



United States
Department of
Agriculture

Forest
Service

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Region

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File Code: 1570
Appeal No.: 11-05-00-0007-A215
Date: January 14, 2011

Mark Weiss
160 Clinton St. Apt. A
Redwood City, CA 94062

CERTIFIED - RETURN
RECEIPT REQUESTED

Dear Mr. Weiss:

On November 16, 2010, you filed a Notice of Appeal (NOA) pursuant to 36 CFR 215 appealing the decision on the Tahoe Motorized Travel Management Final Environmental Impact Statement (FEIS). Tahoe National Forest Supervisor Tom Quinn signed the Record of Decision (ROD) approving Modified Alternative 6 of the Tahoe Motorized Travel Management FEIS on September 21, 2010. The legal notice of the decision was published in the newspaper of record (Grass Valley's The Union newspaper) on October 19, 2010.

I have reviewed the entire appeal record, including your written Notice of Appeal (NOA), the ROD, FEIS, DEIS, and supporting documentation. I have weighed the recommendation from the Appeal Reviewing Officer and incorporated it into this decision. A copy of the Appeal Reviewing Officer's recommendation is enclosed. This letter constitutes my decision on the appeal and on the specific relief requested.

FOREST ACTION BEING APPEALED

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

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



The purpose of this action is to implement Subpart B of the 2005 Travel Management Rule while providing for a diversity of motor vehicle recreation opportunities and providing motorized access to dispersed recreation opportunities. Identified needs are to regulate cross-country motor vehicle travel by the public and to make limited changes and additions to the Tahoe National Forest Transportation System (NFTS).

The decision will:

- Add specific routes, as identified on the ROD map, to the NFTS as follows:
 - 13.1 miles (346 individual segments) of roads and
 - 48.9 miles (107 individual segments) of motorized trails.
- Establish approximately 244 acres of “Open Areas” at Boca, Prosser, and Stampede Reservoirs as open to highway legal vehicles only.
- Make the following changes to the NFTS:
 - allow mixed use on a total of approximately 130.8 miles of passenger car roads (with concurrence received from the California Highway Patrol on March 17, 2010), of which approximately 117.5 miles will be open to mixed use only during deer rifle hunting season;
 - allow non-highway legal vehicles to use 122.0 miles of roads as an added benefit of reducing maintenance levels on specific roads where natural resource management objectives can be achieved with a lower road maintenance level;
 - place seasonal restrictions on 1,369.5 miles of roads and motorized trails as follows: (1) on the westside of the Tahoe National Forest, implement wet weather seasonal closures on native surface roads and motorized trails from January 1 through March 31; (2) on the remainder of the Tahoe National Forest, implement wet weather seasonal closures on native surface roads and motorized trails from January 1 through April 23; and (3) allow over-the-snow travel on 3.6 miles of the Fordyce jeep trail when 15 inches of snow is present on the ground; and
 - re-open 11.4 miles (13 individual segments) of existing closed roads (Maintenance Level 1 roads) for motorized use.
- Amend the 1990 *Tahoe National Forest Land and Resource Management Plan* (Forest Plan) to remove the seasonal restriction for the Humbug Sailor Management Area (#84).

APPEAL REVIEWING OFFICER'S FINDINGS and RECOMMENDATION

Documentation demonstrated compliance with applicable laws, regulations, and policies in light of the appeal issues raised by appellant.

Appeal Reviewing Officer (ARO) Tyrone Kelley, Forest Supervisor for the Six Rivers National Forest, found that the project is an appropriate and reasonable response to direction in the Tahoe National Forest Land and Resource Management Plan and is in compliance with the plan.

The purpose and need for the project were clear. The Forest Supervisor's decision logic and rationale were clear and well documented. The Forest Supervisor was responsive to public concerns.

ARO Tyrone Kelley recommended affirmation of the Forest Supervisor's decision on all issues and denial of all requested relief.

DECISION

I agree with the ARO's analysis as presented in the recommendation letter. All appeal issues raised have been considered. I affirm the Forest Supervisor's decision to implement Modified Alternative 6. I deny all requested relief.

The project may be implemented on, but not before, the 15th business day following the date of this letter (36 CFR 215.9(b)). My decision constitutes the final administrative determination of the Department of Agriculture [36 CFR 215.18(c)].

Sincerely,

/s/ Ronald G. Ketter

RONALD G. KETTER
Deputy Regional Forester
Appeal Deciding Officer

Enclosure