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

February 11, 2009

Stanley G. Sylva
Forest Supervisor
Modoc National Forest
Attn: Travel Management Team
800 West 12th Street
Alturas, CA 96101

Subject: Draft Environmental Impact Statement for Modoc National Forest Motorized Travel Management Plan**,** Modoc, Lassen, and Siskyou Counties, CA (CEQ# 20080527)

Dear Mr. Sylva:

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 their efforts to address the many challenges inherent in developing a balanced 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, the switch from unmanaged to managed motorized recreational use, and implementation of seasonal and wet weather closures will result in significant environmental benefits.

While we acknowledge the benefits of the Proposed Alternative (Alternative 2), 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 continued use of roads and trails near fens, wet meadows, riparian habitat, and vernal pools. Additional information is also necessary to fully describe monitoring, and enforcement commitments, the affected environment and proposed increase in mixed use.

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 two (2) hard copies 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/ by Connell Dunning for

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

EPA DETAILED DEIS COMMENTS RE: MODOC NATIONAL FOREST MOTORIZED TRAVEL MANAGEMENT PLAN, MODOC, LASSEN, SISKYOU COUNTIES, CA., FEBRUARY 11, 2009

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. 2). 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 their relationship 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).
>
> 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 roads and trails with known impacts. The current estimate of deferred road maintenance is $10,961,034.00 for the Modoc National Forest (p. 33). EPA is concerned with the Forest Service's ability to adequately address known road-related resource impairments, given the acknowledged lack of maintenance funds and this proposal to add additional miles of roads and trails to the NFTS.

> ***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 or conflicts with other recreational users and experiences.

Sensitive Habitats

Include the rationale for each specific road or trail within 100 feet of sensitive habitats. Modify Proposed Action to reduce proximity to, and adverse effects on, these resources. The Proposed Alternative would allow motorized travel to continue within or adjacent to sensitive habitats and resources such as fens, wet meadows, riparian habitat, and vernal pools (pps. 141 to 154).

> ***Recommendations:***
> For each road or trail remaining in, or added to, the NFTS which may have adverse effects on sensitive habitats, the FEIS should provide the specific rationale that supports the decision that continued motorized use outweighs the negative effects of continuing this use. We recommend the rationale be included in an expanded Appendix A which provides site-specific mitigation and monitoring requirements for each proposed route designation.
>
> We recommend modification of the Proposed Alternative to further reduce effects on fens, wet meadows, riparian habitat, vernal pools, and other sensitive resources by eliminating or reducing route designations to the NFTS that are located in these areas.

Evaluate the effects of alternatives on route proliferation at dispersed campsites near streams, lakes, springs and meadows. Route proliferation from public wheeled motor vehicle use often occurs around dispersed campsites that are along sensitive riparian areas. Although the evaluation of effects on water and riparian resources considers many other indicator measurements, it does not appear to evaluate the effect of alternatives on route proliferation in sensitive resource areas. While the Preferred Alternative would eliminate unauthorized use on 78 wet meadows, it would continue to allow motorized use through 5 wet meadows and a high density of routes within Riparian Conservation Areas in 16% of watersheds (p. 293 and p. 109, Volume III: Chapter 3).

> ***Recommendation:***
> We recommend the FEIS evaluate the effect of the alternatives on route proliferation at dispersed campsites near streams, lakes, springs, and meadows, and the related impacts to water and riparian resources.

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. 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, beyond the proposed botanical and heritage resource

monitoring plans provided in Appendix B. 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).

Identify mitigation measures required prior to use. Exclude routes on the Motor Vehicle Use Map not yet open for use due to mitigation measure implementation delays. The DEIS does not appear to describe mitigation measures that may be required prior to approved public motorized use. Such measures may include drainage improvements, barriers, and fencing to address the increased risk to sensitive resources such as fens, wet meadows, and increased erosion and sedimentation. Given the substantial level of deferred road maintenance, EPA is concerned with the Forest Service's ability to quickly implement identified mitigation measures and the potential for continued un-authorized motorized use of these designated routes.

Recommendation:
We recommend the FEIS include a list of mitigation measures required for implementation prior to opening the specific route to public motorized use. The FEIS should state whether the Motor Vehicle Use Map (MVUM) would include the designated routes that are not yet available for use due to required mitigation measures. If these routes will be included on the MVUM, describe how use would be restricted until identified mitigation measures are implemented. If these routes are not included on the MVUM, described how and when the Forest would open and designate these routes for use. We recommend routes not yet open due to required mitigation measure be excluded from the MVUM in order to reduce the unintentional un-authorized use of these routes.

Climate Change

A number of studies specific to California have indicated the potential for significant environmental impacts as a result of changing temperatures and precipitation.[1] 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 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.

[1] 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.

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

Provide information on wet weather conditions and related environmental impacts. The proposed action alternatives would implement seasonal restrictions for 312 to 425 miles of roads (p. xii) out of a total of 4,996 miles of existing authorized roads (p. 7) and 491 miles of inventoried unauthorized roads and trails (p.9). The DEIS does not appear to describe winter or wet weather conditions or whether wet weather use of existing NFTS and unauthorized roads and trails result in significant environmental impacts.

Recommendation:
The FEIS should provide information on winter and wet weather conditions and, if present, any significant environmental impacts caused by wet weather road and trail use. We recommend expanding the implementation of seasonal closures and restrictions, if wet weather use results in significant environmental impacts.

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. 2). 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.

Conduct field surveys of Sensitive and Watch List plant species on proposed routes with a high likelihood of their presence. DEIS states that many of the Sensitive and Watch List plant species on the Forest were not mapped accurately and have not been re-visited since their initial discovery, some as long as 20 years ago. Thus, the current status of these populations is unknown. Nevertheless, the analysis for this action is based on

available records with no field surveys for rare plants conducted along proposed route additions (p. 149).

> ***Recommendations:***
> We recommend field surveys of proposed routes where there is a high likelihood of rare species. For example, consider re-visiting the historically mapped species sites within 100 feet of proposed routes of threatened vernal pool species. Information obtained from these field surveys should be included in the FEIS.

Describe existing wildlife corridors, habitat integrity, and potential effects on wildlife movement and habitat fragmentation. The DEIS does not appear to describe or address the presence or absence of wildlife corridors, habitat integrity, nor the effect of the proposed action on habitat fragmentation or wildlife movement. Roads are known to lead to habitat fragmentation and the disruption of migratory corridors, resulting in significant adverse wildlife effects.

> ***Recommendations:***
> The FEIS should include a discussion and analysis of wildlife corridors and the effect of the proposed action on habitat connectivity, habitat integrity, and migration corridors. Include a description of current conditions in regard to habitat fragmentation, existing wildlife corridors, and the relationship to wildlife habitat located on adjoining properties.