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

April 17, 2009

Chris Sanders
Team Leader
Travel Management Project
Sequoia National Forest
1839 South Newcomb Street
Porterville, CA 93257

Subject: Draft Environmental Impact Statement for Sequoia National Forest Motorized Travel Management**,** Kern and Tulare Counties, CA (CEQ# 20090023)

Dear Mr. Sanders:

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

EPA commends the Forest Service for its efforts to address the many challenges inherent in developing a balanced Public Motorized Travel Management Plan that responds to recreational and resource management demands. We acknowledge that the Travel Management Plan process is a positive step in addressing resource impacts from motorized uses. The permanent prohibition of cross country travel off designated routes and the switch from unmanaged to managed motorized recreational use will result in significant environmental benefits. Of special note are the extensive field surveys and inventory of existing unauthorized routes and the decision not to designate routes within the four special interest areas, one Research Natural Area, and the recently burned Piute Mountain area.

We have rated the DEIS as Environmental Concerns – Insufficient Information (EC-2) (see enclosed "*Summary of Rating Definitions*") due to our concerns regarding the scope of the travel management planning process, and the addition to the National Forest Transportation System of existing unauthorized routes in watersheds with significant soil and water resource impairment, or located in Condor Roost Areas. Furthermore, we are concerned with the continued use of up to 55 routes that may intersect potential naturally occuring asbestos (NOA). Additional information is necessary to fully describe seasonal

closures, mitigation for potential impacts on fens, and monitoring and enforcement commitments.

We urge consideration of an alternative which does not include routes within the Condor Roost Areas or located in watersheds with a high risk of cumulative watershed effects. Site-specific analysis and, where warranted, laboratory testing for the presence of NOA should be conducted as soon as feasible. We recommend use of routes which may intersect potential naturally occurring asbestos be minimized or restricted until the presence or absence of NOA is confirmed.

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

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

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

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

Sincerely,
/s/

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

Enclosures:
Detailed Comments
Summary of Rating Definitions
Letter from Senator Dianne Feinstein to Regional Forester, December 18, 2008

cc: Steve Thompson, California Operations, US Fish and Wildlife Service
Jesse Grantham, California Condor Coordinator, US Fish and Wildlife Service
Central Valley Regional Water Quality Control Board, Fresno Office
Carl Brown, Asbestos Program, California Air Resources Board

EPA DETAILED DEIS COMMENTS SEQUOIA NATIONAL FOREST MOTORIZED TRAVEL MANAGEMENT, KERN & TULARE COUNTIES, CA., APRIL 17, 2009

Scope of the Alternatives Analysis

Provide information on the minimum Forest road system needed and how this information was used to formulate the alternatives. The scope of this action includes prohibition of motorized vehicle travel off designated routes, the addition of unauthorized user-created roads and trails to the National Forest Transportation System (NFTS) so they may be designated for motor vehicle use, and changes to vehicle class and season of use. The draft environmental impact statement (DEIS) also states that unauthorized routes not included in this proposal are not precluded from future consideration for addition to the NFTS and inclusion on the Motor Vehicle Use Map (MVUM)(p. 5). We believe a holistic approach to travel management planning, whereby route designations are guided by travel analysis, known locations of resource impairment, and prior determination of the minimum road system needed, would best serve the long-term interests of the public, Forest Service, and National Forest resources.

> ***Recommendations:***
> The final environmental impact statement (FEIS) should describe the information that was used to formulate the motorized travel management alternatives, and the relationship of that information to the requirement to identify the minimum road system needed for safe and efficient travel and administration of National Forest System lands (36 CFR Part 212 Subpart A, Section 212.5(b)). The FEIS should describe how the minimum road system needed will be identified pursuant to the requirements of the Travel Management Rule (36 CFR Part 212 Subpart A).
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> The FEIS should describe the factors that would be used in the consideration of future additions of unauthorized routes. We recommend that such factors include travel analysis and identification of the minimum road system needed.

Expand the scope of the action to include current NFTS roads and trails with known impacts. The current estimate of annual deferred road and trail maintenance is approximately $100,511,090.00 for the Sequoia National Forest (Forest) (p. 349). EPA is concerned with the Forest Service's ability to adequately address known road- and trail-related resource impairments, given the acknowledged lack of maintenance funds and this proposal to add to the NFTS additional miles of roads and trails known to contribute to soil and water resource impairment.

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

Water Resource Concerns

Avoid designation of routes in watersheds with high risk of cumulative watershed effects. All of the action alternatives would add routes to the NFTS for motorized use in watersheds which are already over the cumulative watershed effects threshold or have an extreme, high, or moderate potential for cumulative watershed effects (Table H-43, pps. 235-237). Furthermore, thirty-two routes that would be added to the NFTS have been identified as existing and potential sources for sediment delivery (p. 221). The action alternatives add existing unauthorized routes that have 2 to 9 stream crossings in need of water quality protection (Table M-4, Appendix C). EPA is concerned with the addition of existing, unauthorized roads and trails known to have soil and water resource impairment, especially in watersheds that are already at risk of cumulative watershed effects.

> ***Recommendations:***
> Avoid designation of routes for motorized use in watersheds with a high risk of cumulative watershed effects, and routes with identified resource impairments.
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> If the preferred alternative includes the addition of unauthorized routes in watersheds at moderate to extreme risk of cumulative watershed effects, we recommend that restoration or obliteration of impaired unauthorized routes in the at-risk watersheds be included as mitigation.

Implement proven, protective seasonal closures. Provide information on wet weather conditions and dates, season of use implementation criteria, and environmental impacts of wet weather use. The action alternatives would establish a season of use for routes that would be added to the NFTS. The period of use and the number of miles subject to seasonal use differ significantly between alternatives.[1] The DEIS does not describe the criteria used to trigger season of use implementation, nor whether other existing NFTS roads and trails would be subject to the same use periods; nor does it describe winter or wet weather conditions or whether wet weather use of existing NFTS and unauthorized roads and trails results in significant environmental impacts.

> ***Recommendations:***
> EPA recommends implementation of a proven, protective season of use. We advocate the expanded use of seasonal closures as a means to avoid and minimize adverse resource effects of roads, trails, and motorized use. The FEIS should clearly state whether the established season of use would be implemented on other NFTS roads and trails. The FEIS should provide information on winter and wet weather conditions and, if present, any significant environmental impacts caused by current wet weather road and trail use.

[1] Alternative 1 Proposed Action: three season of use periods within the range of 5/1 to 11/15 for 48.8 miles, p. 31; Alternative 3 Increase in Motorcycle Recreation Experience and Diversity: 4/15 to 12/31 for 211.9 miles, p.41; Alternative 4 Minimize Impacts to Natural Resources and Roadless Areas: 4/15 to 12/31 for 184.8 miles, p. 50.

Routes within Condor Roost Areas

Close roads and trails within one-half mile of condor roost sites. Alternative 1 Proposed Action would continue to allow use of 16.1 miles of routes within four Condor Roost Areas, approximately 50% of the Condor Roost polygon and 7% of condor essential habitat (pps. 31, 461). Other action alternatives would allow use of 13.7 miles (Alternative 3, p. 43) or 1.7 miles (Alternative 4, p. 51).

> ***Recommendation:***
> We recommend closure of roads and trails within one-half mile of condor roost sites pursuant to the principles of the 1990 Mediated Settlement Agreement between the Forest Service and concerned citizens, which provided direction for the management of the California condor prior to the Condor Recovery Plan (pps. 458 to 459), and U.S. Fish and Wildlife Service direction, if applicable.

Naturally Occurring Asbestos

Conduct site-specific analysis and laboratory testing. Minimize motorized use until confirmation of presence or absence of NOA. We commend the Forest for choosing not to add existing unauthorized routes to the NFTS that may intersect potential naturally occurring asbestos (NOA) terrain. However, we are concerned with the continued use of up to 55 (44 current NFTS, 9 unauthorized) routes that may intersect potential NOA (p. 164). Disturbance of rocks and soils that contain NOA can result in the release of asbestos fibers to the air and exposure to the public. Asbestos is a known human carcinogen and represents a potential human health risk for those exposed while using roads or trails where it occurs.

> ***Recommendations:***
> Site-specific analysis and, where warranted, laboratory testing for the presence of NOA should be conducted as soon as feasible, as described in the DEIS (p. 156). We recommend minimal or restricted use of routes which may intersect potential NOA until the presence or absence of NOA is confirmed.

Sensitive Habitats

Describe and implement mitigation measures specific to protection of fens and sensitive habitat adjacent to designated routes. The project area contains five field-confirmed fens and ten highly likely fens (p. 81). Of these, 3 fens (144 acres) are within 100 feet of existing unauthorized routes proposed for addition to the NFTS. While Appendix C describes Best Management Practices for maintenance of hydrologic function where routes are adjacent to fens, it does not provide specific measures to protect fens or other sensitive habitat from direct encroachment or other potential impacts resulting from easy access.

> R***ecommendation:***
> Describe and implement mitigation measures specific to the protection of fens and sensitive habitat adjacent to designated routes. For instance, include educational material with the Motor Vehicle Use Map on the ecological importance and

sensitivity of these habitats, and prohibit off-road parking and camping in undesignated areas.

Select a preferred alternative which avoids and minimizes adverse effects to threatened, endangered, and sensitive species and their habitat. There are 91 rare plant occurrences (Sensitive Species, Watch List Species) within 100 feet of existing unauthorized routes proposed for addition to the NFTS. The action alternatives would also include between 182 and 186 miles of motorized routes in Riparian Conservation Areas (p. 437).

> ***Recommendation:***
> Select a preferred alternative which avoids and minimizes adverse effects to threatened, endangered, and sensitive species and their habitat.

Monitoring and Enforcement

Develop, describe, and implement a Travel Management Plan Monitoring and Enforcement Strategy. It is important that wildlife protection, vegetation management, and erosion control goals be achieved to minimize the potential adverse effects of the Motorized Travel Management Plan. Effective enforcement is especially critical given the proposal to designate trails with existing resource concerns requiring mitigation prior to use (p. 19). We believe the public and decision makers would benefit if a strategy is developed that includes specific information on funding, monitoring and enforcement criteria, thresholds, and priorities.

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

Climate Change

Address climate change and its potential effects on proposed route designations. A number of studies specific to California have indicated the potential for significant environmental impacts as a result of changing temperatures and precipitation.[2] Climate change effects and the need to adapt to climate change are emerging issues which should be considered in this action. According to the Government Accountability Office (GAO) report entitled, "Climate Change: Agencies Should Develop Guidance for Addressing the Effects on Federal Land and Water Resources" (August 2007), federal land and water resources are vulnerable to a wide range of effects from climate change, some of which

[2] For example: Our Changing Climate: Assessing the Risks to California, A Summary Report from the California Climate Change Center, July 2006; Climate Change and California Water Resources, Brandt, Alf W.; Committee on Water, Parks & Wildlife, California State Assembly, March 2007.

are already occurring. Roads and their use contribute to species stress through habitat fragmentation, increased disturbance, introduction of competing invasive species, and increased fire risk; which may further exacerbate species' ability to adapt to the changing climate.

> ***Recommendations:***
> The FEIS should include a discussion of climate change and its potential effects on the Forest as they relate to the route designation decision and final National Forest transportation system. Of specific interest are potential cumulative effects of climate change and the NFTS on the connectivity of wildlife and threatened and endangered species habitat, air quality, water quality, fire management, invasive species management, and road maintenance.
>
> We recommend the discussion include a short summary of applicable climate change studies, including their findings on potential environmental effects and their recommendations for climate change adaptation and mitigation measures.

Full Disclosure and Procedural Comments

Commit to route-specific environmental analysis for user-created route additions. On some National Forest System lands, repeated use by motor vehicle travel has resulted in unplanned motorized trails un-authorized for motorized use. These trails were generally developed without environmental analysis or public involvement and may be poorly located and cause unacceptable impacts (p. 4). EPA is concerned with the addition of un-authorized user-created trails to the NFTS which may not have undergone site-specific environmental analysis or public involvement.

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