests' and Grassland Travel Management Implementation Strategy. The Forest Service appreciates the Regional Field Supervisor of the USFW co-chairing that committee and process.

Comment 7

Endangered Species Act consultation:

The DEIS states that the "Action Alternatives" will have a "May Effect and likely to have a Beneficial Effect" on the northern spotted owl and its critical habitat and that consultation is required and a similar determination is made for bull trout. The DEIS states that the Action Alternatives would result in a 58 percent decrease in disturbance to nest, roosting and foraging habitat for the northern spotted owl. We [US DOI] commend the Forest Service for efforts to reduce impacts to wildlife species including the Northern spotted owl.

Recommendation:

We recommend that the Forest Service work closely with the Fish and Wildlife Service on the section 7 Endangered Species Act consultation for this project. This consultation should include the effects of the proposed action on listed species (Northern spotted owl and Bull trout) and their critical habitat for existing designated roads that will remain open to motorized use, unless such use has already been the subject of a completed consultation and those effects are part of the environmental baseline.

Response

The Deschutes and Ochoco National Forests appreciate the contributions that the USFW has made to this Travel Management EIS. Our communication with USFWS has been ongoing throughout this process and consultation will be conducted according to established procedures.

Comment 8

Greater sage-grouse (sage-grouse) conservation:

The Department [US DOI] would like to commend the Deschutes and Ochoco National Forests for proposing to close travel off designated routes within sage-grouse habitat. We concur that effects to sage-grouse habitat will be greatly reduced. However, motorized access for dispersed camping on both Alternatives 2 and 3 will still result in 3,500 acres (35% on the Deschutes NF) and 17,749 acres (29% on the Ochoco NF) of sage grouse habitat remaining within areas where motorized vehicle disturbance is occurring.

Recommendation:

We recommend that the "Special Provisions – Non riparian" be applied to sage-grouse habitat. The Department, through the Service, is willing to work together with the Deschutes and Ochoco National Forests in conservation approaches for the sage-grouse.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments.

Letter 24

Comment 1

We [Capital Trail Vehicle Association] enjoy riding our OHVs on primitive trails and roads in the Deschutes and Ochoco National Forest. All multiple-use land managed by the Forest Service provides a significant source of these OHV recreational opportunities. We feel strongly about OHV recreation for the following reasons:

Enjoyment and Rewards of OHV Recreation

- Opportunity for a recreational experience for all types of people.*
- Opportunity to strengthen family relationships.*
- Opportunity to experience and respect the natural environment.*
- Opportunity to participate in a healthy and enjoyable sport.*
- Opportunity to experience a variety of opportunities and challenges.*
- Camaraderie and exchange of experiences.*
- For the adventure of it.*

Acknowledged Responsibilities of Motorized Visitors

- Responsibility to respect and preserve the natural environment. We are practical environmentalists who believe in a reasonable balance between the protection of the natural environment and the human environment.*
- Responsibility to respect all visitors.*
- Responsibility to use vehicles in a proper manner and in designated places.*
- Responsibility to work with land, resource, and recreation managers. We are committed to resolving issues through problem solving and not closures.*
- Responsibility to educate the public on the responsible use of motorized vehicles on public lands.*

Response

The Forest Service recognizes the importance of motorized recreation and appreciates that most riders have a strong sense of responsibility to protecting and enjoying the national forest resources (See DEIS/FEIS, Recreation, Social-Economic Analysis). The Deschutes and Ochoco National Forests provide some of the premier OHV trails systems in the state of Oregon.

Comment 2

We [Capital Trail Vehicle Association] feel that we are representative of the needs of the majority of visitors who recreate on public lands but are not be organized with a collective voice to comment on their needs during the public input process. These independent multiple-use recreationists include visitors who use motorized routes for weekend drives, mountain biking, sightseeing, exploring, picnicking, hiking, ranching, rock climbing, skiing, camping, hunting, RVs, shooting targets, timber harvesting, fishing, viewing wildlife, snowmobiling, accessing patented mining claims, and collecting firewood, natural foods, rocks, etc. Mountain bikers seem to prefer OHV trails because we clear and maintain them and they have a desirable surface for biking. Multiple-use visitors also include physically challenged visitors who must use wheeled vehicles to visit public lands. All of these multiple-use visitors use roads and motorized trails for their recreational purposes and the decision must take into account motorized designations serve many recreation activities, not just recreational trail riding. We have observed that 97% of the visitors to this area are there to enjoy motorized access and motorized recreation.

Response

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrants supplement or improvement of the analysis presented in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS.

The DEIS/FEIS acknowledges that nearly all visitors use motorized vehicles to get to their preferred activities and settings (Chapter 3, Recreation). The proposed actions in this Environmental Impact Statement would not close existing designated roads or trails. Alternative 2 and 3 propose some changes to roads that are opened for motorized mixed use as described in the DEIS, Chapter 2, p. 50 (FEIS p. 51), Table 5- Expected Change in Roads Open to Highway-legal Vehicles. In response to comments received by the motorized community and as a result of the final engineering analysis, the final Record of Decision includes some changes to these roads initially proposed to be changed from motorized mixed use to highway legal only. About 44 miles of roads on the Deschutes National Forest were identified to be maintained for mixed motorized use (see ROD).

Comment 3

Adequate recreational opportunity for all visitors is the supreme issue that must be addressed by this action. The relative importance of recreation on a national basis is demonstrated by the Bureau of Economic Analysis statistics for spending on recreation. In 1979 the index for recreation spending was 32.537 (year 2000 = 100, <http://www.bea.gov/national/nipaweb/TablePrint.asp?FirstYear=1979&LastYear=2004&Freq=Year&SelectedTable=33&ViewSeries=NO&Java=no&MaxValue=155.606&MaxChars=7&Request3Place=N&3Place=N&FromView=YES&Legal=Y&Land=>). In 2004, the index was 113.695 for an increase of 349%. No other sector has increased this dramatically. Clearly, the public wants and needs adequate recreational opportunity and this should be the over-arching theme of this evaluation and decision. Many federal actions have led to the continual closure of motorized recreational opportunities and access and at the same time the number of OHV recreationists has grown to 50 million and at the same time other outdoor activities have declined 18 to 25% (Journal of Environmental Management 80 (2006) 387–393, <http://www.redrockinstitute.org/uploads/PNAS.pdf> and <http://www.msnbc.msn.com/id/22998037/>).

Response

The Deschutes and Ochoco National Forests recognize the importance of recreation. Chapter 3 of the DEIS/FEIS is replete with description of the variety of recreational opportunities within the two Forests and Grassland. The Purpose and Need for this action is detailed in Chapter 1 of the DEIS/FEIS. Quality of recreational experiences for all forest users is one of the needs that were addressed by the national Travel Management Rule.

Comment 4, 16, 19, 22, 26, 55, 57, 59-62, 66

OHV registrations in Oregon continue to grow. Multiple uses of the forest are marginalized every time a forest plan or travel management plan comes up for action. The motorized closure trend has created significant cumulative effects and has reached the point where it is causing severe public distress. Reasonable alternatives to motorized closures must be pursued. The continual loss of motorized recreational opportunities is our primary concern. Because of the significant cumulative effect of motorized closures at this point in time, we feel strongly that there can be “no net loss” of motorized recreational opportunities with the Deschutes and Ochoco National Forest Travel Management Plan. We would ask that this project address the attached checklist of issues and address the goals and needs

identified. Using this checklist will help identify and address concerns and, hopefully, the needs of the public will be adequately met by implementing a more reasonable multiple-use alternative.

The availability of motorized single-track trails has declined dramatically. At the same time, nearly all of the single-track trails see very little hiking or other use. It is not reasonable to segregate users on single-track trails. We can all get along and have done so for years. It is also consistent with the desegregation of public places as required by the Civil Rights Act of 1964. Therefore, it is a reasonable alternative to designate all existing single-track trails on multiple-use lands within the project area open to motorcycle use. Additionally, single-track challenge trails are needed for expert riders and trials type motorcycles.

Because of the shortage of OHV routes necessary to reasonably meet the needs of the public, every existing motorized route is extremely important.

The majority of visitors to the project area is associated with multiple-use opportunities including motorized access and motorized recreation opportunities. These are multiple-use lands as designated by congress and must be managed as such. Recreation is a stated purpose for multiple-use lands.

We have been keeping observations of the types of visitors in multiple-use areas since 1999 and have found that 97% of the visitors are motorized recreationists. The public comments and votes by how they use the forest, and more motorized access and recreation is what they are asking for with every visit.

A clear imbalance between motorized and non-motorized recreational trail opportunities exists in Oregon. Clear evidence of this can be found by comparing motorized trail opportunities in Idaho versus those in Oregon. As of FY2006, thirteen national forests in Idaho have approximately 9,199 miles of motorized trail, 6,868 miles of motorized single-track trail, and 14,576 miles of non-motorized trail as shown in http://www.fs.fed.us/recreation/programs/ohv/travel_mgmt_schedule.pdf. In the same table the national forests in Region 6 and Oregon have far less. The values for Oregon have been significantly reduced by a number of decisions and ongoing actions.

The evaluation must adequately consider and address the fact that motorized access to the national forest is relatively limited as shown by the miles of roads versus the number of acres in the following table. The miles and percentage of non-motorized trails is excessive compared to the use that they receive and this does not consider the endless cross-country opportunities that available to non-motorized recreationists. The total route opportunity available to non-motorized recreationists is 510,575 miles, the total miles of exclusive non-motorized trails are 93,088 or 75% of the existing total. The miles of non-motorized cross-country opportunity are infinite.

The evaluation must adequately consider and address the fact that motorized access to the national forest in Region 6 is relatively limited as shown by the miles of roads versus the number of acres in the following table. The miles and percentage of non-motorized trails is excessive compared to the use that they receive and this does not consider the endless cross-country opportunities that available to non-motorized recreationists. The total route opportunity available to non-motorized recreationists in Region 6 is 108,109 miles, the total miles of exclusive non-motorized trails are 14,759 or 75.46% of the total existing miles of trail. The miles of cross-country opportunity are infinite.

The total miles of roads open to motorized recreationists are 69,170 and the total miles of trails open to motorized recreationists are 4,800 or 24.54% of the total existing miles of trail. The miles of cross-country opportunity are or will be shortly equal to zero. Therefore, the overall allocation of non-motorized versus motorized access and trail riding opportunities in Region 6 is way out of balance with the needs of the public for motorized access and the recreational needs of motorized recreationists.

NVUM data for the Deschutes and Ochoco National Forest shows that there were 4,498,000 total site visits to the forest and only 89,000 wilderness visits (http://www.fs.fed.us/recreation/programs/nvum/revised_vis_est.pdf). Therefore, wilderness visits in the Deschutes and Ochoco National Forest are only 1.98% of the total visits yet past decisions have produced both a disproportionately large and an increased number of recreation opportunities for non-motorized and wilderness visitors and at the expense of the multiple-use and motorized visitors. The remaining 98.02% of the visitors are for the most part associated with multiple-uses. The public comments and votes by how they use the forest, and more motorized access and recreation is what they are asking for with every visit regardless of whether they provide comments in a cumbersome NEPA process.

The ratio of acres available to wilderness/non-motorized visitors versus the acres available to multiple-use visitors is way out of balance in the existing condition with 4.08 acres per wilderness visitor and 0.50 acres per multiple-use visitor for a ratio of about 8:1. This proposed action makes this inequity even worse by providing 6.29 acres per wilderness visitor and 0.45 acre per multiple-use visitor for a ratio of about 14:1.

The available multiple-use (MU) acres and acres per MU visitors is less than this example because even though lands are designated as MU by congress the agency is effectively managing many multiple-use acres as non-motorized/defacto wilderness. Therefore, the acres per MU visitor is significantly less than shown and the imbalance of the ratio of defacto wilderness acres per visitor to MU acres per visitor is significantly greater than this example. [See table 3 on pg. 23 of letter: Acres per Forest Visitor and Ratio]

We [Capital Trail Vehicle Association] recognize the desire for a quiet experience in the forest as a legitimate value. To varying degrees, we all visit the forest to enjoy the natural sounds of streams, trees, and wildlife. Forest visitors who require an absolutely natural acoustic experience in the forest should be encouraged to use the portions of the forest which have been set aside for their exclusive benefit where they are guaranteed a quiet experience, i.e, wilderness areas. Given the demonstrated underutilization of existing wilderness areas, it is entirely reasonable to conclude that there is adequate wilderness area. Given that vast areas of our forests have been set aside for the exclusive benefit of this relatively small group of quiet visitors, it is not reasonable to set aside more areas and trails for their needs.

Out of the 14,398 recreationists that were observed, 194 were hikers and all of the meetings were pleasant. We [Capital Trail Vehicle Association] have not experienced any user conflict in nine years of observations.

Response

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrants supplement or improvement of the analysis presented in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS. Alternatives 2 and 3 in the DEIS/FEIS include several areas that will be designated as open to cross-country travel. The Purpose and Need (Chapter 1) of the Environmental Impact Statement describes the reasons why motorized access is being limited. Chapter 3 of the DEIS/FEIS acknowledges the potential for cumulative effects from the regional and national implementation of the Travel Management Rule. The checklist identified focuses mainly on criteria that is useful in considering designated motorized trail systems, and will be forwarded to the District Rangers that are currently proposing and analyzing additional designated motorized trails.

Comment 5

The project area with its current level of motorized access and recreation is where residents from central Oregon and surrounding regions go to enjoy motorized recreation. The project area is where we go and what we do to create those memories of fun times with family and friends. Management of these lands for multiple-uses including reasonable motorized use allows the greatest enjoyment of these lands by the widest cross-section of the public to continue. These lands are designated as multiple-use lands. We ask that management for sharing of these lands for multiple-use be selected as the preferred alternative. Sharing would include a 50/50 sharing and equal opportunity of non-motorized to motorized trails.

Response

As noted in the DEIS/FEIS, Chapter 3, Recreation, and Social-Economic Analysis, the Deschutes and Ochoco National Forest will continue, under all alternatives, to provide some of the premier motorized recreation and access opportunities in the State of Oregon.

Comment 6

Our [Capital Trail Vehicle Association] comments document that the current management trend towards massive motorized closures (25 to 75% of the existing routes) is not responsible to the public's needs for motorized access and recreation and is contrary to the multiple-use management directives specified by congress. The agency can no longer ignore that motorized access and recreation are the largest (over 50 million) and fastest growing group of visitors. The agency can no longer ignore the needs of motorized recreationists and act irresponsibly by continuing to close a large percentage of existing motorized access and recreation opportunities. The agency can no longer ignore the need for new motorized recreational opportunities. The agency can no longer ignore the significant cumulative effect that all of the motorized closures over the past 30 years have had on motorized recreationists. We cannot tell you how many times we have met motorized recreationists (many of them families from the project area) and they have asked us "What is going on?" This question will be even more prevalent if the travel plan is pushed by the public in a short time frame. In all of the hundreds of federal actions in the past 7 years, we have yet to see a meaningful evaluation this cumulative effect. It seems that both the BLM and Forest Service are using forest planning and travel management planning as an opportunity to close as many motorized recreational opportunities as fast as possible. We are asking that this project establish a baseline evaluation and address this significant impact.

Response

See response to Comment #4 and 5. The DEIS/FEIS and appendices include a detailed description of the existing baseline condition of motorized recreation and access opportunities (Chapter 3, Recreation, Transportation, Public Safety)

Comment 7

There is a great shortage of ATV and motorcycle trails in the Deschutes and Ochoco National Forest. For this reason, we strongly recommend and support the development of a Pro-Recreation Alternative. The starting proposal by the Deschutes and Ochoco National Forest does not meet this definition of a Pro-Recreation Alternative. A Pro-Recreation Alternative would include the following characteristics in addition to the Helena National Forest starting proposal:

- 1. Adequate dispersed camping for existing and future uses within 300 feet of all existing routes.*
- 2. Use of seasonal closures, where required, to protect the environment and wildlife with the intention of keeping routes open for the summer recreation season.*
- 3. All of the existing routes are needed as OHV routes due to the cumulative effects of all other closures.*

4. Additional OHV routes are needed to address the growing popularity of OHV recreation and the greater needs of the public for access and motorized recreation.

5. Starting a NEPA process started with a proposed action does not follow required NEPA process for identification of issues and development of all reasonable alternatives to address those issues.

6. Provides the type of long-distance figure 8 routes, loops and side destinations desired by OHV recreationists

Loops ranging from 20 to 60 miles

Many stops and side destinations

Documents and preserves the historic nature of the area

Uses mainly historic routes that exist on the ground today.

May require dual-use or street-license but would be more user-friendly if it was open to all OHVs as dual-use routes.

Grants could be used for signing at each site and the development of interpretative literature, brochures, and maps.

Grants could be used where required for some route improvements.

Response

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrants supplement or improvement of the analysis presented in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS.

The comment also includes some specific recommendations for changes to the alternatives which have either already been addressed in Alternatives 2 and 3, or are outside the scope of the proposed decision to be made. Adding additional routes to the existing designated motorized road and trail system (points 3, 4, 6) is outside the scope of the decision to be made. Alternatives 2 and 3 provide for motorized access for dispersed camping within 300 feet of most open designated roads on the two Forests and Grassland (point 1), although the conditions for that motorized access change by alternative. It should be noted that this EIS makes no changes to the conditions of where dispersed camping is currently allowed, only where you can drive a motor vehicle to disperse camp. Seasonal use periods that now are in place are incorporated into Alternatives 2 and 3 (point 2). The Forest Service disagrees with point 5. In accordance with the Council on Environmental Quality regulations, "Agencies shall make sure the proposal which is the subject of an environmental impact statement is properly defined." (40 CFR 1502.4) (a)

Comment 8

We [Capital Trail Vehicle Association] are extremely concerned about the unequal allocation of trail resources and we do not see anything in the document that justifies the current imbalance of 22.69% motorized trails. The facts presented in our comments clearly supports a motorized trail allocation of 50% or greater.

The following facts are documented in the information and comments that we have provided:

- 1. The public has a great need for motorized trails.*
- 2. Under existing conditions there are considerably more non-motorized trail opportunities than motorized trail opportunities.*

3. *The public needs more motorized trail opportunities and not less.*
4. *The Forest Service has proposed less motorized trail opportunities.*
5. *Motorized recreationists are the only ones to lose in this proposal.*
6. *Motorized recreationists are the only one to lose in every travel plan action.*
7. *The National OHV policy was not intended to be a massive motorized closure process but that is how it is being used.*

Every Forest Service travel planning action has resulted in less motorized access and motorized trails. Motorized recreationists have become extremely frustrated with this disconnect between their needs and Forest Service actions. We often hear others say that the Forest Service is going to close our trails regardless of what we say or do. This is a sad statement for a federal agency with a stated commitment to equal program delivery. We are extremely concerned because the Forest Service is not providing equal program delivery to motorized recreationists. We urge Forest Service leadership to self correct this problem by developing a preferred alternative based on a Pro-Recreation alternative. The current set of alternatives does not include a Pro-Recreation alternative. NEPA requires analysis of all viable alternatives and all significant issues. A Pro-Recreation alternative is viable and needed by the public. Items a through f above are significant issues which have been further detailed in our comments. These are adequate reasons to develop and support a Pro-Recreation alternative. Other motorized recreationists are available to develop and support a Pro-Recreation alternative if the agency would engage them. Again, we urge the Forest Service to correct this situation and restore public confidence in the agency by developing and selecting a Pro-Recreation alternative that provides equal program delivery by allocating at least 50% of the trails to motorized use.

Response

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrants supplement or improvement of the analysis presented in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS.

The commenter is calling for a "Pro-Recreation" alternative to be considered that would include either designating new motorized trails. However, re-examine decisions made by the Forest Plans about allocation of motorized uses. Neither of these actions are within the scope of this Environmental Impact Statement (See Chapter 1, Issues outside the Scope of the Proposed Action). NEPA requires the agency to "...rigorously explore... all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated." (40 CFR 1502.14 (a)). The two Forests currently provide some of the premier opportunities for designated motorized trails in the state, and more trail opportunities are currently being proposed at a scale that is the most appropriate for evaluating meaningful trade-offs.

Comment 9

The current trend of excessive motorized access and motorized recreational closures is having a significant impact on the number of visitors to the forest as shown in the recently released NVUM report (http://www.fs.fed.us/recreation/programs/nvum/nvum_national_summary_fy2007.pdf, <http://billingsgazette.net/articles/2008/12/04/features/outdoors/18-woods.txt>) and the following graphic based on that data. This trend has created significant issues in regards to adequate public access and adequate motorized recreation which much be analyzed adequately during the process. [See Table on pg. 6 of letter: Visits to national forests from 2004-2007]

Response

The Forest Service disagrees that the cited NVUM report shows that motorized access and motorized recreational closures show a significant impact on the number of visitors to the forest. The cited report compares two different rounds of survey data, but does not draw any conclusion as to reasons for changes in the number of visitors. As stated in the most recent NVUM for the Deschutes and Ochoco (NVUM, February 2009) "Caution should be used in interpreting comparisons of results from the two rounds of data collection. The difference between the two does not necessarily indicate a trend or a real change over time. Trends are usually based on result from at least four different points in time that control for as many other factors as possible. Several concurrent factors account for the differences between the results across the two rounds presented here, for both visitation estimates and visit characteristics. Only one of those is a trend over time". The second cited source could not be located through the referenced web address.

Comment 10

A motorized travel plan is a plan that specifically designates roads, trails and areas for motorized use, designates which vehicles will be allowed on which routes and if seasonal restrictions apply. A comprehensive trail designation plans does the same thing except it includes all trail uses, including mountain bike, equestrian and hiking. This is a very important distinction because the anti-access groups will attempt to convince the planning team to develop a "comprehensive" travel plan by using only the existing inventory of motorized routes. They do this by identifying existing motorized trails that are good for mountain bikes, equestrians and for bird watching... or whatever. The current approach is inequitable because it takes the current motorized route inventory and tries to make it the route inventory for all users. It leaves out possibilities for constructing or otherwise developing non-motorized trails and ignores existing non-motorized trails that exist in both the planning area and adjacent lands. Now, that doesn't mean the agency can't take into consideration the effect each alternative will have on non-motorized visitors. It can - and it should be part of the NEPA analysis. But that is totally different from specifically providing a non-motorized trail system via the existing inventory of motorized routes. We [Capital Trail Vehicle Association] support the creation, designation and management of non-motorized trails, but not at the expense of motorized visitors. We request that the agency not use the existing motorized trail inventory for designating non-motorized trails. Instead, if there is a need for non-motorized trails, then the agency should consider options that do not reduce the existing opportunity for motorized users.

Response

The commenter has provided no citation for the source of this definition of a "motorized travel plan." The comment does not provide any specific reference to the DEIS, and therefore was not considered further in the FEIS. There is nothing in the DEIS or FEIS that would limit future designation of motorized trails.

Comment 11, 18

An adequate and reasonable preferred alternative would include an adequate quantity and quality of beginning, intermediate, and advanced routes and trails for a wide cross-section of motorized visitors including motorcycles, ATVs, and four-wheel drive vehicles. Additionally, the quantity and quality of motorized routes would be at least equal to the quantity and quality of non-motorized routes. This is the yard stick that the team should measure travel plan alternatives by.

The needs of the public for motorized recreational opportunities include a variety of trails for different skill levels. Also, routes with minimal traffic are needed as practice routes for beginning riders.

Response

The Forest Service recognizes the interest that motorized recreationists have in designated routes that provide for a variety of users and difficulty levels, and a fair opportunity for those opportunities. However, alternatives that would evaluate either the Forest Plan allocations of motorized and non-motorized use, or designating trails are not within the scope of this Environmental Impact Statement. (Chapter 1 and 2)

Comment 12

Road density does not equal motorized trail density. Impact information developed based on roads should not be used to estimate impacts from ATV and single-track motorcycle trails. ATV trails has far less impact than roads in all resource areas and motorcycle single-track trails have far less impact than roads in all resource areas. Motorized trails have less impact than roads and this condition must be recognized during the analysis and decision-making.

Response

The commenter has not provided scientific evidence the Forest Service could use to review the specific impacts identified in the comment. As noted in DEIS/FEIS, Chapter 3 Wildlife, noise has been documented in the literature to be a major factor in wildlife displacement and avoidance of habitat. An analysis of noise impacts and disturbance can be found in DEIS and FEIS, Chapter 3 (DEIS pp. 283-287; FEIS p. 304-309).

Comment 13

One of the specific requirements under NEPA is that an agency must consider the effects of the proposed action in the context of all relevant circumstances, such that where “several actions have a cumulative . . . environmental effect, this consequence must be considered in an EIS.” Neighbors of Cuddy Mountain v. U.S. Forest Serv., 137 F.3d 1372, 1378 (9th Cir. 1998) (quoting City of Tenakee Springs v. Clough, 915 F.2d 1308, 1312 (9th Cir. 1990)). A cumulative effect is “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions.” 18 40 C.F.R. [section] 1508.7. 3. The cumulative effect of all motorized closures has been significant and is growing greater every day yet they have not been adequately addressed. Ignoring cumulative effects allows the agency to continue to close motorized routes unchecked because the facts are not on the table. CEQ guidance on cumulative effects was developed to prevent just this sort of blatant misuse of NEPA.

Because of the cumulative effects on motorized recreationists from all past and reasonably foreseeable closures and the growing need for motorized access and motorized recreational opportunities, there can be no net loss of these opportunities with this action. This can be accomplished by implementing a route designation for all existing routes.

Response

The DEIS/FEIS acknowledges the potential for cumulative effects to motorized recreation opportunities, both on the Forest and across the Pacific Northwest. (Chapter 3) However, the suggested action of implementing a route designation for all existing routes is outside the scope of this EIS.

The Deschutes and Ochoco National Forests acknowledged the potential effects of implementing the Travel Management Rule across the two Forests, and chartered a federal advisory Working Group to help

develop a strategy to implement the rule (See Chapter 1, DEIS/FEIS). As a result of that strategy, the two Forests have proposed designating additional motorized trails through separate NEPA analyses. We encourage you to get involved in those projects to share your interest in additional designated motorized trails.

Comment 14-15

*A starting list of actions that should be evaluated in a cumulative effect analysis include:
[See Table on pg. 8 of letter: Cumulative Effects on Motorized Recreationists]*

Past actions that have had a significant impact on motorized recreationists in Montana. Reasonably foreseeable actions including travel plans, forest plans and resource management plans will produce additional significant impacts. These actions have produced or will produce a significant debt in the mitigation bank for motorized recreational opportunities in the Deschutes and Ochoco National Forest and immediate surrounding areas and this issue must be adequately addressed

Response

The list provided by the Capital Trails Association does not qualify or quantify the extent to which specific motorized activities are affected. There is no verifiable source that can be checked to confirm the numbers included in Table 8. There is no meaningful quantitative link provided with alleged motorized "closures" in Montana and recreation opportunities on the Deschutes and Ochoco National Forest. Possible cumulative effects of the prohibition on motorized travel off of designated routes (cross-country travel) are speculative, and therefore not required to be included in a cumulative effects analysis. Therefore, this table will not be considered further in the FEIS.

Comment 17

All roads to be closed to full-size vehicles should be converted to ATV routes. This is a reasonable alternative for all existing roads.

Response

No roads are being closed as a result of this EIS. When decisions are made during project scale NEPA analyses to close roads to full-sized vehicles, a variety of options are considered including whether to close to all vehicles, decommissioning the road and removing it from the long-term transportation system, or converting the road to a motorized or non-motorized trail.

Comment 20

The loss of high quality motorized routes in the Deschutes and Ochoco National Forest is not a reasonable alternative given the historic use of these routes and the needs of the public for access and motorized recreation. Specifically, the imbalance of non-motorized to motorized trails (775 to 23%) does not adequately address the issues and the needs of the public for these routes. The reasons used are completely unreasonable. Motorcycles can negotiate and prefer to use trails of the same specifications as hiking and pack stock trails. This proposal does not reasonably acknowledge or consider that motorcycle riders are; willing to share, practice Tread Lightly, have maintained these trails for years, would rather ride their motorcycles on single-track trails and have developed the skills necessary to ride a motorcycle on single-track trails. We are very concerned about the lack of understanding of the needs of single-track motorcycle riders and the complete disregard for their needs. We ask that this very important issue be adequately addressed in the document.

National Forests in Idaho have a long and successful history of sharing single-track trails with motorcycles and we request that this strategy be used in the project area.

Response

The Environmental Impact Statement does not propose to close any designated motorized routes. The Forests will continue to provide premier motorized trail systems and extensive motorized access as documented in the DEIS/FEIS.

Comment 21

Motorcycle trail riders enjoy riding single-track trails. Motorized single-track recreation trails are limited at this time and continue to decline. The process has not differentiated between ATV and motorcycle trails in the travel plan alternatives. In order to recognize the different needs and impacts, the evaluation must be differentiated between ATV and motorcycle trails. Figure 2.2 and 2.7 on page 14 of Chapter 2 in the Decision clearly shows that existing tracks used by motorcycles are to be considered as motorized trails (<http://www.mt.blm.gov/ea/ohv/Chapter2.pdf>). The evaluation must consider these routes in order to meet the requirements of the National OHV ROD.

Response

The Forest Service agrees that many motorcycle trail riders enjoy single track trails, and that designated trails for single track are limited on the Deschutes and Ochoco. In fact, the DEIS discloses that there currently are no class III single track motorcycle trail opportunities on either the Deschutes or Ochoco National Forests, and further describes likely effects to motorized users. However, the scope of the decisions to be made in the Deschutes and Ochoco Travel Management Project do not include designations of new motorized trail systems. There are currently several proposed motorized trail projects that are undergoing separate environmental analyses. Most of these projects are proposing class III single track motorcycle trail opportunities. These include the Three Trails and Lava Rock Motorized Trail Projects on the Crescent and Bend-Ft. Rock Ranger Districts of the Deschutes National Forest, and the Ochoco Summit Motorized Trails Project on the Lookout Mountain and Paulina Districts of the Ochoco National Forests. The “National OHV ROD” referenced in this comment is not part of the Deschutes and Ochoco Travel Management DEIS or the USFS Travel Management Rule. The commenter provided no citation that could be referenced to determine the status or location of such a document.

Comment 23

Wilderness is closed to motorized vehicles and equipment. Therefore, multiple-use lands should be open to motorized vehicles and equipment. Wilderness criteria and standards should not be applied to multiple-use lands.

Response

The Deschutes and Ochoco National Forests Travel Management EIS does not propose to change where motorized use may be allowed on designated roads, trails, or areas. The decision about whether or not motorized use is appropriate in an area was already made by the Deschutes and Ochoco Land and Resource Management Plans. This EIS would not preclude future designation of roads, or motorized trails or areas in multiple-use lands.

Comment 24

The site specific analysis of each road or trail to be closed must address or identify where the public would go to replace the motorized resource proposed for closure. In other words, the analysis must adequately evaluate the site specific value of a road or trail proposed for closure to motorized recreationists. It must also quantify the significant negative cumulative impact experienced when motorized recreationists could not find a trail or road with a similar experience in the area. The quality of our [Capital Trail Vehicle Association] experience has been significantly reduced. It must also quantify

the significant cumulative impact that the closure of a system of road and trails would have collectively when enough routes are closed to eliminate a good motorized day outing. An incomplete analysis is not acceptable under NEPA requirements.

Site specific monitoring of motorized versus non-motorized use must be provided for each route.

Each route must be evaluated on the basis of whether it will see more use as a motorized route or a non-motorized route and then the appropriate decision should be made on that basis.

Each route must include a socio-economic analysis that includes the impacts on the public owning OHVs and looking for opportunities to use them and landowners who purchased property with the intent of being able to access and recreate using motor vehicles.

Response

These comments suggest the Forest Service take an action or complete an evaluation that is not within the scope of the decision to be made in this EIS. Chapter 1 of the DEIS/FEIS establishes the underlying purpose and need to which the agency is responding and the scope of the decisions that are being considered to address that underlying need. The scope of these decisions is within the legal framework established by the 36 CFR 212, also called the Travel Management Rule, the implementing regulations for the National Environmental Policy Act, and Forest Service policy. The Deschutes and Ochoco National Forests Travel Management EIS do not propose to close any designated system road or trail, and it is not required under any current policy to conduct an in-depth analysis of unauthorized roads or trails. Direct, indirect, and cumulative effects of changes to motorized access and recreational opportunities were detailed in Chapter 3 of the DEIS/FEIS.

Comment 25

It would be a huge step backward for society if we had to comment on every foot of road, water line, sewer pipe, sidewalk, and motorized trail that the public needs. Gauging public need by the number of comments is not the norm in our society and should not be used in this process.

Response

The Deschutes and Ochoco National Forests have been working on a strategy to implement the Travel Management Rule that would take into consideration the varied interests of the public. This strategy brought together motorized and non-motorized interests as well as local residents, businesses, tribal, local, and state governments. Recognizing that resources are limited, these people worked together to develop criteria for how to provide motorized access for dispersed camping and to identify - out of over 2 million acres - those areas that were most important and most likely to have community support for considering designated motorized trails. This process focused on community-based consensus to help identify the approach the two Forests and Grassland would take to implement the Travel Management Rule.

Comment 27

The travel management plan for the area must reflect that use and the needs of the public for motorized recreational opportunities in the area. Again, these are multiple-use lands and we ask that they remain viable multiple-use lands by not closing existing motorized routes.

Response

The DEIS, Chapter 3, Affected Environment, p.214 (FEIS p. 67) describes existing designated OHV trail opportunities on the Deschutes and Ochoco National Forests, and p. 220 - 222 (FEIS p. 79 – 81) describe

Motorized Recreation Trends. No decision under this DEIS will close existing designated roads or trails. There would be some change to the class of vehicle certain roads are open to. See DEIS, Chapter 2, p. 50 (FEIS p. 51), Table 5- Expected Change in Roads Open to Highway-legal Vehicles, and the Records of Decision. The scope of the decisions to be made in the Deschutes and Ochoco Travel Management Project do not include designations of new motorized trail systems. However, there are currently several proposed motorized trail projects that are undergoing separate environmental analyses. These include the Three Trails and Lava Rock Motorized Trail Projects on the Crescent and Bend-Ft. Rock Ranger Districts of the Deschutes National Forest, and the Ochoco Summit Motorized Trails Project on the Lookout Mountain and Paulina Districts of the Ochoco National Forests.

Comment 28

A sense of magnitude must be used when making decisions about road closures based on indicators such as sediment production. For example, a route should not be closed because it is estimated to produce 10 cubic yards less sediment. The sediment yield must be compared to naturally occurring conditions which includes normal runoff, floods, and fires. The recent fires in the Deschutes and Ochoco National Forest discharged thousands of cubic yards of sediment to the area streams which is more than all of the motorized routes in the project area for the next 100 years.

Response

The Environmental Impact Statement does not propose to close any roads.

Comment 29

With respect to the comment that there is not enough money to mitigate problems, motorized recreationists can work with the Forest Service as partners in many different grant applications.

Also, motorized recreationists generate significant levels of funding that would be available if the agency would pursue them and the system was working to distribute them equitably. Basically OHV recreationists generate a significant amount OHV gas tax. These monies should be used to maintain, develop, and mitigate issues but, unfortunately, it is being diverted elsewhere. This significant issue must be addressed.

Response

The Deschutes and Ochoco National Forests have an excellent, regionally recognized OHV program (Central Oregon Off Highway Vehicle Operations (COHVOPS)). This program is combined with the Prineville BLM and manages over 1000 miles of designated OHV trails on the Ochoco, Deschutes and Prineville BLM. The law enforcement part of their program provides education and compliance for motorized visitors on all Forest and BLM lands. The program budget for operations and maintenance, law enforcement and education, planning and development is over \$1,000,000 of which almost 80 percent is provided by Oregon State ATV grants, along with grants from other entities such as Yamaha, and the Secure Rural Schools program. In addition, volunteers provide an estimated \$70,000 worth of in-kind labor annually to the program.

Comment 30

The most common maintenance requirement for 4x4 and OHV routes is the construction and maintenance of water bars/dips/mounds to divert runoff from the route. This maintenance could easily be provided by running a SWECO trail machine with a trained operator over each route once every 5 years. OHV trail maintenance and gas tax monies are available to fund this maintenance. Each region could set up a program similar to the Trails Unlimited program (<http://www.fs.fed.us/trailsunlimited/>). AmeriCorps type labor could also be used. The SWECO could not be used on motorcycle single-track trails but they typically require less maintenance and water bars/dips/mounds can usually be constructed on these trails

by hand work.

The Stream Systems Technology Center found that installing water bars at a reasonable spacing was a very effective way to reduce the sediment discharge from trails and roads (July 2007 Stream Notes at <http://www.stream.fs.fed.us>).

Response

The EIS does not propose to construct or maintain any motorized trails.

Comment 31

The Deschutes and Ochoco National Forest has far less than the desired number of motorized trails. This creates two problems. First, the public will tend to “explore” closed routes in an attempt to salvage a decent outing. Secondly, it produces an unsatisfactory OHV experience.

Response

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrants supplement or improvement of the analysis presented in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS. Also see response to comment #27 above.

Comment 32

The scope of the project must address both existing routes and new construction. This is necessary and reasonable because a certain percentage of the existing routes are likely to be closed. Putting a sideboard on the project scope that prevents the evaluation and creation of any new trail segments also eliminates the opportunity to mitigate the overall level of motorized closures. This approach, if pursued, would preclude the evaluation of a reasonable alternative and also preclude any opportunity for mitigation and enhancement. Therefore, limiting scoping of the project to existing routes only would produce a significant built-in disadvantage for motorized recreationists, i.e., the overall number of motorized routes are destined to be reduced and nothing can be considered to enhance existing routes and to mitigate the overall loss to motorized recreationists. We are concerned that the process will not provide motorized recreationists with an equal opportunity (50/50 sharing of motorized to non-motorized trails) in the outcome and we are only destined to lose. We would appreciate an independent evaluation of this situation as soon as possible so that the proper scoping direction can be corrected early in the process.

Response

The scope of the project was defined in Chapter 1 of the DEIS/FEIS, along with the rationale for why the scope of this EIS was limited to prohibiting motorized access off of existing designated routes (cross-country travel) and establishing the conditions for motorized access for dispersed camping. Currently, there are more than 8,000 miles of open designated roads on the two Forests and over 300 miles of designated motorized trails, without counting the designated motorized trails on nearby BLM lands. This represents a considerable resource for motorized access and recreation. Evaluating the entire road system for considering either designating new routes, or reducing the amount of existing routes is outside the scope of this EIS. As noted in the DEIS/FEIS, Chapter 1, there are several motorized trails projects that are currently being proposed.

Comment 33

Note that non-motorized recreationists can use routes that are both open and closed to motorized recreationists including roads and the evaluation of the opportunities available to non-motorized recreationists must be based on the total of all existing roads and trails. Additionally non-motorized recreationists can use an infinite amount of cross-country opportunity and motorized recreationists cannot. A reasonable evaluation of this condition will conclude that motorized recreationists are already squeezed into insignificant and inadequate system of routes. This point must be adequately considered in the allocation of recreation resources.

Response

The DEIS, Chapter 3, Recreation, Affected Environment, p. 226 (FEIS p. 67) describes non-motorized recreation use, and trails. Roads and trails that are designed and managed for motorized use do not necessarily provide the desired recreational experience or setting that some non-motorized users prefer. Both motorized and non-motorized users have differing preferences for recreation settings ranging from primitive, undeveloped settings, to more developed settings

Comment 34

The evaluation and decision-making must take into account that the total area of the Deschutes and Ochoco National Forest equals 2,566,000 acres and out of that total 363,000 acres or 14.15.0% is already designated wilderness. The proposed forest plan for the Deschutes and Ochoco National Forest identifies (inappropriately) that roadless areas, even though they are designated multiple-use lands, will be largely managed as non-motorized. Therefore, this ratio could be even more lopsided toward non-motorized opportunities at 21.82% assuming that defacto wilderness areas including 197,000 acres of roadless areas are largely managed for non-motorized recreation. We maintain that the management of all of the remaining 2,203,000 congressionally designated multiple-use acres (including roadless) or 85.85.0% of the forest should be for multiple-uses. Every multiple-use acre must remain available for multiple-uses in order to meet the needs of 98.02% of the public who visit the Deschutes and Ochoco National Forest for multiple-uses. Every reasonable multiple-use acre must remain available for multiple-uses in order to maintain a reasonable balance of opportunities. The proposed plan must not meet the basic needs of the public for multiple-use opportunities, a proper allocation of multiple-use recreation opportunities and the laws requiring multiple-use management of these lands.

Response

The Deschutes and Ochoco National Forest Travel Management EIS does not propose to change any decisions about whether or not motorized uses may be allowed within a specific Management Area under the Forests' Land and Resource Management Plans (Forest Plans). This EIS does not, therefore, change or otherwise affect the potential for designation of motorized roads or trails in areas where they would not otherwise be prohibited. This EIS does not create any additional land management allocations or change any existing land management allocations, and does not affect where multiple uses may be allowed within any area on the two Forests or Grassland. What this EIS does, is to propose to limit motorized access to designated roads, trails, and areas. It does not prescribe where those designated roads, trails, and areas may be located, either now or in the future.

Comment 35, 37-40

There is too little motorized access and too few motorized trails in the Deschutes and Ochoco National Forest. Therefore, every mile of existing road and motorized trail is very, very important. The evaluation must adequately consider and address the fact that motorized access to the Deschutes and Ochoco National Forest is relatively limited as shown by the miles of roads versus the number of acres in the

following table. The miles of motorized trails are exceptionally inadequate for the thousands of OHV recreationists looking for those opportunities. Additionally, the miles of motorized trails and especially single-track is way out of balance with the needs of thousands of motorized recreationists in the region surrounding the Deschutes and Ochoco National Forest. At the same time, the miles and percentage of non-motorized trails is excessive compared to the use that they receive and this does not consider the endless cross-country opportunities that available. The total route opportunity available to non-motorized recreationists is 13,241 miles and the total miles of exclusive non-motorized trails are 1261 (77.31%) and the cross-country miles are infinite. The total miles of roads open to motorized recreationists are 9618 and the total miles of trails open to motorized recreationists is 370 (22.69%) and the miles of cross-country opportunity is zero. Existing motorized single-track trails total 0 miles or 0%.

Given the number of motorized recreationists and the miles of routes available, it should be very obvious that motorized recreationists are already squeezed into an inadequate system of routes.

Under the existing condition, 14.15% of the Deschutes and Ochoco National Forest is set-aside for segregated exclusive non-motorized use for 1.98% of the visitors to the forest. The remaining 98.02% of the visits are associated with multiple-use. Multiple-use lands are public places. Segregation in public places has not been acceptable since the Civil Rights Act of 1964. In order to reasonably meet the requirements of integration a reasonable management goal for the remaining 85.85% of the forest would be for shared multiple-use that would produce a forest-wide 50/50 sharing of non-motorized/motorized trail opportunities and correct the current imbalance as shown in the table below. [See table on pg. 13 of letter: Road and Trail Miles existing in DONF]

While we [Capital Trail Vehicle Association] do not support segregation, if segregation is to be implemented on multiple-use lands (which must be considered public places), then a corresponding goal would be to demonstrate an absolutely perfect 50/50 sharing of non-motorized and motorized trails as part of that segregation. Therefore, if the proposed plan further promotes segregation on multiple-use lands, then it must include a corresponding 50/50 sharing and it must not tip the balance further in favor of non-motorized trails and at the expense of motorized routes.

In order to bring equality to the allocation of non-motorized to motorized trails in the Deschutes and Ochoco National Forest must either convert 446 miles $((1631/2)-370)$ of non-motorized trails to motorized trails or 891 miles $(1261-370)$ of new motorized trail must be constructed. The proposed Travel Plan does not adequately address this imbalance and it would be a step in direction for the travel plan.

Under the existing conditions with a typical width of no more than 12 feet, the 9,618 miles of roads in the Deschutes Ochoco National Forest would cover about 13,989 acres $(9618 \times 5280 \times 12 / 43560)$. At a typical width of no more than 48 inches, the 370 miles of ATV trails cover about 179 acres. At a typical width of no more than 24 inches the 0 miles of motorized single-track trails cover 0 acres. The total Deschutes Ochoco National Forest is covers 2,566,000 acres. The percentage of the total forest used by roads, ATV trails, and single-track motorcycle trails under existing conditions is respectively, 0.5473%, 0.0070%, and 0.0000%.

The total area of roads and trails under Existing Conditions far less than 1% of the project area. The total area used by motorized routes under Existing Conditions is 14,169 acres or 0.5544% of the 2,566,000 acre area. Therefore, the area used Under Existing Conditions is relatively insignificant and is an entirely reasonable level of use on multiple-use lands. The reduction under the proposed action produces a significant impact on the public's ability to access and recreate and is not a reasonable level of use for lands designated for multiple-use by congress. Furthermore, a Pro-Recreation Alternative that increases motorized access and motorized recreational opportunities in the project area is an entirely reasonable

alternative for these multiple-use lands.

[See table on pg. 14 of letter: Acres and % of Forest for Existing Motorized Routes]

In a recent article (http://www.helenair.com/articles/2008/08/01/national/80na_080801_drill.prt) about a lawsuit regarding drilling in New Mexico on the Otero Mesa, the BLM manager stated “While up to 90 percent of BLM lands are open to drilling under the plan, Childress said only 800 to 900 acres of Otero Mesa’s 1.2 million would be permanently disturbed by roads, footpads and other drilling related activities. “I think that’s a pretty reasonable percentage,” he said.” We agree and find that this is a relatively insignificant percentage of the total area and quite acceptable management for multiple-use lands.

Response

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrants supplement or improvement of the analysis presented in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS.

Comment 36

The overall allocation of existing non-motorized versus motorized access and trail riding opportunities in the Deschutes and Ochoco National Forest does not reasonably meet the needs of the public for motorized access and the recreational needs of motorized recreationists. We [Capital Trail Vehicle Association] request that this data be used to guide the decision-making to a preferred alternative that adequately meets the needs of the public by increasing motorized recreational opportunities in the project area.

Response

The above referenced data is the Schedule for Implementation of the Travel Management Rule taken from the National Forest Service website and includes data provided by each National Forest. As stated on the website "The schedule will guide local efforts to designate those roads, trails, and areas open to motor vehicle use through a collaborative travel planning process emphasizing public involvement and coordination with state, local, and tribal governments".

Comment 41

National OHV criteria and standards are not entirely applicable to conditions in the Deschutes Ochoco National Forest project area and Oregon, i.e. one size does not fit all. The analysis needs to allow for judgment on site specific conditions so that the decision is a better match for local conditions and customs which center on motorized access and motorized recreation.

The evaluation must adequately consider the growing popularity of motorized recreation, the aging population and their needs for motorized access, and the increased recreation time that the aging population has and looked forward to enjoying public lands in their motor vehicles.

Response

Chapter 1 of the DEIS (pg 10-11; FEIS p. 4-5) briefly describes the collaborative process the Deschutes and Ochoco National Forests used to develop an overall strategy to help guide how the Forests would implement the 2005 Travel Management Rule. That process led to a recommendation from the Deschutes Provincial Advisory Committee that is available on the Deschutes and Ochoco National Forests website.

A wide variety of interests were represented during this collaborative process which resulted in the proposed actions identified during the scoping process for the DEIS. The DEIS did consider the effects on different communities of interests - including aging populations - and to various types of recreational opportunities in the Recreation and Social and Economic sections of Chapter 3 of the DEIS/FEIS.

Comment 42-52

Specific references from the new National OHV Policy that must be adequately addressed include:

Existing – The unit or district restricts motor vehicles to “existing” routes, including user-created routes which may or may not be inventoried and have not yet been evaluated for designation. Site-specific planning will still be necessary to determine which routes should be designated for motor vehicle use.

For many visitors, motor vehicles also represent an integral part of their recreational experience. People come to National Forests to ride on roads and trails in pickup trucks, ATVs, motorcycles, and a variety of other conveyances. Motor vehicles are a legitimate and appropriate way for people to enjoy their National Forests—in the right places, and with proper management.

To create a comprehensive system of travel management, the final rule consolidates regulations governing motor vehicle use in one part, 212, entitled “Travel Management.” Motor vehicles remain a legitimate recreational use of NFS lands.

This final rule requires designation of those roads, trails, and areas that are open to motor vehicle use. Designations will be made by class of vehicle and, if appropriate, by time of year. The final rule will prohibit the use of motor vehicles off the designated system, as well as use of motor vehicles on routes and in areas that is not consistent with the designations. The clear identification of roads, trails, and areas for motor vehicle use on each National Forest will enhance management of National Forest System lands; sustain natural resource values through more effective management of motor vehicle use; enhance opportunities for motorized recreation experiences on National Forest System lands; address needs for access to National Forest System lands; and preserve areas of opportunity on each National Forest for non-motorized travel and experiences.

Clearly the rule intended to identify existing routes being used for motorized access and recreation and preserve existing non-motorized routes by elimination of cross-country travel. Why is a process that was intended to eliminate cross-country travel and designate existing motorized routes been allowed to turn into a massive closure process?

Additionally, the rule preserves existing non-motorized routes by not allowing them to be converted to motorized routes and it does not state anywhere that non-motorized travel and experiences were to be significantly enhanced by a wholesale conversion of motorized routes to non-motorized routes. We [Capital Trail Vehicle Association] request that the intention of the final OHV Route Designation rule be followed by the Deschutes Ochoco Forest Plan decision and that the rule not be used inappropriately as an action to create wholesale motorized closures and a wholesale conversion of motorized to non-motorized routes.

Forest Service Chief Dale Bosworth recognized the true popularity and magnitude of motorized recreation in his January 16, 2004 speech which stated “Off-highway vehicles, or OHVs, are a great way to experience the outdoors. But the number of OHV users has just gotten huge. It grew from about 5 million in 1972 to almost 36 million in 2000.” We agree with the Forest Chief that 36 million is a significant number of recreationists. Additionally, the USDA Southern Research Station has recently validated the growing popularity of OHV recreation in their Recreation Statistics Update Report No. 3

dated October 2004 (www.idahoparks.org/assets/content/docs/2004_usfs_RecStatUpdate3.pdf). This document reports that the total number of OHV users has grown to 49.6 million by the fall 2003/spring 2004. Based on the 2000 estimates OHV and motorized recreationists are about 64% of the population that actually visits the forest (36 million / 56 million).

This is further substantiated on page 9 of a report prepared by National Survey on Recreation and the Environment (NSRE 2000) titled Outdoor Recreation Participation in the United States (<http://www.srs.fs.usda.gov/trends/Nsre/summary1.pdf>) which asks the question “During the past 12 months. Did you go sightseeing, driving for pleasure or driving ATVs or motorcycles?” The percent responding “Yes” was 63.1% and the total number in millions was estimated at 130.8 million. Additionally, NSRE is often referenced by the agency but the summary statistics are skewed against motorized recreation because driving for pleasure and OHV use are split out as separate groups. These two groups represent motorized recreation and if they are added together they are as large as any other group in the survey which correctly demonstrates the magnitude of motorized recreation.

Additionally, the Southern Research Station in their report Off-Highway Vehicle Recreation in the United States, Regions and States (http://www.fs.fed.us/recreation/programs/ohv/OHV_final_report.pdf) determined that of the total U.S. population in the West 27.3% participated in OHV recreation and that out of the total population in Oregon 22.0% participated in OHV recreation. It appears that the study is diluting the actual percentage of OHV recreationists by using total population and not the population actually visiting and using the forest. As discussed above only 20% of the total U.S. population visits the forest. The percentage of Oregonians that actually visit our national forests is higher than the national average and is estimated at 1/2 of the total state population. Based on this estimate, it is our opinion that about 44% (22% x 2) of the actual visitors to Oregon national forests participate in OHV recreation.

These surveys and data demonstrates the significant popularity of motorized and OHV recreation and the tremendous public support and need for motorized and OHV recreational opportunities. We maintain that motorized recreationists are the main group of visitors out of the total population of visitors to the national forest visiting the forest 5 or more days per year. The needs and support of motorized recreationists must be adequately addressed in this planning effort by preserving all reasonable existing motorized recreational opportunities. This planning effort must also adequately address the increasing popularity by creating new motorized recreational opportunities. OHV and dual-sport registrations in Oregon continue to grow and demonstrate the need for more motorized trail opportunities.

Response

This Commenter does not provide specific citations to the Travel Management Rule to support this comment, and therefore a detailed referenced response to the Commenter’s characterizations of the relevant sections 36 CFR Parts 212, 251, 261, and 295 is not possible. Chapter 1 of the DEIS/FEIS describes the relationship of the Environmental Impact Statement to the relevant components of 36 CFR 212 that apply to the proposed actions. The Travel Management Rule imposes no requirement on the agency to designate unauthorized motorized trails or roads as a part of the process needed to establish the prohibition on motorized access off of designated routes and areas. While CFR 36 212.51 (a) does require motor vehicle use be limited to designated routes and areas, nowhere in the Rule is there a requirement that unauthorized trails automatically become a part of the designated system. Neither does the Rule impart any protected status to any unauthorized trail, whether motorized or non-motorized, or authorize a wholesale conversion of any trails to one use or another.

No decision proposed in this EIS would close existing designated roads or trails. There would be some changes to the class of vehicles allowed on certain roads. See DEIS, Chapter 2, p. 50(FEIS p. 51), Table

5- Expected Change in Roads Open to Highway-legal Vehicles. The scope of the decisions to be made in the Deschutes and Ochoco Travel Management Project do not include designations of new motorized trail systems. Also see response to Comment #27 above.

Comment 43

In order to be responsive to the needs of motorized recreationists, the plan should specifically allow for amendments as required to create new trails, connect trails to create motorized loops, extend trails, make minor boundary adjustments to allow a motorized trail, etc.

Response

These comments suggest the Forest Service take an action or complete an evaluation that is not within the scope of the decision to be made in this EIS. Chapter 1 of the DEIS/FEIS establishes the underlying purpose and need to which the agency is responding and the scope of the decisions that are being considered to address that underlying need. The scope of these proposed decisions are within the legal framework established by the Travel Management Rule (36 CFR 212.50), the implementing regulations for the National Environmental Policy Act (40 CFR 1500 – 1508), and Forest Service policy.

Comment 44-45

Forest Service and BLM law enforcement has taken the position that OHVs cannot legally ride on forest or BLM roads unless the road is designated dual-use. Cumulative decisions have closed OHV trails to the point that there is not an inter-connecting network of routes. At the same time, the agencies have not designated a functional network of dual-use routes to inter-connect to OHV routes. Dual-use is essential for the family OHV experience. Therefore, these closure decisions are forcing the OHV recreationists to ride non-designated dual-use routes illegally. The proposed action must include these designations in order to provide a network of OHV routes with inter-connections, where required, using dual-use roads in order to be functional. This will allow OHV enthusiasts to operate legally on forest and BLM roads. We request that a system of dual-purpose roads, and OHV roads and trails that interconnect be one of the primary objectives of the travel management plan and that this objective be adequately addressed in the document and decision. The issue of speed can be adequately and easily addressed by specifying maximum speeds and signing. Without the dual-use designation, the proposed action would transform family OHV trips from a healthy family oriented recreation to an illegal activity. This is not a reasonable nor acceptable outcome.

The continual closure of motorized trails has forced OHVs to be operated on forest roads in order to provide a reasonable system of routes and to reach destinations of interest. The lack of dual-use designations on forest roads then makes OHV use on these routes illegal. The cumulative negative effect of motorized closures and then combined with the lack of a reasonable system of roads and trails with dual-use designation have not been adequately considered in past evaluations and decision-making. We [Capital Trail Vehicle Association] request that all reasonable routes be designated for dual-use so that a system of roads and trails can be used by motorized recreationists. Additionally, we request that the cumulative negative effect of all past decisions that have adequately considered dual-use designations be evaluated and considered in the decision-making and that this project include an adequate mitigation plan to compensate for inadequate consideration in the past.

Response

An engineering analysis was completed for all maintenance level 2 roads on the Ochoco and Deschutes National Forests during 2008 and 2009, to determine the suitability of these roads to carry both highway-legal and non-highway-legal vehicles at the same time. The results of the analysis show that some of those roads are not suitable for carrying motorized mixed use. On some of those roads the probability of

accidents occurring and the potential severity of accidents can be reduced through mitigation measures such as signing the roads to increase operator awareness of the mixed use, and roadside brushing to improve sight distances. The final selected alternative, as documented in the ROD, includes approximately 44 miles of roads on the Deschutes National Forest that will remain as motorized mixed use. However, there will be a few where the hazards cannot be mitigated by use of those methods and those roads will be designated for use by highway-legal vehicles only. See ROD, Appendix 2, and DEIS/FEIS Chapter 3, Public Safety section. A detailed look at the final set of roads that will change from motorized mixed use to highway legal vehicles only was completed for the ROD. Although there is some loss of interconnecting roads the safety hazards associated with the continued motorized mixed use on the final list of roads could not effectively be mitigated.

Comment 46

In many cases illegal trails are created in response to the lack of adequate motorized opportunities. If there were an adequate number of OHV trail systems, then the need to create illegal trails would be greatly diminished. Therefore, the catch-22 of the closure trend is that in the end it feeds the illegal activity. In other words, it would be a more advantageous and equitable situation to pro-actively manage motorized recreation.

Response

The DEIS, Chapter 3, Recreation, Affected Environment, p. 214(FEIS p. 73) describes the existing designated OHV opportunities. The scope of the decisions to be made in the Deschutes and Ochoco Travel Management Project do not include designations of new motorized trail systems. Also see response to Comment #27 above.

Comment 47

The Forest Service has only addressed less motorized access and less motorized recreational opportunities. The alternatives formulation and decision-making must adequately recognize and address the fact that the majority of the public visiting the project area want more motorized access and motorized recreational opportunities.

The existing level of motorized access and recreation cannot be dismissed because it is only associated with the No Action Alternative. The existing level of motorized access and recreation is reasonable alternative and an alternative other than No Action must be built around it.

Response

The commenter is requesting an alternative that would make a wholesale designation of all unauthorized motorized roads and trails. This is not a reasonable alternative that would meet the purpose and need of the proposed action. (Chapter 1). A detailed inventory of all of the unauthorized routes on the two Forests and Grassland is not available, nor is it required under the Travel Management Rule. Since these are not existing designated routes established in accordance with 36 CFR 212.50 (b), they would be subject to the designation criteria of 36 CFR 212.55. Chapter 2, Alternatives Considered but Eliminated discusses how looking at providing large-scale open designated areas was considered. See also, response to Comment #32 above.

Comment 48

The Ravalli County Off-Road Users Association has found that “at the end of 2006, there were approximately 2500 “stickered” OHV’s in Ravalli County. For the past five years, the growth rate of “stickered” OHV’s has been about 20% per year. If this growth rate continues, the number of OHV’s in the forest will double every four years. On the Bitterroot National Forest there have been no new OHV

“system” routes designated for OHV travel since 1996. History, experience and common sense tell us that when adequate, responsible, sustainable routes with attractive destinations are provided, OHV enthusiasts will ride responsibly. On the Bitterroot National Forest this means more routes, not more restriction.” The same analysis must be done for the Deschutes Ochoco National Forest and it will find the same no growth trend and a lack of an adequate number of existing routes that is further made worse by a lack of new routes to address growth.

Response

The scope of the decisions to be made in the Deschutes and Ochoco Travel Management Project do not include designations of new motorized trail systems.

Comment 49

It is not environmentally and socially responsible to squeeze motorized recreationists into the small possible numbers of areas and routes, yet this is the goal being pursued by the Deschutes Ochoco National Forest. There is also a significant public safety aspect associated with squeezing everyone into a small area as accidents will increase with too many motorized recreationists on too few routes. We [Capital Trail Vehicle Association] request that these significant issues be adequately addressed.

Response

See response to Comment #35 above. The Deschutes and Ochoco National Forest have approximately 8,000 miles of roads open to motorized access, most of which is open to non-highway legal vehicles. When combined with the BLM lands in the same area, there are more than 1,000 miles of designated motorized trails. The commenter provides no specific citation or science to support the assertion of increased accidents as a result of the proposed actions, and therefore was not considered further in the FEIS.

Comment 50

Motorized recreationists endorsed and accepted millions of acres of area restriction under the Travel Management; Designated Routes and Areas for Motor Vehicle Use, Final Rule (<http://www.fs.fed.us/recreation/programs/ohv/final.pdf>) as a positive action to control environmental impacts. We [Capital Trail Vehicle Association] accepted area restriction and not area closure. Area closure is permanent. Area restriction allows flexibility as needed to address site specific conditions. Each motorized road and trail exists because it serves some multiple-use need. Every road and trail is important to some individual for some purpose. Each motorized road and trail must have adequate site-specific analysis to determine all of its values including motorized recreational value. Motorized recreationists gave up 97% of the area historically available to them under the National Route Designation rule as the ultimate act of mitigation so that we would continue to have use of existing motorized routes that cover or provide access to an area estimated at less than 3% of the total area. Now motorized recreationists have been given almost no credit for our cooperation during that action and we have only been penalized for our past cooperation by current route designations, resource management plans, forest plans and travel plans that seek to close 50% to 75% of the existing motorized routes. This outcome was not part of the National Route Designation agreement and this level of closure is not acceptable to us for that reason. The National Route Designation agreements were not made with the intention of massive closures beyond that agreement. We ask that all BLM and Forest Service actions include proper recognition of the agreement behind the National Route Designation decisions which allow continued use of the existing networks of motorized roads and trails without massive motorized closures.

Response

The commenter has not provided a reference or citation to the “National Route Designation agreement” that will allow for a meaningful response. The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrants supplement or improvement of the analysis presented in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS.

The existing designated open road and motorized trail systems are the result of past administrative actions and have been incorporated into this decision in accordance with 36 CFR 212.50 (b). Alternatives 2 and 3 of the Deschutes and Ochoco Travel Management DEIS would prohibit motorized access off of designated roads and trails. None of the Alternatives would close any existing designated open road or motorized trail. It does not make any changes to whether or not motorized road and trail systems or additional "open" areas could be considered within any land use allocation where the Land and Resource Management Plans currently allow for such consideration. As noted in the EIS, more than 80 percent of the land base of the two Forests and Grassland are within 1/2 mile of an open road.

The two Forests are currently considering separate proposals to designate motorized trails on the Lookout Mountain District, and the Crescent and Bend-Ft. Rock Ranger Districts in accordance with 36 CFR 212.55.

Comment 51

The typical use of public lands and the typical needs of the public in our region are described on Table 2-7 in the Social Assessment of the Beaverhead-Deerlodge National Forest dated October 2002 (http://www.fs.fed.us/r1/b-d/forest_plan/revision/reports_documents/social/Forest%20Social%20Assessment%20Masterfinal%20.pdf). This document reported that the total number of forest visitors in Forest Service Region 1 for year 2000 was 13,200,000. The total number of wilderness visits was estimated at 337,000 or 2.55%. Therefore, millions of visitors to public lands (nearly all at 97.45%) benefit from management for multiple-use and benefit from motorized access and mechanized recreational opportunities which are consistent with our observations of visitors enjoying motorized access and mechanized recreation on public lands.

An important note, agency planning staff has overlooked one important aspect of the visitor use data. The visitor use data cited above is based on a percent of the total population. However, the percent of the total population visiting our public lands is a fraction of the total population. Public lands should be managed for those people that actually visit them. We [Capital Trail Vehicle Association] request that this adjustment be made in this evaluation.

The total number of individuals that visit our national forests is about 56 million (personal communication Don English, National Visitors Use Monitoring Program, Forest Service, November 29, 2005). Our total U.S. population is about 286 million (2000 Census Data). Therefore, only about 20% (56 million/286 million) of the total U.S. population actually visits our national forests. This number needs to be used as the denominator (baseline) for total forest visitors.

Response

The report referenced above does not reflect data specific to the Deschutes and Ochoco National Forests and therefore does not provide a scientifically valid comparison. The National Visitor Use Monitoring data presented in the DEIS is based on actual estimated Forest visits from data collected during the years surveyed and is not based on a percent of total population.

The Forest Service disagrees that public lands should be managed solely for those people that actually visit them. The Forest Service mission statement is "Caring for the Land and Serving People." Our mission, as set forth by law, is to achieve quality land management under the sustainable multiple-use management concept to meet the diverse needs of people. Forest lands are managed for the benefit of all people, including those that do not actually visit them but enjoy the benefits provided through other means (for example clean air, clean water, nature based programs).

Comment 53

The Southern Research Station in their report Off-Highway Vehicle Recreation in the United States, Regions and States (http://www.fs.fed.us/recreation/programs/ohv/OHV_final_report.pdf) determined that out of the total population in Oregon 22.0% participated in OHV recreation. The number of OHV recreationists in Oregon is reported as 581,500. Additionally, the total population from the surrounding states that visit the Deschutes Ochoco National Forest is significant and estimated to be at least 100,000 .

The Southern Research Station in their report Off-Highway Vehicle Recreation in the United States, Regions and States (http://www.fs.fed.us/recreation/programs/ohv/OHV_final_report.pdf) determined that out of the total population in Oregon 22.0% or 581,500 individuals participated in OHV recreation. These numbers demonstrate the immense popularity of OHV recreation. These numbers demonstrate that there are not enough existing motorized recreational opportunities. These numbers demonstrate that the agency's motorized closure trend is contrary to the needs of the public. The magnitude of the number of motorized recreationists is real. The misrepresentation of visitor numbers must be discontinued. Proper emphasis must be given to motorized recreation. Additionally, the agency must understand and accept that many motorized recreationists do not participate in the NEPA process. Therefore, the agency should not be driven by the number of perceived participants and comments received. As originally envisioned and stated in law, the NEPA process should be driven by issues and needs and motorized recreationists have significant issues and needs. Motorized recreationists believe and hope that the Forest Service as a public agency will look out for their issues and needs in an even-handed way. In other words, as the process works now, the needs of largely unorganized motorized interests including individuals and families are largely ignored. The agency must not be overly influenced by organized non-motorized groups and their significant lobbying, organized comment writing and legal campaigns. The agency must adequately emphasize the needs of lesser organized and funded motorized recreationists by developing a motorized travel plan that addresses the needs associated with the numbers and popularity of at least 581,500 motorized and OHV recreationists. The current proposal does not meet these needs in a multiple-use area that is ideal for motorized use.

Response

The referenced report showed that at the time of their survey there was a 22.2 percent OHV participation rate out of the total Oregon state population. The Forest Service considered data presented from the above referenced report in the EIS, however the study area is not specific to the Deschutes and Ochoco National Forest, so it does not provide a scientifically valid comparison.

Comment 56

The current allotment of recreation resources on all Forest Service lands is way out of balance with 44,919,000 acres out of 192,300,000 acres or 24% in wilderness designation while no more than 2.55% of the visitors are wilderness visitors. Designation as wilderness is further out of touch with the needs of the public because recreation is not a stated purpose of the wilderness act and, therefore, recreation in wilderness area can not and should not be emphasized. Note that we could oppose any recreation development in wilderness areas in retaliation to non-motorized groups that go after our recreation opportunities but we have chosen not to do so. Recreation is a stated purpose in the multiple-use laws and, therefore, should be emphasized in the purpose and action.

If Roadless acres are included in this total, it becomes even more unbalanced with a total of 103,437,000 acres or 54% in wilderness or roadless designation while only 2.55% of the visitors are wilderness visitors.

Response

The Deschutes and Ochoco National Forest Travel Management EIS does not propose to change any decisions about whether or not motorized uses may be allowed within a specific Management Area under the Forests' Land and Resource Management Plans (Forest Plans). This decision does not, therefore, change or otherwise affect the potential for designation of motorized roads or trails in areas where they would not otherwise be prohibited. This decision does not create any additional land management allocations or change any existing land management allocations, and does not affect where multiple uses may be allowed within any area on the two Forests or Grassland. What this decision does, is to limit motorized access to designated roads, trails, and areas. It does not prescribe where those designated roads, trails, and areas may be located, either now or in the future.

Comment 58

The total miles of roads open to motorized recreationists are 286,445 and the total miles of trails open to motorized recreationists are 31,853 or 25% of the existing total. The cross-country miles are or will be shortly equal to zero. Therefore, the overall allocation of non-motorized versus motorized access and trail riding opportunities in the national forest system is way out of balance with the needs of the public for motorized access and the recreational needs of motorized recreationists.

Furthermore, we [Capital Trail Vehicle Association] request that the data in the next two tables [See Tables on pg. 20 and 22 of letter: Road and Trails Existing in BRNF and DONF] be updated to reflect the significant reduction in miles of roads and motorized trails that decisions have produced since this data was assembled. This revised data should be used to guide the decision-making to forest plan and travel plan alternatives that adequately meet the needs of the public by increasing motorized recreational opportunities in the national forest system.

Response

The source of the tables referenced in this comment is not clear, but it is not taken from the DEIS. Data on road and trail miles included in the DEIS and FEIS have been updated to reflect changes that have been recorded into the data base at the time of the preparation of the respective documents.

Comment 63

Based on our estimate that 40% of the visitors are OHV recreationists, we [Capital Trail Vehicle Association] estimate using the NVUM data for total visitors that the total number of OHV visits to the Deschutes Ochoco National Forest is 1,799,200 = (4,498,000 x .40).

Response

The DEIS considered the 2000/2001 NVUM data specific to the Deschutes and Ochoco National Forests which showed that 2.47 percent of those surveyed (roughly 76,802 visits) on the Deschutes National Forest, and 3.35 percent (roughly 19,900 visits) reported OHV activities as either their primary or secondary activity.

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrants supplement or improvement of the analysis presented in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered further detail in the FEIS.

Comment 64

We [Capital Trail Vehicle Association] have observed that 97% of the visitors to multiple-use areas are enjoying multiple-use activities based on motorized access and motorized recreation as shown in Table 1. [See table on pg. 24 of letter: Total Annual Observations on Multiple-Use Public Lands]

Response

The EIS discloses that "nearly all National Forest visitors use motorized vehicles to get to their preferred activities or settings...." While the actual percentage that this represents is not known, it would be expected to represent most visitors.

Comment 65

Our [Capital Trail Vehicle Association] observations of recreationists on multiple-use public lands from 1999 through 2008 is summarized in the table above (yearly data sheets available upon request) and demonstrates that out of 14,398 observations, 13,934 recreationists or 97% of the visitors were associated with motorized access and multiple-uses. Additionally, of the total number of people visiting public lands, 38% (5,506 / 14,398) were associated with OHV recreation. Furthermore, and most importantly, out of the 6,334 (5506 + 364 + 171 + 99 + 194) visitors that we observed using trails, 5,506 or 87% were OHV recreationists and 828 or 13% were non-motorized recreationists which includes mountain bikes which are a form of mechanized travel (8:1 motorized versus non-motorized and 13:1 mechanized versus non-motorized). Therefore, nearly all (97%) of the visitors to public lands benefit from management for multiple-use and benefit from motorized access and mechanized recreational opportunities which are consistent with our observations. Therefore, 87% of the trail users are motorized and 93% when including mountain bikes and consequently, at least 87 to 93% of the trails system and public land should be managed for multiple-uses including motorized access and recreation.

Response

Thank you for providing us with your observational data. The data was considered, but not used in the FEIS because it is not clear where the data points were, or what protocols and methodology were used for the study. The data presented also included winter use which is not addressed under this DEIS. Since it cannot be determined how the data presented specifically applies to the Deschutes and Ochoco National Forest, and includes use that is not analyzed under this DEIS it does not provide a scientific comparison. The EIS discloses that "nearly all National Forest visitors use motorized vehicles to get to their preferred activities or settings...."

Comment 67

Based on NVUM estimates that 22% of the visitors are OHV recreationists, the total number of OHV related visits to the Deschutes Ochoco National Forest is 581,500 (http://www.fs.fed.us/recreation/programs/ohv/OHV_final_report.pdf) . Given the 370 miles of existing motorized trails, there are 1,572 (581500 / 370) OHV visitors per mile of motorized trail or 1 OHV visitor every 3.36 feet. Given the 1261 miles of non-motorized trail and 89,000 wilderness visitors, there are 70.58 (89,000 / 1261) non-motorized visitors per mile of trail or 1 motorized visitor every 75 feet. This imbalance of opportunity cannot be considered equal program delivery and the proposed action must address this significant issue by creating more motorized trails.

Response

The referenced data from the report showed that at the time of their survey there was a 22.2% OHV participation rate out of the total Oregon state population. The Forest Service considered data presented from the above referenced report in the DEIS, however the study area is not specific to the Deschutes and Ochoco National Forest, so it does not provide a scientifically valid comparison. The scope of the decisions to be made in the Deschutes and Ochoco Travel Management Project do not include designations of new motorized trail systems. Also see response to Comment #27 above.

Comment 68-73

The Government Accountability Office (GAO) report on OHV recreation has been prepared and released to the general public (<http://www.gao.gov/Products/GAO-09-509>). GAO investigators interviewed agency personnel, OHV rider and industry representatives and environmental group representatives. GAO issued a number of findings in terms of OHV recreation on public lands.

GAO highlights include that OHV recreation is growing in popularity and that more Americans are seeking access to federal public lands via their OHVs.

The report found that the federal land agencies could do a better job of providing signage and general outreach to the recreating public so that visitors to public lands have a better understanding of where they can and cannot ride their OHVs.

Focused attention on the inadequacies of law enforcement and the inconsistent scale of fines and penalties for inappropriate behavior on public lands.

GAO found that the land agencies were stretched, both in terms of financial resources and personnel, and that other pressing concerns, such as fighting wildfires, apprehending drug criminals and border control issues kept agency personnel from devoting the necessary time to make public lands more accessible to recreation visitors.

GAO looked into the issue of environmental damage caused by OHVs and found such damage is far less than some observers believed to be the case.

Another finding was that agency personnel worked well with OHV user groups on trail maintenance projects. The report's conclusions confirm what we have known for a long time about OHV recreation on public lands and provide further reason to continue working on our priority issues. Motorized recreationists will continue to carry on our efforts to support law enforcement reform legislation as well as seek additional funding for better signage, maps and trail maintenance. Working with the Congress and our land agencies, we can create an environment where OHV recreation can continue to grow in popularity as more American families look to explore and enjoy the great outdoors.

Response

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrant supplement or improvement of the analysis in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS.

Letter 25**Comment 1**

There are many areas we camp and drive to for day rides in the Ochocos. Regarding camping, the following area is most frequented: Indian Prairie, on the West side of the 2630 road past Slide Mountain, meadow side, where there is existing fire rings. The endurance trail goes through that meadow there.

Response

The proposed actions in this EIS do not limit where you can camp, but they do affect where you can drive to camp. First of all, the road must be a part of the open, designated National Forest system of roads, and secondly, the site must be within 300 feet of a road so designated. This segment of road 2630 is currently designated open road. That road will be shown as open to all motorized vehicles on the first Motor Vehicle Use Map (MVUM). As long as the dispersed site at Indian Prairie is within 300 feet of this road, motorized access to the dispersed sites will remain open. If the sites are more than 300 feet from one of the open roads, the Forest Service will need to make a determination whether or not to designate a new route to the sites on one of the annual updates of the MVUM. The Implementation Plan that the Forest is developing will provide more details on the process by which these sites will be inventoried and evaluated.

Comment 2 - 6

There are many areas we camp and drive to for day rides in the Ochocos. Regarding camping, the following area is most frequented: Doughit Creek camp area, I can't read the road number on the map, but just Southwest of the intersection of the upper road and just past Doughit Creek... Where base camp has been for the COWHC Inventory the past few years; the meadow area often referred to Base Camp for the endurance ride off the 2630 road, Crystal Springs area; "Man Camp" and "Women's Camp" nicknames we have given the areas we camp off the 2630 road, "Women's Camp" looks to be on the East side of the 250 road which is on the North side of the 2630 road. That also is a popular hunting camp, existing fire rings. "Man camp" would be off the next road up, looks like the 300 road, where this year's OET State ride was held.

There are two camping areas on the 210 road between the 200 road and the 4210 road in the Cram Creek area. These both have good roads going into the camping areas, the most westerly camp spot may be more than 300 feet off the main 210 road, but again, the road going into it is also a graveled road.

We are exploring other areas further East towards and past Big Summit Prairie also, this summer we camped at Donnley Spring and another meadow near Kemp Spring. These, also, had existing fire rings, although road into them was pretty rutted.

Response

The comment does not provide enough information to identify where the dispersed camp is located. Roads 2630, 2630-300, 2630-302, 4210, 4210-200 and 4210-210 are currently a part of the open designated system and will be shown as open to all motorized vehicles on the MVUM. If the referenced

dispersed camps are within 300 feet of an open road, motorized access to the will be permitted. If the camp is more than 300 feet from an open road, motorized access to the site will not be allowed. The Forest Service recognizes in the Environmental Impact Statement that some of these recreational opportunities will be affected. The Implementation Strategy the Forest Service has developed and will be posted on the website will identify the process that will be used to identify where these sites may be located, and how the agency will determine if a new route will need to be designated to it on future annual updates to the MVUM.

Comment 7

We go to many locations, unload horses and ride, but do have to park off the road. Again, none of these locations would be over 300 feet off any roads. And, according to the maps I looked at, at the meeting, none of the roads we use would be closed to highway legal vehicles.

Response

Parking for day use activities is allowed within one vehicle length of any open road shown on the MVUM. In this case that would be the length of a pickup and horse trailer combination. Please note that this EIS does not close any roads to highway-legal vehicles.

Comment 8

The big question I have is that we are asked to comment on the maps we looked at, and when asking questions, I was told “these maps are still being updated. Some of the information on them will be changed.” So, how can a person intelligently comment on an area we have questions about if we don’t even have the final plan in front of us to see?

Response

The Alternative maps prepared for the DEIS were based on Geographical Information System information on the roads layer at that time. These maps were intended primarily to graphically display information about the proposed decisions to be made. The maps presented key information about where motorized access is currently prohibited off of designated routes, or where it is not; where motorized access for dispersed camping is currently allowed or not; and where areas are currently designated as open to motorized access off of designated trails (cross-country travel). Information was also shown about where streams, wetlands, and water bodies are located and where seasonal use periods are currently in effect. The maps also displayed, for graphic comparison purposes for each alternative, where motorized access off of designated routes (cross-country travel) would be allowed under Alternatives 2 and 3 and where and under what conditions motorized access for dispersed camping would be allowed. The intent of these maps was not to provide the most final updated version of the roads data base, since the proposed action was not to change the existing designated system.

Comment 9

One area in question was the “proposed” loop for ATV’s that would connect the 150 road and the 200 and 210 roads up off the 42 road. That would be right in the middle of the choice wild horse management area and I would strongly oppose any such ATV loop up there. When questioned the FS representative told me that was wrong, there was a road closure there and that would stay closed. So I don t know where that stands, or what will be the final decision. Any ATV use in the HMA would be opposed strongly.

Response

The Deschutes and Ochoco National Forests Travel Management EIS does not propose to add any roads or motorized trails to the designated system. This comment may be more relevant to the proposed Ochoco Summit OHV motorized trails project and has been forwarded to the Lookout Mountain District Ranger.

Comment 10

In an ideal world, there would be no ATV use on any single track trail, be it horse trail, cow trail, elk trail, deer trail, whether recognized as a "trail" by the FS or not. I have seen far too many areas where an existing single track trail has turned into a Highway because of ATV use, either two-wheel, three-wheel or four-wheel....have even seen six-wheel. And, no ATV use off any hard pack gravel roads in the HMA. Period.

Response

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrants supplement or improvement of the analysis presented in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered further detail in the FEIS.

Comment 11

The endurance trail loops are a prime example of ATV use where it should not be allowed, except on hard packed gravel roads. The trail going west out of base camp at Crystal Springs was so bad this spring that there was actually a running stream of water going down the trail. And, of course, we are not even talking about the damage done to creeks and meadows, which is evident if you follow the endurance trail out of base camp going east and then south through meadows. There are areas in the creeks and meadows where there are circles of mud where they spun around and destroyed everything around.

Response

This EIS does not propose to designate any motorized trails.

Comment 12

If I read the travel plan map correctly, I see that the 2630 road will be for "highway legal" vehicle only, and no ATV use allowed. I question this, I would much rather see them use roads like that than going off road on an inviting "dirt" trail or even dirt road.

Response

An engineering analysis was completed for all maintenance level 2 roads on the Ochoco and Deschutes National Forests during 2008 and 2009, to determine the suitability of these roads to carry both highway-legal and non-highway-legal vehicles at the same time. The results of the analysis show that some of those roads are not suitable for carrying motorized mixed use. On some of those roads the probability of accidents occurring and the potential severity of accidents can be reduced through mitigation measures such as signing the roads to increase operator awareness of the mixed use, and roadside brushing to improve sight distances. Wherever possible those mitigation measures will be employed to reduce the amount of roads designated as highway-legal only. However, there will be a few where the hazards cannot be mitigated by use of those methods and those roads will be designated for use by highway-legal vehicles only. Some segments of road 2630 will be designated for highway-legal vehicles only and other segments of road 2630 will be available to all motorized vehicles.

Comment 13

I briefly look at the proposed ATV trail and feel I cannot comment on that at this time without knowing more facts. I am just wondering, though, if people will go that far, in today's economy, to play, or if they will just take the easy routes, which unfortunately include the closest routes, many of which are in the HMA. The Forest Service is in charge of managing the HMA and the horses in it, and right now we are having a huge problem with the horses not wanting to stay within the invisible boundaries. I can see that between sheep eating all the forage and increased ATV use within the HMA, they are being forced out. I am hoping this problem is big consideration in the travel management plan.

Response

The scope of the decisions to be made in the Deschutes and Ochoco Travel Management Project do not include designations of new motorized trail systems. However, there are currently several proposed motorized trail projects that are undergoing separate environmental analyses. These include the Three Trails and Lava Rock Motorized Trail Projects on the Crescent and Bend-Ft. Rock Ranger Districts of the Deschutes National Forest, and the Ochoco Summit Motorized Trails Project on the Lookout Mountain and Paulina Districts of the Ochoco National Forests. Your letter will be forwarded to the Ochoco Summit Motorized Trails Project on the Lookout Mountain and Paulina Districts of the Ochoco National Forests.

Letter 26

Comment 1

According to a 2003 analysis of current road conditions done on both forests, there was a backlog of more than \$75,000,000.00 in deferred maintenance to the existing designated road system on the Deschutes and Ochoco National Forests at that time. In many, many cases, Class 2 and Class 3 roads had received zero maintenance over the 20 years prior to that analysis being issued. Since 2003, funding for maintenance on both forests has remained far below the amount needed to maintain the road system in its current condition each year, let alone reduce the backlog. Based on discussions with staff, and continued inflation in maintenance costs since 2003, it is likely the maintenance backlog today exceeds \$100,000,000.00, not counting overhead, which I believe is typically estimated at 40%. Taking into account current and likely future funding levels, there is no question that this amount will continue to increase, likely at an accelerated rate as maintenance problems on specific roads become more severe.

Given all of that, logic and common sense would dictate that the only reasonable way to proceed with a new Travel Management Plan would be to significantly reduce the number and miles of open roads within the two forests, thus eliminating a large percentage of the maintenance backlog, as well as the amount needed each year to maintain the open road system in its current condition. Add in the well defined benefits to wildlife, riparian areas and streams, and overall forest health that research clearly shows low road densities provide, and it is very difficult to understand why this particular path was chosen by Forest Service officials as their response to the requirements of the 2005 Travel Management Rule.

Response

Closing roads and/or identifying a minimum road system for the forests is outside the scope of the proposed action in this document, (DEIS, page 26; FEIS p. 23).

Regulations at 36 CFR 212.5(b)(1) require the Forest Service to identify the minimum road system needed for safe and efficient travel and for administration, utilization, and protection of National Forest System lands. However, travel analysis to identify the minimum road system can be a separate process from travel analysis for purposes of designation of roads, trails, and areas for motor vehicle use (FSM 7712). Neither the regulations under 36 CFR 212.5 or agency directives contain a time frame for

determining the minimum road system. The agency does, however, view this as important work that needs to be addressed within the next decade.

Overall, the agency is reviewing priorities and resources that will be required to complete the analysis to identify the minimum road system as described in the Conference Report for the Omnibus Appropriations Act of 2009. The Forest Service road system is extensive and any process to review the entire road system will require multiple years and millions of dollars to complete. The Washington Office is preparing a plan and direction on when the agency will be able to complete the analysis for the minimum road system given the other priorities the agency has.

The Deschutes and Ochoco National Forests have been implementing the intent of moving toward a minimum road system on a project-by-project basis ever since the concept was first identified with the Roads Policy published on January 12, 2001. The process that we have used, and will continue to use, to reduce our open road mileages is described in the DEIS, Chapter 2, on pages 31-33 (FEIS p. 29-31). As noted there, the two Forests have identified more than 900 miles of roads to be closed or decommissioned since 2001.

Comment 2

The DEIS claims that the Proposed Travel Management Designated Roads Map simply transfers the existing Designated Roads System that has been developed under current regulations to the Travel Management Plan. This is not true, at least in the Paulina Ranger District of the Ochoco National Forest, an area I am very familiar with. There are roads included in the new Travel Map which are listed as Class 1 roads on previous evaluation documents. There are also roads that are not included on the new Travel Map that were listed as Class 2 open roads on previous evaluation documents. In discussing this with Forest Service staff, it appears that there were errors made in transferring the current designated road system to the proposed designated road system. Staff on at least one Ranger District is working to correct the mistakes. The problem with this is that the evaluations contained in the DEIS use the current road densities as contained on the maps to evaluate the various impacts of the Alternatives on the Forest. If the maps change, which they will, then the evaluation also changes. Given that, the current evaluations on the impact of the proposed plan on a wide variety of issues cannot be considered to be accurate at this time. Since this is the primary function of the DEIS documentation process, and since this is a Travel Management Plan, open road densities are a critical component of the evaluation process. It seems obvious the DEIS will need to be rewritten once an accurate map of the proposed Designated Open Road system is developed.

Response

The commenter's claim that the "Proposed Travel Management Designated Roads Map simply transfers the existing Designated Road System that has been developed under current regulations to the Travel Management Plan," is an incorrect statement. The DEIS makes no such statement, and the commenter has provided no citation where this statement occurs. Chapter 2 pgs 35-36 (FEIS p. 34-36) of the DEIS include a detailed description of the maps included with the DEIS/FEIS, and there are no maps named, "Proposed Travel Management Designated Roads Map." The Alternative maps prepared for the DEIS were intended primarily to graphically display information about the proposed decisions to be made, which do not include decisions about which roads are open or closed to the public. These maps presented key information about areas where motorized access is currently prohibited off of designated routes, or where it is not; areas where motorized access for dispersed camping is currently allowed or not; and areas that are currently designated as open to motorized access off of designated trails (cross-country travel). Information was also shown about where streams, wetlands, and water bodies are located and where seasonal use periods are currently in effect. The maps also displayed, for graphic comparison purposes for

each alternative, where motorized access off of designated routes would be allowed under Alternatives 2 and 3 and where and under what conditions motorized access for dispersed camping would be allowed. The intent of these maps was to provide a relative comparison of the difference between the alternatives, not the final updated version of the roads database, since the proposed action did not change the existing designated system.

The Forest Service acknowledges the roads shown on the Alternative Maps in the DEIS are not the most current information. The roads data base (Infra Travel Routes) that is used as the basis for the Motor Vehicle Use Map has been updated, reviewed, and edited on an ongoing basis in order to present the best available roads information to the public when the first Motor Vehicle Use Maps are published. The roads to be included as open roads on the Motor Vehicle Use Map have been reviewed by district personnel on all Ranger Districts including Paulina. Field verification of many roads were undertaken by the staff on individual Ranger Districts, although it was time and cost-prohibitive for staff to visit all of the more than 8,000 miles of roads across the two Forests and Grassland. It was not possible to incorporate this ongoing update process into the maps used to support the analysis needed for the DEIS in a timely manner. The Motor Vehicle Use Map will be published with the Record of Decision and will include the most up-to-date information on the roads that are classified as Maintenance Level 2 or above, which are those roads that are open to public travel. This database will continue to be updated annually based on new or improved information regarding the status of the road system, and incorporated into the annual update of the Motor Vehicle Use Map.

The Forest Service disagrees that a meaningful analysis of the relative effects of the alternatives is dependent upon this updated roads information to provide the public or the Responsible Official with the critical information needed to comment on or decide between the alternatives. As previously noted, road density was not an indicator used to assess the relative impacts of the alternatives. What was used to assess the difference between the alternatives that was related to the roads was the amount of acreage that was open, closed, or open under special provisions for motorized access for dispersed camping; or that represented a static amount of area of disturbance for wildlife habitats. Between the Draft and Final EIS, the relative differences between the roads layer used for the alternative analysis and the updated roads database were assessed by the Forest Service Interdisciplinary Team. This included a comparison of the difference in mileage and specific acreages that were included in the Selected Alternative as open and closed to motorized access for dispersed camping. For the Ochoco National Forest, the result of that review was an overall net decrease in open road mileage of approximately 19 miles, (12 miles on the National Forest and 5 miles on the Crooked River National Grassland). The DEIS/FEIS reported 1630 miles of open roads on the Ochoco NF. This has been reduced to 1618 miles which is less than a 1 percent change. This evaluation did not show a statistical or important difference in the relative analysis of effects sufficient to warrant a reevaluation in the FEIS. A summary of this analysis is included in the Record of Decision, Appendix 5.

Comment 3

Even if the Proposed Travel Management map was an accurate reflection of the current designated road system, the decision to transfer that system to the new map would not be appropriate, at least in the Paulina Ranger District of the Ochoco National Forest. The underlying assumption in allowing this transfer is that the current designated road system has been developed and is in compliance with the travel management plans and amendments currently in force on each Forest. This is certainly not the case on the Paulina Ranger District. The 1989 Ochoco Forest Management Plan and subsequent amendments set up a system for rating and maintaining roads, as well as a system for re-rating roads as on-the-ground situations changed. This system uses a Class 1 to Class 5 system to set standards for all roads on the Forest. Class 1 roads are closed, and not part of the designated road system on the Forest. Class 2 and above roads are all part of the designated road system, and are to be maintained based on the Class

assigned to the road. In those cases where Class 2 roads are not maintained at the level required, they are to be reclassified as Class 1 roads and closed, and removed from the designated road system. Under the plan, it is acceptable to temporarily open Class 1 roads to accomplish various projects, but management plans require that these roads be re-closed at the conclusion of the project. Having reviewed the analysis for several projects that included a road component over the past several years, it appears that this process has been followed, as far as the current maps governing the road system are concerned. Staff admits, however, that, due to a lack of funds, none of the required work, closing Class 1 roads, maintaining Class 2 roads, reclassifying Class 2 roads to Class 1 roads, closing Class 1 roads that were rebuilt/reopened due to projects, etc. has been done. In essence, for at least the past 10 years on the Paulina Ranger District, the forest service has managed the Travel Management Maps, but not the actual Travel Management system.

Response

The commenter's assertion that the Forest Plan requires roads to be reclassified from one maintenance level to another if they cannot be maintained at the higher level is not correct. The Forest Plan states that if, because of funding, the road cannot be maintained at its intended maintenance level, maintain it at a lower maintenance level. However, it does not include a requirement it be reclassified to a lower maintenance level.

Closing roads is outside the scope of the proposed action (DEIS, page 26; FEIS p. 23). The proposed actions are limited to prohibiting motorized access off designated routes (cross-country travel) and determining where and under what conditions motorized access for dispersed camping may occur. In addition, it is not a specific requirement that roads determined under past NEPA decisions to be "closed" be physically barricaded on the ground, as the commenter indicates. Also, roads slated for decommissioning are decommissioned as funds become available in accordance with forest-wide priorities.

Of those roads for which decisions about their future condition have been made, not all have also been physically closed with barriers or other methods, or been decommissioned (roadbed has been impassable). These physical actions may not have yet been completed for a variety of reasons (without knowing what projects the commenter is referring to it is not possible to address specifically), including the cost of physically barricading roads classified as "closed" when there is continuing administrative need to access those roads for activities (precommercial thinning, prescribed fire, hardwood enhancement, etc.) normally related to the specific project they were opened for, even though the commercial harvest has already been completed. Roads opened for the commercial harvest, and not needed for additional activities, are closed after the harvest activity as part of the timber sale contract.

See also response to comments 1 and 5 of this letter.

Comment 4

On pages 32 and 33 of the DEIS, the following claim is made: "Since the early 1990s, NEPA decisions have been made to either close (identify as maintenance level 1) or decommission over 1,200 miles of roads on the two Forests. On the Deschutes National Forest, approximately 77% of that total has occurred since 2000, while on the Ochoco National Forest approximately 76% of their total road closures and decommissioning decisions occurred in the 1990s." In phone conversations, staff has admitted that the 300 miles claimed for the Ochoco National Forest is the number of miles closed on the maps. They are unable to document the number of those miles that have actually been closed on the ground, if any. I believe the truth is that decisions affecting 300 miles of roads on the Ochoco were made at some point, and the Travel Management Maps were changed to reflect that, but none of the actual work to accomplish

the changes was ever performed. Failure to disclose that fact, in my opinion, is a very serious violation of the intent and purpose of the NEPA regulations.

Response

The 300 miles of roads referred to in the DEIS/FEIS for the Ochoco NF consists of decisions made in accordance with the National Environmental Policy Act to close (eliminate public travel, put in "storage" for future administrative use) or decommission (eliminate road from National Forest System) roads since 1990, and are outside the scope of this project. Of those roads for which decisions about their future condition have been made, not all have also been physically closed with barriers or other methods, or been decommissioned (roadbed has been impassable). These physical actions may not have yet been completed for a variety of reasons, including the cost of physically barricading roads classified as "closed" when there is continuing administrative need to access those roads. One benefit of the Travel Management Rule is that it will not necessarily be required to physically block those roads which are classified as "closed" in an administrative storage capacity, because motorized access will only be allowed on those roads shown as open to motorized access on the Motor Vehicle Use Map. Thus, when the Motor Vehicle Use Map is implemented, all of those 300 miles identified in the DEIS/FEIS will be prohibited for use by public travel. It is not a specific requirement that roads determined under past NEPA decisions to be "closed" be physically barricaded on the ground, as the commenter indicates. Roads slated for decommissioning are decommissioned as funds become available in accordance with forest-wide priorities. The comment does not suggest any specific factual corrections to the DEIS/FEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrant supplement or improvement of the analysis the in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered further detail in the FEIS.

Comment 5

In 2006, an environmental assessment was released for the proposed Willow Pine Fuels Reduction Project. I submitted at that time comments regarding the inaccuracies contained in that document as related to the status of the road system within the project. In discussions with staff about the road issues, we learned that the information contained in the EA came directly from the existing Road Management Plan maps, and were not based on the actual situation on the ground. As part of our appeal of the project, we negotiated with Forest Service Staff some assurances that the claims made in the EA, roads would be closed and decommissioned, some units dropped or access changed, etc. would actually be followed. At staff's request, I provided an evaluation of every Class 1 and Class 2 road within the project, as well as our recommendations for some changes to the project. I also included what had been agreed to as far as signage and closure of roads at the conclusion of the project. As a point of information, the individuals who negotiated with us regarding this project transferred prior to the Timber Sale contract being implemented. I have requested, without success, a copy of the Timber Sales contract for the Willow Pine project, but conversations with current staff make it clear that the rules regarding road closures we negotiated as part of the appeals process were not included in that contract. I have attached my original comments regarding the Willow Pine EA, and the assessment documents we submitted as part of the settlement of our potential appeal of the plan.

Response

Comments regarding the Willow Pine planning area and any appeals, settlements, or agreements are outside the scope of this decision. In responding to your comments and concerns about the roads that were shown as open on the Alternative maps for the Deschutes and Ochoco National Forests Travel Management DEIS, your notes regarding road status/conditions were compared with the Infra Travel

Routes database. Most of the current road maintenance levels correspond with your notes. However, a few do not and those will need to be verified by Forest Service personnel in the future before they will be changed within the Infra Roads and Trails Database or on the Motor Vehicle Use Map. The discrepancies between your comments and our database have been noted and forwarded to the Paulina Ranger District for review. The Infra database has been updated since the publication of the Deschutes and Ochoco Travel Management Draft EIS and will be reflected on the first Motor Vehicle Use Map. The result of that update was an overall net decrease in open road mileage for the Ochoco National Forest of approximately 32 miles, (21 miles on the National Forest and 11 miles on the Crooked River National Grassland). Updating of the database and the Motor Vehicle Use Map will be an annual activity.

Comment 6

In 2009, an environmental Impact Statement for the proposed Upper Beaver Vegetation Management Plan was released. The document contained assertions about road densities and impacts on Big game populations, but did not contain the road specifics or maps used to reach those assertions. I was able to obtain the maps at a later date, after submitting my comments. In reviewing the maps, it was quickly apparent that once again, staff had used the information contained in the existing travel management maps, rather than an on-the-ground appraisal, in preparing that portion of the plan related to the status of roads, and road densities. In evaluating the maps, more than half of the Class 1 roads that were listed as closed, and whose mileage was not included in the road density equation, are in fact open, and currently in use to varying degrees during different parts of the year. Almost all of the rest of the Class 1 roads are not actually closed, but have gone unused for a long enough period of time that they are no longer visible. In addition, the map shows a number of Class 2 roads as being open for a certain length, when in fact portions of them have effectively closed due to erosion, tree growth, etc. Under the current Road Plan rules, those roads should have been reclassified as Class 1 roads, and closed, at some point in the past. Obviously, that did not happen. In addition, there is at least one Class 1 road that was reopened as part of a fuels reduction project, and not reclosed as required.

Response

This comment appears to be completely about the Upper Beaver Vegetative Management EIS. Comments on the Upper Beaver Vegetation Management Project and allegations concerning what may or may not have been contained in that document are outside the scope of this decision. In reviewing this comment, it is not clear whether "the map" referenced is a map of the Beaver Vegetation Management Project, or the Alternative Maps for the Deschutes and Ochoco National Forest Travel Management DEIS. Since the comment does not provide sufficient specific factual information to allow for a meaningful response, it is therefore not considered in detail in the FEIS. The comment regarding the "Road Plan rules" is similarly unspecific to the Deschutes and Ochoco National Forest Travel Management DEIS, and will therefore not be considered further in the FEIS.

Comment 7

The Travel Management Maps that were used in establishing the Designated Open Roads in the proposed plan do not reflect the actual open road densities on the forest, and were NOT in compliance with the existing Travel Management Plan and rules in force at this time. For that reason, using those maps as the basis for the Designated Open Roads system under the new plan was inappropriate.

Response

The Alternative maps prepared for the DEIS were based on Geographical Information System information on the roads layer at that time. These maps were intended primarily to graphically display information about the proposed decisions to be made. These maps presented key information about where motorized access is currently prohibited off of designated routes, or where it is not; where motorized access for

dispersed camping is currently allowed or not; and where areas are currently designated as open to motorized access off of designated trails (cross-country travel). Information was also shown about where streams, wetlands, and water bodies are located and where seasonal use periods are currently in effect. The maps also displayed, for graphic comparison purposes for each alternative, where motorized access off of designated routes (cross-country travel) would be allowed under Alternatives 2 and 3 and where and under what conditions motorized access for dispersed camping would be allowed. The intent of these maps was not to provide the most final updated version of the roads database, since the proposed action was not to change the existing designated system.

Comment 8

The DEIS for the Travel Management Plan violates the “Facilitation of Hunting Heritage and Wildlife Conservation” order. Here is the language of the order, taken directly from the DEIS:

“This order directs federal agencies that have programs and activities that have a measurable effect on public land management, outdoor recreation, and wildlife management to facilitate the expansion and enhancement of hunting opportunities and the management of game species and their habitat.”

It seems obvious that the first step in meeting this order would be to evaluate what impact the current travel management plan has had on “hunting opportunities and the management of game species and their habitat.” That evaluation is relatively simple to do, and yet there is no evidence that this was done for the Ochoco National Forest. There is no reference in the DEIS to population or hunting trends on the forest over past years, or any evaluation of how the proposed travel management plan would impact big game populations and hunting opportunities going forward. I confirmed that the Wildlife biologist for the plan, Lauri Turner, did not discuss any of this with Brian Ferry, who is the Oregon Department of Fish and Wildlife biologist assigned to manage the big game program on the state game units that make contain portions of the Ochoco National Forest.

Within the Ochoco National Forest, the largest geographic area, deer and elk populations and hunting opportunity occurs on the Ochoco Game Unit. For that reason, I have provided the statistics for that unit. You should understand, however, that the statistics for the other two game units that are part of the Ochoco National Forest, Maury and Grizzly, show similar declines.

The first measure of impact that should be considered is population. For elk, populations are determined by conducting trend counts, typically in late March, over pre-set routes that remain unchanged from year to year. Since there are a number of factors that can affect these trend counts in an individual year, weather, harassment, etc., it is generally recognized that the most effective way to track population trends is in three year blocks. For Mule Deer, Oregon Dept of Fish and Wildlife has developed a computer model for estimating deer populations in addition to the trend count data. I have included both sets of figures, although my opinion is that the computer model grossly overestimates the deer population on the Ochoco unit.

[See table on page 4 of letter: table of Elk and Deer population counts]

These population drops are severe, given they occurred over an 8 year period. Even more concerning, the drops occurred during a period of relatively mild winters, when the documented loss of animals due to winter kill was zero.

The second measure of impact is hunting opportunity. The same three year blocks were used in this evaluation.

[See table on Page 4 of letter: table of Elk and Deer tag counts]

The third measure of impact is hunting harvest. Since 2009 harvest numbers are not yet available, the three year blocks used were one year earlier. One note, the initial surveys done by Wildlife staff indicate that harvest for both species will be down considerably in 2009 from past years.

[See table on page 4 of letter: Elk and Deer harvest counts]

Again, I want to emphasize that these reductions occurred over an 8 year period, an extremely short time to see these kinds of reductions.

Although there are undoubtedly multiple factors involved in these declining populations, there is no question that one of the primary causes of the declines for elk are the excessive road densities that exist on the forest, combined with very significant increases in usage of those roads by the public and other forest users. What I found particularly interesting is that the research that supports that statement is well documented by Lauri Turner, project wildlife biologist, in her Wildlife report that is contained in Appendix B of the DEIS, pages 314 and 315. That research documents the negative impacts to deer and elk reproductive rates when motorized vehicle disturbance occurs, as well as distances from motorized disturbance research has shown elk will tolerate before leaving preferred habitat. In addition, page 53 of the DEIS documents that under the proposed plan, 83% of the Ochoco total acres outside of Wilderness areas will be within ½ mile of roads designated open under the plan. That distance is well inside the distance tolerances research has established will be tolerated by elk. Given all of that, there is no question that excessive open road densities, combined with increasing motorized use of those open roads, is a primary factor in the declines in both population and hunter opportunity that have occurred over the past 8 years. There is also no question that those downward trends will continue under the proposed Travel Management Plan. In my opinion, failure to address that issue is not only a direct violation of the "Facilitation of Hunting Heritage and Wildlife Conservation" order, but also violates the intent and purpose of the NEPA process as it applies to this Travel Management Plan.

Response

Making changes to the road system is outside the scope of this decision (see response to comment #1), the Forest Service disagrees that the DEIS violates the "Facilitation of Hunting Heritage and Wildlife Conservation" order. To the contrary, prohibiting motorized access off of designated routes (cross-country travel) and modifying the conditions for motorized access for dispersed camping is expected to have a beneficial effect on wildlife, reducing disturbance. This proposed action meets the intent of this order. An analysis of the management of big game species and how the travel management rule impacts them can be found in DEIS, Chapter 3 (pp. 275-298; FEIS p. 295-319) and in the Wildlife Report (FEIS, Appendix B-8, pp. 492-502).

Comment 9

The DEIS contains literally hundreds of pages spelling out the benefits to a wide range of subjects that the proposed Travel Management Plan will provide, from wildlife to endangered species to soils to hydrology, etc. etc. In every single case, the evaluation that provides the supposed benefits assumes there will be 100% compliance by all motorized vehicle users with the Travel Management Designated Open road system. Given that, one would assume there would be some discussion within the DEIS documents regarding implementation and enforcement of the plan. Alas, no such discussion could be located. I then contacted Forest Service staff to obtain that information. Based on those discussions, it is apparent that the entire plan for implementing the project is to produce Travel Management Maps that will be available at various locations, and hopefully online at some point. No coordinated effort to actually close roads that will not be designated open, or even put signs on them, is contemplated. Nor is

there any plan to increase the level of enforcement, or sign cooperative agreements with other agencies such as Oregon Fish and Wildlife to allow their agents to enforce the plan.

What makes this interesting is that both forests have a number of long term cooperative road closures that allow for a very accurate assessment of what level of compliance could reasonably be expected given the Implementation Strategy. For example, the Green Dot road closure cooperative agreements, the most common on the two forests, provide large visible signage at each entrance to the area, and maps showing both open and closed roads within the particular closure area, which are available at each entry point. In addition, each open road is marked by a green dot, and closed roads are marked with fluorescent yellow signs that clearly state the road is closed behind the sign, and the date of the closure for that year. Enforcement is provided by Forest Service law enforcement, Oregon State Police, Oregon Fish and Wildlife employees, County Police officers, etc. In addition, citizens can report violators through the TIP program, and violators will be cited. Most of the Green dot road closures have been in force and unchanged for many years. In spite of all that, violations are numerous, and appear to be increasing as the number of law enforcement personnel assigned to these areas decreases due to budget cuts.

Now compare that to the proposed Travel Management Plan, which will apply to two complete National Forests:

-Several hundred Class 1 roads that were never physically closed, and are currently being used by large numbers of people.

-Interstate and State Highways that bisect both Forests, highly travelled by out of state residents and Oregonians who are not familiar with either Forest, with numerous Class 1 roads intersecting those highways.

-A Designated Travel Map that will NOT include the roads that are not designated open, and are by necessity going to be difficult to read, given the huge acreages involved, and the high road densities that remain open. It will be difficult for individuals who are very experienced in the road system to accurately determine which roads are open, and virtually impossible for newcomers and occasional visitors.

-No on-the-ground road closure signage, or decommissioning of existing Class 1 roads.

-Extremely limited law enforcement.

Given the ongoing green dot road closure violations that are currently occurring on both forests, in spite of an intensive notification system and considerable law enforcement, the DEIS' failure to account for a high level of illegal motorized travel on closed routes is a clear violation of the requirements of the NEPA process. Given the extremely high road densities that are being left open under the proposed Travel Management Plan, and the certainty of continued motorized travel on roads not included as regulated roads on the Proposed plan, it is foreseeable that not only will the claimed benefits not be realized, but additional negative impacts will occur.

Response

We acknowledge that the implementation requirements from our national policy are limited, allowing for very limited options of on-the-ground signing. Each route whether open or closed is to be signed with a route marker giving the number of the route so that it can be compared to the route numbers on the MVUM map. There is an option for adding portal signing similar to the Green Dot program that you mention. There is also a requirement for each forest to develop an "Implementation Strategy" prior to implementing the rule. The Implementation Strategy will include a communications plan, educational materials, a sign plan, and a monitoring plan. We agree that during the first year or so of implementation,

that compliance with the plan may not be complete, but we also believe that with our education and monitoring efforts, that a high level of compliance will be achieved over the long run.

Comment 10

The process followed in meeting the requirements of the 2005 Travel Management Rule has been fatally flawed from the start, starting with the decision to transfer the existing Designated Road System to the new Travel Management Plan. Regardless of what the 2005 Travel Management Rule allows, the NEPA process requires that decisions be based on current conditions occurring on the forest, and the best available information and research being applied to assess the consequences that will occur under all three alternatives proposed in the plan. The DEIS documentation does not meet the basic requirements spelled out in the NEPA process for providing an accurate accounting of conditions on the two forests, or the impacts that could be reasonably expected to occur if any of the three alternatives presented were adopted. It also completely ignores current research on the negative impacts open road densities at the level proposed would have on a wide range of forest values. For those reasons, the only possible action the Forest Service can take at this point is to withdraw the DEIS, and restart the process of complying with the 2005 Travel Management Rules.

Response

The Forest Service disagrees that the decision to incorporate the existing designated open road system does not meet the requirements of the 2005 Travel Management Rule (DEIS/FEIS Chapter 1). The two Forests have applied the best information available on the current conditions throughout the process. This includes a continuing update of the roads database. The changes in this database between Draft and Final EIS are documented in the Record of Decision. Current and credible scientific research on the effects of roads on wildlife and other resources was included in Chapter 3 of the DEIS/FEIS. The Forest Service disagrees that the DEIS should be withdrawn.

Comment 11

Given the many problems that are apparent with the current proposed plan, I anticipate it will have to be withdrawn at some point. When that happens, I sincerely hope Forest Service officials will do the right thing, and develop a Travel Management Plan that provides reasonable access to the forests to the public, without continuing the extremely negative impacts the current road system has had on fish, wildlife, stream health, forest health, etc. For the Paulina Ranger District on the Ochoco National Forest, this could be accomplished by simply extending the current Rager Green Dot Road closure to a year-round closure. Even with that level of open roads, it would be impossible to get more than 2 miles from an open road, (excluding wilderness areas) which certainly would meet the test of "reasonable access" for the public. In addition, since whoever designed the Rager green dot closure did an exceptional job of only including the higher quality roads in the open road system, a great deal of the more serious maintenance backlog from a forest health standpoint would be eliminated. On the rest of the two forests, it would obviously take quite a bit more effort, since there are no other District wide road closures currently in existence, but even then, using the Rager Green Dot road closure densities as a model for the rest of the two forests would provide a fairly straightforward process for accomplishing the task. Then, take the next step and add an interagency agreement with the Oregon Dept of Fish and Wildlife to enforce the road closure rules across both forests, and assistance from the various user groups in physically closing those roads not left open in the new system (Oregon Hunters Association, Sierra Club, etc.) and you will create a Travel Management Plan that not only complies with the various rules and regulations that govern management of our National Forests, but significantly improves a wide variety of forest values, and the experiences of the public who access those forests.

Response

The Green Dot system is a cooperative agreement with the Oregon Department of Fish and Wildlife (ODFW). The Forest Service has agreed to establish seasonal use periods on some roads in order to meet ODFW objectives for big game hunting seasons in some areas. It is outside the scope of the current analysis to evaluate a year-round seasonal use period on other roads that are currently designated as year-round roads. (See Chapter 1, Purpose and Need)

Comment 12 - 13

[ATT 1: Letter submitted to Willow Pine Vegetation Management Project from Mike Morris]

[ATT 2: Letter submitted to Willow Pine Project with information and comment on Class 1 and 2 roads within the project.]

Response

We have reviewed your comments regarding the Willow Pine planning area. In comparing your notes regarding road status/conditions with the Infra Travel Routes database, most of the current road maintenance levels correspond with your notes. However, a few do not and those will need to be field verified by Forest Service personnel in the future. As far as road status for this project goes, a concerted effort was recently undertaken (between draft and final EIS), by district staff specialists on each Ranger District to correct current road status to the best of the staff's knowledge. The result of that review was an overall net decrease in open road mileage for the Ochoco National Forest of approximately 19 miles, (12 miles on the National Forest and 7 miles on the Crooked River National Grassland).

Letter 27

Comment 1

We are concerned that the proposed Draft Environmental Impact Statement (DEIS), which will be implemented in accordance with 36 CFR 212, 251, 261, and 295: Travel Management: Designated Routes and Areas for Motor Vehicle Use; Final Rule (final rule), does not address the long standing issue of excessive open road densities and subsequent impact to natural resources on the Deschutes (DNF) and Ochoco National Forests and Crooked River National Grassland (ONF).

Response

Identifying a minimum road system for the Forests is outside the scope of the proposed action in this document, (DEIS, page 26; FEIS p. 23). As noted in Chapter 1 and 2 of the DEIS/FEIS, and 36 CFR 212.50 (b) "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." Further, as also described in Chapter 2 of the DEIS/FEIS, the two Forests have an established process that is in place for evaluating the effects of roads on a local scale that we believe is an effective method of meeting the long-term objectives of the road and trail systems on National Forests. The Deschutes and Ochoco National Forests have and will continue to complete travel analyses at a local scale based on the District Ranger's discretion. We believe this meets the intent of a sustainable system reflect the heart and spirit of the Travel Management Rule.

Comment 2

The DEIS/FEIS narrowly focuses on prohibiting cross-country motorized travel and does not close the extensive open road network that is impact our natural resources. Further, the DNF and ONF are planning a "part 2" that expands OHV use in sensitive resource areas. The bottom line is that the ONF

and DNF are not addressing the current open road density and by adding the OHV areas in “part 2” are severely compounding already existing impacts to natural resources. We have waited for two decades, since the Land and Resource Management Plans (LRMPs) were completed for the ONF in 1989 and DNF in 1990 to address travel management.

Response

The Forest Service disagrees that prohibiting motorized access on more than one million acres across two National Forests and Grassland constitutes a "narrow" focus. The approach the Forests have taken to reduce open road densities, have resulted in more than 1200 miles of roads being closed or decommissioned since 1990, and many more miles than that are closed seasonally as a result of cooperative agreements with the state wildlife management agency (See also response to comment 1 above.)

Comment 3

Our concern is that the DEIS does not adequately address the Travel Management Rule that was passed to resolve a number of resource and social concerns related to unregulated motorized travel. We specifically believe that the DEIS does not address the following requirement of the Travel Management Rule:

“212.55...the responsibilities official shall consider effects on the following, with the objective of minimizing: (1) Damage to soil, watershed, vegetation, and other forest resources; (2) Harassment of wildlife and significant disruption of wildlife habitats...”

There is considerable contemporary scientific research that indicates that harassment of wildlife and disruption of wildlife habitats comes from the use of motorized vehicle within those habitats. Even the U.S. Forest Service research from Starkey Experimental Station concludes that impact to wildlife and their habitat from motorized vehicles. We disagree that designation 8,024 miles of transportation system roads as open for public motorized use, of which 6,703 will remain open for Off-Highway Vehicle (OHV) use is consistent with U.S. Forest Service law, regulation, policy and executive orders that direct NFS lands to be managed for conserving fish, wildlife and recreational resources.

Response

The commenter correctly cites the Travel Management’s intent to address issues regarding unregulated motorized travel. Unregulated motorized travel does not include motorized travel on the designated road and trail system. The designation criteria cited have been applied to the new designation of the rock and cinder pits as open to cross-country travel.

The Forest Service believes that prohibiting motorized access off of designated routes (cross-country travel) on over one million acres of National Forests and Grassland is an important and major component of the intent of the Travel Management Rule. 36 CFR 212. 50(b) establishes the authority to incorporate roads that have been designated from past actions into the Motor Vehicle Use Map. The commenter incorrectly characterizes these incorporated roads as new designations.

The citation to 212.55 refers specifically to criteria for designation of roads, trails, and areas. The only new designations proposed by this EIS are mineral material sources which have been in actual use for years. The Record of Decision includes analysis to address these criteria for those areas.

Comment 4

The ONF LRMP in 1989 and DNF LRMP in 1990 included standards and guidelines based on fish and wildlife research, including research on roads and sedimentation and wildlife habitat effectiveness models, and were established to guide moving the road system toward the conservation of fish, wildlife resources, and water resources. Despite sporadic attempts at gates and road closures, implementation of permanent or seasonal road closures have consistently been given a low forest priority due to lack of staff, funding, and enforcement. As stated above, the DEIS is the first of a 2 prong process to manage OHV travel, the second being the development of major OHV trail systems on both forest. Why add more open roads and motorized trails when you cannot adequately maintain and enforce what you already have, let alone meet national law, regulation, policy and executive orders to minimize the harassment of wildlife?

Response

We disagree that our road closures have not met the intent of the Forest Plan. The Forest currently decommissions over twice as many roads per year than the Forest Plan estimated. We have also replaced road culverts that were causing water or fish related problems at nearly double of that we did just ten years ago. In addition, the Forest Plan estimated that there would be over 800 miles of roads suitable for passenger vehicles, but there are only about 230 miles today, mainly because these roads were never constructed in the first place (2008 Ochoco National Forest Plan Monitoring Report).

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrant supplement or improvement of the analysis in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS. The DEIS does not propose to add open roads or motorized trails.

Comment 5

The ONF and DNF have a great opportunity to address the heavily roaded system in this Travel Management DEIS as well as a more comprehensive management approach to the growing number of OHV users and their impacts on fish and wildlife resources and recreational opportunities. The ONF and DNF cite inadequate time, staff, and funding to comprehensively address all aspects of travel management. The U.S. Forest Service suggests that site specific assessments will address open road density. The U.S. Forest has stated this in the previous two decades and little has been accomplished.

Response

The Forest Service believes that closing and decommissioning over 1200 miles of roads since 1990 constitutes a substantial accomplishment. The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrant supplement or improvement of the analysis the in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS. (See also response to comment #4)

Comment 6

We would like to know when the ONF and DNF are going to conduct a comprehensive travel management assessment to develop a transportation system that is sustainable, socially acceptable, and ecologically compatible, with an appropriate level of motorized recreational opportunity, and appropriate level of law enforcement. The real need of travel management which has languished these past 20 years since the LRMPs were signed is to minimize conflicts with non-motorized recreational users, eliminate or minimize

stream sediments from roads, eliminate or minimize the spread of invasive weeds, and minimize impacts to fish and wildlife species and their habitats.

Response

Identifying a minimum road system for the forests is outside the scope of the proposed action in this document, (DEIS, page 26; FEIS p. 23). The proposed actions in this document are limited to prohibiting motorized access off of designated routes (cross-country travel) and determining where and under what conditions motorized access for dispersed camping may occur.

Regulations at 36 CFR 212.5(b)(1) require the Forest Service to identify the minimum road system needed for safe and efficient travel and for administration, utilization, and protection of National Forest System lands. However, travel analysis to identify the minimum road system can be a separate process from travel analysis for purposes of designation of roads, trails, and areas for motor vehicle use (FSM 7712). Neither the regulations under 36 CFR 212.5 or agency directives contain a time frame for determining the minimum road system. The agency does, however, view this as important work that needs to be addressed within the next decade.

Overall, the agency is reviewing priorities and resources that will be required to complete the analysis to identify the minimum road system as described in the Conference Report for the Omnibus Appropriations Act of 2009. The Forest Service road system is extensive and any process to review the entire road system will require multiple years and millions of dollars to complete. The Washington Office is preparing a plan and direction on when the agency will be able to complete the analysis for the minimum road system given the other priorities the agency has.

The Deschutes and Ochoco National Forests have been implementing this requirement on a project-by-project basis ever since it went into effect when the Roads Policy was published on January 12, 2001. The process that we have used, and will continue to use, to reduce our open road mileages is described in the DEIS, Chapter 2, on pages 31-33; FEIS p. 29-31), where you will note that the forests have indentified more than 900 miles of roads to be closed or decommissioned since this requirement was put into effect in 2001.

Comment 7

The DEIS does not explain how the increase in OHV use and increase in OHV speed on the existing transportation system will affect fish and wildlife resources, habitat, stream sedimentation and water quality. The DEIS asserts that Alternatives 2 and 3 will allow a more “developed” recreation experience, allowing for faster speeds and therefore an expected increased use on designated roads and trails. Then somehow the DEIS determines that implementation of Alternatives 2 or 3 would not be different from current conditions. Likewise, it is not explained how the projected increase in OHV use concentrated on the existing road system and new OHV motorized trail systems proposed in “part 2”, will affect fish and wildlife resources, stream sedimentation, water quality and other types of recreational opportunity. This does not make any sense. If there are impacts from a proposed action, you need to fully disclose these impacts to natural resources. It seems that the U.S. Forest Service is apparently disingenuous in its presentation of project impacts and affects in the DEIS.

Response

As noted on pg 358 of the DEIS (FEIS p. 373-374), there is no reliable predictor of the effects of reducing the area available to cross-country travel on the amount of use a specific road or trail may realize, especially with the background population growth of the area. Although it is reasonable to expect some

amount of increase, it is speculative to try to apply that general premise to cite specific roads and trails. The commenter misinterprets reasonable assumptions regarding likely changes in speeds of Off Highway Vehicles. The referenced statement was intended to reflect a comparison to the speed of vehicles that are travelling cross-country, off of designated routes. Obviously, designated roads and motorized trails are designed to permit faster vehicle speeds than vehicles can generally achieve without those developments. Increased speed in this context on designated roads would not affect fish, fish habitat, stream sedimentation, or water quality. Speed along a road or trail will not change habitat qualities or impact fish species since any slight increase in speed will not increase sediment production from these surfaces.

Increased use may or may not produce additional sediment depending on a variety of factors all of which are unknown quantities. The amount of actual increased use is unknown for any of the routes. While we suspect that there will be increased use, where and when that will occur is also unknown. Depending on the time of year, increased use on slightly wet roads would have no effect on fish, fish habitat or water quality since there would be no increase in fine sediments produced from the road or trail system. Summer or dry season use may have potential for production of fine sediments. However, roads and trails that are designated open have been designed and contain features that will control fine sediment that may be produced from the surface from use. Their features include some of the following: paved surfaces, rocked/graveled surfaces, road surface out-sloping, drainage ditches, road and trail cross drains, drain-dips, and vegetated surfaces to filter sediment before it reaches streams or other water bodies.

Current use of unauthorized (user-created) routes and cross country travel would be prohibited. This would reduce the amount of sediment from these routes that are not designed with the appropriate drainage features or that may be placed in locations that are directly adjacent to water bodies. This EIS does not propose to implement "part 2" of the Travel Management Strategy, and evaluating the direct and indirect effect of future motorized trail projects are not within the scope of the Deschutes and Ochoco National Forest Travel Management EIS.

The wildlife analysis discussed that increased speed along with traffic volume are contributors to wildlife mortality. Increased use may result in displacement or avoidance by wildlife species. The analysis conducted on wildlife species addressed all open designated routes along with a 200 meter buffer either side of those roads as the areas where impacts would occur. The general effects of increased use and speed on wildlife species are discussed in Chapter 3, pp. 275-298(FEIS p. 295-319) of the DEIS. For site specific analysis, see the Biological Evaluation, Appendix B-8, pp. 296-441 and the Wildlife Report, Appendix B-8, pp. 442-608 in the DEIS.

Comment 8

The ONF and DNF in "part 2" propose to develop additional OHV systems on the two forests which will highlight central Oregon as a statewide OHV destination. The proposed OHV trails will create extensive developed recreational systems in areas that are currently relatively non-developed dispersed recreation. Creating these systems prior to conducting a comprehensive travel management assessment to determine potential impacts to fish and wildlife resources and conflicts with or displacement of fish and wildlife recreation is inconsistent with agency law, regulation, policy and executive orders.

Response

The description in Chapter 1 of the DEIS/FEIS referenced in this comment outlines the Forests' strategy for implementing the Travel Management Rule. As described in Chapter 1, "part 2" of the strategy was to identify areas that were important and had community support for considering designated motorized trail systems. Chapter 2 of the DEIS/FEIS also describes in brief, the nature of the proposed systems. The commenter has provided no reference to support the assertions made about the proposed trail systems.

The DEIS, however, does not propose to implement those trail systems. Therefore, this comment will not be considered further within the FEIS. Each of these proposed motorized trail projects are being analyzed separately in detail to evaluate the benefits and trade-offs of designating a motorized trail system. Decisions whether or not to implement those proposed trail systems will be made with full public disclosure of the probable impacts. Regardless of the impacts of those actions, the actions proposed in this Environmental Impact Statement will have beneficial impacts on biological resources (See Chapter 3, DEIS/FEIS).

Comment 9

While we strongly support closing the ONF and DNF to cross-country motorized travel to conserve and restore fish and wildlife populations, habitats, and non-motorized recreational opportunity, we are opposed to the narrow focus of the DEIS to only closing cross country travel. We believe that the U.S. Forest Service should take a comprehensive approach to travel management, reducing open road densities to meet natural resource objectives while providing for a sustainable, socially acceptable, and ecologically compatible road system, with an appropriate level of motorized recreational opportunity, and appropriate level of law enforcement.

Response

The Forest Service acknowledges the support for the course of action suggested by the comment. The Forest Service disagrees that prohibiting cross-country motorized access across the two Forests is a narrow scope of action. The balance of this comment suggests the Forest Service take an action or complete an evaluation that is not within the scope of the this EIS. Chapter 1 of the DEIS/FEIS establishes the underlying purpose and need to which the agency is responding and the scope of the decisions that are being considered to address that underlying need. The scope of these proposed decisions are within the legal framework established by the Travel Management Rule (36 CFR 212.50), the implementing regulations for the National Environmental Policy Act (40 CFR 1500 – 1508), and Forest Service policy (See also response to comment number 1 and 6, above).

Letter 28

Comment 1

There is no question that OHV riders are being squeezed out of public land and they pay for off highway use how about everyone paying for forest and BLM use i.e. registration fees for equestrian, mountain bikes and fees for hiking in addition to parking fees. On the none response issue from supporters of OHV use most are hard working tax payers who do not have time to sit at a computer and organize large groups of people like those that oppose shared use of public lands and the forest. It is a very poor decision to confine use to small areas and less and less trails, it makes far more sense to have larger areas and less impact but it seems that public land is for the public use unless you ride OHV.

Response

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrants supplement or improvement of the analysis presented in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered further detail in the FEIS.

The scope of the decisions to be made in the Deschutes and Ochoco Travel Management Project do not include designations of new motorized trail systems. However, there are currently several proposed motorized trail projects that are undergoing separate environmental analyses. These include the Three Trails and Lava Rock Motorized Trail Projects on the Crescent and Bend-Ft. Rock Ranger Districts of the

Deschutes National Forest, and the Ochoco Summit Motorized Trails Project on the Lookout Mountain and Paulina Districts of the Ochoco National Forests.

Letter 29

Comment 1

Yes, I agree with your proposal to limit cross country travel by motorized vehicles. The four wheelers and alike are damaging the soil and plant life, cause noise and pose danger to others.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments.

Comment 2

The US Forest Service discriminates between classes of motor vehicle users in the public forests. The discrimination against standard motor vehicles cannot be tolerated. The law requires me, driving my pickup truck; to have liability insurance and four wheelers are not so required. You need to end the discriminatory requirement for my pickup to have insurance. I'm required to be at least 16 years old, having passed both a rigorous written and driving tests to be licensed. Four wheeler drivers can be children and all are without such rigorous written and driving test operating these vehicles. I'm not allowed to race my pickup on forest roads. Four wheelers and motor cycles regularly compete at speeds – just go watch them some time. Isn't it about time to open all the motorized vehicles up to the same rules? My pickup truck is required to have lights, turn signals, stop lights, seat belts and many other safety features. Four wheeler and alike, using of our National Forests, have few such requirements. It's time to end the special restriction on pickups and cars such as requiring insurance, not allowing youth to operate, rigorous testing, banning racing and safety equipment and treat all motor vehicle users the same.

Response

It is not within the scope of the EIS to consider changing state licensing or insurance requirements. (Chapter 1, Purpose and Need)

Letter 30

Comment 1

The Forests and BLM lands belong to the public. Let them use the lands and leave things the way they are.

Response

The Forest Service acknowledges the support for the course of action indicated by this comment.

Letter 31

Comment 1

My perspective is simple. I agree that for the safety of users and the preservation of existing landscape, this plan should be implemented in the manner proposed.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. Final selection of an alternative is not determined by "votes" for or against a particular course of action, although these comments may also be reflective of a community's support for a particular action. The

final decision will consider of the trade-offs involved in the commitment and uses of resources, environmental impacts, laws and policies.

Comment 2

This plan clearly defines areas allowable and prohibited to off-highway vehicle traffic. It explains the rationale behind the proposal.

I want to thank you for the opportunity to voice my point of view. I am not opposed to motorized travel on existing trails and roads. It is destruction of the landscape by individuals on unapproved trails that needs to stop.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrant supplement or improvement of the analysis the in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered further detail in the FEIS.

Letter 32

Comment 1

I have to comment on your plans for 2 of our forests here in central Oregon. First concern is the fragmentation of wildlife habitat. Nothing moves animals out of an area more the roar of motors. Forget how frustrating it is to be out in the woods and hear one coming. The habitat is highly fragmented now and any plan you could come up with to eliminate or at least control ORV use would be appreciated. Restrict roads, set definite times, etc.

Response

The DEIS/FEIS acknowledged that noise impacts and fragmentation of habitat are two effects of roads and motorized vehicles. These effects are described in the General Effects section in the DEIS Chapter 3 (pp. 275-298; FEIS p. 294-319). While this decision won't eliminate impacts to wildlife, many species and habitats result in a beneficial impact due to the prohibition of motorized travel off designated routes (cross-country travel). See the Comparison of Alternatives section (DEIS, Chapter 3, pp. 289-298 (FEIS, p. 311-319) and the effects analysis in the FEIS, Biological Evaluation (Appendix B-8, pp. 296-441) and the FEIS, Wildlife Report (Appendix B-8, pp. 444-608).

Letter 33

Comment 1-2

We heartily support the U.S. Forest Service's proposal to limit OHV's to designated roads and trails in the Deschutes and Ochoco National Forests. In fact, we hope to see more limited access for OHV use in our forests overall.

It is difficult to comprehend that our national forests' current rules allow cross-country travel for OHV users. As long time conservationists, and members of the Mazamas, Friends of Mt. Hood, and Wilderness society, and most importantly avid hikers, we strongly oppose the use of OHV's in our nat'l forests. After thousands of miles hiking in Oregon around Mt. Hood, and now in the Deschutes and Ochoco Nat'l Forests (since we moved to Central Or. 3 yrs. ago) we have witnessed OHV tire treads on our trails designated for no motorized vehicles and ruts straight up and down the many trail-less buttes where we

live in so. Deschutes Co., and also near Newberry National Monument. There is much damage to the land by OHV's from severe erosion of soils, damage to plants, and destruction of riparian areas. OHV traffic also poses problems for wildlife from the noise and intrusions they create in our forests. In our small community which is surrounded by national forest land, residents have complained of the heavy dust in the dry months that OHV's create as they use abandoned logging roads adjacent to our homes.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. Final selection of an alternative is not determined by "votes" for or against a particular course of action, although these comments may also be reflective of a community's support for a particular action. The final decision will consider of the trade-offs involved in the commitment and uses of resources, environmental impacts, laws and policies.

Comment 3

As quoted in the Bulletin, one person's comments which were pro OHV cross-country use was "they're looking to take away people's rights to use the forest". The use of our national forests should not be viewed as a right but a privilege and users should be required to follow rules like those for driving our cars on highways. There are many miles of abandoned logging roads in our area where OHV's can ride, yet it seems that the mind-set of many of these drivers is "the rules don't apply to me", and they instead want to drive straight up and down our trail-less buttes without regard to the serious erosion and degradation of our forests they are causing. Most recently, Ann's Butte near Sunriver is a good example of how much damage these OHV's can cause....the forest service had to destroy logging road access to the butte and ban OHV's from using the butte as a joy-ride area!!!

Response

This comment does not include any factual corrections or science that contributes new information for the consideration of the line officer. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS.

Comment 4

A recent article on OHV's in The Bulletin stated how dangerous OHV's are. Drivers of them need no license, and teenagers frequently post videos on You Tube showing off their daring stunts. The Consumer Product Safety Commission reported that 100 children are killed yearly in ATV accidents, and 40,000 more are sent to the emergency room!!! One person who started an advocacy group for ATV safety stated that "ATV's have been killing and maiming for years." It's unbelievable that the forest service wants to promote use of this dangerous and destructive sport!

Response

It is not within the scope of the EIS to consider changing state licensing requirements.

Comment 5

I hope the forest service will address the loss of peace and quiet in our forests from increased OHV use. Several Wilderness Society scientists have developed a computer model to be used with Geographic Information Maps. This model simulates how OHV noise travels across public lands so it can estimate how much of national forest will be penetrated by the noise. This information can be used to see how humans and wildlife are affected, so forest managers are in a position to create sensible transportation

rules. Let's hope our local forest service will use science over opinions of people that claim they have a right to use and abuse our natural resources and make correct decisions.

Response

Scientific literature was reviewed to determine at what distance from roads impacts are seen relative to disturbance and edge effects. Forman (2000) described a "road effect distance" of 200 meters for secondary roads to calculate the indirect loss of habitat and the displacement of many species. For more information on the Methods and Assumptions and site specific analysis, see DEIS, Appendix B-8 of the FEIS, pp. 296-608.

Letter 34

Comment 1

I very much support the Forest Service proposal to limit ORV's to designated roads! It would be really strange to do otherwise. They are vehicles and should be treated as such. It's hard to imagine why this concept took so long to recognize.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. Final selection of an alternative is not determined by "votes" for or against a particular course of action, although these comments may also be reflective of a community's support for a particular action. The final decision will consider of the trade-offs involved in the commitment and uses of resources, environmental impacts, laws and policies.

Letter 35

Comment 1

I am writing to express satisfaction with the changes in travel rules in the proposed Deschutes and Ochoco National Forest Travel Management Rules. It has long been my belief that we needed to regulate the use of off-road vehicles and motorcycles on public lands. I have seen the damage caused by these vehicles in Alaska, Nevada and Oregon.

I support the change from "Ride anywhere that isn't posted," to "Ride only where posted, as 'ORVs allowed'."

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. Final selection of an alternative is not determined by "votes" for or against a particular course of action, although these comments may also be reflective of a community's support for a particular action. The final decision will consider of the trade-offs involved in the commitment and uses of resources, environmental impacts, laws and policies.

Comment 2

While I believe that there is a segment of ORV users who are responsible and concerned with the environment and who don't cause damage, a large number of ORV users seem intent on creating ruts, damaging plant life and using every last bit of mechanical power. They seem unable to regulate themselves and the number of trails and damage continues to grow. While hunting in Nevada, this year, I observed networks of new ORV trails in areas where none were seen two years ago. This activity cannot be good for mule deer in winter range areas.

Response

As described in Chapter 1 of the DEIS/FEIS, there are multiple concerns about unregulated motorized uses that can be resolved by limiting motorized vehicle use to designated routes and areas.

Comment 3

I have worked with the Upper Deschutes Resource Council, developing walking trails along the Deschutes River near my home. One of the most disheartening aspects has been the constant trespass by ORVs despite signs, barriers, and polite conversations. The miscreants continue to ride around barriers, destroy signs and seem unable to dismount and walk, even along easily damaged riparian areas.

Response

This comment reflects the commenter's personal observations but does not include any factual corrections to the DEIS or science that contributes new information for the consideration of the responsible official.

Having a better inventory of existing sites will give better tools to law enforcement to help implement the conditions for motorized access established in this Environmental Impact Statement. The Field Rangers are also providing evaluation of the conditions of campsites, and the Travel Management Implementation Strategy identifies a process by which campsites more than 300 feet from a road can be identified to determine if a designated route is appropriate to continue to provide access.

The Forest Service believes that it will be easier to enforce the Motor Vehicle Use Map than the variety of special management area designations and public use restrictions now in effect. The Motor Vehicle Use Map will provide clear direction about where motorized use is or is not allowed, thus eliminating the need to have areas posted as "closed" in order to enforce motorized closures. The Forest is developing an Implementation Strategy that will include an education and enforcement component designed to help people understand and comply with the new regulations. The Forest Service has demonstrated in the past a strong commitment to leverage funding by combining with other Law Enforcement agencies and will continue to do so into the future.

Letter 36

Comment 1

Coyote Butte and Bessie Butte are too close to residential areas for OHV use. We already hear gunshots all day long from that direction, then add un-muffled OHV's and motorcycles from that area and our quality of life is diminished even more. There is plenty of space farther east of these areas toward Burns and Alfalfa. The dust that will be created during the dry summer will be intolerable. We moved to Sundance for the peace and quiet. Why ruin this area where people hike and bike with the noise and damage that OHV's and motorcycles will create?

Response

Motorized access and staging areas referenced as associated with Bessie Butte in this comment are not a part of this Travel Management EIS. Bessie Butte is currently closed to OHV use and would remain so under this decision. The Lava Rock OHV project on the Bend/Ft. Rock Ranger District is a site-specific OHV trail project that is considering a trailhead west of Bessie Butte in an analysis of proposed OHV trails under a separate Environmental Impact Statement (EIS). That document will also address site specific dust and access issues associated with the addition of designated trails and trailheads in the Lava Rock planning area. We encourage you to comment on the Lava Rock OHV EIS when the draft is released for public comment, likely sometime in 2011.

Implementation of Alternatives 2 or 3 under the Travel Management decision will limit motorized vehicle access off of designated routes to the cinder pit portion of Coyote Butte (approximately 4.5 acres). The Travel Management decision will prohibit use off of designated routes (cross-country travel). This would include unauthorized, user-created trails and roads outside the designated cinder pit of Coyote Butte (CD-2 Open Material Source Maps). Thus, both Alternatives 2 and 3 would reduce the total area from which emissions and dust from motorized vehicles could be generated in this area when compared to the existing condition (Alternative 1). The appropriateness of other uses such as target shooting within the Coyote Butte area are outside the scope of this decision.

Letter 37 and 38

Comment 1

Coyote Butte and Bessie Butte are too close to residential areas for OHV use. The noise, dust, and litter from these areas will cause a significant negative impact to the Sundance neighborhood.

Response

Bessie Butte is currently closed to OHV use and would remain so under this decision. The Lava Rock OHV project on the Bend/Ft. Rock Ranger District is a site specific OHV trail project that is considering a trailhead west of Bessie Butte in an analysis of proposed OHV trails under a separate Environmental Impact Statement (EIS). This document will also address site specific dust and access issues associated with the addition of designated trails and trailheads in the Lava Rock planning area. We encourage you to comment on the Lava Rock OHV EIS when the draft is released for public comment, likely sometime in 2011.

Coyote Butte is more than a mile from the Sundance neighborhood. Existing use proximate to residential areas is likely to decrease as a result of changes in road use designations and the elimination of cross-country travel (DEIS/FEIS, pp. 40-41; Appendix A, Map A-2). Miles of roads within the Wildland-Urban Interface areas that will be changed from a “mixed-use” to a “highway legal vehicle only” designation (DEIS, p. 273; ROD Appendix 5), will reduce the traffic of OHVs. OHV use in the areas proximate to residences will be allowed only within the designated pits and on designated roads. Existing closed roads that have not been barricaded or obliterated will not appear on the Motor Vehicle Use Maps (MVUM) published annually and will become illegal for motorized use. The elimination of legal cross-country travel and a better definition of closed roads are likely to reduce dust generated by motorized vehicles from areas proximate to residences along the Forest boundary. The decision proposed to maintain current off-road use in the cinder pits was made after consideration of the distance to residents, the reduction in overall area that would be available for off-road uses, and the current popularity of these areas.

Comment 2

Closed roads should be decommissioned with physical barriers to deter illegal motorized use.

Response

As described in the DEIS/FEIS in Chapter 3, Transportation, there is a technical difference between roads that are closed and those that are decommissioned (also see Glossary for further definitions). Once in place, the Motor Vehicle Use Map will prohibit motorized access off of the open designated road system, and will identify what roads are open. Barriers or other techniques may be used where deemed appropriate for the management of the area.

Having a better inventory of existing sites will give better tools to law enforcement to help implement the conditions for motorized access established in this Environmental Impact Statement. The Field Rangers are also providing evaluation of the conditions of campsites, and the Travel Management Implementation

Strategy identifies a process by which campsites more than 300 feet from a road can be identified to determine if a designated route is appropriate to continue to provide access.

The Forest Service believes that it will be easier to enforce the Motor Vehicle Use Map than the variety of special management area designations and public use restrictions now in effect. The Motor Vehicle Use Map will provide clear direction about where motorized use is or is not allowed, thus eliminating the need to have areas posted as "closed" in order to enforce motorized closures. The Forest is developing an Implementation Strategy that will include an education and enforcement component designed to help people understand and comply with the new regulations. The Forest Service has demonstrated in the past a strong commitment to leverage funding by combining with other Law Enforcement agencies and will continue to do so into the future.

Comment 3

OHV use in proximity to residential areas could cause poor air quality.

Response

Existing use proximate to residential areas is likely to decrease as a result of changes in road use designations and the elimination of cross-country travel (DEIS/FEIS, pp. 40-41; Appendix A, Map A-2 and A-4). Approximately nine miles of roads within the Wildland-Urban Interface areas were proposed to be changed from a "mixed-use" to a "highway legal vehicle only" designation in the DEIS/FEIS (DEIS, p. 273; FEIS p. 147), reducing the traffic of OHVs. OHV use in the areas proximate to residences will be allowed only within the designated pits and on designated roads. The final selected alternative would remove approximately 13 miles of roads from motorized mixed use within Wildland Urban Interface areas. Existing closed roads that have not been barricaded or obliterated will not appear on the Motor Vehicle Use Maps (NVUM) published annually and will become illegal for motorized use. The elimination of legal cross country travel and a better definition of closed roads are likely to reduce dust generated by motorized vehicles from areas proximate to residences along the Forest boundary.

Comment 4

OHVs could damage the scenic views.

Response

The DEIS - Analysis of Environment Effects section discloses the potential impacts to scenic views for each alternative.

Comment 5

OHVs could decrease the property values and quality of life in Sundance.

Response

The commenter does not provide evidence of specific impacts of prohibiting motorized access off of designated routes and areas on the Deschutes and Ochoco National Forest in support of this opinion.

Comment 6

Coyote Butte is also being shot at with all types of weapons including powerful machine mini-guns that are illegal, sometimes in the middle of the night or in the early morning hours between 1 a.m. and 4 a.m.

Response

The scope of the decisions to be made are limited to modifying the conditions of motorized access, not changing uses that are currently otherwise allowed on the National Forest. The appropriateness of uses such as target shooting within the Coyote Butte area is outside the scope of this decision, and will not be addressed further in this FEIS. However, the concerns that residents of Sundance have raised in this comment process have been forwarded to the Bend-Ft. Rock District Ranger for his consideration.

Letter 39**Comment 1**

The Gebhard Well at the south end of the Deschutes National Forest has been our permanent residence for the past 30 years. We have supported basically all changes and rules so far.

This present adoption we believe would have a favorable impact on wildlife. There are so many roads that the wildlife cannot escape. This type of action is necessary to help insure the abundance of wildlife, mainly deer and elk. (The reduction in the number of cougars would also help the deer and elk population.)

However, I feel that it would be important for us to have a special permit to travel roads near our property to clear roads of down trees. This would insure fire protection for us by providing access for firefighting crews. We have been clearing these roads for years and feel it is very important to our safety.

We are in favor of the road closures but strongly request your consideration of issuing a special use permit to travel closed roads for the purpose mentioned above.

Response

You may apply for a road use permit from the Bend-Fort Rock Ranger District to perform maintenance on Forest Service roads. This permit would be a form of legal authorization for you to travel on these roads for purposes described in the permit. There is no fee for such a permit.

Letter 40**Comment 1**

A few thoughts from an endangered species; an off-road rider. Years ago, thousands of us roamed freely in the forests and deserts only to have our natural habitat shrink alarmingly at the hands of politicians and a few well organized nay sayers. The nay sayers, with their sappy prose (and expensive ads) seemed to have convinced the general public that anything with an engine that goes off highway is a bad thing {the Smokey the Bear ad with the girl on the mountain bike speaking to two ATV riders, "You can't ride those here, they give off sparks." Spark arrestors have been standard issue on most off-road motorcycles and ATV's since the late '60's.} And of course they promote the inclusion of more lands into "Wilderness" designation...even if those lands have had roads on them for years (i.e. the Badlands). It seems that the "Land Managers" find it easier, and more PC, to close areas rather than manage them.

Response

This comment not include any factual corrections or science that contributes new information for the consideration of the line officer.

Comment 2

While I am grateful for the few remaining trail miles (East Fort Rock has about one third of what it used to) on our Public Lands, a trail that's maintained and five to six feet wide isn't much of a "trail" in my

opinion...it's a road. Most of the trails in the good old days were barely wider than the handle bars, and usually not maintained. Brush slapped against your arms and legs as you worked your way along the trail, and you might have to go over a rock or log on the way too. Good Fun! Riding on the maintained trails really isn't much of an experience. It's about like driving down a bumpy stretch of I-5.

Response

Opinions expressed during the comment period are reflective of people and organization's attitudes, beliefs, and values. The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrants supplement or improvement of the analysis presented in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS.

Comment 3

Since trail maintenance costs money, why not leave more areas open and un-maintained in the Deschutes and Ochoco Forests? Closing areas will cost money; signage and enforcement doesn't come without a cost. And please don't use the OHV Funds to close areas...they were supposed to be used for the benefit of the OHV riders.

Don't turn the Deschutes and Ochoco Forests into a highly restricted area where trail miles are repetitive and off-roaders are reduced to hamsters in a Habitrail. OHV's can cover more ground in an hour than most hikers/walkers can in a day. How about more area for OHV's with less repetitive and un-maintained trails? In short, leave the Deschutes and Ochoco Forests open to off road travel, DON'T CLOSE THEM!

Response

Opinions expressed during the comment period are reflective of people and organization's attitudes, beliefs, and values. The commenter suggests that the "No Action/No Change" Alternative be adopted, and/or that more areas should be left "open and unmaintained." As described in Chapter 1 and 2 of the DEIS/FEIS, the purpose and need of the Travel Management Rule and the DEIS is to address concerns with just such use. The Draft EIS did include hundreds of acres of rock and cinder pits that were not included in the original proposed action. Large-scale "open" areas were not an alternative considered in detail. The Forest Service acknowledges the support for the course of action indicated by these comments. Final selection of an alternative is not determined by "votes" for or against a particular course of action, although these comments may also be reflective of a community's support for a particular action. The final decision will consider of the trade-offs involved in the commitment and uses of resources, environmental impacts, laws and policies. The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrant supplement or improvement of the analysis the in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS.

Letter 41

Comment 1

I would like to comment on the proposed use by OHV's of USFS land in the Cabin Butte and Bessie Butte areas. As an equestrian in that area, I have frequently run into OHV users illegally using and tearing up the existing trails and damaging the delicate plants and ecoscapes of this beautiful area.

Response

Implementation of Alternative 2 or 3 under the Travel Management decision will limit motorized vehicle access off of designated routes to approximately 45 rock/cinder pit areas, across the entire Ochoco and Deschutes National Forests (DEIS/FEIS, pp. 40-41; Appendix A, Map A-2 and A-4) (See response to comment number 1, letter #38). The DEIS/FEIS acknowledges the extent and impacts of unauthorized (user-created) trails across National Forest lands (DEIS, pp. 37-38; FEIS p. 36-37); (Table 3-38; FEIS Table 7); (DEIS pp. 135-136; FEIS p. 245-246); (DEIS pp. 155, 160; FEIS p. 213, 216); (DEIS p. 332-335; FEIS p. 185-188). The Travel Management decision will make the use and creation of unauthorized trails illegal by closing the vast majority of the two National Forests to Motorized Access off of Designated Routes (DEIS/FEIS, p. 40-41 Appendix A, Map A-2 and A-4).

Comment 2

How will the USFS be able to restrict the OHV use to specific roads when they currently do not have the manpower to restrict the current illegal use? When you open up an area to more people, you are exponentially increasing the likelihood of illegal use and should have a plan in place to enforce the restrictions. I have seen nothing in your plan to increase patrols or your law enforcement staff. There are a lot of people who ride horses and walk their dogs in that area. Conflict with OHV's is dangerous and can cause serious or critical injuries to riders and hikers. I am surprised that the USFS would place the residents of Sundance at such risk particularly since they are aware of prior illegal use, conflicts and injuries.

Response

The Forest Service believes that it will be easier to enforce the Motor Vehicle Use Map than the variety of special management area designations and public use restrictions now in effect. The Motor Vehicle Use Map will provide clear direction about where motorized use is or is not allowed, thus eliminating the need to have areas posted as "closed" in order to enforce motorized closures. The Forest is developing an Implementation Strategy that will include an education and enforcement component designed to help people understand and comply with the new regulations. See also response to Letter #38, comment #1.

Comment 3

What plans have been made to monitor the traffic coming through on Horse Butte Road? This is a very narrow road and I, personally, have almost been hit by trucks hauling trailers, with ATV's, that are too wide for the road. This access road is not meant for this use and runs into a dirt road which is infrequently maintained and causes a dust storm every time someone drives on it. What is the plan to pave this road to minimize the dust which is almost blinding when a truck goes by at a SLOW speed? This is currently bothersome to neighbors who have been driven from their decks by dust storms created by fast moving vehicles not to mention a health problem to some, especially young children and infants. Again, no USFS law enforcement has been available to deal with this problem.

Response

The paved portion of Horse Butte road is a county road. County roads are open to the public and the Forest Service has no jurisdiction to make requirements on county roads. OHV trailers are within the legal height, width, and length limits allowed by Oregon State Law on all open, public roads.

In the early 2000's (2001 or 2002) there was a proposal to pave the Forest Service portion (gravel section) of Horse Butte road (1815). The Forest Service had acquired some very hard to get capital investment funds and had entered into a partnership with Deschutes County to work together to reconstruct the road to improve safety, reduce maintenance costs, and reduce dust. However, when the Forest Service began

the public NEPA process for the project, the residents of the local subdivision (Sundance) showed such a strong opposition to the project that the project was dropped and the funds returned to the Treasury (Rick Collins; 02/2010; Personal Communication)

Comment 4

I am saddened by the fact that the Buttes, which have been previously damaged by fires and have just started showing signs of recovery, might be exposed to further damage. The whole area behind Sundance is already compromised from the fire which caused incredible damage to this subdivision. Opening this area up to OHV's will further compromise the recovery made to date. The deer, pronghorns, flora and fauna will also suffer should this fragile area be opened to OHV'S.

Response

The EIS does not propose to open any new areas to motorized vehicle use. To the contrary, many areas will be closed to motorized vehicle use where such use is currently not prohibited. Use at Coyote Butte would be limited to the existing mineral material source boundaries, thus prohibiting use on many existing unauthorized (user-created) trails. This can be seen by reviewing CD-2 Open Material Source Maps, which includes aerial photo overlays of the Coyote Butte area and the area proposed to be open to cross-country travel.

Letter 42

Comment 1

It is my understanding that the USFS is considering opening up the area behind the Sundance subdivision to OHV use. I am concerned about the potential user conflict between OHV users and the equestrians and hikers who currently use the area. As a long time user of the area, both as an equestrian and hiker, I, and many other residents of this area, have had numerous run ins with OHV users illegally using the trails specifically designated as equestrian/hiker trails. This can be a dangerous, if not fatal, situation for equestrians as well as hikers. The USFS has not had a sufficient number of law enforcement personnel to address these issues when there were only a few OHV users. What are your plans for keeping the OHV users off equestrian/hiker trails, which are very tempting for these people to use, and enforcing speed limits and resolving conflicts?

Response

The Travel Management EIS proposes to designate only the Coyote Butte cinder pit (~4.5 acres) as an area open to motorized access off of designated routes (cross-country travel) (EIS, Appendix A, pit maps). This designation allows motorized vehicles to continue to access only this area for the purposes of riding, camping and parking. Although the decision does not promote this site as a "play area", OHV use within the excavated pit area would be allowed. At the same time, the decision limits motorized use outside of this designated area only to designated routes (roads and trails), effectively eliminating cross-country travel between routes open for motorized travel (DEIS/FEIS, Appendix A, Map A-2). The equestrian/hiking trails in the Sundance area are not included as designated routes open to motorized use under this decision. The Travel Management Rule gives the Forest Service the authority to enforce this decision to make motorized travel off of designated routes illegal under CFR 261.13. Regular patrols by Forest Service Law Enforcement Officers and Deschutes County Sheriff's Officers in this area will continue.

The Forest Service believes that motorized use regulations will be easier to implement once the Motor Vehicle Use Map is in place. The map will clearly mark what areas are open and closed to motorized access, and thus simplify enforcement.

Comment 2

The USFS and BLM lands surrounding our subdivision [Sundance] have been devastated by fires. The various buttes in this area were more recently victims of fire. The fragile ecosystems have slowly started to recover. Opening these already compromised areas to OHV use will damage the recovery to our flora and fauna and will scare away the deer, pronghorns, birds and other wildlife which have returned to the area.

Response

The Travel Management decision does not open new areas to OHV use (DEIS/FEIS, Appendix A, Maps A-1, A-2, A-3, and A-4). The Coyote Butte cinder pit is currently open to motorized use and will be designated as a limited area (~4.5 acres) open to motorized access off of designated routes (cross-country travel) under this decision (FEIS, CD-2 Open Material Source Maps). At the same time, motorized travel outside of this area will be limited to designated routes, making cross country travel off of these routes illegal (DEIS/FEIS, Appendix A, Map A-2 and A-4). As a result, legal motorized use in the Sundance area would only occur within the excavated cinder pit area and on existing roads, which are both places where productive soil and vegetation has already been removed. Motorized travel on areas recovering from the recent fires would be illegal under this decision and enforceable under CFR 261.13.

Comment 3

The access to this area is on a narrow road which is generally not wide enough for a truck towing a trailer with OHV's on it. People from the Sundance area ride their bikes, walk their dogs, ride their horses and walk with their children along this road which has a very narrow shoulder. I have almost been hit in my car on, at least, six occasions by trucks pulling OHV laden trailers because they are too wide for the existing lanes. Residents in this area know to proceed slowly because of the potential of people and wildlife being in the area. How does the USFS plan to address this traffic and safety issue?

Response

County roads are open to the public. The Forest Service has no jurisdiction to establish requirements on county roads. OHV trailers are within the height, width, and length limits allowed by Oregon State Law on all open, public roads.

Comment 4

The access to the proposed staging area is by dirt road bordering our subdivision [Sundance]. People have been driven off their decks by the dust currently created by speeding vehicles. This causes health issues, especially for the elderly and young children and infants. Are you planning to pave the road to the staging area and police the OHV speeds and the dust they raise? What are your plans to mitigate the increased dust caused by the OHV's and their transporters?

Response

Implementation of Alternative 2 or 3 would limit motorized vehicle access off of designated routes to the approximately 4.5 acre cinder pit footprint of Coyote Butte (CD 1-Map 2, CD 2-Open Material Source Maps). The Travel Management decision would prohibit use off of designated routes. This would include user-created trails and roads outside the designated cinder pit of Coyote Butte (CD 1-Map 2, CD 2-Open Material Source Maps).), effectively reducing the total area from which emissions and dust can be generated in this area. Paving access roads is outside the scope of this decision.

Existing use proximate to residential areas is likely to decrease as a result of changes in road use designations and the elimination of cross country travel (FEIS, Appendix A, Map A-2 and A-4).

Approximately 9 miles of roads within the Wildland-Urban Interface areas will be changed from a “mixed-use” to a “highway legal vehicle only” designation (DEIS, p. 273; FEIS p. 147), reducing the traffic of OHVs. OHV use in the areas proximate to residences will be allowed only within the designated pits and on designated roads. Existing closed roads that have not been barricaded or obliterated will not appear on the Motor Vehicle Use Maps (MVUM) published annually and will become illegal for motorized use. The elimination of legal cross country travel and a better definition of closed roads are likely to reduce dust generated by motorized vehicles from areas proximate to residences along the Forest boundary.

Letter 43

Comment 1

I am very much against any more restrictions on road use...especially the kinds that require only roads, to be open, to be marked with some kind of sign. This is too easy for the Forest Service to miss a road. I like it the other way roads, to be closed, should be marked closed. This way the road needs to be looked at before it is closed. The rest are left open...this is much harder to do and requires more on the ground recon. But is my opinion this is one thing that is lacking in the Forest Service today...there is no substitute to getting on the ground.

How is this going to affect wood cutting? Most of the times you need to drive off the road a short distance to get to a wood tree or log. Wood cutting is one of my favorite things to do on the N.F. Please don't mess it up.

I would like to see the roads managed basically the way you are doing now.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. Final selection of an alternative is not determined by "votes" for or against a particular course of action, although these comments may also be reflective of a community's support for a particular action. The final decision will consider of the trade-offs involved in the commitment and uses of resources, environmental impacts, laws and policies.

The Forest Service believes that the conditions established by the Travel Management Rule will provide a simpler and more effective way to communicate and enforce what roads and areas allow what type of motor vehicle use. In the past, areas and roads that are closed to motor vehicles have had to be posted closed in order to be effectively enforced. Keeping an area posted closed is more difficult, costly, and potentially confusing to users than having a map that establishes motor vehicle conditions of use.

Chapter 1 of the DEIS/FEIS details the purpose and need for the change to motor vehicle use on and off of National Forest Service System roads and motorized trails. Therefore, the system suggested in this comment would not meet the purpose and need to implement the Travel Management Rule. Permitted activities such as woodcutting have the motorized access suitable for that use established by the terms and conditions of the permit, rather than by the conditions of the Travel Management Rule. Conditions of use may be influenced by the intent of the Travel Management Rule.

Letter 44

Comment 1 - 2

I live in the Sisters area and have enjoyed riding my ATV in the National Forest for the past 12 years. Even though I've averaged only 2 or 3 times a year, it's been a wonderful experience for me and a friend or two. I do not see any reason to close large areas of public lands just because a person rides an ATV

There is no need to remake the whole system with a broad brush. Remember, these are Public Lands. I, myself, and friends or family, have ridden with have enjoyed our National Forests and have used them responsibly, and with respect to others.

If some dust or noise is a problem for some people who live bordering National Forest Land, there is a simple solution. The placing of a few signs indicating close proximity to homes would all but eliminate that concern. People who enjoy trail riding don't want to tick people off. They want to continue to enjoy this basic freedom of riding on our Public Lands. Please leave current laws "as is" and only adjust them to improve them for all, not just for a few. We can work together on this, and make common sense adjustments without closing down vast areas to the ATV riding public.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments.

Chapter 1 of the Environmental Impact Statement describes the purpose and need for prohibiting motorized access off of designated routes and areas. Leaving motorized access "as is" on the National Forests will not meet the purpose and need of the Environmental Impact Statement or Travel Management Rule. (ROD pg 22) As noted in the Environmental Impact Statement, there will continue to be many opportunities for motorized access within the two Forests.

The final decision will be informed by consideration of the trade-offs involved in the commitment and uses of resources, environmental impacts, legal and policy implications.

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrants supplement or improvement of the analysis presented in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS.

Letter 45

Comment 1

Part of the reason we live in Central Oregon is because we are able to enjoy the areas east and south of Bend on our dirt bikes and in our jeep. Closures (even partial) of these areas and limiting access for cross country travel is just one step closer to having the entire area banned for riding or off road driving. Recreation areas for outdoor enthusiasts and families need to remain as they are, its why many of us live here.

Response

The Forest Service acknowledges the support for the course of action indicated by the comment. Alternative 1 of the Environmental Impact Statement reflects a "leave it as is" approach.

Letter 46

Comment 1

The last thing we need are more laws and government red tape in the forests. The OHVs in this area are not doing any harm; many of the trails that people are pushing to have closed to only allow hiking or horses were created by motorcyclists. This already happened with all the trails near bend! Further out of town there isn't any user conflict taking place.

Response

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrants supplement or improvement of the analysis presented in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS.

Comment 2

The local economy is suffering enough without making it harder for the OHV dealers to sell their products. Look at Utah or West Virginia - these states are encouraging OHV use and even allowing them limited access on public highways and in towns so that there is access to fuel and other services. It doesn't cause problems; the towns that have these areas are thriving because of it. Reducing access is a bad idea.

Response

The Deschutes and Ochoco National Forests, along with the Prineville Bureau of Land Management (BLM) have an excellent, regionally recognized OHV program managed by the Central Oregon Off Highway Vehicle Operations (COHVOPS) group. This program offers premier riding opportunities for Class I and III OHV's on over 1000 miles of designated motorized trails. Amenities also include several staging areas, camping and play areas. These designated OHV areas provide economic benefits to the area from local users, as well as those outside the local area. According to an Oregon Parks and Recreation Dept. 2009 report "The Economic Impacts of Off-Highway Vehicle (OHV) Recreation in Oregon", an estimated 30.3 million was spent on trip expenditures to the region defined as Central Oregon in 2008. The defined region includes areas outside of the Ochoco and Deschutes National Forests, however it indicates that there currently are economic benefits realized in this area that are not expected to change based on restricting motorized access to designated routes.

Letter 47

Comment 1

I am an avid off road trail system user. I ride a regular "OHV" type motorcycle, a street legal "Dual Sport" motorcycle, and drive a Jeep. I use the trail systems and off road areas about 60 days per year.

In all of the time I have spent on these roads and trails I have seen very few other vehicles unless I am close to one of the staging areas or there is an event.

The only groups that I have ever seen to offer to clean up trash and debris left by people have been off road enthusiast groups. Most of the roads and trails have been in place for 100 years. The roads and trails that are further out, beyond the reach of the inexperienced casual user, have not changed in the 20 years that I have been using them. I have seen no justification for the closures.

“Protecting Natural Resources” is often what is cited with no evidence of what natural resource is being damaged. Again, in 20 years of use, I have seen no changes to the land caused by this type of use.

Response

This comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrants supplement or improvement of the analysis presented in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS.

Comment 2

I would like to see the trail system stay as it is now with no closures or changes made.

Response

Chapter 1 of the Environmental Impact Statement describes the purpose and need for prohibiting motorized access off of designated routes and areas. Alternative 1 in the Environmental Impact Statement describes a “leave it as is” alternative. As noted in the Environmental Impact Statement, there will continue to be many opportunities for motorized access within the two Forests.

Letter 48, 49

Comment 1

We have been told that Coyote Butte and Bessie Butte off China Hat road southeast of Bend has been considered a possible off road vehicle area. Please to do not. We live in the Sundance subdivision close to CoyoteButte. Coyote Butte areas is currently an area that people can shoot their guns. Most every weekend it sounds like a war is going on approximately a block away. Coyote Butte may be 3/4 of a mile away from our house but when they are shooting at the butte the noise is very loud.

Response

Bessie Butte is currently closed to OHV use and would remain so under this decision. The Lava Rock OHV project on the Bend/Ft. Rock Ranger District is a site specific OHV trail project that is considering a trailhead west of Bessie Butte in an analysis of proposed OHV trails under a separate Environmental Impact Statement (EIS). This document will also address site specific dust and access issues associated with the addition of designated trails and trailheads in the Lava Rock planning area. We encourage you to comment on the Lava Rock OHV EIS when the draft is released for public comment, likely sometime in 2011.

Implementation of the Alternatives 2 or 3 will limit motorized vehicle access off of designated routes to just the cinder pit portion of Coyote Butte (approximately 4.5 acres). The Travel Management decision will prohibit motorized access off of designated routes. This would include unauthorized (user--created) trails and roads outside the designated cinder pit of Coyote Butte (CD 1-Map 2, CD 2-Open Material Source Maps), effectively reducing the total area from which emissions and dust can be generated in this area. The appropriateness of other uses such as target shooting within the Coyote Butte area is outside the scope of this decision.

Comment 2

If OHVs are allowed at Coyote Butte or Bussie Butte the noise will be terrible for the residents in the area along with the dust, trash and the wear on the soil and vegetation. The residents living in the area live here because we like the outdoors and wildlife. If OHVs are allowed in the area the area will not be a desirable place to live.

We realize the OHV users need a place to ride their equipment but I do not feel it should be allowed in an area where they will be a nuisance to the residence living in the area.

Please do not allow them in this area.

Response

Existing use proximate to residential areas is likely to decrease as a result of changes in road use designations and the elimination of cross-country travel (DEIS/FEIS, Appendix A, Map A-2). Approximately nine miles of roads within the Wildland-Urban Interface areas was proposed to be changed from a “mixed-use” to a “highway legal vehicle only” designation in the DEIS/FEIS (DEIS, p. 273; FEIS p. 147)), reducing the traffic of OHVs. As a result of the final decision, approximately 13 miles of road would be changed from motorized mixed use to highway-legal roads only in the Wildland Urban Interface OHV use in the areas proximate to residences will be allowed only within the designated pits and on designated roads. Existing closed roads that have not been barricaded or obliterated will not appear on the Motor Vehicle Use Maps (MVUM) published annually and will become illegal for motorized use. The elimination of legal cross-country travel and a better definition of closed roads are likely to reduce dust generated by motorized vehicles from areas proximate to residences along the Forest boundary.

Letter 49

Comment 1

We have just been told that both Bessie and Coyote Buttes are being considered for off road vehicle use. We are in strong opposition to this proposal. We live a very short distance from this area in the Sundance neighborhood. Sound carries VERY well out here. We treasure the peace, beauty and wildlife surrounding us. You will destroy that as well as creating a lot of dust and traffic and noise. You will lower our property values. It is obvious that area is not well patrolled. I am sure you do not have the man power to do so. Once again we are again hearing automatic weapons that probably are not legal. Is the "Central Oregon Militia" practicing their maneuvers in that area again as they have in the past? I repeat we are in strong opposition to off road vehicles in that area.

Response

Motorized access associated with Bessie Butte is not a part of this Travel Management decision. Bessie Butte is currently closed to OHV use and would remain so under this decision. The Lava Rock OHV project on the Bend/Ft. Rock Ranger District is a site specific OHV trail project that is considering a trailhead west of Bessie Butte in an analysis of proposed OHV trails under a separate Environmental Impact Statement (EIS). That document will also address site specific dust and access issues associated with the addition of designated trails and trailheads in the Lava Rock planning area. We encourage you to comment on the Lava Rock OHV EIS when the draft is released for public comment, likely sometime in 2011.

The Travel Management EIS designates the Coyote Butte cinder pit as open to motorized access off of designated routes (FEIS, CD-1 Map 2, CD-2 Open Material Source Maps). Motorized access to and

within the excavated pit area (~4.9) acres will be allowed to continue in order to park, camp, stage and ride motorized vehicles. In addition, cross-country travel between the pit area and the residences will be eliminated (DEIS/FEIS, Appendix A, Map A-2). These actions reduce the area in which motorized vehicles currently travel and from which dust and noise can be generated (DEIS/FEIS, Appendix A, Map A-2). The Coyote Butte pit is approximately 0.75 miles from the nearest residence in the Sundance subdivision, a distance at which sound generated from OHVs, although still audible, is likely to have dampened substantially (Shilling, 2003; Harrison, 2003; OMSI, 2005). Although target shooting does generate louder noise levels that appear to travel farther than OHVs, their regulation is outside the scope of this decision.

Letter 50

Comment 1

The only option you can consider is #1, leave things as they are.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. Final selection of an alternative is not determined by "votes" for or against a particular course of action, although these comments may also be reflective of a community's support for a particular action. The final decision will consider of the trade-offs involved in the commitment and uses of resources, environmental impacts, laws and policies.

Comment 2

The forest service has spent millions of OHV dollars and we have seen no return on this investment. The Ochoco trail riders have spent a lot of time trying to help placement of trails and offered to help build them also. What you have said you might put in next is unacceptable to me.

Response

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrants supplement or improvement of the analysis presented in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS.

The scope of the decisions to be made in the Deschutes and Ochoco Travel Management Project do not include designations of new motorized trail systems. However, there are currently several proposed motorized trail projects that are undergoing separate environmental analyses. These include the Three Trails and Lava Rock Motorized Trail Projects on the Crescent and Bend-Ft. Rock Ranger Districts of the Deschutes National Forest, and the Ochoco Summit Motorized Trails Project on the Lookout Mountain and Paulina Districts of the Ochoco National Forests. The project teams are working collaboratively with motorized user groups and the public to develop trail systems that will provide a variety of motorized trail opportunities and difficulty levels.

The Forest Service disagrees that Forest OHV funds have not provided a good return on their investment. The Deschutes and Ochoco National Forests have an excellent, regionally recognized OHV program (Central Oregon Off Highway Vehicle Operations (COHVOPS)). This program is combined with the Prineville BLM and manages over 1000 miles of designated OHV trails on the Ochoco, Deschutes and Prineville BLM. The Law Enforcement part of their program provides education and compliance to motorized visitors on all Forest and BLM lands. The program budget for operations and maintenance, law enforcement and education, planning and development has an annual budget of over \$1,000,000 of which

almost 80 percent is provided by Oregon State ATV grants, along with grants from other entities such as Yamaha, and the Secure Rural Schools program. In addition, volunteers provide an estimated \$70,000 worth of in-kind labor annually to the program.

Letter 51

Comment 1

We [Oregon Equestrian Trails] are, for the most part, impressed with and support the project as delineated in the Draft Environmental Impact Statement.

We support your recommended Alternative 2.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. Final selection of an alternative is not determined by "votes" for or against a particular course of action, although these comments may also be reflective of a community's support for a particular action. The final decision will consider of the trade-offs involved in the commitment and uses of resources, environmental impacts, laws and policies.

Comment 2

We [Oregon Equestrian Trails] believe that designating routes and areas where motorized vehicles may operate will resolve many problems. All the users of the 2 Forests and the Grasslands will be able to enjoy their particular activity in more safety. Conflicts between users will be diminished. Damage to the soils, vegetation and water resources will be lessened.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. Final selection of an alternative is not determined by "votes" for or against a particular course of action, although these comments may also be reflective of a community's support for a particular action. The final decision will consider of the trade-offs involved in the commitment and uses of resources, environmental impacts, laws and policies.

Comment 3

OET's [Oregon Equestrian Trails] primary concern with the Project is the Motor Vehicle Use Map (MVUM) that will be subsequently published. We understand that the MVUM is not part of the current Project per se, but rather an implementation step. We understand that the MVUM will show the site-specific route designations. According to staff on hand at the public meetings the actual inventory and mapping of the road systems is currently being done by Agency staff. There are many routes that are in existence on the ground that have been utilized historically and that, we understand, maybe deleted from the MVUM for one reason or another. If some of those roads happen to access areas commonly utilized for dispersed camping then those camping areas would be inaccessible by motor vehicle.

Response

The commenter is correct that MADC will only be allowed within 300' of open designated roads. The Alternative maps prepared for the DEIS were based on Geographical Information System information on the roads layer at that time. These maps were intended primarily to graphically display information about the proposed decisions to be made. These maps presented key information about where motorized access is currently prohibited off of designated routes, or where it is not; where motorized access for dispersed

camping is currently allowed or not; and where areas are currently designated as open to motorized access off of designated trails. Information was also shown about where streams, wetlands, and water bodies are located and where seasonal use periods are currently in effect. The maps also displayed, for graphic comparison purposes for each alternative, where motorized access off of designated routes (cross-country travel) would be allowed under Alternatives 2 and 3 and where and under what conditions motorized access for dispersed camping would be allowed. The intent of these maps was not to provide the most final updated version of the roads database, since the proposed action was not to change the existing designated system.

Comment 4

We (OET) [Oregon Equestrian Trails] have concerns about preserving certain dispersed camping areas and would hope that prior to the publication of the final MVUM we would have an opportunity to review and comment on the draft map with respect to those dispersed camping areas.

We also feel that there may be some areas where dispersed camping areas should be designated beyond the 300' from the centerline limit. There should be an allowance for exceptions to this limitation. Just as the Special Provisions tighten up allowances for dispersed camping, there should also be "Special Provisions" that would extend areas for Dispersed camping beyond the 300' limit where special areas would be allowed.

An example of one of those areas is the location commonly called "Man Camp" in the Ochoco National Forest. From the maps included in the DEIS it does not appear that the road into this area will be accessible by motorized vehicles. Another such area is the area known as "Grant Meadows" or "Corral Flat". In both of these areas the historical camping area may extend beyond 300 feet from the centerline of the nearest road, depending upon which road is included on the MVUP. (We can provide specific locations to the Forests upon request).

Our hope would be that we could be allowed to review those implementing maps (MVUP) prior to final publication to allow our site-specific concerns to be addressed. At this time we are unable to provide that specific input because the maps are a work-in-progress.

Response

The Forest Service acknowledges that there are existing dispersed campsites that are more than 300 feet from an open designated road and that motorized access to these campsites may be appropriate. However, since adding new designated roads to the system is outside the scope of this EIS, additional map review prior to the publication of the FEIS would not resolve your concerns about motorized access to the campsites more than 300 feet from an open designated road.

The Forest Service is addressing this concern in the Travel Management Implementation Strategy. The Strategy identifies a process for locating campsites that may be more than 300 feet from an open designated road. These sites can then be evaluated to determine whether and how to provide motorized access to them. Currently, Regional Forester direction does not allow the Forests to provide motorized access for dispersed camping within more than a 300 foot corridor adjacent to open designated routes, and so other options that are outside the scope of this Environmental Impact Statement will need to be developed to provide motorized access to sites that are greater than 300 feet from an open designated road. The Oregon Equestrian Trails help to identify those sites once the Motor Vehicle Use Map is published will be appreciated.

Comment 5

Our [Oregon Equestrian Trails] hard working volunteers are very interested in helping the USFS to build, sign, and maintain non-motorized trails and horse facilities in the two National Forests and the National Grasslands. Please do not hesitate to call on us.

Response

We appreciate the relationship that we share with the Oregon Equestrian Trail and the very hardworking volunteers. The two Forests will continue to value that relationship and call on you to help.

Letter 52

Comments 1-3

I neither ride nor own an ATV, but I love to drive the more primitive forest roads, cut firewood and dispersal camp. I'm sure that I spend more time in the forest than 95% of your other users.

The reason that you are getting few comments is that most people like me who prefer the rules to remain as they are now, realize that in reality there never was that option. They will either quit using the forest or ignore the rules.

If the new rules affect my current use of the forest I plan to contact my Congressmen and protest Forest Service funding, as it's probably the only way a private citizen can have a say in government anymore.

I advocate more access not less. Individual freedom is the most important concept in the world.

Response

The Proposed Action does not close any National Forest System Roads that are currently open for public use. The purpose of the project is to prohibit cross country travel and restrict motorized vehicles to use of the currently open road system. There are approximately 8,000 miles of roads that are open and available for motorized use by the public. The DEIS and FEIS include extensive descriptions of potential effects to users of the national forests. Absent a specific description of the current uses of the commenter, we are unable to provide further detail in the response

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrant supplement or improvement of the analysis the in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS.

Letter 53

Comment 1

We are definitely for limiting vehicular travel to designated roads, trails and routes in the Deschutes and Ochoco National Forests.

To have it any other way with the constantly increasing vehicular forest travel will be very destructive of stream and forest growth. Unlimited off road travel would seem to lead to more accidental wildfires.

Please impose these limits

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. Final selection of an alternative is not determined by "votes" for or against a particular course of action, although these comments may also be reflective of a community's support for a particular action. The final decision will consider of the trade-offs involved in the commitment and uses of resources, environmental impacts, laws and policies.

Letter 54

Comment 1, 2, 3

In reviewing the DEIS it appears that the decision to severely limit the American public access to their land is the plan of an out of touch bureaucrat that has never been outside of a city.

The people in the forest area treat the forests in their area as they would their back yard and spend a good deal of time in different areas in their local forest. To limit their access would be a disservice to all whom know and love their forest land. Don't take that away.

As a rural area resident I feel that the only reasonable alternative is Alternative 1 and from there deal with problem areas but leave the rest of the forest alone.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. Final selection of an alternative is not determined by "votes" for or against a particular course of action, although these comments may also be reflective of a community's support for a particular action. The final decision will consider of the trade-offs involved in the commitment and uses of resources, environmental impacts, laws and policies.

Letter 55

Comment 1

I feel it is hard to keep up with all the plans you all keep throwing out to the public on road closures to off road riders. That is probably why no one is commenting on the plan you have out now. Maybe it is hard to understand.

Response

We have made extensive efforts to ensure that the public was able track our travel management planning processes. As outlined on Pg. 14 in the DEIS(FEIS p. 8), we have used various avenues of informing the public including four rounds of public meetings beginning in 2006 and every year since for a total of 22 public workshops. We also held 11 meetings with the Travel Management Subcommittee and Working Group which were open to the public. Each of these meetings was announced through various venues including our local forest website, 19 press releases in the newspaper of record, the Bulletin, along with other local papers and numerous radio announcements throughout this four year period. The release of the DEIS promoted the last six public workshops which were conducted in an "Open House" format as with the 2008 public workshops. These meetings were spread across the Central Oregon landscape to help reach the public in each of our surrounding communities. A compiled list of media releases is presented in Appendix F of the FEIS.

At each public workshop we updated our mailing list and had over 1,200 individuals and organizations that were mailed the seven newsletters and other notices.

Comment 2

I think we have enough closed off areas now. I remember going cross country with no roads years ago. We never tore up the ground; we always respected the forest land and private property. If all the ATV riders do the same, we would not be having this dispute on who can go into the woods and what we can do in the woods. There is always some bad apples who spill the good times to all others by tearing up the ground and dumping trash all over the ground.

Response

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrants supplement or improvement of the analysis presented in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS.

Letter 56

Comment 1

I want to encourage the Deschutes and Ochoco National Forest to limit off-road vehicle travel to established routes and roads and adopt a plan which will prohibit cross-country travel by OHVs.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. Final selection of an alternative is not determined by "votes" for or against a particular course of action, although these comments may also be reflective of a community's support for a particular action. The final decision will consider of the trade-offs involved in the commitment and uses of resources, environmental impacts, laws and policies.

Comment 2

Backcountry campgrounds should be open for non-motorized access only.

Response

It is not clear what the commenter means by "backcountry campgrounds." Absent a more specific reference to the proposed actions in the DEIS, we cannot respond to this comment.

Comment 3-4, 6

Most OHV travel only serves to allow access for lazy and ignorant people to destroy our natural resources. OHV abuses lead to the spread of invasive species, noise and air pollution, damage to native plants and riparian areas, wildlife harassment, disrupts migration and is detrimental to the enjoyment of others wanting a more peaceful experience.

With approximately 400,000 miles of open roads available fro OHV travel within Oregon's National Forests and strong case exists to protect the, comparatively, few acres where roads have not been established.

I hope that the Forest Service will take this opportunity to limit this destructive activity [ATV], which is at odds with many facets of the Forest Services' mission.

Response

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrants supplement or improvement of the analysis presented in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS.

Comment 5

This new rule must be strongly enforced with increased patrols by Forest Service rangers, closure and rehabilitation of illegal routes, and severe consequences for violators.

Response

The Forest Service believes that the publication of the Motor Vehicle Use Map will increase the effectiveness of our law enforcement efforts. The Map will clearly define where motorized access is allowed, thus putting another tool in the law enforcement tool box.

Letter 57**Comment 1**

I am very disappointed with the apparent focus on how many restrictions can be implemented instead of how a forest wide quality OHV trail system can be provided. There has been forest wide OHV travel on the forests ever since motorized vehicles entered the Central Oregon Area. Resource damaged areas are a result of lack of management providing identified quality OHV opportunities as provided in forest plans.

Response

The DEIS/FEIS states in the Purpose and Need for Action that The Travel Management Rule was passed because of a need to resolve a number of resource and social concerns related to unregulated motorized travel that were detailed in the Rule.

The Forest Service has worked for many years to address some of these same issues with unregulated motorized access by establishing land use allocations in the Forest Plan. The two Forests have also worked for many years to provide quality OHV trail systems, and have some of the best opportunities in the state. Chapter 2 of the DEIS/FEIS summarizes the acres that currently do not prohibit motorized access off designated routes (cross-country travel), and fully disclose that there will be a loss of cross-country, off-road recreation opportunities as a result of this decision. However, there will continue to be roads that are maintained only for high-clearance vehicles that will provide OHV opportunities across both Forests, along with the existing designated OHV areas.

The scope of the decisions to be made in the Deschutes and Ochoco Travel Management Project do not include designations of new motorized trail systems. However, there are currently several proposed motorized trail projects that are undergoing separate environmental analyses. These projects are described in the DEIS/FEIS in Chapter 1 under "Other Activities that could Affect Motorized Access". These include the Three Trails and Lava Rock Motorized Trail Projects on the Crescent and Bend-Ft. Rock Ranger Districts of the Deschutes National Forest, and the Ochoco Summit Motorized Trails Project on the Lookout Mountain and Paulina Districts of the Ochoco National Forests.

Comment 2-3

Given the lack of funding and manpower to implement any of the alternatives other than Alternative 1, I request you seriously consider Alternative 1 to be implemented now. Then as funds become available add

staging areas, play areas and trail heads. Seasonal closures for portions of the area for wildlife or soil conditions could also be included.

My second choice would be Alternative 2 with some modification. Include at least some of the existing forest trails for potential designation as single track (class III) motorized trails

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. Final selection of an alternative is not determined by "votes" for or against a particular course of action, although these comments may also be reflective of a community's support for a particular action. The final decision will consider of the trade-offs involved in the commitment and uses of resources, environmental impacts, laws and policies.

Comment 4

Designate the Cottonwood, Keeton or Cougar in the Ochoco NF and trails 62, 63 or portions of 99 in the Deschutes NF with seasonal closures where appropriate. Some trails may be located in Inventoried Roadless Areas but this designation is intended to prevent logging and road building, not prevent OHV recreation or any other recreation activity.

Response

The scope of the decisions to be made in the Deschutes and Ochoco Travel Management Project do not include designations of new motorized trail systems. However, there are currently several proposed motorized trail projects that are undergoing separate environmental analyses. These include the Three Trails and Lava Rock Motorized Trail Projects on the Crescent and Bend-Ft. Rock Ranger Districts of the Deschutes National Forest, and the Ochoco Summit Motorized Trails Project on the Lookout Mountain and Paulina Districts of the Ochoco National Forests. There are no changes to any existing designated motorized trail systems within Inventoried Roadless Areas.

Comment 5

Add emphasis for future class III miles. Class III (single track) OHVs have historically established the majority of the miles on the forests and most of the miles eliminated are single track. Single track trails have the least impact and are easiest to maintain.

Response

The EIS acknowledges that there are currently no trails that are strictly for single track motorcycles (Chapter 3, Recreation). Class III motorcycles are allowed on all of the designated motorized trail systems for OHVs. It is not within the scope of this decision to designate new trails, nor to provide strategic emphasis for future actions related to motorized trail designations. The Ochoco Summit, Lava Rock, and Three Trails projects are motorized trails projects that are considering some designated single track motorcycle trails.

Comment 6

Provide shared use motorized access to points with vistas such as Spanish Peak, Mt. Pisgah, Cache Mtn., Triangle Hill, Sheridan Mtn. and Cultus Mtn. Motorized recreation desires quality opportunities just as much as other trail recreationalists. Properly designed and located trails with vistas and unique sites or educational opportunities can provide that quality.

Response

An engineering analysis was completed for all maintenance level 2 roads on the Ochoco and Deschutes National Forests during 2008 and 2009, to determine the suitability of these roads to carry both highway-legal and non-highway-legal vehicles at the same time. The results of the analysis show that some of those roads are not suitable for carrying motorized mixed use. On some of those roads the probability of accidents occurring and the potential severity of accidents can be reduced through mitigation measures such as signing the roads to increase operator awareness of the mixed use, and roadside brushing to improve sight distances. Wherever possible those mitigation measures will be employed to reduce the amount of roads designated as highway-legal only. However, there will be a few where the hazards cannot be mitigated by use of those methods and those roads will be designated for use by highway-legal vehicles only.

The Record of Decision includes a detailed list of the roads that were changed from proposed as highway legal vehicles only based on the initial engineering analysis to motorized mixed use based on appropriate mitigation (ROD Appendix p. 12-13). There are no changes to motorized access to the specific scenic vistas listed in the comment above. The roads to those areas currently allow access by all types of vehicles and none are proposed for change under this decision. This EIS does not proposed to designate any new motorized roads or trails.

Letter 58**Comment 1**

Davenport is the Operator for the Newberry Geothermal Project on the Deschutes National Forest, and along with our affiliates, holds federal geothermal leases on more than 40,000 acres in the Newberry area. Our [Davenport Power, LLC] comments reflect our concern that travel management decisions could adversely affect our ability to explore for geothermal resources and adversely affect our ability to develop geothermal energy projects. It is critically important that we be granted access in a non-cumbersome manner to explore, develop, build, operate, and maintain geothermal energy projects— uses recognized in the Monument legislation and in our leases granted by BLM.

The DEIS states that “there would be no change in operations” for leasable minerals; however, we believe there may indeed be adverse consequences to our ability to utilize our federal geothermal leases that were overlooked in DEIS.

Response

The Deschutes and Ochoco National Forest Travel Management EIS will not affect the operations of Geothermal leases. Under current conditions, operations on-lease and off-lease are governed by the Geothermal Steam Act, and the respective BLM and Forest Service regulations for allowing those operations. These processes will not change due to the regulations governing public motorized access.

Comment 2

Davenport [Davenport Power, LLC] wants to ensure that travel management restrictions will not hamper or create delays in our ability to explore for geothermal resources. We would also like to have assurance that motorized travel for geothermal exploration and development purposes would have priority over travel management programs and rules which appear to be designed to address conflicts and problems related to motorized recreation.

Response

The scope of the Deschutes and Ochoco National Forest Travel Management EIS is limited to prohibiting motorized travel off of designated routes (cross-country travel), modifying conditions under which motorized access for dispersed camping would be allowed designating some material sources as open to cross-country travel, and changing some roads to highway-legal only. As noted in Chapter 2 (DEIS p. 36; FEIS p. 36, there are several categories of uses exempt from the prohibitions of the Travel Management Rule. This includes motor vehicle use that is specifically authorized under a written authorization under Federal law or regulation. Implementation of the Travel Management Rule as identified in the Draft and Final EISs will, therefore, not result in any change to the conditions or priorities under which Davenport is currently allowed to access National Forest lands for geothermal exploration and development under the conditions of the their leases or other permitted access.

Comment 3

We [Davenport Power, LLC] understand that in situations where NEPA analysis has been completed and permitting authorizations have been issued for siting and operating a geothermal project, the scenario would be fairly straight forward: a NEPA decision and subsequent permitting documentation would address access needs and as needed, include permission to utilize roads and areas not otherwise accessible to the general public. Please recognize that only a relatively small area would likely be the subject of a particular NEPA or permitting process at any one time. It is not clear how needed access will be addressed and allowed during all other stages of our ongoing project work and planning efforts. On a rolling basis we hope to continue to develop a series of exploration projects and will be in the area for an expanded period of time. Access is a fundamental prerequisite for us to conduct typical field visits to scout, locate, and evaluate sites. Long-term access on our lease holdings and surrounding areas is essential for us to explore and develop geothermal resources. We spend a great deal of time in the field on our leases (as well as off-lease) in the Newberry area to view the terrain, geology, and landscape and to gather site information. Such work is extensive and conducted by our staff and a number of contractors as we develop strategies and proposals for exploring the geothermal resource. In many cases the designated access roads may meet our needs, but it is very likely that travel via restricted roads or trails will be necessary.

The information we received at a DEIS open house indicated that our travel needs could be easily accommodated and written permission could be granted in advance. We appreciate that outlook— but we understand your process to grant such permission has not yet been fully developed. We request that you provide information describing that intended process. As you give this your attention, please take into consideration that leasable mineral exploration efforts are typically extensive, may occur nearly year-round, and would continue for a number of years. Permission to travel on closed roads or trails, therefore, would need to be granted for an extended period, over a fairly large area, and for various contractors and representatives who are working on the project. Furthermore, the process to request and be granted permission to travel on non-designated routes should be reasonable, timely, and responsive.

Response

We appreciate the need to access National Forest lands both on and off-lease to facilitate the exploration and development of the geothermal resource. The Deschutes National Forest will continue to work with Davenport LLC as well as others with an interest in exploring the geothermal resource to provide reasonable access in a timely manner based on specific requests. The process to provide permission is the same as that used in the past to provide access for companies or permittees in areas with seasonally closed roads. The Bend-Ft. Rock District Ranger will continue to work closely with Davenport on their specific needs in the Newberry area.

Comment 4

Beyond exploration, we [Davenport Power, LLC] are concerned that travel management restrictions may limit our options to establish suitable access when proposing to develop a geothermal facility. Please explain whether there would be new limitations to creating new roads or upgrading existing roads for specific purposes, such as providing access to a geothermal site. Similarly, please also address any limitations for reopening, recommissioning, or improving roads or trails when needed for geothermal exploration or development purposes. This would apply to routes that are designated for motorized access as well as to those restricted from public travel.

Response

The Deschutes and Ochoco National Forests Travel Management EIS would not impose any limitations on present or future management of National Forest System roads and trails.

Comment 5

Please clarify what will happen to the non-designated roads and trails over the long-term and whether it is Forest Service's intention that these restricted routes eventually become no longer viable for motorized travel and ultimately be removed from the transportation system all together. Please explain if or when non-designated roads would be slated for permanent closure or obliteration and how this decision would be made. Similarly, please explain whether or under what circumstances roads and trails that are not designated for motorized access would be maintained.

Response

Under the 2005 Travel Management Rule, some specific terminologies regarding National Forest system roads have been established. The term "non-designated" roads and trails is not defined in this comment, so determining the exact translation to the terminology of the Rule is difficult. Unauthorized roads and trails (often called user-created) are not part of the National Forest system of roads and trails. How or whether any of these features that exist on the landscape may become a part of the designated road and trail system or rehabilitated in the future will be dependent upon a site-specific analysis of a specific area. It is not possible to provide a blanket statement that would apply to any site specific area. However, although these features may have been created because motorized travel off of designated routes (cross-country travel) has not been prohibited, unauthorized roads and trails are not part of the National Forest system of roads and trails and would not be managed as a part of that system.

Designated National Forest system roads and trails include designated system roads that are both open and closed to public travel. Roads that are maintained as open to public travel are Maintenance Level 2-5, and will be shown as "open designated routes" on the Motor Vehicle Use Map. Maintenance Level 1 roads are designated National Forest system roads that are maintained in a "storage" mode, and are not open to public access. These roads are primarily maintained as a part of the system for future management of National Forest resources. These are roads that are periodically used by the Forest Service or their assignees for management purposes.

An evaluation of existing designated National Forest system roads is a part of a travel analysis process that is usually conducted at a localized or "project scale." (See Chapter 2 DEIS/FEIS- Roads Analyses) On the Deschutes and Ochoco National Forests, these project scale analyses are often conducted in conjunction with large vegetation management projects. One objective of these project level travel analyses is to identify the minimum system of routes necessary to manage National Forest Resources in the analysis area. This analysis could also result in a recommendation for designating "temporary" roads (roads which are needed only for a very specific purpose and not included in the designated system) or in

establishing new roads to be included in the National Forest system of roads and trails, or in a recommendation to "decommission" or eliminate existing designated system roads. These recommendations require a corresponding NEPA analysis and decision to make a final determination about National Forest system road status.

Comment 6

Davenport [Davenport Power, LLC] recommends not selecting Alternative 3 as it unnecessarily too restrictive. We perceive Alternative 3 as creating defacto wilderness areas when there is no need to do so and when this is not a purpose of the Proposed Action.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. However, we disagree that Alternative 3 creates a "defacto wilderness." Both Alternatives 2 and 3 prohibit motorized access off of designated routes, trails, and areas in accordance with the Travel Management Rule. Alternative 3, also establishes conditions for motorized access for dispersed camping that limit motorized access to existing, designated, and defined sites. Alternative 3 would also prohibit motorized access for dispersed camping in Inventoried Roadless Areas. However, there is nothing in the DEIS that would prohibit future designation of motorized roads, trails, or areas anywhere that would allow such uses under existing law, regulation, or policy. Final selection of an alternative is not determined strictly by "votes" for or against a particular course of action, although these comments may also be reflective of a community's support for a particular action. The final decision will be informed by consideration of the trade-offs involved in the commitment and uses of resources, environmental impacts, legal and policy implications.

Comment 7

Please add us to your mailing list for the Travel Management Project and add us to mailing lists for any other projects planned in the Newberry area as well. Please note that we [Davenport Power, LLC] have made this request before, but apparently have not yet been added to your database.

Response

Your information has been added to the mailing list.

Letter 59

Comment 1

I'm writing you today with the intention of urging you to help keep public land open to vehicle and ATV travel. I moved my family to Central Oregon for this very reason. We enjoy to opportunity to explore our land via ATV's and other vehicles. The thought of closing public lands to such use sickens me.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. The Forest Service Travel Management Rule was passed to address a number of resource and social concerns, as described in the Environmental Impact Statement, Chapter 1, Purpose and Need.

The scope of the decisions to be made in the Deschutes and Ochoco Travel Management Project do not include designations of new motorized trail systems. However, there are currently several proposed motorized trail projects that are undergoing separate environmental analyses. These include the Three Trails and Lava Rock Motorized Trail Projects on the Crescent and Bend-Ft. Rock Ranger Districts of the

Deschutes National Forest, and the Ochoco Summit Motorized Trails Project on the Lookout Mountain and Paulina Districts of the Ochoco National Forests.

Comment 2

May I pass on the information that the Deschutes County 4 Wheel Drive Club is one of the only organized groups that performs an organized collection of garbage and illegally dumped debris on public lands? I proudly volunteer my time and my businesses equipment to help clean up our forests.

Response

The Forest Service acknowledges the volunteer efforts of the Deschutes County 4 Wheel Drive Club. There is a lot to be proud of in the work accomplished by people who care about their National Forests and Grassland.

Letter 60

Comments 1 - 2

I would like to go on record as opposing this new OHV recreation area. It is far too close to residential areas. The noise and the dust would be tremendous, especially in the summer. I don't understand why the forest service continues to try to create OHV recreation areas so close to town. Put them out much farther than this. These are motorized vehicles that can drive to the play areas. They do not need to be put so close to town.

Also in this day and age of green thinking, why are we creating more play areas anyway? They tear up the land and destroy wildlife habitat. We should be closing these down not creating more.

I live in Woodside Ranch and treasure the peace and quiet. It took our HOA several years to get an illegal OHV area closed. It has been wonderful not having that noise and dust. Do not create a new play area. I know that this might not affect Woodside dramatically but it will affect the people of Sundance. Do not make them go through what we had to get the OHV closed.

Response

It is not clear from this comment what new OHV recreation area is referred. There are no new "OHV Recreation Areas" proposed in the Environmental Impact Statement. Coyote Butte is the closest area that is proposed for designation as open to cross-country travel. The decision will allow motorized vehicle access off of designated routes only within the approximately 4.5 acre cinder pit footprint of Coyote Butte, and all motorized vehicles use is currently allowed in that area. The Travel Management decision will reduce the total area from which emissions, sound and dust can be generated from OHVs in all areas on the National Forest.

Letter 61

Comment 1

I would like to comment on the proposed OHV trail plan in the vicinity of Cabin Butte, Bessie Butte and Coyote Butte and surrounding areas. My family has lived in Sundance Subdivision since 1986 and we have seen a lot of changes. We have been through many close calls with forest fires and then the big one for us in 1995. We were one of the fortunate ones that did not lose our home, and yet we were one of those whom did our part for fire suppression and saved our home and the ones directly behind us due to our labor. We feel that this proposal will be a direct hazard to our security with the fire danger that we all living in this area must realize. The area directly connected to our properties has been closed to motorized vehicles since the fire of 1995. Since that time the underbrush and downed trees have created fuel for another fire, waiting to happen. It was closed to allow wildlife habitat to reconnect with the area.

Also to promote growth of the many trees that were replanted. This area also harbors winter deer range for the deer population that still lives there and migrates there each fall.

Response

Bessie Butte is currently closed to OHV use and would remain so under this decision. Cabin Butte would be closed to motorized access off of open designated roads. The Coyote Butte rock/cinder pit area open to motorized access off of designated routes under this decision has been reduced to the basic foot print of the excavated area (DEIS/FEIS, CD-1 Map 2, CD-2 Open Material Source Maps) where vegetation is minimal and the risk of fire ignition resulting from direct contact with vegetation and spread is low (DEIS, p. 71 (FEIS p. 326)). Overall, opportunities for motorized use within the wildland urban interface would decrease as a result of eliminating motorized vehicle access off of designated routes across the Forests and Grassland in areas outside the designated rock/pit areas (DEIS/FEIS, Appendix A, Map A-2 and A-4; DEIS, pp. 40-41, 237; FEIS p. 40-41, 99). The designated routes on which OHVs will be allowed to travel are maintenance level 2 roads and above that are regularly cleared of brush.

The Lava Rock OHV project on the Bend/Ft. Rock Ranger District is a site specific OHV trail project that is considering a trailhead west of Bessie Butte in an analysis of proposed OHV trails under a separate Environmental Impact Statement (EIS). This document will also address site specific dust and access issues associated with the addition of designated trails and trailheads in the Lava Rock planning area. We encourage you to comment on the Lava Rock OHV EIS.

Comment 2

We hope that you will reconsider this proposal and possibly consider opening the canyon connected to the present OHV trails. This would make more sense as the area is already developed, and being used.

Response

Chapter 1 and 2 of the DEIS/FEIS described the scope of the proposed actions. Designating new motorized trail systems is not within the scope of this decision. The scope of the decisions to be made in the Deschutes and Ochoco Travel Management Project do not include designations of new motorized trail systems. However, there are currently several proposed motorized trail projects that are undergoing separate environmental analyses. These include the Three Trails and Lava Rock Motorized Trail Projects on the Crescent and Bend-Ft. Rock Ranger Districts of the Deschutes National Forest, and the Ochoco Summit Motorized Trails Project on the Lookout Mountain and Paulina Districts of the Ochoco National Forests.

Letter 62

Comment 1

We the people of the United States own this land, not the small majority that find it offensive to use this land with the very same toys that bring income and employment to many of those who oppose OHV's. Central Oregon has one of the best OHV trail systems in the nation, I whole heartedly agree that people who use these trails do so in a legal matter that does not destroy the environment. I have friends from California that come up on a lengthy road trip each year to ride motorcycles on these trails, sure they are out of state, but they bring with them out of state money that would not be spent here for motels, dining out, etc. if we did not have this area to recreate in.

Response

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrants supplement or

improvement of the analysis presented in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS.

Comment 2

I have read many articles about the Mexican cartels making their pot plantations on the BLM and USFS lands. Don't you think that shutting these lands down to OHV's would just make it easier for them to operate without the chance of others knowing and relaying the information of grows to authorities?

Response

The Forest Service believes that the Travel Management Rule will improve the agency's ability to effectively enforce motorized access violations.

Comment 3

Mountain bike riders are trying to close down a lot of these trails to OHV riders, and I believe they have been successful over in the Klein Butte area. That area is so sandy that the actual area to ride a pedal bicycle is very small compared to the actual area they want to close. I can see designating a small area, but how far can the average bicycle rider ride?

Response

Chapter 1 of the Environmental Impact Statement details the reasons why the Forest Service is proposing actions to prohibit motorized access off of designated routes and areas.

Comment 4

I can see a change that doesn't allow on highway vehicles access, the main cause of trash in the woods is caused by illegal dumping, and people shooting weapons in the woods. You don't see motorcyclist carrying out old an old refridge or washer and dryer, or TV set to blow full of holes and leave for others to view. We use and appreciate the land that our fore fathers saved and dedicated for us to use.

Response

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrants supplement or improvement of the analysis presented in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS.

Comment 5

The OHV riders pay for permits to use these lands, do mountain bikers, hikers, people who want to close them? No, they don't. We need to work together, the loudest voice is not always the majority but they seem to get what they want. Leave the forest and these trails open for us to use and enjoy.

Response

The scope of the decisions to be made in the Deschutes and Ochoco Travel Management Project do not include designations of new motorized trail systems. However, there are currently several proposed motorized trail projects that are undergoing separate environmental analyses. These include the Three Trails and Lava Rock Motorized Trail Projects on the Crescent and Bend-Ft. Rock Ranger Districts of the Deschutes National Forest, and the Ochoco Summit Motorized Trails Project on the Lookout Mountain and Paulina Districts of the Ochoco National Forests.

Letter 63

Comment 1-2

We live in the Sundance neighborhood near Coyote and Bessie Buttes in Bend. We were very distressed to hear that the Forest Service is considering opening this area to off road vehicles (ORV). One of the most appealing aspects of our neighborhood is that it's usually very quiet. The shape of the surrounding topography tends to amplify noise, so when we do experience man made sounds, like sirens, lawn mowers, dirt bikes, etc., they are impossible to ignore. As you can imagine, the noise generated by ORVs reverberating off hills into our home would be unbearable and seriously degrade our quality of life.

Dust is already a serious problem in this area due to our sandy soil and dry climate. There is no doubt that adding additional dust and pollution from ORVs would negatively impact our neighborhood. Both dust and pollution can exacerbate health problems like asthma.

It is clear that Coyote Butte and Bessie Butte, because of their proximity to residential areas, are unsuitable for ORV activity. We strongly urge you not to open these areas to ORV use and to take steps to prevent unauthorized ORV use by barricading existing closed roads.

Response

The Environmental Impact Statement does not propose to add a new OHV recreation area at Coyote Butte. The decision will allow motorized vehicle access off of designated routes only within the approximately 4.5 acre cinder pit footprint of Coyote Butte (CD 2-Open Material Source Maps), where OHV use is currently allowed. The Travel Management decision will reduce the total area from which emissions, sound and dust can be generated from OHVs in this area by prohibiting motorized access off of designated routes. This would include unauthorized (user-created) trails and roads outside the designated cinder pit of Coyote Butte (DEIS/FEIS, Appendix A, map A-2 and A-4).

Bessie Butte is currently closed to OHV use and would remain so under this decision. The Lava Rock OHV project on the Bend/Ft. Rock Ranger District is a site specific OHV trail project that is considering a trailhead west of Bessie Butte in an analysis of proposed OHV trails under a separate Environmental Impact Statement (EIS). This document will also address site specific dust and access issues associated with the addition of designated trails and trailheads in the Lava Rock planning area. We encourage you to comment on the Lava Rock OHV EIS when the draft is released for public comment, likely sometime in 2011.

Letter 64

Comments 1-2

The best alternative is Alternative 3, because there seems to be no end along open roads and trails to the amount of bare ground that can occur with Alternative 2's two exceptions to the prohibition of cross-country motorized travel for the purpose of providing the public motorized access for dispersed camping.

I support the proposed Forest Plan amendments to eliminate cross-country motorized travel because that is an important step in protecting soil, water, and biological resources.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. Final selection of an alternative is not determined by "votes" for or against a particular course of action, although these comments may also be reflective of a community's support for a particular action. The final decision will consider of the trade-offs involved in the commitment and uses of resources, environmental impacts, laws and policies.

Comment 3

Executive Summary, page 10. Rock/cinder pits - drainage of water and sediment trapping ability should be added to the list of criteria.

Response

The criteria listed in the DEIS for determining the access designation for each rock/cinder pit area across both Forests does not include the hydrologic characteristics of the pits (DEIS/FEIS, p. 40). However, the presence and proximity to surface waters and drainage connections to groundwater were identified by the project geologists and included in the attribute tables compiled for each pit. The source rock was also identified for each pit and used to help determine the degree to which a designation as open to motorized access might affect surface waters. The majority of pits remaining open are not proximate to surface waters and do not have subsurface connections of concern. Hydrologic characteristics have been added to the list of criteria considered during this analysis for the rock/cinder pits (FEIS, Chapters 1 and 2). Tables containing the attributes compiled for each pit are included in the Geology specialist report in the project file.

Comment 4

Executive Summary, page 14. Please disclose which set of "rules for Forest Plans" that you are talking about, what year were they published?

Response

The rule referenced was the implementing regulation for the National Forest Management Act (NFMA), also known as the Forest Service National Planning Rule. The date of the Planning Rule that the Forest Service is currently required to meet is 2001. The Forest Service recently published a notice of intent to revise the Planning Rule. More information about the details is available at: <http://www.fs.fed.us/emc/nfma/index.htm>

Comment 5

Executive Summary, page 17. The proposed actions common to both Alternatives 2 and 3 would only result in a change in user's behavior if there is serious and sustained enforcement. The evidence for this is shown in areas where roads have been closed that ORV riders ignore the closure and ride there anyway. In other words, in order to claim the environmental effects of the alternatives are actually different will have to include enforcement in either Alternative 2 or Alternative 3, and this is not clear in the document. It would be very interesting and helpful to read your thoughts on the Forest Service's ability to enforce compliance with the designated motorized route system in the Final EIS, and an adaptive management strategy to deal with the non-compliance that is visually evident on your Forests and documented in the literature. For example, a trail or watershed could be closed even after it had been designated because of noncompliance.

Response

The Forest Service believes that it will be easier to enforce the Motor Vehicle Use Map than the variety of special management area designations and public use restrictions now in effect. The Motor Vehicle Use Map will provide clear direction about where motorized use is or is not allowed, thus eliminating the need to have areas posted as "closed" in order to enforce motorized closures. The Forest is developing an Implementation Strategy that will include an education and enforcement component designed to help people understand and comply with the new regulations.

Comment 6

Executive Summary, Alternative 2/3 - Map A-8. Forest Service personnel must have had a reason why the Grasslands were closed to ORV use. What was it? Why change and open it?

Response

As noted in the DEIS/FEIS in Chapters 1 and 2, regulations regarding motorized access off of designated routes (cross-country travel) have been inconsistent in language and application, resulting in confusion to both the public and the Forest Service. Current regulations include Public Use Restrictions off of designated routes that sometimes specify the type of vehicle (as in "Closed to Off Highway Vehicles") and sometimes are not specific to type of vehicle (such as "Closed to Motorized Access"). Sometimes, "Closed to Motorized Access" has been thought to only apply to vehicles traveling "cross-country", but not really thought to apply to people who are driving off the road to camp. More often than not, there has been no specific regulation related to motorized access for the purpose of dispersed camping. This inconsistency highlights the importance of implementing the Travel Management Rule. The Rule provides a consistent set of definitions and regulations that clearly apply to motorized travel on and off of designated routes and for motorized access for dispersed camping. Currently, Forest Plan direction for the Grassland says it is "Closed to Motorized Access" off of roads. For the purposes of the analysis of the DEIS, all areas that were so designated in the Forest Plan or through a Public Use Restriction codified into regulation, were identified on the Alternative Maps as "closed to motorized access for dispersed camping." Although this interpretation provides a more technically accurate depiction of the regulations regarding motorized access, including for the purpose of dispersed camping, motorized access to designated and other existing dispersed sites has been allowed on the Crooked River Grassland for some time. By limiting all motorized access for dispersed camping to existing, designated, and defined sites on the Grassland, the final selected alternative limits motorized access within the Grassland while also providing for past established and appropriate uses.

Letter 65

Comment 1 - 2

As we are all aware, these economic times have resulted in a change of lifestyle for most of us. We are staying closer to home, camping more and looking for economical ways to entertain our families. At this time, a family of four can literally load up in the jeep or pickup and spend less money on a day wheeling than they spend on dinner and a movie. That is what we are looking for as a group. Whether it is dirt biking, 4x4 use or ATV's we are looking for ways to play as a family.

The trail systems within our forests have not kept up with demand as the use of OHV rigs has grown exponentially over the last decade. As a result, people have not always been considerate either out of ignorance or just plain stupidity; areas that would provide a rewarding off-road experience seem to be closing. Since it is the directive of the forest service to provide meaningful recreation to user groups, I think it would behoove the forest service to develop a wide variety of OHV opportunities, and these opportunities should be in parity to all user groups. By providing an equal amount of class II opportunity in conjunction with class I and III you are more likely to have a healthy forest as riders have open trails that are clearly marked for use. Cross country travel is essential to prevent unauthorized trail blazing to connect trails and systems. Shared use between ATV's and 4x4's is not a good idea as the riding experience is very different for the two user groups. Within this there needs to be a variety of trail that provides for the inexperienced novice to those that like to rock crawl and stretch the limits of their rig. Giving 4x4's graded roads as trails does not work and does not provide a satisfying experience. The shoddy research that 4x4's cause damage to the forest system is foolhardy. There is just as much damage from quads, dirt bikes and mountain bikes in our forest system. It is the lack of enforcement, the lack of satisfying opportunities and the lack of education that leads to destruction of our forests and trail systems.

Response

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrants supplement or improvement of the analysis presented in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS.

The Environmental Impact Statement acknowledges the importance of motorized recreation to many users (Chapter 3, Social-Economic Analysis). The Deschutes and Ochoco National Forests provide some of the premier motorized trail experiences in the state. (Chapter 3, Recreation). There are currently proposals being developed for additional motorized trail systems on both Forests (Chapter 2, Other Activities that Could Affect Motorized Access).

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrants supplement or improvement of the analysis presented in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS.

Comment 3

There is a good club within our [Pacific Northwest 4 Wheel Drive Association] association that can provide you with specific trails and history of use of those trails. They have proven to be responsible and creative when it comes to trail development. That club is the Deschutes County 4 Wheelers. I urge you to take their specific comments and incorporate them into the travel management plan. They are easy to work with, excited about trail development and take seriously the responsibility of successful partnership in working with the forest service.

Response

The Deschutes County 4 Wheelers have been strong contributors on the Deschutes and Ochoco National Forests and the Crooked River Grassland. Their volunteer work and contributions and the knowledge base of their members are invaluable assets to motorized access on the two Forests and Grassland. We value their participation.

Letter 66

Comment 1, 11

We [Friends of McKay] support the proposed Forest Plan amendments to eliminate cross-country motorized travel and restricting off-road vehicle (ORV) use to designated routes only.

Friends of McKay supports Alternative 3 of the Draft Environmental Impact Statement (EIS), Travel Management Project, Deschutes National Forest, Ochoco National Forest and Crooked River National Grassland, October 2009

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. Final selection of an alternative is not determined by "votes" for or against a particular course of action, although these comments may also be reflective of a community's support for a particular action. The final decision will consider of the trade-offs involved in the commitment and uses of resources, environmental impacts, laws and policies.

Comment 2

Uncontrolled motorized recreational use is leading to an extensive system of user-created trails on national forest lands. Many of these trails go up steep slopes and through streams, springs and wetlands. Many of these user-created trails are defacto tributaries to streams increasing runoff of potential ground water recharge. This abuse is also causing compaction of soils, which increases the velocity of run-off, soil erosion and sediment to the stream. The damage to riparian vegetation is bad for bank stability and wildlife habitat.

Response

The DEIS acknowledges the extent and impacts of unauthorized (user-created) trails across National Forest lands (DEIS, pp. 37-38; FEIS p. 36-37); (DEIS, Table 3-38; FEIS Table 7); (DEIS p. 135-136; FEIS p. 244-245); (DEIS pp. 155, 160; FEIS p. 213, 216); (DEIS pp. 332-335; FEIS p. 185-188)). Both action alternatives under the Travel Management decision make the use and creation of unauthorized trails illegal by closing the vast majority of the two National Forests to Motorized Access off of Designated Routes (DEIS/FEIS, Appendix A, Map A-2 and A-4; pp. 40-41).

Comment 3

Recovery work over the years (estimates of a few hundred thousand dollars for work in the McKay Creek drainage alone on the Ochoco National Forest) has been negated by lack of enforcement and continued destructive use. Stream widening has resulted at ORV crossings. Excess trash and vandalism has occurred in just about every dispersed campsite along McKay Creek.

Response

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrants supplement or improvement of the analysis presented in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS.

Comment 4

Many public land managers assume that designating additional off-road vehicle routes will lead directly to greater compliance, less cross-country travel, less resource damage and fewer conflicts among incompatible uses. Some believe that off-road vehicle riders will quit creating renegade routes once more routes are designated “open” and riders are educated as to where they are and are not allowed to ride.

In contrast, the research shatters the myth that damage and conflicts are being caused by an insignificant percentage of off-road vehicle riders. The findings of many studies suggest that even if the “demand” for more off-road vehicle riding opportunities is met, riders will continue to fulfill their preferences by riding off legal routes. They also conclude, or at least strongly suggest, that education and information alone are not effective strategies for changing off-road behavior.

Response

There are no proposals for designating additional off-road vehicle routes in this EIS.

Comment 5

We [Friends of McKay] have concerns of the damage that new ORV trail systems will cause and the lack of law enforcement that will be available to enforce the activity. We understand that the Ochoco Summit OHV Trail System is a separate scoping document but should have been included in the Travel

Management Project. It is at least, if not more, important of an issue than the over Travel Management Project. Right now the Forest Service can't even enforce the McKay Creek drainage with its limited law enforcement personnel. This leaves the forest unable to protect the lands under its stewardship, and at a loss to reverse the attitude of lawlessness that is alarmingly common among off-road riders. We feel that law enforcement, in concert with education, is necessary to handle this situation.

Response

The DEIS does not propose any new OHV trail systems. The Forest Service believes that it will be easier to enforce the Motor Vehicle Use Map than the variety of special management area designations and public use restrictions now in effect. The Motor Vehicle Use Map will provide clear direction about where motorized use is or is not allowed, thus eliminating the need to have areas posted as "closed" in order to enforce motorized closures. The Forest is developing an Implementation Strategy that will include an education and enforcement component designed to help people understand and comply with the new regulations.

Comment 6

The Forest must engage in serious law enforcement efforts by expanding its enforcement capacity, targeting and intensifying patrol efforts, looking for new sources of funding (many are available) and simply not tolerating resource damage from Off-Road Vehicles (ORVs).

The Forest must create enforceable ORV routes and regulations. It should not create any more routes than it can effectively enforce and monitor. It must make the routes clear on the ground and on maps, and make clear the user-created routes that are closed.

Response

The Forest Service believes that it will be easier to enforce the Motor Vehicle Use Map rather than the variety of special management area designations and public use restrictions now in effect. The Motor Vehicle Use Map will provide clear direction about where motorized use is or is not allowed, thus eliminating the need to have areas posted as "closed" in order to enforce motorized closures. The Forest is developing an Implementation Strategy that will include an education and enforcement component designed to help people understand and comply with the new regulations. This EIS does not propose to create any new motorized trails.

Comment 7

The Forest should make riders responsible by working with the ORV community, the media and any other groups involved.

The Forest must use whatever technologies are available to help with enforcement such as remote electronic monitoring, enforcement officers from other forests or agencies and track recurring problems and repeat offenders.

Response

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrant supplement or improvement of the analysis the in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS.

The Forest Service believes that it will be easier to enforce the Motor Vehicle Use Map rather than the variety of special management area designations and public use restrictions now in effect. The Motor Vehicle Use Map will provide clear direction about where motorized use is or is not allowed, thus eliminating the need to have areas posted as "closed" in order to enforce motorized closures. The Forest is developing an Implementation Strategy that will include an education and enforcement component designed to help people understand and comply with the new regulations.

Comment 8

The Forest must make penalties meaningful by toughening the penalty, considering resource damage when determining fines, adding community service to the penalty or even impounding vehicles.

Response

The Forest Service believes that it will be easier to enforce the Motor Vehicle Use Map than the variety of special management area designations and public use restrictions now in effect. The Motor Vehicle Use Map will provide clear direction about where motorized use is or is not allowed, thus eliminating the need to have areas posted as "closed" in order to effectively enforce motorized closures. The Forest is developing an Implementation Strategy that will include an education and enforcement component designed to help people understand and comply with the new regulations. The Forest Service has demonstrated in the past a strong commitment to leverage funding by combining with other Law Enforcement agencies and will continue to do so into the future.

Comment 9

As for new trails being created, the Forest should consider making only 10 to 20 miles of trail at a time and closely monitoring these trails. We [Friends of McKay] have shown that riders do not stay on designated trails or user-created trails. If riders can't stay on those 10 or 20 miles of trails, then those trails should be rehabilitated and no more trails should be constructed. Bad behavior should not be rewarded.

Response

The scope of the decisions to be made in the Deschutes and Ochoco Travel Management Project do not include designations of new motorized trail systems. However, there are currently several proposed motorized trail projects that are undergoing separate environmental analyses. These include the Three Trails and Lava Rock Motorized Trail Projects on the Crescent and Bend-Ft. Rock Ranger Districts of the Deschutes National Forest, and the Ochoco Summit Motorized Trails Project on the Lookout Mountain and Paulina Districts of the Ochoco National Forests.

Comment 10

We [Friends of McKay] have concerns with the 52 proposed OHV open play areas (mineral material sites) in both action alternatives. There is no mention of how the Forest Service would minimize resource damage, wildlife harassment and habitat disturbance, or conflicts with other forest users.

Response

Selection of Alternative 2 or 3 would designate material sites as open to motorized access off of designated routes (cross-country travel). The final areas designated as open to cross-country travel do not include some material sources that are currently active. (See Record of Decision). The rock/cinder pits are not promoted as OHV play areas under this decision, although motorized vehicles, including OHVs, would be allowed to travel within the excavated portions of these pits for activities not otherwise prohibited.

Impacts to physical and biological resources will be minimized as a result of this designation by reducing the number of open pits across the two Forests. Impacts to the vegetative and soil resources have been minimized by designating only areas already removed from a productive condition by the excavation of raw cinder or rock as open to cross-country travel. (See DEIS/FEIS, Chapter 1, See also USFW Comments regarding suitability of pits)

Criteria included in CFR 212.55 were considered under this decision during the process to designate areas as open to motorized access off of designated routes (cross-country travel). Analysis for each resource of concern has been added in the Record of Decision to clarify how these specific criteria were considered by the responsible official. General and specific criteria considered under 36 CFR 212.55 include: [Subpart (a)] General criteria for the designation of areas under this decision have been met in accordance with 36 CFR 212.50(b), which allows the scope of this decision to adopt previous decisions for motorized vehicle use off of designated routes (cross-country travel). All areas designated as open to motorized access off of designated routes (cross-country travel) are rock/cinder pits that are currently open to motorized use.

[Subpart (b)] Specific criteria used to designate areas as open to motorized access off designated routes (cross-country travel) under this decision were included in the analysis to minimize the disturbance of the soil, watershed, vegetative and social resources [subpart b1] (DEIS/FEIS, pp. 40-41). The decision minimizes impacts to all resources by designating only existing rock or cinder pits (DEIS, p. 186; FEIS p. 238) that have been limited to only the area that has been designated for rock/cinder removal as areas open to motorized access off of designated routes (cross-country travel) (CD-2 Open Material Source Maps). The scale and effects of these designations were analyzed in the document for the various resources of concern (DEIS, p. 186, 198, 281; FEIS p. 238, 289, 297). Additional assessment of the effects of designating rock and cinder pits as open to cross-country travel has been included in the Record of Decision. Alternatives 2 and 3 in the DEIS/FEIS both display a reduction of disturbance to wildlife species and habitat under this decision as a result of decreasing the amount of area open to motorized access off of designated routes (cross-country travel) (DEIS, p. 281; FEIS p. 302). Impacts to wildlife species and their habitat from areas designated as open to cross-country travel are minimized due to their size in relation to the planning area (DEIS, p. 186, 229; FEIS p. 238, 89-90), which has been further decreased under this decision (CD-2 Open Material Source Maps). The U.S. Fish and Wildlife Department has expressed support for these designated areas in their comment letter to the DEIS, specifically stating that "We [US DOI] support the use of existing rock, gravel and/or cinder pits as open to motorized access off of designated routes because they will provide recreational opportunities while minimizing impacts to wildlife habitat because of the existing disturbed nature of the area due to extraction of mineral material" (DEIS/FEIS, Comment Letter #69).

[Subpart (b3)] Potential conflicts between motor vehicle use and existing or proposed recreational use on or adjacent to areas designated as open to cross-country travel were considered in the determination of an open or closed designation for each area (DEIS/FEIS, p. 40). Current use within the rock/cinder pits proposed to remain open includes a variety of activities that appear to co-exist without direct conflict, including parking for OHV staging or overnight use, and target shooting. Most areas remaining open under the action alternatives have a low potential for user conflict based on the existing uses at the site. Pits remaining open will have the extent of the motorized use allowed under this decision reduced to the existing pit area in order to minimize the conflicts with recreational uses adjacent to the area, such as hiking or localized fishing.

[Subpart (b4)] Conflicts between different classes of motor vehicle uses within the rock/cinder pit areas were not raised as an issue during the public comment period or by Forest Service staff.

[Subpart (b5)] The criteria used to designate areas as open to motorized access off of designated routes (cross-country travel) included the compatibility of motor vehicle use with existing conditions in populated areas. All areas designated as open for motorized access off of designated routes (cross-country travel) are located an appreciable distance from populated subdivisions (CD-2 Open Material Source Maps) in order to reduce the sound, emissions, and other factors that could impact existing conditions in populated areas. OHV use within the rock/pit areas has generally been observed to produce less sound than other activities such as target shooting.

Letter 67

Comment 1-2

We are, for the most part, impressed with and support the Project. We support your recommended Alternative 2.

We believe that designating routes and areas where motorized vehicles may operate will resolve many problems. All the users of the two Forests and the Grasslands will be able to enjoy their particular activity in more safety. Conflicts between users will be diminished. Damage to the soils, vegetation and water resources will be lessened.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. Final selection of an alternative is not determined by "votes" for or against a particular course of action, although these comments may also be reflective of a community's support for a particular action. The final decision will consider of the trade-offs involved in the commitment and uses of resources, environmental impacts, laws and policies.

Comment 3, 6

We are concerned with the Motor Vehicle Use Map (MVUM) that will be subsequently published. We understand that the MVUM is not part of the current Project per se, but rather an implementation step. We understand that the MVUM will show site-specific route designations. According to staff on hand at the public meetings the actual inventory and mapping of the road systems is currently being done by Agency staff. There are many routes that are in existence on the ground that have been utilized historically and that, we understand, may be deleted from the MVUM for one reason or another. If some of those roads happen to access areas commonly utilized for dispersed camping then those camping areas would be inaccessible by motor vehicle.

Our hope would be that we could be allowed to review those implementing maps (MVUP) prior to final publication to allow our site-specific concerns to be addressed. At this time we are unable to provide that specific input because the maps are a work-in-progress

Response

The Alternative maps prepared for the DEIS were based on Geographical Information System information on the roads layer at that time. These maps were intended primarily to graphically display information about the proposed decisions to be made. These maps presented key information about where motorized access is currently prohibited off of designated routes, or where it is not; where motorized access for dispersed camping is currently allowed or not; and where areas are currently designated as open to motorized access off of designated trails. Information was also shown about where streams, wetlands, and water bodies are located and where seasonal use periods are currently in effect. The maps also displayed, for graphic comparison purposes for each alternative, where motorized access off of designated routes (cross-country travel) would be allowed under Alternatives 2 and 3 and where and under what conditions

motorized access for dispersed camping would be allowed. The intent of these maps was not to provide the most final updated version of the roads data base, since the proposed action was not to change the existing designated system.

Comment 4

We have concerns about preserving certain dispersed camping areas and would hope that prior to the publication of the final MVUM we would have an opportunity to review and comment on the draft map with respect to those dispersed camping areas.

Response

The Forest Service recognizes that there are some sites that are more than 300 feet from an open designated road that may be appropriate for motorized access for dispersed camping. The Travel Management EIS does not propose any changes to the existing open road system (see also response to comments 3, 6). The Travel Management Implementation Strategy will include a procedure for identifying and evaluating those sites on a case-by-case basis to determine, if appropriate, alternate ways for providing for that access. The first Motor Vehicle Use Map (MVUM) reflects the most updated version of our open designated road system. This system has been established by past administrative actions, not by actions proposed in the Travel Management EIS. The map will be updated on an annual basis as needed to reflect new decisions or corrections.

Comment 5

We feel that there may be some areas where dispersed camping areas should be designated beyond the 300' from the centerline limit. There should be an allowance for exceptions to this limitation. Just as the Special Provisions tighten up allowances for dispersed camping, there should also be "Special Provisions" that would extend areas for dispersed camping beyond the 300' limit where special areas would be allowed.

An example of one of those areas is the location commonly called "Man Camp" in the Ochoco National Forest. From the maps included in the DEIS it does not appear that the road into this area will be accessible by motorized vehicles. Another such area is the area known as "Grant Meadows". In both of these areas the historical camping area may extend beyond the 300 feet from the centerline of the nearest road, depending upon which road is included on the MVUP.

Response

The Forest Service recognizes that there are some places where motorized access may be appropriate to dispersed camping more than 300 feet from an open designated road. Forest Service Regional guidance prohibits applying more than 300 feet for motorized access for dispersed camping under either the general provisions of the Travel Management Rule or the Special provisions described in the DEIS/FEIS. The Implementation Strategy for the Deschutes and Ochoco National Forests Travel Management EIS will include a process for identifying and evaluating alternative access to sites that are more than 300 feet from an open designated road.

Comment 7

We are very interested in helping the USFS to build, sign, and maintain both motorized and non-motorized trails and horse facilities in the two National Forests and the National Grasslands.

Response

The Forest Service welcomes volunteer efforts to help us manage the National Forests. Please contact the Ranger District nearest you for opportunities that may appeal to you.

Letter 68

Comment 1, 4

I am concerned about the current Travel Management DEIS and the percentage of the road network and riparian camp sites that will be used. In an effort to work proactively, as stewards, now and in the future, we [Trout Unlimited] are working with some Forest Service staff to decommission roads and repair the degradation that has come from unregulated dispersed camping and off road use. I am confused why the draft Travel Management Project goes against the resource protection and restoration goals pursued by the same agency, and instead allows for full use of the road network and further use of an unregulated camping system.

Dispersed camping areas are already too wide spread and are in need of resource protection work and maintenance to prevent further damage. The plan must prevent further damage from the creation of additional dispersed camping sites and the impacts around those sites. Sites must be clearly designated and regulated.

Response

The Forest Service will continue to work proactively with Trout Unlimited to decommission unneeded roads and repair the associated degradation through this highly valued partnership. There is nothing within the EIS that is in conflict with the resource protection and restoration goals of the agency.

Resource protection will be addressed by this project through the Riparian Special Provision which is common to all action alternatives and by eliminating travel off of designated routes. The Riparian Special Provision, as stated on pages 11-13, 43 and 338 of the DEIS (FEIS p. 5-7, 42 and 370), is specifically designed to reduced sediment and bank erosion, and increase riparian vegetation adjacent to dispersed sites in riparian areas. In addition, the provision to only allow dispersed camping in existing, designated or defined sites will eliminate the creation of new dispersed sites in riparian areas.

The closure of the Forests and Grassland to cross-country travel will reduce, and in many cases eliminate, erosion and sediment transport from those upland areas to the stream (DEIS, p. 165-176 , 336-340 ; FEIS p. 222-229 and p. 189-193) thereby increasing high quality habitat for the various aquatic species.

Other site specific District projects will address the need for, and the potential to reduce, the current road network to further address mutual resource concerns beyond what this Access and Travel Management Project does.

Comment 2

We [Trout Unlimited] are writing today to express our support for Alternative 3 for the Travel Management Project, since it is the only alternative which improves management of off road forest travel; however there are still some significant changes still needed to fix the alternative and properly manage travel and camping for the future of our forest lands.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. Final selection of an alternative is not determined by "votes" for or against a particular course of action, although these comments may also be reflective of a community's support for a particular action. The final decision will consider of the trade-offs involved in the commitment and uses of resources, environmental impacts, laws and policies.

Comment 3

Significantly reduce the percentage of roads which are open for off highway vehicles, and closing a much larger percentage of roads that are specifically within 100 feet of cold water tributaries feeding the Crooked and Deschutes Rivers. Streams in the Ochoco National Forest and Deschutes National Forest have consistently been classified as impaired due to water temperature. In a warming climate, we must work harder to keep temperatures down and reduce overall emissions across the basin.

Response

The proposed action would reduce the amount of unregulated motorized use on over 1 million acres on two National Forests and Grassland. Closing roads is outside the scope of this decision document.

Comment 5

Areas that are difficult to patrol and maintain consistently (every week or two from May through October) should be closed until there are enough maintenance and enforcement dollars to allow them to be properly cared for and regulated.

Response

The Forest Service believes that it will be easier to enforce the Motor Vehicle Use Map than the variety of special management area designations and public use restrictions now in effect. The Motor Vehicle Use Map will provide clear direction about where motorized use is or is not allowed, thus eliminating the need to have areas posted as "closed" in order to enforce motorized closures. The Forest is developing an Implementation Strategy that will include an education and enforcement component designed to help people understand and comply with the new regulations.

Comment 6

We [Trout Unlimited] are at a crossroads with our forest lands. We have a history of providing for multiple uses, which have allowed for extensive forest cutting, grazing, mining, and recreational use, but after 100 years of allowing for a growing list of uses of our forest lands, our resources are degraded with little hope of recovering unless our management dramatically improves. The natural resources cared for by the Forest Service have patchy riparian forests, disturbed and compacted soils, warming water temperatures with dropping oxygen levels, our fish and wildlife have lost their diversity and genetic vigor, and we have an old infrastructure on the forests which is not being properly maintained (roads, camp grounds, signs, and buildings). This is the state of our forest land when our president leaves for major climate change talks and we struggle through the worst recession since the Great Depression. This Travel Management Plan must acknowledge a new day for the forest service, where the land and water is better conserved, as a changing climate will continue to tax native wildlife, plants, and our natural systems. This plan must take a step toward encouraging a drop in emissions, and protection for our streams and forests, which provide critical environmental services for the entire region and beyond. Currently all 3 alternatives allow for too much access with off road vehicles and a lack of stewardship for our streams, riparian forests, native plants, fish and wildlife, and recreational users seeking a break from our motorized world.

Response

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrants supplement or improvement of the analysis presented in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS.

The Deschutes and Ochoco Forest Supervisors believe that implementing the proposed actions, exemplifies the intent of the Travel Management Rule, which is to eliminate unregulated motorized travel. This approach represents an agency commitment to provide for regulated and appropriate motorized access for all forest visitors that supports good land stewardship.

Comment 7

For us and our project work, we [Trout Unlimited] are supporting a call for help from the Forest Service to care for our neglected headwater streams and work together to raise money and take on projects through our Initiative. We will be working with the US Forest Service, the Watershed Councils, and other agencies and non-profits to leverage strong restoration practices and community support and education throughout the region. An example of our project work is planning and projects for Deep Creek in the Ochoco National Forest, which flows into the Wild and Scenic North Fork. Because of excessive roads, grazing, and unregulated camping and recreation, we have indentified stretches of Deep Creek that are entrenched or incised, over widened, straightened, contain bank instability, lack healthy riparian vegetation, and are disconnected from the floodplain. And this is some of the best habitat on the Ochoco National Forest, but still the road network and lack of maintenance and enforcement has allowed for extensive degradation. We are currently struggling to find the funding to decommission just a few roads, replace damaging culverts from roads, and restore the riparian zone, in our attempt to undo degradation and disconnection in our stream systems. These conditions are fairly common in many of our smaller streams that are in the higher elevations in both forests. It is difficult to work so hard to raise money to care for forest service land, when the entire road network and current dispersed camping sites will still be open to motorized use and abuse.

Many of these streams have been identified on the 303 (d) list for temperature and must be legally studied and improved, yet temperature will not come down without shade, protected springs, and deep pools. The road system currently allows for too much access into the riparian areas, and thus additional roads must be closed and decommissioned. As a partner, we want to support restoration projects that are aligned realistically with a more reasonable travel management plan and proper monitoring and enforcement. This plan is a chance to restore critical areas on the forest, and encourage lighter impacts and less emissions across our lands. In the Ochoco and Deschutes National Forests, as well as the Crooked River National Grassland, important features must receive greater attention and more careful management: cold water springs, intact floodplains and riparian areas, headwater meadows, stream confluences, and natural areas unique to the Forest (such as wilderness study areas and wild and scenic river sections).

Response

The federal action being taken under this DEIS/FEIS is to reduce the amount of unregulated motorized use. By regulating motorized use we can take the first steps towards protecting sensitive areas such as cold water springs and headwater meadows. Closing roads is outside the scope of this decision document. However, other documents such as the Deep Creek Water Quality Restoration Plan (WQRP) do address problematic roads. The Deep Creek WQRP proposes to close and inactivate approximately 17 miles of road, decommission about 27 miles of road and reconstruct 2.5 miles of road, all in an effort to protect and promote good water quality.

Comment 8

I need to share the following points which must be improved in Alternative 3 or we [Trout Unlimited] can't support this plan at all:

1. These two forests and the national grassland are allowing for a much greater percentage of road access than other regional forests (Wallowa Whitman and Mt. Hood). We are concerned that the Central Oregon forests have been classified as a better place for off road vehicle use than other forests. Ochoco and Deschutes National Forest should manage their impaired natural resources, just as other regional

forests do, and closing 30 to 50% of the road network would be appropriate (a percentage that is in line with other forests), especially because of the off road trail systems and play areas we already have in the region. If the road network is not reduced and new off road trail systems are created, than recreation use in Central Oregon will continue to grow too quickly, and the recreation impacts will continue to expand beyond the capacity of the districts who are responsible for the land and resources.

2. As an organization, we would like to be more closely involved with the development of recreation and resource management plans for the districts. In reading the Travel Management Directive from 2008, "The Forest Service believes that a well-planned, well-designed system of designated roads, trails, and areas, developed in coordination with Federal, State, local, and tribal governments, offers better opportunities for sustainable long-term recreational motor vehicle use and better economic opportunities for local residents and communities." Based on the lack of staff and detailed analysis, the local forests have not had the capacity to develop a well-planned and designed system of roads and trails, but instead this current draft seems to be a quick band aid to stop the bleeding from current use. By allowing the entire road network to be used by motorized travel does provide a band aid for the extensive impacts of cross country travel, but the current problem of maintaining and enforcing travel on the road network is underfunded and staffed, and thus this plan is creating a precedent of extensive motorized use of the road system which will not be easy to reduce, maintain, or enforce. The road network must be reduced to be sustainable in any way.

3. The road system on Deschutes National Forest and Ochoco National Forest is left from the past few decades of skilled road building and excessive forest cutting of our old growth forests. The road system was not planned out for careful recreation in our diverse public lands, where wildlife, soils, watershed health, and forest health must also be maintained. It was a network that was designed to "get the cut out" and stop the big wild fires which have followed. The road network has allowed for great access and enjoyment across these public lands, but it also has allowed for the spread of invasive weeds, access into fragile riparian areas and meadows, and quick access to wildlife that are pushed into fragmented habitats. Even the alternatives which provide for greater protections will not improve our degraded natural systems, as it states in the hydrology section in the summary of environmental consequences, "Alternative 3 would result in increased shading over time but the affected area would be small and scattered and would not result in a measurable change in water temperature." When our streams are classified as too warm and our declining fisheries populations have become sensitive, threatened and endangered, than it is obvious that the uses on the forests have not preserved the heritage intended by these public lands. As our climate continues to warm and change in unusual ways, we must be even more careful with our natural resources struggling to keep up. Why are we planning for full use across the forest road network, when we know that even our best alternative which allows for this extensive use, will also keep our natural resources impaired and degraded.

4. Our road system on forest lands are important for motorized use, but it is also important for access to wildlife viewing, catch and release fishing, hiking, backpacking, horse back riding, mountain biking, and the study of our natural and cultural history. By crafting this travel management project in conjunction with new off road vehicle trails, it is apparent that the Forest Service is catering to the influence of motorized users, and intends to allow motorized users to access the entire forest outside of our wilderness lands. This leaves small patches for the recreational users and our larger wildlife populations to find areas away from the noise, smell, and toxic chemicals which come with motorized vehicles. Sure, most of us drive to trailheads to access our recreational goals, but the majority of users than slip off quietly to observe our natural resources and develop a personal connection that can come from quiet recreation. According to my maps, 88% of Deschutes National Forest and 83% of Ochoco National Forest is within a ½ mile of a road (not counting wilderness areas). If recreational users are forced to retreat to wilderness areas to find a quiet outdoor experience, than where are the wildlife expected to go to not be stressed and disturbed as they migrate to different seasonal habitat needs? The road system must serve motorized recreationists and non-motorized recreationists, with substantial areas that are closed to allow for

wildlife migration and restoration of habitat which is needed. Thus, I would recommend closing at least 30% of the road network to off highway vehicles.

5. In addition to reducing the percentage of roads that are open and used, and carefully designating and enforcing appropriate dispersed camp sites, we would like to share one final request for this plan which is needed. There must be a system of monitoring and maintaining the roads and trails, habitat conditions, and the impacts to other recreational users, or a further reduction in roads and trails must occur until proper monitoring and maintenance catches up. As it states in the Travel Management Directive, "Advanced planning based on public involvement, effective design, and appropriate environmental analysis provides the best hope for a system of motor vehicle routes and areas that addresses users' needs and safety with minimal environmental impacts." If monitoring and maintenance is not realistically planned into Travel Management, then the scale of access and network must be reduced to meet the abilities of the staff and partners involved. Knowing that the federal and state's budgets will be low for quite some time to come, it is best to reduce the number of miles of roads and trails, and set up a system of monitoring and maintaining of those miles that are open, to ensure they legally can and should stay open.

Response

As noted in Chapter 1 and 2 of the DEIS/FEIS, and 36 CFR 212.50 (b) "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." Further, as also described in Chapter 2 of the DEIS/FEIS, the two Forests have an established process that is in place for evaluating the effects of roads on a local scale that we believe is an effective method of meeting the long-term objectives of the road and trail systems on National Forests. The Deschutes and Ochoco National Forests have been performing, and continue to perform, "Project Scale" travel analysis at a local scale based on the District Ranger's discretion. This emphasis on determining, at the most local scale, what roads and trails meet the intent of a sustainable system reflect the heart and spirit of the Travel Management Rule.

Comment 9

I do think that travel can occur carefully and responsibly on roads and trails on forest service land, but we just don't have the track record of maintaining our current network and technology and new trails will allow off road users to access more and more difficult lands. We [Trout Unlimited] are here and interested in working together to be stewards of our forest and restore habitat to sustain our coldwater fisheries and systems.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. The Deschutes and Ochoco National Forests and Crooked River Grassland have had a long and fruitful relationship with Trout Unlimited, and will continue to value that relationship into the future.

Letter 69

Comment 1

As given in 36 CFR 212, the Ochoco National Forest and Crooked River National Grassland (ONF) and Deschutes National Forest (DNF) propose to prohibit cross-country motorized travel. The Department [Oregon Department of Fish and Wildlife] strongly supports closure of cross-country motorized travel as an initial step in addressing the affects of motorized travel on fish and wildlife populations, their habitats, and associated recreational opportunity. However, the Department believes a comprehensive travel

management assessment is necessary to address impacts and identify strategies for mitigating those impacts on fish and wildlife resources from the entire system of roads and trails and the associated motorized use by the public. The Department has previously commented numerous times regarding impacts to fish and wildlife resources from the locations and high densities of existing roads on the ONF and DNF.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. The Forest Service appreciates the involvement of the Oregon Department of Fish and Wildlife in the Travel Management Strategy. The Department is a key representative on the Deschutes Provincial Advisory Committee Travel Management Subcommittee and was a major contributor to the final PAC recommendation on the overall travel management strategy. The PACs recommendation noted specifically a concern that the travel management strategy did not include a comprehensive evaluation of the existing designated road system.

The Forest Service has explained throughout this process that a comprehensive evaluation of all of the existing roads system is currently conducted at a more localized level. The reasons for not including a comprehensive evaluation of the road system in this EIS include some of the following reasons; the scope of the proposed actions in the EIS are already quite large and complex. These actions will establish a cross-country motorized access prohibition across two Forests and a Grassland, identifying where and under what conditions motorized access for dispersed camping will be allowed, and which rock/cinder pits might be suitable to continue cross-country use and under what conditions. To make a final decision on these actions requires an immense amount of time and resources and a considerable amount of time to accomplish the necessary analysis to meet the requirements of the National Environmental Policy Act. The Travel Management Rule is clearly very focused on having each of the National Forests produce a Motor Vehicle Use Map as quickly as possible.

The Rule does not require that a unified comprehensive look at all roads be accomplished prior to publishing the Motor Vehicle Use Map. The Forest Supervisors are very aware and share the Department's concerns about roads and will continue to take a hard look at that situation.

Comment 2, 14

The DEIS Proposed Action does not close motorized public access on any of the 8,000 miles of roads currently designated open. A decision to implement the Proposed Action without additional measures to assess or close roads will be a de facto determination that motorized use for public recreational purposes across the existing transportation system is an appropriate use and thereby is consistent with prior legislation, Executive Orders (E.O.), and direction including the ONF and DNF Land and Resource Management Plans (LRMP); Executive Orders 11644, 11989, 13443 (Facilitation of Hunting Heritage and Wildlife Conservation); The Northwest Forest Plan, INFISH, PACFISH, The Clean Water Act, and the 2008 Interim Directive, Ecological Restoration and Resilience, 2020-2008. The Department [Oregon Department of Fish and Wildlife] does not support this action, given that the existing transportation system is not sustainable, socially acceptable, or ecologically compatible as it relates to fish and wildlife resources and recreational opportunity. The Department does not believe designating 8,024 miles of transportation system roads as open for public motorized use, of which 6,703 will remain open for Off-Highway Vehicle (OHV) use is consistent with the above legislation, E.O.s, and directives.

The Department [Oregon Department of Fish and Wildlife] strongly recommends the Forests complete a significant comprehensive assessment of the existing transportation system as part of this Travel Management Decision with particular attention to impacts on fish and wildlife populations, their habitats, and associated recreation. Leaving 8,024 miles of the existing transportation system open for public

motorized travel, of which 6,703 miles will remain open for OHV travel, will continue ongoing impacts to fish and wildlife populations, habitats, and associated recreational opportunities.

Response

As noted in Chapter 1 and 2 of the DEIS/FEIS, and 36 CFR 212.50 (b) "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." Further, as also described in Chapter 2 of the DEIS/FEIS, the two Forests have an established process that is in place for evaluating the effects of roads on a local scale that we believe an effective method of meeting the long-term objectives of the road and trail systems on National Forests. The Deschutes and Ochoco National Forests have been performing, and continue to perform, "Project Scale" travel analysis at a local scale based on the District Ranger's discretion. This emphasis on determining, at the most local scale, what roads and trails meet the intent of a sustainable system reflect the heart and spirit of the Travel Management Rule. (See also response to #1)

Comment 3

BIOLOGICAL RESOURCES

The Department [Oregon Department of Fish and Wildlife] recognizes and appreciates the Forests staff for their thorough review and assessment of road impacts to fish and wildlife resources. The Department and the United States Forest Service both recognize that improperly designed and placed roads can cause significant resource damage. The Forest's and Department's fish and wildlife biologists have sought means to reduce road densities and problem roads through decommissioning and other forms of closure for decades. Standards and guidelines were developed for ONF LRMP (1989) and DNF LRMP (1990) based on fish and wildlife research on roads and sedimentation and wildlife habitat effectiveness. The goal of these standards and guidelines is to bring the overall transportation system inline with conservation of fish and wildlife resources. Essentially, all roads within the existing transportation system had been constructed prior to implementation of the LRMPs; a road system that was created in a time when impacts to wildlife and the importance of riparian conservation were not fully understood.

Much work has been undertaken by the ONF and DNF in reducing impacts from existing roads on aquatic resources and water quality. Actions undertaken include culvert replacements, water bars, and riparian restoration. Additional successes have come from road closures and road decommissioning along wild and scenic rivers. Yet, many of the terrestrial wildlife issues associated with open roads persist.

Response

Thank you for recognizing efforts to reduce impacts from roads. The Forest Service agrees that much work has been undertaken to restore streams. Protection of aquatic resources and water quality is a high priority of the Forest, and benefits are also realized by terrestrial wildlife from these projects which are often supported by grant funding. Wildlife biologists work closely with fish and aquatic staff of ODFW and other leading conservation organizations to identify potential road closures that have benefits to the terrestrial wildlife as well. Partnerships are valued to accomplish this work wherever funding allows.

Many road closures have been completed across the two Forests. Table 2-1 of the DEIS,(FEIS Table 1 p. 31), displays approximately 564 miles of decommissioning and 830 miles of road closures and many of these have occurred since 2000 as a result of communication with Oregon Department of Fish and Wildlife and other agencies. In addition, approximately 1,413 miles of road are only open seasonally (18

percent of open roads across two Forests) to address big game issues, calving closures, green dot areas, etc. We look forward to furthering our positive partnership regarding road density issues where the goal is to focus on achieving objectives for both agencies while protecting fish and wildlife resources.

Comment 4

The DEIS notes that 83 percent of the ONF and 88 percent of the DNF land base outside of wilderness areas is within one-half mile of an open road (DEIS 218). This percentage is even greater when the closed roads still being used by motorized users are included. As research continues to emphasize and reaffirm (e.g., DEIS Appendix B-6.3 – 314/315), roads open for motorized travel significantly impact big game and other fish and wildlife species. Lower big game and breeding bird populations are typically associated with high road densities and related disturbance. This in turn results in less hunting and wildlife viewing opportunity on public lands. As demonstrated by the increase in big game damage complaints in the Ochoco Fish and Wildlife District between 1989 and 2008 (7 and 55, respectively), elk have moved off of Forest lands and damage has increased considerably on private lands. Private landowners have also expressed to the Department [Oregon Department of Fish and Wildlife] a significant increase in trespass since 1989 from the ONF onto private lands during winter and early spring months, a critical time for wintering big game because of their need to conserve energy.

Response

See response to comment #1 above. Effects of the existing designated road system are detailed in Chapter 3, Wildlife. In addition implementation of the proposed actions would result in beneficial impacts to many TES and Management Indicator Species as a result of prohibiting cross-country travel and reducing disturbance. See DEIS, Chapter 3 (pp. 289-298; FEIS p. 304-314), the Biological Evaluation (Appendix B-8, pp. 296-441), and the Wildlife Report (Appendix B-8, pp. 446-608) for this analysis. In particular to big game, there will be a 38 percent decrease in disturbance within Management Area 7 – Deer Habitat. In addition, eight of 11 Key Elk Habitat Areas on the Deschutes NF show a decrease in disturbance. General Forest Winter Range on the Ochoco disturbance will be decreased from 78 percent to 13 percent. Other areas do not show a decrease in disturbance however, as this is due to these areas being closed currently to cross country travel (DEIS, Chapter 3, p. 292-293 (FEIS p. 314-319) and the Wildlife Report, Appendix B-8, pp. 492-502). Although road densities will not change, the level of disturbance associated with these roads will be reduced overall.

Comment 5

One of the most egregious impacts of a high road density is loss of big game animals through poaching (illegal harvest). A high road density is impossible to enforce, while leaving extensive access to big game by poachers. Local research shows that poachers harvest as many, if not more, mule deer than what are taken legally during the regulated season. In 2008, 14,281 hunters harvested 3,341 mule deer (mostly bucks) during the regulated season from the wildlife management units associated with the project area. Based on the illegal harvest of telemetry collared deer, we can assume a comparable number of deer (3,341) were taken illegally by poachers throughout the year. Because most of the illegally harvested deer were does, the problem is compounded since does are the recruitment component of the herd. Most poached collared deer were harvested within 300 meters of a road based on anecdotal estimations from biologists retrieving the collars. Upon conclusion of the mule deer telemetry study, the mean distance from roads of poached deer will be reported. Oregon State Police game officers have found that big game poaching is often a crime of opportunity. Most poaching occurs from roads by way of a vehicle. Poaching occurs any time of the year day or night; with increased activity occurring on mule deer winter range when animals are concentrated.

High road densities typically compels the Department [Oregon Department of Fish and Wildlife] to request higher levels of hiding cover be left to provide security from poachers and other motorized

disturbance than would be necessary with fewer roads. This outcome is often the result of the Forest Service planning process that only allows a project to focus on vegetation management or travel management, but not the two jointly (potato head projects). It is the Department's understanding that for vegetation projects, only the roads directly associated with project units can be modified. The end product often results in a conflict between Forest restoration objectives and big game management objectives; an unfortunate outcome since both the Forest and the Department realize there is more public access than is reasonably necessary to meet public desires.

Response

It is not within the scope of this document to close roads that are currently open to the public. (See response to comment #1 above)The purpose of the project is to prohibit motorized cross-country travel, and restrict all motorized vehicles to the current designated open National Forest System Roads and Trails. Implementation of the Motor Vehicle Use Map is expected to improve the Forest Service's ability to enforce motorized access restrictions. The Deschutes and Ochoco National Forests will continue to evaluate and recommend road management activities, including road closures and decommissioning according to the process identified in the DEIS/FEIS, and will continue to implement cooperative closure agreements with ODFW

Comment 6

Out of the 11,432 miles of roads (DEIS 82) found on the two Forests in 1990, 564 miles have been decommissioned, and 829.9 have been closed (DEIS 33). This represents closure of only 12% of the overall transportation system in the past 20 years. Although the Department [Oregon Department of Fish and Wildlife] appreciates and supports these actions, it's unfortunate that many of the closed roads continue to be used by motorized users. Some interagency actions have been fairly successful though, including the Green Dot closures implemented during hunting seasons and the winter seasonal closures (1,413 miles DEIS 83). The Department supports these actions and will continue to invest staff, funding, and enforcement resources to help ensure success.

Response

The Forest Service believes that enforcement of motorized access will be improved over time with the Motor Vehicle Use Map and the Travel Management Rule. The Forest Service remains committed to past interagency cooperative activities such as the Green Dot system, and looks forward to additional opportunities to work with the State of Oregon on implementing the new regulations that will be in place with the Motor Vehicle Use Map.

Comment 7

The Department's [Oregon Department of Fish and Wildlife] 2006 Oregon Conservation Strategy identified Six Key Conservation Issues that Affect Species and Habitats Statewide of which three are directly related to roads: Invasive Species, Barriers to Animal Movement, and Water Quality and Quantity. The DEIS discusses many of these impacts including:

- *"The majority of infestations [invasive plants] (about 70%) occur along travel routes (roads and trail corridors)" (DEIS 199);*
- *Barriers that impede movement (i.e., roads) result in higher mortality, lower reproductive success, and smaller populations", (DEIS 287);*
- *"Research over the last 60 years has clearly shown that Forest roads are a major source of sedimentation and soil erosion from Forest watersheds with some studies concluding that up to 90 percent of the sediment from timber sales comes from roads...It is estimated that closing a road reduces sediment delivery by about 75 percent and decommissioning by about 95 percent", (DEIS 160-161).*

However, the Forests chose not to reduce roads open for public use or decommission roads to address

these known impacts through this DEIS process.

The DEIS "...assumed that there will be no additional adverse effects to resources (wildlife, vegetation, fisheries, soil, range, etc) associated with roads as a result of implementation of Alternatives 2 and 3" (DEIS 62), yet the DEIS also says "Under both alternatives, restricting motorized travel to designated roads and trails would provide a more "developed" recreation experience, allowing for faster speeds... There is expected to be increased use on designated roads and trails..." (DEIS 229).

Based on the above information, the DEIS does not provide a clear explanation as to how the increase in OHV use and increase in OHV speed on the existing transportation system will affect fish and wildlife resources. Instead it appears that there was an assumption that either no change in traffic volume and speed will result by implementing Alternatives 2 or 3, or there is an assessment somewhere in the DEIS that determines that implementation of Alternatives 2 or 3 would not be different from current conditions. It is not clear how the projected increase in OHV use concentrated on the existing road system will affect fish and wildlife resources⁴ and recreational opportunity.

Response

The Forest Service and the DEIS/FEIS acknowledges that there are resource impacts associated with roads. As noted in the DEIS/FEIS, the Forests are addressing road management issues on a localized scale. Pg 229 of the DEIS (FEIS p. 90) is from the Recreation evaluation of the alternatives. This analysis presumes an increase in speed of motor vehicles on roads when compared with cross-country travel, not an increase in the speed on roads. As noted in the DEIS/FEIS, there are no reliable indicators for predicating an exact amount or location of future public use. However, that use is likely to increase resulting primarily from the predicted increase population of the area. It is similarly not clear how much OHV use will move to roads. Many recreational OHV users continue to indicate a preference for primitive trails rather than roads. Currently, one of the highest levels of OHV use concentrations on the road system is likely to come during hunting seasons. There are cooperative agreements in place throughout the two Forests that reduce open road density during that season. The Forest Service will continue to evaluate road conditions as indicated in Chapter 1 of the DEIS/FEIS.

Comment 8

RECREATION ALLOCATION

The recreation assessment in Table 3-74 shows there are by far more non-motorized recreation users than there are motorized users (DEIS 216/217). Table 3-74 also shows that wildlife viewing constituted 37.09 percent and 59 percent of the primary and secondary visitations for the DNF and ONF respectively, while fishing constituted 24.62 percent and 24.7 percent and hunting constituted 3.34 percent and 22.59 percent respectively. The DEIS notes: "On the Ochoco National Forest, big-game hunting is a highly popular activity, and the Forest is a regionally popular destination for big-game hunting" (DEIS 218).

The DEIS also discusses conditions caused by ones activity that could cause conflicts with other users. The DEIS notes: "Noise, dust, and smells associated with activities are also harbingers and indicators of potential conflicts. Generally speaking, the louder, dustier, and more odor generated by activity – in other words, the more one user feels that their recreation setting has been infringed upon by another user – the more likely that activity will be to generate a high level of conflict between different users" (DEIS 252). Most fish and wildlife activities are conducted in a quiet manner or setting, suggesting that many OHV activities could be in conflict with fish and wildlife activities.

Fish and wildlife associated recreation contribute significantly to the local economies. Travel Oregon and the Department [Oregon Department of Fish and Wildlife] conducted an economic survey of Fishing, Hunting, Wildlife Viewing, and Shell-fishing in Oregon; 2008 State and County Expenditures; May 2009 (<http://www.dfw.state.or.us/>). This survey found that the above fish and wildlife activities generated 2.5 billion dollars of revenue for the state of Oregon in 2008 of which 59.6 percent came from equipment, 34.5 percent from traveling participants, and 5.9 percent from local participants. Following are survey

results for the travel revenue component generated in the three counties the project is within:

Travel Revenue Generated by Fishing, Hunting, and Wildlife Viewing Participants in 2008

Fishing Hunting Wildlife Viewing Total

Deschutes 20,410,000 6,663,000 42,771,000 69,844,000

Crook 3,010,000 2,584,000 6,769,000 12,363,000

Jefferson 4,010,000 730,000 9,596,000 14,336,000

Grand Total 27,430,000 9,977,000 59,136,000 96,543,000

Based on the above information, ODFW believes the DEIS should include an assessment of how many acres will continue to be impacted by motorized users, using noise as the metric, that could impact fish and wildlife users. Because water features disproportionately attract wildlife and humans, this analysis should include a subset showing acres impacted near water. It doesn't appear the DEIS assessed this impact, with the potential outcome of fish and wildlife users being displaced.

Likewise, developing additional OHV systems on the two Forests will further emphasize central Oregon as a statewide OHV destination. It will create extensive developed recreational systems in areas that are currently considered non-developed dispersed recreation. Creating these systems prior to conducting a comprehensive travel management assessment to determine potential impacts to fish and wildlife resources and conflicts with or displacement of fish and wildlife recreation will not be consistent with legislation, E.O.s, and directives noted above.

Response

This comment by ODFW seems to indicate that economic benefits derived from "fish and wildlife" (i.e.: fishing and hunting) activities are non-motorized activities. Comments that we've received from many users indicate that they use motor vehicles to access fishing and hunting sites, to retrieve game, and to view wildlife. ODFW has not provided data that would conclusively support that these activities should be classified as non-motorized.

The proposed actions in the EIS would prohibit motorized travel off of designated routes (cross-country travel), and modify the conditions under which motorized access for dispersed camping would be allowed. As noted in the DEIS, this would result in reduced areas available to motorized access (See DEIS/FEIS, Chapter 1 and 2), and thus reduce the potential for noise impacts that would affect wildlife and non-motorized users (Chapter 3, Social and Economic Analysis). The Wildlife, Fisheries, and Hydrology sections of the DEIS/FEIS includes a detailed assessment of the existing condition and the effects of the changes in those conditions on disturbance to wildlife and impacts to areas near water. These analyses demonstrate that there would be beneficial effects to wildlife and fisheries habitats from the proposed actions. Similarly, Chapter 3, Social and Economic Analysis show that the reduction in acres available to motor vehicles is likely to reduce conflicts with users that prefer quiet settings. The Forest Service disagrees that attempting to assess or quantify these effects using noise as a metric will better describe the beneficial changes that would result from the proposed actions. Since ODFW's revenue forecasts are based on habitat disturbance from the existing condition, and these actions would reduce the widespread distribution of noise and disturbance, from motor vehicles, there is unlikely to be an adverse effect of displacing fish and wildlife users from these proposed actions, and will therefore not be analyzed further in the FEIS.

The Deschutes and Ochoco National Forests Travel Management EIS does not propose to develop any new motorized trail systems. The comment concerning the potential development of motorized trail systems are an unsupported opinion about actions which are outside the scope of this Environmental Impact Statement, and will not be considered further in the FEIS.

Comment 9**TRAVEL MANAGEMENT RULE**

The Rule arose from the need to resolve a number of resource and social concerns related to unregulated motorized travel. Executive Orders 11644 and 11989 direct Federal agencies to ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands. Consistent with the E.O.s, the final rule provides directives and regulations.

According to 36 CFR 212, “The agency must strike an appropriate balance in managing all types of recreational activities. To this end, a designated system of roads, trails, and areas for motor vehicle use, established with public involvement, will enhance public enjoyment of the National Forests while maintaining other important values and uses on NFS lands.”

“212.52... (a) General. The public shall be allowed to participate in the designation of National Forest System roads, National Forest System trails, and areas on National Forest System lands and revising those designations pursuant to this subpart...”

“212.53...The responsible official shall coordinate with appropriate Federal, State, county, and other local governmental entities and tribal governments when designating National Forest System roads, National Forest System trails, and areas on National Forest System lands pursuant to this subpart.”

“212.55...the responsible official shall consider effects on the following, with the objective of minimizing: (1) Damage to soil, watershed, vegetation, and other Forest resources; (2) Harassment of wildlife and significant disruption of wildlife habitats...”

The Department [Oregon Department of Fish and Wildlife] believes the intent of the Rule and attending regulations is to refine travel management on the Forests to bring it into alignment with the concepts of sustainability², social acceptance³, and ecological compatibility as it relates to fish and wildlife resources. By implementing the Proposed Action ONF and DNF will essentially roll forward the existing transportation system with designated use determined by state regulations, rather than by conscious design and a public participation process to meet the legislation, E.O.s, and directives previously listed.

Response

See response to Comment #1 and #2 above.

Comment 10

In 2003 the Department [Oregon Department of Fish and Wildlife] was hopeful the ONF and DNF would use the Road Policy and Roads Analysis Process to address impacts to fish and wildlife resources caused by the existing transportation system, an increasing user public, and increasing OHV activities. The Department was hopeful the Forests would use the best available science to assess fish and wildlife conservation needs and recreational opportunity relative to the need to retain individual roads to manage Forest resources and provide public access.

The DEIS notes: “The Roads Policy required any decisions resulting in a change in public access or that may result in adverse effects on soil and water resources, ecological processes or biological communities, must be informed by a roads analysis” (DEIS p.32) Due to inadequate time, staff, and funding, basically, only the arterial (~500 miles) and collector roads (~1,900 miles) were assessed (DEIS p.31), leaving the level 2 roads (~5,600 miles), the bulk of the roads, to be assessed on a piecemeal basis during site specific project planning (DEIS p.32).

Currently the ONF and DNF have another opportunity to address the overall transportation system relative to an ever increasing motorized user public and OHV enthusiasts and their impacts on fish and wildlife resources and associated recreational opportunities. The focus this time is to determine and designate use by vehicle and user type. In 2003 the focus was on determining the minimal transportation system. Again the ONF and DNF cite inadequate time, staff, and funding to do the assessment, while leaving modifications to occur during future project planning, a theme that keeps recurring.

Response

The Forest Service does not agree that this is the best opportunity to assess road needs or make decisions about changes to the existing designated road system. See response to comment #1 above and comment #11 below.

Comment 11

One of the greatest challenges facing land managers relative to travel management is public access. The Forest, the Department [Oregon Department of Fish and Wildlife], and motorized users (Travel Mgmt Working Group discussions) recognize there are many more miles of roads than are reasonably necessary for the public to access Forest resources, yet the challenge lies in designing a system that is sustainable, socially acceptable, and ecologically compatible. The existing transportation system does not meet any of these parameters.

Response

Regulations at 36 CFR 212.5(b)(1) require the Forest Service to identify the minimum road system needed for safe and efficient travel and for administration, utilization, and protection of National Forest System lands. As previously noted, and in response to comment #1 above, travel analysis to identify the minimum road system can be a separate process from travel analysis for purposes of designation of roads, trails, and areas for motor vehicle use (FSM 7712). Neither the regulations under 36 CFR 212.5 or agency directives contain a time frame for determining the minimum road system. The agency does, however, view this as important work that needs to be addressed within the next decade.

Overall, the agency is reviewing priorities and resources that will be required to complete the analysis to identify the minimum road system as described in the Conference Report for the Omnibus Appropriations Act of 2009. The Forest Service road system is extensive and any process to review the entire road system will require multiple years and millions of dollars to complete. Currently, available resources have been committed to such activities under the Travel management Rule delivering contracts funded through the American Recovery and Reinvestment Act of 2009 and Legacy Road/Trail. The Washington Office is preparing a plan and direction on when the agency will be able to complete the analysis for the minimum road system given the other priorities the agency has.

The Deschutes and Ochoco National Forests have been implementing the intent of moving toward a minimum road system on a project-by-project basis ever since the concept was first identified with the Roads Policy published on January 12, 2001. The process that we have used, and will continue to use, to reduce our open road mileages is described in the DEIS, Chapter 2, on pages 31-33; FEIS p. 29-31). As noted there, the two Forests have identified more than 900 miles of roads to be closed or decommissioned since 2001

Comment 12, 22

According to the DEIS: “Nationally, there has been since 2000, and continues to be an increasing emphasis on completing analysis to identify a “minimum transportation system” that is ecologically,

socially, and economically sustainable. Given the high road densities and increasingly reduced road maintenance budgets on the Deschutes and Ochoco National Forests, trends for open road closures and decommissioning are also likely to continue” (DEIS 357). Yet the ONF and DNF continue to defer this comprehensive travel management assessment and redesign of the existing transportation system to a future date and, instead, address this need on a piecemeal, project-by-project approach.

The Department of Fish and Wildlife makes the following recommendations for travel management planning:

- Reduce open road/route densities to 2.5 miles of open road per square mile or lower within big game summer range and 1.0 miles of open road per square mile within big game winter range, which is consistent with the standards and guidelines developed in several of the current Federal Land and Resource Management Plans in Oregon.

Response

The Deschutes and Ochoco National Forests have been implementing the intent of moving toward a minimum road system on a project-by-project basis ever since the concept was first identified with the Roads Policy published on January 12, 2001. The process that we have used, and will continue to use, to reduce our open road mileages is described in the DEIS, Chapter 2, on pages 31-33(FEIS p. 29-31). As noted there, the two Forests have identified more than 900 miles of roads to be closed or decommissioned since 2001.

Comment 13, 20

The Department [Oregon Department of Fish and Wildlife] strongly supports closing the ONF and DNF to cross-country motorized travel and recognizes the benefits accrued to fish and wildlife populations, habitats, and associated recreational opportunity from this action.

The Department of Fish and Wildlife makes the following recommendations for travel management planning:

- If fords are appropriate, use of fords should be consistent with the Oregon guidelines for timing of in-water work to protect fish and wildlife resources:

http://www.dfw.state.or.us/lands/inwater/Oregon_Guidelines_for_Timing_of_InWater_Work2008.pdf

Response

The Forest Service acknowledges the support for the course of action indicated by these comments.

Comment 15

The Department [Oregon Department of Fish and Wildlife] will continue to support travel management decisions that benefit fish and wildlife populations, their habitats, and associated recreational opportunities.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. As noted in the DEIS/FEIS, both Alternative 2 and 3 will benefit fish and wildlife populations. Impacts to recreation uses and opportunities are also detailed in the DEIS/FEIS in Chapter 3.

Comment 16

The Department of Fish and Wildlife makes the following recommendations for travel management planning:

- Maintain and restore Oregon Conservation Strategy Habitats and habitat characteristics identified for individual Strategy Species (ODFW 2006).

Response

This project does not propose habitat restoration or any manipulation of habitats. However, this project is implementing riparian setbacks, prohibiting cross-country travel away from some sensitive habitats, and will result in a decrease in disturbance to many wildlife species. These actions address the Conservation Issue, Increased Recreation, for the East Cascades Ecoregion. The action listed recommends to direct activities to particular seasons and away from sensitive habitats.

There are 22 conservation strategy wildlife species listed for the East Cascades Ecoregion. Of the 22 species, 18 were analyzed in depth for the Deschutes and 15 for the Ochoco NFs. The analysis shows that 14 species on the Deschutes and 11 species on the Ochoco will result in beneficial impacts due to decreased disturbance (DEIS, Chapter 3, pp. 289-298(FEIS p. 304-314); Appendix B-8, pp. 296-441 and 442-608).

Comment 17

The Department of Fish and Wildlife makes the following recommendations for travel management planning:

- Manage motorized use to avoid disturbance to wildlife during critical periods (i.e., wintering, nesting, fawning/calving), and direct motorized use away from sensitive habitats such as wetlands and montane grasslands (ODFW 2006).

Response

Implementation of the Travel Management Rule will prohibit cross-country travel, prescribe riparian setbacks, and implement special provisions for riparian and upland areas which address no access for dispersed camping in wetlands and sensitive resource areas (DEIS/FEIS, Chapter 2, pp. 40-44). These actions address the Conservation Issue, Increased Recreation, for the East Cascades Ecoregion. The action listed recommends to direct activities to particular seasons and away from sensitive habitats.

Existing seasonal use periods established by past administrative actions to protect resources will remain in place with the exception of some minor adjustments to seasonal use dates to allow for more clear administration (DEIS, Chapter 2, p. 38, 44-45(FEIS p. 45-46)). The majority of seasonal closures occur during the fall and winter to reduce the impacts to big game. There are other seasonal closures implemented during the reproductive season for other wildlife species as well.

Comment 18

The Department of Fish and Wildlife makes the following recommendations for travel management planning:

- Maintain riparian cover and other factors that maintain water temperatures favorable to aquatic species; minimize sedimentation (ODFW 2006). Manage motorized use to avoid steep slopes and unstable soils. Use water bars, rolling dips, and hardened surfaces at approaches to stream crossings on designated routes.

Response

The recommendations cited in this comment have been applied to the designation of areas as open to motorized access off of designated routes (cross-country travel) under this decision. Physical and hydrologic criteria were considered in accordance with CFR 212.55(a-e) to minimize impacts to resources from the designated rock/cinder pits areas. Alternatives 2 and 3 would result in increased shading over time by regulating motorized use within areas that have shade producing vegetation to designated routes and areas (DEIS, pp. 143, 168; FEIS p. 253, 225). Alternatives 2 and 3 would also trend towards reducing sediment input to water (DEIS, pp. 169-176; FEIS p. 224-229) by eliminating cross country travel of OHVs on over 1 million acres across the two Forest areas (DEIS p. 140; FEIS p. 250), including nearly 120,000 acres within 300 feet of perennial and intermittent streams (DEIS, p. 169; FEIS p. 224) and over 50,000 acres within 100 feet of streams containing Threatened and Endangered or Resident Fish populations (DEIS, p. 337; FEIS p. 190)). In addition, over 100,000 acres would be closed to motorized access for dispersed camping within riparian reserves or RHCAs under this decision (DEIS, p. 337; FEIS p. 190). These actions will also eliminate the continued use or creation of unauthorized trails that do not have engineered trail treads on steep or unstable soils. Road maintenance/improvement activities (such as installing water bars) are outside the scope of this decision.

Comment 19

The Department of Fish and Wildlife makes the following recommendations for travel management planning:

- Limit stream crossings to locations with culverts or bridges. Crossings should be perpendicular to waterways. New and replacement stream-crossing structures must be consistent with Oregon fish passage laws (Oregon Revised Statute 509.580 to 509.910) (<http://www.leg.state.or.us/ors/509.html>) and rule <http://www.dfw.state.or.us/OARs/412.pdf>).

Response

There are no new roads or trails that are proposed in this EIS. This recommendation does not appear to apply to the proposed actions, and so is not addressed further in the FEIS.

Comment 21

The Department of Fish and Wildlife makes the following recommendations for travel management planning:

- Do not designate routes for motorized use that are causing resource damage. It is essential that these routes are closed and that appropriate habitat restoration occurs.

Response

No decision under this DEIS will close existing designated roads or trails. There would be some change to the class of vehicle certain roads are open to. See DEIS, Chapter 2, p. 50; FEIS p. 51), Table 5- Expected Change in Roads Open to Highway-legal Vehicles. The scope of the decisions to be made in the Deschutes and Ochoco Travel Management Project do not include designations of new motorized trail systems. However, there are currently several proposed motorized trail projects that are undergoing separate environmental analyses. These include the Three Trails and Lava Rock Motorized Trail Projects on the Crescent and Bend-Ft. Rock Ranger Districts of the Deschutes National Forest, and the Ochoco Summit Motorized Trails Project on the Lookout Mountain and Paulina Districts of the Ochoco National Forests.

Comment 23

The Department of Fish and Wildlife makes the following recommendations for travel management planning:

- Evaluations of specific effects of roads and OHV trails on elk should consider spatially explicit methods that use a distance-band approach (Roloff 1998, Rowland et al. 2000, 2005).

Response

The distance band approach as cited in Rowland et al. (2000 and 2005) was not specifically used in the analysis of big game. However, a buffer analysis based on Forman (2000) was conducted for all species including big game to help display effects of the proposed action. For more information on the big game analysis, see DEIS, Chapter 3, p. 292-293; FEIS p. 295-319), the Wildlife Report (Appendix B-8, p. 492-502), and the Methods and Assumptions used (Appendix B-8, p. 299-308).

All recommendations brought forth by the Department of Fish and Wildlife that are related to designation of specific trail systems will be made available to the specific OHV projects.

Comment 24

The Department of Fish and Wildlife makes the following recommendations for travel management planning:

- Manage motorized routes to avoid displacement of big game. Evaluations to assess the potential impacts by motor vehicle use should consider where displacement of big game has occurred or where it could occur.

Response

Implementation of the proposed action will prohibit motorized travel outside of those existing designated routes (roads and trails) and areas where it is not already restricted or prohibited by law (DEIS, Chapter 1, p. 11-14; FEIS p. 5-8)). This action is not modifying existing routes; therefore we will not specifically be addressing the management of routes to avoid displacement of big game. This action will result in beneficial impacts to big game by restricting use to designated roads, trails and areas. For more information on the big game analysis, see Chapter 3 (FEIS p. 289-314) and the Wildlife Report, Appendix B-8, pp. 492-502 of the FEIS.

All recommendations brought forth by the Department of Fish and Wildlife will be addressed by site specific trail projects currently being developed across the two Forests. The Lava Rock, Ochoco Summit, and Three Trails OHV projects will incorporate these recommendations into their analysis.

Comment 25

The Department of Fish and Wildlife makes the following recommendations for travel management planning:

- Manage motorized use and access to avoid conflicts with other non-motorized recreational users. To benefit the hunting experience, elements that make for consistently high quality and satisfying experiences should consider strategies where hunters encounter few people and motorized vehicles.

Response

Prohibiting motorized access off of designated routes is, among other objectives, intended to reduce conflicts between users. (DEIS/FEIS Chapter 1, Purpose and Need)

Comment 26

The Department of Fish and Wildlife makes the following recommendations for travel management planning:

- Do not allow the use of motor vehicles off designated routes for retrieval of hunter harvested big game animals.

Response

Prohibiting motorized access for game retrieval is common to Alternatives 2 and 3, and is included in the final selected alternative, Alternative 3 modified. As noted in the Record of Decision, ODFW's support and encouragement of this provision is a part of the rationale for this decision.

Comment 27

The Department of Fish and Wildlife makes the following recommendations for travel management planning:

- Recognize, analyze, and (where required by law or otherwise consistent with state wildlife policy) make reasonable accommodations for the needs of the disabled for public lands access within other resource constraints (i.e., miles of motorized and non-motorized trails; miles of road open to road vehicles and high clearance vehicles).

Response

Chapter 3 of the DEIS/FEIS includes an analysis of the impacts to disabled populations.

Comment 28

The Department of Fish and Wildlife makes the following recommendations for travel management planning:

- Dispersed camping on public lands should reflect the use patterns already established by recreational users where the uses are consistent with the protection of important fish and wildlife habitats.

Response

Modified conditions for motorized access for dispersed camping for both Alternative 2 and 3 would benefit fish and wildlife habitats as described in Chapter 3 of the DEIS/FEIS.

Comment 29-30

The Department of Fish and Wildlife makes the following recommendations for travel management planning:

- Ensure adequate funds and staff resources for monitoring activities. Implementation of a detailed and statistically credible plan supported by appropriate research should be a key part of the overall monitoring strategy, and should be designed to support adaptive management.

The Department of Fish and Wildlife makes the following recommendations for travel management planning:

- Develop public information and educational programs targeting motorized users to raise fish and wildlife awareness, such as information about invasive plant species, fish and wildlife species, and the potential impacts of motorized use on those species and their habitat.

Response

The Deschutes and Ochoco National Forest have developed a detailed implementation strategy for the Travel Management EIS. The implementation strategy includes a communications plan, educational materials, a sign plan, and a monitoring plan. This strategy will be available on our website.

Comment 31

The Department of Fish and Wildlife makes the following recommendations for travel management planning:

- Provide resources necessary to enforce provisions of new travel management plans. Additional USFS and BLM enforcement officers and/or cooperative enforcement agreements with the Oregon State Police and/or the county sheriff's Department are necessary.

Response

The Forest Service believes that it will be easier to enforce the Motor Vehicle Use Map than the variety of special management area designations and public use restrictions now in effect. The Motor Vehicle Use Map will provide clear direction about where motorized use is or is not allowed, thus eliminating the need to have areas posted as "closed" in order to effectively enforce motorized closures. The Forest is developing an Implementation Strategy that will include an education and enforcement component designed to help people understand and comply with the new regulations. The Forest Service has demonstrated in the past a strong commitment to leverage funding by combining with other Law Enforcement agencies and will continue to do so into the future.

Comment 32

The Department of Fish and Wildlife makes the following recommendations for travel management planning:

- Use fees generated by OHV sales and permits to fund additional education, enforcement, and monitoring/research.

Response

The Forest Service is not the recipient of fees generated by OHV sales and permits. The Forest Service does apply for state OHV funds and contributes matching Congressionally appropriated funds to support education, enforcement and monitoring on designated motorized trail systems.

Comment 33

The Department of Fish and Wildlife makes the following recommendations for travel management planning:

- Encourage motorized user groups to participate in route maintenance, litter removal, and habitat restoration activities.

Response

The Forest Service has strong partnerships with many motorized and non-motorized groups and will continue to foster those partnerships. (See also, Letter 14)

Letter 70**Comment 1**

We [American Hiking Society et al.] appreciate the fact that the two forests take seriously their responsibility under the 2005 Travel Management Rule to largely prohibit damaging cross-country motorized travel.

Response

The Forest Service acknowledges the support for the course of action indicated by this comment.

Comment 2

We [American Hiking Society et al.] view [there] is as a dearth of analysis in the DEIS with respect to the potential impacts of the Proposed Action and alternatives. Much of the EIS analysis is predicated upon relative comparisons between the alternatives as reported primarily in units of total road miles or forest acreage potentially affected for each resource topic. As such, the DEIS analyses relies primarily on relative, numerical comparisons generated via Geographic Information System mapping technologies. Largely absent in our view is substantive analysis regarding the environmental effects of the alternatives, including such factors as the anticipated timing, duration and intensity of the direct, indirect and cumulative effects of the differing alternatives.

Response

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrant supplement or improvement of the analysis in the DEIS. The comment does not suggest any specific action to be taken to improve the analysis to respond to the comment.

The Forest Service disagrees that there is no information regarding the anticipated timing, duration, and intensity of the direct and indirect beneficial effects on physical and biological resources. As defined in Chapter 3, there are, in accordance with CEQ definitions, no cumulative effects to physical and biological resources. The potential for reasonably adverse cumulative effects to motorized recreation opportunities, along with the identification of incomplete and unavailable information regarding the extent of those effects, is identified in Chapter 3. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS.

Comment 3

The DEIS includes a number of positive OHV management reforms, most notably the prohibition of cross-country motorized travel consistent with direction contained within the 2005 Travel Management Rule (TMR). The Forests propose to amend their respective Forest Plans to rescind the motorized use “Open” designation for large portions of the forest where motorized cross-country travel currently is allowed. This change would make it illegal for OHVs to travel anywhere on the Forests other than on roads and trails designated for motorized use (with the exception of four existing and 52 proposed mineral material source sites, which are discussed elsewhere in this letter). We [American Hiking Society et al.] enthusiastically support the proposed Forest Plan amendments to eliminate cross-country motorized travel and view this as a timely and much-needed management reform.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments.

Comment 4

We [American Hiking Society et al.] support the Forest Service's position that "roads that have an approved decision to be closed or decommissioned, but have not had necessary storage or decommissioning maintenance activities completed to clearly identify the road as closed to the public, would not be shown on the Motor Vehicle Use Map" (DEIS, p. 33). This is prudent because the agency issued decisions in the past that such roads should be closed and/or decommissioned. These roads, usually temporary logging roads and that total over 1,300 miles on the two forests, were not located or constructed for continued motorized-vehicle use or have been documented to threaten wildlife, fish, soils and aquatic health via their continued use.

Response

There is no new information provided by this comment that suggests a change to the DEIS, and is not considered further in the FEIS. The commenter's characterizations of roads in Maintenance Level 1 or decommissioned are not supported by evidence submitted to the Forest for consideration during the comment period.

Comment 5

Proposed Action inconsistent with agency regulation that dispersed camping provision be applied "sparingly"

We [American Hiking Society et al.] value the freedom of dispersed camping in national forests, and want to maintain that freedom to the degree that it is sustainable. In order to limit damage to forest resources from the passage of motor vehicles off designated routes, the two action alternatives described in the DEIS would create two exceptions to the prohibition of cross-country motorized travel (defined in the DEIS, pp. 41-43 as 'general' and 'special' provisions) for the purpose of providing the public motorized access for dispersed camping.

The TMR provides that the dispersed camping exception be invoked only for the "limited use of motor vehicles within a specified distance of certain designated routes." 36 C.F.R. § [section] 212.51(b) (emphasis added). Regarding this topic, the preamble to the TMR further states:

The Department expects the Forest Service to apply this provision sparingly, on a local or State-wide basis, to avoid undermining the purposes of the final rule and to promote consistency in implementation." 70 Fed. Reg. 68,264, 68,285 (Nov. 9, 2005) (emphasis added); see also FSM 7703.11(4).

The Forests may not simply, for example, designate a blanket motor vehicle dispersed camping exception for most or all routes. Indeed, The Forest Service has previously said:

[A] broad designation allowing dispersed camping along all or most designated routes is not consistent with long-term objectives for travel management. Direction from the Chief of the Forest Service indicates that the allowance of dispersed camping by general designation along roads and trails should be used sparingly (emphasis added).

Reviewing Officer Recommendation, Sawtooth National Forest, Travel Plan Revision, Appeals #08-04-14-0035-A215, #08-04-14-0038-A215, and #08-04-14-0039-A215, page 17.

The difference between the dispersed camping provisions proposed for the two action alternatives in the Deschutes-Ochoco National Forests Travel Management DEIS is best summarized in the following text:

The primary difference between Alternatives 2 and 3 is that Alternative 3 confines motorized access for dispersed camping to existing, designated or defined camp sites” (termed the “special provisions” for dispersed camping), “whereas Alternative 2 incorporates a combination of special provision areas but also has some upland areas in which motorized access for dispersed camping can occur anywhere within (a 600-foot corridor centered on designated roads) and is not confined to existing, designated or defined sites” (DEIS, p. 204).

However, “upland areas” where motorized access for dispersed camping largely would be unregulated total 425,419 acres and comprise 22 and 9 percent of the Deschutes and Ochoco National Forests, respectively (DEIS, Table 2-4, p. 49). As such, the general dispersed camping provision in Alternative 2 significantly exceeds what is required by the Forest Service to comply with its obligation to limit motorized access for dispersed camping in compliance with the TMR. As stated in our scoping comment letter, we oppose any broad exceptions that allow motorized cross-country travel to camp or retrieve big game. In addition to enforcement difficulties, over time it could lead to a proliferation of unauthorized routes and wide swaths of impact, as motorized travel off a given road would not be prohibited at any point along most system routes. This would further the existence of unmanaged motorized recreation on our public forest lands, damaging forest resources and diminishing the forest experience for non-motorized users.

In areas where sensitive resources are known to be located, including riparian areas, both Alternatives 2 and 3 would limit motorized travel to designated, defined or existing dispersed campsites. In no case would motorized access be allowed within 30 feet of a wetland, lake, stream or spring. Yet again, subject to these constraints, Alternative 2 would allow motorized access for the purpose of egress to dispersed campsites within 300 feet of the centerline of most designated routes. As stated in our 6/30/08 scoping comment letter, doing so would represent an unnecessarily broad exemption to the TMR’s ban on motorized cross-country travel. While we understand the numerous caveats developed by the Forest Service and Travel Management Working Group in applying the 300-foot rule in the field, we believe that a blanket exemption covering such large portions of the forests would undermine the intent of the TMR. Moreover, enforcement of this exception would prove extremely difficult, if not impossible. Finally, completing the site-specific analysis required in order to exempt such large swaths of the forest from the cross-country travel plan has not been completed in this DEIS, and we question whether the Forest has the capacity to do the site-specific or cumulative impacts analysis required for such broad use of the vehicle-assisted dispersed camping exceptions in the TMR.

Response

The Deschutes and Ochoco Forest Supervisors considered the overall intent of the Travel Management Rule, including the intent - as described in the R6 Guidelines for Implementing the Travel Management Rule - of applying the "exception criteria" for motorized access for dispersed camping "sparingly." This term is not specifically defined. In the collaborative process used during the early part of this process, there was a recommendation to include an application of this exception that would modify current conditions of motorized access without unreasonably limiting people's ability to access long-time popular sites. A list of criteria was developed that included criteria for closing some areas to motorized access for dispersed camping (See Chapter 2 Criteria for Special Provision Areas or Areas Closed to Motorized access for dispersed camping within 300 feet of designated routes) Appendix B-3 includes a list of all of the roads that were closed to MADC as a result of applying this criteria. In addition, Alternative 3 was specifically identified to further limit motorized access for dispersed camping. The factors demonstrate how the guidelines were applied to this process.

Comment 6

It is our [American Hiking Society et al.] understanding that the Deschutes-Ochoco National Forests would prefer to move towards a system wherein all or most dispersed camp sites are designated, as has already been done along the Metolius and Upper Deschutes river corridors. In the section entitled Alternatives Considered but Eliminated from Detailed Study, the DEIS (p. 48) states:

Providing motorized access for dispersed camping with only designated routes has a number of concerns that could not be addressed in the time frame established for completing this DEIS and publishing the Motor Vehicle Use Map.

We support designating and signing dispersed campsites and believe that the Travel Management Project must serve to facilitate the necessary transition to what ultimately would represent a forest-wide system of dispersed camp sites.

Guidelines for implementing the TMR issued by the Forest Service Pacific Southwest Region recommend that the maximum distance allowed for motorized dispersed camping be “no more than 50 feet from the end of a designated road or trail.” The guidelines warn that: “Allowing a specified distance from an entire length of a road or trail should be carefully considered as it may create a cross-country travel corridor and be inconsistent with the intent of the Travel Management Rule.”

Recommendation: Given the known impacts from cross-country motorized travel and failure to properly analyze impacts described in DEIS, we urge the Deschutes-Ochoco Forests to abandon the general dispersed camping provision. Instead, the Forest should enact a parking rule, allowing Forest visitors to park within one car length of designated routes, so that they can walk to dispersed camping sites. For known campsites with well-established routes that are not causing resource impacts or concerns, the Forests should designate them in the final travel plan decision. In future, site-specific NEPA analyses, the Forest Service can analyze and designate additional short, spur routes to well-used campsites. This approach is being employed by several National Forests in Region 5. Specific examples include:

- Eldorado National Forest: The TMP ROD did not allow motorized dispersed camping zones. Each action alternative proposed parking a motor vehicle so that all parts of the vehicle are within one vehicle length from the edge of the route surface when it is safe to do so and without causing damage to Forest resources or facilities (FSM 7716.1 (Proposed)). The ROD did not restrict general dispersed camping by non-motorized means. http://www.fs.fed.us/r5/eldorado/documents/route/feis/feis_v1_ch2.pdf.

- Inyo National Forest: In four of the five action alternatives presented in the Final EIS, the Inyo NF proposed designating spur routes to facilitate motorized dispersed camping. In the remaining action alternative the Inyo NF proposed to restrict motorized access to dispersed campsites to within one vehicle length of designated system roads. See Chapter 2, p. 36.

http://www.fs.fed.us/r5/inyo/projects/route_des/august-09/FEIS_Web_Posting/pdf/FINAL_FEIS_Vol1_Chap_2.pdf

- Sierra National Forest: Although this forest has yet to release its Final EIS/ROD, all of the action alternatives in the DEIS would prohibit cross-country travel for dispersed camping. Instead, the forest

will be designating spur routes to dispersed camp site in order to facilitate motorized access for dispersed camping. See Chapter 2 – p. 39. http://www.fs.fed.us/r5/sierra/projects/ohv/09-docs/Chapter2/CHAPTER_2.pdf

The Sierra National Forest TMP DEIS included the following text to describe why it was not necessary to analyze designating a wide corridor for access to activities, such as dispersed use and camping: “The SNF route inventory identified most of the short spurs receiving motorized use and those spurs are under consideration in each of the action alternatives. As a result, designation of a wide corridor is not needed to provide motorized access to a diversity of dispersed recreation opportunities.

Response

The Forest Service acknowledges the support for the course of action recommended by these comments. The Record of Decision describes the specific rationale for the final selected alternative.

The Pacific Southwestern Regional guidance is not necessarily applicable here, nor is the examples of the California Travel Management EIS. The DEIS/FEIS, Chapter 2, Alternatives considered but eliminated discusses in detail the scientific basis for the "special provisions" including setback provisions. Designating dispersed campsites is outside the scope of this decision. Determining where or whether dispersed campsites should be designated, along with specific determination of designated system routes and whether that is the most desirable way to provide motorized access to campsites, is a decision the Forest Supervisors feel is most effectively made at a more local scale..

The "general" camping provision described in the DEIS/FEIS includes some basic elements for motorized access based on the Travel Management Rule. These elements include limiting motorized access for dispersed camping to the same class of vehicle and season of use as the adjacent road (See Chapter 1, DEIS/FEIS). These are important elements of the conditions for motorized access for dispersed camping in all Alternatives. The Forest Service has a parking rule that allows parking within a vehicle length of an open designated road. The DEIS, Chap. 1, p. 8(FEIS p. 1) cites that "Road designations must specify either that they include parking within one vehicle length, or within a specified distance of up to 30 feet, from the edge of the road surface. The Forest will be evaluating future needs for individual route designation when the Motor Vehicle Use Map is in place to help identify priority areas to consider for route designations.

Comment 7-8

- DEIS fails to address “minimum necessary road system”

In our [American Hiking Society et al.] scoping comment letter, we requested that the EIS include one or more alternatives that emphasize “a minimum (forest road) transportation system which is streamlined, non-redundant, and efficient.” Such objectives are consistent with the Forest Service’s directive to conduct “Travel Analysis,” as discussed in agency regulations and reflected in the directives for implementing the TMR. Although our request appears consistent with the intent of the TMR, the DEIS dismisses outright the analysis of such an alternative, listing it among the “Issues Outside the Scope of the Proposed Action.” It cites the agency’s Final Directives for implementing the TMR, which were issued in December 2008 (note: after the Deschutes-Ochoco Forests initiated public scoping), as stating that identification of the minimum transportation system under 36 CFR 212.5(b)(1) “is separate from designation of (motorized) routes and areas under 36 CFR 212.51” (DEIS, p. 26). Yet despite this caveat in the Final Directives, it appears that Congress agrees with our interpretation.

In report language accompanying the FY 2010 Appropriations Act, Congress provided:

Senate Language (Appropriations Act of 2010, S. Rep. No. 111-038, page 69): The Committee believes that the Forest Service must continue to show progress toward meeting its travel management regulatory requirements, including its requirements to conduct a science based analysis of the roads system, identify unneeded roads, and comply with appropriate criteria to designate roads and trails, as defined by 36 CFR 212.5 and 212.55. Within 60 days of enactment, the Service is directed to provide a report to the Committee outlining the process that it will use, by region, to ensure compliance with these requirements, including a timeline for implementation.

House Language (Appropriations Act of 2010, H. Rep. No. 111-180): The Committee remains interested in the travel management planning process. It is vital for the Service to look at the entire road system on a National Forest and determine those roads that are unneeded or which may be harming the environment. The Committee also feels that the implementation of the travel management plans needs to be user-friendly. The designation of open and closed roads and trails needs to be easily understood by the public.

(emphasis added). Through this language, Congress emphasized that it expects the Forest Service provide a real plan for how it intends to complete a comprehensive, science-based travel analysis and identify a minimum road system, including identification of roads for decommissioning.

For the past three years, Congress has dedicated funds necessary for completing Travel Analysis and resulting decommissioning efforts through the Legacy Roads Program. Just last week, Congress nearly doubled the appropriation for this program over the previous two years to \$90 million. Department of the Interior, Environment, and Related Agencies Appropriations Act of 2010, H. Rep. No. 111-180, p 133-4. (enacted). Thus, Congress has demonstrated its serious and enduring commitment to ensuring the Forest Service's successful implementation of Travel Analysis to identify the minimum necessary system, as well as prompt decommissioning of unneeded roads.

These existing Congressional funding commitments dovetail nicely with the Forest Service's own priorities, which recognize the significant fiscal and environmental benefits that will accrue from completing Subpart A of the Travel Management Rule. Regarding Presidential initiatives for the FY 2010 Budget, former Forest Service Chief Gail Kimbell emphasized the need to "right size" the Forest Service's transportation system. She testified to Congress that identification of unneeded roads constitutes a key priority for the agency:

The National Forest System has a transportation system that is not suited to its modern needs and requires realignment to "right size" the system for the future.

This initiative demonstrates the Forest Service's commitment to maintaining a healthy environment by addressing critical maintenance and operational components of the Forest Service. These funds will be a cornerstone for sustaining a healthy environment, and will be focused on [among other things] implement[ing] travel management plans with an emphasis on decommissioning unnecessary roads. . . . These strategic investments will reduce the agency's overall maintenance and operational costs in future years, result in infrastructure that is more energy efficient, and reduce potential harm to the environment.

In addition, Secretary of Agriculture Tom Vilsack recently stressed the importance of rightsizing the transportation system in order to restore the National Forests, as well.

Similarly, in June 2008, the Western Governors' Association (WGA) underscored the importance of the

identification and implementation of a minimum, sustainable road system:

Western Governors urge Congress and the Administration to fund and implement a sustainable roads program. This program should include inventories, identification of roads still needed, upgrading roads to modern construction standards including fish passage, and decommissioning roads causing environmental damage or roads no longer needed.

Western Governors urge the US Forest Service (USFS) to complete an accurate prioritized inventory of federal forest system roads that is sustainable in each state taking into account the needs for fish and wildlife habitat, outdoor recreation, timber and mining and fire suppression/mitigation.

Western Governors' Association Policy Resolution 08-3, "Restoring and Maintaining a Sustainable Road System on National Forest Lands." On Monday of this week, the WGA followed up on this recommendation, urging Secretary Vilsack to follow up on his August speech (cited above): "We urge you to begin this restoration effort by focusing on funding and implementing a sustainable road strategy. . . . We believe that a sustainable road system, both economically and environmentally, will provide access to forests while complementing federal and state clean water and species protection efforts." See Attachment 1.²

Accordingly, within the past two years, every relevant authority has clarified that the Forest Service should proceed immediately to conduct a comprehensive Travel Analysis and minimum system identification on each Forest, making sure not to designate routes beyond this system and decommissioning existing routes that are no longer needed or sustainable.

With the absence of an alternative that identifies the minimum road system in the Deschutes-Ochoco National Forests Travel Management Project, the Forest Service has produced an EIS that appears inconsistent with agency regulation and lacks comparison to the minimum baseline regarding long-term funding expectations.

Response

Identifying a minimum road system for the forests is outside the scope of the proposed action in this document, (DEIS, page 26; FEIS p. 23). The proposed actions in this document are limited to prohibiting motorized access off of designated routes (cross-country travel) and determining where and under what conditions motorized access for dispersed camping may occur.

Regulations at 36 CFR 212.5(b) (1) require the Forest Service to identify the minimum road system needed for safe and efficient travel and for administration, utilization, and protection of National Forest System lands. However, travel analysis to identify the minimum road system can be a separate process from travel analysis for purposes of designation of roads, trails, and areas for motor vehicle use (FSM 7712). Neither the regulations under 36 CFR 212.5 or agency directives contain a time frame for determining the minimum road system. The agency does, however, view this as important work that needs to be addressed within the next decade.

Overall, the agency is reviewing priorities and resources that will be required to complete the analysis to identify the minimum road system as described in the Conference Report for the Omnibus Appropriations

² Attachments are available upon request.

Act of 2009. Currently, available resources have been committed to such activities under the Travel management Rule delivering contracts funded through the American Recovery and Reinvestment Act of 2009 and Legacy Road/Trail. The Washington Office is preparing a plan and direction on when the agency will be able to complete the analysis for the minimum road system given the other priorities the agency has.

The Deschutes and Ochoco National Forests have been implementing the intent of moving toward a minimum road system on a project-by-project basis ever since the concept was first identified with the Roads Policy published on January 12, 2001. The process that we have used, and will continue to use, to reduce our open road mileages is described in the Chapter 2 of the DEIS/FEIS, (DEIS p. 31-33; FEIS p. 29-31), the two Forests have identified more than 900 miles of roads to be closed or decommissioned since 2001.

Comment 9

Budgeting information needed for maintenance and administration of designated roads, trails, and areas is absent in the DEIS

In addition to Travel Management regulations that require the Forest Service to identify “the minimum road system needed for safe and efficient travel and for administration, utilization, and protection of National Forest System lands,” the regulations mandate that the Forest Service consider “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.” The responsible official must “monitor the effects of motor vehicle use on designated roads and trails and in designated areas.” The designation of OHV routes, therefore, must be compatible with the ability of the agency to monitor, enforce, and maintain that system. The Forest Service should refrain from designating routes that it will be unable to maintain, monitor, or patrol with its current budget and staff. Yet these and other necessary elements are absent from Travel Management Project DEIS.

The Forest Service needs to fully comply with these directives by analyzing impacts to their roads and trail budget from each alternative and the availability of funds to adequately enforce the Travel Management Plan. These elements represent a critical part of the analysis that must be disclosed in order for the public to understand the entirety of the Travel Management Project and how the critical role of monitoring, maintenance and administration of the designated motorized route system would be conducted and inform the necessary adaptive management to refine the plan over time. Accordingly, the Forest Service must include in the Final EIS a specific monitoring plan (with specific measures and thresholds), a public education plan and a budget estimate for the annual implementation of the plan for the life of the plan for each alternative considered. The Final EIS should also provide a specific cost estimate for managing each travel alternative and compare it to its current and projected budget.

The Forest Service has accumulated a road maintenance backlog estimated at \$10 billion for the Nation’s 155 National Forests and Grasslands. As noted in our scoping comment letter, that portion of the backlog attributed to the Deschutes and Ochoco National Forests and CRNG was estimated by the Forest Service at \$70 million in its 2003 Roads Analysis Report, which stated:

Current maintenance budgets are insufficient to meet current maintenance needs. Recent forest-wide condition surveys indicate that our current road maintenance funding only meets approximately 30% of the annual maintenance needs on the Ochoco and Deschutes National Forests. The deferred maintenance

backlog for both forests exceeds 70 million dollars and will continue to grow until additional funds can be found.

In the absence of a significant infusion of road and trail maintenance funds, which cannot reasonably be anticipated in the near future, the DEIS must acknowledge these very serious and real constraints and the potential environmental impacts that would result from its inability to adequately monitor and maintain conditions on the 8,000+-mile open road system.

Response

The Forest Service disagrees that budgeting information concerning the maintenance and administration of roads trails, and areas that are past actions incorporated into this decision in accordance with 36 CFR 212.50 (b) is important information to consider for proposed actions to prohibit motorized access off of designated routes (cross-country travel) and to modify the conditions under which motorized access for dispersed camping is allowed. However, the final selected Alternative did identify some roads that were proposed for highway-legal vehicles only in the DEIS to allow for motorized mixed use with specific mitigation. The cost of implementing that mitigation is identified in the Record of Decision. The regulations cited in this comment refer to new designations, which are not contemplated as a part of this decision. Identifying a minimum road system for the forests is outside the scope of the proposed action in this document, (DEIS, page 26; FEIS p. 23)).

Regulations at 36 CFR 212.5(b)(1) require the Forest Service to identify the minimum road system needed for safe and efficient travel and for administration, utilization, and protection of National Forest System lands. However, travel analysis to identify the minimum road system can be a separate process from travel analysis for purposes of designation of roads, trails, and areas for motor vehicle use (FSM 7712). Neither the regulations under 36 CFR 212.5 or agency directives contain a time frame for determining the minimum road system. The agency does, however, view this as important work that needs to be addressed within the next decade.

Overall, the agency is reviewing priorities and resources that will be required to complete the analysis to identify the minimum road system as described in the Conference Report for the Omnibus Appropriations Act of 2009. Currently, available resources have been committed to such activities under the Travel management Rule delivering contracts funded through the American Recovery and Reinvestment Act of 2009 and Legacy Road/Trail. The Washington Office is preparing a plan and direction on when the agency will be able to complete the analysis for the minimum road system given the other priorities the agency has.

The Deschutes and Ochoco National Forests have been implementing the intent of moving toward a minimum road system on a project-by-project basis ever since the concept was first identified with the Roads Policy published on January 12, 2001. The process that we have used, and will continue to use, to reduce our open road mileages is described in the DEIS. (Chapter 2, DEIS p. 31-33; FEIS p. 29-31). As noted there, the two Forests have identified more than 900 miles of roads to be closed or decommissioned since 200.

Comment 10

When determining the total cost of a proposed motorized travel system, the Forest Service should include both the cost of a maintaining roads and motorized trails, as well as costs associated with managing the motorized recreation systems, such as signage, trailhead management, enforcement, monitoring, and map production. To this end, we [American Hiking Society et al.] want to share a study that was recently completed by Dr. Michael Wing, Professor of Engineering in the Forest Engineering Department at

Oregon State University. Dr. Wing developed an easily reproducible model for estimating the costs of a travel management alternative. His model includes the ability to input figures associated with both roads and trails.

We recommend that the Deschutes-Ochoco forests adopt this cost analysis model in its travel planning and include such information in the Final EIS, as we believe it provides the most comprehensive approach developed to date to calculating the actual cost of a proposed motorized travel system that exists and provides a rational way of considering 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, as required under 36 C.F.R. § [section] 212.55(a). If the Forest Service chooses to not utilize this model for the purposes of the current EIS, please provide an explanation for why it is choosing not to, and provide an alternative rational method for estimating the costs of managing the proposed motorized system along with the estimated costs.

Response

The Travel Management EIS incorporates the existing road system under 36 CFR 212.50(b) which allows continued motorized use on these routes. There are no road or route additions proposed to the existing motorized recreation trail systems across the two Forests under this decision. Three site specific OHV trail projects are being planned and will include analysis of the cost to maintain and manage the additional trails. These projects will also consider the validity and usefulness of the model cited in this comment in their analysis.

The decision does identify and distinguish between roads open to highway legal use only and roads open to motorized mixed use by highway and non-highway legal motorized uses. Roads designated as only open to highway legal vehicles could not be mitigated to safely accommodate mixed motorized use and will be identified on the Motor Vehicle Use Maps (MVUMs). Routes that were proposed for highway-legal vehicles only in the DEIS/FEIS and were determined in the Record of Decision to be available for mixed use either were determined to have a moderate or low risk after the engineering analysis was completed, or the risk could be mitigated through brushing and signage to safely accommodate this use. The cost of this mitigation has been identified and summarized in the Record of Decision.

The EIS does designate some rock/cinder pits as “areas” open to cross-country travel. However, the level of detailed cost analysis suggested in this comment is not proportionate to the expected effects of continuing what is a current use in these rock/cinder pits, nor is it necessary to better inform the decision. The final Decision continues modified use in these areas that is reduced in extent and focused on areas where future additional impacts to resources are minimal. Costs for managing these areas will likely be less than that currently expended to patrol and monitor motorized use across the large area currently open to legal use by OHV travel.

Comment 11

Description of DEIS Purpose and Need is unnecessarily narrow

The scope of the Proposed Action is stated in the DEIS to be threefold: 1) Identifying the existing designated road and trail system established by past administrative decisions; 2) prohibiting motorized access off those designated routes in accordance with the TMR; and 3) establishing conditions for motorized access for dispersed camping (DEIS, p. 27). Conspicuously absent is the need to identify a forest road and trails system that is environmentally and fiscally sustainable, as required by the TMR.

The purpose and need as described in the DEIS preclude a thorough analysis of responsible resource

actions consistent with the TMR, including closing motorized routes in Roadless Areas, citizen-proposed wilderness or other sensitive landscapes and decommissioning and rehabilitating portions of the surplus road system to reduce road densities to Forest Plan standards. Case law demonstrates that a federal agency may not define its objectives in such unreasonably narrow terms that only one course of action would satisfy the purpose and need. See, e.g., Citizens Against Burlington v. Busey, 938 F.2d 190, 196 (D.C. Cir. 1991); Env'tl. Protection Information Ctr. v. Blackwell, 389 F.Supp.2d 1174, 1199 (N.D. Cal. 2004) (holding purpose and need must not be so narrow as to make selection of an alternative a "foreordained formality"). Because the statement of purpose and need sets the stage for the range of alternatives an agency must examine, it must not be so narrow as to artificially limit the alternatives considered. See, e.g., City of Carmel-by-the Sea v. U.S. Dep't of Transp., 123 F.3d 1142, 1155 (9th Cir. 1997).

Response

The Forest Service disagrees that the purpose and need is unnecessarily narrow. The Forest Service believes that prohibiting motorized access off of designated routes (cross-country travel) and changing the conditions for motorized access for dispersed camping across more than 1 million acres of National Forest and Grassland is a broad geographic scope and requires clear establishment of boundaries in order to focus the analysis on the issues that are relevant to these proposed actions. If, as the commenter were to suggest, the scope of the proposed action were to include evaluation of the over 8,000 miles of existing designated roads and over 300 miles of motorized trails, including a thorough review of all unauthorized motorized trails that may have been developed over the last 50 years, this would also open the scope to consider new motorized routes as well, thus potentially expanding the scope of this decision to a point that identifying and analyzing a reasonable range of alternatives might well be beyond the means of the resources available to the two Forests. The Forest Service also does not agree with the commenter that the intent of the Travel Management Rule is to tackle such a large scope. To the contrary, the Travel Management Rule appropriately defers the decisions on the scope and timing of the decisions to implement the various parts of Rule to the local Forests.

Comment 12

DEIS maps of the forest travel system are flawed

Maps contained within the DEIS and displayed at public open houses contain significant inaccuracies that must be corrected. Maps depict closed and non-navigable roads as open and available for motorized use. Among the many inaccuracies discovered are:

- *Roads in the Anne's Butte emergency OHV closure area are shown as open to OHV use;*
- *Roads surrounding Newberry National Monument to the south and southwest are shown as open when a significant number of these are not navigable, some having been reclaimed by nature with small trees and vegetation growing in the former roadway;*
- *In his comments on the DEIS, Michael Morris has documented a number of roads in the Paulina District of the Ochoco National Forest that similarly are closed and/or non-navigable yet are depicted on maps as open for OHV use.*

Given the inaccuracies in the DEIS maps and the substantial flaws in use of the Forest Service's INFRA database, as described elsewhere in this letter, we [American Hiking Society et al.] believe that the public must be afforded another opportunity to review and comment on the maps of proposed open roads and trails that accompany the DEIS analysis.

Response

The Alternative maps prepared for the DEIS were based on Geographical Information System information on the roads layer at that time. These maps were intended primarily to graphically display information about the proposed decisions to be made. These maps presented key information about where motorized access is currently prohibited off of designated routes, or where it is not; where motorized access for dispersed camping is currently allowed or not; and where areas are currently designated as open to motorized access off of designated trails. Information was also shown about where streams, wetlands, and water bodies are located and where seasonal use periods are currently in effect. The maps also displayed, for graphic comparison purposes for each alternative, where motorized access off of designated routes (cross-country travel) would be allowed under Alternatives 2 and 3 and where and under what conditions motorized access for dispersed camping would be allowed. The intent of these maps was not to provide the final updated version of the roads database, since the proposed action was not to change the existing designated system. The Forest Service disagrees that inaccuracies in the Draft Alternative Maps are sufficient to require additional public review prior to a final Decision and the publication of the first Motor Vehicle Use Map, since the open designated road system is not the decision being made with this Record of Decision.

Comment 13

There are a number of severe OHV damaged problem areas, with networks of user created trails spanning from forest roads. Meadow Lakes in the Sisters District Deschutes National Forest, as well as the greater Lava Cast and Newberry Monument area have significant numbers of resource damaging user-created trails. Meadow Lakes in particular has quite a number of signs placed along area roads noting that such trails are closed – however, this has not stopped nor slowed use, as fresh tracks on well established user trails testify that the signs are being blatantly ignored and the restrictions are not being enforced. The DEIS fails to accurately disclose and address the extent of OHV degradation problems across the forests, nor does it address how the agency can rectify these serious ongoing resource harms while at the same time permitting unenforceable widespread OHV road use.

Response

The proposed action would prohibit motorized access on over one million acres of national Forest and Grassland lands. The DEIS/FEIS describes reducing resource impacts from unregulated motorized use as part of the Purpose and Need for the actions. It is not necessary to have a detailed description of every location where resource damage is occurring to understand the benefits of limiting motorized access to existing designed roads and trails.

Comment 14

DEIS fails to disclose potentially adverse impacts

We [American Hiking Society et al.] disagree with the DEIS that Alternatives 2 and 3 would provide “relatively equal reductions” regarding direct and beneficial effects forest resources such as fisheries and watersheds. We challenge the Forest Service to provide scientifically based information showing that the differences in the dispersed camping provisions (i.e., general versus special provisions) are not important to riparian vegetation, sediment input to streams, wildlife and fisheries. Instead, analysis in the DEIS relies primarily on the premise that because cross-country motorized travel largely will be prohibited, forest resources currently degraded via motorized travel will improve across the forest as a whole. This “net benefit” view of environmental analysis when compared to Alternative 1 (the No Action Alternative) has been inappropriately utilized by (or “misused by”) the Forest Service to largely avoid site-specific analysis of the environmental effects of Alternatives 2 and 3.

Under the “net benefit” concept applied throughout the DEIS the Forest Service fails to examine the site-specific effects of roads and motorized trails located within riparian zones and stream crossings on water quality. “General statements about ‘possible’ effects and ‘some risk’ do not constitute a ‘hard look’ absent a justification regarding why more definitive information could not be provided.” Neighbors of Cuddy Mt. v. United States Forest Serv., 137 F.3d 1372, 1380 (9th Cir. 1998).

The fact that the Forest Service proposes to prohibit motorized cross-country travel does not mean that impacts of the designation of motorized routes can be swept aside and only compared with the No Action Alternative. As one court put it in the context of modestly improved fuel economy standards where the plaintiffs had urged more stringent standards:

The only reason NHTSA provided for why the environmental impact of the Final Rule would be insignificant is that it results in a decreased rate of growth of [greenhouse gas] emissions compared to the light truck CAFE standard for MY 2007. But simply because the Final Rule may be an improvement over the MY 2007 CAFE standard does not necessarily mean that it will not have a ‘significant effect’ on the environment (emphasis added).

Center for Biological Diversity v. HTSA, 538 F.3d 1172, 1224 (9th Cir. 2008); see also 40 C.F.R. § 1508.27(b)(1) (“A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.”).

Response

Alternatives 2 and 3 provide the same changes to motorized access for cross-country travel and the conditions for motorized access for dispersed camping for streams, wetlands, and water bodies that are within 300 feet of an open designated road. In both Alternatives 2 and 3 riparian special provisions would be applied to these areas. (DEIS pages 42-43; FEIS p. 42-44)). Therefore in reference to riparian area special provisions and the associated 300 foot corridor, Alternatives 2 and 3 are the same. The difference between Alternatives 2 and 3 is specific to upland areas outside of the riparian special provision areas.

Page 165 of the DEIS (FEIS p. 222) of the Hydrology section (along with additional analysis on pages 165-169 (FEIS p. 222-226), includes analysis of shade functions within that 300 foot corridor and states that Beschta et al (1987) found that shade functions generally occur within 100-200 feet of a stream channel. This is well within the 300 foot special provision corridor and would indicate that these two alternatives would have the same effect regarding shade.

Sediment input to these areas outside of the 300 foot corridor is considered in the DEIS on page 169-173 (FEIS p. 226-228). Page 336 of the DEIS (FEIS p. 189) states that “There is no measureable distinction between Alternatives 2 and 3 for fisheries resources because any changes in management outside of the 300 foot riparian special provision areas along routes will not result in changes to shade, large wood debris, or sediment inputs along water bodies.” Soils resources effects for Alternatives 2 and 3 are covered in the Draft EIS on pages 140-143 and in the FEIS on pages 256-259.

The scientific literature in support of 300 foot wide corridors being adequate to filter sediment includes FEMAT (1993) on page V-28, that cited a number of studies including Broderson (1973) who found that in three watersheds in western Washington 200 foot buffers, or about one site-potential tree height, would be effective to remove sediment in most situations if the buffer were measured from the edge of the floodplain. This study was used in part as information to help determine Riparian Reserve widths for the Northwest Forest Plan and associated Aquatic Conservation Strategy which are 300 feet in width for fish bearing streams..

Additional site specific descriptions of sediment delivery are included on pages 162-164 and 333, 336, and 338 of the DEIS (FEIS p. 219-221, 189-191).

The Forest Service disagrees that the effects of the proposed actions are evaluated in the EIS as “net benefits” as characterized by this comment. The EIS properly distinguishes and focuses on the effects of the proposed actions (e.g.: prohibiting motorized cross-country travel and modifying the conditions of motorized access for dispersed camping) which have direct and indirect beneficial effects on a variety of resources. Adverse effects associated with the proposed actions have also been disclosed, although they are primarily social. The proposed actions do not include designating the existing system of motorized roads and trails, which are incorporated into the existing condition in accordance with 36 CFR 212.50 (b). The existing designated road and motorized trail systems are, therefore, not the focus of the analysis of beneficial and adverse environmental effects disclosed in the EIS as required by the National Environmental Policy Act (40 CFR 1508.27 (b) (1)) (“... A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.”). The Forest Service does not agree that a detailed description of the effects of the existing road system is needed in order to better inform the analysis of effects of prohibiting motorized cross-country travel or modifying the conditions of motorized access for dispersed camping. Such an analysis would not alter whether there are either beneficial or adverse effects of implementing the proposed actions.

Comment 15

*DEIS Fails to Conduct Watershed Analysis and Describe Impacts on Riparian Habitat Conservation Areas. “INFISH establishes riparian management objectives [“RMOs”], standards and guidelines, and monitoring requirements for all proposed and new projects within or affecting Riparian Habitat Conservation Areas (RHCAs) in the planning area, as well as to certain ongoing projects in areas designated as priority watersheds.” See Friends of the Wild Swan v. U.S. Forest Serv., 966 F.Supp. 1002, 1010 (D. Or. 1997). RHCAs are buffer zones designed to facilitate attainment of RMOs, as stated in the DEIS (p. 163 (FEIS p. 220)). They are designated to minimize the risk of activity-related sediment entering aquatic systems and to minimize impacts to habitat for aquatic- or riparian-dependent plant and animal species through the establishment of buffer zones. Inland Native Fish Strategy Environmental Assessment Decision Notice and Finding of No Significant Impact, at A-7 to A-9 (1995). RHCAs may not be modified unless a Watershed Analysis is first completed or site-specific data support the change. Id. at A-14; Idaho Conservation League v. Bennett, 2005 WL 1041396, No. CV 04-447-S-MHW, at *13 (Apr. 29, 2005 D. Idaho).*

*As an initial matter, the DEIS contains no indication that a watershed analysis has been completed to support a decision allowing cross-country travel of any kind to reach dispersed camping sites in RHCAs. Neither does the DEIS contain the requisite “hard look” at the effects of allowing such travel in satisfaction of NEPA. Although the DEIS acknowledges the existence of RHCAs on several occasions, it provides no substantive discussion of INFISH standards, guidelines, or RMOs and includes inadequate information with which to assess whether cross-country travel for dispersed camping in RHCAs would, in fact, have an impact on the RMOs. See Idaho Conservation League, 2005 WL 1041396 at *13; League of Wilderness Defenders v. U.S. Forest Serv., 2005 WL 3307087, No. CV 03-1563-AS, at *7 (D. Or. June 6, 2005).*

With regard to the 30-foot setback from streams or water bodies for vehicles used in dispersed camping, the DEIS analysis is limited to the conclusory statement that since off-route travel is limited as a result of the setback, fish habitat is unlikely to be impacted. However, the DEIS contains no discussion of how that cross-country travel in RHCAs will affect achievement of RMOs. Similarly, besides providing GIS pixel analysis for which the cross-country travel corridor and RHCA overlap, the DEIS contains no analysis of

the effect that the action alternatives' 300-foot cross-country travel corridor in RHCAs would have on RMOs. Without sufficient analysis of the effects on water resources and RHCAs, conclusions that the project will not impact fisheries is arbitrary and in violation of the NEPA and the National Forest Management Act.

The DEIS simply has not demonstrated a need for the dispersed camping exemption nor evidence that proposed "design features" will prevent resource damage. For this reason, the responsible official can not choose Alternative 2 in the final decision (after completing the hard look required by NEPA), or direct travel planners to prepare a Supplemental EIS that better demonstrates the no effect determination for sensitive and threatened fish species with U.S. Fish and Wildlife Service concurrence.

Response

While Watershed Analysis is required by both PACFISH and INFISH for projects that modify Riparian Management Objectives (RMOs) or Riparian Habitat Conservation Areas (RHCAs) (page A-14 of INFISH and page 17 of PACFISH) the DEIS/FEIS does not propose to modify RMO's or RHCA's and relies upon the interim RMO's and RHCA widths.

The commenter mischaracterizes the nature of the proposed actions which are to modify the current conditions for MADC.

The DEIS describes impacts to RHCA's and Riparian Reserves, by examining the impacts to RMO's on pages 341-349 (FEIS p. 194-202).

Comment 16

The DEIS Fails to Address Important Issues Resulting from Anticipated Increased Traffic on the Forest Travel System. The DEIS contains several claims that the prohibition of motorized cross-country travel under both action alternatives, coupled with the prohibition of non-street legal vehicles on roads where motorized mix-use no longer will be allowed, will result increased travel on the forest open road system. Yet the environmental and fiscal implications of increased use of the road system are not described in the DEIS. Disclosure of these indirect impacts is crucial to public understanding of the consequences of increases in use of the open road system. For example, increased travel on forest roads will result in a corresponding increase in the need for road maintenance as traffic levels increase. These demands on agency resources will be compounded with the anticipated increase in regional population as noted in the DEIS. Yet the DEIS is silent on the fiscal and resource demands exerted by these factors. Also, increased noise from the passage of motorized vehicles would accompany the anticipated increase in traffic. Increases in vehicular noise, especially that of OHVs that by design are much louder than most street-legal vehicles, has the potential to disrupt area wildlife and residents whose homes are located near the forest road system.

According to Forest Service regulation, when designating OHV routes the agency must consider the "compatibility of motor vehicle use with existing conditions in populated areas, taking into account sound, emissions, and other factors." Properly managing for noise emissions is also crucial to address conflicts with other recreational uses and impacts to wildlife. The DEIS is deficient because its analysis fails to include these noise effects.

Many spatial models and software packages are available for analyzing potential noise propagation from transportation systems, including a GIS model that The Wilderness Society (TWS) recently developed for the specific purpose of analyzing noise propagation from off-road vehicles in forest landscapes. This

model is based on the System for the Prediction of Acoustic Detectability (SPreAD), a workbook issued by the Forest Service and Environmental Protection Agency for land managers to “evaluate potential ... acoustic impacts when planning the multiple uses of an area.” TWS adapted the SPreAD model to a GIS environment, so that potential noise impacts could be integrated with other variables being considered in the travel management planning process, like type of vehicle, engine stroke, etc. We [American Hiking Society et al.] would be happy to provide an up-to-date version of the software upon request. The SPreAD-GIS model can be implemented in the agency’s existing ArcGIS software at no additional cost. We recommend that the Deschutes-Ochoco Forests apply TWS’s SPreAD Model to evaluate the potential acoustic impacts on the Travel Management Project area from engine noise in this process, and recommend the forests take appropriate action to reduce route density and ensure quiet landscapes based on the findings from the noise propagation analysis. We believe that incorporating such an analysis will allow the Forest Service to more faithfully execute its requirements under existing regulation.

Additionally, the DEIS fails to account for the combined increased peak-time OHV and general traffic levels on Forest Service roads once cross-country OHV travel is prohibited. Increased seasonal weekend and holiday peak-use levels will significantly decrease public safety on forest roads. Currently, members of our organizations report near collisions with OHVs on Forest Service roads, both in designated trail system areas such as East Fort Rock, and in user created trails in the Lava Rock vicinity. Instances include OHVs driving carelessly, on the wrong side of a road, and entering the roadway swiftly from dispersed camps and off-road trails directly in the path of oncoming vehicles. Our members have noted both adults and children engaged in such hazardous OHV use. On the one hand, we appreciate the Forest Service’s initial motorized mixed-use analysis in the DEIS, and the proposal in both action alternatives to allow only highway-legal vehicles (i.e., dirt bikes and ATVs) on 306 miles of forest roads due to safety concerns. However, this represents only a small fraction of the proposed open road system (<4%) and we note that the DEIS analysis fails to account for the likely increased peak-time OHV presence and general public vehicular traffic on forest roads, and overall significantly increased risk of harmful collisions once cross country OHV travel is prohibited. The DEIS analysis must be revised to account for peak use levels, with additional OHV route closures and safety provisions that are capable of providing for adequate public safety on Forest Service roads.

Response

The existing open designated road system is incorporated in accordance with 36 CFR 212.50(b) and is not a new designation. As noted on pg 358 of the DEIS (FEIS p. 370), there is no reliable predictor of the effects of reducing the area available to cross-country travel on the amount of use a specific road or trail may realize, especially with the background population growth of the area. Although it is reasonable to expect some amount of increase, it is speculative to try to apply that general premise to cite specific roads and trails. While there may be an increase in OHV use on existing designated open roads and trails the amount of use and type is unknown.

As a result, the maintenance implications from any increased use cannot be reliably predicted either, since these factors are influenced by the amount and location of the use. The Forest Service disagrees that this information is critical to a decision to prohibit motorized access off of designated routes (cross-country travel) and to change the conditions for motorized access for dispersed camping.

The Travel Management EIS does not propose to designate new OHV routes. Because of this, the Forest service disagrees that the Decision to prohibit motorized access off of designated routes (cross-country

travel) and modify conditions for motorized access for dispersed camping requires a noise analysis of the level suggested by this comment. However, the analysis shows a substantial reduction in sound disturbance to wildlife from motorized vehicles as a result of prohibiting cross-country travel across the two Forest planning area (DEIS, pp. 292-294(FEIS p. 314-319)).

The Travel Management EIS does propose to designate specific “areas” as open to cross-country travel within 45 of the 531 rock/cinder pits currently open to motorized use. Noise decay rates from sound generated by OHVs are included in the analysis included in the Record of Decision, and impacts to wildlife from these designations were also analyzed. Changes to existing levels of disturbance as a result of this decision are likely to be negligible since these areas are already open to motorized use. Any increase in the amount or duration of motorized use within the pit areas resulting from this designation is likely to be offset with a reduction of use on the acreage immediately proximate to the pit areas that would be closed to cross-country travel under this decision. Additionally, there would be a reduction of disturbance to wildlife across the acreage within the pit areas proposed to be closed under this EIS that are currently open to motorized use (FEIS, Chapter 3, Wildlife; ROD).

Although not considered necessary for this analysis, the spatial model mentioned in this comment could be evaluated for use in the site specific motorized trail projects currently proposed across the two Forests.

Peak use levels described in this comment cannot be reliably predicted, nor is an understanding of these peak use levels critical to the decision to prohibit motorized access off of designated routes (cross-country travel) and to modify conditions for motorized access for dispersed camping. No specific evidence pertaining to the extent and location of changes to motorized use as a result of the limitation of motorized access to designated routes and areas is included in this comment. Many OHV riders indicate a strong preference for trail riding, including those currently riding on unauthorized cross-country trails. This persistent preference could indicate that closures to cross-country travel are not likely to proportionately increase the “recreational” motorized use on roads across the two Forests (DEIS, p. 254; FEIS p. 127).

An engineering analysis was completed during 2008 and 2009 for all maintenance level 2 roads on the Ochoco and Deschutes National Forests to determine the validity and safety of mixed use of highway and non-highway legal vehicles on system roads. This analysis identified certain roads for highway legal vehicle use only where safety hazards associated with the speed and volume of existing and anticipated use could not be mitigated. Roads with highway legal use designations do not include Class 1 OHVs (quads), which do not qualify as highway legal motorized vehicles in the state of Oregon. Roads identified as open to mixed use under this analysis were determined to have appropriate site distances to safely accommodate the variety of vehicle classes that could use them, or were determined to be responsive to mitigations that could reduce the probability and potential severity of accidents, such as roadside brushing to improve sight distances and signing the roads to increase operator awareness of the mixed use (DEIS/FEIS, Chapter 3, Public Safety section). Cost estimates of these operations are included in the Record of Decision (ROD, Appendix 2).

Comment 17

Fugitive dust (mainly composed of lightweight soil particles, including silt and clay) kicked up by motorized vehicles and emissions from vehicle engines are both concerns regarding air quality in the planning area. Fugitive dust suspended in the air has the potential to impact more total area than any other impact of roads (paved or unpaved) and it can have significant effects on ecosystems and wildlife habitat. Dust is created and raised into the air as motorized vehicles travel on unpaved roads and trails and through proposed dispersed camping zones and is then carried along traffic created wind currents and dispersed along roadsides. Once soil surfaces within dispersed camping areas and along Forest Service roads are disturbed, wind erosion may increase the amount of debris flow. An example of fugitive

dust plumes caused by OHV traffic is documented in 1973 satellite photos. These photos show six dust plumes in the Mojave Desert covering more than 1,700 km² (656.2 mi²). These plumes were attributed to destabilization of soil surfaces resulting from OHV activities. In a study prepared by Walker and Everett, along Alaskan roads heavily traveled by various types of vehicles, they found that dust had buried mosses and very low-statured vegetation in the 10-meter-wide area adjacent to each side of the road; dust blankets measured up to 10 cm (3.9 in) deep.

As stated in our [American Hiking Society et al.] 6/30/08 scoping comment letter, Dr. Jane Belnap of the United States Geological Survey has documented that extensive motorized route systems result in airborne dust that decreases the albedo of snowpack and results in early snowmelt and diminished late season water supplies. We requested in our scoping comment letter that the Forest Service consider the impact of its proposal to designate motorized routes on Global Climate Change, including estimates of the potential to generate and exacerbate air pollution and the generation of dust. Yet the DEIS fails to address these issues.

Dr. Belnap recently gave a presentation to the Colorado Water Conservancy District that addressed the connection between increased temperature, disturbance, invasive species and dust. This presentation focused much attention on the impacts from OHVs and noted the cycle of increasing temperatures, which increases dust, which is exacerbated by OHVs, which increases the effects of climate change (temperature increases) and the key indicator of these problems being earlier snowmelts. Dr. Belnap also cited dust concerns as a result of OHV use in her testimony at congressional hearings on June 5, 2008. As noted above, of particular concern is the amount of dust that results from motorized routes, which settles upon snow pack and alters the melt rate, and, in turn, alters the availability of warm season infusion of water into streams and lakes, when such water is critical to wildlife. We encourage the Forest Service to review the Senate oversight hearing testimony and we ask information contained in pages 3-7, and pages 14, 18, and 19 be considered in the EIS process.

Response

The DEIS acknowledges that fugitive dust and vehicle emissions are generated by motorized vehicle use and can contribute to localized air quality degradation (DEIS/FEIS, p. 67). The extent to which fugitive dust is generated, suspended, re-deposited, transported, and consequently quantified has been actively discussed in the literature and varies by many factors, including: vehicle class (number of wheels), vehicle weight, speed of travel, wind speed, atmospheric stability, soil water content, soil type (particle size), and possibly wheel diameter, wheel width, and tire tread; Goossens, 2009; Gilles et al. 2005, Watson et al. 1996). Particles greater than 100 microns (nuisance particles) are likely to settle out within 20-30 feet from the point of emission under moderate wind speeds of 10 mph while smaller particles are not as susceptible to gravitational settling (EPA 1995). However, the concentration of particles downwind from the point of emission is reduced rapidly due to vertical mixing (Etyemezian et al. 2003).

The variables listed above make it very difficult to quantify the effects of dust and emissions generated by motorized vehicles across the Forest. In addition, the current EPA method of evaluating exposure to particulate matter (a component of fugitive dust) does not account for short (less than 24 hour), acute exposures (Padget 2006, EPA 2010). Motorized users are likely to be exposed to concentrations of fugitive dust when riding during dry periods, and non-motorized recreationists who choose to utilize motorized routes or their proximity could also be exposed when motorized traffic occurs. Motorized users generally have a reduced length of exposure due to their speed and also have the option of using closed helmet shields to minimize the intake of dust. Non-motorized users may be exposed to fugitive dust for a longer duration if they are recreating on or near areas where motorized access is allowed. However, the travel management EIS would increase the extent of area in which non-motorized users could recreate

where these effects would be lessened due to the restriction of cross country travel.

The DEIS acknowledges that OHV use can have localized effects to air quality (DEIS, p. 68; FEIS p. 322), which may result in temporary, localized air quality degradation regardless of the alternative chosen under this decision (DEIS/FEIS, p. 66). Although vehicle emissions and fugitive dust generated by motorized vehicles are likely to increase under all alternatives as a result of increased OHV use (DEIS, p. 68; FEIS p. 327), changes to air quality are unlikely to be measurable since the net emissions from vehicles, vehicle travel, forest management activities, and wildfires are unlikely to change under this decision (DEIS/FEIS, pp. 66). Air quality around residential areas is likely to improve under either action alternative as a result of the restriction of motorized access to designated routes and areas, effectively reducing emissions and dust currently generated from existing cross-country travel (DEIS/FEIS, Appendix A, Map A-2 and A-4; pp. 40-41). Additionally, approximately nine miles of roads in proximity to residential areas (i.e., within the Wildland-Urban Interface) would change from mixed motorized use to highway legal vehicles only under Alternatives 2 and 3, effectively reducing OHV use in proximity to residential areas (DEIS, p. 273; FEIS p. 287). Testimony from Belnap states that erosion from water as a result of OHV use is generally localized (Senate testimony, p. 19). The DEIS acknowledges that existing OHV use is causing soil erosion that can contribute sediment to streams or affect soil productivity on a localized scale (DEIS, pp. 135-136; FEIS p. 244-245). The action alternatives of this decision minimize these impacts by limiting motorized vehicle traffic to designated routes (DEIS/FEIS, Appendix A, Map A-2 and A-4; pp. 40-41). This action effectively eliminates cross country travel by OHVs on over 1 million acres of the two Forest areas (DEIS p. 140; FEIS p. 250), including nearly 120,000 acres within 300 feet of perennial and intermittent streams (DEIS, p. 169; FEIS p. 226) and over 50,000 acres within 100 feet of streams containing Threatened and Endangered or Resident Fish populations (DEIS, p. 337; FEIS p. 190). In addition, over 100,000 acres would be closed to motorized access for dispersed camping within riparian reserves or RHCAs under this decision (DEIS, p. 337; FEIS p. 190). The DEIS acknowledges that fugitive dust will be generated by OHV and other motorized uses across the planning area. The extent to which dust generated by OHVs is affecting the albedo of local snow packs is not clear. Trails within the existing East Fort Rock or Henderson Flats OHV systems are not proximate to snow packs that contribute to perennial streams. Other motorized use across the two Forest area does not appear to be concentrated enough to generate dust plumes capable of impacting local snow packs. Climate change studies from Oregon State University show that greater impacts to the timing and rate of snow pack melt in the northwest appears to be temperature changes, which appear to be preventing mid-elevation snow packs in the Cascades from building to historic levels, despite level trends in total annual precipitation (Jones, et al. 2009, unpublished data from the Oregon Climate Change Research Institute). Drought trends cited by Belnap appear to be more applicable to the Great Basin and Southwestern United States than the Northwest. Regardless, the temperature changes appear to be having a greater impact on snowpack accumulation and subsequent melt rates and timing than dust accumulations in the local area. The Travel Management EIS does not propose to close any roads, but does eliminate motorized access to close an estimated 200 plus miles of unauthorized OHV trails (DEIS, p 137; FEIS p. 246). Site specific trails and vegetation management projects across both Forests will further address road and trail issues and make site specific decisions for closure and rehabilitation.

The effects of the proposal on global climate change were addressed according to Agency direction in the document (DEIS/FEIS, p. 360). Agency direction states that the effect of a proposed project on climate change should consider (when appropriate) greenhouse gas (GHG) and carbon cycling (USDA 2009). It was determined that there are no direct effects on global climate associated with any of the actions proposed under alternatives 2 and 3 because these alternatives do not authorize or limit the emission of GHGs, or because they are unlikely to change carbon cycling or the emission of GHGs as compared to the no action alternative. GHG emissions from motorized travel and carbon cycling are not directly

affected by the designation of routes. Agency direction (USDA 2009) also states that, “[b]ecause greenhouse gases mix readily into the global pool of greenhouse gases, it is not currently possible to ascertain the indirect effects of emissions from single or multiple sources (projects).”

Comment 18

DEIS Fails to Disclose and Mitigate Potential Impacts to Heritage(Cultural) Resources. Federal agencies are directed to “manage cultural resources as a nonrenewable resource to maintain their scientific, historical, and social integrity.” Regulations require that the integrity of cultural sites should have high priority: “when a cultural resource is threatened by another resource activity, a reasonable effort should be made to redesign the activity in order to avoid damage or destruction to the property.”

The DEIS lists many adverse impacts that could result as a result of motor vehicle use, including direct effects such as “trampling, rutting, relocation (displacement) of artifacts, and other forms of disturbance from vehicle tires” whereas indirect effects could include “an increase in...looting and vandalism” (DEIS, p. 116). It also states that heritage resources “are negatively impacts from continued vehicle traffic (and) maintenance of dispersed camping sites” (DEIS, p. 117). The DEIS then claims that under Alternative 1 (the No Action Alternative) 2,023 known heritage sites on the Deschutes National Forest and 1,358 known sites on the Ochoco National Forest “would remain vulnerable to direct and indirect effects...(from) motorized access for dispersed camping” (DEIS, p. 117).

Yet the DEIS fails to provide estimates of the relative number of known heritage resource sites that would remain vulnerable to direct and indirect effects as a result of the general or special dispersed camping provisions under either Alternatives 2 and 3. Absent is any admission that heritage sites would remain vulnerable under the action alternatives, including the relatively unregulated general provisions for motorized travel associated with dispersed camping associated with Alternative 2. Instead, the DEIS states merely that “The general provisions allowing motorized access within 300 (feet) of a designated open road solely for the purpose of dispersed camping...may have direct and indirect effects on susceptible heritage resources located within that 600 (foot) total area on either side of a designated route” (DEIS, p. 119). Worse yet, text in the DEIS that follows this significant admission attempts to downplay these potentially significant and adverse impacts to heritage resources. It states: “However, it is assumed those affects would be negligible and restricted to areas likely already somewhat affected by previous dispersed camping activities...”

Not only are the claims of negligible effects on heritage sites unsupported and highly flawed, such claims directly contradict statements made elsewhere in the DEIS regarding the negative adverse effects that could be expected to soils and vegetation from continued dispersed camping under the general provisions. The spurious claim is further undermined by discussion in the DEIS of potential impacts to heritage resources from current unregulated dispersed camping associated with the No Action Alternative that states:

New areas where heritage resources are located could be impacted under this alternative as users continue to create new access for dispersed camping. Dispersed camping and other vehicle use for access are assumed to increase in the future...High use on holiday and hunting weekends often exceeds campground capacities and generally pushes additional campers to dispersed camping...this trend would continue to increase both the use of existing sites and the creation of additional dispersed campsite

across the two forest area. This in turn would impact heritage resources as existing campsites are expanded and new dispersed campsites are created. These potentially adverse impacts are likely to persist from continued use of newly created dispersed campsites (DEIS, p. 118).

There is no question that a similar analysis and disclosure must be made in the DEIS with respect to the general dispersed camping provisions under Alternative 3. The claim that negative effects to heritage resources protected by law is assumed to be negligible, as is stated in the DEIS, is not supportable.

Response

The DEIS inadvertently left out some quantitative data derived from GIS analysis regarding the potential effects of the proposed action on heritage (cultural) resources. The following is the quantitative description of the differences between the No Action Alternative (1) and Alternatives 2 and 3 which have been included in the FEIS.

With Alternative 1, there are 2541 (87 percent) known sites on the Deschutes National Forest that would remain vulnerable to direct and indirect effects allowed under this alternative, while on the Ochoco and Grassland there are 521 (22 percent) known sites where heritage resources would remain vulnerable to motorized access for dispersed camping. Prohibiting cross-country travel and motorized access for dispersed camping outside of 300 feet of an open designated route will decrease the number of heritage resources directly or indirectly impacted across the two forest area. With Alternatives 2 and 3, there are 1561 (53 percent) known sites on the Deschutes National Forest that would have potential direct and indirect effects to motorized access off designated routes, while on the Ochoco and Grassland there are 382 (16 percent) known sites where heritage resources that would have potential direct and indirect effects to motorized access off designated routes. This is a reduction of 980 sites from the Deschutes NF (36 percent) and 1944 sites on the Ochoco NF (84 percent) from the No Action alternative. The Forest has determined that selection of either Alternatives 2 or 3 would result in beneficial effects to the protection and preservation of heritage resources in their environmental contexts and better meet Forest Land and Resource Management Plan Standards and Guidelines with respect to heritage (cultural) resources.

Comment 19

DEIS relies primarily on GIS-generated statistics as a substitute for meaningful environmental analysis

The DEIS lacks substantive analysis regarding the potential impacts of the Proposed Action and alternatives. Much of the EIS analysis includes relative comparisons between the alternatives as reported primarily in units of total road miles or forest acreage potentially affected for each resource topic. Often absent is site-specific or resource-specific information to provide a context for the analysis of effects that would allow the reader to meaningfully utilize the information. In effect, it appears that the DEIS' summary of statistical spatial analysis—made possible by increasingly sophisticated Geographic Information System mapping technologies—is offered as a substitute for rigorous environmental analysis and disclosure. In our [American Hiking Society et al.] view, boiling down the analysis of alternatives to merely relative comparisons runs counter to the agency's requirements for full public disclosure under NEPA.

For example, text and tables summarizing potential environmental impacts to Congressionally Designated Areas (DEIS, pp. 103-112) reveal very little about the potential effects of the alternatives to Wild and Scenic River corridors, the Newberry National Volcanic Monument, or the Oregon Cascades

Recreation Area. Instead, the analysis consists primarily of tabular summaries of how many acres would be affected by the differing provisions for dispersed camping. While such data is informative in providing context on the geographic scale of potential impacts, the analysis often relies primarily on comparisons of the acreage affected. Absent is any site- or resource-specific analysis to define and describe either the intensity or potential significance of such impacts in terms that relate to the special qualities of Congressionally Designated Areas.

Response

The Forest Service disagrees that the Environmental Impact Statement does not provide a substantive analysis of the effects of the proposed actions. The primary effect on areas such as the Newberry National Monument and other Congressionally Designated Areas is most effectively demonstrated by comparing the changes in acreages where motorized access would be allowed or where the conditions for motorized access for dispersed camping would change. The Environmental Impact Statement details in many sections the impacts of changing the conditions of motorized access on values across the planning area including wildlife, fisheries, and recreation. As noted earlier, the effects of reducing the area open to cross-country motorized travel and changing the conditions of motorized access for dispersed camping provide clear benefits to all resources except motorized recreation. Since the effects to the value of the CDAs are highly unlikely to be significantly adverse, there is no reason to add extensive additional detail about the extent of these beneficial impacts. The commenter does not describe why they think amassing this additional level of detail would better inform the analysis or the decision, nor is there any specifics provided about what additional analysis would accomplish that purpose.

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrant supplement or improvement of the analysis the in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered further in the FEIS.

Comment 20

No Action Alternative fails to set the appropriate baseline for analysis and fails to identify the impacts of the current forest travel system

INFRA, the database used by the Forest Service to document and track its transportation system, is one of the few places where detailed information regarding the Forest road and trail system can be found. It is logical that this database be used as a starting point for travel planning. However, there are certain roads that should not be listed as part of the baseline travel system. Any road that is listed as temporary, closed (MLI), open for administrative use only, decommissioned, converted to another use, user-created routes (or other non-Forest Service routes such as tribal roads, private ways, and any other routes of unknown origin that may be listed in INFRA), intermittent storage, or short-term service should not be included as part of the baseline system. These routes have, at some point in the past, been determined not to be necessary or appropriate for motorized travel open for public use. Therefore, these routes should not be treated as system routes merely because they exist on the ground or have been entered into INFRA. As mentioned earlier in this letter, we [American Hiking Society et al.] appreciate the fact that MLI roads will not be included in the resultant Motor Vehicle Use Map.

We are aware that several Forests have found significant inconsistencies between the roads included in their DEIS baselines and the status of the roads in INFRA, which led to inflated starting points in the NEPA process. Public comments on the DEIS of one California Forest's travel plan alerted agency staff to such discrepancies, and when staff members attempted to confirm the accuracy of the baseline, they found

several hundred miles of roads that should not have been included according to their INFRA status. We urge the Deschutes-Ochoco Forests to engage in similar quality control efforts so as to ensure the accuracy of its baseline. The Final EIS should provide the results of this comparison and a description of actions taken to remedy flawed analyses flowing from the inaccurate baseline or alternatively, completing a supplemental DEIS and providing additional opportunity for public comment, if the baseline is found to be inaccurate enough to warrant such action.

Given the significant unknowns associated with INFRA, the database should be used only as a starting point, and routes unsupported by NEPA documentation should not define the baseline system to which all other proposed alternatives are compared. The threshold for determining whether a route is currently in the transportation system should be consistent and rigorous and conform with standard of the Data Quality Act. Therefore, the Forest Service should limit the baseline transportation system to those current motorized system routes supported by prior NEPA analyses or decision documents that justify their inclusion on maps and in spatial databases. Any routes lacking documentation should be analyzed as new unauthorized routes, in recognition of the fact that there is no record of administrative decision or analysis addressing the environmental impacts of motor vehicle use on these routes. Only in this way can a clear and complete effects analysis be completed during travel planning.

As stated in our scoping comment letter, we recommend that the EIS include a table identifying the specific documentation or evidence which supports the inclusion of all existing routes in the transportation system. Such documentation would include NEPA analysis and decision documents, approval of Road Management Objectives or Trail Management Objectives (TMOs), or records establishing the expenditure of normally-appropriated maintenance funds on a specific route. Routes lacking such documentation should be marked accordingly.

Response

The Forest Service disagrees that the No Action Alternative fails to establish an effective baseline from which to compare the effects of the proposed action and alternatives that is consistent with Forest Service regulations and the intent of the National Environmental Policy Act. The commenter does not provide any specific credible evidence to support their opinion, and the comment is therefore not considered further in the FEIS.

The Forest Service asserts that the “Infra Travel Routes” database is the database of record that has been established by the agency to track designated roads and motorized trails that are a part of the National Forest System, (FSM 7711.2). The Forest Service does not agree that the comments about what is – or should be - contained in the database are correct. The contents of the Infra Travel Routes database are not within the scope of this decision, and will therefore not be considered further in the FEIS.

However, the comment includes several incorrect statements of fact regarding the database that could be helpful for the public to have corrected in order to understand the true relationship between the Infra Travel Routes database and the actions proposed in the DEIS/FEIS. The Infra Travel Routes database contains information about all designated NFS roads and motorized trails. The initial electronic transportation database, (7700-9R), was populated with those roads determined to be a part of the designated National Forest System (NFS) roads in the late 1970's in response to the Forest Service's Emergency Directives ED-2 and ED-10. Those directives ordered national forests across the country to inventory and document all traveled ways that were open to standard size four wheeled vehicles, and made those roads part of the Forest Development Road System. Through the evolution of computer hardware and software, the database of record has changed a few times from the "9R" database to the Transportation Information System (TIS) database, to the Transportation Management System (TMS) database, to the current Infra Travel Routes database. The road data in these databases has been

periodically updated based on actions related to changes in Maintenance Levels of NFS roads or decisions to add or decommission roads.

Roads that are Maintenance Level 2 or above are open to public travel. Roads that are Maintenance Level 1 are closed to general public access, but are still maintained as a part of the NFS of roads for administration of the National Forests. Maintenance Level 1 roads may or may not be physically blocked with an entrance treatment such as a gate or earthen berm, but they are closed to public motorized access through other physical conditions making them undriveable, or they may have a forest order issued that prohibits public motorized use under 36CFR 261.54. Maintenance Level 1 roads are considered to be a part of the NFS transportation system, and as such are included in the Infra Travel Routes database. Decommissioned roads are designated NFS roads that have been determined to no longer be needed to support National Forest administration and use. These roads are no longer part of the transportation system, but are tracked in the database until they are physically decommissioned. Decommissioning could include a variety of actions to modify the road bed. Following decommissioning, these roads are tracked within the database as a decommissioned road, but are no longer considered part of the transportation system. User created, or other "non-system" roads may or may not be tracked in the Travel Routes database in a special category called "unauthorized roads", until a determination is made to either add them to the transportation system as a new road or to decommission them. The Infra Travel Routes database does not track or include temporary roads or motorized trails. Roads that cross National Forest or Grassland lands are included in the Infra Travel Routes database regardless of jurisdiction, but are not considered National Forest System roads unless the Forest Service has jurisdiction over such roads.

Open NFS roads and motorized trails that were designated by past administrative actions and incorporated into this proposed action in accordance with 212.50 (b) are those roads identified in the Infra Travel Routes database as Maintenance Level 2 or greater, and include all designated motorized trails. As noted earlier in this response, the roads included as NFS roads were initially based on the ED-10 inventory, and have been updated since then according to subsequent actions and decisions. Since the Travel Management Rule was published, the two Forests have been rigorously reviewing the Travel Routes database and GIS roads layer to ensure that they reflect the most accurate and up-to-date designated road and motorized trail system that is open to public access. The Forest Service disagrees with the commenter that the published Motor Vehicle Use Map should reflect anything other than what the Forest Service directives and regulations require.

The proposed action would not designate any new NFS roads or motorized trails. Effective comparisons between the alternatives are not, therefore, dependent on the open designated roads layer displayed on the Alternative maps. A comparison between the roads information used in the analysis of the DEIS and that shown on the published Motor Vehicle Use Map is included in the project record and summarized in the Record of Decision.

Comment 21

DEIS Action Alternatives unreasonably narrow, with few real distinctions

Within the narrow confines of the DEIS' stated purpose and need, several other action alternatives appear feasible but were not examined. For example, the DEIS could have included alternatives that varied the conditions for motorized access to dispersed camp sites, including the maximum distance to which such access would be allowed. Alternatives in the DEIS could have been analyzed for maximum allowable distances of 100 and/or 200 feet from the centerline of open designated routes. In addition, the DEIS could have included alternatives where dispersed camping was prohibited beyond the road prism or allowed only a full car length from the edge of open designated routes. Instead, the DEIS analyzes only two action alternatives—both of which default to applying the maximum allowable distance of 300 feet as

allowed by guidelines issued by the Regional Forester.

The DEIS also failed to include an alternative that emphasizes the closure and rehabilitation of unauthorized user-created OHV routes, particularly those in roadless areas, citizen-proposed wilderness (Whychus WSA, as described in our [American Hiking Society et al.] scoping comment letter) and sensitive habitats (i.e., critical habitat for threatened and endangered species, seasonal migration corridors, etc.). Such an alternative seems prudent given the adverse environmental effects known to occur on the forests from the creation and use of user-created routes. These effects include loss of native vegetation and habitat, accelerated soil erosion, disturbance of cultural resources, and increased potential for the proliferation of noxious weeds. The effects of user-created motorized routes on these and other forest resources are potentially significant and, accordingly, the DEIS should have included an alternative in response to these effects, which have resulted from relatively unregulated motor vehicle use on the two forests.

NEPA requires a “hard look” at “all reasonable alternatives,” which in this case would include one or more alternatives emphasizing different conditions under which motorized access for dispersed camping would be allowed. The Forest Service Handbook guides managers to:

Develop other alternatives fully and impartially...[and] ensure that the range of alternatives does not prematurely foreclose options that might protect, restore, and enhance the environment.

NEPA further “mandates that agencies ‘study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources.’” Pit River Tribe v. U.S. Forest Service, 469 F.3d 768, 785 (9th Cir. 2006) (quoting 42 U.S.C. § [section] 4332(2)(E)); see also 42 U.S.C. § [section] 4332(2)(C)(iii) (agency must consider “alternatives to the proposed action”). Given the proposed dispersed camping provisions of Alternatives 2 and 3 of the Travel Management Project DEIS would result in potentially unresolved impacts (i.e., conflicts) associated with the protection of as-yet undiscovered heritage resources, The Deschutes and Ochoco National Forests failed to give meaningful consideration to alternatives as they relate to unmitigated impacts to forest soils, vegetation and heritage resources resulting from the motorized cross-country allowance for dispersed camping.

The alternatives analysis guarantees that “agency decision makers ‘[have] before [them] and take [] into proper account all possible approaches to a particular project (including total abandonment of the project) which would alter the environmental impact and the cost-benefit balance.’” Bob Marshall Alliance v. Hodel, 852 F.2d 1223, 1228 (9th Cir. 1988) (citations omitted). The Forest Service’s failure to consider an alternative without a motorized dispersed camping provision—or at least one that limits the exception to specific routes in a sparing fashion—also violates NEPA.

With respect to agency-identified Roadless Areas, the Forest Service must evaluate two distinct types of effects resulting from a motorized travel plan. First, the EIS must “disclose that significant roadless areas will be affected [under the motorized travel plan] and take the requisite ‘hard look’ at the environmental consequences of that fact,” including analyses of the plan’s effects on “water resources, soils, wildlife habitat, and recreation opportunities.” Lands Council v. Martin, 529 F.3d 1219, 1230, 1232 n. 7 (9th Cir. 2008); Smith v. U.S. Forest Service., 33 F.3d 1072, 1078 (9th Cir. 1994); Or. Natural Desert Ass’n v. Bureau of Land Mgmt., 531 F.3d 1114, 1137-38 (9th Cir. 2008). Second, the Forest Service must disclose the effect of designating roads in roadless areas on potential wilderness designation. Lands Council, 529 F.3d .at 1230. The DEIS fails to conduct this latter analyses.

The Forest Service also failed to analyze the effects of the motorized travel plan on citizen proposed

wilderness. NEPA analysis must be completed in light of other governing statutes and regulations, including whether a travel plan will impinge upon Congress's prerogative to designate wilderness. Numerous routes identified in the DEIS could damage or disqualify possibly eligible wilderness (as in the case of any newly designated routes in roadless areas more than 5,000 acres). See *California v. Block*, 690 F.2d 753, 757 (9th Cir. 1982); cf. *Norton v. So. Utah Wilderness Alliance*, 542 U.S. 55, 65-66 (2004) (stating purpose of the Federal Lands Policy and Management Act's nonimpairment standard is to preserve Congress's ability to designate wilderness). The "possibility of future wilderness classification triggers, at the very least, an obligation . . . to disclose the fact that development will affect a 5,000 acre roadless area" or a roadless area of "sufficient size as to make practicable its preservation and use in an unimpaired condition." *Smith*, 33 F.3d at 1078; see also 16 U.S.C. § [section] 1131(c). The DEIS fails to satisfy this obligation as it relates to the Oregon Natural Desert Association's proposal for the Whychus Wilderness Study Area, as identified in our 6/30/08 scoping comment letter.

DEIS Analysis is Deficient as it Ignores More Restrictive Alternatives. Throughout much of its analysis of environmental consequences, this DEIS does not actually analyze the significant differences between Alternatives 2 and 3. Instead, the typical section does not engage in actual environmental analysis but instead relies on conclusory statements essentially stating that Alternative 3 is better than the no action alternative and has fewer impacts than Alternative 2. Yet the purpose of the DEIS is to take a hard look at the Proposed Action and engage in detailed analysis of the issues. The analysis contained in the DEIS largely fails to achieve this purpose. We request that the Forest Service include more detailed analysis of the differences between the alternatives in its Final EIS.

We recognize and appreciate the travel planning team's effort to outline how the alternatives affect the criteria of Inventoried Roadless Areas (IRAs) and Potential Wilderness (DEIS, Table 3-37 pp. 128-131). This is a logical approach and while we do not challenge this methodology, we do believe that it was not carried far enough because the analysis fails to discuss the effects of specific routes in each IRA/potential wilderness on roadless characteristics.

Response

The Forest Service disagrees with the commenter's characterization of the scope of Draft Environmental Impact Statement and the range of alternatives. The Deschutes and Ochoco National Forests have long demonstrated their commitment to taking a community-based approach to implementing policies and regulations that have far-reaching impacts such as the Travel Management Rule. This Rule represents a major shift in the way that the public has accessed public lands with motor vehicles for the past fifty years or more. The Deschutes Provincial Advisory Committee chartered a subcommittee and working group made up of a variety of interests, including non-motorized and conservation groups, to help identify how best to implement this Rule. As a part of that process, a number of different possible approaches to motorized access for dispersed camping were discussed among the communities of interest. Notably, there was broad-scale agreement that large-scale areas "open" to cross-country travel should not be considered as an alternative to prohibiting motorized access off of designated routes, and broad-scale agreement that a "route adjacency" approach to motorized access for dispersed camping should be adopted. The PAC recommendation also suggested certain "exceptions" to the route adjacency approach for a number of areas, including Congressionally Designated Areas, sensitive habitat areas, and riparian areas. These "exception" areas were divided into two categories in the Proposed Action – routes that would be closed to motorized access for dispersed camping; and routes that were associated with sensitive areas that would allow motorized access for dispersed camping only to existing, designated, or defined sites. In riparian areas, these "special provisions" also limited motorized access within thirty feet of streams, wetlands, or water bodies. As noted on page 48 (FEIS p. 49) of the DEIS, designating motorized routes to each individual dispersed site was not an alternative considered in detail for a number of

reasons. The collaborative process and Provincial Advisory Committee recommendation helped to shape the final proposed action included in the DEIS, and to define the “reasonable” range of alternatives considered in detail for the Draft Environmental Impact Statement. This process meets the intent of both the Travel Management Rule and the CEQ regulations for implementing the National Environmental Policy Act which directs agencies to concentrate effort and attention on important issues and allows agencies to eliminate alternatives from detailed study (40 CFR 1502.14, 1502.15). This approach is also in keeping with general public sentiment to avoid excessive analyses and focus on the key differences between the most feasible courses of action. The Forest Service agrees that the DEIS could have included more of this information on the process that resulted in the Proposed Action and has also included specific additional rationale in the FEIS for why an alternative that prohibited all motorized access for dispersed camping was not considered in detail. Chapter 2, pages 48-49 (FEIS p. 49-50) of the DEIS summarize the alternatives that were considered but eliminated from detailed study, which include many that were identified within this comment. That summary includes a brief description of the various corridor widths that were considered but eliminated. One of the reasons the agency chose to focus on the 300 foot width is that it is the same as the width for motorized access off of designated routes adopted by the Oregon Department of Fish and Wildlife in their “Green Dot” Cooperative Hunting road closure areas. This system has been implemented annually for more than ten years and is readily recognized by many forest users that disperse camp during hunting season.

The Forest disagrees with the commenter’s assertion that additional alternatives should be analyzed in detail. The commenter fails to establish how an alternative that considers taking an action to “rehabilitate all “user-created OHV trails”, is within the scope of the proposed action and decision to be made, and will therefore not be considered further in the FEIS. The commenter does not supply specific information about why the proposed action of prohibiting motorized access off of designated routes (cross-country travel) and changing the conditions for motorized access for dispersed camping requires mitigation. The comment seems to miss the key point that both Alternatives 2 and 3 significantly reduce the amount of area available for motorized access off designated routes or for dispersed camping when compared with the current condition. This significant reduction in motorized access throughout the two National Forests and Grassland is, comparatively, a much bigger impact than the relatively small differences in environmental impacts of the conditions for motorized access for dispersed camping between Alternatives 2 and 3. Instead of acknowledging the environmental benefits from this proposed action, the comment demands the Environmental Impact Statement evaluate in great detail the effects of past decisions on a variety of resources rather than the effects of the proposed actions. This approach, if taken to the extent the commenter suggests, would result in useless bulk in the Environmental Impact Statement not consistent with the CEQ regulations to maintain a sharp focus on the environmental impacts of the proposed actions.

The range of alternatives takes a “hard look” at two different reasonable approaches to providing motorized access for dispersed camping that provide meaningful comparisons of the trade-offs between more restrictive and less restrictive motorized access for dispersed camping. It should be noted that while the commenter suggests considering alternatives that prohibit “dispersed camping,” that action is not within the scope of this Environmental Impact Statement. The Environmental Impact Statement is limited to modifying the conditions of motorized access for dispersed camping in accordance with 36 CFR 212, not managing dispersed camping per se. People, including backpackers who establish dispersed campsites they do not drive to, may still have impacts to natural resources that are not “mitigated” by the proposed actions in this Environmental Impact Statement. However, not all environmental impacts from human uses can be addressed with a single action. The changes to motorized access, including motorized access for dispersed camping would significantly “mitigate” impacts of unregulated motorized use. Moreover, while the commenter has identified several alternatives that “could” have been analyzed in detail that the

Forest Service disagrees that these alternatives should have been analyzed in any more detail than already addressed in the DEIS.

The commenter has failed to provide specifics about what actions that are within the scope of the Environmental Impact Statement the agency should take to remedy alleged shortfalls of the DEIS. The DEIS took a “hard look” at the effects of the proposed action and the alternatives on the appropriate characteristics and resources in Inventoried Roadless Areas. Instead of specifics about this Environmental Impact Statement or detailed suggestions of where and how to improve the analysis, the commenter provides citations from lawsuits that are not related to the proposed actions of this DEIS and generalized characterizations of the proposed actions as a “motorized travel plan,” with generalized demands for “more detailed analysis” without substantive comment about exactly what the commenter feels would meet this ephemeral standard.

As noted before, the proposed action incorporates past road designation decisions, it does not include any new road or motorized trail designations. Therefore, the comments related to evaluation of road designations in roadless areas are not within the scope of this decision, and do not apply to this Environmental Impact Statement. The effects of the proposed actions on agency Inventoried Roadless Areas and potential wilderness characteristics were appropriately described in Chapter 3 of the DEIS/FEIS. The FEIS analysis of Inventoried Roadless Areas was supplemented to include effects of the proposed actions and alternatives on the potential wilderness characteristics of the area characterized by the commenter as the “Citizen proposed Whychus Wilderness Study Area.” In addition, the FEIS was supplemented to include a discussion of other potential wilderness areas and the effects of the proposed actions on the ability of an area to be considered a wilderness in the future.

In regards to a “more restrictive Alternative” within the agency Inventoried Roadless Area, Alternative 3 of the DEIS/FEIS would prohibit all motorized access off of designated routes (cross-country travel) in Inventoried Roadless Areas, including motorized access for dispersed camping, thus effectively displaying a “more restrictive” alternative characterized by the commenter.

Comment 22

DEIS fails to address the impacts of non-compliance with the designated route system

Analysis contained within Environmental Consequences section of the DEIS assumes an unprecedented level of public compliance with the forthcoming Motor Vehicle Use Map. For example, the DEIS includes the following conclusions that are not supported:

- *Geology: “Landslide terrain acres susceptibility to new disturbance from motorized access off designated routes would be eliminated” (DEIS, p. 57).*
- *Soils: “Susceptibility to new soil disturbance from motorized access off designated routes would be eliminated” (DEIS, p. 57).*
- *Vegetation Management Activities and Wildfire: “Acreage available for new disturbance... would be eliminated” (DEIS, p. 58).*
- *Heritage Resources: “Susceptibility to new disturbance from motorized access off designated routes would be eliminated” (DEIS, p. 60).*

Thus, analysis throughout the DEIS assumes that the mere act of prohibiting motorized cross-country travel would result in its elimination. It is akin to claiming that the act of prohibiting reckless driving on our Nation’s highways would eliminate highway fatalities; and outcome that would occur only if the public responded with 100 percent compliance. Similarly, the DEIS analysis assumes a high, if not perfect, rate of compliance with the designated motorized route system. Yet there is no basis for such an

assumption. To the contrary, given the peer-reviewed studies cited in Attachment 2³ the analysis must assume a high rate of non-compliance with the designated route system irrespective of the development of an implementation and enforcement strategy.

The Final EIS must disclose these facts, which can be reasonably anticipated based on the best available social science. The Final EIS must then analyze the (indirect) environmental impacts of the anticipated rate of non-compliance and explore measures to reduce the resultant and potentially significant impacts. Further, the Final EIS must disclose and assess past and current agency enforcement capabilities, track records, issues and concerns. For example, it must address whether or not the agency currently has sufficient resources and staffing to effectively enforce OHV-user compliance throughout the two forests.

Response

The CEQ regulations for implementing the NEPA require the agency evaluate the effects of a proposed action. Effects are defined as, “Direct effects, which are caused by the action and occur at the same time and place, “ and “Indirect effects, which are caused by the action and are later in time or farther removed in distance but are still reasonably foreseeable.” The CEQ definitions and the requirements of NEPA do not include caveats for evaluating effects based on speculation about whether or not the action would occur as proposed. “Non-compliance” is not the proposed action. The commenter has provided no credible science that controverts or disputes the direct and indirect effects of the proposed actions on specific resources as described in the Environmental Impact Statement. The commenter’s suggestion that the analysis of the direct and indirect effects should be recalibrated or reevaluated based on speculation of an individual or group’s likelihood of following the regulation is not identified as a requirement within the CEQ or other Forest Service Regulation. Although the commenter provides papers and citations that reflect observational data of motorized use compliance in specific areas (which do not include the area being analyzed by this decision), this observational data does not change the direct and indirect effects of the actions as proposed to the resource evaluated. The Forest Service disagrees with the commenter’s opinion that these observations and survey constitute “facts” about the Deschutes and Ochoco National Forests that should be used to reevaluate the direct and indirect effects of the proposed actions limiting motorized access off of designated routes (cross-country travel).

Comment 23

DEIS failed to evaluate alternatives in terms of the agency’s ability to implement, monitor, and enforce designated routes

The DEIS failed to disclose the degree to which current trends in budgeting will affect the Forest Service’s ability to implement, monitor, and enforce user compliance with the resultant travel plan. As described in our scoping comment letter, in order to support a reasoned and informed decision regarding the Travel Management Project, it is our [American Hiking Society et al.] belief that the Forest Service must provide documentation of its ability to effectively monitor and enforce compliance with the designated OHV route system. Yet the DEIS lacks meaningful discussion of the agency’s ability to implement, monitor and enforce compliance with the proposed route system.

If the Forest Service cannot commit to an adequate level of monitoring then the Final EIS should reflect the agency’s inability to conduct monitoring. Consistent with the principles of adaptive management, a range of management options should be identified in a monitoring plan to ameliorate the adverse effects of OHV use—including the option to enact temporary or permanent route closure and decommissioning.

³ Attachments are available upon request.

The decision document must therefore provide the agency flexibility to invoke such options if and when the results of monitoring demonstrate undesirable trends.

Given that unauthorized user-created OHV routes will not be incorporated into the open Forest road and trail system and that “active restoration of impacted sites is not proposed under this decision” (DEIS, p. 119), what will prevent OHV users from either intentionally or unintentionally traveling on user-created OHV routes? On this topic, the DEIS further states:

Since vegetation recovery will be slow absent any specific rehabilitation efforts, it is expected that (user-created trails) will exist for 10 years or more, depending on the site conditions (DEIS, p. 68); and ...unauthorized routes will likely exist for 10 years or more absent any rehabilitation efforts (DEIS, p. 75).

Consequently, the DEIS fails to include a detailed discussion of the Forest Service’s ability to enforce compliance with the designated motorized route system. Attachment 2⁴ summarizes the result of several peer-reviewed studies demonstrating that a large percentage of OHV riders knowingly violate restrictions on OHV use, including recent Congressional testimony (Attachment 3) by a former U.S. Forest Service law enforcement officer on this topic. This data must be cited and its relevance to the Deschutes-Ochoco National Forests Travel Management Project must be summarized in the Final EIS, as it is critical in informing land managers about the adverse and significant environmental impact associated with widespread and willful noncompliance by OHV riders of designated motorized route systems. Therefore, the Final EIS must include adequate disclosure regarding the significant challenges, proposed solutions and potential environmental impact associated with motorized users intentionally (or unintentionally) straying from designated routes. If the Forest Service cannot commit to an adequate level of monitoring then the Final EIS should reflect the agency’s limitations or inability to conduct monitoring, plus actions that would be triggered to preclude/ameliorate adverse impacts associated with OHV use.

The Final EIS must disclose the degree to which current trends in budgeting will affect the Forest Service’s ability to implement, monitor, and enforce user compliance with the resultant travel plan. Discrepancies and deficiencies between current and expected agency enforcement staff capabilities and funding levels, and the number of enforcement staff and amount of funding necessary to effectively ensure designations and restrictions are obeyed by OHV-users, must be determined, evaluated, and disclosed as part of this NEPA process.

Even with the current availability of law enforcement funding via the Oregon All-Terrain Vehicle (ATV) Grant Program is not assured. State Parks and Recreation Department staff who administer the program recognize the likelihood that grants will become more competitive and resources spread more thinly among applicants as each National Forest in Oregon completes its Travel Planning process and seeks to use State funding to augment declining Federal law enforcement budgets. These facts and the anticipated availability of State ATV Grants for plan implementation, public education, monitoring and law enforcement must be disclosed in the Final EIS. The Final EIS needs to explain what other source(s) of funds will be used for enforcement. If it is concluded that enforcement funds may not be adequate, the Final EIS should include an alternative that further restricts OHV use to a level commensurate with adequate enforcement capabilities.

Response

⁴ Attachments are available upon request.

The Forest Service disagrees with the commenter's characterization of the proposed actions and the agency requirements for disclosure of the direct and indirect effects of the actions proposed in this DEIS. There are no new designated motorized routes proposed in the DEIS. Upon publication of the Motor Vehicle Use Map, all motorized access would be prohibited except as provided for upon that map. As part of the Implementation Strategy, signing of open designated roads would be emphasized. This consistent approach to where motorized access would or would not be allowed is expected ultimately to reduce confusion by forest visitors and improve Law Enforcement's ability to enforce prohibitions on motorized access. The agency always has authority to act to restrict uses – motorized or other uses – that may be causing resource damage.

Comment 24, 26

Potentially adverse impacts remain unmitigated, analysis fails to disclose Unavoidable Adverse Effects resulting from general provisions for dispersed camping

Analysis throughout the DEIS makes one thing perfectly clear—the application of special provisions for dispersed camping (i.e., limiting motorized access to designated, defined and existing sites) would result in fewer adverse impacts than would application of the general provision for dispersed camping. In other words, adopting the dispersed camping provisions of Alternative 3 would minimize adverse impacts as compared to the dispersed camping provisions under Alternative 2 (but for which we [American Hiking Society et al.] still believe is not sufficient to minimize impacts). This is evident, for example, in text provided in the Executive Summary document, which demonstrates the benefits of Alternative 3 in terms of fisheries (p. 21), soil loss (p. 22), protection of native plant habitat (p. 24), reducing risk of the spread of invasive plants (p. 24), and protecting Congressionally Designated Areas (p. 18). In comparing the potential environmental impacts of the action alternatives, the DEIS also demonstrates the environmental benefits of Alternative 3 to wildlife, fire risk, heritage resources and visual resources.

Yet despite the residual and adverse environmental impacts that would remain as a result of implementing general provisions related to dispersed camping, the DEIS fails to include mitigation measures to further ameliorate the identified impacts to fisheries, forest soils, native plant habitat, etc. Moreover, these impacts, if left unmitigated, would represent an irretrievable commitment of resources resulting from general provisions for dispersed camping under Alternative 2 (the Proposed Action). Yet these impacts are not disclosed in the DEIS under the headings of Unavoidable Adverse Effects (p. 361) and Irreversible and Irretrievable Commitments of Resources (p. 362), as required under the Forest Service NEPA guidelines.

The DEIS analysis of cumulative impacts includes an exhaustive listing of past, present and reasonably foreseeable vegetation management activities, wildfires, motorized access and road management decisions, and the aforementioned proposed motorized trail projects. Appendix B-4.3 contains dozens of tables that summarize the vegetation management activities and wildfires alone. Data, largely regarding acres affected by these cumulative actions, is summarized and cross-referenced in the body of the DEIS with the appendices. Yet remarkably, the DEIS fails to describe any resource-related cumulative impacts potentially resulting from these projects, justifying its lack of analysis with the following unsupportable claim:

The direct and indirect physical and biological effects of (the action alternatives) are generally beneficial. Therefore, there would be no adverse cumulative effects of implementing these proposed actions on any of the physical or biological resources (DEIS, p.351).

Instead, the DEIS analysis of cumulative impacts (p. 351) makes the following statement:

The primary potential adverse cumulative effects of these proposed actions, when considered with other past, present, and reasonably foreseeable future action are the reduction or elimination of certain kinds of motorized recreational or access opportunities on an extended area across the Pacific NW Region. The greatest potential cumulative effect is the loss of general motorized access off of designated routes (roads and trails) or outside of designated areas (cross-country travel), given the local, regional, and national application of the Travel Management Rule.

As such, the DEIS summarily dismisses any need to analyze the potential resource impacts of related actions and focuses instead on merely the social impacts within the OHV community of perceived losses in motorized recreational access. With this, the DEIS analysis waves off any hope attempting a cumulative impact analysis of key forest resources (e.g., soils, vegetation, water quality, heritage resources, etc.) by bemoaning the complications of such a task, claiming:

However, for the most part, the actual degree to which other past, present, or reasonably future actions would reduce the potential benefits of the proposed actions cannot be analyzed in a meaningful way due to the small-scale localized nature of these actions when compared to the proposed actions or because of the uncertain nature of the predicted time and actual impacts of these activities. Ongoing programs and permitted activities are so numerous and ubiquitous across the forest that accumulating extensive site-specific data on activities...is neither reasonable nor warranted in order to understand the potential cumulative effects of the actions considered in this EIS.

It is this obvious disdain for analysis that underscores much of the content of the DEIS. These statements make a mockery of the NEPA process and do not relieve the Forest Service of its compulsory duty for public disclosure of the cumulative impacts to forest resources from related actions that the DEIS identifies in so far as they affect the amount of area or conditions of motorized access within or immediately adjacent to the Deschutes-Ochoco National Forests.

Response

The Forest Service disagrees that there are significant adverse impacts associated with Alternative 2, which the Environmental Impact Statement demonstrates would result in many benefits to resources. The purpose of the range of alternatives is to provide a hard look at environmental and social trade-offs. Alternative 2 and 3 do that by establishing differing levels of conditions on motorized access for dispersed camping. The comment advises generalized, unspecified changes to be made to the environmental impacts of Alternative 2 without offering clear scientific basis for why the proposed action of changing the conditions for motorized access for dispersed camping would create the types of impacts they characterize and postulate. The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrant supplement or improvement of the analysis the in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS.

Comment 25

DEIS cumulative impact analysis is deficient

DEIS Improperly Segments Analysis of Related OHV Route Designation Proposals. Concurrent with the

TMP, the Deschutes-Ochoco Forests have embarked on four OHV-related Environmental Impact Statements as described in the DEIS (pp. 28-31). Two other OHV-related trail proposals on adjacent or nearby public lands are identified in the DEIS as related actions that could affect motorized access. Collectively, these six site-specific OHV proposals address planning areas comprising over 430,000 acres of National Forest lands and includes designating over 600 miles of OHV routes, some of which would border or cross into the Newberry National Volcanic Monument and other sensitive habitats. Each of the four separate but parallel OHV projects being conducted by the Deschutes-Ochoco Forests appear to be proceeding along a timeline that likely will result in decisions by the Forest Service either prior to, or shortly after, completion of the Deschutes-Ochoco Travel Management Project and EIS. These concurrent and similar planning efforts are summarized in the following table. [see attached Table 1. Concurrent OHV Planning Efforts in the Deschutes-Ochoco Forests Vicinity⁵]

In addition to these OHV-related proposals, the adjacent Willamette, Umatilla, Fremont-Winema national forests are preparing forest-wide OHV and Travel Management plans that invariably will include OHV route linkages to OHV routes proposed on the Deschutes and Ochoco National Forests. For example, as stated in the DEIS the Willamette National Forest issued a Decision Notice last fall for a project that would create OHV route linkages at Santiam Pass with OHV routes on the Deschutes National Forest in the vicinity of Meadow Lakes. Several OHV trail linkages were included in the proposed action that would cross the Pacific Crest National Scenic Trail, a nationally significant hiking, backpacking and horse packing trail on which motorized travel is prohibited by law. Yet the DEIS for the Deschutes-Ochoco Forests Travel Management Project fails to disclose and analyze the potential effects of this and other possible OHV routes that would facilitate OHV linkages between National Forests and adjacent public lands.

Response

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing views or new information within the scope of the proposed decisions that warrant supplement or improvement of the analysis in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS.

The Forest Service disagrees that the DEIS "improperly segments" analysis of past, present, or reasonably foreseeable actions related to the proposed decisions in the DEIS. The proposed actions in the DEIS do not include any change to the existing designated motorized road and trail system except to change some roads that are currently open to motorized mixed use to highway legal vehicles only. Direct and indirect effects of any other projects are not required to be analyzed without providing specific proposals to evaluate this. The commenter speculates on likely future actions of the other National Forests in the EIS.

Comment 27

The Deschutes-Ochoco Forests' currently segmented approach to compliance with the 2005 Travel Management Rule has prevented the Forest Service from adequately disclosing to the public the environmental consequences of related actions, including those described above, as required by NEPA. The four concurrent OHV project analyses conducted by the Deschutes-Ochoco National Forests are being improperly segmented from the Forests' larger travel planning process. We [American Hiking Society et al.] believe that the Forest Service is required to analyze these connected actions together as a suite of proposed actions under one EIS as a programmatic whole. Yet the DEIS defends the segmented analysis by claiming the following:

⁵ Attachments are available upon request.

This DEIS would implement the first part of the strategy, while (four) separate environmental analyses are being conducted for identifying motorized trail systems across the two Forests (DEIS, p. 10).

The two parts of the strategy are both a result of the Forest Supervisor's interest in mitigating some of the expected effects of prohibiting motorized access off of designated routes. However, the proposed actions resulting from each part of the strategy have a very different scope and scale, and are therefore considered distinct and separate federal actions under the procedures of the National Environmental Policy Act (DEIS, p. 10).

Similar admissions are included in the public record. The Crescent Ranger District is proceeding with the current Three Trails Project because it anticipates closing the Forest to motorized cross-country travel as required by the 2005 Travel Management Rule. The Crescent Ranger District's February 25, 2009, Notice of Intent for the Three Trails Project states:

The need for this site-specific proposal is basically a result of a much larger process all National Forests are implementing; the (2005 OHV and) Travel Management Rule... Recognizing the effect to the OHV community once the Travel Management Rule is implemented, the Deschutes and Ochoco National Forests were proactive in identifying opportunities for a trail system in sustainable locations.

This clearly is the case also for the Lava Rock, Ochoco Summit and Meadow Lakes OHV trail proposals. But we take exception to the Forest Service's rationale that the projects vary significantly in scope and scale. To the contrary, the scope of the four OHV projects is identical in that each seeks to establish motorized trail systems as a result of the agency being required to eliminate motorized cross-country travel. Moreover, the scale of the three projects are quite similar, as shown above in Table 1, with planning areas ranging in size from 77,000 to 165,000 acres.

Response

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing views or new information within the scope of the proposed decisions that warrant supplement or improvement of the analysis in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS.

The Forest Service disagrees that the proposed trail systems are connected actions as defined in the CEQ implementing regulations for the National Environmental Policy Act. The Forest Service also disagrees that the proposed trail systems constitute "mitigation" of the proposed actions considered in the Deschutes and Ochoco Travel Management DEIS as defined by the CEQ Regulations. The DEIS does not require that new motorized trails be developed in order to avoid, minimize, reduce, compensate for, or eliminate the adverse environmental impacts of the proposed action. The DEIS/FEIS in Chapter 3 discloses that prohibiting motorized access off of designated routes (cross-country travel) and modifying the conditions for motorized access for dispersed camping is a benefit for the environment, without need for mitigation. The social and recreational effects of closing over 1 million acres of two National Forests to motorized access are also disclosed. These effects do not include a presumed "mitigated" condition of providing additional motorized trails or closing existing designated roads. The proposed trail systems are properly identified as "reasonably foreseeable future conditions" that do have the potential to modify the effects of this proposed action. However, the DEIS/FEIS does not require these actions to take place in order to

modify the impacts identified in the DEIS. There are also no actions proposed in the DEIS that would preclude the Forests proposing any future actions for either motorized or non-motorized trails.

The proposed motorized trails projects are proactive results of the overall Travel Management Strategy as noted by the DEIS. The Strategy recognized that the closure to cross-country travel would highlight deficiencies in the motorized trail system and sought to gain community support for addressing some of those deficiencies by identifying areas to consider for motorized trail systems. Being proactive in anticipating a condition that would result from the proposed actions considered here, while not required as a mitigation of the DEIS, is, in the opinion of the Forest Service, good management of public resources. The commenter misinterprets the quote from page 10 of the DEIS (FEIS p. 4) cited in this comment. The “different scope and scale” referenced the relationship between the scope and scale of the Deschutes and Ochoco Travel Management DEIS, and the scope and scale of the proposed trail systems, not between the various proposed trail systems. As previously noted, each of the proposed trail projects is unique to the geographic area within which they are proposed. They have localized environmental conditions and they offer different recreational opportunities. The issues and impacts that would frame a “hard look” at a reasonable range of alternatives are different for each of the projects, and are therefore most appropriately discussed and decided upon in a separate analysis.

Comment 28

Connected actions, the impacts of which must be considered in the same EIS, fall within one of three categories: Actions that “(i) Automatically trigger other actions which may require environmental impact statements; (ii) Cannot or will not proceed unless other actions are taken previously or simultaneously; or (iii) Are interdependent parts of a larger action and depend on larger action for their justification.” 40 C.F.R. § [section] 1508.25(a)(1). Plainly the four Deschutes-Ochoco National Forests OHV route proposals are part of the whole of the Forest’s travel planning process, and so must await that process so it can be considered together in the current EIS.

Segmentation of a large or cumulative project into smaller components in order to avoid designating the project a major federal action has been held to be unlawful.” Park County Resource Council, Inc. v. United States Dept of Agriculture, 817 F.2d 609, 622 (10th Cir.1987). The rule against segmentation was developed to insure that interrelated projects, the overall effect of which may be environmentally significant, not be artificially divided into smaller, less significant actions. Taxpayers Watchdog, Inc. v. Stanley, 819 F.2d 294, 298 (D.C.Cir.1987). The case law seems particularly relevant in light of the current suite of OHV trail system proposals on the Deschutes-Ochoco Forests.

As stated by one court: “Quite simply, ‘(s)egmentation of a large or cumulative project into smaller components in order to avoid designating the project a major federal action has been held to be unlawful.” We [American Hiking Society et al.] assume this same proscription would apply if an agency sought to evade its NEPA responsibility to consider programmatic environmental impacts. The existence of a comprehensive program with cumulative environmental effects cannot be escaped by disingenuously describing it as only an amalgamation of unrelated smaller projects. National Wildlife federation v. Appalachian Regional Commission, 677 F.2d 883, 890 (D.C. Cir. 1981) (citation omitted).

Lastly, Federal courts have recognized the significance of increased motorized trail use as a necessary component for environmental analyses relating to OHV trail designations. Specifically, “the environmental significance of [the trail project] cannot be accurately assessed unless the potential for increased use resulting from the cumulative impact of the projected network of ORV trails planned for the [Ranger District] is carefully considered.” Wash. Trails Ass’n v. United States Forest Serv.; see also North Cascade Conservation Council v. United States Forest Serv. (“Within the NEPA scheme, however, any proposal adding to this ORV system that may adversely affect the environment must be examined in

light of the entire existing system”).

As stated in our scoping comment letters regarding the Lava Rock and Three Trails OHV projects, we have grave concerns over the manner in which the Forest Service has chosen to approach its NEPA obligations with respect to travel management on the Deschutes and Ochoco National Forests. Not long after scoping for the travel management plan, the Forest Service revealed that it would concurrently consider designating additional OHV trail systems through a series of localized EAs and EISs. We have cautioned the agency time and time again that by conducting segmented yet simultaneous NEPA analysis processes, it risked finding itself on shaky legal ground. We expressed concerns that the direct, indirect, and cumulative effects analyses would be prone to inadequacies and the TMP EIS would improperly exclude “connected actions.” Given the complexity of OHV issues, we indicated it was essential for the agency to base proposed trail systems on a thorough understanding of the impacts, resource, and restoration requirements from existing systems. Moreover, we noted that understanding of the cumulative impacts to natural forest habitat from OHVs, other recreation, and management disturbances was also necessary to assess proposed trail systems in proper ecological perspective. Given the extensive communication we have had with Forest Service staff through in-person conversations and written public comments regarding the impropriety of taking a segmented approach, we were disappointed to find that the Forest Service made little effort to correct the mistake in the TMP DEIS.

Response

The Forest Service disagrees with that portion of the comment that purports to interpret the CEQ regulations to require that the separate proposed motorized trails projects identified in Chapter 2 of the DEIS/FEIS constitute "connected actions" under the CEQ definitions. The comment cites section 1508.25 of the Council on Environmental Quality's implementing regulations (40 CFR 1500-1508) for the National Environmental Policy Act related to the “scope” of an action. This section of the CEQ regulations provides guidance to agencies about what actions should be considered as a part of the proposed action when determining the scope of an environmental impact statement.

The scope of the Deschutes and Ochoco National Forest Travel Management EIS includes prohibiting motorized access off of existing designated motorized routes, modifying current conditions for motorized access for dispersed camping, designating limited areas (rock and cinder pits) for cross-country where such access currently exists, and to modify motorized mixed use (highway legal and non-highway legal vehicle use) on roads where it is not considered safe according to a required engineering analysis across two National Forests and a Grassland. This proposed action encompasses more than 1 million acres. Clearly, the geographic scope of this decision includes areas where numerous other actions are occurring at various stages of development. The “scope” of the proposed action has been described specifically to be able to – as clearly as possible – identify only those actions that will be considered as a part of this decision, and to distinguish those actions from the numerous other actions that occur as a part of the regular programs of National Forest management. Those actions that are considered within the scope of the decision are detailed in DEIS/FEIS, Chapter 1, Purpose and Need. The scope of this decision does not include designation of any new roads or motorized trails, nor does it include the closure or decommissioning of any existing designated road or motorized trail. Although both types of actions may be occurring concurrently within the geographic area, the proposed action for the Travel Management Environmental Impact Statement is not a “connected” action as defined by the CEQ regulations to any other actions being considered on the Forest for either designating new or closing existing designated motorized roads or trails. This is evidenced because the actions proposed in this EIS do not :

1. "Automatically trigger" either designating new or closing existing designated roads or motorized trails. While the proposed prohibition on motorized access off of the existing designated road and motorized trail systems have highlighted some potential lost motorized recreation opportunities, there is no

"automatic" trigger of an action that the agency must take. The decision to move forward with the proposed actions for either the motorized trail systems or road closures or decommissioning are independent decisions by the responsible officials based on the need they have identified to provide opportunities or manage natural resources.

2. Rely on the designation of any new motorized trail projects or road closure or decommissioning projects to proceed. The decisions in the Travel Management EIS can proceed regardless of whether any changes occur now or in the future to motorized road or trail systems.

3. Constitute an interdependent part of a larger action and depend on a larger action for its justification. There is no "larger" action related to new designation of roads or motorized trails, or closure or decommissioning of existing roads or trails on the Deschutes and Ochoco National Forests upon which the Travel Management Environmental Impact Statement places is dependent for its justification. The Deschutes and Ochoco Travel Management Draft Environmental Impact Statement recognize that both of these types of actions – new designations of roads or motorized trails, or closure or decommissioning of existing designated roads or motorized trails - can affect the existing conditions on the two Forests and Grasslands as it relates to motorized access. These activities were therefore identified and considered in the effects of implementing the proposed actions considered in this DEIS/FEIS (See Chapter 2 and Chapter 3 of the DEIS/FEIS). However, in setting the appropriate scope of this Environmental Impact Statement, the Forest Supervisors determined that the most effective way to assess the direct, indirect, and cumulative effects of prohibiting motorized access off of designated roads, trails and areas, and changing the conditions for motorized access for dispersed camping was at the two-forest scale. Similarly, they determined that the most effective way to assess the designation of new roads or trail systems, or the closure or decommissioning of existing designated roads or motorized trails is at a localized, site-specific scale. In all cases, having the larger scale decision of prohibiting motorized access off of designated roads, trails, and areas and establishing conditions for motorized access for dispersed camping as a starting point, creates common ground from which to take a "hard look" at reasonable alternatives for motorized access based on issues that are specific to a given area. This approach is consistent with the approach envisioned by the National Environmental Policy Act and articulated by the CEQ in sections 1502.4 (b); 1502.15; 1502.16, 1502.20; 1508.25; and 1508.28. This determination is further supported by the evidence of the environmental analyses of the proposed motorized trail systems. Each of these proposals have a purpose and need to develop localized motorized recreation opportunities, unlike the Deschutes and Ochoco Travel Management Environmental Impact Statement. Each of the proposed motorized trail projects have developed three or more alternatives to their proposed actions that demonstrate different ways of achieving those motorized recreation opportunities and assessing site-specific impacts and trade-offs that are appropriate to the scope and scale of those decisions, and would not be appropriate at to the scale of the two-forest action.

Comment 29

The fact that the public review period for the Deschutes-Ochoco TMP DEIS coincides with the public scoping period on the Ochoco Summit OHV Project highlights the problems with the segmented approach, which we [American Hiking Society et al.] commented on in both the Three Trails and Lava Rock scoping comments, as well. In the absence of a Final EIS discussing the cumulative effects of the travel system as a whole, we do not believe the localized OHV trail system NEPA analyses can be legally sufficient, at least without extraordinary redundancy since it does not yet have the broader TMP Final EIS environmental analysis and Record of Decision from which to tier.

DEIS/FEIS Analysis of Cumulative Impacts Fails to Satisfy NFMA Obligations. The Forest must comply with the Northwest Forest Plan as part of the Travel Planning Process. The standard for compliance with the Aquatic Conservation Strategy (ACS) of the Northwest Forest Plan has been litigated and determined within the Ninth Circuit. "[N]ot only must the ACS objectives be met at the watershed scale . . . each project must also be consistent with ACS objectives, i.e. it must maintain the existing condition or move it

within the range of natural variability.” Pac. Coast Fed. of Fishermen’s Assoc. v. Nat’l Marine Fisheries Serv., 71 F.Supp. 2d 1063, 1069 (W.D. Wash 1999), aff’d 265 F. 3d 1028 (9th Cir. 2001). Attempts by the Forest Service to modify this standard such that the project need only contribute to maintaining or restoring the fifth-field watershed were held illegal. Pac. Coast Fed. of Fishermen’s Assoc. v. Nat’l Marine Fisheries Serv., 482 F.Supp.2d 1248 (W.D. Wash. 2007).

As stated in the DEIS (p. 351), “Implementation of (the action alternatives) will have a beneficial effect on ACS Objectives and RMO’s and will move the two National Forests and the Grassland toward the natural range of variability for the biological components.” Yet the absence of an analysis of the cumulative impacts of the six related and concurrent OHV trail system proposals, as listed in Table 1 of this comment letter, represents a glaring hole in the required NEPA analysis. The ACS’s purpose of maintaining and restoring ecosystem health at watershed and landscape scales “does not prevent project site degradation and does nothing to restore habitat over broad landscapes if it ignores the cumulative effect of individual projects on small tributaries within watersheds.” Pac. Coast Fed. of Fishermen’s Assoc. v. Nat’l Marine Fisheries Serv., 265 F. 3d 1028 (9th Cir. 2001). The DEIS, by ignoring site-level degradation and failing to document the cumulative effects of the action, violates not only the ACS (and thus NFMA), but also NEPA and the ESA, which require the documentation and evaluation of the cumulative and aggregate impacts of site-level degradation.

Response

This comment includes a confusing mix of allegations that seem to be focused on the proposed motorized trail projects. Whether or not those projects meet legal requirements is not within the scope of this analysis, or the decision to be made. The NFMA (National Forest Management Act) does not include an obligation for an analysis of cumulative effects, so it is unclear exactly what is intended with this comment. The Deschutes and Ochoco Travel Management EIS proposed actions would significantly reduce the amount of land where motorized access would be allowed. This proposed action would have the beneficial effects on resources that have been noted throughout the DEIS, including on the intent of the Northwest Forest Plan and the objectives of the Aquatic Conservation Strategy. The commenter has provided no scientific evidence or specific information about how the proposed actions in this EIS do not comply with the Northwest Forest Plan, including the obligation to meet the Aquatic Conservation Strategy objectives, except by alleging a requirement to evaluate the effects of the proposed motorized trails on the ACS objectives. Nor does the commenter provide substantive evidence to dispute the obvious conclusion that limiting motorized access as proposed would have a beneficial effect on the ACS objectives. As noted in the DEIS, other future actions could reduce the potential resource benefits of the proposed actions in the EIS. However, the intent of NEPA is to evaluate the potential for cumulative adverse effects of the proposed action, not to provide an exhaustive description of the direct, indirect, and cumulative impacts of future actions. Clearly, the change to existing motorized access that are the actions proposed in this EIS would not contribute to adverse effects related to the Aquatic Conservation Strategy objectives. The effects of other proposals must be evaluated on their own merits, whether that proposal is to close a road or designate a trail.

Comment 30

- Analysis of OHV routes and play areas fails to apply all required minimization criteria

The DEIS Fails to Analyze the Adverse Effects of Rock Crawling. All current direction and authorities that allow, restrict, and prohibit vehicle use off roads on National Forest lands are tiered from Executive Order (E.O.) 11644, signed by President Nixon in 1972, and modified by President Carter’s E.O. 11989 in 1977 [hereinafter Executive Order 11644]. Executive Order 11644 provides the foundation for the travel management rule (36 C.F.R. § 212.55(b)) and states that federal agencies “will ensure that the use of off-

road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands.” In accomplishing this broad goal, the Executive Orders specifically require that the designation of motorized areas and trails shall be in accordance with the following:

- Areas and trails shall be located to minimize damage to soil, watershed, vegetation, or other resources of the public lands.*
- Areas and trails shall be located to minimize harassment of wildlife or significant disruption of wildlife habitats.*
- Areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors*

Accordingly, off-road vehicles should be permitted only where they do not excessively interfere with other recreational uses or negatively impact forest resources. Each OHV route and play area designation requires a detailed analysis of the effect of that designation on the above factors and for other issues raised by staff and the public during comment periods. The analysis should include an explanation of how that particular OHV play area minimizes damage, harassment and disruption of wildlife, and conflicts.

In making the final decision, the responsible official must ensure compliance with the mandates outlined in the Executive Order and TMR. Simply following NEPA procedures does not satisfy the Forest Service’s substantive requirements under Executive Order 11644. Additionally, simply considering the potential effects to forest resources, as defined in 36 CFR 212.55(b)’s criteria, does not satisfy the executive order’s requirements, the intent of which is to minimize the impacts of off-road vehicle use on forest resources and other recreationists and neighbors. In other words, the agency may not interpret the language of the TMR in such a way that undermines or weakens the language and intent of the Executive Orders that OHV impacts be minimized. Simply claiming that impacts were considered and providing cursory rationales for a specific decision does not meet the requirements to minimize those impacts.

Response

The term “minimization” criteria is not included in Travel Management, CFR regulation or Executive Order language. However, there are sets of criteria listed in the CFR regulations to minimize impacts to resources which are addressed below. The Travel Management EIS incorporates previous administrative decisions in accordance with 36 CFR 212.50(b), including designations of roads and the prohibition of motorized vehicle use. No new trails are designated under this decision. Existing cinder/rock pits are the only areas designated as open to motorized access off of designated routes in the Deschutes/Ochoco Travel Management EIS. CFR 212 was established to implement Executive Order 11644 (Federal Register, p. 68264). The regulations found in 36 CFR 212.55(a-e) describe the general and specific criteria addressed in this EIS for designating roads, trails and areas.

The designation of roads and existing designated motorized vehicle trails as open for motorized use under this decision was incorporated under CFR 212.50(b), which does not necessitate the decision maker to address the general criteria for road designations listed in subpart(a).

[Subpart (a)] General criteria for the designation of roads have been met in accordance with 36 CFR 212.50(b), which allows for the adoption of previous motorized vehicle use decisions for system roads under the scope of this decision. Consideration of effects on all resource components listed in subpart (a) were included in previous analysis conducted for Maintenance Level 3, 4 and 5 roads on the Deschutes, Ochoco and Crooked River Grasslands (Roads Analysis Report, 2003). Additional analysis for Maintenance Level 1 and 2 roads has been conducted across the area under site specific project planning

documents.

Specific criteria for the designation of roads [subpart (c)] include the consideration of speed, volume, composition and distribution of traffic on roads. These criteria have been addressed under this decision with a Motorized Mixed-Use Analysis (DEIS, pp. 76-79, 85; FEIS p. 178-181, 178; Appendix A, Maps A-9 and A-10). The compatibility of vehicle class with road geometry and road surfacing has been addressed in accordance with CFR 212.50(b) by maintaining the existing Maintenance Level designations previously directed under FSH 7709.58 (DEIS, p. 80-81; FEIS p. 173-174)).

The Travel Management EIS proposes to designate some areas as open to cross-country travel (FEIS, p. 12). Motorized access is currently not prohibited in these areas and damage to resources has been localized in extent. Criteria included in CFR 212.55(b) were considered in the Record of Decision.

General and specific criteria include:

[Subpart (a)] General criteria for the designation of areas under this decision have been met in accordance with 36 CFR 212.50(b), which allows the scope of this decision to adopt previous decisions for motorized vehicle use off of designated routes. All areas designated as open to motorized access off of designated routes (cross-country travel) are rock/cinder pits that are currently open to motorized use.

[Subpart (b)] Specific criteria used to designate areas as open to motorized access off designated routes (cross-country travel) under this decision were included in the analysis to minimize the disturbance of the soil, watershed, vegetative and social resources [subpart b1] (DEIS/FEIS, pp. 40-41). The decision minimizes impacts to all resources by designating only existing rock or cinder pits (DEIS, p. 186; FEIS p. 238) that have been limited to only the area that has been designated for rock/cinder removal as areas open to cross-country travel (DEIS/FEIS, Appendix A, Map A-2 and A-4; CD-2 Open Material Source Maps). The scale and effects of these designations were analyzed in the document for the various resources of concern (DEIS, p. 186, 198, 281; FEIS p. 238, 298, 297). Additional assessment of the effects of designating rock and cinder pits as open to motorized access for dispersed camping has been included in the Record of Decision.

[Subpart (b2)] Wildlife analysis of the action alternatives displays a reduction of disturbance to wildlife species and habitat under this decision as a result of decreasing the amount of area open to motorized access off of designated routes (DEIS, p. 281; FEIS p. 297). Impacts to wildlife species and their habitat from areas designated as open to cross-country travel are minimized due to their size in relation to the planning area (DEIS, p. 186, 229; FEIS p. 238, 91), which has been further decreased under this decision (CD-2 Open Material Source Maps). Oregon Department of Fish and Wildlife has supported this analysis in their comment letter to the DEIS/FEIS (DEIS/FEIS, Comment Letter #69).

[Subpart (b3)] Potential conflicts between motor vehicle use and existing or proposed recreational use on or adjacent to areas designated as open to cross-country travel were considered in the determination of an open or closed designation for each area (DEIS/FEIS, p. 40). Current use within the rock/cinder pits proposed to remain open includes a variety of activities that appear to co-exist without direct conflict, including parking for OHV staging or overnight use, and target shooting. Most areas remaining open under the action alternatives have a low potential for user conflict based on the existing uses at the site. Pits remaining open will have the extent of the motorized use allowed under this decision reduced to the existing pit area in order to minimize the conflicts with recreational uses adjacent to the area, such as hiking or localized fishing.

[Subpart (b4)] Conflicts between different classes of motor vehicle uses within the rock/cinder pit areas were not raised as an issue during the public comment period or by internal staff.

[Subpart (b5)] The criteria used to designate areas as open to motorized access off of designated routes included the compatibility of motor vehicle use with existing conditions in populated areas. All areas designated as open for cross-country travel are located an appreciable distance from populated subdivisions (CD-2 Open Material Source Maps) in order to reduce the sound, emissions, and other factors that could impact existing conditions in populated areas. OHV use within the rock/pit areas has generally been observed to produce less sound than other activities such as target shooting.

The Travel Management EIS decision designates motorized routes only on existing system roads in accordance with 36 CFR 212.50(b) while eliminating cross-country travel on more than a million acres on the Deschutes National Forest and Ochoco National Forest. In addition, no new trails are designated under this decision. These factors combine to minimize impacts to forest resources over the majority of the planning area. Impacts on forest resources and other recreational uses are further minimized by designating motorized access off of designated routes only within the borrow areas of existing cinder/rock pits, which encompasses a total of 295 acres in 45 pits across the entire two Forest area. The minimization of impacts to wildlife as a result of these designations is supported by the US Fish and Wildlife, which has national expertise related to possible impacts to wildlife habitat (Letter 23, comment 3). The designation of OHV use to within the borrow pit areas and on existing roads limits legal OHV traffic to areas already committed to motorized use and minimizes the potential for impacts to other recreational uses or resource on lands that are currently undisturbed.

The Travel Management Rule was developed to implement Executive Order 11644 (Federal Register, p. 68264). The Travel Management EIS has followed the intent of the Executive Order in accordance with CFR s 212.50 and 212.55 listed under the Travel Management Rule. There are many examples of how the decision minimizes impacts to resources and reduces user conflicts within the analysis (DEIS, Chapter 3 pp. 186, 198, 229, 281; FEIS p. 238, 298, 91, 297). Additional analysis has been included in the Record of Decision and FEIS to help clarify the ways in which the proposed designations protect the resources of the land, promote the safety of all users, and minimize the conflicts among all users.

Comment 31

By including 52 proposed OHV open play areas (mineral material sites) in both action alternatives, the DEIS fails to demonstrate how the Forest Service would minimize damage to soils, vegetation and watersheds; or to minimize wildlife harassment and habitat disturbance; or minimize conflicts in relation to individual play areas and collectively over the entire Forest. Rockcrawling is a destructive sport, which destroys fragile riparian soils, harms vegetation, disturbs wildlife and can cause air, noise, and water pollution. These vehicles deposit tire (petroleum) residue on rocks as a result of high-torque spinning, damage trees and root systems, including girdling trees for the purpose of winching the vehicles up steep slopes, and, perhaps most significantly, invariably release toxic fluids (e.g., hydraulic brake fluid, steering fluid, anti-freeze, oil and gasoline) that pose hazards to wildlife and water quality. Busted oil pans are not uncommon in the sport of rockcrawling and the effects on surface and groundwater quality can be significant. The Forest Service can not allow rockcrawling to take place in locations with water quality concerns. While the DEIS (p. 40) lists criteria for Areas Designated Open to Motorized Access Off Designated Routes, they are not comprehensive, failing to include protection of such forest resources as watersheds and water quality.

Consistent with the Chief's memo on implementation of the Travel Management Rule, the Forest Service should only designate open OHV play areas in narrow circumstances, and should severely limit the total number of areas on the Forest. The Chief's memo states that "bounded and well managed play areas may be considered on lands:

- That do not have or are located near areas with important resource values;

- *Where environmental impacts will not include degraded air or water, or impacts to species of concern;*
- *That will not result in enhanced social conflict because of proximity to residences or other visited areas or high noise levels;*
- *Where the agency has the capability to monitor and enforce rules at the area; and*
- *That will not impact areas that are protected or proposed for protection.”*

Consequently, the DEIS must demonstrate that the designation of OHV routes and play areas complies with criteria found both within Executive Order 11644 and the Chief's 2006 memo.

Response

Actions that minimize impacts to various resources in accordance with CFR 212.55(b) include the designation of only the primary excavated borrow pit surfaces in each pit remaining open (CD 2- Open Material Source Maps) and the closure of cross-country travel adjacent to these areas (DEIS/FEIS, pp. 40-41; Appendix A, Map A-2 and A-4). These actions focus motorized use on ground or roads where the vegetation and surface soils have already been removed by previous material source extraction and further measurable degradation is unlikely.

Damage at the watershed scale has also been minimized by closing the vast majority of area across the two Forests to motorized access off of designated routes as a result of criteria considered in accordance with CFR 212.55(b). This limits the total amount of area designated as open to cross-country travel under this decision to less than one tenth of one percent across the entire planning area. None of the pits remaining open are located adjacent to perennial streams or natural water bodies, although four pits do have groundwater ponds exposed by the previous borrow excavations.

Wildlife analysis of the action alternatives displays a reduction of disturbance to wildlife species and habitat under this decision as a result of decreasing the amount of area open to motorized access off of designated routes (cross-country travel) (DEIS, p. 281; FEIS p. 297). Impacts to wildlife species and their habitat from areas designated as open to cross-country travel are minimized due to their size in relation to the planning area (DEIS, p. 186, 229; FEIS p. 238, 91), which has been further decreased under this decision (CD-2 Open Material Source Maps). The U.S. Fish and Wildlife Department has supported this analysis in their comment letter to the DEIS (DEIS/FEIS, Comment Letter #69).

Conflicts between motorized and non-motorized users were considered as a part of the analysis to designate the rock/pit areas included in the DEIS/FEIS. Motorized access is currently not prohibited in these areas and conflicts within individual pit areas were not raised during the internal and external scoping process. The Travel Management decision restricts motorized access to the excavated borrow extent of each pit remaining open in order to reduce conflicts in areas adjacent to the pit that are currently open to cross country travel. Although OHV use will be allowed to continue in the pits, the sites are not specifically designated as “play areas” under this decision and not promoted as such. The decision does allow motorized access for other uses like target shooting, ADA accessible fishing, overnight parking and vehicle staging to continue within the pit areas. Forest Service Law Enforcement Officers are a regular presence in these areas and will continue to assess site specific impacts of continued use following this decision. The Forest Service has the authority under CFR regulations to close these areas if damage to resources or conflicts with other users becomes unacceptable. The analysis considered elements associated with potential social conflict, including noise generation, proximity of residences and other recreation areas, and impacts to nearby protected areas. All pit areas remaining open are located at least 0.75 miles from private land residences, a distance at which sound generated from OHVs, although still audible, is likely to have dampened substantially (Shilling, 2003; Harrison, 2003; OMSI, 2005). None of the pit areas remaining open are protected or proposed for protection, nor are any of these types of areas immediately proximate to the areas designated as open to cross-country travel under this decision.

Some pits proposed to remain open have exposed groundwater but were designated to remain open in order to maintain motorized access for a variety of other uses, including fishing, camping, and staging for OHV, horse and bicycle riding. These areas are not being promoted for “rock crawling” and do not currently appear to be incurring impacts from this use. The potential for the release of toxic fluids from “rock crawling” in these pits is considered to be very low due to the gentle sideslopes and smaller sized substrate in the outwash or basalt material sources present. However, site specific impacts of continued motorized use will continue to be assessed by Law Enforcement Officers and Resource Specialists following any decision to designate the areas. The District Rangers have the authority to implement closures if damage to resources or conflicts with other users becomes unacceptable, regardless of location.

The criteria listed in the DEIS for determining the access designation for each rock/cinder pit area across both Forests does not include the hydrologic and physical characteristics of the pits (DEIS/FEIS, p. 40). However, the potential impacts to water quality were considered during this process by stratifying the material source and determining the proximity to, or presence of, surface water for each pit (see Pit Criteria Tables in the Geology specialist report). The presence of water was one of multiple attributes considered to determine the designation status of each pit but is not an immediate determinate for closure.

The pits remain proposed to open as a result of the FEIS and ROD do not have surface streams running through them and their total acreage is a fraction of the watershed in which they are located, even at the 6th Field scale. Pits with surface water that would remain open to provide for multiple recreational uses that utilize motorized access, including camping, fishing in ponds stocked by ODF&W, and staging for OHV, horse or bike riding. Although OHV use is currently occurring in these areas, the closure of cross-country travel beyond the pit areas themselves is likely to make these areas less attractive as a destination for play area riding. These pits also do not have the physical characteristics to attract “rock crawling” vehicles that have a higher risk for impacting water quality as a result of breaking hydraulic lines or oil pans.

Potential impacts to water quality are present where material sources and excavation shorten groundwater connections with the surface. This is most prevalent for rock quarries in outwash material on the Deschutes or in fractured basalts on the Ochoco. However, the risk of contamination is minimized by a number of factors in pits remaining open to motorized access, including the physical character of the substrate, slopes and overall size that is less desirable use as a primary OHV or “rock crawling” destination. The risk of contamination is also minimized to some degree by the scale of potential spills and the dilution potential of the groundwater resource compared to the size of the spills.

The EIS proposes designated, bounded areas as open to cross-country travel by keeping them within existing borrow surfaces where OHV use can be reasonably contained, monitored, and enforced (CD 2-Open Material Source Maps). These defined locations also minimize environmental impacts and levels of concern for air, water and wildlife resources (DEIS, Chapter 3 pp. 186, 198, 229, 281; FEIS p. 238, 298, 91, 299); (ROD, Appendix 2, 4).

Comment 32

b. DEIS fails to disclose monitoring required by law

The Forest Service has an ongoing obligation to assess whether routes designated for OHV use do not result in adverse impacts over time. Executive Order 11644, as amended by Executive Order 11989, requires:

8(a): The respective agency head shall monitor the effects of the use of off-road vehicles on lands under their jurisdictions. On the basis of the information gathered, they shall from time to time amend or rescind

designations of areas or other actions taken pursuant to this order as necessary to further the [minimization of environmental harm] policy of this order.

9(a): Notwithstanding [route and area designations made], the respective agency head shall, whenever he determines that the use of off-road vehicles will cause or is causing considerable adverse effects on the soil, vegetation, wildlife, wildlife habitat or cultural or historic resources of particular areas or trails of the public lands, immediately close such areas or trails to the type of off-road vehicle causing such effects, until such time as he determines that such adverse effects have been eliminated and that measures have been implemented to prevent future recurrences.

E.O. 11644, 11989, sec. 8(a), 9(a) (emphasis added); see also 36 C.F.R. § [section] 212.57. Given these requirements, we [American Hiking Society et al.] ask that the Forest Service develop an adaptive management plan, which provides triggers for closures associated with monitoring results demonstrating that OHV use on designated routes has caused natural resource damage. In particular, we ask that the Forest Service provide a plan to:

- effectively monitor OHV use;*
- practice adaptive management by periodically reviewing the monitoring results and altering the management of OHVs to ensure that serious user conflicts and natural resource impacts are not occurring;*
- ensure that OHV use does not result in significant adverse impacts to natural resources or loss of viability to native and desired non-native species; and*
- close a trail or area if OHV use “is directly causing or will directly cause considerable adverse effects on public safety or soil, vegetation, wildlife, wildlife habitat, or cultural resources associated with that road, trail, or area” (36 C.F.R. § 212.52(b)(2)).*

This request is consistent with the recent Policy Paper issued by the Oregon Department of Fish and Wildlife (July 2009) regarding management of OHVs, which recommends the following:

Implementation of a detailed and statistically credible plan supported by appropriate research should be a key part of the overall monitoring strategy, and should be designed to support adaptive management.

If the Forest Service chooses not to include a such a monitoring and enforcement plan, we believe it will fail to meet the direction of the EOs, TMR, and NEPA, which requires the Forest Service to “[s]tate whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted, and if not, why they were not. A monitoring and enforcement program shall be adopted and summarized where applicable for any mitigation.” 40 C.F.R. § [section] 1505.2(c).

Response

The comment does not make clear what proposed actions included in the scope of the Draft EIS the commenter feels are required to be monitored. The Forest Service believes that the proposed action of prohibiting motorized access off of designated routes (cross-country travel) on more than 1 million acres of public lands and changing the conditions of motorized access for dispersed camping is a significant step forward in minimizing impacts from unregulated motorized access. It is difficult to understand what aspects of this decision the commenter feels does not meet the intent of 40 CFR 1505.2(c).

The Travel Management Rule, 36 CFR 212.57, does include a general requirement for monitoring the effects of motor vehicle use, "... on designated roads and in designated areas ... consistent with the applicable land management plan, as appropriate and feasible....", however there is no requirement that

the monitoring plan be "disclosed" in an EIS, or that it be a part of this proposed action. To use this general requirement as a basis to request an "Adaptive Management Plan" of unfounded scale or resource commitment the Forest Service believes is an unreasonable and unrealistic request and will not be considered further in this FEIS.

The Deschutes and Ochoco Forest Supervisors do intend to include appropriate monitoring as part of an adaptive Implementation Strategy. The implementation strategy will include guidance for distributing and annually updating the motor vehicle use maps, signing, education and enforcement to help Forest and Grassland visitors understand and comply with the new regulations for motorized access. The Implementation Strategy will also include an approach to identifying and resolving issues related to motorized access for dispersed camping as well as an appropriate monitoring plan. The first version will be available at the same time as the Record of Decision, and will updated as needed.

Comment 33

DEIS/FEIS fails to differentiate between alternatives the potential impacts to 303(d)-listed water bodies, given projections of increased traffic and road maintenance disclosed elsewhere in the DEIS

The Forest Service has failed to take a hard look at water quality in the DEIS. The hydrology analysis, like many other sections of the DEIS, relies on the flawed methodology that only focuses on changes from the existing route network instead of taking into account current OHV-related damage. As such, the analysis determined the action alternatives would meet state water quality standards for water temperature and turbidity (DEIS, p. 169 and 175, respectively). In the event sediment levels are indeed minor under the action alternatives, that does not mean those levels are benign. But the comparison should be between cross-country travel being allowed and cross-country travel not being allowed in these dispersed camping corridors. The DEIS fails to explain what the effects on water quality would be if the Forest Service allows cross-country travel in these corridors in comparison to if it does not. The closest the analysis gets is the statement:

Decreases in sediment delivery to streams would primarily result from prohibiting motorized access off designated routes except for ingress and egress from dispersed camping sites (DEIS, p. 175).

“General statements about ‘possible’ effects and ‘some risk’ do not constitute a ‘hard look’ absent a justification regarding why more definitive information could not be provided.” Neighbors of Cuddy Mt. v. United States Forest Serv., 137 F.3d 1372, 1380 (9th Cir. 1998). Analysis of site-specific impacts must “contain a reasonably thorough discussion of the significant aspects of the probable environmental consequences.” California v. Block, 690 F.2d 753, 761 (9th Cir. 1982). NEPA mandates a “hard look at a decision’s environmental consequences.” Id. An agency may not “rely upon forecasting difficulties or the task’s magnitude to excuse the absence of a reasonably thorough site-specific analysis of the decision’s environmental consequences.” Id. at 765; see also Salmon River Concerned Citizens v. Robertson, 32 F.3d 1346, 1357 (9th Cir. 1994) (site-specific analyses for approval of multiple sites required when the agency makes a “critical decision . . . to act on site development.”) (citations omitted). Unfortunately, all that the public has been provided are generalized statements about water quality that apply to the routes and areas en-mass, with no way to meaningfully differentiate the alternatives based on impacts to water quality.

Response

The Forest Service disagrees that the DEIS fails to differentiate between the effects of alternatives. The effects of prohibiting motorized access off of designated routes (cross-country travel) on more than 1 million acres of lands have been given a "hard look." Pages 160 and 161 of the DEIS (FEIS p. 216 and

217) discuss current OHV-related damage and how applicable it is to this project. Problems related to unregulated motorized access is an important component of the Purpose and Need for action identified in the DEIS/FEIS, Chapter 1. That includes proposals in both Alternatives 2 and 3 to minimize resource damage occurring from unregulated motorized use (i.e. cross-country travel). Both action alternatives would prohibit cross-country travel and limit the conditions for motorized access for dispersed camping along designated open roads.

Pages 169 and 175 of the DEIS (FEIS p. 226 and 228) should have read that the action alternatives would trend towards meeting State water quality standards. In effect, both alternatives would reduce the impacts to riparian areas, creating conditions more favorable to cooler waters with less sediment than current conditions. This is being corrected in the FEIS.

The DEIS (pg 163 and 164; FEIS p. 220 and 221) states that, “Under Alternative 1, impacts to riparian areas and wetlands would continue and are expected to increase, resulting in:

- Increased numbers of user created trails within wetlands, wet meadows, and other riparian areas, causing increased compaction, loss of vegetation, and increased disturbed areas.
- Wetland and riparian area recovery would be slow or continue to deteriorate.
- Riparian vegetation would continue in a downward trend due to compaction, disturbance (i.e. mud bogging).
- Sediment deposition in streams and wetlands would continue to increase.”

With these expected results, Alternative 1 is expected to continue to have denuded and compacted areas adjacent to water. Alternative 1 is expected to have higher turbidity and sediment levels and lower vegetative shade than Alternatives 2 and 3. Alternative 1 would trend towards not meeting State water quality regulations.

As noted by the commenter, in regards to effects on water quality, there is little difference between Alternatives 2 and 3, since the alternatives only change the conditions under which motorized access for dispersed camping is allowed in the upland areas.

Comment 34

We [American Hiking Society et al.] do not believe the Forest Service’s generalized look at water quality will allow it to satisfy its statutory obligations under the Clean Water Act. As described above, the analysis of water quality in the DEIS is generalized. It does not do such things as examine the effects of individual stream crossings on water quality, nor does it examine the relationship between roads, motorized trails, and play areas to water quality in individual streams on the Forest. Several streams on the Deschutes and Ochoco National Forests are water quality-limited for sediment and temperature, and we do not believe generalized metrics like those used in the DEIS can adequately assess the effects of roads and trails on these stream segments in this environmental analysis. Nor do we see how generalized analysis like this will allow the Forest Service to designate its travel system in such a way that the agency will be able to meet its obligations to comply with state water quality standards under § [section] 313 of the Clean Water Act—both in terms of achieving water quality standards in 303(d)-listed streams and in terms of avoiding degradation of currently healthy streams.

We ask that the Final EIS please explain, with specificity, how the Forest Service is using this process to improve the water quality of impaired streams and how the Forest Service is ensuring compliance with the anti-degradation component of state water quality standards for unimpaired streams. In addition, the Forest Service should explain what Best Management Practices (BMPs) it currently has in place for road and trail maintenance to meet water quality standards, monitoring results on whether those have worked,

and an explanation of how the Forest Service intends to improve the BMPs themselves or compliance with BMPs if they are not allowing the Forest Service to comply with water quality standards at present, including avoiding degradation of currently healthy streams. See 33 U.S.C. § 1329.

In addition, the Executive Orders and TMR require that the Forest designate individual routes and areas so as to “minimize damage to soil, watershed, vegetation, and other forest resources.” Exec. Order 11644 § [section] 3(a)(1); see also 36 C.F.R. § [section] 212.55(b) (criteria for designation). With such generalized analysis of water quality impacts, we fail to see how the Forest Service is complying with this substantive obligation, which must be demonstrated in the record with respect to, at a minimum, each OHV play area. Each designation requires a detailed analysis of the effect of that designation on the above factors and for other issues raised by staff and the public during comment periods.

Response

The Forest Service disagrees with the commenter that the actions proposed in the DEIS are not consistent with the agency's statutory requirements under the Clean Water Act. Both Alternatives 2 and 3 of the DEIS trend more towards compliance with the Clean Water Act than the existing condition, reflected by Alternative 1 in the DEIS. As stated on Pages 163-164 (FEIS p. 220-221) Alternative 1 would trend towards not meeting State water quality standards.

The federal action being taken under this DEIS is to prohibit motorized access off of designated routes (cross-country travel), modify the conditions under which motorized access for dispersed camping would be allowed, and designate some existing rock and cinder pits as open to cross-country travel. The results of these proposed actions would reduce the amount of unregulated motorized use. This DEIS does not propose to alter or change existing regulated use (i.e. roads, trails, play areas). Currently there are an unknown amount of unauthorized stream crossings across both Forests. A sampling of these, and the effects from these crossings on water quality were described in Chapter 3 of the DEIS/FEIS. Alternatives 2 and 3 would prohibit motorized access via these unauthorized crossings, creating more favorable conditions for water quality compliance. In regards to the Antidegradation Policy (OAR 340-041-0004), both action alternatives take initiative to protect, maintain, and enhance existing surface water quality (by regulating off road travel) to ensure the full protection of all beneficial uses. As such Alternatives 2 and 3 comply with the Antidegradation Policy. Although a site-specific analysis of all of the unauthorized roads and trails is not in the DEIS, such level of analysis is not required in order to support the conclusion that Alternatives 2 and 3 would have a beneficial effect on water quality trends based on the data that is available and the magnitude of the proposed changes from the existing condition.

In accordance with 36 CFR 212.50(b), the motorized roads and trails that have been designated by past administrative action are incorporated into the existing condition. The DEIS does not propose road and trail maintenance activities with this decision, hence a detailed discussion of Best Management Practices is not necessary to inform the decision-maker about the impacts of prohibiting motorized access off of designated routes.

Comment 35

DEIS fails to disclose that current road densities exceed Forest Plan standards and fails to include actions that seek to minimize excessive road densities

Road density levels and impacts are currently in excess of Forest Plan standards and wildlife threshold levels. Yet the DEIS fails to disclose this important fact nor does it include actions that would seek to minimize excessive open road densities. Actions that should be considered include designation of roads for administrative or seasonal use only, road closure and/or decommissioning or other management actions.

The Deschutes Forest Plan Standards and Guidelines pertaining to open road density (Forest Plan TS-12, p. 4-73) state that 2.5 miles of road per square mile are the basic road density standard for the Deschutes. Where specific projects involve road densities in excess of this standard, a wildlife biologist assessment is required evaluating impact concerns in all such affected areas (Forest Plan TS-13, p. 4-73). Where the selection of a proposed alternative would exceed the 2.5 miles per square mile Forest Plan standard, a Forest Plan amendment is required (Forest Plan TS-14, p. 4-73). NEPA requires that all Forest Plan amendments must be identified, disclosed and assessed in the draft EIS. As both the Proposed Action and action alternatives would authorize OHV use on scores of acres where the road density exceeds Forest Plan standards, the revised DEIS must develop a reasonable alternative that complies with road density standards throughout the Deschutes and Ochoco Forests and the CRNG. The revised DEIS must also disclose and assess the need for a Forest Plan amendment before either the two action alternatives – or the no action alternative – could be considered for selection. Road density levels open to OHVs need to be reduced to within Forest Plan standards, with excess and resource damaging roads closed, removed, and restored to natural topography and vegetation. It would be a violation of the Deschutes and Ochoco Forest Plans, the National Forest Management Act, and likely the Endangered Species Act to add the additional significant detrimental impacts that would result from creating a designated OHV trail system as proposed, given that the agency has failed to address and rectify current resource harms and standards violations. Further, as OHVs have significantly high levels of adverse impacts to natural resources, including water ways and wildlife species habitat and populations, exceeding Forest Plan road density standards as proposed carries a higher level of NEPA requisite “hard look” and expert analysis before such action alternatives could begin to be considered compliant with NEPA’s reasonable clauses and with the TMR.

Response

As noted in Chapter 1 and 2 of the DEIS/FEIS, and 36 CFR 212.50 (b) "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." Further, as also described in Chapter 2 of the DEIS/FEIS, the two Forests have an established process that is in place for evaluating the effects of roads on a local scale that we believe is the most effective method of meeting the long-term objectives of the road and trail systems on National Forests. The Deschutes and Ochoco National Forests have been performing, and continue to perform, "Project Scale" travel analysis at a local scale based on the District Ranger's discretion. This emphasis on determining, at the most local scale, what roads and trails meet the intent of a sustainable system reflect the heart and spirit of the Travel Management Rule.

Comment 36*Climate Change*

Recent testimony before the U.S. Senate Committee on Energy & Natural Resources, Dr. Jayne Belnap of the U.S. Geological Survey stated that extensive motorized route systems result in airborne dust that decreases the albedo or snowpack and results in early snowmelt and diminished late season water supplies. The Forest Service should consider the impact of its proposal to designate motorized routes on Global Climate Change, including estimates of the potential to generate and exacerbate air pollution and the generation of dust. Moreover, the EIS should include an estimate of how the designation of a system roads, motorized trails and resultant dust emissions could alter the albedo of the region's snowpack and, consequently, the anticipated volume of late season water delivery in central Oregon.

Climate change is expected to bring increased stress on fish and wildlife as well as altered water quality, quantity, and timing. This will exacerbate existing impacts caused by roads that already stress fish and wildlife and alter water quality, quantity, and timing. The Forest Service should help adapt ecosystems to climate change by reducing anthropogenic stresses such as those caused by roads in order to make room for existing and anticipated stress from climate change. One clear example to make our point is peak flows. Roads tend to intercept subsurface water flow and redirect it to the surface where it runs through the roadside ditches and culverts and is rapidly delivered to streams. These increased peak flows have well-known adverse impacts in terms of erosion, sedimentation, turbidity, scouring and displacement of organisms at various life stages. Climate change is also expected to increase peak flows via larger, more intense winter storms caused by a warmer, amplified hydrological system and via earlier and more abrupt spring snow melt. These are not speculative effects. The cumulative effects of climate and roads are likely to manifest as even more severe and adverse peak flow events. Another example: road-stream crossings tend to fragment aquatic habitat by blocking the movement of organisms. Improved habitat connectivity is identified as an important means of climate change adaptation. As temperatures increase and flow regimes change, it will become even more important that aquatic species are able to move to find suitable temperature and flow regimes. Removing road-stream crossings should be a climate adaptation priority. The EIS should disclose these adverse effects and mitigate for them by closing more roads and by designing a road drainage system that can accommodate anticipated climate changes. We [American Hiking Society et al.] also ask the Forest Service to consider the following concepts related to climate change.

Reducing anthropogenic stresses was the one approach for which there was considerable scientific confidence in its ability to promote resilience for virtually any situation. Confidence in the other approaches ... was much more variable.

Jill S. Baron, Linda A. Joyce. Guidelines for Helping Natural Resources Adapt to Climate Change. In Mountain News, Newsletter of the Consortium for Integrated Climate Research in Western Mountains. CIRMOUNT, Vol. 3, No. 1, February 2009.

http://www.fs.fed.us/psw/cirmount/publications/pdf/Mtn_Views_feb_09.pdf

Principle Number Four: Maintain connectivity for wildlife interaction with food supply and migration to more suitable habitat under new climate conditions.

Principle Number Three: Connectivity between refugia, and between refuges and habitat.

Climate Leadership Initiative. 2008. Preparing the Pacific Northwest for Climate Change — A Framework for Integrative Preparation Planning for Natural, Human, Built and Economic Systems. Institute for a Sustainable Environment. University of Oregon. February 4, 2008.

http://climlead.uoregon.edu/publicationspress/Preparing_PacNW_for_ClimateChange_4-2-08.pdf

Response

The comment incorrectly characterizes the proposed actions and decisions to be made. The proposed action would prohibit motorized access on over one million acres of National Forest and Grassland, and would modify the current conditions for motorized access for dispersed camping. Roads and motorized trails that have been designated by past actions are incorporated in accordance with the Travel Management Rule as a part of the existing condition. The proposed actions would also reduce the amount of roads open to both highway and non-highway legal vehicles. The potential effect of these proposed actions on climate change have been described in Chapter 3 of the DEIS (p. 359) and the FEIS (page 374) and elsewhere in the response to comments (response to Letter 19 Comment 14). The proposed actions would better position the Forests to be able to adapt to climate change because motorized uses would be limited to designated roads, trails, and areas.

Comment 37

Given the numerous insufficiencies of the DEIS analysis as described throughout this letter, and as a result of mapping inaccuracies regarding the extent of the current open road system, we [American Hiking Society et al.] can not see how the Forest Service can move toward issuing a Record of Decision in the absence of Supplemental EIS to address these and other deficiencies. We respectfully request the Forest Service to issue a Supplemental EIS that addresses these insufficiencies, and those identified through other public comments, and submit the Supplemental EIS for public review and comment.

Response

Opinions expressed during the comment period are reflective of people and organization's attitudes, beliefs, and values. The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrant supplement or improvement of the analysis in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS. The Forest Service disagrees that the changes between the Draft and Final Environmental Impacts Statements require a supplemental EIS be published and circulated for additional public comment. The Record of Decision describes this rationale in more detail.

Comment 38

[ATT 1: Letter from the Western Governor's Association] ⁶

Response

The attached letter from the Western Governor's Association provides a statement of continued support for the Forest Service to implement a sustainable road management strategy as a part of overall forest restoration efforts nation-wide. The Deschutes and Ochoco National Forests fully support the Forest Services' policy and directives to implement such a strategy. That is not within the scope of the proposed decision for the Deschutes and Ochoco National Forests Travel Management EIS.

Letter 71

Comment 1-2

The Ochoco Summit trails looks nice and the area south of Millican on the east side of Newberry Crater (China Hat) is excellent for riding dirt bikes and dual sport machines. Eventually linking that to the true

⁶ Attachments are available upon request.

southern portion of Newberry will establish a nice outer circumnavigation ride of the crater itself through forests only used by hunters and foresters. Zero conflict between user groups.

As with any designated trail program, the more users that are funneled into smaller area or fewer trails, the impact is dramatically amplified. The same is true in grazing livestock, the land cannot be expected to regenerate or maintain its ecology with constant pressure. As the rocket scientists at Los Alamos National Labs say: 'Dilution is the solution to pollution' - I would expect the trails to last about 2 or 3 years before they would require significant resources to maintain. Closing some areas temporarily to allow for recovery is understandable with the access to other areas during those periods of time makes sense. Rotating trail systems and establishing one-way trails works for all the other OHV areas I have visited.

Response

The Travel Management decision does not designate new trail systems. The Lava Rock OHV trail project on the Bend/Ft Rock Ranger District is a site specific OHV trail project currently planning and analyzing trails on the western and southern side of Newberry Crater that would connect to the East Fort Rock OHV trail system. We welcome your comments and input on that project, which can be directed to the District office.

Comment 3

I am interested in the ability to access the currently available trail systems with DNF lands on both sides of Hwy 97 and Hwy(s) 20 and 126. We have been riding these forests and deserts for the last 18 years and know of many more that have been respectfully visiting the same areas since the early 1970's. We would like to continue to enjoy linking up DNF and BLM routes as we have in the past.

Response

The Deschutes and Ochoco National Forests Travel Management EIS does not propose to modify the existing designated motorized trail systems. There are over 300 miles of motorized trail systems on the two Forests and Grassland that continue to provide high quality routes. Access to BLM lands is outside the scope of this decision. However, currently the Combined Off-Highway Vehicle Operations (COHVOPS), a combined effort of the BLM and Forest Service provides operation and maintenance of all the designated motorized trail systems. See the DEIS/FEIS for a more detailed description of motorized trail opportunities. The Travel Management decision does not designate new trail systems. The Travel Management decision would affect any travel off of designated routes. The Forests are considering new motorized trail systems through a separate analysis and decision processes. These include the Lava Rock OHV trail project on the Bend/Ft Rock Ranger District, the Ochoco Summit project on the Lookout Mountain District, and the Three Trails project on the Crescent Ranger District. We welcome your comments and input on those projects, which can be directed to the District offices.

Letter 72

Comment 1

I oppose any plan that closes National forest to cross country travel by any group of users, be they motorized or otherwise. I oppose discrimination and to discriminate against a user group because of their chosen method of travel is wrong and should be illegal. For every acre open to cross country foot travel, there should be equal acreage open to all forms of cross country travel, be they unicycle, bicycle, tricycle, horse back, camel back, broke back, car, truck, motorcycle or motorized off highway vehicles. Equal access under the law is not just for special interest groups with expensive lawyers. Period.

Response

The DEIS, Chapter 3, Social and Economic Analysis, p. 368(FEIS p. 380), defines the Civil Rights laws, policies, and procedures with which the analysis was conducted. The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrants supplement or improvement of the analysis presented in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered further detail in the FEIS.

Comment 2, 4

When local businesses close due to lack of tourist trade after forest closures end access to dispersed attractions, tax revenue will be lost. When father and son can't access motorized cross country travel together, family ties are jeopardized and even lost. When lawful users no longer have motorized access to their existing and future family heritage sites, they may become unlawful users of the forest in order to continue their family traditions.

Closing the forest to motorized cross country travel has the side effect of concentrating users and leads to conflicts between user groups (normally dispersed) and other problems/accidents due to congestion. In the big city, concentration brings efficiency and in the forest, concentration brings death. Just ask the oversized herd of starving deer grazing a very limited habitat on any given winter or sharing disease with each other. Who will make it this year and who will feed the coyotes? The same analogy applies to two legged animals, traveling in the forest and no one wants to feed their travel preference to the coyotes. So, please, recognize the entire forest as public property and keep cross country motorized access as an accepted method of travel for the public.

Response

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrants supplement or improvement of the analysis presented in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS.

Comment 3

When the folks get old and can't drive (due to future route designation) or hike (physically unable) the five miles to their favorite meadow in the forest to watch deer, they suffer an injustice and exclusion. The old folk's quality of life is affected when their grandchildren also suffer due to lack of exposure to these family heritage sites.

I will become one of those "old folks" soon enough and do not intend to walk across those rocky ridges and steep gullies, with my frail wife on my arm, to access our family heritage sites. I would not support that future outlook for anyone that enjoys our forests, be they hiker, biker, hay burner or gas burner.

Response

The effects on People with Disabilities is disclosed in the DEIS Chapter 3, Social and Economic, Analysis of Environmental Effects, p. 274(FEIS p. 288). Under section 504 of the Rehabilitation Act of 1973, no person with a disability can be denied participation in a Federal program that is available to all other people solely because of his or her disability. There is, however, no legal requirement to allow people with disabilities use of motor vehicles on roads, trails, or other areas that are closed to motor vehicles. Changes in motorized access apply equally to all groups of people, and therefore, are not discriminatory towards persons with disabilities.

While the actions under this DEIS would close many areas to cross-country travel, no decision under this DEIS will close existing designated roads or trails. There would be some change to the class of vehicle certain roads are open to. See DEIS, Chapter 2, p. 50 (FEIS p. 51), Table 5- Expected Change in Roads Open to Highway-legal Vehicles. The scope of the decisions to be made in the Deschutes and Ochoco Travel Management Project do not include designations of new motorized trail systems. However, there are currently several proposed motorized trail projects that are undergoing separate environmental analyses. These include the Three Trails and Lava Rock Motorized Trail Projects on the Crescent and Bend-Ft. Rock Ranger Districts of the Deschutes National Forest, and the Ochoco Summit Motorized Trails Project on the Lookout Mountain and Paulina Districts of the Ochoco National Forests.

Comment 5

I'll be meeting with the lawyers of various user groups that will be affected by this plan to determine if Deschutes and Ochoco National Forest travel management planning for public access to public land, should be allowed to discrimination against certain forest user groups. If so, at what cost to the public? Does that have a "class action" ring to it?

Response

This comment does not provide any new information to provide the decision-maker.

Letter 73

Comment 1

Many of us have been riding off road for over two, three and four decades, eagerly looking forward to the exhilaration and adventure it offers at the week's end. Over time it becomes more than just two-wheeled recreation, it becomes a part of our lives, a mental cleanse, and an avenue for social and family outings. It is an economic necessity for many small businesses in our community, and one of the primary reasons a number of us call Central Oregon our home.

Response

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrants supplement or improvement of the analysis presented in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS.

Comment 2

We understand there are issues in some areas due to lack of management and the irresponsibility of the few among different OHV and non-OHV user groups. This blame is not ours alone to bear. We are guardians of the forest also and many of us have spent time cleaning and hauling away garbage from our trails left behind by others. The forest has been open for decades up until now, and a closure without adequate local riding areas in place to meet growing demand, is an injustice. Many of the supporters who have signed on the following pages are concerned with over-crowding our very limited sanctioned riding areas, the result of which will exponentially increase the risk of serious injury due to collisions. The outcome of a blanket closure without challenging new riding areas in place, we fear, will only ignite animosity from all off-road user groups, opening up the doors to many less desirable unintended consequences.

Response

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrants supplement or improvement of the analysis presented in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered further detail in the FEIS. The Forest Service acknowledges and appreciates the responsible riders in our communities.

The Forest Service and the BLM have shown a long-standing and continuing commitment to providing safe, quality motorized trail riding experiences. (See DEIS/FEIS, Chapter 3, Recreation). The scope of the decisions to be made in the Deschutes and Ochoco Travel Management Project do not include designations of new motorized trail systems. There are currently several proposed motorized trail projects that are undergoing separate environmental analyses. These include the Three Trails and Lava Rock Motorized Trail Projects on the Crescent and Bend-Ft. Rock Ranger Districts of the Deschutes National Forest, and the Ochoco Summit Motorized Trails Project on the Lookout Mountain and Paulina Districts of the Ochoco National Forests.

Comment 3

It is time to toss bureaucratic red tape in the trashcan and unite our efforts to make immediate and positive changes for the OHV community. In the long term, this will only help to benefit all parties involved. We must follow successful examples from other states that have systems flourishing in the environment and the economy. We must create an alliance to promote responsible off road riding practices and tap the vast resource of riders and knowledge to help construct and maintain exciting new systems. As taxpayers, we also have a right and responsibility to enjoy and protect the forest. Riders do not equal outlaws.

Response

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrants supplement or improvement of the analysis presented in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered further detail in the FEIS.

As the Rule is implemented and in the designation and management of our motorized trail systems, the Forests and Grassland will continue to look to other states and forests examples of "what works" in order to better inform our management decisions. Alliances of users that help to identify opportunities, contribute to effective design, construction, and maintenance of facilities is of immense value to the Forest Service and is greatly appreciated. The Three Trails, Ochoco Summit, and Lava Rock proposed OHV Trail Systems are all in the process of developing Draft EISs on the proposed actions identified during scoping. We encourage you to get involved in these projects.

Letter 74

Comment 1

I am in favor of the new travel management plan that will eliminate under-regulated off-road travel. This change is long over due. Damage to public property and user conflict has been a severe problem for over 20 years, and is still escalating.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments.

Comment 2

Only allowing off-road travel in designated areas and trails is a good idea, but regulations for establishing these designated areas must be created so that the travel management rule is a sensible and consistent policy. I have not seen any written regulations for establishing an OVH area. These regulations should limit OHV use from areas where conflict or resource damage could occur. This will prevent the new rule from recreating the problems of the old rule.

Response

As noted in Chapter 1 of the DEIS/FEIS, 36 CFR 212, 251, 261, and 295 (Travel Management: Designated Routes and Areas for Motor Vehicle Use Final Rule) are the regulations that establish the prohibition to motorized access off of designated routes.

Comment 3

OHV areas should not be established close enough to a residential area to create a noise or dust impact.

Response

Existing use proximate to residential areas is likely to decrease as a result of changes in use designations and the elimination of cross-country travel (DEIS/FEIS, pp. 40-41; Appendix A, Map A-2 and A-4). Approximately nine miles of roads within the Wildland-Urban Interface areas will be changed from a “mixed-use” to a “highway legal vehicle only” designation (DEIS, p. 273; FEIS p. 287). Although the Travel Management decision does not address individual issues of barricading or obliterating existing closed roads, these roads will become illegal for motorized use and will not appear on the Motor Vehicle Use Maps (MVUM) published annually. The elimination of legal cross-country travel and a better definition of closed roads are likely to reduce dust generated by motorized vehicles, especially from areas proximate to the residential areas adjacent to the Forest. The Coyote Butte area is approximately more than a mile from private land residences and currently generates louder noise from target shooting than OHVs.

Comment 4

OHV areas should not be created in an extreme fire risk area.

Response

Wildland Urban Interface (WUI) areas were identified for high fire risk due to their proximity to communities that are adjacent to National Forest lands (DEIS, p. 262; FEIS p. 135) and not the fuel condition on the site. The rock/cinder pit areas open to motorized access off of designated routes (cross-country travel), whether within a WUI or not, have been reduced to the basic foot print of the excavated area (CD-2 Open Material Source Maps) where vegetation is minimal and the risk of fire ignition resulting from direct contact with vegetation and spread is low (DEIS, p. 71; FEIS p. 326). Opportunities for motorized use within the wildland urban interface would decrease as a result of eliminating motorized vehicle access off of designated routes across the Forests and Grassland (DEIS/FEIS, Appendix A, Map A-2 and A-4; pp. 40-41, 237).

Comment 5

OHV areas should not include wetlands.

Response

None of the areas designated as open to motorized access off of designated routes (cross-country travel) contain natural wetlands.

Criteria for designating areas as open to cross-country travel included the presence of wetlands and connections to water bodies, which contributed to recommending the closure of pits containing artificially exposed seasonal or perennial groundwater ponds across the two Forests. Although five of the cinder/rock pits remaining open to cross-country travel have artificially created seasonal or perennial groundwater ponds (FEIS, Geology Specialist Report Tables), the pond or wet areas are excluded from motorized travel (ROD, ROD Appendix 2). Three of these pits have ponds that are stocked by the Oregon Department of Fish and Wildlife and promoted as public fishing sites. The designation of the non-wetland portions of these pits as open to cross-country travel allows the public to drive to these sites for family activities such as fishing and/or camping overnight. The risk of impact to the artificial ponds from existing use was determined to be relatively low under this analysis and the ROD Appendix 4 provides additional analysis of the pits and water bodies as a result of these designations. The Travel Management decision does not promote any of the cinder/pit areas containing excavated ponds as "play areas" for OHVs.

Comment 6-11

OHV areas should not be created in W and S River Corridors. OHV areas should not be immediately adjacent to any Parks, Monuments, Wildlife areas, Wilderness or Wilderness study areas, Historical or Archeological areas.

Response

No areas designated as open to cross-country travel are within a Wild and Scenic River Corridor.

No areas designated as open to cross-country travel are immediately adjacent to Parks, Monuments, Wildlife areas, Wilderness or Wilderness study areas, Historical or Archeological areas.

It is unclear what the commenter means by "wildlife areas." Wildlife are present throughout the National Forests and Grassland. The U.S. Fish and Wildlife Service "supports the use of existing rock, gravel and/or cinder pits as open to motorized access off of designated routes (cross-country travel) because they will provide recreational opportunities while minimizing impacts to wildlife habitat because of the existing disturbed nature of the area due to extraction of mineral material" (FEIS, Comment Letter #69). Of the 45 cinder/rock pit areas designated as open to cross-country travel, five are located within Forest Plan Management Areas or Allocations relevant to wildlife habitat. These include two within the Deschutes Forest Plan Management Area 7 Deer Habitat (Coyote Butte and Garrison pits), one within a Key Elk Habitat Area (Sprague Pit), and two within Late Successional Reserves (Cove and Maklaks). Analysis is completed on these areas and the amount of disturbed/undisturbed habitat is outlined in the wildlife effects analysis in Chapter 3. Additional analysis is included in the updated wildlife resource summary of effects in the Record of Decision. None of the pits remaining open on the Ochoco or Grasslands are located within Big Game Winter Range or other special wildlife habitat areas.

Comment 12

Controls to stop the spread of invasive species need to be developed.

Response

The Deschutes and Ochoco National Forests and Crooked River National Grassland are working to control invasive plant species on several levels. We have incorporated Regional Invasive Plant Standards from the Pacific Northwest Regional Invasive Plant Program Final Environmental Impact Statement Record of Decision (USDA Forest Service 2005). These Standards set forth requirements for invasive plant prevention, treatment and site restoration. In addition, the Forests and Grassland's Invasive Plant Prevention Practices guide planning and implementation of management projects to minimize the introduction and spread of invasive plants. The Forests and Grassland are currently completing an Environmental Impact Statement (EIS) for treating invasive plants. If this EIS is approved, the Forests and Grassland could proactively treat newly discovered infestations through an Early Detection/Rapid Response process.

Comment 13

I'm sure that there are many safeguards needed to protect public land and persons from the adverse effects of OHV use. A process for establishing these OHV area creation regulations needs to be developed. This should be done before any OHV areas are designated. Those regulations should be presented to the public for comment.

Response

Included in Chapter 1 of the DEIS/FEIS is a description of the regulations (36 CFR 212, 251, 261, and 295) that apply to the designation of routes, trails, and areas. This is the Final Rule and was subject to public notice and comment prior to November of 2005.

Letter 75**Comment 1**

I am a current resident of Sundance Neighborhood. I am greatly concerned about the possibility of opening the nearby buttes, Bessie and Coyote for off road vehicle trails.

I don't want the peace of my home to be disturbed by the noise and I am concerned that increased traffic use could increase the accidents along Horse Butte Road. My other concern is of the animals in this area. We do have numerous critters that would be distributed by this increased traffic and noise. I would like further research to note if areas further from neighbor settings could be used for the off roads. I request to be informed of your actions from this point forward.

Response

Motorized access associated with Bessie Butte referenced in this comment is not a part of this Travel Management decision. Bessie Butte is currently closed to OHV use and would remain so under this decision. The Lava Rock OHV project on the Bend/Ft. Rock Ranger District is a site specific OHV trail project that is considering a trailhead west of Bessie Butte in an analysis of proposed OHV trails under a separate Environmental Impact Statement (EIS). This document will also address site specific dust and access issues associated with the addition of designated trails and trailheads in the Lava Rock planning area. We encourage you to comment on the Lava Rock OHV EIS when the draft is released for public comment, likely sometime in 2011.

Implementation of Alternative 2 or 3 under the Travel Management decision will not add a new OHV recreation area at Coyote Butte. The decision will allow motorized vehicle access off of designated routes

(cross-country travel) only within the 4.5 acre cinder pit footprint of Coyote Butte (CD 2- Open Material Source Maps) where motorized vehicles are currently allowed to access the site for various activities. The site is approximately 0.75 miles from the Sundance residences, a distance at which sound generated from OHVs, although still audible, is likely to have dampened substantially (Shilling, 2003; Harrison, 2003; OMSI, 2005). Although outside the scope of this decision, target shooting at the pit generates more audible noise at these residences than current OHV use.

Dust and noise generated from OHVs is likely to decrease between the pit area and the Sundance residences as a result of this decision. The Travel Management decision will prohibit motorized access off of designated routes (cross-country travel). This will include unauthorized (user-created) trails and roads outside the designated cinder pit of Coyote Butte (DEIS/FEIS, Appendix A, Map A-2) and reduce the total area from which emissions, sound and dust can be generated from OHVs in this area. Although the Travel Management decision does not address individual issues of barricading or obliterating existing closed roads, these roads will become illegal for motorized use and will not appear on the Motor Vehicle Use Maps (MVUM) unless a subsequent decision changes their status to open. The elimination of legal cross-country travel (DEIS/FEIS, pp. 40-41; Appendix A, Map A-2) and better definition of closed roads is likely to reduce dust and noise generated by motorized vehicles in areas proximate to the Sundance residences. The East Fort Rock OHV area is located approximately ten miles southeast of this area and will continue to draw OHV riders looking for trail and play area experiences away from the residential areas.

Comment 2

I have not researched the Travel Management Rule to know. I am just learning about this situation on Dec 7th and need to mail my concerns, you can be assured I will look into other options and I know you have alternative plans.

Response

We have had an extensive public involvement process since 2006 about the Travel Management Strategy for the two Forests and Grassland as described in Chapter 1 of the DEIS/FEIS. We encourage you to learn all you can about the Travel Management Rule. We have a Central Oregon Forests website that has a link to our Travel Management website. Our Implementation Team is designing a strategy to provide updated information. There are and will continue to be numerous opportunities to learn about how the Deschutes and Ochoco National Forests will be implementing the Travel Management Rule. We appreciate your involvement.

Letter 76-77

Comment 1-2

I am adamantly opposed to any further closure of federal land to off-road vehicle use. Efforts to close Department of Agriculture and Department of Interior lands to recreational and industrial vehicle travel are predominantly the work of individuals and organizations whose stated goals are to eventually close all the lands by any means possible, including incremental restrictions such as this one. There is room for all varieties of recreational activities, including significant additions to federally designated Wilderness Areas for those people who specifically value the wilderness experience, me among them. But many of those who prioritize wilderness recreation want to dictate the terms of how the rest of us with different interests can use the open and remote areas of the State and Nation which we have traditionally had unrestricted access to.

As a native Oregonian, I consider continued access to all areas currently open to off-road travel as my heritage.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrants supplement or improvement of the analysis presented in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered further detail in the FEIS.

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrants supplement or improvement of the analysis presented in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS.

**Letter 78
Comment 1**

Motorized recreational use of ORV's, ATV's and dirt bikes impact those of us living in at Crossroads, a residential subdivision outside Sisters off Highway 242. Crossroads is bordered by National Forest Land where motorized recreational vehicles run at will--not only on official forest roads, but on unofficial, user-created roads and trails. Thus we are subjected to their noise and dust on our adjoining properties. Even more troubling is the impact they make when running off-road in the woods, leaving deep ruts through fragile soils, destroying plant life, and muddying creek beds.

Response

The effects of cross-country travel to adjacent residents of National Forest lands was described in Chapter 3 of the DEIS/FEIS, Social and Economic Analysis (Hydrology). The proposed actions would reduce the acreage available to motorized access near subdivisions such as Crossroads, and the potential for impacts to natural resources.

Comment 2

While I am sorry not to see a more restrictive plan, I encourage the adoption of Alternative 3. Motorized vehicles-- including ORV's, ATV's, dirt bikes and the like--must be confined to designated roads. To continue to allow them to go anywhere not specifically signed as closed to them would be totally unacceptable to anyone who truly cares about our natural environment.

I know many compromises have to be made in putting together the forest travel management plan. I am well aware of how well motorized users are supported by the industry. While I would be very happy to have the forest area that borders our residential area closed to motorized vehicles entirely, Alternative 3 should at least provide some improvement over the current situation.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. Final selection of an alternative is not determined by "votes" for or against a particular course of action, although these comments may also be reflective of a community's support for a particular action. The final decision will consider of the trade-offs involved in the commitment and uses of resources, environmental impacts, laws and policies.

Letter 79

Comment 1

Motorized recreational use of ORV's, ATV's and dirt bikes also impact us in our homes, living as we do at Crossroads, a residential area outside Sisters off highway 242. Crossroads is bordered by National Forest Land where motorized recreators run at will--not only on official forest roads, but on unofficial, user-created roads and trails. Thus we are subjected to their noise and dust on our adjoining properties. Even more troubling is the impact they make when running off-road in these woods, leaving deep ruts through fragile soils, destroying plant life and muddying creek beds.

Response

The effects of cross-country travel to adjacent residents of National Forest lands was described in Chapter 3 of the DEIS/FEIS, Social and Economic Analysis (Hydrology). The proposed actions would reduce the acreage available to motorized access near subdivisions such as Crossroads, and the potential for impacts to natural resources.

Comment 2

While I am sorry not to see a more restrictive plan, I encourage the adoption of Alternative 3. Motorized vehicles-- including ORV's, ATV's, dirt bikes and the like-- must be confined to designated roads. To continue to allow them to go anywhere not specifically signed as closed to them would be totally unacceptable to anyone who truly cares about our natural environment. I know many compromises have to be made in putting together the forest travel management plan. I am well aware of how well motorized users are supported by the industry. While I would be very happy to have the forest area that borders our residential area closed to motorized vehicles entirely, Alternative 3 should at least provide some improvement over the current situation.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. Final selection of an alternative is not determined by "votes" for or against a particular course of action, although these comments may also be reflective of a community's support for a particular action. The final decision will consider of the trade-offs involved in the commitment and uses of resources, environmental impacts, laws and policies.

Letter 80

Comment 1

After much discussion at a club meeting, we [Ochoco Trail Riders] decided to support Alternative number 1. We feel that with the economic climate the way it, the forests won't have any money to implement this plan or to enforce the closures.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. Final selection of an alternative is not determined by "votes" for or against a particular course of action, although these comments may also be reflective of a community's support for a particular action. The final decision will consider of the trade-offs involved in the commitment and uses of resources, environmental impacts, laws and policies. The Motor Vehicle Use Map would improve the agency's ability to monitor and enforce motorized access off of designated routes.

Comment 2

Our club members have been riding user created single tracks for 30 to 40 years and prefer this to designated wide ATV trails provided in the trail systems. In the Management plan it is stated that user created trails can be adopted but the Federal Government has no money for NEPA studies, so we are getting the shaft. Leave things as they are, and ticket people that are causing resource damage!

Response

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrant supplement or improvement of the analysis the in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS. It is not clear from the comment which "Management Plan" is referenced, so we are unable to comment. Designating new routes is outside the scope of this EIS, but the Deschutes and Ochoco National Forests recognize the lack of opportunities for designated routes for single-track motorcycles and are considering those in separate analyses such as the Ochoco Summit and Lava Rock proposed OHV trail systems.

Comment 3

We have state ATV funds here in Oregon, but the ATV committee is getting tired of giving money to the forests for Travel Management and then not getting any trails. OHV people are unique in that we pay our way with ATV tags. The Forest service needs to make things easier (less expensive) to build new trails. Our club has the manpower and skills to locate, build and maintain quality approved trails.

Response

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrant supplement or improvement of the analysis the in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS. The Deschutes and Ochoco Forests appreciate and utilize the wide network of volunteers from user groups.

The Deschutes and Ochoco National Forests, along with the Prineville Bureau of Land Management (BLM) have an excellent, regionally recognized OHV program managed by the Central Oregon Off Highway Vehicle Operations (COHVOPS) group. This program manages over 1000 miles of designated OHV trails, staging areas and several play areas on the Ochoco and Deschutes National Forests, the Crooked River National Grassland and the Prineville BLM. An important part of their program provides education and compliance for motorized visitors on all Forest and BLM lands. Their annual program budget is over \$1,000,000 for operations and maintenance, law enforcement, education, planning and development, of which almost 80 percent is provided by Oregon State ATV grants, along with grants from other entities such Yamaha, and the Secure Rural Schools program. The Deschutes and Ochoco National Forests continue to be committed to our partnerships with motorized trail users. These partnerships have a long and robust history, and have resulted in an estimated \$70,000 worth of in-kind labor annually from individuals and groups assisting with a variety of activities including monitoring, trail maintenance, trail grooming, trail patrolling and user education.

Comment 4

These forests belong to the people, and the U.S. Forest Service is supposed to administer them for the user. Everybody deserves to use the forests whether they hike, ride horses, hunt, cut firewood, or ride the OHV of their choice.

Response

The Forests and Grassland currently and will continue to provide, a wide variety of uses and recreation opportunities to the public. This is documented throughout the DEIS/FEIS. Many of these uses and opportunities would not be affected by the proposed actions of this DEIS. (See Chapter 2) The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrants supplement or improvement of the analysis presented in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered further detail in the FEIS.

Letter 81

Comment 1

I am responding to the Draft Environmental Impact Statement for Travel Management, specifically the Coyote Butte Cinder Pit area.

I talked with one of your employees at the Sportsmen's Show in March of this year, and signed up to receive information and updates. To date I have received nothing.

In early summer I talked with one of your employees at your Emkay office in Bend, asked questions, viewed maps, and left my written name and email address. I was assured I would receive information and updates. To date, nothing has been received.

Running out of options and time, I contacted a friend who was kind enough to email your link to me; I accessed information and maps via the link to your website.

Response

The Forest Service regrets any difficulty you may have had getting information following your visit to our offices. Your comments were received in a timely manner, and we appreciate your commenting on the DEIS. We have verified that your name is on the mailing list.

Comment 2

I thank you for including "Quality of recreational experiences for all forest users" in your Executive Summary. I know others have interests different from mine, and I am glad to see your desire to provide appropriate areas for everyone to enjoy the forest.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. Final selection of an alternative is not determined by "votes" for or against a particular course of action, although these comments may also be reflective of a community's support for a particular action. The final decision will consider of the trade-offs involved in the commitment and uses of resources, environmental impacts, laws and policies.

Comment 3-4

I am surprised to see the Coyote Butte Cinder Pit area proposed for OHV use. The adjacent area is currently closed to vehicles, yet this plan would create an attraction to OHVs, drawing motorized vehicles to the area. This seems to create conflict, rather than resolve it.

I see other designated OHV areas are not near populated areas; the proposed Coyote Butte Cinder Pit area is near Sundance subdivision. The prevailing winds in this area are from the SW, and carry dust and noise directly from the Coyote Butte area to Sundance. Sundance residents would be impacted each time anyone used the Coyote Butte Cinder Pit area. Currently the Coyote Butte area receives occasional use, yet Sundance residents are already very aware of the dust, roar, and high-pitched whine of OHVs even when doors and windows are closed. One can even hear individual voices. Noise from OHVs is a primary concern to residents of Sundance. And it would not be limited to noise from OHVs...this plan also allows dispersed camping. Campers generally build camp fires, with the potential for a wildfire as a result. Any fire in the Coyote Butte area would likely be driven directly toward Sundance. There is a high potential of loud night disturbances, and the noise would be carried directly to Sundance subdivision.

I suggest locating OHV play areas and trails far from populated areas to meet the purpose and need, and as a reasonable alternative approach. Dust, noise from motorized vehicles, and from people would all affect Sundance residents on a regular basis. The threat of a wildfire would be constant.

Response

The Travel Management EIS proposes to designate an approximate 4.5 acre area within the cinder pit portion of Coyote Butte as open to motorized access off of designated routes (cross-country travel) (FEIS, CD-2 Open Material Source Maps). The proposed actions would prohibit motorized access on user-created trails and non-system roads in the immediate vicinity to motorized travel (DEIS/FEIS, Appendix A - map A-2). This decision would not modify any route closure decision made under a previous administrative decision. Although the Travel Management EIS does not address individual issues of barricading or obliterating unauthorized routes or existing closed roads, they will be illegal for motorized under this decision and will not appear on the annual Motor Vehicle Use Maps (MVUMs). The elimination of cross-country travel (DEIS/FEIS, pp. 40-41; Appendix A, Map A-2) and better definition of closed roads is likely to reduce dust generated by motorized vehicles, especially from areas proximate to the residential areas adjacent to the Forest. Since mineral material source sites generally contain minimal vegetation (i.e., flammable material), the likelihood of a fire starting within one of these areas and escaping to an outlying area is less when compared to other more densely vegetated areas. Additionally, the ignitions that do occur within these areas will likely remain small, assuming that suppression resources are able to extinguish the ignitions within the footprint of these areas, away from more densely vegetated areas. Historic Forest-maintained GIS records support this assumption; from 1986 to 2007 there have been 11 unplanned human-caused ignitions (from both motorized and non-motorized users) within mineral material source sites that have required suppression action on the Deschutes National Forest, 5 on the Ochoco National Forest. All of these incidents have all been suppressed at less than one half of an acre. Future human-caused ignitions associated with motorized access off of designated routes confined to 29 and 16 mineral material source sites (Deschutes and Ochoco National Forests, respectively) would also facilitate more efficient patrol and be more readily accessible to suppression resources.

The Coyote Butte pit is more than a mile from private land residences in the Sundance Subdivision, a distance at which sound generated from OHVs, although still audible, is likely to have dampened substantially (Shilling, 2003; Harrison, 2003; OMSI, 2005). Noise generated proximate to residential areas is likely to decrease as a result of changes in use designation from “mixed” to “highway legal vehicle only” on approximately nine miles of roads within the Wildland-Urban Interface areas (DEIS, p. 273; FEIS p. 287)), and as the result of the elimination of cross-country travel throughout the planning area (DEIS/FEIS, Appendix A - map A-2)

The Travel Management EIS does not propose to designate any motorized trails. Comments received during this and other planning processes indicate that "close in" motorized recreational opportunities are valued by many users of the National Forests. Proximity of residents to public lands are only one of several criterion considered during the designation process (Chapter 2). The areas identified in Alternative 2 and 3 as open to cross-country travel are significantly reduced from the current condition. This would reduce the amount of potential for dust, noise, or other effects of concern noted by the commenter (See FEIS, Chapter 3).

Comment 5

Your Travel Management Rules states "...enhance/secure recreational opportunities for public enjoyment for both motorized and non-motorized users." The existing trails are enjoyed daily by walkers, trail runners, mountain bikers, and horse riders. An annual run (organized by Foot Zone) is held here. Non-motorized users currently utilize the trail system to the edge of the proposed OHV Cinder Pit area. OHVs and non-motorized uses would overlap; these two uses are not compatible in the same area. OHV tires degrade the trails and roads, creating loose dust on the trails the non-motorized users would be using. As mentioned above, this plan would allow dispersed camping. Camping in this area would overlap with current non-motorized uses. And again, these two uses are not compatible in the same area. An example: someone taking a walk could end up walking through an OHV camping area. Not the forest experience desired by the walker, and not the camping experience desired by the OHV user. In addition, seeing the lights of Sundance subdivision add nothing positive to the nighttime experience of the OHV users.

Response

The EIS proposes to designate only the approximate 4.5 acres within the Coyote Butte cinder pit area as open to motorized access off of designated routes (cross-country travel) (FEIS, CD 3, pit maps). At the same time, the decision limits motorized vehicles only to designated roads and trails, effectively eliminating cross-country travel off of these designated routes (DEIS/FEIS, CD 3). Motorized access for dispersed camping proposed for either Alternative 2 or 3 is not just for "OHV" camps. As noted in Chapter 1 and 3 of the Environmental Impact Statement, dispersed camping is enjoyed by many forest users, and many of the most popular camps have long-established motorized access to them. The Forest Service disagrees that dispersed camping and non-motorized trail use is incompatible. The Environmental Impact Statement would not affect where people can camp, only where they can drive to do so. The equestrian/hiking/biking trails in the Coyote Butte and Horse Butte areas will continue to be closed to motorized vehicles under this decision unless the trails follow an open designated road. If there are any dispersed camps that become established on a designated non-motorized trail, please notify the Bend-Ft. Rock Ranger District.

Comment 6

I suggest locating OHV play areas and trails far from areas already being used exclusively by non-motorized users to meet the purpose and need, and as a reasonable alternative approach. Having OHVs and non-motorized users in the same area does not improve the experience for any of them. My suggestion addresses your expressed desire to maintain the "quality of recreational experiences for all forest users" and reduce "conflict between motorized and non-motorized users."

Response

There are no OHV trails proposed with this Environmental Impact Statement. The rock and cinder pits that are proposed as being designated open to cross-country travel are not in areas that are designated as non-motorized areas, and are all currently being accessed by motorized vehicles for a variety of purposes. Limiting motor vehicles to designated routes and the designated areas would significantly reduce the

conflicts between motorized and non-motorized users (DEIS/FEIS, Chapter 3, Social-Economic Analysis).

There are currently several proposed motorized trail projects that are undergoing separate environmental analyses. These include the Three Trails and Lava Rock Motorized Trail Projects on the Crescent and Bend-Ft. Rock Ranger Districts of the Deschutes National Forest, and the Ochoco Summit Motorized Trails Project on the Lookout Mountain and Paulina Districts of the Ochoco National Forests. We encourage you to contact the Ranger Districts to become involved in these planning efforts.

Comment 7-8

The 258 Road runs between two roads closed to OHV travel. The dirt road/trail to the north of China Hat Road is currently signed as closed to motorized vehicles, and is regularly used as a trail by non-motorized users. Why would anyone be interested in accessing the 258 road, it doesn't go anywhere or connect to anything that can be used by OHVs. Your Executive Summary proposes: "Prohibit motorized travel outside of those existing designated routes (roads and trails) and areas- where it is not already restricted or prohibited by law, regulation, policy, order, Forest Plan direction, or site-specific decision." Per your plan, the road/trail to the north of China Hat Road would be exempt from motorized travel and would not be accessible to OHVs.

I suggest eliminating the 258 Road as it does not meet any purpose and need.

The 500 Road also runs between two roads closed to OHV travel (Horse Butte Road and China Hat Road), and does not lead to anything open to OHV travel. The 500 Road is in the area currently used regularly by walkers, bike riders, horse riders, and trail runners. Opening 500 Road to OHVs would likely result in litter and trash. The noise of OHVs on the 500 Road would be clearly heard by Sundance residents.

I suggest eliminating the 500 Road as it does not meet any purpose and need.

Response

The Environmental Impact Statement does not propose to close any designated national forest system road. It is not within the scope of this document to close roads that are currently open to the public. The purpose of the project is to prohibit motorized cross-country travel, and restrict all motorized vehicles to the current designated open National Forest System Roads and Trails. Both the 258 road and the 500 road referred to in the comment are not currently shown as open roads in our database and will consequently not be shown as open roads on the final Motor Vehicle Use Map.

Comment 9

Bessie Butte is a destination for hikers, yet there is a motorcycle staging area proposed at the base of the butte. Motorcycles and hikers would have different expectations for their forest visit; this would do nothing to maintain the "quality of recreational experiences for all forest users", nor reduce "conflicts between motorized and non-motorized users."

I suggest moving motorcycle access to a different location while maintaining the current hiking access and trail to meet the purpose and need, and as a reasonable alternative approach.

Response

Motorized access and staging areas referenced as associated with Bessie Butte in this comment are not a part of this Travel Management EIS. Bessie Butte is currently closed to OHV use and would remain so under this EIS. The Lava Rock OHV project on the Bend/Ft. Rock Ranger District is a site specific OHV

trail project that is considering a trailhead west of Bessie Butte in an analysis of proposed OHV trails under a separate Environmental Impact Statement (EIS). The Lava Rock OHV EIS will also address site specific dust and access issues associated with the addition of designated trails and trailheads in the Lava Rock planning area. We encourage you to comment on the Lava Rock OHV EIS when the draft is released for public comment, likely sometime in 2011.

Comment 10-11

Your map shows the road to Skeleton Cave and the road beyond Boyd Cave would be closed to motorized traffic. I agree this makes sense and should help to avoid litter and vandalism at the caves.

Your map shows the roads/trails near Sundance subdivision would be closed to motorized traffic. I agree, this makes good sense. Keeping distance between a neighborhood and OHVs is a good way to avoid user conflict.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. Final selection of an alternative is not determined by "votes" for or against a particular course of action, although these comments may also be reflective of a community's support for a particular action. The final decision will consider of the trade-offs involved in the commitment and uses of resources, environmental impacts, laws and policies.

Comment 12

To aid in assisting OHV users in determining which roads and trails are open to them, I suggest signing roads that are open to OHV use. If there isn't a sign, it isn't open OHV use.

Response

The DEIS/FEIS, Chapter 2, Alternatives, Including the Proposed Action, p.37(FEIS p. 36) describes how motorized users can determine which roads and trails are open to them. The Motor Vehicle Use Map is the official map that will show where and under what conditions motorized access on the Deschutes and Ochoco National Forests and the Crooked River National Grassland will be allowed in accordance with the Travel Management Rule. This includes the class (highway or non-highway legal) of vehicles allowed on the road. The map includes two essential parts. Part one is a black and white map that shows what routes and areas are open for motorized access and what areas are open to motorized access for dispersed camping. Part two are detailed tables on the back of the map that explain any special condition of use for designated routes, such as the season of use. The tables also show the conditions of motorized access for dispersed camping that apply to some or all routes. A Travel Management Implementation Strategy has also been developed that includes signing of open roads as a key element.

Letter 82

Comment 1

I own an ATV and 4x4 and enjoy opportunities to ride. I am not opposed to OHV recreation and I support your efforts to determine where OHV use is appropriate.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. Final selection of an alternative is not determined by "votes" for or against a particular course of action, although these comments may also be reflective of a community's support for a particular action. The

final decision will consider of the trade-offs involved in the commitment and uses of resources, environmental impacts, laws and policies.

Comment 2

My area of concern is the area near Coyote, Horse, and Bessie Buttes. Travel restrictions in this area are very important due to the environmental effects on the area and on the residential property. I urge you to:

- *Remove Coyote Butte cinder pit as an area where motorized access of designated routes is allowed.*
- *Remove road 500 (NE of Coyote Butte) as a designated open road.*
- *Remove road 258 (East of Coyote Butte) as a designated open road.*
- *Remove road 200 and 230 (NW of Cabin Butte) as designated roads.*
- *Move the proposed Bessie Butte staging area to the 9710 road near hwy 97.*
- *Decommission under constructed and closed roads to physically restrict further use and reduce environmental damage.*

Response

Closing roads to motorized travel is outside the scope of the Travel Management EIS. The designation of Coyote Butte cinder pit as open to motorized access off of designated routes (cross-country travel) considered the multiple uses and resource issues associated with this area and has chosen to reduce the area open to cross-country travel to the 4.5 acre footprint of the excavated cinder pit. The decision also eliminates legal cross country travel in areas adjacent to the pit (DEIS/FEIS, Appendix A, Map A-2), which will reduce the amount of motorized use capable of incurring detrimental effects on resources on the area.

Staging area designations associated with the Bessie Butte are not a part of this Travel Management EIS. Bessie Butte is currently closed to OHV use and would remain so under this decision. The Lava Rock OHV project on the Bend/Ft. Rock Ranger District is a site specific OHV trail project that is considering a trailhead west of Bessie Butte in an analysis of proposed OHV trails under a separate Environmental Impact Statement (EIS). This document will also address site specific dust and access issues associated with the addition of designated trails and trailheads in the Lava Rock planning area. We encourage you to comment on the Lava Rock OHV EIS when the draft is released for public comment, likely sometime in 2011.

The decommissioning of unauthorized or closed roads is outside the scope of the Travel Management decision. Roads 258 and 500 will not be on the final MVUM as open roads. Roads 200 and 230 are currently open roads and will remain on the final MVUM as open roads

Comment 3

Coyote Butte The 4.9 acre Coyote Butte Cinder pit should not be designated for cross-country travel as it conflicts with many of your selection criteria in the DEIS.

Resource damage will occur in the following ways: Dust from off road use is readily blown into residential areas creating a nuisance, noise pollution travels and disturbs residents, it would serve as a magnet for late night parties and illegal activities.

The area north of Coyote Butte is becoming increasingly popular for non-motorized users. Hikers, mountain bikers, trail runners and horse riders all frequent this area daily to use the 62 and 63 trails.

Noise and dust from the proposed off road pit are not compatible with these uses and conflicts will be inevitable.

Coyote Butte is frequently used by target shooters. Conflicts will arise between target shooters and OHV enthusiasts if this is designated for off road use.

With the exception of road 500, Coyote Butte is isolated from developed trail systems. Encouraging OHV use in this location is out of place.

Most all of the other cinder pits proposed for off road use are well away from residential development and non-motorized use. Encouraging off road use at this site is just asking for conflicts. There are sufficient other opportunities for off road activities without including the Coyote Butte pit. Without including Coyote Butte there will still be 32 pits in the Deschutes National Forest designated for off road use. Surely with 200 pits to chose from there have to be better choices for off road opportunities!

Response

The Travel Management EIS proposes to designate Coyote Butte as open to motorized access off of designated routes (cross-country travel) in order to allow motorized travel to and within the cinder pit area for a variety of existing uses. This EIS does not designate this area as a "play area", although OHVs will be allowed to operate within the pit. The EIS would eliminate cross-country travel on areas outside the pit area, likely reducing the appeal of this area for extended OHV riding and the traffic and dust generated by OHVs more proximate to trails and residences in the area. Trails 62 and 63 are both at least 0.5 miles away from the pit area and the Sundance residences are over a mile away, distances at which sound generated from OHVs, although still audible, is likely to have dampened substantially (Shilling, 2003; Harrison, 2003; OMSI, 2005). Target shooting and motorized use are currently not in conflict in this area and is not expected to change as a result of this decision. The East Fort Rock OHV trail system is approximately five miles southeast of Coyote Butte and attracts most OHV users looking for a trail or play area experience. Regardless, Forest Service Law Enforcement Officers regularly engage users at the Coyote Butte area and will continue to assess resource conditions and social conflicts in the area following this decision. The Forest Service has the authority under CFR regulations to place administrative closures on motorized use if resource damage or social conflicts become unacceptable. We appreciate your concerns for the area and will pass on these concerns to the Bend/Ft. Rock District Ranger. We also encourage you to contact officials at the Bend/Ft. Rock Ranger District with your observations of resource conditions and uses in the area.

Comment 4

500 Road There is little benefit for keeping the 500 road open and much to be gained by closing it.

It is well know that the Horse Butte/Coyote Butte/Cabin Butte area is prone to illegal dumping. I have participated in numerous rubbish clean ups events in the area yet the problem continues. Vehicle access is directly related to illegal dumping. Most of the trash is dumped on spur roads just off and close to the main arterials. We see little trash once we get just a little ways off the main roads.

Fire risk is a considerable hazard along the 500 road and a big risk for the Sundance subdivision. The Skelton fire raced through this area in 1996 crossed onto private property and devastated the Sundance subdivision. Grasses and vegetation have returned following the Skelton Fire and the County Forester has stated that Sundance is one area of particular concern for wildfire in the near future. Motor vehicle travel on the 500 road and dispersed camping off the road pose a severe fire hazard for residents.

There is little traffic on the 500 road and there are no unique attributes that merit keeping this road open. Closing and blocking this road at the 1815 road and at the 18 road would make it difficult for illegal dumping to continue and reduce the fire hazard. I believe that closure and decommissioning road 500 would help mitigate some very serious and expensive environmental problems.

Response

The 1815-500 road was closed at a result of the Evans Well EA, and is not shown as an open designated road on the Motor Vehicle Use Map. It is not within the scope of this document to require specific ground-disturbing actions to close roads. With the publication of the Motor Vehicle Use Map, any motorized travel except as shown on the Map will be prohibited. Many areas proximate to urban and residential settlements are prone to illegal dumping and other activities. This problem, although not unique to this area, is recognized by Law Enforcement personnel and the Bend/Ft. Rock District Ranger. Coyote and Cabin Buttes provide for close-in recreational opportunities as well.

Comment 5

258 Road I cannot understand why the 258 road is proposed to be open. It is short and doesn't lead to any destination. Perhaps this is a mistake and you intended to keep the access road to Boyd Cave open instead? I suggest this road be deleted from the map.

Response

The commenter is correct in that road 1819-258 should not have been shown on the draft MVUM as an open road. It is closed under the Skeleton Fire area closure and will not be shown as open on the final MVUM.

Comment 6

200 and 230 Roads The area accessed by these two roads northwest of Cabin Butte suffers the same problem as the 500 road above. It would be appropriate to close these two roads.

Response

The status of roads 1815-200 and 1815-230 were checked and are listed as long-term open roads in the transportation inventory. There are no current NEPA decisions or forest orders that would change their current status. It is not within the scope of this document to close roads that are currently open to the public. The purpose of the project is to prohibit motorized cross-country travel, and restrict all motorized vehicles to the current designated open National Forest System Roads and Trails.

Comment 7

Bessie Butte Staging Area Bessie Butte is a popular hiking destination recently featured twice in the local paper. Development of a motorcycle staging area at the southeast toe of the butte would create new user conflicts, noise and dust and permanently degrade the views from atop the butte. I would suggest the staging area would be more appropriate somewhere off the 9710 road where it would be easily accessible off highway 97 and well away from the popular Bessie Butte hiking trail.

Response

Motorized access and staging areas referenced as associated with Bessie Butte in this comment are not a part of this Travel Management EIS. Bessie Butte is currently closed to OHV use and would remain so under this decision. The Lava Rock OHV project on the Bend/Ft. Rock Ranger District is a site specific OHV trail project that is considering a trailhead west of Bessie Butte in an analysis of proposed OHV

trails under a separate Environmental Impact Statement (EIS). That document will also address site specific dust and access issues associated with the addition of designated trails and trailheads in the Lava Rock planning area. We encourage you to comment on the Lava Rock OHV EIS when the draft is released for public comment, likely sometime in 2011.

Comment 8

Decommission User Trails As part of the plan I strongly encourage you to decommission closed trails with rocks, barriers and /or ripping to prohibit further use. Many roads could easily be decommissioned by just blocking access from arterial roads. The cost of blocking off these roads would be much less than the annual cost of trash cleanup caused by easy access and the potential fire hazard from OHV use and campfires.

Response

The Motor Vehicle Use Map will prohibit motorized access off of designated routes (cross-country travel) and outside of designated areas. Closing, decommissioning, or rehabilitating designated or unauthorized roads and trails is not within the scope of this EIS. These actions could be accomplished through future efforts.

Comment 9

I need to comment on the process for public involvement. I understand that you have tried to encourage public involvement yet it has been very difficult for me to keep abreast of this process- even though I have tried.

- I read the newspaper every day, yet I did not see any articles about open house, requests for comments etc until the article in the Bulletin last week.

- I visited your booth at the Redmond fairgrounds Sportsmen's Show and signed up to be on the list for notification of any actions on this plan. There were not good maps available there and information was very limited. I never heard anything as a result of signing up.

- I visited your office in Emkay earlier this year to inquire what was happening. No one there seemed to have any information on the plan. No written material was available and no maps were available to inspect.

- I later called and made an appointment to meet with the staff in charge of the plan and was able to meet and received a briefing. There was nothing in the plan at the time to open Coyote Butte to cross country use.

- I again asked to be put on the mailing list. I have to date received nothing from you regarding information on this plan.

It seems to me that there are probably many people affected by this plan that are not aware what is going on. I don't know the solution, but from my perspective I've tried to become involved and it has been very hard to do so.

Response

The Forest Service regrets if you have had difficulty finding information on this project. We have made extensive efforts to ensure that the public was able track our travel management planning processes. As outlined on Pg 14 in the DEIS (FEIS p. 8), we have used various avenues of informing the public including four rounds of public meetings beginning in 2006 and every year since for a total of 22 public workshops and 11 meetings with the working group which were open to the public. Each of these meetings was announced through various venues including our local forest website, 19 press releases in the newspaper of record, the Bulletin, along with other local papers and numerous radio announcements

throughout this 4 year period. The release of the DEIS promoted the last six public workshops which were conducted in an "Open House" format as with the 2008 public workshops. These meetings were spread across the Central Oregon landscape to help reach the public in each of our surrounding communities. A compiled list of media releases is presented in Appendix F of the FEIS. Detailed Alternative Maps were at our offices during the month of and the month following the public workshops in 2006, 2007, 2008 and 2009. These maps were also available on a CD and online for those with internet capabilities to download them. At each public workshop we updated our mailing list and had over 1,200 individuals and organizations that were mailed the seven newsletters and other notices.

Letter 83

Comment 1

I have strong concerns regarding this upcoming legislative proposal. My understanding, from the wording, is that while "existing" areas for camping and off road use will not close, many areas/trails in these areas will be closed to "non licensed" vehicles, which of course most non dual sport motorcycles would be classified as. We watched our rights to ride erode in California and Idaho and this is frustrating to those of us who ride responsibly and stay on the trails. And in my opinion, and years of riding experience, that is the vast majority of "non licensed vehicle" riders. To me this looks to be directly targeting those of us who enjoy the trails. Unless I need to be corrected on this, and please do if that is the case, I am formally protesting this closure as taking away another of our rights - and in this country, they have eroded quickly.

Response

This EIS will close existing designated roads, trails, or areas. There would be some change to the class of vehicle certain roads are open to. (See DEIS, Chapter 2, p. 50; FEIS p. 51), Table 5- Expected Change in Roads Open to Highway-legal Vehicles). This change is necessary because of public safety hazards of sharing mixed-motorized use on some roads such as those designed for high speeds, with poor sight distances, or other safety concerns. (See DEIS/FEIS Chapter 3, Public Safety). The DEIS, Chapter 3, Recreation, Affected Environment, p. 214 (FEIS p. 73) provides details on the existing designated OHV areas, and the class of vehicle they are open to which will not change under any alternative proposed. As noted, there are more than 300 miles of designated motorized trails on the Deschutes and Ochoco National Forests, and over 1,000 miles in the Central Oregon area. These designated roads and trails will not be affected by this decision.

As a result of public comment, the final selected Alternative in the Record of Decision has included mitigation for some roads to allow continued motorized mixed-use. See the ROD, Appendix 2 for a complete listing of roads that have changed from the DEIS. The Record of Decision will prohibit motorized access off of designated routes and outside of designated areas except as allowed for motorized access for dispersed camping.

The scope of the decisions to be made in the Deschutes and Ochoco Travel Management Project do not include designations of new motorized trail systems. However, there are currently several proposed motorized trail projects that are undergoing separate environmental analyses. These include the Three Trails and Lava Rock Motorized Trail Projects on the Crescent and Bend-Ft. Rock Ranger Districts of the Deschutes National Forest, and the Ochoco Summit Motorized Trails Project on the Lookout Mountain and Paulina Districts of the Ochoco National Forests.

Letter 84

Comment 1

I would like to weigh in against any expansion on non centralized OHV use on public lands. In my opinion OHV use has already degraded the outdoor experience way too far. As a hunter and hiker near 60 years old I own horses, llamas and one small OHV and I am going back to a back pack to get away from all the over used man made trails.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrant supplement or improvement of the analysis in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS. Final selection of an alternative is not determined by "votes" for or against a particular course of action, although these comments may also be reflective of a community's support for a particular action. The final decision will consider the trade-offs involved in the commitment and uses of resources, environmental impacts, laws and policies.

Comment 2

OHVs have done such dramatic damage in such a short time frame. Please be tough on expanding use of OHVs. A reversal is in order and I suggest your trade off might possibly be in the managed riding facilities that are well designed for a multitude of off road users. Of course that will not satisfy the main objective of many OHVs users that this is to effortlessly conquer the wilderness.

Response

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrant supplement or improvement of the analysis in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS.

Letter 85, 86, 88, 95, 96, 98, 105, 108

Comment 1

Our riding areas are already very limited especially close to home just outside of town. If our taxes and off road dues are being used properly they should add and expand riding areas not shut down public lands. Central Oregon is popular and growing because of our riding, hunting and other recreation! It would be financially stupid to reduce what Central Oregon is known for. Please give us new and more trails.

The dirt bike sport is what our family does on a regular basis. If this is taken away from us families will not have that time together and can contribute to broken homes, children running on the streets become an issue to.

I believe a new trail system should be in place before actively banning us from existing trails we have used, with no problem for years.

Need more trails.

We need more riding areas not less!

Need more areas too ride.

We need more riding area, not less we have to many riders, not enough area.

We need more riding trails.

ODOT, Expands roads for more people off road riding needs the same for more riders young and old.

Need more riding area's, with one way trails and separate trails for 2 and 4 wheelers.

Need more areas so everyone isn't at same place.

It is making it harder and harder to find safe riding areas for the family to ride.

[We need] more trails.

We need more single track motorcycle trail in our local National Forest.

Single track = less impact! Less maintenance!

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. As noted in the DEIS/FEIS, there are over 300 miles of designated motorized trails on the Deschutes and Ochoco National Forest, and many more miles of designated roads that allow for non-highway legal vehicles. These recreational opportunities will continue to be available to all users. The scope of the decisions to be made in the Deschutes and Ochoco Travel Management Project do not include designations of new motorized trail systems. However, there are currently several proposed motorized trail projects that are undergoing separate environmental analyses. These include the Three Trails and Lava Rock Motorized Trail Projects on the Crescent and Bend-Ft. Rock Ranger Districts of the Deschutes National Forest, and the Ochoco Summit Motorized Trails Project on the Lookout Mountain and Paulina Districts of the Ochoco National Forests.

Response

Letter 87, 89

Comment 1

We need more places to be opened up. There are not enough places for me and my kids to ride and they keep shutting them down this sport gives my kids something to do instead of running around causing trouble.

Most of the trails have been built by us. Over the years there has been no long term impact except where closures have forced large numbers of riders into one small area. Wrong move for safety and environment.

Response

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrant supplement or improvement of the analysis the in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS.

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrant supplement or improvement of the analysis in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS.

Letter 90

Comment 1

Keep the trails separate-bicycles and bikes.

Response

The Travel Management DEIS does not propose to designate or affect the current designation of any motorized or non-motorized trails.

Letter 91, 93, 106, 107

Comment 1

Please don't shut it down!

Don't shut us out!

Don't close trails.

Don't close my roads.

Response

The Forest Service acknowledges the support for the course of action indicated by this comment. The Deschutes and Ochoco National Forests are not being "shut down" to motorized vehicles. As described in the DEIS, there are over 8,000 miles of roads - from primitive to paved; and over 300 miles of motorized trails. 80 percent of the two Forests are within one-half mile of a road. Under all proposed alternatives these conditions would remain. Chapter 1 of the Environmental Impact Statement describes the purpose and need for implementing the Travel Management Rule and why the proposed actions are being taken to limit motorized access to designated routes and areas.

Letter 92

Comment 1

Shoot all cougars and wolves.

Response

This comment suggests an action that is not within the scope of the proposed decisions to be made. The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrant supplement or improvement of the analysis in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered further detail in the FEIS.

Letter 94, 97

Comment 1

We need more trail systems! If closing down many riding areas, it will make the ones left open much to crowded on weekends and holidays! Many more accidents.

Less riding area more accidents. Think about it. More riding areas and expand the existing, less accident more fun.

Response

The comment does not suggest any specific factual corrections to the DEIS or provide credible science with opposing or new information within the scope of the proposed decisions that warrant supplement or improvement of the analysis the in the DEIS. The comment does not suggest a modified or new alternative within the scope of the proposed decision to be made, and therefore will not be considered in further detail in the FEIS. The DEIS identified the potential for additional crowding on trails. However, there is no reliable way to predict the degree to which this decision may contribute to crowding on the trails. As noted earlier in responses to comments, there are several proposals for developing additional designated motorized trail systems across the two Forests.

Letter 108

Comment 4

Response

Designating new single track motorcycle trails is not within the scope of this EIS. However, the Three Trails, Ochoco Summit, and Lava Rock proposed motorized trail projects are currently proposing additional motorized trail opportunities, including single track motorcycle trails. We encourage you to get involved in these projects on the Crescent, Lookout Mountain, and Bend/Ft Rock Ranger Districts.

Letter 110

Comment 1-2

I prefer Alternative 3, but Alternative 2 would be okay.

There are so few areas where one can walk more than half a mile from the nearest open road. The noise and frequency of vehicle use adversely affects the peace and quiet of the woods, and causes a lot of distress and effective loss of habitat to wildlife, especially elk.

Response

The Forest Service acknowledges the support for the course of action indicated by these comments. Final selection of an alternative is not determined by "votes" for or against a particular course of action, although these comments may also be reflective of a community's support for a particular action. The final decision will consider of the trade-offs involved in the commitment and uses of resources, environmental impacts, laws and policies.

Comment 3

I would like the plan to very specifically explain that all roads and trails will be considered to be closed unless designated open.

Response

See DEIS, page 11(FEIS p. 5), Proposed Action

Comment 4

The USFS obviously has vastly insufficient resources to enforce existing road closures, which are routinely ignored by some members of the public. Gates are opened or even destroyed, barriers removed or bypassed.

Response

The Forest Service believes that it will be easier to enforce the Motor Vehicle Use Map than the variety of special management area designations and public use restrictions now in effect. The Motor Vehicle Use Map will provide clear direction about where motorized use is or is not allowed, thus eliminating the need to have areas posted as "closed" in order to effectively enforce motorized closures. The Forest is developing an Implementation Strategy that will include an education and enforcement component designed to help people understand and comply with the new regulations. The Forest Service has demonstrated in the past a strong commitment to leverage funding by combining with other Law Enforcement agencies and will continue to do so into the future.

Appendix F- Media Coverage

Travel Management Media Coverage			
Media Type	Date	Title	Information
Newsletters	6/16/2006	Travel Management Newsletter	Update mailed to mailing list
News Release	7/10/2006	Off-road clinics scheduled for Central Oregon	Announce Public Workshops
News Release	7/13/2006	Off-road vehicle users talk future restrictions	Announce Public Workshops
Fox TV News	7/20/2006	Travel Management Stories (2)	
Newsletters	9/13/2006	Travel Management Newsletter	Update mailed to mailing list
News Release	12/5/2006	Forest Service Citizen Advisory Group To Meet	Working Group Meetings - Open to Public
News Release	1/22/2007	Forest Service Travel Management Advisory Group To Meet	Working Group Meetings - Open to Public
News Release	2/21/2007	Forest Service Citizen Advisory Group Continues Meetings	Working Group Meetings - Open to Public
News Release	3/6/2007	Citizen Advisory Group To Discuss Motorized Access	Working Group Meetings - Open to Public
News Release	3/29/2007	Citizen Advisory Group To Discuss Motorized Access	Working Group Meetings - Open to Public
News Release	4/25/2007	Citizen Advisory Group To Discuss Motorized Access	Working Group Meetings - Open to Public
Newsletters	6/4/2007	Travel Management Newsletter	Update mailed to mailing list
News Release	6/25/2007	Forest Service to Host Next Series of Travel Management Workshops	Announce Public Workshops
News Release	7/3/2007	Forest Service to Host Next Series of Travel Management Workshops	Announce Public Workshops
News Release	7/25/2007	Another Opportunity to Comment on National Forest Travel Management	Announce opportunity to comment
News Release	8/28/2007	National Forest Travel Management Working Group Recommendations There is Still Time to Comment!	Announce opportunity to comment
Newsletters	10/9/2007	Travel Management Newsletter	Update mailed to mailing list
Newsletters	1/1/2008	Travel Management Newsletter	Update mailed to mailing list
News Release	2/1/2008	Environmental Analysis Begins for Travel Management Rule	
News Release	5/12/2008	Forest Service to Host Next Series of Open Houses on Motorized Access	Announce Public Workshops

Article: Bulletin	5/13/2008	Motor vehicles may be limited to designated roads and trails in area forests	Article includes list of public meetings
News Release	5/21/2008	There's Still Time! Forest Service Hosting Open Houses on Motorized Access	Announce Public Workshops
Article: Bulletin	6/1/2008	Changes to road access in national forests up for comment	Article includes links to maps
Article: Bulletin	1/27/2009	Forest officials mapping legal off-road trails	
Newsletters	3/18/2009	Travel Management Newsletter	Update mailed to mailing list
Article: Oregonian	7/12/2009	Oregon's national forests and those in other states will see limits to where ATV's can ride	
Newsletters	7/20/2009	Travel Management Newsletter	Update mailed to mailing list
News Release	9/23/2009	Provincial Advisory Committee Meeting	
News Release	9/30/2009	Travel Management Draft Environmental Impact Statement Ready for Public Release <i>Comment Period and Open Houses Begin in October</i>	Announce Public Workshops
Article: Central Oregonian	10/23/2009	We don't need more restrictions on public lands	
News Release	11/16/2009	Travel Management Draft Environmental Impact Statement <i>Comment Period Extended</i>	Announce extension of comment period for DEIS
Article: Bulletin	11/25/2009	Few comment on off-road plan	Announce comment period of DEIS