From: Dave Norton
To: FS-comments-pacificnorthwest-rogueriver-siskiyou
Subject: Rogue River vehicle access comments
Date: Wednesday, October 12, 2011 8:05:51 PM

I shall make a very simple and easily understood comment on any plan to restrict motorized access to the public lands.

There are a good number of people (members of the PUBLIC) who are not as ambulatory as some of those folks who plan to restrict access to our PUBLIC lands. The PUBLIC lands are owned by the PUBLIC at large and the PUBLIC entrusts those lands to be managed on their behalf by government agencies. Any plan to further restrict the many beautiful lands in our country from any member of the PUBLIC is a narrow and thoughtless concept that eventually will turn the public lands into a restricted "test tube" only accessible by those who are in the best of shape physically as well as blessed with the amount of time it takes to visit the public lands without vehicles.

Thank you, and following is my contact information in the event anyone might be interested in discussing this issue further.

David C. Norton, owner
Bucks Lake Properties, vicinity of Plumas National Forest, CA
Norton Meadows subdivision
930 Tahoe Blvd., #802
Incline Village, NV 89451
dave@buckslakeproperties.com
Phone: (530) 283 4577

From: George Hasapidis
To: FS-comments-pacificnorthwest-rogueriver-siskiyou
Subject: Action alternative preference for Rogue River-Siskiyou NF
Date: Tuesday, October 18, 2011 10:10:00 AM

I am writing in support of Alternative 4 in the DSEIS prepared for Rogue River-Siskiyou National Forest. I believe that motorized vehicle use has become almost ubiquitous in our country, and that makes it more important than ever to protect places like National Parks and National Forests from their use. These days the environment and the natural world are under assault by people more than ever before, so I support maximum shielding from human impact for our protected land areas. For these reasons, I support Alternative 4.

Thank you for your time and attention,

George Hasapidis

Cumberland, RI

ghasapidis@hotmail.com

From: Karen Kulikowski
To: FS-comments-pacificnorthwest-rogueriver-siskiyou
Subject: Alternative 4 is only the beginning
Date: Wednesday, November 02, 2011 12:40:19 PM

I grew up in Palo Alto and our family home is still a place to come back to. As a kid I often visited the North Coast of CA and spent summers in the area which included visits to the Rogue River. As such my connection to that area is lifelong and I don't want any more damage to it than has occurred (unfortunately) already.
From reading all alternatives 1-5 it is plain to see that #4 is the best of the lot but is only a start.
Motorized travel on any unpaved surface increases the wear and tear and subsequently the sediment ultimately delivered to streams and rivers. More sediment as well as runoff will lead to
greater downstream erosion with loss of shading and ultimately water warming and harming of fish and aquatic habitat and water quality deterioration.
The relatively few but vocal minority that choses to enjoy their outdoor experience on a loud,polluting and obnoxious machine should not be allowed to damage the ecosystem(s) necessary for native life and outdoor experience for those that seek quiet solitude.
The hiker's booted foot will contribute relatively little in the way of NOA in those soils known to contain asbestos and a trail offers far less potential for erosion and sediment runoff into streams and riparian areas.
The maintenance of clean waters and viable watersheds trumps any need to destroy the outdoors on those loud,obnoxious and polluting machines.
A clean place to live for the fish of the streams and rivers and no motorized stress for the forest's inhabitants is a legitimate condition on its own merits to be maintained. If the rolls were reversed and I or others wanted to ride a machine through those persons homes and habitats I am sure they would complain and object.
I would ask that all but the most critically important off road motorized travel be prohibited in the Rogue River-Siskiyou NF.

Respectfully submitted
Jon Spar,MD
Board WildEarth Guardians
1408 Lobo Ct nE
Albq., NM, 87106

0004

10-11-11

TRAVEL MANAGEMENT PLAN

HELLO FOLKS,

JUST A COMMENT OR TWO ON THE TRAVEL MGT. PLAN.

SIMPLY PUT - I BELIEVE MOST OF THE ROADS IN THE FORESTS SHOULD BE LEFT OPEN. THE LAND IS THERE FOR ALL OF US TO USE.

I ALSO BELIEVE THAT WE ALL PAID TO HAVE THEM BUILT & IT MAKES NO SENSE AT ALL TO PAY MORE MONEY TO CLOSE THEM & RETURN THE AREA TO A SO-CALLED NATURAL STATE.

BEING A ARDENT USER OF THE FORESTS IN WINTER & SUMMER, I NEED THE ROAD SYSTEM TO GET AROUND BECAUSE OF HEALTH REASONS. I CANNOT HIKE ALL DAY LONG TO GO SEE SOMETHING 10 MILES FROM PAVEMENT.

I STRONGLY SUGGEST THE AGENCY'S FOCUS ON MULTIPLE USE FOR OUR FORESTS - A GREAT NATURAL - RENEWABLE RESOURCE.

SINCERELY,

ERIC HUNT
2715 COKER BUTTE RD.
MEDFORD, OR. 97504

American Tractor
5200 Crater Lake Ave.
Central Point, OR 97502-8419

MEDFORD OR 975
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MEDFORD INTERAGENCY OFFICE
3040 BIDDLE RD
MEDFORD, OR 97504

97504-4119

November 1, 2011

Scott Conroy, Forest Supervisor

C/O David Krantz, Project Leat

Forest Supervisor's Office

3040 Biddle Road

Medford, Oregon 97504

Dear Mr. Conroy

Re: Proposed Travel Management Plan

A few comments on the Rogue River-Siskiyou National Forest Travel Plan.

1) Parking along designated Routes
The original FEIS stated that one could only park where there was no vegetation to harm. That is impossible.

I have pictures of F.S. vegetation removal along roads in the forest. They used a brush hog and destroyed every living plant and bush. Did anybody do a study to see if any endangered vegetation was destroyed?

How can I be cited for parking when the forest service can destroy miles of vegetation? This is a ridiculous rule that can not be enforced.

2) Limited "Administrative Use" off Road by the forest service. If the people that own the forest(the Taxpayers) are made to walk, so should the forest service employees. Do forest service ATV's cause damage?
3) The original FEIS stated there would be no big game retrieval. For a younger person that is a big deal but not impossible. For elderly and physically disabled that make it impossible to retrieve big game and is discrimination. (See Attached USDA documents) Every taxpayer/owner should be able to equally access the forest. The rule is discriminates because it denies equal access to the forest. Federal offices and facilities [redacted] require equal access (ie. ramps) the forest is also a government facility. As the rule was set up only physically able people would be able to access off-road.

I would like the Forrest Service to explain to the World War II veterans that are all in their eighties why they can only drive along roads and look out their window. Same for all other Vets especially for the men and women coming back from Iraq and Iran that are physically disabled. The statement that they could use wheel chairs is the most ridiculous statement I have ever heard. Try going cross country in a wheelchair. You only allow wheelchair people a chance to go off road but not other aged or handicapped.

No Equal Chance To Access = Discrimination

Don't use environmental concerns for the no off road rule. I talked to a Forest Service project person and he stated that no inventory of off road damage has been done. How could this happen.

Incomplete Study invalidated the FEIS

The Forest Service has done 100's of thousands of acres of damage by their logging practices. (some good-some bad) Off road use doesn't even compare. The forest Service has destroyed billions of rare plants with their logging. Also think about the trail building damage.

REMEMBER

There is a good chance that you will get old. There is also a chance that you could become physically disabled. How would you like it if your forest experience was looking out a car window from a road that might not even exist if the environmentalists have their way. Why have a Forest that everyone can't use. The Forest service doesn't own the Forest – **ALL** the people own it and should be allowed and access it by ATV if aged or physically disabled.

Wayne Squire

1209 Park Street

Ashland, Oregon 97520

United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

Civil Rights Policy Statement

As Secretary of Agriculture, I fully support the U.S. Department of Agriculture's ([redacted] improving civil rights throughout USDA is one of my top priorities, and by pursuing this [redacted] together in a transparent and ethical manner we can lead the way in making USDA a model organization.

The success of today's "People's Department" requires the steadfast support and commitment of every USDA employee. [redacted] or reprisal. [redacted] Our policy at USDA is simply to understand that there will be zero tolerance for any form of discrimination. This standard is *applicable to every employee* at USDA a[redacted]

To realize our vision of a modern workforce working in a modern workplace, USDA must become a model department of tolerance and inclusion. Only then will we live up to President Lincoln's description of USDA as "The People's Department." This is my commitment to you, and I expect every employee to demonstrate respect for and adherence to USDA civil rights, equal employment opportunity, and diversity policies.

To this end, accountability is key. USDA employees will be held accountable for doing their part to ensure that all USDA applicants, customers, constituents, and stakeholders as well as other USDA employees are provided equal access to the opportunities, programs, and services available through "The People's Department." Accordingly, I am counting on all senior leaders, managers, and supervisors to model appropriate behavior and to lead by example.

We must all strive to create an inclusive environment in which every employee is respected, trusted, and valued. Let us continue to cultivate and reap the benefits of a diverse USDA workforce that is rich in talent, ideas, background, and experience. The USDA mission depends on it.

Thomas J. Vilsack
Secretary
June 2, 2011

Non-Discrimination Statement

"The U.S. Department of Agriculture (USDA) prohibits discrimination in all of its [redacted] n the basis of race, color, national origin [redacted] and where applicable, sex (including gender identity and expression), marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD)."

S

Wayne Squire
1209 Park St.
Ashland, OR 97520

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SCOTT Conroy FOREST Supervisor
C/O DAVID KRAUTZ, PROJECT LEAD
FOREST Supervisor's office
3040 Biddle Rd.
Medford, OR 97504

97504341119

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To: David Krantz

I have edited the comments that I submitted to you on November 6 to correct some of the road numbers that I incorrectly listed and to make a few narrative changes. Please accept these corrected comments on the subject SDEIS.

Thank you

Gordon

November 8, 2011

Scott Conroy, Forest Supervisor

Rogue River–Siskiyou National Forest

C/O David Krantz, Project Lead

Forest Supervisor's Office
3040 Biddle Road
Medford, Oregon 97504
Subject: Comments on the DSEIS Motorized Vehicle Use on the Rogue River-Siskiyou National Forest
Dear Travel Management Team,

I have lived in O'Brien since 1993 and have driven and hiked many of the local roads and trails at issue. Therefore, these comments are mostly related to the USFS lands west of O'Brien inside map Box H. My house is actually near the middle of section 23 just inside the northeast corner of Box H. These comments will center on road systems 4400 and 4402 and Alternative 3 the Proposed Action (Map 2). The boorish OHV users (about 5% of the public) are notorious for producing loud disturbing noises and causing wanton vandalism and destruction of plants, soils, water bodies, and property on both private and public lands. The USFS should focus its efforts on providing quality recreational experiences for the majority (about 95%) of the citizens who do not use OHVs on National Forest lands.

Regarding noxious weeds it should be pointed out that an Alyssum infestation is already present along the side road 4402 just past the end of pavement of Lone Mountain Road. This presents a threat that Alyssum could be transferred deep into the forest and into California.

A new issue to consider is the October 21, 2011 ruling by the 10th Circuit Court of Appeals upholding the Roadless Area Conservation Rule that now must be implemented. Under this court decision the Forest Service should close roads in the South Kalmiopsis Roadless Area to motorized use. Based on the Inventoried Roadless Areas map for the Siskiyou National Forest,

the Forest Service should close roads 4402-112, 4402-172, 4402-450, 4402-494, 4402-530, 4402-535, and 4402-550 to motorized use that are shown as open in Box H on Map 2 (Alternative 3 the Proposed Action). Road 4402-494 is proposed for conversion to a motorized trail, however it cannot be developed or constructed under the Roadless Area Conservation Rule. Several other roads in Box H on Map 2 should also be closed to motorized use. Road 4400-443 is a short road into a Botanical Area from a private road. It is perhaps shown on Map 2 as open by mistake because it is impossible for the public to access it without trespassing across private property. Perhaps it is shown as open so that one adjacent resident can drive into the Botanical Area from their private road?

Road 4400-461 should also be closed to motorized use. It serves no useful purpose because it crosses a Botanical Area and ends at the closed ridge road 4400-445. Perhaps it too is shown as open by mistake. The road was constructed as a fire line during the Biscuit fire. Such roads constructed in an emergency cannot be turned into mixed-use roads. Showing it as open would only cause environmental damage and encourage motorized use on the closed ridge road system. Roads 4402-019 and 4402-497 should also be closed to motorized use. Road 4402-019 crosses a Botanical Area and ends at road 4402-112 that should be closed under the Roadless Area Conservation Rule (see above). Leaving road 4402-019 open would cause environmental damage and encourage motorized use on other roads that should be closed under the Roadless Area Conservation Rule. Road 4402-497 is just a spur road to the summit of Our Mountain. It must also be closed to motorized use when road 4402-019 is closed.

There should not be any roads or trails designated open to motorized vehicle use anywhere on Our Mountain because of noise, dust, Alyssum, and POC root disease issues. Road systems 4400-445 and 4402-019 are located on Our Mountain, which is the southern divide of the South Fork Rough and Ready Creek. These roads only provide an approximate parallel route to 4402 and are not needed for reaching destinations such as Sourdough by motorized vehicles. It would be fair and reasonable to close those roads to motorized use and leave them for quiet recreational activities by horseback riders and hikers who do not want to be assaulted by loud noises. Motorized vehicles contaminated with POC root disease traveling on those ridge roads could infect the entire South Fork Rough and Ready Creek and main stem watershed with the disease. If vehicles were to introduce POC root disease to the top of Our Mountain along road 4400-445 the disease could spread downhill in the numerous unnamed streams and kill POC on private lands. It should also be kept in mind that there are many domestic water rights from springs on the east side of Our Mountain that could be adversely affected by vehicle traffic to and along the top of Our Mountain.

Roads and trails should not be designated for motor vehicle use through Botanical Areas or in Inventoried Roadless Areas. There is simply no justification for invading Botanical Areas and Inventoried Roadless Areas just to provide roads for use by a few OHV enthusiasts. This is especially true on serpentine soils that are fragile and yet support scores of rare and endemic plant species. Since the Botanical Areas are generally delineated with arbitrary straight lines set on cardinal directions it is logical to assume that the actual Botanical Areas extend beyond the mapped locations. Therefore, it would be beneficial to reduce the miles of motorized use trails and roads in the vicinity of Botanical Areas as much as possible. Road 4402-206 to Sourdough is a popular and historic route. However, Sourdough is also an important Native American site.

For years OHV enthusiasts have routinely desecrated this area on the Wild and Scenic North Fork Smith River. It is long past time for the USFS to protect this sacred area and its cultural resources and artifacts from vandalism by OHV riders. The USFS should greatly increase law enforcement and control over the area. Perhaps motorized use of the road 4402-206 and 4402-259 should only be allowed under special use permits for Tribal ceremonies, group camping, educational opportunities, and Wild and Scenic River and Wilderness access.

In conclusion it would be better if the USFS closed too many roads and trails to motorized use than too few. Fewer roads and trails open to motorized use would conserve the USFS budget for road maintenance work. Certainly the USFS could close many additional existing roads and trails to motorized use in order to protect more of the environment. In the map Box H zone the Motorized Vehicle Use Map should only show roads 4402, 4402-206, and 4402-259.

Sincerely,
Gordon R. Lyford
P.O. Box 118
O'Brien, Oregon 97534
(541)596-2017
proberta@frontiernet.net

From:	Luke Ruediger
To:	FS-comments-pacificnorthwest-rogueriver-siskiyou
Subject:	DSEIS TMP comment
Date:	Tuesday, November 08, 2011 7:01:26 AM
Attachments:	DSEIS TMP comment.docx

Attached is my comment for the DSEIS for Travel management on the Rogue River Siskiyou National Forest. Please email me back to confirm you have received the comment in full. Thank you, Luke Ruediger

Luke Ruediger

17607 Elliott Creek Road

Jacksonville, Or 97530

elliottcreek@yahoo.com

Comment for DSEIS: Motorized Vehicle Use on the Rogue River-Siskiyou National Forest

1) **Motorized use in National Forest Botanical Areas (BA's):**

The use of motorized vehicles (including motorcycles) within Botanical Areas on the RRSNF is inconsistent with the intent of Botanical Area establishment, violates the 1990 RRNF LRMP, represents a severe user conflict, and creates potentially detrimental impacts to the botanical values protected by Botanical Area designation. The 1990 RRNF LRMP clearly limits the use of motorized vehicles to roads in BA's (1990 LRMP p. 4-149) saying that "motorized vehicles will be allowed only on roads". The DSEIS states that although such use was prohibited in the LRMP "no forest order has ever been issued to prohibit this use…Consequently, some trails within these Botanical" This failure to protect BA values and enforce long standing prohibitions is in effect encouraging prohibited activities and sanctioning a use that should have been made illegal by forest order over 20 years ago. It is agency collusion and lack of follow through that is now being interpreted to allow prohibited uses within Botanical Areas. The historic use outlined in the DSEIS and FEIS is a creation of the agency and demonstrates either the agencies inability to manage and enforce OHV prohibitions or worse an agency bias towards OHV use at the expense of other resource values. Codifying prohibited behavior will only encourage more illegitimate use and sets an unacceptable precedent that management directives need not be enforced or maintained. If the agency wishes to reduce conflict in BA management and make forest plan standards and guidelines consistent it would clearly mean cleaning up the mess the agency has created by refusing to enforce the current standards and guidelines. The guidelines were created with public input and through the NEPA process, a process violated through 20 plus years of agency neglect, lack of concern, and lack of enforceable standards. It is the agency who has failed to protect these BA's and has knowingly facilitated the violation of standards and guidelines by "looking the other way" and in some cases actually collaborating with OHV groups to violate these standards.

Stated goals for BA's include to "Protect and enhance exceptional botanical values. Encourage compatible scientific, educational, and recreational uses" (1990 LRMP p. 4-149). Motorized recreational use (including motorcycles) is an incompatible use which can lead to vegetative impacts, soil disturbance, soil compaction, rutting, and the introduction of noxious weeds. In fact, the FEIS states that "Habitats such as meadows, wetlands, riparian areas, serpentine savannah, high mtn slopes etc. often support rare and unusual plant species…where these habitats exist outside of Botanical Areas, or Research Natural Areas, or Wilderness Areas

(where no motorized use is allowed) they can experience deleterious effects of off-road and off-trail OHV use" (FEIS p.III-17). Likewise, the FEIS states that "alternatives with fewer miles of routes open for public wheeled motorized vehicle use should have reduced effects to sensitive plants and their habitats" (FEIS III-72), the DSEIS also concurs with this statement on page III-27.. Both statements demonstrate the agencies acknowledgement of incompatible use, user conflicts, and environmental impacts associated with OHV use.

Currently, the RRNF has developed only one BA Management Plan despite being directed to do so for each BA in the 1990 LRMP (LRMP 4-149). According to the 1990 LRMP, BA plans were to be completed by the year 2000. Yet the agency never made this a priority and created these plans as directed. The single plan developed in 2006 for the Dutchman's Peak BA also limits motorized vehicles to roads (Dutchman's Peak BA Management Plan, p. 4) and clearly encourages the Forest Service to "minimize practices that may introduce non-native species" (Dutchmans Peak BA Management Plan p. 19). These basic management strategies should be extrapolated to all BA's without a management plan to protect the areas botanical values. Failure to create BA plans as directed in the 1990 LRMP is a violation of the LRMP as well as the NEPA and public comment process that lead to its approval. Likewise, LRMP compliance monitoring was directed in the 1990 LRMP and has never been implemented leading directly to lapses in enforcement, the lack of forest orders to support management strategies identified as off limits to OHV use, and the "historic and ongoing" use by motorized vehicles in BA's, RNA's, and BCNMA's (use that has been prohibited for 20 years). To continue allowing such prohibited use is simply indefensible.

It appears the main justification for allowing motorized use in BA's is "historical and ongoing use", a use that has always been in violation of LRMP standard and guidelines, goals, and objectives. The agency was aware of this use at the time of LRMP approval in 1990 and regardless of this existing use, the agency prohibited OHV use off of roads to protect botanical values. The argument that existing use should be codified through plan amendments is invalid as no new circumstances or conditions exist or where listed in the FEIS or ROD to justify allowing such use. No evidence has been provided as to how allowing such use is consistent with LRMP recommendations and BA designation. In fact, motorized use in BA's violates the very intent of BA designation and ample information exists demonstrating the impacts of such prohibited use in BA's such as Hinkle Lake, Eight Dollar Mountain, Oregon Mountain, Red Mountain and the Little Greyback BA's. .

The FEIS states that "The RRNF LRMP confines vehicle use in Botanical Areas to roads only, motorized vehicle use of trails in Botanical Areas is not allowed. However no forest order has ever been issued to prohibit this use in all Botanical Areas covered by the RRNF LRMP. Consequently, some trails within these Botanical Areas are used by OHV's" (FEIS p. III-17). The question remains, why were these forest orders never issued despite 20 years of clear management direction to do so? Why is the Forest Service allowing a glaring loop hole, a history of unauthorized use, and a legacy of neglect to define management goals and objectives? Is OHV

use in sensitive areas such as BA's being managed by default? The decision to allow OHV use in BA's is not only arbitrary and capricious, but clearly shows agency bias despite requirements that NEPA must proceed with undue bias from the action agency and decision maker. To allow clear violations of LRMP standards to proliferate for 20 years despite public outrage and documented user conflicts shows agency bias and ill will. To codify this "ongoing", unauthorized, and inconsistent use through plan amendments leaves little doubt as to agency bias towards motorized use.

Recently I made a FOIA request for all LRMP compliance monitoring regarding BA management since the approval of the 1990 LRMP. Despite a clear mandate to monitor for effectiveness and compliance with LRMP standards, guidelines, objectives, threshold of concern, and goals, such monitoring has never taken place. Without the monitoring data, the need for forest order closures and the unauthorized use of BA's by motorized users was never officially documented. Essentially, the RRNF has turned a blind eye and in doing so has been in constant violation of the LRMP since its inception, the management strategies approved through the NEPA process have never been implemented and unauthorized use has been ignored for over 20 years. Institutional inadequacies, lackluster enforcement, non-existent monitoring, lack of follow through (i.e. no forest orders), and agency neglect have created the "historical and ongoing" use in BA's and legitimizing such use promotes lawless, unauthorized behavior and subsequent violations of the law.

The use of motorized vehicles within BA's is not only in contention with management area goals, guidelines, standards, objectives, etc; it also represents a significant user conflict. Over 10,500 comments were received during the comment period requesting BA's and other sensitive land management allocations be closed to OHV use. BA's are listed as "semi primitive non-motorized" in the 1990 LRMP (p. 4-149), standard and guideline #2 states that BA's should "allow for dispersed recreational activities such as hunting, fishing, and hiking" (LRMP p. 4-149), while #4 directs the agency to "manage trails and dispersed occupancy sites in a manner not in conflict with special interest resource values" (LRMP 4-149). In fact, the LRMP also states that "when conflict exists between botanical management and other resources, conflict will be resolved in favor of the botanical resource" (LRMP p. 4-149), OHV use is clearly in conflict with the standards, guidelines, objectives, goals, etc; of BA designation as well as the existing and approved recreational and scientific uses in BA's. EO 11644 requires the agency to minimize "conflict between motor vehicle use and existing or proposed recreational uses of national forest lands or neighboring federal lands". Resolution of such conflict should "be resolved in favor of the botanical resource". Likewise, The Travel Management Final Rule (TMR) mandates that "local agency officials must consider the compatibility with existing uses" (TMR federal register p. 68267) when designating motorized routes or trails. Lastly, ROD-2 clearly references the reduction of "user conflicts" as part of the purpose and need for this project. Allowing motorized use in BA's is arbitrary, capricious, an abuse of agency discretion, and a violation of the 1990 NEPA approved LRMP. The decision to allow motorized trail use in

BA's is highly controversial and represents a substantial dispute. Although the ROD amends LRMP guideline #6 to allow motorized use on trails, the stated goals and description, as well as standard and guidelines #2, #4, #5, all remain intact and clearly demonstrate the goals, objectives, and management direction in regards to OHV use within this Management Area. The decision to amend LRMP standards and guidelines in BA's and to allow motorized use of any kind, off of forest transportation system roads should be withdrawn.

2) **Motorized use in Back Country Non-Motorized Areas (BCNMA):**

I would like to begin by asking some very simple and telling questions. What exactly is a BCNMA if motorized use is allowed? How does the designations management differ from other areas in the Forest under the proposed LRMP amendments in the proposed alternative? Does allowing motorized trail use in a BCNMA strip the area of its LRMP protections and management directives? The answer to these questions is that yes, allowing motorized use in a BCNMA degrades, negates, and conflicts with LRMP management designations, protections, intentions, and goals. Allowing motorized use within a BCNMA effectively strips the area of its protective status, reducing the area's status to that of any area within the National Forest, this should be seen as affecting the entire forest plan by eliminating an important management strategy (MS -3 & MA 6). The proposed plan amendments would significantly affect the standards and guidelines, multiple use goals for long term land and resource management, and the long term relationship between goods and services provided. According to the FEIS, cross-country and undesignated OHV use will be prohibited, forest wide. Also, no use off of designated routes or trails will be allowed, therefore BCNMA status can be seen as no more, or less restrictive than regular matrix lands. BCNMA's will no longer provide the recreational and resource objectives for which they were established. The stated goal of BCNMA's is to "provide semi-primitive non-motorized recreation opportunity for a low number of users"(LRMP 4-43). This goal is both clear in its intentions and in its prohibitions. Motorized use within the area would represent a total loss of the semi-primitive non-motorized experience, a resource value and experience that the TMR directs the agency to preserve (TMR federal register p. 68264). Allowing motorized use on trails within BCNMA's will detrimentally impact non-motorized users and values, it represents a severe user conflict, and loss of non-motorized recreational experiences.

In regards to resolving conflicts within a BCNMA, the LRMP states that " When conflicts exist between back country non-motorized use and other resources, the conflict must be resolved in favor of the back country non-motorized resource" (LRMP 4-43). Again, this is a very clear management directive that is being totally disregarded by Forest Service officials. The LRMP establishes "management area direction including management area prescriptions and standards and guidelines which apply to future management activities in the management area"(LRMP page 1-1), the standards and guidelines regarding BCNMA's lists the area as "recreation-semi-primitive non-motorized"(LRMP 4-43) . The standards and guidelines also

direct the agency to “provide for dispersed recreational activities such as hiking, backpacking, camping, hunting, and fishing”(LRMP 4-43), not motorized recreation. These standards and guidelines go on to say that “motorized and mechanized vehicle use is generally prohibited in the management area, except for approved mining activity” (LRMP4-43), “any roads in this management area will be closed, restored to a natural condition or used as a trail” (LRMP 4-43), and directs the USFS to “manage and control public area use as necessary to protect recreational resource values and provide for public safety” (LRMP 4-43). The recreational resource values to be protected are those of non-motorized recreation, therefore, the public safety issues would involve hikers and stock users. The agency has failed to implement these standards and guidelines despite being directed to “manage and control area use as necessary to protect recreational resource values and provide for public safety”. On page 4-52, under the title “Facilities” the LRMP states “2)The following types of transportation facilities are envisioned within this area: A) Footpaths. Motorized use will be prohibited on these trails” (LRMP4-52). Also under “Facilities” the LRMP speaks of obliterating roads “to avoid detracting from the long term management for semi primitive non-motorized recreation” (LRMP 4-52). Also on page 4-52 under the title “Protection” the LRMP states that “motorized equipment will be used in search and rescue operations only with the Forest Supervisors approval.” (LRMP4-52). On page 4-24, 4-23, and 4-32 the LRMP lists management areas where OHV use is prohibited including BCNMA’s. This is a prohibition with no exceptions.

It seems clear that Forest Service management within BCNMA’s under the proposed action is in violation of management directives under the 1990 RRNF LRMP. The disregard for these clear and concise standards, guidelines, and directives shows the bias of agency officials, abuse of agency discretion, and the compromising of objectivity, due to special interest pressures and the influence of State OHV Grant Funds . According to the agencies own estimate only 2% of the forests visitors engage in OHV activities and over 10,500 comments were received during public comment requesting closure of areas such as BA’s, BCNMA’s, IRA’s and other sensitive land management allocations.

In regards to BCNMA’s I would ask again. What is a BCNMA with motorized use? How would such a proposal be consistent with the management directives of a BCNMA? The current threshold of concern for semi-primitive non-motorized recreation as listed on page 5-8 of the RRNF LRMP is a 5% loss of the resource. Alternative 3, the proposed action represents such a loss in the BCNMA resource by allowing motorized use in both the Sherwood Butte and Grayback Mountain BCNMA’s. In fact, the loss is well beyond 5%, because the decision to allow motorized trail use negates and violates the goals, standards, guidelines, intentions, objectives, and goals of BCNMA’s, deeming the management strategy ineffective. The allowance for motorized trail use essentially violates all management protocol intended to differentiate BCNMA’s from other areas on the forest and represents a direct conflict with existing uses. Analysis of this 5% threshold was extremely inadequate and amounts to failure to respond to a substantive comment. No evidence, monitoring information, or factual information

was offered to justify the agencies stance. Currently all claims that the 5% threshold will not be crossed by implementation of the proposed action are purely speculative. The cumulative impact of implementation would surpass this threshold of concern and the required “hard look” into such impacts under NEPA has not been satisfied.

The FEIS states that “Utilizing the MVUM, which outlines motorized roads, trails, and areas, non-motorized users would have the ability to predict areas where sounds from motorized vehicles could be avoided and where solitude could be found across the forest. Therefore these alternatives increase the ability of non-motorized users to find areas where noise from motorized use would not distract from their pursuit of a quality recreational experience and thereby reduce user conflicts with motorized users groups”(FEIS III-126). This statement clearly shows a bias towards motorized use and documents not only direct user conflicts, but the lack of compatibility between motorized and non-motorized users. Obviously, the agency expects non-motorized users to be impacted by their decision, telling such users to simply avoid areas where motorized use is approved. BCNMA’s are one of the few areas on the forest where non-motorized users should expect to find a “quality recreational experience”. The Mt. Hood National Forest TMP EIS analyzed the impact of motorized use on “quiet recreation”, by quantifying the acreage in IRA’s, Wilderness Areas, and other non-motorized areas that noise disturbance from OHV use would impact other recreational pursuits. The RR-SNF should also analyze this impact in Wilderness Areas, IRA’s and BCNMA’s. The use of OHV’s in BCNMA is obviously a conflict between user groups and resources that according to the LRMP must “be resolved in favor of the non-motorized use (LRMP 4-149). Likewise, EO 11644 requires the agency to minimize “conflict between motor vehicle and existing or proposed recreational uses of National Forest Lands” and ROD-2 lists “user conflict” as part of the purpose and need for this project. The Mt. Hood National Forest listed in their purpose and need, the need to balance motorized and non-motorized recreation. The RR-SNF has shown absolutely no intention of balancing these values and has chosen to maintain the status quo (even if this use has historically been prohibited). I do not believe maintain this status quo addresses the need to address user conflicts and resource damage as directed in the TMR, rather it serves to exacerbate user conflicts, condone unauthorized OHV use, and codify resource damage.

The recommendation that non-motorized users avoid areas allowing motorized use clearly demonstrates the degradation of BCNMA resources, especially given the areas stated goal to “provide semi-primitive non-motorized recreation to a low number of users”. If non-motorized users are forced to abandon BCNMA’s in search of solitude and non-motorized experiences, it would seem clear that not only has the agency created and perpetuated a user conflict within BCNMA’s, but has also violated standards and guidelines and diminished the quality of intended resource well beyond the 5% threshold of concern. Motorized trail use within BCNMA’s will affect the non-motorized experience and resource throughout the entire BCNMA, not just along the trail itself. Under the proposed action BCNMA’s are effectively being managed as motorized use areas displacing historic non-motorized forest users that the management area was

designated to provide for. The Travel Management Final Rule (TMR) states that semi primitive non-motorized uses must be preserved (TMR federal register p.68264) and directs that agency officials “must consider the compatibility of motorized use with existing uses” (TMR-68267). How does opening BCNMA’s to motorized use preserve non-motorized experiences and resources? Is motorized use in BCNMA’s compatible with existing uses? How does opening a BCNMA to motorized use achieve the objectives and stated goals for BCNMA’s? How does opening a BCNMA to motorized use “manage and control public use as necessary to protect recreation resource values and provide for public safety” in BCNMA’s? What justification does the USFS have to redefine the clear management directions, handed down by the LRMP? How is amending standards and guidelines for BCNMA’s to allow motorized trail use consistent with the intent of the TMR and BCNMA designation?

Recently I made a FOIA request for all LRMP compliance monitoring regarding BCNMA management since the approval of the 1990 LRMP. Despite a clear mandate to monitor for effectiveness and compliance with LRMP standards, guidelines, objectives, threshold of concern, and goals, (LRMP 5-10) such monitoring has never taken place. Without the monitoring data, the need for forest order closures and the unauthorized use of BCNMA’s by motorized users was never officially documented or addressed. Essentially the RRNF has turned a blind eye and in doing so has been in constant violation of the LRMP since its inception, the management strategies approved through the NEPA process have never been implemented and unauthorized use has been ignored for over 20 years. It appears the main justification for allowing motorized use in BCNMA’s is “historical and ongoing use”, a use that has always been in violation of LRMP standard and guidelines, goals, and objectives. The agency was aware of this use at the time of LRMP approval in 1990 and regardless of this existing use, the agency prohibited OHV use to protect non-motorized recreational values. The argument that existing use should be codified through plan amendments is invalid as no new circumstances or conditions exist or where listed in the FEIS or ROD to justify allowing such use. No evidence has been provided as to how allowing such use is consistent with LRMP recommendations. Likewise no analysis of OHV use in BCNMA’s and its impact on non-motorized users has been undertaken, definitely not with the “hard look” required through NEPA documentation. Motorized use in BCNMA’s clearly violates the very intent of BCNMA designation and should be seen as a “taking” of a valuable non-motorized recreational opportunity.

Why is the Forest Service allowing a glaring loop hole, a history of unauthorized use, and a legacy of neglect to define management goals and objectives? Is OHV use in sensitive areas such as BCMNA’s being managed by default? The decision to allow OHV use in BCNMA’s is not only arbitrary, but clearly shows agency bias despite requirements that NEPA must proceed with undue bias from the action agency and decision maker. To allow clear violations of LRMP standards to proliferate for 20 years despite public outrage and documented user conflicts shows agency bias and ill will. For years the agency has looked the other way as the MRA sponsored club rides within this restricted area, in clear violation of LRMP guidelines. Numerous citizens

and environmental groups have documented this (and other) unauthorized uses and severe user conflicts. Petitions, formal complaints, and letters to the agency have garnered absolutely no response. The agency has made no attempt to resolve this conflict as directed in the LRMP or address this unauthorized use with a forest order. To codify this “ongoing”, unauthorized, and inconsistent use through plan amendments leaves little doubt as to agency bias towards motorized use. Institutional inadequacies, lackluster enforcement, non-existent monitoring, lack of follow through (i.e. no forest order), and agency neglect have created the historical use in BCNMA’s and legitimizing such use promotes lawless, unauthorized behavior in direct conflict with existing uses and resource values. The actions of the agency in turn, encourages subsequent violations of the law, by awarding violations of the LRMP OHV prohibitions, with allowances for motorized use in the form of plan amendments.

Allowing motorized use in BCNMA’s is arbitrary, capricious, an abuse of agency discretion, and a violation of the NEPA approved 1990 RRNF LRMP. To allow such use is to degrade and nullify the goals and management directives of the LRMP. The decision to allow motorized use in BCNMA’s is highly controversial and represents a substantial dispute. Although the ROD amends standard and guideline #3 to allow for motorized use, numerous standards and guidelines remain that either clearly demonstrate the goals and objectives of BCNMA are to prohibit OHV use (standard and guidelines: #2, #5, #6. Stated goals, MA description, and facilities #2 (a), and protection #7 all define goals and prohibitions. Pages 4-23, 4-24, and 4-32 of the LRMP also clearly list BCNMA’s as management areas where motorized use is strictly prohibited. The decision to allow motorized use (including motorcylces) in BCNMA’s is highly controversial, represents a substantial dispute, and should be withdrawn.

3) <u>Motorized use in Big Game Winter Range Area’s (BGWR):</u>

The use of motorized vehicles (including motorcycles) creates unacceptable impacts to BGWRA values, creates a source of wildlife harassment, and is inconsistent with the intent of BGWRA designation. Motorized use comes with impacts to wildlife in the form of harassment and disturbance which can lead to abandonment of habitat and reproductive failures. The ability of big game to prosper in a given area is dictated by habitat conditions and the animal’s capability to fulfill vital functions such as foraging, calving, resting, and dispersal. The disturbance and harassment of wildlife associated with OHV use can often lead to biological stress. Fairly undisturbed and relatively natural winter range habitat has become increasingly rare as low elevation areas are consumed by development. In fact, oak woodland, native grasslands, and healthy low elevation forests are among the most imperiled ecosystems in the state of Oregon. For these very reasons, prime examples such as those found in the roadless areas of the Applegate Watershed (Little Greyback IRA, Elliott Ridge RA, Boaz Mtn.RA, and the Collings/Kinney IRA) should be managed for ecological values including wildlife, native plant communities, and winter range habitat.

The development of OHV trails within designated Big Game Winter Range (BGWR), constitutes a severe impact to the very feature the management area was created to protect, wildlife. The use of OHV's within winter range habitat, can often lead to biological stress and the abandonment of productive habitat. The standards and guideline for BGWR clearly demonstrate the need for motorized use to be strictly managed for the benefit of wildlife utilizing the area. Guideline #3 states "Manage trails, motorized and non-motorized, recreation use, dispersed occupancy sites, and activities to minimize conflict with wildlife management activities and winter range values. (LRMP page 4-165) Guideline #4 continues "Allow off road vehicle use only on designated roads and trails when it will not conflict with BGWR values." (LRMP page 4-165), guideline #6 states that the FS should "control vehicle access in BGWR as needed between November 1 and April 30 to prevent biological stress". (LRMP 4-165) The Wildlife, Fish, and Plant section also recommends in guideline #5 "Because winter range habitat is used year round by elk and deer, a restricted operating period from April 1 to June 30 may be imposed in identified fawning or calving areas" (LRMP page 4-167). The BGWR management plan as outlined in the RRNF LRMP also recommends that between Nov 1 and April 30 the Forest Service should" limit the number of roads open to vehicle traffic to approximately 1-1/2 miles per square mile of land", guideline (c) recommends to 'Discourage, eliminate, or prohibit all other use of local roads" and (d) to "allow off road vehicle use only on designated trails when it will not conflict with winter range values" (LRMP page 4-176). Likewis, the DSEIS (III-131) states that "during winter months when big game species are on winter ranges, forage availability and value is generally low…during this period open roads and the associated traffic have even greater detrimental effects on big game due to their inability to escape harassment." For this reason motorized trail use will simply compound an already difficult situation for the species utilizing BGWRA's.

These standards and guidelines clearly show a level of concern regarding OHV use within this management area. Motorized trails especially high density systems such as the Mule Mtn. system could easily be seen as a conflict with BGWR values and should be seen as an increase in open road density, especially given the nature of the Mule Mountain trails traversing the areas ridgelines and riparian areas giving animals no place to hide or avoid harassment. Seasonal restrictions are necessary to address wildlife issues such as calving, fawning, foraging, and biological stress. The Forest Service has yet to demonstrate that OHV use does not create biological stress and/or conflicts with wildlife values? It has also failed to analyze the impact of increased vehicle access, route density, and the increased impact of hunting stress both legal and illegal. It seems the Forest Service's responsibility to prove OHV use is consistent with and will not impact BGWR values is merely speculative and lacks supporting documentation. The "hard look" required by NEPA into environmental impacts has not been satisfied in the FEIS, DSEIS or ROD.

Close inspection of BGWR values and OHV use will prove the inconsistency in proposed BGWR management in Alternative 3. Motorized trail use should be prohibited to protect wildlife

species within BGWR. At the very minimum, the FS should enact seasonal closures from Nov. 1 to June 30 to reduce biological stress and impacts to fawning and calving. In fact, ODFW biologist Vince Oredson "recommends that trail systems that are within designated Big Game Winter Range have seasonal restrictions, prohibiting motor vehicle use between Nov. 1 –May 1" (FEIS p. A-73), yet the agency has failed to analyze this option. Specific recommendations include seasonal closures on the Mule Mountain, Mule Creek, Baldy Peak, Charlie Buck, and Little Greyback trail systems. The EPA recommends "closure of the motorized trail system in the Mule Mountain area" (FEIS A-78). Mr. Oredson of ODFW continues that 'The Mule Mtn. area is a very important deer winter range, and has been, and will continue to be, the focus of large prescribed burn habitat improvement projects sponsored by ODFW, USFS, and the Oregon Hunters Association" (FEIS p. A-73). Motorized trail use in this area is not only inconsistent with BGWR values, but also inconsistent and at odds with recent joint agency projects to restore habitat in the area.

Recently I made a FOIA request for all LRMP compliance monitoring regarding BGWR management since the approval of the 1990 LRMP. Despite a clear mandate to monitor for effectiveness and compliance with LRMP standards, guidelines, objectives, threshold of concern, and goals, (LRMP 5-10) such monitoring has never taken place. Without the monitoring data, the need for forest order closures, seasonal closures, and the impacts to BGWR values attributed to motorized use was never officially documented or addressed. Essentially the RRNF has turned a blind eye and in doing so has been in constant violation of the LRMP since its inception, the management strategies approved through the NEPA process have never been implemented and impacts to resource values have been ignored for over 20 years. Institutional inadequacies, lackluster enforcement, non-existent monitoring, lack of follow through (i.e. seasonal closures or forest orders), and agency neglect have created the currently uncontrollable situation and legitimizing such use promotes wildlife impacts and direct conflict with existing uses and resource values protected by BGWR designation.

The decision to allow motorized use in BGWR's is arbitrary, capricious, an abuse of agency discretion, and detrimental to the wildlife values for which BGWR's were designated. The decision to allow motorized use in BGWR's should be withdrawn. At a very minimum seasonal restrictions should be enacted across BGWR habitat, including closing roads designated for mixed motorized use to reduce route density to "approximately 1-1/2 miles per square mile of land" and "discourage, eliminate, or prohibit all other usage of local roads" (LRMP 4-176). Seasonal restrictions should also apply to all motorized trail use within BGWRA's. These seasonal restrictions should last from Nov1-May 1 as ODFW and the LRMP recommend.

4) <u>Motorized use in Research Natural Areas (RNA):</u>

The use of motorized vehicles (including motorcycles) within RNA's is inconsistent with the intent of RNA establishment, violates both the RRNF and SNF LRMP standards and guidelines, increases user conflicts, and creates impacts detrimental to the research and educational values of

RNA's as undisturbed natural areas and habitats. Allowing motorized use in RNA can also be seen as a precedent setting decision, potentially effecting the management of RNA's across the entire National Forest System, where OHV use is generally prohibited.

According to RRNF 1990 LRMP motorized use in RNA's is prohibited, without exception (LRMP p.4-292 & 4-24). The stated goal of RNA establishment is "to provide for research, observation, and study of undisturbed ecosystems. Maintenance of natural processes within each area will be the prime consideration" (LRMP p.4-291). In the description section, the LRMP also states that "the main purpose of Research Natural Areas are to provide: 1) Baseline areas against which effects of human activities can be measured; 2) Sites for study of natural processes in undisturbed ecosystems; and 3) Gene pool preserves for all types of organisms" (LRMP p.4-291). If according to the stated goals, the "prime consideration" is the maintenance of natural processes and the" research, observation, and study of undisturbed ecosystems", and the retention of "baseline areas against which effects of human activities can be measured", it would seem that prohibitions on potential impacts such as OHV use would also be a "prime consideration" as they do not help to maintain "natural processes" and "undisturbed ecosystems", free from the "effects of human activities". In fact, in an attempt to avoid impacts the standards and guidelines recommend discouraging "dispersed recreation activities" (LRMP p.4-291) of which OHV use would definitely be included.

In the facilities section, the LRMP states that "no roads, trails, or other facilities will be permitted within these areas except those considered essential by the forest and range experiment station" (LRMP p.4-296). Motorized use of trails within RNA's would not represent access that is "considered essential" and neither the FEIS, DSEIS, or ROD documents approval by the Forest and Range Experiment Station. Clearly RNA status was designated to reduce and eliminate unnatural impacts associated with recreation and vehicle use (as well as other uses) and to provide adequate baseline information for accurate and important scientific research. Motorized trail use is not consistent with such a designation. In fact, according to "The Interagency Strategy for the Pacific Northwest Natural Areas Network", " A number of concerns have already arisen over off road vehicle use" (page 15).

According to the agencies answer to question #55 regarding OHV use in RNA's, the agency falsely claims that "motorized use is compatible on designated roads and trails in Research Natural Areas… and is in concert with forest objectives as stated in LRMP chapter 4". Yet LRMP standard and guideline #12, simply states that "off road vehicle use is prohibited" making no exceptions for designated roads or trails. The SNF LRMP simply states that " In areas designated RNA, the use of motorized equipment is prohibited" (SNF LRMP IV-98). The claim is unequivocally false and mis-representation of goals, objectives, intentions, standards and guidelines pertaining to RNA management. In contrast FEIS, page III-18 states that "neither LRMP allows motorized use of trails within RNA's and off trail use is prohibited. However, since no forest order has ever been issued to prohibit it, motorized use currently occurs where it passes through the west end of the Oliver Matthews RNA" The FEIS also admits that "habitats

such as meadows, wetlands, riparian areas, serpentine savannah, high mountain slopes, etc. often support rare or unusual plant species, easily disturbed bryophyte and lichen floras or plant communities with high species richness. Where these habitats occur outside of BA's, RNA's, or Wilderness Areas (where no motorized use is allowed) they can experience deleterious effects of off road and off trail OHV use" (FEIS p. III-17). Again, the agency clearly defines RNA's as areas where OHV use is not allowed and attributes the closure of such areas as an effective means of eliminating forms of impacts that may compromise the scientific values of RNA's. Despite these statements the agency admits (DSEIS III-28) that "There is some open gentle ground and wetlands in the Horse Springs vicinity where the Boundary Trail passes through the proposed RNA that could be vulnerable to resource damage should OHV users go off-trail; therefore unauthorized off-trail motorized entry (which has been proven to be routine across the forest) and potential resource damage would be less likely to occur under Alternative 4 since motorized use would not be allowed in this area" I would claim that allowing such potentially damaging use within the Oliver Matthews RNA would compromise the values it was designated for and as well as the natural values the area was designated to protect and research. Motorized use within RNA habitat is simply not compatible and unjustifiable. No evidence has been offered proving the compatibility of OHV use within RNA boundaries. Likewise, the DSEIS and FEIS offer inadequate analysis the of potential impacts and their effect on RNA values.

Recently I made a FOIA request for all LRMP compliance monitoring regarding RNA management since the approval of the 1990 LRMP. Despite a clear mandate to monitor for effectiveness and compliance with LRMP standards, guidelines, objectives, threshold of concern, and goals, (LRMP 5-11) such monitoring has never taken place. Without the monitoring data, the need for forest order closures and the unauthorized motorized use of RNA's was never officially documented or addressed. Essentially the RRNF has turned a blind eye and in doing so has been in constant violation of the LRMP since its inception, the management strategies approved through the NEPA process have never been implemented and impacts to resource values have been ignored for over 20 years. Institutional inadequacies, lackluster enforcement, non-existent monitoring, lack of follow through (i.e. Forest Orders), and agency neglect have created the currently unauthorized motorized use of RNA's and legitimizing such use promotes unauthorized and lawless behavior in direct conflict with existing uses and resource values protected by RNA designation. According to the 1990 LRMP " When conflicts exist between RNA and other resources, the conflict must be resolved in favor of the RNA", the proposed motorized trail use in the Oliver Matthews RNA represents such a conflict.

Allowing motorized trail use in RNA's is arbitrary, capricious, an abuse of agency discretion, and a violation of the NEPA approved 1990 RRNF LRMP. To allow such use is to degrade and nullify the goals and management directives of the LRMP. The decision to allow motorized use in RNA's is highly controversial, precedent setting, and represents a substantial dispute. Although the ROD amends standard and guideline #12 to allow for motorized use numerous standards and guidelines remain that either clearly demonstrate the goals and

objectives of RNA's or prohibit such use (RRN F LRMP standard and guidelines: #3, Stated goals, MA description, and facilities all define goals and prohibitions). The proposed amendment of Forest Management Direction for Recreation, LRMP 4-24 includes an exception for motorized use in BCNMA's yet, lists RNA's as "Management areas in which ORV use is prohibited." Pages 4-23 and 4-32 also list OHV use in RNA's as prohibited. The decision to allow motorized use (including motorcylces) in RNA's should be withdrawn.

5) <u>Motorized vehicle use in Inventoried Roadless Areas (IRA):</u>

The use of motorized vehicles (including motorcycles) creates detrimental impacts to solitude, undisturbed habitat, non-motorized recreational values, and the future wilderness suitability of IRA's. Alternative 3 with its 72 miles of motorized trails and 32 miles of open road represents a serious impact to wilderness values and an increase in user conflicts between motorized and non-motorized users. In fact, the DSEIS states that "the expected increase in recreational use within the forest and inventoried roadless areas would likely have the cumulative effect of further reducing the availability of areas providing characteristics of solitude and remoteness (III-55)." The DSEIS also states that "if new or continued motorized trail use is authorized in the selected alternative, a short term impact on the roadless characteristics of solitude and remoteness is expected. An increase in the number of miles of motorized trail use would generally have an inverse relationship with solitude and remoteness qualities (III-53)." Such qualities and recreational experiences are directed to be maintained and preserved in the TMR.

According to the TMR page 68264 "non-motorized travel and experiences" are to be preserved while implementing the TMP. Yet, the agency has proposed allowing motorized use within the majority of inventoried roadless areas in the RR-SNF. In fact, the majority of proposed motorized trails are located within IRA's. Such use is not compatible with existing uses as directed in the TMR. The TMR also states that in designating OHV routes precedence should be given to areas ' so significantly altered by past actions that motor vehicle use might be appropriate" (TMR p. 68274), IRA's would not meet this criteria, being some of the most intact and undisturbed habitats on the Forest.

Many of the trails proposed for motorized use lie within IRA's, yet many also are found within overlapping management strategies which restrict OHV's such as RNA, BA, BGWRA, and BCNMA. The overlapping management strategies demonstrate the importance of such areas and the resource values they represent. Roadless Area's also designated as RNA, BA, BGWRA, and BCNMA's should be excluded from motorized trail use. The "balancing of scales" in the TMP process has been biased and skewed towards OHV use since the start, which has allowed the desire for OHV access to out-weight important resource values and management strategies.

According to the ROD “there will be no additional construction or allowance for increased use, there will be no additive impact that might contribute to adverse cumulative effects on roadless character” (ROD -11). This statement is unverified, undocumented, and entirely erroneous. New user routes are currently being created in many of the IRA’s proposed for motorized trail use (including the South Kalimopsis, the Kangaroo, and the Little Greyback IRA’s to name a few), user routes will proliferate and use of existing routes will increase due to TMP implementation, adversely impacting roadless area values. The 72 miles of motorized trails proposed in Alternative 3 within IRA’s represents nearly 1/3 of trail miles within IRA’s, adversely impacting IRA values. Alternative 3 would also open 34 of 48 miles of road currently existing within IRA’s, this is 70% of the road network found within IRA’s, again negatively impacting roadless qualities and the opportunity for non-motorized experiences. This does not appear to be a balanced approach to IRA management, but a biased approach elevating OHV use over other uses, Given the large portions of roadless terrain proposed for motorized routes or trails, roadless qualities such as solitude, remoteness, non-motorized recreation, endangered plant and animal species, diverse and intact plant communities, scenic values, quiet recreation, water quality, and wildlife habitat will all be affected.

The Mt. Hood National Forest TMP analyzed the impact of OHV use on “quiet” forms of recreation, quantifying the acreage of wilderness, IRA’s, (ie wild areas) etc, that would be effected by a given OHV route. They identified the areas impacted by noise disturbance in wild areas by quantifying the number of acres in which noise disturbance/ penetration would impact non-motorized users. The Mt. Hood National Forest allowed for no motorized use in IRA’s do to these impacts and even discouraged use of OHV routes adjacent to IRA boundaries. The TMR states that the agency must “strike an appropriate balance in managing all types of recreational activities…while maintaining other important values and uses of National Forest System lands”. Withdrawing all motorized use in IRA’s and providing a noise penetration buffer around these areas would be a positive step towards maintaining these other important uses that the RR-SNF is currently marginalizing.

The proposed motorized use in IRA’s is highly controversial, represents a substantial dispute, and increases user conflicts on the forest. The agencies solution to this problem appears to be the displacement of traditional non-motorized uses within IRA’s. In fact the FEIS states that “Utilizing the MVUM, which outlines motorized roads, trails, and areas, non-motorized users would have the ability to predict areas where sounds from motorized vehicles could be avoided and where solitude could be found across the forest. Therefore these alternatives increase the ability of non-motorized users to find areas where noise from motorized use would not distract from their pursuit of a quality recreational experience and thereby reduce user conflicts with motorized users groups”(FEIS III-128). This statement clearly shows a bias towards motorized use and documents not only user conflict, but the lack of compatibility of motorized and non-motorized uses. Obviously, the agency expects non-motorized users to be impacted by their decision telling such users to simply avoid areas where motorized use occurs.

The recommendation that non-motorized users avoid areas allowing motorized use clearly demonstrates the degradation of IRA resources and the agencies bias towards motorized use despite mandates in the TMR to "consider compatibility of motor vehicle use with existing conditions" and the need to "preserve non-motorized opportunities and experiences". The decision to allow motorized use in IRA's is inconsistent with the intent of the TMR and should be withdrawn.

6) <u>Motorized vehicle use in Port Orford Cedar Habitat:</u>

The use of motorized vehicles (including motorcycles) has the potential to spread and introduce the non-native pathogen Phytothera Lateralis (PL) into currently uninfected stands of Port Orford Cedar (POC). THE FEIS falsely states that "motorized use would be expected to neither exacerbate nor reduce the current PL risk and rate of spread" (FEIS p. III-87). Yet, motorized use has been proven to significantly increase the risk of PL spread. The "typical spread scenario (for PL) involves infested soil being transported into an un-infested area on a vehicle or piece of equipment…the infested soil falls of the vehicle or spores are delivered via water" (FEIS p. III-84). In fact, the FEIS states that 72% of the infection events studied were the result of vehicle traffic", the FEIS continues that "reducing vehicle traffic by gates or other means was found to reduce the potential spread of Phytothera Lateralis" (FEIS A-8). Thus, motorized use in POC habitat could be expected to increase the "risk and rate of spread". Impacts represent a significant irreversible resource commitment and an irretrievable loss of vegetation, wildlife habitats, and water quality due to finality of Phytothera infestation. The FEIS claims to doubt the finality of infestation and thus the need to analyze impacts. This statement is unsubstantiated and unjustifiable given the large amounts of peer reviewed science documenting the severity and finality of infestation.

True disclosure of PL impacts has been limited by the agency's decision to apply the POC Risk Key only to "changes" in the system of motorized use on the Forest. Routes and trails considered "open" to OHV use have been considered "open" by default, any area (route or trail) lacking official closure through a forest order is considered open to OHV use regardless of impacts, management concerns, or LRMP directives. Thus many of these routes and trails have never been analyzed for impacts associated with OHV use, the narrow focus of the agency, addressing only "changes" to the transportation system has masked the impacts to many areas by denying the public any disclosure or analysis through the NEPA process. Public comments asked for such disclosure of infected and uninfected stands across the forest, this has never been made public in the FEIS or ROD, amounting to failure to disclose significant impacts. Many roads and trails within uninfected watersheds are currently open by default and are proposed for OHV use. Sites are considered "high risk" when streamside POC stands are located with 100' of a road and non-streamside stands within 50' of a road. This further demonstrates the link between motorized vehicle use and POC infection.

Given the severity of impacts and the finality of infection, all routes and trails proposed for OHV use within the range of POC should have been processed through the POC Risk Key. In many cases mitigation is inadequate and road closures may be necessary to protect resources. Maps should have been made part of the record, disclosing the location of uninfected stands of POC. To deny the public this important information is a violation of NEPA, through lack of disclosure and inadequate scientific analysis. Adequate and substantive public comment cannot be made without adequate information, it is the agencies responsibility to disclose such important documentation.

Likewise, some talk of sanitation treatments along motorized routes was identified (FEIS p. F-8), yet the impact of such treatment was not analyzed in the FEIS. Removal of trees from within 25-50 feet of motorized routes is an impact not analyzed in the FEIS and thus represents a new and increased impact. Sanitation treatments could impact IRA, RNA, and BA values in areas with motorized routes or trails. The decision to allow OHV use off of public access roads within the range of POC is arbitrary, capricious, an abuse of agency discretion and should withdrawn. It also constitutes a significant irreversible resource commitment and an irretrievable loss of vegetation, wildlife habitats, and water quality due to finality of Phytothera infestation. Studies show proper management of POC habitat would include restricting motorized use not increasing usage by designating OHV routes and trails within the trees imperiled range.

7) <u>Motorized use in Spotted Owl Habitat:</u>

Currently, the TMP FEIS, DSEIS and ROD show no mention of seasonal trail closures within known spotted owl habitat, especially within owl cores, and nesting sites during the "critical nesting period" between March1 and June 30 . Historically such closures have been implemented on trails within owl cores and nesting habitat. According to the RRNF LRMP the agency is directed to "manage trails and dispersed occupancy in a manner not in conflict with spotted owl habitat resource values" and to resolve conflict "in favor of the spotted owl resource" (RRNF LRMP p. 4-223). The FEIS, DSEIS and ROD failed to disclose owl cores and nesting sites in relation to OHV trails, thus the issue was not adequately analyzed through the NEPA process. All known owl cores and nesting sites must be disclosed and protected by seasonal closures from April 1 through September 30.

The Forest Service acknowledges that "Road and trail networks remove habitat, but also have a broader effect than just the conversion of a small area to route surfaces. Andren (1994) suggests that as landscapes become fragmented, the combination of increasing isolation and decreased patch size of suitable habitat is adversely synergistic, compounding the effects of simple habitat loss. "In particular, species associated with old forests habitats may be impacted by such effects… such as the spotted owl" (FEIS P.III-92).

Impacts to spotted owl activity cores are also compounded by the timing of a disturbance and are "highest when adults are defending young and eggs in a nest…during this period separation

of adults and their young could result in death or injury to the young as a result of predation" (FEIS P. III-93). It is expected that OHV use could lead to "nest abandonment and decreased nest attentiveness" leading to " reduced reproduction and survival"(FEIS P. III-92) in fact, the Forest Service continues that "the leading cause of mortality in juvenile spotted owls are starvation and predation" (FEIS P. III-93) both of which are caused by decreased nest attentiveness associated with noise disturbances by OHV's. The Forest Service assumes that the proposed motorized use activities are "not likely to adversely affect" spotted owls due to habituation, yet no evidence such as use records detailing trail use have been made public to validate such a claim, the lack of this evidence puts this assertion in question. Lacking this information, the claim of habituation is purely speculative as the agency does not know the extent or intensity of current use. Many trails identified as open for motorized use are either unmaintained or impassable, and/ or currently receive very little use. No threshold of use has been documented to support the agencies claim of habituation. Noise disturbance has been shown to impact owl habitat, behavior, and reproduction, these impacts are documented in the FEIS and DSEIS and ignored like so many other impacts due to the Forest Services decision to only analyze and evaluate "changes" to the current condition. This has enabled the agency to avoid disclosure of impacts and NEPA evaluation of motorized use decisions. This is a violation of NEPA, as the current condition does not include "designated" routes, thus all motorized trail use should be seen as a "change" in current conditions, impacts should be disclosed and analyzed with transparency through NEPA documentation. Also, no information was disclosed in the FEIS, DSEIS, or ROD regarding owl cores and nesting sites in relation to OHV trails and routes. Ongoing and new impacts to owl sites in regards to noise disturbance have not been fully analyze or disclosed during the NEPA process. This is a violation of NEPA. At a minimum, a seasonal closure for the critical nesting period should be enacted from March 1- September 30 on all OHV trails where nesting habitat is found.

Of special concern are routes where OHV use comes within 100 yards of a nest site. The 100 yard threshold for noise disturbance from OHV's and chainsaws is compounded on some sites by the small area in which suitable habitat exists. The Mule Creek Trail is one such trail, where owl sites are found in a narrow corridor along Mule Creek. Given the limited habitat distribution OHV use on this trail will most defiantly occur within 100 yards of nest sites and suitable habitat in which the owl can disperse is non-existent. These impacts have not be adequately disclosed or analyzed in the FEIS, DSEIS, or ROD. The lack of disclosure and analysis constitutes a violation of the NEPA public process.

<u>The appeal of specific trails and routes proposed for motorized use:</u>

1) **<u>Mule Mountain, Mule Creek, Charlie Buck, Baldy Peak and Little Greyback Trail system:</u>**

The decision to allow motorized use on the Mule Mountain trail system (including all trails listed above) should be withdrawn. Reasons for closure include: user conflicts, safety issues, BGWRA values, IRA values, impact to Riparian Reserves, impacts to spotted owl cores, and the presence and recent proliferation of unauthorized use trails and illegal OHV use within the area, which would be exacerbated by official OHV route designation.

User conflicts and safety concerns are expected to increase with Motorized Trail designation within the area. The trail system in question is popular among hikers, hunters, bird watchers, equestrians, and other non-motorized trail users. OHV and motorcycle use on this narrow, steep, and winding trail creates a significant public safety risk to non-motorized users, especially equestrians who lack the space and mobility on the regions steep trails to allow safe motorized vehicle passage. Another issue of concern associated with safety concerns is the lack of parking for OHV trailers and trucks at the Mule Mountain Trailhead. The trailhead lacks parking and lies on a blind, narrow, and dangerous bend in Upper Applegate Road. The road is maintained by the county and the public safety concerns have not been analyzed. The county should be notified of this possible risk to public safety along Upper Applegate Road and given the opportunity to weigh in on the issue. According to the RRNF Recreation Opportunity Guide (ROG) “There is no real trailhead on Upper Applegate Road. Parking is limited to a couple of wide spots in the road”. Congregations of motorcycles and trailers, as well as traffic concerns while motorized vehicle users cross Upper Applegate Road have thus far not be analyzed or evaluated. Other user conflicts include the lack of support for motorized use among adjacent landowners including those who property must be crossed to access the Mule Mountain Trail. The Charlie Buck Trailhead, Little Greyback Trailhead (at French Gulch Divide), and the upper Mule Mountain/ Baldy Peak Trailheads also lack adequate parking to accommodate OHV activities.

BGWR values will also be sacrificed and degraded by motorized trail use within the Mule Mountain Area. In fact, both the EPA and ODFW have recommended closure of the Mule Mountain trail system because “ the Mule Mt. area is very important deer winter range, and has been, and will continue to be the focus of large prescribed burn habitat improvement projects sponsored by ODFW, USFS, and the Oregon Hunter’s Association”(FEIS, P. A-73). The EPA also advocates for “Closure of the motorized trail system in the Mule Mountain Area. This would eliminate a source of localized disturbance that generates erosion and sediment, and damages riparian function” (FEIS, P.A-78). The Forest Service acknowledges on page III-104 of the

FEIS, that " during winter, when big game species are on the winter ranges, forage availability and value is generally low due to senescence of grasses and forbs. During this period open roads and associated traffic have even greater detrimental effects on Big Game due to their inability to escape harassment and both legal and illegal hunting pressure". At the very minimum a seasonal closure for BGWR values should be enacted from Nov.1-May 1. A closure for calving should also be enacted closing the trail system until July 1.

The use of motorized vehicles on the Mule Creek Trail would include miles of streamside trail and numerous stream crossings within the Mule Creek Riparian Reserve. According to the Forest Service "Motorized use is not consistent with management objectives for maintaining or enhancing riparian resources" (FEIS III-12), and thus is a violation of ACS objectives #1 and #3. RM-2 allows for adjustments in "dispersed and developed recreation practices that retard or prevent attainment of ACS objectives. Where adjustment measures such as education, use limitations, traffic control devices, increased maintenance, relocation of facilities, and/or specific site closures are not effective, eliminate the practice or occupancy" (FEIS P.III-55). Adjustment measures such as education, use limitations, traffic control devices, etc; would not be effective in this situation due to the physical location of the trail, the practice should be eliminated to facilitate attainment of ACS objectives. The EPA's official comment dated May 11, 2009 recommends "Closure of the motorized trail system in the Mule Mountain area. This would eliminate a source of localized disturbance that generates erosion and sediment, and damages riparian function" (FEIS A-78).

The Mule Creek area also supports a number of Spotted Owl Activity Cores (158/90, 117/94, 115/92, & 168/94). The impact to these activity cores has not been adequately analyzed or evaluated, yet the Forest Service acknowledges that "Road and trail networks remove habitat, but also have a broader effect than just the conversion of a small area to route surfaces. Andren (1994) suggests that as landscapes become fragmented, the combination of increasing isolation and decreased patch size of suitable habitat is adversely synergistic, compounding the effects of simple habitat los. In particular, species associated with old forests habitats may be impacted by such effects… such as the spotted owl" (FEIS P.III-92).

Impacts to spotted owl activity cores are also compounded by the timing of a disturbance and are "highest when adults are defending young and eggs in a nest…during this period separation of adults and their young could result in death or injury to the young as a result of predation" (FEIS P. III-93). It is expected that OHV use could lead to "nest abandonment and decreased nest attentiveness" leading to " reduced reproduction and survival"(FEIS P. III-92) in fact, the Forest Service continues that "the leading cause of mortality in juvenile spotted owls are starvation and predation" (FEIS P. III-93) both of which can be caused by decreased nest attentiveness associated with noise disturbances by OHV's. The Forest Service assumes that the proposed motorized use activities are "not likely to adversely fafect" spotted owls due to habituation, yet no evidence such as use records detailing trail use have been made public to validate such a claim. Noise disturbance has been shown to impact owl habitat, behavior, and

reproduction, these impacts are documented in the FEIS and ignored like so many other impacts due to the Forest Services decision to only analyze and evaluate “changes” to the current condition. This has enabled the agency to avoid disclosure of impacts and NEPA evaluation of motorized use decisions. This is a violation of NEPA, as the current condition does not include “designated” routes, thus all motorized trail use should be seen as a “change” in current conditions, impacts should be disclosed and analyzed with transparency through NEPA documentation. At a minimum, a seasonal closure for the critical nesting period should be enacted from March 1- September 30.

In the 1990 RRNF LRMP FEIS, the agency describes botanical resources in the area, directly below the Little Greyback Trail. “The area is identified for its diverse, lower elevation, non-forested plant communities, and by the presence of many sensitive and unusual species. The grasslands have a native quality rare in regularly grazed land. Bunchgrasses are well represented” (LRMP FEIS-Appendices F-9). The Lyman Creek/ Doe Hollow BA is the RRNF’s only low elevation BA and lies in the drainage below the Little Greyback Trail. A forest service sensitive species Camissonia gracilifolia is found directly adjacent to the Mule Mountain Trail and could potentially be impacted by OHV use. The species is found within feet of the trail and it population is centered within a five mile radius of Mule Mountain according to the UAR-EA. Thus the trail could potentially impact the viability of this species in the area. No analysis or disclosure of this species was addressed in the DSEIS, FEIS, or ROD.

Furthermore, the entire Mule Mtn. IRA has locally and regionally exceptional botanical resources, especially non-forest plant communities and native grasslands. These areas are extremely susceptible to noxious weed spread. The threat of star thistle, bull thistle, and non-native annual grasses is a very real one. This threat, which has already infested much of SW Oregon’s low elevation woodland habitat, could easily spread into the IRA and BA. Star thistle, bull thistle, and many non-native grasses are present on the private land through which the trail passes at the beginning of the Mule Mountain and Mule Creek Trails. Star Thistle is also documented at the Hanley Gap Trailhead to the Little Greyback Trail. In fact, these low elevation weeds species are generally the most common weeds spread by OHV’s because they have already infested many of the areas OHV riders use on both public and especially private land. These impacts were not adequately analyzed in the FEIS, DSEIS and ROD. The introduction of star thistle and a host of destructive non-native annual grasses would constitute an irreversible and irreparable impact to land and its resources.

Lastly, in the “Assumptions for Analysis” section on page III-3 of the FEIS, the Forest Service claims that illegal use is expected to continue, but “unless site specific documented information is available, the exact location and extent cannot be predicted”. The agency continues “the goals of this process is to enact a system that would help to curtail illegal use” (FEIS P.A-3). In response to the first statement, a large amount of documentation was provided to Forest Service officials as to the exact location and extent of resource damage on the forest. This information was promptly deemed “not within the scope of this process” (FEIS P. A-3). I do

not understand how a goal "of this process is to… curtail illegal use", yet information regarding illegal use is "not within the scope of this process", the TMR clearly states that current regulations are inadequate and that past resource damage, complaints, and user conflicts, lead directly to enactment of the TMR and the TMP. The claim that the "exact location and extent cannot be predicted" is false, documentation of site specific OHV impacts enables agency officials to not only predict but to verify and document problem areas. Common sense would lead one to believe that areas currently impacted by illegal, unauthorized, and damaging OHV use would continue to be enforcement problems in the future. Common sense would also lead one to believe that areas currently experiencing such illegitimate OHV use should be closed to motorized use as a way of achieving the goal of curtailing illegal use. The Mule Mountain Area is one such area. Unauthorized user-created routes are proliferating in the area and connect directly to proposed motorized trails. Designation of such trails would not help "to curtail illegal use", but exacerbate the currently uncontrollable situation and encourage subsequent violations of the law. The user created routes in the Mule Mountain area are over 6 miles long, uses stream channels as a road/trail surface (in violation of ACS objectives), and directly impacts IRA and BGWRA values, motorized trail designations in the Mule Mountain area would increase use of this damaging use-trail system, currently used to facilitate illegal guided hunts into the area by an unlicensed guide service. The current use-routes also directly cross the Lyman/Doe Hollow BA , enter a forest order closure in the Squaw Lakes and Slickear Creek areas, and crosses the riparian reserve of Squaw Creek with its easily eroded schist soils. This user created route constitutes a "considerable adverse impact", EO 11644 and 11989 require that such impacts be stopped by closure and "mitigated or eliminated", the TMR "further requires that the closure remain in place until measures have been implemented to prevent future recurrence" (TMR 68280). A measure to prevent future recurrence would include closing the Mule Mtn. Trail system to OHV use. The impacts of this route were not analyzed in the FEIS, DSEIS, or ROD despite the agency being aware of the problem. Ongoing, continuing, and cumulative impacts must be analyzed through the NEPA process as part of the current condition. The decision to allow motorized trail use on the Mule Mountain Trail system is arbitrary, capricious, an abuse of agency discretion, and a violation of the 1990 RRNF LRMP.

2) <u>Summit Lake Trail:</u>

According to the Recreation Opportunity Guide (ROG) motorized use along the Summit Lake trail includes a motorized closure "during the spotted owl nesting season which normally occurs from April 1 through September 30" , yet no mention of such a closure is mentioned in the FEIS, DSEIS, ROD, or noted on "Map 2 Alternative 3". The decision to allow motorized use of this trail during spotted owl nesting season should be withdrawn and seasonal restrictions placed on motorized trail use. Failure to implement these seasonal restrictions represents a "change" from the current situation and an impact not analyzed or disclosed through the NEPA process. Such "changes" and impacts must be disclosed and analyzed.

3) <u>Boundary Trail:</u>

According to the DSEIS “Map 2 Alternative 3”, the proposed action would allow motorized trail use on the Boundary Trail and many of the spur trails connecting to the Boundary Trail. The decision to allow motorized use is highly controversial, represents a substantial dispute, and should be withdrawn. The Boundary Trail should be closed to OHV use for the following reasons: wildlife impacts, IRA values, RNA values, BA values, BCNMA values, user conflicts, wilderness trespass, and safety issues.

According to the 1990 RRNF LRMP the goal of a BCNMA is to “ Provide semi-primitive non-motorized recreation opportunity with low numbers of users” (RRNF LRMP p. 4-43). Likewise, the standards and guidelines clearly prohibit motorized use within the area, and the “facilities” section lists “2. The following types of transportation facilities are envisioned within this area: (a) Foot Trails. Motorized use will be prohibited on these trails” (RRNF LRMP p. 4-52). The prohibits and management directives for this area are clear, and listed without exceptions. Throughout the LRMP BCNMA’s are listed as areas where motorized use is strictly prohibited (RRNF LRMP p. 4-32, 4-24, 4-23). Current monitoring protocol, states that the threshold of concern for BCNMA’s is a “ 5% change in primitive, semi primitive, non-motorized” use (RRNF LRMP p. 5-8). The proposed action would represent such a loss in non-motorized values and resources. Although this monitoring is required annually, I have found through FOIA requests that such monitoring has never occurred. The failure to monitor for LRMP compliance for over 20 years is a violation of the LRMP and the NEPA process which gave birth to the BCNMA management area.

In fact, the lack of monitoring and mitigation measures based on such monitoring, have enabled OHV use to continue in the area despite clear prohibitions and thresholds of concern. Without the monitoring data, the need for forest order closures and the unauthorized use of BCNMA’s by motorized users was never officially documented or addressed. Essentially the RRNF has turned a blind eye and in doing so has been in constant violation of the LRMP since its inception, the management strategies approved through the NEPA process have never been implemented and unauthorized use has been ignored for over 20 years. The “historic and ongoing” motorized use within BCNMA’s that is used to justify plan amendments is a “historic and ongoing” violation of the LRMP. The agency was aware of this use at the time of LRMP approval in 1990 and regardless of this existing use, the agency prohibited OHV use to protect non-motorized recreational values. The argument that existing use should be codified through plan amendments is invalid as no new circumstances or conditions exist or where listed in the FEIS, DSEIS, or ROD to justify allowing such use. No evidence has been provided as to how allowing such use is consistent with LRMP recommendations. In fact, motorized use in BCNMA’s clearly violates the very intent of BCNMA designation. Institutional inadequacies, lackluster enforcement, non-existent monitoring, lack of follow through (i.e. no forest order), and agency neglect have created the historical use in BCNMA’s and legitimizing such use promotes lawless, unauthorized behavior in direct conflict with existing uses and resource values. The

actions of the agency in turn, encourage subsequent violations of the law, by awarding violations with allowances for motorized use into areas where such use is prohibited by the LRMP.

All current use within the BCNMA, RNA, and BA's is a violation of LRMP directives and management direction, in fact according to the LRMP " When conflicts exist between backcountry non-motorized and other resources, the conflict will be resolved in favor of the back country non-motorized resource" (RRNF LRMP p. 4-43). User conflicts along the Boundary Trail are well documented and are expected to continue along this trail despite clear management directives prohibiting motorized use in the area. In fact, the FEIS states that "On the RRNF, user conflicts have been documented most noticeably on the Boundary Trail" (FEIS III-124). U.S. Rep. Peter Defazio, U.S. Senator Ron Wyden, and U.S. Senator Jeff Merkely wrote in their 11/6/09 comment that " We are concerned about possible visitor conflict associated with off road vehicle use along the Boundary Trail, which is located entirely within the Kangaroo IRA…as a result of unregulated motorcycle use, which has lead to unsafe conditions and diminished the attraction for hikers, families, and individuals avoid this narrow and remote back country trail". Guidance from the TMR directs the agency to "to ensure the use of off road vehicles on public lands will be controlled and directed so as to…minimize conflicts among the various uses of those lands" (TMR, federal register p. 68264). EO 11644 states that the agency is required to minimize "conflict between motor vehicle use and existing or proposed recreational uses of National Forest Lands". Motorized use within BCNMA's, RNA's and BA's is prohibited by the 1990 LRMP and any use within these areas constitutes a severe impact to the values protected by BCNMA, RNA, and BA designations and a significant user conflict. ROD-2 references "user conflicts" as a part of the purpose and need for this project, yet no evidence has been provided through the ROD or FEIS as to how the proposed action minimizes conflict.

Historically the agency has refused to enforce LRMP prohibitions in BCNMA's despite public opposition to motorized use in the area. Private citizens and environmental organizations have petitioned, filed formal complaints, and written letters to Forest Service officials demanding motorized use prohibitions be enforced. The MRA has sponsored "club rides" in the BCNMA for numerous years and the agency has responded with neglect and disregard for LRMP mandates. A user conflict in the area has been documented for years and forest orders should have been created years ago to make prohibitions enforceable. The agency has completely disregarded it mandates and in doing so clearly shown its bias towards motorized use.

Motorized use is also prohibited within RNA's according to the RRNF LRMP. Again the standards and guidelines list RNA's as "semi-primitive non-motorized" and clearly prohibits motorized use stating that " Off road vehicle use is prohibited" (RRNF LRMP p. 4-291- 4-292). The prohibitions are listed with no exceptions and seem quite clear. The LRMP also listed RNA's as areas where motorized use is prohibited on pages 4-32, 4-24, and 4-23. Again, these prohibitions are clear and without exceptions. The goal of RNA designation is "To provide areas of research, observation, and study of undisturbed ecosystems. Maintenance of natural processes within each area will be the prime consideration" (RRNF LRMP p. 4-291). OHV use is

inconsistent with the “maintenance of natural processes” as well as with the “research, observation, and study of undisturbed ecosystems”.

Motorized use within RNA’s represents conflicts with management directives and direction as well as with user groups and existing uses in RNA’s. The LRMP clearly states that “When conflict exists between Research Natural Areas and other resources, the conflict will be resolved in favor of the Research Natural Area” (RRNF LRMP p. 4-291). A clear conflict has been documented within the area on pages III-124 of the FEIS. Page III-126 also documents the agency’s assertion that OHV use will displace other forest users stating that: “ non-motorized users would have the ability to predict areas where sounds from motor vehicles could be avoided and where solitude can be found across the forest”.

According to the 1990 RRNF LRMP biennial monitoring of RNA’s to ensure LRMP compliance is required (LRMP 5-11). Through a FOIA request I have found no such monitoring has been implemented or documented since the LRMP’s inception in 1990. Likewise, the LRMP directed the agency to create RNA establishment reports to officially establish the RNA and outline management, no such report has been prepared again, in violation of LRMP mandates. The lack of monitoring and documentation has enabled OHV users to violate prohibitions in the area. These violations have continued because of agency neglect and lack of follow that would have created a forest order to make such prohibitions “enforceable”.

The RRNF LRMP also prohibits motorized use off of roads in BA’s (RRNF LRMP p. 4-149). Documentation of motorized prohibitions can also be found on pages 4-32, 4-23, and 4-24. Likewise, the agency asserts in the FEIS that “ The RRNF LRMP confines motorized use in Botanical Areas to roads only; motorized use of trails in botanical areas is not allowed. However, no forest order has ever been issued to prohibit this use in all botanical areas covered by the RRNF LRMP. Consequently some trails within these Botanical Areas are used by OHV’s, specifically the Boundary trail, O’brien Creek Trail…” (FEIS III-17). Thus OHV management in BA’s is being managed by default, allowing prohibited uses despite clear recommendations. The FEIS continues that “off trail use by OHV’s…could cause adverse effects in the Grayback Botaincal Area, both in wet Krause Meadow where Gentiana plurisetosa (A FS sensitive species) grows, and in the Sugarloaf/ Windy Gap area where the soil is easily erodible and has required gully stablilization in the past. The risk of direct adverse effects to plant habitat is relatively high due to the ease of leaving the trail at this location” (FEIS III-19 & DSEIS III-29). Clearly the agency is neglecting its LRMP manadate to “protect and enhance exceptional botanical values” (LRMP 4-149) within BA’s and to “manage trails and dispersed occupancy sites in a manner not in conflict with special interest area resource values”. The proposed action falls short in both regards.

According to the standards and guidelines for BA management the agency was directed to “develop a special area plan for each area” (RRNF LRMP p. 4-149). In the 20 years since approval of the RRNF LRMP, only one BA plan has been produced despite a clear mandate to

create such documents “within the decade”. The single plan developed in 2006 for the Dutchman’s Peak BA clearly states that ”motorized vehicles will only be allowed on roads” (page 4). The plan also clearly encourages the agency to “minimize practices that may introduce non-native species” (page 19). In the absence of mandated BA plans, these basic principals should be applied to all BA’s on the forest. Current OHV use in BA’s, violates BA management direction, standards and guidelines, and directives, yet due to neglect of responsibilities and mandates, the creation of plans specific to each BA have never been created. All OHV use off of roads is a violation of the LRMP, which has never been implemented by the agency. According to a recent FOIA request, monitoring has also never been implemented to evaluate LRMP compliance within BA’s. Thus issues of OHV use, have never been addressed or documented and forest order closures never issues to encourage LRMP compliance. This lack of monitoring and agency neglect has enabled OHV users to violate LRMP prohibitions for 20 years, the “historic and ongoing use” used to justify LRMP plan amendments to allow OHV use in BA’s is in all actuality a “historic and ongoing” violation of LRMP guidelines, standards, goals, objectives.

Other issues of concern include impacts to wildlife which was in no way addressed in the FEIS, DSEIS or ROD. Safety concerns and preservation of “opportunities for non-motorized travel and experiences” are also of specific concern according to the TMR. It would make sense that “opportunities for non-motorized travel and experiences” should be preserved (as directed in the TMR) in BCNMA’s, BA’s, and RNA’s specifically given the LRMP guidelines. Lastly, motorized use of the Boundary Trail is expected to increase motor vehicle trespass in the Red Buttes Wilderness. For this reason the Horse Camp Trail is proposed for closure in the TMP, yet the Boundary Trail dead ends at the wilderness boundary encouraging OHV trespass, as a loop through the wilderness could be used to access addition routes and roads open to OHV use. In this way, the proposed action will encourage subsequent violations of the law by facilitating wilderness trespass. This impact was not addressed in the FEIS, DSEIS, or ROD and thus represents and significant impact not analyzed or evaluated through the NEPA process. The decision to allow OHV use on the Boundary Trail is a direct violation of LRMP standards and guidelines in three separate management strategies. Forest orders mandated years ago have never been implemented and user conflicts are well established. The decision to allow motorized use on the Boundary Trail is arbitrary, capricious, an abuse of agency direction and unjustified by past NEPA decision and management plans.

4) <u>Elk Creek Trail:</u>

According to the FEIS “Map 2 Alternative 3”, the proposed action would allow motorized use on the Elk Creek Trail within the Kangaroo IRA and uninfected POC habitat. The trail also connects to a LRMP designated BCNMA where motorized trail use is prohibited. The decision to allow motorized use on the Elk Creek Trail should be withdrawn. The trail should be closed

for the following reasons: wildlife impacts, IRA values, user conflicts, impacts to riparian reserves, uninfected POC habitat, and BCNMA values.

Motorized use on the Elk Creek Trail will increase user conflicts both within and outside of the Grayback BCNMA. The trail is popular among hikers, hunters, bird watchers, equestrians, and other non-motorized trail users. OHV and motorcycle use on this narrow, steep, and winding trail creates a significant safety risk to non-motorized users, especially equestrians who lack the space and mobility on the regions steep trails to allow safe motorized vehicle passage. The trail also connects with an undesignated spur trail that is receiving illegal OHV use and is used to illegally access the Bigelow Lakes BA and trails leading into the Oregon Caves National Monument that are closed by forest order (SNF 1104-2). Allowing motorized use in this area will encourage subsequent violations of the law, by facilitating use of non-designated routes and trails.

Of critical concern is the risk of PL spread into uninfected POC habitat along the Elk Creek Trail. Much of the access on Forest Service roads from the Williams, Grayback, and Sucker Creek Watersheds includes infected habitat, increasing the likelihood of PL introduction into uninfected habitats. The issue is compounded by stream crossings that would put all POC habitats downstream at risk. In fact, the DSEIS states that the trail "follows an ephemeral stream within the riparian reserve for more than half its length. Prohibiting motorized use would be consistent with ACS goals for protecting streambank integrity." The riparian reserve includes POC thus infection of these stands through a federal action would also negatively affect streamside shade. The infection of POC within the Elk Creek Trail area would represent a significant irreversible resource commitment and an irretrievable loss of vegetation, wildlife habitats, and water quality due to finality of Phytothera infestation. The impacts to POC on the Elk Creek Trail have not been analyzed in the DSEIS, EIS, or ROD and thus are a violation of NEPA. Impacts to POC and motorized trail use within Riparian Reserves are also inconsistent with ACS objectives #1 and #3. By refusing to analyze POC infection impacts along this trail the agency has "entirely failed to consider an important aspect of the problem" and "offered an explanation for its decision that runs counter to the evidence before the agency" On page III-111 of the DSEIS the agency lists three areas where OHV use will "introduce appreciable risk" to POC infection. The Elk Creek Trail is not listed. I have personally brought this issue to the table numerous times in writing and at my appeal resolution meeting for the FEIS and ROD. The agency has refused to analyze or disclose the issue in a NEPA document.

5) <u>Cook & Green Creek Trail:</u>

According to the DSEIS " Map 2 Alternative 3", the proposed action would allow motorized use on the Cook'n Green Creek Trail as it winds through the Kangaroo IRA, Johnny O'Neil LSR, and Cook'n Green BA. The decision to allow motorized use on the Cook' n Green Creek Trail should be withdrawn. The Cook 'n Green Creek Trail should be closed for the following

reasons: wildlife impacts, impacts to riparian reserves, IRA values, BA values, and user conflicts.

User conflicts are expected to increase with Motorized Trail designation in the area. The trail system in question is popular among hikers, hunters, bird watchers, equestrians, and other non-motorized trail users. OHV and motorcycle use on this narrow, steep, and winding trail creates a significant safety risk to non-motorized users, especially equestrians who lack the space and mobility on the regions steep trails to allow safe motorized vehicle passage. The trail lies within the Kangaroo IRA and adjacent to the Red Buttes Wilderness. Recently motorized use has become an issue nearby as OHV users (including motorcycles) have routinely circumvented barriers excluding motorized use beyond Bee Camp in the Klamath National Forest. In recent years motorized use in the Lily Pad Lake area and in the officially designated Red Buttes Wilderness in Hello Canyon have been on the increase. Motorized use on the Cook'n Green Trail will increase the current trespass beyond Bee Camp, encouraging subsequent violations of the law and increase user conflicts in the immediate area including the PCT, Red Buttes Wilderness, Cook 'n Green BA, and Kangaroo IRA.

The issue of wilderness trespass and OHV use of the PCT has not been adequately analyzed by NEPA and failure to do so represents a failure to reply to substantive comments. The agency has responded by saying to comments by stating that "the forest service acknowledges illegal motorized use occurs on the PCT. This illegal use is considered very light based on reports from users, trail crews, and trail administrators" (FEIS A-58). First the agency gives no evidence that substantiates the claim of "very light" illegal use and agency employees rarely visit the area for monitoring, maintenance, or other administrative reason. Second, myself and other members of the public and environmental organizations have documented and reported illegal use to agency law enforcement, decision makers, and recreation specialists. No action has been taken by the agency to reduce trespass despite documented users conflicts. Likewise, the agencies claim that OHV users do not ride the PCT from its junction with the Cook 'n Green Trail, but rather "typically…make a loop by going up Cook'n Green Trail and returning down to the Applegate Lake via the 1055 Road is also unsubstantiated. Even if many riders utilize the 1055 Road to return to Applegate Lake, many also utilize the PCT and ride past road closure barricades through the Cook'n Green BA to access Lily Pad Lake and the Red Buttes Wilderness.

Motorized trail use will also impact the Cook 'n Green BA, an area where OHV use was prohibited by the 1990 RRNF LRMP (LRMP p. 4-149). Current LRMP amendments proposed under Alternative 5, do not include a clause for use within the Cook 'n Green BA, thus motorized use would be a violation of the LRMP. The goals and objectives for such areas are to "Protect and enhance exceptional botanical values. Encourage compatible scientific, educational, and recreational uses" (LRMP p. 4-149). The standard and guidelines list the area as "Semi-primitive non-motorized" and allows for vehicle use "only on roads" (LRMPp. 4-149). Therefore motorized trail use should be deemed inappropriate and incompatible. The FEIS falsely claims that " OHV use would not have effects on areas adjacent to the Cook'n Green Trail because there

are no vulnerable special status plant populations along this trail" (FEIS III-19). This claim is also made in the DSEIS (III-29). Yet, I have identified in my comments throughout the TMP and at my appeal resolution meeting for the FEIS and ROD that Cypripedium monatnum, Cypripedium californica, and Cypripedium fasciculatum can all be found within feet of the trail in sections 5 and 32. Impacts to these sensitive species have not been disclosed or analyzed in the NEPA process, the FEIS, DSEIS, or the ROD. Failure to address impacts to these sensitive species within an area set aside for botanical values constitutes a failure to disclose significant impacts and a violation of NEPA. To my knowledge no botanical inventories have been undertaking during this NEPA process and claims that "no vulnerable special status plant populations" exist on this trail are false, unsubstantiated, and constitute a lack of reply to substantial comments by the public. The agency must disclose and address this issue.

The trail also follows through creek side habitat for much of its length including a crossing Cook 'n Green Creek and Bear Gulch. The agency has acknowledged that motorized use on the Cook'n Green Trail "would be expected to generate slope ravel from OHV passage on steep slopes…within riparian areas, the trails may have a damaging short and long term effect on bank stability and drainage patterns. Sediment would be expected to reach perennial streams where the trail crosses or is parallel to channels" (FEIS III-13). I might add that nearly the entirety of the Cook'n Green Trail "runs parallel" to the stream channel. According to the Forest Service "Motorized use is not consistent with management objectives for maintaining or enhancing riparian resources" (FEIS III-12), and thus is a violation of ACS objectives #1 and #3. RM-2 allows for adjustments in "dispersed and developed recreation practices that retard or prevent attainment of ACS objectives. Where adjustment measures such as education, use limitations, traffic control devices, increased maintenance, relocation of facilities, and/or specific site closures are not effective, eliminate the practice or occupancy" (FEIS P.III-55). Adjustment measures such as education, use limitations, traffic control devices, etc; would not be effective in this situation due to the physical location of the trail, the practice should be eliminated to facilitate attainment of ACS objectives. Likewise the agency notes on page III-23 of the DSEIS that " the trail closely follows the main stem of Cook and Green Creek within the riparian reserve buffer, crossing 20 closely spaced ephemeral streams near their confluence with the main channel. The drainage density along Cook and Green Creek is unusually high. The Middle Fork Watershed Analysis states that Cook and Green Creek is "a very active downcutting stream which has steepened slopes creating an extremely steep topography. Processes associated with steep slopes, such as rockfall, creep, and ravel are very active. Closure to motorized access would be consistent with ACS objectives for streambank protection,". I might add that management (better described as neglect) of dispersed camping has been identified as a violation of ACS standards along the mainstem of the Middle Fork. OHV use on the Cook and Green Trail would exacerbate the existing problem.

The trail also traverses the Kangaroo IRA and roadless area values will be degraded by motorized use. The agency has admitted the motorized use has a tendency to displace non-

motorized users due to impact associated with OHV's (FEIS p.III-128). Motorized use will also impact wildlife values in this relatively undisturbed region, including the pacific fisher, Siskiyou salamander, and other old growth obligates. The decision to allow motorized trail use on the Cook'n Green Creek Trail is arbitrary, capricious, an abuse of agency discretion, and a clear violation of the ACS and BA management guidelines in the RRNF LRMP.

6) <u>Middle Fork spur roads:</u>

According to FEIS " Map 2 Alternative 3" , the proposed action would allow motorized use on FS RD.# 1040- 020 and 1040-025, both small spur roads adjacent to the Middle Fork of the Applegate River. Although these roads are not currently closed by forest order, attempts by the forest service to block these roads with boulders and berms have been made in the past. Unfortunately, forest users have circumvented these closures by removing barricades, due great damage to the river terrace below. Motorized use has heavily impacted soils and has continually impacted riparian function. According to the Forest Service document "Middle Fork of the Applegate River Dispersed Recreation: Confine, Restore, and Educate" written by Mike Ricketts, " It is obvious the high use sites are causing the most impact to riparian resources with approximately 10 acres of riparian reserve being affected". The document continues stating that "damage is occurring due to uncontrolled vehicle access. Visitors are clearing vegetation and debris making new vehicle routes into existing dispersed sites and in several areas expanding vehicle parking… <u>new</u> (emphasis in original document) areas are being compacted by repeated vehicle use estimated at .05 acre per year. In some sites evidence of sheeting and rilling can be seen. Other impacts include…removal of woody debris …and encroachment on stream channels as vehicles inch closure. The long term effects of uncontrolled dispersed vehicle recreation could have implications on performance of riparian reserves with regard to water quality, plants, and fish and wildlife." Thirteen years later the problems have multiplied, closure structures on spur roads 1040-020 and 1040-025 have been circumvented or dismantled and the impacts continue. Current dispersed recreational use, including motorized use of 1040-020 and 1040-025 has violated ACS objectives and the decision to allow motorized use on these roads should be withdrawn.

Again, the agency assumes that "there would be no change in the amount of use that existing roads and trails receive" (FEIS III-99) and according to numerous statements regarding cumulative impacts all routes proposed "are receiving some amount of use" and "regardless of which alternative is selected…the motorized route network would either be reduced or maintained when compared to the current condition" Both statements are false in regards to roads 1040-020 and 1040-025. Lastly, the FEIS states that "routes with fixed barriers are closed and are expected to revegetate. The effects analysis assumes re-vegetation over time" (FEIS III-3). This statement also contradicts the allowance for motorized "mixed" use on roads 104-020 and 1040-025, as these routes have been closed with fixed barriers in the past, and revegetation

"expected" in the FEIS, DSEIS, and ROD will not take place if the fixed barrier closure is codified for OHV use. Of final note is the desire of agency recreation staff officer Brain Long to close these spur roads by recreating the closure structures.

7) **Hinkle Lake BA and Road 850:**

Forest Service road 1040-850 is listed in the proposed action "Map 2 Alternative 3" as a mixed use road open to motorized vehicle use. This despite a long standing forest order closure, significant controversy regarding it enforcement, constant public outcry, and a current law enforcement emphasis placed on the area to enforce the motorized use closure. A notice is posted at the front desk of Star Ranger Station identifying the closure and the extreme soil and hydrological impacts resulting from OHV use in the area. It seems that the process of creating the NEPA documents supporting the TMP should have begun with a document review of Forest Order closures and areas identified as having ongoing OHV problems. Somehow road 850 and the Hinkle Lake BA have slipped through the cracks and are proposed for mixed motorized use. The lack of agency ability to identify the Hinkle Lake area as closed to motorized use (by forest order) shows one of two things, either absolute negligence or simply a bias towards motorized use. The issue of OHV use at Hinkle Lake, the agency's inability to enforce the forest order closure and the history of neglect by USFS staff and officials is a harbinger of what will come as the agency allows motorized use in remote areas of the forest in Alternative 3. It demonstrates the mentality of certain portions of the OHV community in regards to motor vehicle closures as well as the agency's ignorance to existing regulations and absolute lack of enforcement capacity. The identification of road 850 as open for mixed motorized in "Map 2 Alternative 3" of the DSEIS is continuation of this now long history of neglect and indifference.

Since June of 1980 a forest order closure has been instituted in the Low Gap/ Hinkle Lake area (RSF 106). Further management directives include BA designation at and around Hinkle Lake which prohibits OHV use off of NFS roads. Forest Service Road 850 was closed by a locked gate and the section of road dropping into the Hinkle Basin was dropped from the Forest Transportation system. At an undisclosed date the gate was vandalized and trespass to the area became routine. Despite the clear management directives and attempts to eliminate off road travel in the area, the problem has continued and intensified over the last 30 years. Due to a lack of agency monitoring, follow through and accountability the problem went unaddressed for many years, this despite clear and consistent violations of the law.

Botanical Area Management Plans mandated in 1990 were never produced, thus the impacts to this BA went undocumented by monitoring, and the forest order closure was routinely violated by all classes of motor vehicle. Severe impacts to wetlands and high mountain meadows have occurred in violation of ACS objectives and in contradiction of BA management protocol. The area was identified in the Carberry Creek Watershed Analysis as an area of concern in regards to "resource damage" and further identified the "Hinkle Lake meadows and road system" as a priority for restoration.

On 11/12/92 District Ranger Sue Rolle and botanist Wayne Rolle visited the meadow and documented OHV impacts at that time, 12 years after official closure. Again on 7/16/02 Wayne Rolle visited the area saying “there is definitely a need for OHV control. A problem that is not new is vehicles driving the last 100 feet to the cabin. They drive across a wet meadow and that part is becoming a mire” Mr. Rolle continued by recommending ways to reduce impacts while allowing OHV use in the officially closed area. Why measures were not taken to eliminate this usage and why the forest order closure was unknown until I documented the closure and demanded its enforcement in 2003 (23 years after its creation) is quite troubling.

In the summer of 2003, I filed a formal complaint with Star Ranger Station regarding the illegal OHV use, after being shot at and run out of the meadows in the dark of night by OHV enthusiasts. The complaint was followed by the initiation of the “Hinkle Lake Protection Project” (SOPA 4/1/04) with an implementation date expected to be March 2007. A letter dated May 8, 2004 written by then President of the Medford Motorcycle Riders Association (MRA) Dave Lexow in response to the SOPA listing, acknowledged leading “frequent” club rides and events into the area closed by forest order. These violations are documented in the letter to have been coordinated through the Forest Service Recreation Supervisor Steve Johnson, again despite the mandates of the forest order closure, demonstrating the agencies neglect, disregard, and ignorance of forest order closures and bias towards motorized use.

Mr. Lexow continued, that at the time the MRA “had numerous discussions with Rogue River, Siskiyou National Forest staff about the coexistence of our recreation with BA’s, RNA’s, ACEC’s, etc. We can and do coexist nicely…this is but one example of many on the Rogue/Siskiyou National Forest System where multiple use recreation coexists within sensitive ecological areas”. This statement includes areas that clearly prohibit OHV use and should have triggered the implementation of forest orders to make those prohibitions enforceable. No forest orders were created despite clear standards and guidelines for BA’s and RNA’s prohibiting motorized use in these “sensitive ecological areas.” Likewise, these admissions should have triggered law enforcement inquires into the violation of a forest order at Hinkle Lake by the MRA. Such inquires and appropriate law enforcement measures were not taken despite a clear admission by MRA president of such violations.

One year later Steve Johnson (the project lead for the FEIS planning process) in an email dated 7/29/05 reported that he “spent a full day at Hinkle Lake plus a good part of another day reviewing project files”. These project files surely included a forest order closure which I had made the agency aware of one year earlier (it seems that before they did not know the order existed). Despite the existence of a forest order, excluding all off-road vehicle use and the closure of road 850 over one mile from Hinkle Lake (since 1980), making all travel into the basin irrefutably illegal, Mr. Johnson demonstrated his bias towards OHV use by proposing to “permit ATV’s and motorcycles between the ridge top (where the NFS road official ends) and a point approximately 100 feet east of the meadow near the cabin”, this is over one and a half miles beyond the area officially closed by forest order. His proposal required OHV users to walk

200 feet to the Kendall Cabin to avoid disturbance to a wetland churned into ruts and mud nearly 20 feet wide. His justification for this was that " I think the MRA would have no problem with that", as if they had a right to ride the area in the first place. Obviously, his interest was in pleasing the MRA and allowing for their use despite the forest order and the dramatic impacts associated with their use. He claims that at the time they were staying on the road (a road closed by forest order) all the way to the cabin.

Yet, on 10/9/2003 FS Botanist Barb Mumblo photographed and documented extensive off road use through wetlands, lake margins, meadows, and up hillclimbs. How Mr. Johnson missed these glaring impacts in unfathomable. District Ranger (at the time) Erin Connelly proposed to allow this motorized use despite the official closure, BA designation, and IRA status. Allowing motorized use would have constituted a new road, inside a protected IRA in violation of the Roadless Rule. Despite the clear mandates to eliminate off road use in the area Erin Connelly and David Lexow of the MRA created " a mutual agreement to continue to allow access for class 1 and 3 ATV's" (email dated 1/9/07).

Finally, District Ranger Linda Duffy sent me a letter dated 4/20/07 that acknowledged "OHV traffic is continuing to cause damage to soils and native plant communities…Hinkle Lake is a designated Botanical Area in the RRNF LRMP. Management direction for this area does not allow use of motorized vehicles off of roads" She goes on to say that in 2004 the project was to allow motorcycle use in that area despite the closure. She proposed enforcing the closure (including motorcycle use) and installing "during the summer of 2007" to prevent further damage. Immediate action by the agency involved dropping numerous large trees across the roadbed, these were promptly cut by motorized users to gain access. The gate was not produced. Funding was allocated and a contractor hired to install the gate. Unfortunately, the agency did not follow through on its proposed action for almost three more years. After being guaranteed numerous times that the gate was installed, I went to the area each time and found it not to be the case. The agency only finished the job after I threatened to sue them for a violation of forest orders and the neglect of its enforcement responsibilities. The ranger at the time Tim Chesley commented in an email that he was angry "to have to be the one pushing this", as the engineering department had an order to install the gate and was not doing their job. I believe the obstructionism shown was internal and has plagued Forest Service OHV management on the district for many years.

The agency installed a gate in the fall of 2009 (11/23/09), but refused to implement a monitoring and enforcement schedule for its maintenance and unfortunately the gate was installed in a way that allows access to areas and use trails closed by forest order. These areas have been documented by the public and agency staff in areas along road 850, before the location of the gate. These areas are being impacted within the closure area and will not be affected by the presence of a gate. Since that date numerous gates have been vandalized and the closure breeched. OHV enthusiasts have welded through the gate, cut the lock, and even dug the large cement foundation out of the ground. The closure has never been effective for more than

two weeks. Finally a large berm was created to eliminate OHV use, the berm was vandalized and breeched. The muddy “mire” at Hinkle Lake has grown from 20 feet wide in 2003 to over 60 feet wide. Impacts have become more extreme with each violation of the closure.

The Hinkle Lake Basin and the controversy surrounding its management demonstrates the agencies bias towards OHV use, inability and refusal to enforce current regulations, laws, and policies, and ignorance or mere negligence in regard to OHV enforcement. EO 11644 and 11989 requires that “use must be stopped” if it is “creating considerable adverse impacts”, the TMR requires “that the closure remain in place until measures have been implemented to prevent future recurrence”. These EO’s would definitely apply to the Hinkle Lake Basin and user created routes off of road 850.

According to FEIS II-38, the agency will close roads “causing unacceptable resource damage either directly or by allowing access to a sensitive area closed by Forest Order”. This “design strategy” has not been implemented on road 850, as illegal and damaging use, as well as user created routes have not been adequately addressed. The decision to allow mixed motorized use on road 850 should be withdrawn to preserve resource values and enforce a long unenforced forest order closure.

In the summer of 2010 surveys were conducted at Hinkle Lake as part of the "Inventory of rare byrophytes in unique wetland ecosystems on the Rogue River-Siskiyou National Forest" By Scott Loring and Clint Emerson. It was published through the Interagency Special Status and Sensitive Species Program in 2010. The report documents Chiloscyphus Gemmiparus (Alpine Liverwort) just below the OHV tracks at Hinkle Lake. It is a very rare species found in only 6 places worldwide. It was considered for listing a number of years back, but did not meet criteria. The report directly addresses the OHV problem saying "of note is the extensive damage to the meadow vegetation and soil adjacent to the stream where the species was collected" they go on to say "illegal OHV use threatens the ecosystem in this area". Also included is a aerial photo and map of the population, it is directly adjacent to the mud bog being created near Kendall Cabin. Being one of only six documented populations worldwide the Alpine Liverwort in the Hinkle Lake basin should be aggressively protected from OHV abuse.

For all the reasons listed above the decision to allow mixed motorized use on road 850 should be withdrawn.

8) <u>Oak Flat Campground:</u>

Currently no map or information exists identifying the Oak Flat Campground as an area open and designated for motorized use. Thus the designation of this area for motorized use is a violation of NEPA and its impacts have not been analyzed through this NEPA process. The motorized use of this campground obviously represents a severe user conflict between motorized

and non-motorized users. The FEIS, DSEIS and ROD assume that the publication of the MVUM will not increase usage of designated routes, yet as no map or information currently identifies the area as open for motorized use, an increase in usage would be expected. Lying directly adjacent to the Illinois River, the dust, sediment, and ground disturbance associated with OHV use would have severe impacts to aquatic resources and fisheries and was not analyzed in the NEPA process. Use of the Oak Flat Campground is a new effect or use and the impacts of this use must be fully explored. The decision to allow motorized use in the Oak Flat Campground should be withdrawn.

9) <u>Proposed Additions to the Kalmiopsis Wilderness:</u>

In a forest service news release in 2004, the forest supervisor supported the "consideration of 64,000 acres of land adjacent to the Kalmiopsis Wilderness for their outstanding wilderness character", the proposal has been supported by local state representatives and senators. Motorized trail use in this area would threaten the areas "outstanding wilderness character" and create obstacles to future wilderness designation. According to the DEIS motorized trail use was prohibited within the proposed Copper-Salmon Wilderness stating that "use would be prohibited due to the proposed Copper Salmon Wilderness and to reduce impacts to the anadromous fishery" (DEIS II-25). It would seem reasonable to extend the same prohibitions to the proposed 64,000 acre addition to the Kalmiopsis Wilderness, for the exact same reasons. Wilderness character will be impacted by motorized use which is exactly why the proposed Copper Salmon area was excluded from OHV use. Fishery resources in the 64,000 acre addition are also a very healthy and valuable resource. Impacts to wilderness character and values as well as fishery resources must be analyzed through the NEPA process. Currently, no adequate analysis has been evaluated in the FEIS, DSEIS or ROD. Failure to disclose impacts is a violation of NEPA. The decision to allow motorized use within this 64,000 acre area should be withdrawn.

10) <u>FS RD. 1090-153 and 1010-150:</u>

According to DSEIS "Map 2 Alternative 3", the proposed action would allow mixed motorized use on FS Rd. 1090-153. This spur road is currently impassable due to the density of vegetation and has received no motorized use for many years. The intersection of 1090-153 and 1090-850 is entirely obscured and impassable on account of thick vegetation. Any motorized on this spur road represents new and increased use and an effect not analyzed in the FEIS or DSEIS. The DSEIS, FEIS and ROD assume no increase in impacts or usage because "all routes that are being considered for designation within the alternatives of this project currently exist and are receiving some use." Further it is assumed that because of this existing use, "regardless of which alternative is selected, detrimental effects…from the motorized route network would either be reduced or maintained when compared to the current condition." The FEIS states that "no alternative proposes an increase in motorized use over current conditions" (FEIS A-64). Given the lack of current motorized use in the area, any use represents increased use and new effects that must be analyzed.

Road 1090-153 is not only impassable, but its first mile is currently experiencing rill and gully erosion due to water captured on the road surface in heavy rains. The road also divides the Collings and Kinney Inventoried Roadless Areas, a large area of relatively undisturbed habitat that currently receives no motorized use and very little recreational use in general. When discussing impacts to IRA's and roadless character, the ROD states "there will be no additional construction or allowance for increased use (in IRA's), there will be no additive impact that might contribute to adverse cumulative impacts to roadless character" (ROD-11). The opening of road 1090-153 would be an adverse impact to roadless character. Lastly, I find it interesting that FS RD. 1090-153 was recently removed from the designated forest transportation system and is no longer listed on Forest Service maps such as the most recent "Applegate & West half of Ashland Ranger District Map" printed in 2003. Most of spur road 1010-150 in the Broadenaxe Gulch drainage was also omitted from recent maps of the districts designated forest transportation system. In fact, road 1090-153 was entirely omitted in the recent planning effort and EA for the McKee Legacy Roads Project because it is currently not part of the forest transportation system. Furthermore, according to the FEIS, " a decision to… add a route to the forest transportation system…is subject to environmental analysis under NEPA" (FEIS p. I-5), in the case of roads 1090-153 and 1010-150 such analysis has not been undertaken as part of DSEIS or FEIS. The above issues were identified in my FEIS comment, ROD appeal, and appeal resolution meeting, yet the roads continue to be proposed for mixed use in the proposed action of the DSEIS. The decision to allow mixed motorized use on roads 1090-153 and 1010-150 should be withdrawn.

11) <u>Cook & Green Pass Road, spur roads:</u>

According to FEIS "Map 2 Alternative 3", roads 1055-120, 1055-400, 1055-500, 1055-700 and 1055-790 are open for mixed motorized use under the proposed action. These spur roads connecting with FS RD. # 1055 are currently and have historically been impassable due to landslides, severe washouts, and culvert failures, in fact, Rd. 1055-500 is currently blocked by debris piles placed by the Forest Service to deter vehicle traffic. According to the FEIS "routes with fixed barriers are closed and expected to re-vegetate" (FEIS p. III-3), clearly showing that routes closed in the past are intended to remain closed to motorized use.

Obviously, given the number of road failures the area is prone to erosion and soil instability; many of the slides are still active and lie within riparian reserves. Spur roads beyond the landslides, washouts, culvert failures, and agency blockades are currently not being utilized for motorized recreation of any sort. Any motorized use on these spur roads represents new and increased use and effects not analyzed in the DSEIS or FEIS. The DSEIS, FEIS and ROD assume no increase in impacts or usage because "all routes that are being considered for designation within the alternatives of this project currently exist and are receiving some use. Further it is assumed that because of this existing use, regardless of which alternative is selected, detrimental effects…from the motorized route network would either be reduced or maintained when compared to the current condition." The FEIS also states that "no alternative proposes an

increase in motorized use over current conditions" (FEIS A-64).Given the lack of current motorized use in the area, any motorized use represents increased usage and new effects that must be analyzed through the NEPA process. The above issues were identified in my FEIS comment, ROD appeal, and appeal resolution meeting, yet the roads continue to be proposed for mixed use in the proposed action of the DSEIS. For these reasons the decision to allow motorized use on spur roads 1055-120, 1055-400, 1055-500, 1055-700, and 1055-790 should be withdrawn.

12) <u>FS RD #1010, Carberry/ Star Gulch Road:</u>

According to DSEIS "Map 2 Alternative 3", the proposed action FS Rd. 1010 is open for mixed motorized use. Currently, the BLM has closed the entire Ninemile Creek Watershed to OHV use due to resource damage, sensitive botanical species, impacts to riparian reserves, and coho salmon streams. In an attempt to create a more seamless, effective, and holistic management strategy, the Forest Service should rescind its decision to allow mixed motorized use on FS Rd. #1010, making management consistent with BLM closures. The current proposal to allow motorized use on FS RD. #1010 is encouraging subsequent violations of the law on BLM lands adjacent to National Forest Lands. FS RD. #1010 also lacks a mixed use connection on adjacent BLM lands.

13) <u>Illinois River Trail, Nanny Creek Trail, Hobson Horn/Silver Peak Trail:</u>

According to the DSEIS "Map 2 Alternative 3", the proposed action motorized vehicle use will be approved for a section of the Lower Illinois River Trail, a section of the Nanny Creek Trail, Game Lake Trail, and The Hobson Horn/ Silver Peak Trail. These trails run through both a Wild and Scenic River Corridor and a Back Country Recreation-non-motorized area. Allowing motorized trail use through these management areas and along the Lower Illinois River will create user conflicts, impacts to fisheries resources, POC habitat, back country non-motorized recreation, wild river values, IRA values, and wildlife habitat.

The Illinois River is a popular destination for river rafters, fisherman, hikers, bird watchers, botanists, and lovers of relatively undisturbed areas. Allowing motorized trail use in an area designated "back country-non-motorized" creates a severe user conflict with non-motorized trail users. Many explore the river from rafts, using licensed guide services to navigate the river corridor. Motorized trail use will create user conflicts between rafters (who represent a large economic force in the area) and motorized users. The expectation of clients floating the river is not one of noise pollution and OHV use, but one of solitude, quiet recreation, and relatively undisturbed habitats. The Lower Illinois Trail also continues beyond the Silver Peak/Hobson Horn Trail, entering the Kalmiopsis Wilderness Area, where OHV use is prohibited by an act of congress. Allowing OHV use downstream will increase and exacerbated the problem of vehicle trespass within the Wilderness Area, encourage subsequent violations of the law, creating user

conflict and impacts to Wilderness values. This impact has not been disclosed or analyzed in the DSEIS, FEIS or ROD.

The Illinois River is an economic boom to a region with a struggling economy, to impact the recreational values of historic river travel and use is also to impact an economic driver for the area. Another source of revenue for the nearby towns of Agness and Gold Beach is the fishing industry. People travel from far and wide to experience fishing the Illinois River, OHV use will impact this established and economically beneficial use of public lands through direct user conflicts, impacts to fishery resources, and degradation of the fishing experience through noise pollution and ecological impacts. The TMR mandates that the agency “minimize conflict among various uses” and that the agency “must consider the compatibility of motorized use with existing uses”. The 1989 SNF LRMP created the back –country recreation, non-motorized management area to protect the quality of recreational experiences and habitat within the area. Motorized use is inconsistent with non-motorized designations and degrades the non-motorized resource in an area clearly designated for such us. Motorized trail use will greatly increase conflicts between users of the area, with the potential to displace non-motorized users as FEIS page III-128 claims.

Again, I must ask the telling question. What is a Back-Country Recreation-non-motorized area with an allowance for motorized trail use? The proposal to allow motorized use within such an area violates the goals, objectives, standards and guidelines, and very intention of such designation. The non-motorized designation is clear, as are prohibitions excluding motorized use. To make exceptions for historic use only demonstrates the agencies inability to control, monitor, and enforce existing management directives and regulations. The historic and ongoing use used to justify plan amendments allowing motorized trail use has been a “historic and ongoing” violation of the SNF LRMP and the NEPA process that lead to its approval. Why forest orders were not created to enforce management area directives as mandated in the SNF LRMP is an open and interesting question. Again, institutional inadequacies, lackluster enforcement, non-existent monitoring, lack of follow through (i.e forest orders), and agency neglect have created the historical use in and legitimizing such use promotes lawless, unauthorized behavior in direct conflict with existing uses and resource values. The lack of follow through throughout the RRSNF in regards to enforcing OHV prohibitions in both the RRNF LRMP and SNF LRMP shows a clear bias towards OHV use and negligent, arbitrary behavior.

The agency was aware of some OHV use in the area in 1990 when the SNF LRMP was approved. Thus the agency knowingly prohibited OHV use in the area to protect and encourage non-motorized resource values. The “historic and ongoing” use argument holds no water, as no new circumstances, conditions, or errors in the LRMP have been identified by the DSEIS,FEIS or ROD to justify amending LRMP standards and guidelines to codify motorized use in a non-motorized area. The approval of the LRMP followed the NEPA process and public comment period, allowing motorized use in back country, non-motorized management areas is a violation of that process.

The Lower Illinois River also has significant stands of uninfected POC habitat which would be at an increased risk of infection as OHV's travel through the area and ford tributary streams. These impacts were not analyzed due to the narrow focus of the agency's planning team and a refusal to address and analyze impacts associated with trails open by simple default and through the lack of forest order closures to back up management directives for non-motorized recreation areas. Infection of the Illinois River with new PL sites is a irreversible impact and an irretrievable loss of habitat, vegetation, and resources.

OHV use will also increase sedimentation in tributary streams along the Illinois River to the detriment of ESA listed fish species, ACS objectives, and wild and scenic river standards for water quality. Again fisheries are an important economic force in the region and the Illinois River renowned for its fishery resource. The use of OHV's within a designated Wild River is inconsistent with the goals, objectives, standards and guidelines and intentions of such a designation.

These trails also traverse the North Kalmiopsis IRA and area renowned for its wild character and intact ecosystems. OHV use is incompatible with IRA resources and existing uses of the land in question. The ROD-11 claims that "there will be no additional construction or allowance for increased use, there will be no additive impact that might contribute to adverse cumulative impacts". Yet, no cumulative impacts analysis was prepared for these trails. In the scope and scale section of the FEIS the agency states that " A decision to…change authorization of or prohibitions on motor vehicle use on a route or in an area is subject to environmental analysis" (FEIS I-5). Obviously, altering existing forest plan prohibitions to allow historically illegitimate OHV use represents a "change in authorization or prohibition", allowing motorized trail use in this area is a "change" to the current condition and the agency has failed to adequately analyze that impact.

Lastly, the decision to amend forest plan standards and guidelines to provide for motorized within a Back-country non-motorized designation was not disclosed in the DEIS. Timely public comment and meaningful review was not provided as no mention of these plan amendments was made until the FEIS and ROD were published. The decision to allow motorized use along the Lower Illinois River Trail, Nanny Creek Trail, and the Hobson Horn Trails, is arbitrary, capricious, an abuse of agency discretion, a violation of the SNF LRMP, and should be withdrawn.

16)McGrew "Trail", 4103-087, 4402,& Sourdough Camp:

According to the DSEIS "Map 2 Alternative 3", the proposed action would allow motorized "mixed use" on the McGrew Trail, 4402, the Sourdough Camp Area, and 4103-087 in the vicinity of Chetco Pass. The allowance for motorized use on these roads will impact BA values, IRA values, ESA listed plant species, POC habitat, Wild and Scenic River values,

increase wilderness trespass, and encourage subsequent violations of the law, in areas documented to have existing problems with damaging OHV use.

According to EO 11644and 11989 “Where motor vehicle use directly causes or will directly cause considerable adverse effects, use must be stopped, until the considerable adverse effects have been mitigated or eliminated”. According to the TMR “The final rule further requires that the closure remain in place until the measures have been implemented or prevent reoccurrence) (TMR 68280). The trails in question would all require mitigation, closure, and the prevention of reoccurrence. The McGrew Trail, Sourdough Camp, and 4103-087 have all been documented to provide illegal access to the Kalmiopsis Wilderness, into uninfected POC habitat, and quality ESA fisheries habitat. Motorized use of the McGrew Trail and 4402, has been documented to have caused extreme damage to the Oregon Mtn. BA due to extensive cross country travel, the creation of user routes, and impacts to sensitive species and the hydrology that supports them. Extensive illegal use exists in these specific areas and roads allowing motorized use in these areas will compound the existing problem. These impacts have not been adequately addressed in the DSEIS, FEIS or ROD. Nor have they been historically adequately monitored and enforced to prevent reoccurrence and forest orders that are greatly needed have never been created.

The McGrew Trail and numerous of its spur roads lie within the South Kalmiopsis Roadless Area, one of the state’s largest undisturbed tracks of land and a proposed addition to the Kalmiopsis Wilderness. Allowing motorized use within this area degrades wilderness qualities and encourages cross country travel by allowing OHV’s access to large expanses of serpentine barren habitat that is very susceptible to such prohibited uses. In fact, as noted above cross country travel has become routine in the area. The agency alludes to “repeated instances of vehicles driving off road” in the McGrew and Sourdough Areas. This use is also rampant along 4402 in the Oregon Mtn BA. The McGrew Trail also violates the Roadless Rule by allowing use of a road and route wider than 50” in width. In fact, the FEIS identifies the McGrew Trail as “actually a road” (FEIS III-26).

According to the DSEIS and FEIS cross country travel in the McGrew/ Sourdough region OHV use has already impacted ESA listed Mc Donald’s Rock Cress, and has the potential to impact other “Mc Donald’s rock cress plants that are present”. To allow these existing and ongoing impacts is a violation of the ESA. The FEIS goes on saying that a seasonal closure would be implemented during the wet season yet, “This seasonal closure is expected to have little effect on the frequency with which vehicles leave the road in the Sourdough Junction vicinity, because most of the vehicle use on the Mc Grew road is in the summer, when the McGrew road would be open. Also, other better, more frequently used-traveled roads to Sourdough Junction would still be open year round” (FEIS III-74). This road providing year round access to Sourdough is road 4402, which is also experiencing adverse impacts due to illegal use. Thus the agency should enforce a closure on the area “until measures have been implemented to prevent reoccurrence” as EO 11644, 11989, and the TMR require. Damage to ESA species would surely be considered a “considerable adverse effect”.

The Sourdough Area also lies within the Wild and Scenic, North Fork of the Smith River, OHV use in the areas is negatively impacting Wild and Scenic values, fisheries resources, water quality, and riparian function. Recent impacts to the region include cases of “creeking” where full sized trucks drive up the middle of streams, this practice is particularly common in serpentine streams due to the nature of the stream channels and the relatively sparse vegetation. This practice as well as less damaging form of OHV use provide serious risk to further the spread of PL in uninfected POC stands. These impacts were not adequately addressed in the FEIS, due to the assumption of “existing use” and “changes to the current condition”, this constitutes a violation of NEPA. Infection of POC stands negatively impacts riparian areas, thus ACS objectives and represents a irreversible and irreparable loss of resources and habitat. The use of the Mc Grew Trail, 4402, Sourdough Camp, 4103-087, and the associated spur roads should be closed to motorized use. Seasonal closures are not enough and according to page III-74 of the FEIS do not limit access to areas at risk and areas currently being impacted by OHV use during the “wet season”.

17)Briggs Creek Trail system:

According to the DSEIS “Map 4 Alternative 5”, the proposed action will allow motorized use on the Briggs Creek Trail, the Red Dog Creek Trail, Chance Creek Trail, and Dutch Creek Trail. The motorized use of these trails will impact ESA fisheries habitat, Spotted Owl activity cores, botanical values, wildlife habitat, and POC habitat.

Issues of riparian function and sedimentation are of serious concern in the area and are expected to be negatively impacted by motorized trail use. Potential impacts have been documented to be severe and continuous if OHV use is allowed on these trails. The agency has identified that “within riparian areas, the trails may have a damaging short and long term effect on bank stability and drainage patterns. Sediment would be expected to reach perennial streams where the trail crosses or is parallel to channels” (FEIS III-13). In the case of the Briggs Creek Trail system all the above mentioned trails run parallel to the stream channel for the majority of their course. In fact, the DSEIS states that “out of 11.5 miles of trail 10 miles are within the riparian reserve of these channels. The trails cross 20 ephemeral channels and 10 perennial streams. The ephemeral crossings are all near the confluence of a tributary with a perennial channel. The trail presents a continuous threat of sediment displaced by vehicle use entering a perennial stream. In adition trail #1143 (The Red Dog Trail) travels through inventoried landslides along Red Dog Creek. Prohibiting motorized use would be consistent with ACS goals and objectives for protecting riparian reserves and channel integrity and vegetation” (DSEIS III-22). The implications are undeniable given the above statements.

FEIS III-12 states that “Motorized use in riparian reserves is not consistent with management objectives for maintaining and enhancing riparian resources under ACS”, (page III-112) and further explains that routes “located within riparian reserves…have a higher likelihood of producing adverse impacts to both aquatic biotia populations and habitat”. Clearly motorized use

in the riparian reserves of Briggs, Dutchy, Chance, and Red Dog Creeks will be affected by motorized use, in violation of ACS objectives. RM-2 allows for the adjustment of dispersed and developed recreational practices that “retard or prevent attainment of ACS objectives.” Where adjustment measures such as education, use limitations, traffic control devices, increased maintenance, relocation of facilities, and/or specific site closures are not effective, eliminate the practice” (ROD C-34). Obviously the physical location of these trails makes mitigation measures ineffective and the practice should be “eliminated”, OHV use on these trails are inconsistent with ACS objectives

Another major concern for this trail system is the introduction of PL to POC stands within the area. The FEIS claims that the Briggs Creek/Illinois River region contains 6-40% uninfected stands of POC. OHV use in POC habitat represents a significant risk to the species as well as the aquatic and riparian function that the species facilitates. The substantial loss of POC habitat would in turn create impacts to fisheries and violations of the ACS. Likewise, these trails, all within POC habitat, have many stream crossings that will not only effect riparian function, but put POC at significant risk to PL infestation. FEIS III-12 states that “Motorized use in riparian reserves is not consistent with management objectives for maintaining and enhancing riparian resources under ACS”, page III-112, further explains that routes “located within riparian reserves…have a higher likelihood of producing adverse impacts to both aquatic biotia populations and habitat”. Clearly motorized use in the riparian reserves of Briggs, Dutchy, Chance, and Red Dog Creeks will be affected by motorized use, in violation of ACS objectives. RM-2 allows for the adjustment of dispersed and developed recreational practices that “retard or prevent attainment of ACS objectives.” Where adjustment measures such as education, use limitations, traffic control devices, increased maintenance, relocation of facilities, and/or specific site closures are not effective, eliminate the practice” (ROD C-34). Obviously the physical location of these trails makes mitigation measures ineffective and the practice should be “eliminated”, OHV use is inconsistent with ACS objectives.

The impacts to riparian function associated with OHV use on these trails are also expected to impact ESA fish species, an impact that has not be adequately disclosed or evaluated in the DSEIS, FEIS or ROD in violation of the NEPA process. Recreational fishing is one of many “existing uses” that must be considered according to the TMR and EO11644. The Chance Creek Trail enters the Chrome Ridge BA which is inconsistent with LRMP standards and guidelines, no amendment was made to codify this use, thus is a violation of LRMP mandates. The Chrome Ridge BA is not proposed for LRMP amendments and is not mentioned in the DSEIS, FEIS, or ROD. This impact has not been disclosed or analyzed by the agency.

Lastly, the Red Dog Trail is currently overgrown, impassable, and receives no OHV use. The DSEIS, FEIS and ROD assert that no new OHV use will be facilitated by the proposed action. Stating that all routes proposed currently receive some use. In the case of the Red Dog Trail this claim is false. The proposal to allow motorized use on this trail is a new impact and increase in usage not analyzed by the DSEIA, FEIS or ROD. In numerous locations throughout the FEIS

and ROD the agency falsely claims the proposed action will not increase usage or motorized opportunities that do not already exist. To allow usage on the Red Dog Trail contradicts this claim. Spotted Owl sites adjacent to the trail can not be "habituated" to noise disturbance and use as currently no use occurs.

18) <u>FS RD. # 1060-500:</u>

According to DSEIS "Map 2 Alternative 3", the proposed action FS Rd. #1060-500 will be open for mixed motorized use. Rd. 1060-500 is currently and for many years has been impassable to motor vehicles of any kind. Any motorized use on this road would represent a new and increased use, an effect that was not analyzed in the FEIS or DSEIS. The DSEIS, FEIS and ROD assume no increase in impacts or usage because "all routes that are being considered for designation within the alternatives of this project currently exist and are receiving some use. Further it is assumed that because of this existing use, regardless of which alternative is selected, detrimental effects…from the motorized route network would either be reduced or maintained when compared to the current condition." Given the lack of current motorized use in the area, any proposed use represents increased use and new effects that must be analyzed. The failure to analyze these impacts is a violation of the NEPA process.

In addition the area has many significant and relatively intact historical resources that could potentially be impacted by increased usage (none of which were analyzed) and is within an active landslide area. Lastly, the road is within Spotted Owl Activity Center #168 and known Goshawk nesting sites. Given the lack of motorized use in recent years (due to conditions which are impassable) owls and goshawks in the area cannot be habituated to harassment and noise disturbance as claimed in FEIS (p. A-52). The impact and effects of increased and new motorized use to "un-habituated" spotted owls and goshawks along FS RD. #1060-500 was not analyzed in the FEIS, DSEIS, or ROD. For these reasons the decision to allow motorized use on FS RD. 1060-500 should be withdrawn.

<u>Analysis issues:</u>

1**<u>) Intent of the TMR and the Purpose and Need:</u>**

According to the Forest Supervisor, Scott Conroy of the Rogue River-Siskiyou National Forest the agency " has identified that some form of action that would enact the Travel Management Rule (TMR), provide a designated and managed system, enact changes to reduce existing resource damage from motorized use, and reduce social impacts, user conflicts, and safety concerns, is the preferred course of action" (DEIS S-11). The purpose and need for the action is defined by the agency as follows: "The purpose for action is to enact the TMR. Motorized use is a popular and an important form of recreation for many individuals, families, and groups. A designated and managed system is needed to provide this use. Increased demand for motorized use, lack of designated areas/routes, and the inconsistent direction contained in the Forest Plans, has lead to resource damage and social impacts, user conflicts, and safety concerns" (FEIS I-6 & ROD-2). In the DSEIS the agency adds that "In order to meet these objectives the following changes are needed…Amend the Rogue River and Siskiyou National Forest Plans…to provide consistent direction for conflicting plan allocations that will allow historical use of travel routes." It also adds that the purpose and need includes to " make minor, limited changes to the National Forest Transportation System to preserve a diversity of unique motorized recreation opportunities." Inclusion of these statements in the purpose and need creates a predetermined outcome(plan amendments and only "minor" changes), violating NEPA and denying the public any meaningful comment. Interestingly, the DSEIS goes on to state that the responsible official will make decisions "including whether or not to: enact forest wide or project specific land and resource Management Plan amendments to provide consistency with the TMR and Standards and Guidelines" If the decision to be made and analyzed includes whether or not to amend these standards and guidelines and the public is asked to comment on such a proposal, then why is the decision regarding plan amendments and the accommodation of "historical" use foreordained in the purpose and need. The DSEIS is biased and capricious, "stacking the cards" towards motorized use by forcing any changes to motorized opportunities to be "minor and limited" and plan amendments to be implemented to accommodate "historic use of travel routes". Such a purpose and need leaves little room for a valid and thorough investigation of the potential impacts and effects of the plan amendments or the opportunity to implement a decision that will not accommodate these formerly unauthorized but "historical use of travel routes". The purpose and need seems to make that decision pre-NEPA which is a violation of NEPA protocol.

The purpose and need as defined by agency personnel is biased towards OHV use, arbitrarily narrow in scope, focuses on legitimizing and promoting OHV activity despite TMR mandates, and serves to value motorized access over other resource and management concerns. This despite the agency claim that only 2% of forest users engage in OHV use. The purpose and need fails to enact the TMR and to address the resource impacts, user conflict, and safety concerns that lead to the TMR, in a balanced and transparent manor. In fact, the purpose and need for the project made any significant reduction in OHV use out of scope. It also made any decision that would not allow for plan amendments accommodating historic uses out of scope. According to the FEIS "the projects focus is on the designation of motorized use for roads, trails, and areas" (FEIS I-5) Built in to the purpose and need is a "need" to provide for a "popular", "important form of recreation", while addressing "increased demand" for " a designated and managed system". Such

a narrowly defined purpose and need clearly elevates the value of OHV access over those values defined in the TMR such as user conflicts, environmental and social impacts, or safety concerns. In fact, when addressing the proposed alternative to allow motorized use only on existing Transportation system roads (which have been engineered for motorized use) the agency claims that such an alternative "would fail to address the purpose and need", yet under such an alternative, user conflicts, social impacts, resource damage, and safety concerns would be greatly reduced and a designated system of over 3,000 miles of roads would provide for OHV use. The TMR gives the agency discretion saying that "some national forests do not allow motor vehicle use off of NFS roads. This final rule does not require them to change their policy" (TMR 68273). Thus limiting OHV's to NFS roads as requested by the public is not out of scope and would meet the purpose and need of designating OHV routes according to the TMR. It seems such an option would meet the purpose and need "to a high degree", in fact far better than the proposed action. Likewise, the environmentally preferred alternative (Alt.4) was not chosen in the ROD because of its restrictions on OHV use that supposedly do not satisfy the purpose and need. Yet, according to the agencies own data, Alt. 4 would reduce mixed use roads by only 3% and trail use by 45% (FEIS III-32), which would very adequately meet the needs of reduced user conflict, safety concerns, as well as social impacts and resource damage while providing a system of use for OHV enthusiasts. It could also be seen as a "minor" or "limited" change

In the "Response to the Purpose and Need" section of the ROD, Scott Conroy writes that " I selected the Preferred Alternative because it achieves the stated purpose and need to a high degree, while minimizing adverse environmental effects, Mitigation Measures will provide a strong combination of physical, biological, social, and environmental benefits while reducing adverse resource effects to a level I consider acceptable" (ROD-9). It is interesting that this statement separates the achievement of "the purpose and need to a high degree" and physical, biological, social, and environmental benefits". This is because the purpose and need serves the purpose of narrowly and arbitrarily defining the project to advocate for, legitimize, and promote OHV use, while the TMR focuses on impacts to the land and other use groups. The purpose and need as defined by the agency is not consistent with the dictates of the TMR and should thus be seen as "out of scope."

According to the Travel Management Rule (TMR), in the section listed as "Need for a Revised Rule", the agency defines its justification for a revision of existing OHV regulations and enactment of a Travel Management Plan (TMP). The TMR states that "Soil erosion, water quality, and wildlife habitat are affected (by OHV use). Some National Forest visitors report that their ability to enjoy quiet recreational experiences is affected by visitors using motor vehicles" (TMR/ federal register, p. 68265). The section listed as "Need for a Revised Rule" further states that "Current regulations prohibit trail construction (use trails) and operation of vehicles in a manner damaging to the land, wildlife, or vegetation. However these regulations have proven insufficient to control proliferation of routes or environmental damage. This insufficiency is due in part to the nature of OHV travel."(TMR/ federal register, p.68264) These statements clearly

demonstrate that the purpose and need of the TMP in regards to enacting the TMR is to respond to and resolve conflicts between motorized and non-motorized users, as well as reduce impacts associated with the very “nature of OHV travel” including soil erosion, water quality, and wildlife habitat. It is clear that the agencies inability to control and regulate the use of OHV’s and the increasing impacts on National Forest Lands has lead to the TMR as well as the TMP. Yet, instead of penalizing OHV users for the rampant and routine disregard of forest regulations as well as their impacts upon the land, its wildlife, and its resources, the OHV use group is effectively being rewarded for such behavior as the agency caters it proposed action towards the needs of 2% of the public. This serves to promote subsequent violations of the law. At the same time those forest users that are inherently much more light on the land and those who have been abiding by Forest Service regulations are seeing their ability to recreate as well as the quality of that recreational experience seriously degraded.

In the TMR, the agency is directed “ to ensure 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 public safety of all users of those lands, and to minimize conflict among various uses of those lands” TMR/federal register, p.68267). The TMR also states that the agency “must strike a balance in maintaining all types of recreational activities.” Clearly the intent of the TMR is “to ensure” that OHV use on National Forest lands is “controlled (i.e. limited) and directed” to minimize impacts to natural resources, minimize conflict, and increase safety on National Forest lands. Alternative 3 falls short in protecting these values, creating further conflict between use groups by allowing motorized use in management areas where use has historically been prohibited by LRMP guidelines (BA’s, RNA’s, BCNMA’s, etc.) and increasing safety risks on these trails. In fact, the Mt. Hood National Forest listed in the purpose and need for that forest TMP the purpose of dedicating “ a majority of the forest to “quiet” recreational pursuits (p 1-7). Likewise, Klamath National Forest in their TMP planning concluded that the agency should eliminate alternatives allowing motorized use on non-motorized trails citing user conflict and safety concerns. The KNF also stated that they “would need engineering review, redesign and potentially substantial reconstruction to accommodate” OHV use on non-motorized trails. The impacts of such reconstruction have not been analyzed by the RR-SNF in the DSEIS, FEIS, or ROD.

The TMR clearly and unequivocally states that the very “nature of OHV use” plays a part in the agencies inability to adequately manage and regulate OHV use and impacts. Thus the TMR has admitted (and identified an assumption for analysis) that as a use group, OHV users have been non-compliant with existing regulations, stating that “current regulation have proven insufficient to control the proliferation of routes and environmental damage”. Yet, the RRSNF has chosen to maintain this insufficient status quo, by codifying motorized use in areas currently being used despite LRMP prohibitions and by refusing to re-evaluate past OHV trail allocations. Current trail use allocations are based on a system that allows OHV use by default where ever a forest order has not legally prohibited such use. The TMR was created directly to address this insufficiency. Forest orders were mandated by LRMP’s over 20 years ago, yet were never

created, thus the current condition includes OHV use in areas where OHV use is clearly prohibited by the LRMP's. The refusal to address this fundamental flaw in OHV management has created inconsistent management, user conflicts, resource damage, social concerns, and safety risks, all of which will be compounded by implementation of the proposed action. The TMR clearly states that "current regulations are insufficient" to address "the proliferation of routes", yet the agency will codify this inadequate status quo through implementation of the proposed action. The TMR mandates actions to reduce impacts and redefine existing OHV regulations, yet the RRSNF has clearly failed to address these fundamental mandates, stating that "By selecting Alternative 5, use on the forest will by and large continue as it has in the past" (ROD-8). This means the currently "insufficient" regulations and trail allocations the TMR proposes to modify and/or eliminate will continue. This includes resource damage, social conflict, user conflicts, and safety concerns.

Botanical Areas (BA's) Back Country Non-Motorized Areas (BCNMA's), Roadless Areas (IRA's), Wild Rivers, Wild and Scenic Rivers, Critical Habitat for ESA species, spotted owl activity cores, salmon bearing streams and trails historically utilized as hiking trails should not be considered for motorized use. Motorized use is not compatible with such uses and should be considered a "taking" of more primitive recreational experiences. In effect those creating the impacts and conflicts among use groups are displacing those users looking for a more primitive recreational experience. In fact, the FEIS states that "Utilizing the MVUM, which outlines motorized roads, trails, and areas, non-motorized users would have the ability to predict areas where sounds from motorized vehicles could be avoided and where solitude could be found across the forest. Therefore these alternatives increase the ability of non-motorized users to find areas where noise from motorized use would not distract from their pursuit of a quality recreational experience and thereby reduce user conflicts with motorized users groups"(FEIS III-126). This statement clearly shows a bias towards motorized use and documents not only user conflict, but the lack of compatibility between motorized and non-motorized users. Obviously, the agency expects non-motorized users to be impacted by their decision, telling such users to simply avoid areas where motorized use occurs, effectively displacing non-motorized users and managing many areas for one recreational use, OHV's. Such a statement leads one to believe that the agency has elevated motorized access over the resource values and management problems listed in the "Need for a Revision" section of the TMR that lead directly to the TMP process. In fact, the TMR states that the TMP should "sustain natural resource values… and preserve areas of opportunity on each National Forest for non-motorized travel and experiences"(TMR/ federal register, p. 68264) furthermore, the TMR also directs "federal agencies to ensure 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 public safety of all users of those lands, and to minimize conflict among various uses of those lands."(TMR/ federal register, p.68264). The TMR goes on to state that "In designating trails and areas, local agency officials <u>must</u> consider compatibility of motorized vehicle use with existing conditions…"(TMFR 68267). I do not believe the current approach to OHV use within the TMP and proposed action sustains natural resource values, preserves the

opportunity of non-motorized travel and experiences, provides for the public safety of all users of those lands, minimizes conflict, or considers the compatibility of motorized use with those of existing conditions. If the proposed action did consider the "compatibility of motorized use with existing conditions" the agency would not expect hikers and other non-motorized users to be displaced by the implementation of its proposal. According to the agencies own estimate only 2% of forest visitors participate in OHV use (DEIS III-26) yet, large portions of the landscape are managed for their use.

According to the TMR " this final rule does not encourage or discourage motor vehicle use" (68271) and the TMR gives National Forests the discrepancy to limit or prohibit OHV use according to the statutes of EO 11644 and EO 11989. Page 68268 of the TMR also states that "this process was never intended to require each national forest to have areas designated for motorized use" although the purpose and need clearly states that " a designated and managed system is needed to provide this use" and according to Scott Conroy in the background section of the ROD "highlights of the TMR" include that: each national forest or ranger district will designate those roads, trails, and areas open to motorized vehicles…" (ROD-1). This statement is not only false and misleading, but demonstrates the agencies bias towards motorized use. The agency is in no way required to designate roads, trails, or areas for OHV use by the TMR. In fact the TMR clearly states that "Under the final rule, no administrative unit or Ranger District will be required to designate an area" (TMR 68274). I would also note that the purpose and need states "motorized use is a popular and important form of recreation" in very similar wording the TMR states that "motorized vehicle are a legitimate and appropriate way for people to enjoy their National Forests- in the right places and with proper management" this addendum clearly shows the TMR's intent is to allow motorized use only outside sensitive areas and with proper management. In fact, the TMR recommends designating OHV areas in areas "so significantly altered by past actions that motor vehicle use might be appropriate" (TMR federal register p. 68274), not in relatively intact areas such as BCNMA's, BA's, IRA's, RNA's, and high quality BGWRA's. The validation of OHV use in the purpose and need clearly represents a lack of objectivity and rigorous exploration of reasonable options, an abuse of agency discretion, a failure to identify a full range of alternatives, and an institutional bias towards OHV access and use.

The TMR documents and identifies serious problems causing impacts to National Forest lands and users, likewise Dale Bosworth Chief of the USFS listed OHV use as one of the "four key threats facing the National Forests and Grasslands" (USFS June 2004), yet the RRSNF has responded by increasing officially designated routes. I see no mention of the TMR's intent to "control and direct" OHV use in a way that "ensures" protection of resources, non-motorized opportunities, and user safety in the purpose and need. In fact, the heavy emphasis placed on OHV use as an "popular and important" use and the "need" to provide such uses places the values of OHV use and access, above other non-motorized and natural resource values, this

despite the fact that the TMR neither "encourages or discourages OHV use" and that the TMR was "never intended to require" OHV use on National Forest lands. Likewise, the TMR states that OHV "areas are not intended to be large of numerous" (TMR/ federal register, p.68274). The designation of 3,197 miles of "mixed use" roads, 20 acres of "play area", 229 miles of motorized trails, and 10 miles of road converted to motorized trail would constitute a both a large and numerous system. The proposed action fails to meet the guidelines, objectives, and intentions of the TMR. Thus the agency will not enact the TMR through the approval of the proposed action. Likewise, the agency has defined the purpose and need so narrowly as to exclude what are truly reasonable alternatives and outcomes, thus the EIS cannot fill its role of disclosure, unbiased analysis, and adequate alternatives.

2) Use of OHV grant funds, conflicts of interest, and connected actions:

Agency bias has tainted the outcome of the TMP and created a conflict of interest; through the use of OHV state grant funds. The political clout of local motorized vehicle groups who have access to this money has significantly impacted the outcome of the ROD, DSEIS, and FEIS. In the case of the current TMP and proposed action, I would like to bring into question the use of OHV industry money to facilitate and implement a NEPA process directly relevant to the use of OHV's on public lands.

In January of 2008 the Rogue River/Siskiyou National Forest requested and was granted $75,000 from the Oregon State Parks and Recreation Department OHV grant fund for the development of the TMP. This represents 46.95% of funding costs according to the grant agreement. The Oregon State Parks and Recreation Department (OSPRD) has authored and published pamphlets claiming to be "the number one advocates for OHV development in the state". The grant fund itself is allocated by a group of individuals representing OHV use groups and industry. The money granted in January and the potential for grant funding in the future represents an unacceptable conflict of interests and political bias affecting the outcome of the TMP and violating the objectivity of the NEPA process. In fact, OHV grant committee members questioned agency officials about the request asking "if there is a process for adding trails to their maps", before allocating funds to the agency (OSPRD January 2008 meeting minutes).

Also, in the January meeting of the OSPRD OHV grant allocation fund, the Rogue River National Forest requested for and was granted over $38,000 to develop the Mule Mtn. Trail into an OHV trail, despite the fact that the trail was at that point listed as "not recommended" for OHV use (according to the ROS) and very popular amongst hikers. This trail has been proposed as a "motorized trail" under the proposed action. It would appear that before a ROD, EA, or EIS, and during a scoping and public comment period, the decision to open this trail to motorized use had been made, effectively denying the public of any official or meaningful comment regarding this decision and violating NEPA. Likewise the FEIS claims that no new impacts or allowance for increased use will contribute to cumulative impacts to roadless character in the DSEIS, ROD and FEIS, yet widening this narrow roadless trail to accommodate OHV use was not disclosed or

analyzed through NEPA. The clearing of widths beyond 50" as limited by the Roadless Rule constitutes a violation of the Roadless Rule and a new or "additive" impact not disclosed and thus a violation of NEPA.

The CEQ regulations provide that an agency must consider "connected" or "cumulative actions" in a single NEPA document. Actions are considered connected "if they automatically trigger actions which may require environmental impact statements…can not or will not proceed unless other actions are taken previously or simultaneously or… are interdependent parts of a larger action and depend on the larger action for their justification" (40 CFR & 1508.25 (a)) The Mule Mountain trail grant is inextricably connected to TMP approval and thus "can not proceed unless other actions are taken" (i.e. TMP approval of motorized use on the Mule Mtn Trails) and is "an interdependent part of a larger action" which depends "on the larger action for justification". The same principals would apply to grant funds received from the OSPRD grant fund to develop the Mc Grew Trail allocated in January 2008. The official NEPA process regarding the TMP had already begun when money was allocated and work started at the Mc Grew Trail, in fact, work began during the DEIS public comment period. The FEIS did not analyze these connected actions and the agency was actively engaged in developing OHV trailheads while analyzing if these trails should allow OHV use in the future, these are clear violations of NEPA and clearly "connect actions". The OSPRD funds and the potential for more in the future have corrupted the TMP process with incentives to open motorized trails and liberalize the definition of those trails currently "open" to motorized use

3) Assumptions for Analysis:

In the section "Assumptions for Analysis" the agency lists a series of assumptions under which all action alternatives are analyzed. Built within these assumptions is a clear agency bias towards OHV use and against the historic evidence and precedents of such use. The most clearly unjustifiable, arbitrary, and capricious, assumption is as follows: "public education and enforcement of regulations are assumed to be effective and would generally limit public travel to designated routes. Though illegal use at some level is expected to continue, unless site specific information is available, the exact location and extent can not be predicted" (DEIS III-2). Thus far the forest service has failed to substantiate this statement with documentation and evidence, claiming that "this assumption is based on common sense" (FEIS A-35), yet the TMR states that insufficiencies in management are "due in part to the nature of OHV use", given the history of illegal and unauthorized use. I would also point out that "common sense" is purely subjective and does not constitute the requisite "hard look" at impacts, and does not constitute NEPA analysis. Site specific information regarding illegal, unauthorized, and damaging use of OHV's on National Forest lands was provided throughout the NEPA process and could have been used to predict "the exact location and extent of illegal use". It would be "common sense" to emphasize closure and mitigation measures on sites and in areas already impacted by OHV use. Yet, the agency considered such information " predominantly out of scope of this process" (FEIS A-3) in direct contradiction with the above statement from the DEIS. First, they require such site

specific information to" predict the location and extent" of illegal use, then the agency decides it is out of scope when such information is provided. Given that "the goal of this process is to enact a system that would help curtail illegal use" information regarding current illegal and damaging use would be necessary to identify problem areas and management decisions that would reduce or eliminate such use. Such illegal use has been documented in the Hinkle Lake BA, Mule Mtn IRA, and in the Eight Dollar Mountain area to name a few.

The assumption that education and enforcement will curtail illegal use is arbitrary and capricious, having no documentation or evidence to back this claim it appears the agency is merely speculating that compliance will be routine. The agency also claims that "in general, the OHV community follows laws and regulations on this forest" (FEIS A-35), yet during the comment period, violations of forest order closures, damaging OHV use, and unauthorized riding was documented forest wide. In fact, the "historical use of travel routes" identified as justification for proposed plan amendments proves that the OHV community does not follow existing laws and regulations as this use is prohibited in the LRMP. The agency admits that its inability to eliminate illegal OHV use in areas directly adjacent to HWY. 199 has created, " known places where there is high current extirpation risk from off-road/ off trail vehicle use" including "some areas where they are already not allowed and the damage is from illegal off road use… the Eight Dollar Mtn BA and parts of the Days Gulch BA" (FEIS III-75). The agency attributes these impacts to "an effect of recreational misuse that the forest service has had limited ability to control" (FEIS III-76). With monitoring and enforcement having a "limited ability to control" such use adjacent to Hwy 199, it could be assumed that impacts to more remote areas, especially BCNMA's, RNA's, and IRA would be equally if not much more difficult to control and that the "proliferation of routes" attributed "to the very nature of OHV use" as identified in the TMR would continue, especially in remote areas.

The TMR was created in direct response to the lack of agency ability to "control the proliferation of routes or environmental damage". Likewise, the agency admits that "illegal use at some level is expected to occur" (FEIS III-3) acknowledging that education and enforcement are not expected to curtail illegal OHV use. Mark Vargas of ODFW commented that "local ODFW district staff observes numerous violations with OHV travel outside of designated timeframe and, particularly designated routes" he also states that " It appears enforcement is inadequate to enforce a trail system this large" (TMP DEIS Comment). Due to the total lack of documentation, to support the assumption of compliance in the FEIS, DSEIS, and ROD, the use of this assumption for analysis is purely speculative, arbitrary, and capricious.

4) Enforcement:

According to the ROD "Forest-wide Elements of Alternative 5" a strategy identified to improve implementation of the MVUM would include public meetings with a goal of discussing "how the public can help with implementation of the designated system by volunteering for maintenance activities, enforcement of the rules, and education of other forest users" (ROD-3).

This strategy in and of itself represents a safety hazard for forest users. The public does not have enforcement authority. The public cannot write tickets or enforce closures. Attempts to do so have not only proven ineffective, but dangerous. I have personally been threatened by OHV riders utilizing unauthorized or illegal areas. Often OHV riders are armed and on numerous occasions I have been gently shown a loaded weapon when questioning OHV riders about illegal activities. I have also reported such incidents to LEO's to no avail. I have documented with photographs and witnesses, illegal OHV activity on the forest and have seen no action on behalf of the LEO's. Years of complaints regarding unauthorized and illegal OHV use in BCNMA's, RNA's, and BA's (especially on the Boundary Trail and in the Little Greyback IRA), by numerous individuals have not lead to increased enforcement capacity in the form of Forest Orders to ensure LRMP compliance.

Illegal OHV use in violation of a forest order has been allowed to persist in the Hinkle Lake BA for over 30 years. Eight years of pressure were needed to persuade the agency to install a gate and this only after much resistance. For decades OHV regulations and LRMP guidelines have gone unenforced, this lack of enforcement has harbored abuse, trespass, and resource damage. In other words agency law enforcement has become part of the problem rather than part of the solution. The proposed action will further encourage subsequent violations of the law by rewarding past violations with plan amendments to legitimize currently unauthorized behavior. In fact, the "historic and ongoing use" of BCNMA's, BA's, and RNA's used to justify these plan amendments are in all actuality "historic and ongoing" violations that have gone unenforced. Further more, FEIS A-15 clearly demonstrates the outcome of allowing prohibited OHV use in sensitive areas and how the agencies inadequate enforcement has created a sense of entitlement and lawlessness among OHV user. OHV users complain that the proposals are "so limited" (over 3,000 miles of road, 230 miles of trail, and 20 acres of gravel bar access is limited?), "that OHV users will be extremely unhappy" and would "ride wherever they want" (FEIS A-15). This direct threat of illegal and unauthorized use comes from a mentality the agency has harbored by allowing riders too historically "ride wherever the want" despite forest order closures and LRMP prohibitions. Riders have learned that "historic and ongoing use" is all that is needed to achieve changes to clear prohibitions and plan amendments codifying such use. The user groups has learned that simply disregarding rules, regulations, and laws has lead to increases in official sanctioned OHV routes and areas. In essence the agency has historically and proposes to continue managing OHV use by default, allowing OHV riders to dictate management and identify use areas based simply on rider's desires, habits, and preferences with no regard for regulations, recommendations, or laws set by the agency.

The agency admits that its inability to eliminate illegal OHV use in areas directly adjacent to HWY. 199 has created, " known places where there is high current extirpation risk from off-road/ off trail vehicle use are some areas where they are already not allowed and the damage is from illegal off road use… the Eight Dollar Mtn BA and parts of the Days Gulch BA" (FEIS III-75). The agency attributes these impacts to "an effect of recreational misuse that the

forest service has had limited ability to control" (FEIS III-76). With monitoring and enforcement having a "limited ability to control" such use adjacent to Hwy 199, it could be assumed that impacts to more remote areas, especially BCNMA's, BA's, RNA's, and IRA's would be equally if not much more difficult to control. As Mark Vargas of ODFW clearly stated in the agencies comment for the TMP "It appear law enforcement is inadequate to enforce a trail system this large". Refusal to disclose enforcement effectiveness is a violation of NEPA and an inadequate review of current and ongoing impacts.

The contention that funds will be provided for enforcement activities by the Oregon OHV grant fund is purely speculative. Competition for these funds has increased as National Forests and BLM districts across the state implement TMP's and apply for grant funds. In the most recent round of grants allocated many proposals went unfunded, including those submitted by the RRSNF. Currently "approximately 25% of a LEOs time is related to enforcement associated with motor vehicle use and travel management" (FEIS III-128), this percentage will only increase if LEO's are required to monitor and enforce motorized trail use in remote regions. Nation-wide OHV associated crime is the most common form of violation on federal lands (PEER, July 2007). To realistically enforce a system of motorized use on federal lands rules and regulations must be clear and enforceable and the proposed system must be implemented at a scale that is enforceable given the current law enforcement capacity of the agency. To recommend otherwise is clearly irresponsible and unrealistic given the inability of LEO's to enforce current regulations. The proposed action will continue to be insufficient at controlling "the proliferation of routes or environmental damage" as mandated by the TMR. Likewise, the assumptions of compliance with designations by OHV users and the assumption that enforcement will adequately address OHV issues on a system as large as is proposed are purely speculative. The agency has no evidence or documentation to validate these claims and large amounts of evidence to the contrary has been submitted during the comment period. These assumptions run counter to the evidence before the agency and represent a failure by the agency to consider an important aspect of the problem.

5) <u>Lack of Disclosure of impacts:</u>

The agency failed to disclose impacts of the proposed action, by focusing the "project and its analysis…on the change from the current situation" (FEIS I-5). The agency very liberally identified the current condition by considering all trails open to motorized use (namely motorcycles), that are not currently closed by a forest order, regardless of LRMP designation and existing uses. This loophole in the current condition, has allowed motorized use to be defined not by management directives or LRMP designation, but by default. The habits and desires of OHV riders are driving management due to a lack of forest orders, this is the very loophole the TMR has called "insufficient to control the proliferation of routes or environmental damage". By identifying all trails not officially closed by forest order as open to OHV use, the intent of the TMR has been violated. The RRSNF has effectively legitimized and institutionalized the current regulation allowing OHV use where not prohibited, by rewarding unauthorized behavior with plan amendments legitimizing such use. Although the proposed action would prohibit OHV

unless specifically designated, it has institutionalized the prior violations, by its liberal interpretations of current OHV policy and these policies bearing on the proposed action. For example the FEIS states that “The RRNF confines use in BA’s to roads only. However no forest order has ever been issued to prohibit this use in BA’s covered by the RRNF LRMP. Consequently, some trails within BA’s are used by OHV’s” (FEIS III-17), likewise a similar statement was made regarding RNA’s in the FEIS (FEIS III-18) and a similar situation exists in BCNMA’s. Plan amendments to allow motorized use in previously prohibited areas are inconsistent with the intent of the TMR. In fact, the EPA claims that “Amending the forest plans to allow for use in these areas would reconcile existing use with the land use allocation, but we do not believe it would be consistent with direction in the planning rule” (FEIS A-77).

Current agency documents list many trails as “not recommended” or “not designed for motorized use” (ROG). The agency has yet to answer questions or disclose information regarding what lead to such designations and what protocol were used to recommend trails as open for motorized use in the proposed action. The current condition does not include any designated motorized trails, outside the Prospect Ranger District, thus all motorized trails in the proposed action constitute a “change from the current situation and must be analyzed through NEPA.” No such NEPA documentation regarding individual trails and there impacts have been analyzed in the DEIS or FEIS. According to the FEIS “ A decision to construct a route, add a route to the forest transportation system, or change authorization of or prohibitions on motor vehicle use on a route or in an area is subject to environmental analysis under NEPA” (FEIS I-5). The proposed action changes authorization of many trails from “not designed for” to a “designated motorized trail”. The proposed action also changes prohibitions in many areas by amending LRMP standards and guidelines. Such changes to the current condition were not specifically analyzed in the FEIS and violate NEPA.

By denying these changes to the current condition proposed under Alternative 3 and by liberally identifying trails currently open to motorized use, without regard for LRMP designations or management directives, the agency has failed to disclose substantial and specific impacts to individual trails and areas. Likewise numerous roads have been added to the transportation system during the TMP process and have not been analyzed by NEPA (1090-153 and 1090-150). Other roads are currently impassable due to large landslides, density of vegetation, and other physical barriers, these roads currently receive no OHV use, they too, have not been analyzed through the NEPA process and constitute a change from the current condition.

Substantial dispute exists regarding motorized use on the Boundary trail, Mule Mtn. trail system, Game Lake trail, Lower Illinois trail, and Silver Peak/ Hobson Horn trail, yet no significant analysis was undertaken regarding the specific social, environmental, and public safety impacts of allowing motorized use of these trails within BCNMA’s. The lack of disclosure regarding these impacts is a violation of NEPA.

6) <u>Amendment changes are significant:</u>

Contrary to agency assertions, the proposed plan amendments to both the RRNF and SNF LRMP's are significant and have the potential to significantly alter the long term relationship of goods and services originally projected under RNA, BA, and BCNMA designations. The plan amendments, also have an important effect on the entire land management plan, effectively removing OHV prohibitions in areas currently off limits to OHV users. The proposed plan amendments would redefine <u>all</u> management areas outside congressionally designated Wilderness to allow OHV use. The loss of non-motorized recreation areas will impact the goods and services originally intended for protection by BA, BCNMA, and RNA designation. The contradictions involving OHV use in these areas are outlined in the arguments above regarding OHV use in BCNMA, BA, and RNA areas.

The agency claims that the proposed amendments "change the wording for management direction, it would not change forest plan standards and guidelines" (FEIS III-151). This statement is false, because by changing the wording of the standards and guidelines, clear prohibitions against OHV use in areas set aside for non-motorized use, botanical values, and scientific research are being amended to allow motorized use. The intention of BCNMA, BA, and RNA designation was to protect and enhance the above listed values, these values are degraded by and represent a direct conflict with motorized use. In fact, the entire purpose of a BCNMA designation is to provide an area on the forest that excludes motorized uses. Allowing motorized use in BCNMA's will effectively eliminate this management strategy by making its management direction meaningless and ineffective at preserving the resource values for which it was designated. I do not understand how the agency can claim to amend clear standards and guidelines prohibiting OHV use in areas protected for resource values and at the same time claim that "these amendments will not change multiple use goals and objectives for long term management nor will they directly affect standards and guidelines or levels of goods and services (ROD-14)? Clearly the long term goal of providing for non-motorized, botanical, and research values has changed, amended standards and guidelines do not provide the historic degree of protection, and the goods and services provided by these management areas has substantially changed from the existing regulations and intentions.

The justification given for amending current LRMP standards and guidelines is that use of the area in question, by OHV users is "historic and ongoing" and that amendments are needed to make the proposed action consistent with LRMP designation. It seems the opposite has been done. The LRMP (a NEPA approved document) is being amended to allow currently prohibited uses. It would seem reasonable to create forest orders making such prohibitions enforceable within BCNMA, BA, and RNA designations, this would make OHV management and LRMP management direction consistent and clear up long standing conflict in favor of the protected resources as directed in the LRMP. The agency was aware of some motorized use (or at least the

potential for OHVuse) in these areas in 1990 when the LRMP was approved. The “historic and ongoing use” argument is invalid as no new circumstances, conditions, or errors in the original designations have been identified that justify amending standards and guidelines. Again it seems the desires, habits, and preferences of OHV riders are defining management in sensitive areas and have trumped significant resource values proposed for protection by special area designation. Management areas set aside for specific resource values are being degraded, and in some cases effectively eliminated to allow motorized use that is both inconsistent with and clearly prohibited under the LRMP. Motorized use in BCNMA’s, RNA’s, and BA’s has been prohibited for over 20 years and all motorized use in these areas is a violation of the LRMP. The “ongoing and historic” use of such areas represents the agencies inability to implement LRMP directives. It is a case of “historic and ongoing” neglect.

The 1990 RRNF LRMP has never been fully implemented, monitoring protocol have never be meet, BA management plans have never been developed, RNA establishment reports never developed, and forest orders, to make clear OHV prohibitions in the LRMP enforceable, have never been created. Why has the agency neglected its management directives? Why in 20 years have no forest orders been created to make prohibitions in BCNMA’s, BA’s, and RNA’s enforceable? Why must management direction be amended to allow unauthorized uses? Why is the agency managing OHV’s in restrictive Management Strategies by default rather than according to existing regulation and LRMP intentions. Such blatant disregard for existing management direction and utter lack of accountability has created situations that the agency has had little ability to control and has shown little intention to do so. Allowing motorized users to violate their way past regulations and be rewarded with plan amendment changes encourages subsequent violations of the law and agency regulations.

Rather than changing management protocol to allow uses clearly prohibited by the LRMP, the agency should begin to enforce their 20 year old LRMP and develop forest orders making the LRMP enforceable. This is a matter of accountability, follow through, and integrity on the agencies part. It is also a matter of meeting the stated purpose and need in regards to forest plan inconsistencies. The Purpose and Need states that “inconsistent direction in the forest plans, has lead to resource damage, social impacts, user conflicts, and safety concerns. Codifying and encouraging OHV use in areas historically prohibited does not address these four main issues identified in the Purpose and Need, and thus is not consistent with the intent of the Purpose and Need.

The proposed plan amendments clearly show agency ill will towards non-motorized users, despite mandates in the TMR to provide opportunities for non-motorized uses. Likewise, the amendment to three restrictive management strategies removes crucial protections to the resources these areas represent, thus making the designations meaningless and ineffective. How motorized use in BCNMA’s, BA’s, and RNA’s is consistent with the intentions and mandates of these areas has yet to be disclosed or analyzed. It will surely not protect or maintain these important resource values.

Lastly, the assertion that no change from the current system will be created through this decision is false and misleading, purposely leading directly to the agencies lack of analysis in regards to impacts. The claim has been used throughout the document to side step the issues and avoid adequate analysis that allows for full disclosure of impacts. The current conditions include prohibitions against motorized use in BCNMA's. BA's, and RNA's, currently all motorized use in these areas is an unauthorized use. The Boundary Trail and others in BCNMA's, BA, and RNA's are not currently "designated" as OHV trails and thus the changes to plan amendments and trail designation represents a change to the current condition. In fact, the agency claims that "a decision to construct a route, add a route to the Forest transportation system, or change authorization of or prohibitions on motor vehicle use on a route or in an area is subject to environmental analysis" (FEIS I-5), the proposed action and plan amendments change authorizations and prohibitions in BCNMA's, BA's, and RNA's and thus constitutes a change from the current condition which must be fully analyzed under NEPA. If changes to the current system are not being made then why must the LRMP be amended to allow motorized use? No documentation has been used to verify the agencies claim that OHV use "has been occurring and authorized for over 40 years" (FEIS p. III-151). If this use was "authorized" then why are amendments being made to authorized such use? "Historic and ongoing" use of these trails has been authorized and in fact, designated through the LRMP for non-motorized users and historic trail use dates back to an era proceeding the proliferation of motorized use. Non-motorized trail use proceeded motorized trail use in all situations. The decision to amend forest plans to allow OHV use in areas currently prohibited, is clearly biased, irresponsible, arbitrary, capricious, an abuse of agency discretion, and should be immediately withdrawn.

8) <u>MVUM will create increased usage of motorized routes and trails:</u>

It is clear that despite agency contentions to the contrary, publication of the MVUM will increase usage of designated routes. Currently, many of the routes proposed for motorized trail use are listed in the ROS as "not recommended for" or "not designated for" motorized use. By identifying these trails (many with BA's, BCNMA's, IRA's , RNA's, and BGWRA's) as motorized trails on the MVUM the visibility and usage of these trails will increase. Route designated as open to OHV's will start to appear on atlases, Oregon State Park OHV maps, Forest Service maps, county maps, etc. as OHV staging areas, this new visibility and motorized designation will facilitate increased use. This would include increased use of "challenging" trails that could compromise the safety of less skilled OHV riders and other user groups.

Current regulations allow motorized trail use by default, when a forest order has not been implemented to specifically prohibit this use. Many of these trails currently receive little or no motorized use and have never been identified or posted with signage as motorized trails. Essentially if you designate it, they will come. The MVUM will direct OHV riders to areas and trails currently receiving little or no OHV use. The proposed action also allows for motorized use in areas, on trails, and on roads that currently are unused, impassable, blocked by fixed barrier,

or not currently a part of the National Forest Transportation system. Allowing use in these areas will absolutely increase usage in terms of the scale, scope, and specific number of OHV users.

The agency is asserting that no new impacts to spotted owls, pacific fishers, and other wildlife will occur because of “habituation” associated with OHV usage, yet absolutely no evidence or documentation has been provided to justify or explain this assertion. How much use is part of the current condition on specific routes? At what level of use does “habituation” occur? There has been no adequate analysis of these impacts and the public has not been allowed meaningful comment in this regard.

Throughout the document the agency claims that all routes proposed exist and are subject to some use. This contention is used to avoid disclosure and analysis of impacts, yet is false and misleading. Trails, routes, and roads have been outlined in this document that contradict this statement. The increase in usage of motorized trails will have significant impacts on sensitive management areas (IRA, RNA, BA, BCNMA, BGWRA, etc) that the agency has claimed will not be impacted by “new”, “increased”, or “additive uses”. It is preposterous and clearly erroneous to claim that publication of thousands of MVUM’s will not increase usage of motorized use areas and routes. In many ways forest usage is a product of access, visibility, and designated uses. The MVUM and the proposed action will affect all three of these influences on usage and thus will increase usage, at the expense of wildlife, water quality, other use groups, and the protection of sensitive management areas

9) Monitoring:

The EPA in response to the DEIS commented to the Forest Service as to the importance of effectiveness monitoring in implementing the TMP. They also state that “monitoring and adaptive management will also play a key role in determining the need for future updates and revisions to the MVUM.” My comment recommended creating clear and indisputable thresholds of concern and consequences if that threshold of concern is surpassed. The agency needs clear direction on the schedule of such monitoring and protocol for such monitoring. The EPA recommends creating a decision tree to guide designations, specific threshold of concern and management responses for resources of concern, a discussion of monitoring need and ways to identify if thresholds are being met, and forecasts on funding and constraints to this monitoring.

This issue is of extreme importance as the agency has routinely neglected its monitoring mandates from the LRMP for BCNMA’s, BA’s, and RNA’s. This lack of monitoring has allowed unauthorized use to proliferate in areas where use is prohibited. This lack of monitoring has prevented the agency from making forest orders to enforce prohibitions. The lack of monitoring has encouraged unauthorized use and lawless behavior as the agency refuses to create consequences for violation. This lack of monitoring has also directly contributed to the outcome

of the ROD, by allowing the agency to claim ignorance rather than negligence in regards to OHV issues, impacts, and usage.

The implementation of required LRMP monitoring would have documented and acknowledge contradictions in management that are now being codified, because the use has been allowed to proliferate into a “historic and ongoing use”. This historic and ongoing use would have been seen for what it was, a violation of LRMP mandates, unauthorized use, and an impact to the land and its resources in direct conflict with standards, guidelines, goals, intentions, and objectives of a special area management. These conflicts were required to be resolved in favor of the resource protected by the management area according to the LRMP, if monitoring would have been done, proper procedures would have created solutions to these problems through forest orders and enforcement. The lack of monitoring has enabled the agency to ignore its mandates and manage OHV for the sole benefit of OHV users. The public was allowed no meaningful comment on the monitoring protocol listed in the ROD and no meaningful analysis was undertaken, thus NEPA has been violated.

10) <u>Cross country travel ban:</u>

The travel planning effects analysis relies heavily on the cross country travel ban for analysis and determination of effects and this analysis may be flawed due to exemptions made to this rule. The ROD allows for cross country motorized travel form mineral exploration. Thus all OHV users would need to do to avoid consequences associated with unauthorized cross country travel is claim they are “prospecting”. This exemption effectively makes the cross country ban invalid and meaningless, thus the effects analysis claiming that cross country travel will be outlawed and its impacts mitigated is fundamentally flawed effecting the determination of effects, the analysis of impacts, and ultimately the decision made. This flaw will have effects ranging from impacts to soil resources, wildlife, ESA species, user conflicts, safety concerns, water quality, noxious weeds, etc. Essentially the entire analysis is compromised by this exemption for cross country travel and no parameters have been placed on the extent that such use will be allowed. The FEIS and ROD essentially leave it to the discrepancy of the OHV users as to if, how, where, and when to travel cross country. The FEIS and ROD makes no clear exception excluding sensitive areas such as IRA’s, RNA’s, BA’s, BCNMA’s, BGWRA’s, Riparian Reserves, Key watersheds, ESA habitat, and other sensitive management areas. Yet according to mining management protocol, a miner must have a Notice of Intent allowing cross country travel to ride off road to access a mine.

The exemption violates the intent of the agency’s cross country ban which is a large portion and key element of the plans implementation. The exemption is a violation of NEPA and a serious impact that was not disclosed. The decision to allow cross country travel to those engaged in “mineral exploration” should be withdrawn.

Likewise, the regulations proposed for dispersed camping on all ranger districts except the Wild Rivers district include an allowance for off road motorized use within 300' of all roads open to motorized use. This negates much of the beneficial impact of the forest wide cross country travel ban and creates an enormous loop hole for OHV enthusiasts to exploit. It also makes enforcement of the cross country travel ban nearly impossible as agency LEO's primarily utilize the NF road system when patrolling. Thus, nearly all unauthorized cross country travel would be unenforceable when taking into account the exemption for mining and dispersed camping. It would allow OHV users to travel cross country throughout much of the forest including any area within 300' of the currently proposed 4,505 miles of "open" road. By multiplying the 300' by 4,505 miles of open road, many, many acres are in effect open for cross country used despite agency claims that cross country use will be limited to the 15 acre Woodruff "play area". The agency states that the proposed action will close 274,670 acres to cross country travel, yet this number and the analysis based off this number does not include the thousands of acres open to cross country travel under the dispersed camping exemption. The impact of this exemption was not adequately analyzed in the NEPA documentation or disclosed to the public in a coherent form. Regulations proposed for the Wild Rivers District that limit cross country motorized use to within 20' of open roads and on existing landings should be extrapolated across the forest and implemented forest wide. This would allow for adequate enforcement and protection of natural resources and values.

Dispersed camping on the Siskiyou Mountains district has historically been documented to violate ACS standards and objectives. Much of this was attributed to the expansion of vehicle use in relation to dispersed camping sites on the Middle Fork of the Applegate River. Similar situations exist on lower Elliott and Carberry Creeks as well as many areas forest wide. To mitigate or minimize such impacts strict dispersed camping regulations should exist in regards to cross country motorized use. A standard of 20' from open roads and the use of existing landings should be implemented forest wide and the current proposal of 300' from open roads withdrawn.

Violation of laws, regulations, and policy:

ACS: According to FEIS page III-12 "motorized use in riparian reserves is not consistent with management objectives for maintaining or enhancing riparian reserves under ACS". The proposed action violates both ACS objectives #1 and #3. RM-2 allows for adjustments in "dispersed and developed recreation practices that retard or prevent attainment of ACS objectives. Where adjustment measures such as education, use limitations, traffic control devices, increased maintenance, relocation of facilities, and/or specific site closures are not effective, eliminate the practice or occupancy" (FEIS P.III-55). Adjustment measures such as education, use limitations, traffic control devices, etc; would not be effective in this situation due

to the physical location of the trail, motorized trail use in riparian reserves should be eliminated to facilitate attainment of ACS objectives.

NEPA: The agency has failed to disclose impacts and analysis of impacts. The agency is required to disclose all impacts associated with change from the current condition. Currently no officially designated OHV trails exist outside the Prospect Ranger District, thus all officially designated trails represent a change from the current situation. Likewise, " A decision to construct a route, add a route to the transportation system, or change authorization of or prohibitions on motor vehicle use on a route or in an area is subject to environmental analysis under NEPA" (FEIS p. I-5). This statement clearly identifies the need to assess changes to the current condition including the adding of routes to the transportation system and the change of authorization of or prohibitions on motor vehicle use on a route or in an area i.e. plan amendments, prohibitions, and authorizations in BCNMA, BA, and RNA designations. Currently no trails outside the Prospect system are officially authorized or designated for OHV use and clear prohibitions are being amended without adequate analysis. The argument is further outlined in the "Lack of Disclosure of Impacts" section of this document. The agency has liberally defined current route and trail designations to avoid the disclosure of impacts including impacts to spotted owls, management strategies, and other resources.

LRMP: Recently I made a FOIA request for all LRMP compliance monitoring regarding BA, RNA, BCNMA, and BGWRA management since the approval of the 1990 LRMP. Despite a clear mandate to monitor for effectiveness and compliance with LRMP standards, guidelines, objectives, threshold of concern, and goals, such monitoring has never taken place. Without the monitoring data, the need for forest order closures and the unauthorized use of BA's, RNA's, and BCNMA's by motorized users has never been officially documented. Essentially the RRNF has turned a blind eye and in doing so has been in constant violation of the LRMP since its inception, the management strategies approved through the NEPA process have never been implemented and unauthorized use has been ignored for over 20 years. This despite clear management directives requiring forest orders to be developed to allow for enforcement of LRMP standards and guidelines. Such forest orders were never created making LRMP compliance and enforcement impossible. This is the situation that has allowed "historic and ongoing" OHV use in area clear prohibiting such use. The situation amounts to "historic and ongoing": neglect, disregard, and non-compliance with LRMP directives by agency officials.

Lastly, the 1990 LRMP mandates that RNA Establishment Reports and BA Management Plans be created to outline protocol, standards and prohibitions in these management strategies. The LRMP directed the agency to develop these plans "within the decade" thus far one BA plan has been developed and no RNA Establishment Reports. By failing to create these documents management of these areas has been defined by LRMP directives. The lack of compliance with LRMP mandates has created a situation where management in these areas has been haphazard,

unauthorized use has flourished, and environmental damage has been sustained. No doubt these management plans would have clarified and defined OHV management within the specific management areas. Such clear guidance would have been invaluable in the TMP process. Lacking this clear guidance and without these management plans the agency has manipulated current regulations to allow motorized use in areas that have historically prohibited such use. The agencies lack of disclosure, failure to implement required monitoring, and lack of follow through regarding BA plans, RNA reports, and forest orders are violations of the 1990 LRMP. These violations have had a substantial effect on the outcome of the TMP and it is my assertion that these violations have biased agency officials towards motorized use.

ESA: The ROD violates the Endanger Species Act by failing to disclose impacts, failing to analyze the impact of designating motorized routes in owl cores, failing to define the level of use that creates “habituation”, and failing to provide a determination analysis for listed anadromous fish species.

Comment submitted on behalf of the Applegate Wilderness Council:

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11/10/2011

Hello,

I'm writing in support of Alternative II, for motorized use within the Rouge River-Siskiyou National Forest. The dwindling ability to use vehicles legally off-road has been of great environmental concern to me, as locally I've personally witnessed the amount of unauthorized trails being created in response to a lack of legitimate trails. I live in Bellingham, WA. Our local national forest (Mt Baker/Snoqualmie, North of Snoqualmie Pass) has -Zero- trails for Class II (Jeeps, 4x4s, etc), and only -One- trail for dirt bikes (up next to the Canadian Border).

Because of this lack of legitimate trail, many users resort to building their own systems. Not out of malice, but because of necessity. Many cannot travel the nearly 3 hours it takes to get to the closest FS ORV park, located at Evans creek. The only other 4x4 area is managed by our department of Natural Resources, and only provides 4 miles of trail for Class II vehicles within a 120 mile radius. When weighing between their passion and the long process it takes to get legitimate trails open, many opt to just play it rouge because they don't think they're harming anything.

While there are environmental concerns for trails, most of them are unfounded. As the FS itself has concluded, managed trails do not significantly contribute to degradation of wildlife or local biology. Many times, the environmental impact is when vehicles go off-trail, because they're uneducated about the damage vehicles can cause to otherwise pristine meadows or wetlands. Other times, environmental impact is minimal, for instance across rock features in the Naches area. Science based environmentalism supports the trail system. Please look to the facts and not environmental hysteria.

People are passionate about off-road motorized use, many dedicate most of their free time to it. It allows older and disabled people, unable to hike into the wilderness, access to places they would otherwise never see except on TV. Attached are some photos of the scenes from trails we've travelled on canadian trails just north of us. These places are what keep us dedicated to the hobby.

Please continue with Alternative II, and keep the road to Sourdough Camp Ground open to ORVs and motorized vehicles forever. While there may be logistical issues to take care of, this is much better than the alternative; promoting unauthorized trail access via closure of legitimate trails.

Sincerely,

Jakob Perry
Bellingham, WA
360-739-6709

Jakob Perry <japerry@jademicrosystems.com>

0008

From: Krantz, David
To: FS-comments-pacificnorthwest-rogueriver-siskiyou
Subject: FW: ER 11/918
Date: Monday, November 14, 2011 10:37:31 AM
Attachments: ER 11_918 no comment letter.docx

From: Olmedo, Elena E [mailto:Elena_Olmedo@ios.doi.gov]
Sent: Thursday, November 10, 2011 4:24 PM
To: Krantz, David
Subject: ER 11/918

Mr. Krantz,

Attached please find our comments on the following ER:

Review of the USFS Draft Supplement Environmental Impact Statement (DSEIS), Rogue River-Siskiyou National Forest, Motorized Vehicle Use, Supplement the Existing 2009 FEIS, Implementation, Douglas, Klamath, Jackson, Curry, Coos and Josephine Counties, OR and Del Norte and Siskiyou Counties, CA

Thank you.

Elena Olmedo
Office of Environmental Policy and Compliance, Region IX
333 Bush Street, Suite 515
San Francisco, CA 94104
(415) 296-3356

United States Department of the Interior
OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Pacific Southwest Region
333 Bush St., Suite 515
San Francisco, CA 94104

IN REPLY REFER TO:
ER# 11/918

Electronically Filed

7 November 2011

Mr. David Krantz
USDA FS, Forest Planner
Rogue River-Siskiyou National Forest
3040 Biddle Road
Medford, OR 97504

Subject: Review of the USFS Draft Supplement Environmental Impact Statement (DSEIS), Rogue River-Siskiyou National Forest, Motorized Vehicle Use, Supplement the Existing 2009 FEIS, Implementation, Douglas, Klamath, Jackson, Curry, Coos and Josephine Counties, OR and Del Norte and Siskiyou Counties, CA

Dear Mr. Krantz

The Department of the Interior has received and reviewed the subject document and has no comments to offer.

Thank you for the opportunity to review this project.

Sincerely,

Patricia Sanderson Port
Regional Environmental Officer

cc:
Director, OEPC

From:	Krantz, David
To:	FS-comments-pacificnorthwest-rogueriver-siskiyou
Subject:	FW: Signal Butte area comments on DSEIS: "Motorized Vehicle Use on the RR-Siskiyou National Forest" email 1 of 2
Date:	Monday, November 14, 2011 4:11:17 PM
Attachments:	David Krantz Signal Butte DSEIS comments 11.15.11.docx 8.15.10 Signal Buttes Rogue River-Siskiyou National Forest Travel Plan.docx Hunter Ck BLM & FS sensitive areas.pdf Hunter Cr. BLM ACEC & FS Trails.pdf

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From: Wendell Wood [mailto:ww@oregonwild.org]
Sent: Monday, November 14, 2011 3:51 PM
To: Krantz, David
Subject: Signal Butte area comments on DSEIS: "Motorized Vehicle Use on the RR-Siskiyou National Forest" email 1 of 2

OREGON WILD
Formerly Oregon Natural Resources Council (ONRC)

November 15, 2011

David Krantz, Project Lead
Forest Supervisor's Office
Rouge River-Siskiyou National Forest
3040 Biddle Road
Medford, OR 97504

Dear Mr. Krantz,
This is email 1 of 2. The following comments are specific to the Signal Buttes area of the Gold Beach RD, on behalf of Oregon Wild on your September 2011 Draft Supplemental Environmental Impact Statement (DSEIS) titled "Motorized Vehicle Use on the Rogue River-Siskiyou National Forest". The following is to supplement and further clarify comments made by Oregon Wild to Pam Olson on August 15, 2010 specific to a motorized trail proposed by the Forest Service in the Signal Buttes area. By reference we would also like to include our previous August 15, 2010 comments for this record, with the additional information and elaboration we are providing here.

Please also note my new mailing address below, and **please also respond that you have receive this email.**

Sincerely,
Wendell Wood

Wendell Wood, Wildlands Interpreter
Oregon Wild
PO Box 1923

Brookings, OR 97415
707-218-8355
ww@oregonwild.org

Attachments:

Specific Signal Butte proposed motorized trail comments dated November 15, 2011

Oregon Wild letter to Pam Olson, RR-Siskiyou NF, of August 15, 2010

2 pdf maps of trails and special resource locations on BLM and FS lands around Signal Buttes

Separate email (due to attachment size)—Oregon Wild's roadless area map of roadless areas still uninventoried by the Forest Service in the Signal Buttes area—encompassing both FS and BLM lands.

From:	Krantz, David
To:	FS-comments-pacificnorthwest-rogueriver-siskiyou
Subject:	FW: Signal Butte area comments on DSEIS: "Motorized Vehicle Use on the RR-Siskiyou National Forest" email 2 of 2
Date:	Monday, November 14, 2011 4:11:35 PM

From: Wendell Wood [mailto:ww@oregonwild.org]
Sent: Monday, November 14, 2011 3:51 PM
To: Krantz, David
Subject: Signal Butte area comments on DSEIS: "Motorized Vehicle Use on the RR-Siskiyou National Forest" email 2 of 2

OREGON WILD
Formerly Oregon Natural Resources Council (ONRC)

RE Signal Butte area comments on DSEIS: "Motorized Vehicle Use on the RR-Siskiyou National Forest" email 2 of 2

November 15, 2011

David Krantz, Project Lead
Forest Supervisor's Office
Rouge River-Siskiyou National Forest
3040 Biddle Road
Medford, OR 97504

Dear Mr. Krantz,

This is email 2 of 2, please see email 1 of 2 and please respond to me that you have received both emails (with attachments).
Final attachment enclosed to accompany Oregon Wild's Nov. 15 comments on the DSEIS: "Motorized Vehicle Use on the RR-Siskiyou National Forest"

Sincerely,
Wendell Wood

Wendell Wood, Wildlands Interpreter
Oregon Wild
PO Box 1923
Brookings, OR 97415
707-218-8355
ww@oregonwild.org

Attachment:

Separate email (due to attachment size)—Oregon Wild's roadless area map of roadless areas still uninventoried by the Forest Service in the Signal Buttes area—encompassing both FS

and BLM lands.

OREGON WILD
Formerly Oregon Natural Resources Council (ONRC)

November 15, 2011

David Krantz, Project Lead
Forest Supervisor's Office
Rouge River-Siskiyou National Forest
3040 Biddle Road
Medford, OR 97504

Dear Mr. Krantz,

The following comments are specific to the Signal Buttes area of the Gold Beach RD, on behalf of Oregon Wild on your September 2011 Draft Supplemental Environmental Impact Statement (DSEIS) titled "Motorized Vehicle Use on the Rogue River-Siskiyou National Forest". The following is to supplement and further clarify comments made by Oregon Wild to Pam Olson on August 15, 2010 specific to a motorized trail proposed by the Forest Service in the Signal Buttes area. By reference we would also like to include our previous August 15, 2010 comments for this record, with the additional information and elaboration we are providing here.

As the subject of this particular letter Oregon Wild still opposes any "new motorized trail construction/ reconstruction" in the Signal Buttes area (T37S R13W & T36S R13W) and that would encourage additional vehicle use that would impact this area's sensitive botanical and cultural resources—which includes BLM's adjacent Hunter Creek Area of Critical Concern (ACEC). The Signal Buttes area, immediately to the east of the BLM ACEC, should be given a similar level of protection, and at a minimum should be designated a Forest Service botanical/cultural resource protected area. Again, please see other specific botanical (and cultural) resources discussed in our letter of August 15, 2010. Also please see two attached maps in pdf format, that while seemingly unavailable from the Forest Service, we were able to obtain from the Coos Bay District Bureau of Land Management (BLM). These maps show the specific locations of sensitive areas, trails, and a few cultural resource sites that would be impacted both on and off Forest Service lands in the Signal Buttes area that would be increasingly impacted by motorized vehicles were they given greater access to these lands as proposed in the Forest Service's DSEIS.

Of the various buttes in the Signal Butte area, only one is accessed by FS Rd. 3680-195 to the top of the butte. Except for official vehicles needed to service communication towers on the 3512 ft. elevation Signal Butte Road 3680-195 should be gated and closed to all other vehicle use at its junction with FS Rd. 3680-190 at the approximate section line between Sections 5 & 6 in T37S R13W. We have recently learned that the towers on this particular Signal Butte may no longer be in use. If this is the case, then FS Rd. 2680-190 should be closed to all motor vehicle entry, and restoration work should be done to attempt to repair the deep, eroded ruts that already occur along potions of this road (particularly eroded in the NE corner of Section 6 T37S R13W).

Map from the previous ravel Management Plan, released in December 2009: The selected, Alternative 5 had similarly proposed converting currently designated as Maintenance Level 1 roads to motorized trails at Signal Butte and in the Hunter Creek This included "3.9 miles on portions of Roads 3313103, 3680190, 3680195, and 3680220."

Presently, immediately east (continuing north) on the proposed motorized trail route north of Rd. 195, no defined road or trail even initially exist. However, most inappropriately, the motorized trail as proposed would cross a camas lily meadow, (pictured immediately below) that we understand may also be a cultural resource site.

Person standing in background at base of trees (and right of shrubs, just to the left of center) shows location where proposed motorized vehicle trail joins Rd. 195 (196 on 1989 FS maps) to the top of Signal Butte. This meadow is located Immediately to the east of that butte on the east side of Section 31.

Only as we continued to walk (cross country) north of this meadow, and into the forested vegetation (July 2010) were we able to detect where there has been some prior motorcycle or ATV use—although the disturbed ground of the photo may also indicate prior vehicle use.

However, as once continues north (opposite the direction faced in the above photo) more vehicle disturbance is evident due to eroded ruts that have formed and as one proceeds downhill into the Rouge River drainage (in the NE quarter of Sec. 31 (T36S R13W).

Two separate area of ruts and erosion exacerbated from previous ATV use along former FS Rd.196—(FS Rd 196 only identified on the Gold Beach and Chetco RD map of 1989, but not identified on the 2008 Gold Beach RD map).

Vehicles that have travel north from here, seem to be riding primarily in or across the creek drainage, and have made some additional trails in wetland habitats, seemingly in order to get around ruts already created (see photo on next age taken July 2010).

ATV track observed in July 2010 where vehicles are attempting to get around the ruts and erosion along the creek bed on the Rouge River side of the drainage (along old FS route 196) north of Signal Butte.

Finally, returning back to the junction of FS Rd. 3680-190 and 195: as one continues on Rd. 190 east of the junction with Rd. 195, you come to the junction of Rd. 3313-220 to the left (east). While the 2008 Gold Beach map would lead the reader to believe that spur road 220 connects with Rd 190, in fact the western most portion of Rd. 220 is very narrow road, and not wide enough for even a jeep to reasonably pass through. In particular, Rd. 220 exists primarily as a trail along most of its western most length of approximately a half mile. To protect sensitive botanical and cultural resources in this area, Rd. 3313-220 should also be closed to motor vehicles its western most half mile--from its approximate junction with Rd. 190 to where Rd. it functionally ends approximately a half mile to the east. This junction of Rd. 190 just a few yards down Rd. 220 is presently a fine, accessible, dispersed camping area, as is the end of eastern most spur of 196, about .2 mile beyond.

More specifically, the Forest Service needs to adopt a management plan for this area that specifically seeks to protect the extensive archaeological and cultural resources contained in this area which include the "McKinley Mine Trail"--which begins from FS Rd. 190 (Section 5) and the crosses FS Rd.195 (Section 6). This trail heads generally west and crosses FS Rd. (4WD) 195, (another ¼ mile beyond the Stone Chair Trailhead) approximately .5 to .6 mile on up 4WD road 195 beyond the FS Rd.190 junction (longitude: -124.279541, latitude: 42.405699).

A motorized trail should not be dedicated or maintained as shown in the photo above that connects deteriorated portions of Rds. 190 and 220. Instead, the Forest Service need to adopt a management plan for this area that specifically seeks to protect the extensive archaeological and cultural resources contained in this area which include the "McKinley Mine Trail" begins from FS Rd. 190 (Section 5) and the crosses FS Rd.195 (Section 6). This trail heads generally west and crosses FS Rd. (4WD) 195, (another ¼ mile beyond the Stone Chair Trailhead)

approximately .5 to .6 mile on up 4WD road 195 beyond the FS Rd.190 junction (longitude: 124.279541, latitude: 42.405699). Additionally, during the 2010 summer season, Entomologist/Lepidopterist Dana Ross reported finding a single male Mardon Skipper, *Polites mardon*, on the USFS lands near Signal Buttes in a very wet portion of area serpentine meadows.

Finally, much of the land around the Signal Buttes area, and particularly when taken in combination with the BLM's adjacent Hunter Creek ACEC is roadless, or would quality as roadless under BLM and Forest Service roadless area identification criteria. See attached map, drawn by Oregon Wild, based on our recent on-the-ground inventory indicating a combined BLM-Forest Service roadless area in the Signal Buttes/Hunter Creek area that would total slightly over 6100 acres.

Before additional development of these land can occur NEPA requires the disclosure of these unroaded values in an Environmental Impact Statement--as the Rogue River-Siskiyou National Forests Travel Plan DSEIS, neither addresses nor analyzes these areas special values. In contributing to a needed future analysis, Oregon Wild wishes to submit (below in greater detail) information we have accumulated and compiled that discusses additional trail and other resource information specific to the general Signal Buttes/NF Hunter Creek roadless area. Again, our particular concern is that hiking trails and sensitive cultural and botanical resources would not be adequately protected under the Forest Service's proposed motorized use plans within the Signal Buttes area.

Detailed Directions to trails relating to botanical and cultural resource sites in the Signal Butte Area:

Below (in greater detail than above) we have included additional trail information specific to the Signal Buttes area. We've included this detail here, as while we were unable to obtain this information from people we asked in the Forest Service, and due to the obscurity of some of these old trails, and old trailheads, we wish to make this information (if newly available) to the Forest Service so it may be fully analyzed as part of this or future plans. Again, it is our strong opinion, that these hiking trails and sensitive cultural and botanical resources would not be adequately protected under the Forest Service's proposed motorized use for this area.

Area Trails--There are 4 featured (poorly or unsigned) trails into the Signal Butte area described below, and mostly originating by initially walking up the FS. Rd. 195--beginning from the small (unsigned) parking area at its junction with FS Rd. 190.

1. Stone Chair Trail to BLM's 1920 acre North Fork Hunter Creek ACEC (Area of Critical Environmental Concern). (.8 mile to the ACEC's eastern boundary and 1.8 miles to the "Stone Chair" and one of the general area's more impressive meadows).

Because the trail into this area takes off from a well-established ATV (all-terrain vehicle) road (Signal Butte Road 3680-195), BLM has not wished to prominently mark this trailhead, in hopes of not encouraging illegal vehicle incursions. Also, while public use is allowed, the ACEC was

designated to protect the area's natural values, and does not seek to encourage heavy public use. The (unmarked) trailhead actually begins (on the left) approximately a quarter mile up FS Rd. 195. Starting at its junction with FS Road 190, walk initially up unsigned (4-wheel drive) Rd. 195. The road immediately rises, and where it then drops downhill, you are now only half way to the trail head. Continue following a flatter portion of this road, predominately heading west. Where the road then takes a 90 degree bend to the right (north) and again in another 50 yards rises uphill, the Stone Chair Trail continues through a big, Jeffrey Pine grassy flat, continuing directly ahead (west) at this bend. The trailhead is probably best marked by a flat round mound of exposed earth with a 2 foot long rock in the middle (that is cracked). Another way of find this place, is if you were pulling a small trailer, (never mind it's a 4 wheel drive road) it would be the first possible place you would come to, where you could see where you could back into, were you trying to turn around.

As you walk about 50 yards ahead west on grass (that still doesn't really resemble a trail) about 25 feet to the left (south) you will see a pile of rocks supporting a short wooden post that has a "3" written on it (?perhaps some kind of cultural resource?) Continue walking west. Where the grassy meadow ends entering the first small patch of shaded woods, the trail is then here discernible continuing on west. This trail, however, throughout its length can be difficult to follow. It has been flagged, and (for the most part) follows the lowest part of the drainage as you continue west, continually slowly losing elevation. This trail passes through a series of small meadows and serpentine (scabland-like) benches. In .8 mile you enter the BLM ACEC where large old growth Douglas fir dominate the more heavily forest portions. You also pass through a series of shallow soiled serpentine dominated grassy and native wildflower meadows, containing big old growth Jeffrey pine. After passing through two of these large 30 to 40 acre meadows, you reach an even larger 100+ acre meadow. Here you first descend a moderately steep, open grassy ridge, dominated by more big pine. Where it levels out, look for the diverse array of varied (large cardboard box size) rocks around the edge. While the poorly define trail through this meadow continues west, initially wrapping around to the south, in the north west end of the flat look for the smaller "Stone Chair" rock. As the name implies this rock has a flat seat and vertical back, that is surprising comfortable to sit in. It is located beyond a two signs on a pine tree reading: "Signal Butte Rd. 1.8 miles" (to east--trailhead on FS Rd. 195); "Long Prairie 2.6 miles" (private land to the north); "Wren Cabin site 1.4 miles" (south end of the ACEC).

From here, (in the direction of Long Prairie which is private land) another large meadow is on the BLM land about .2 mile to the north, from the Stone Chair meadow corner. Walk north, and through a slot cut through the middle of a large down tree. If you follow flags and rock cairns staying on the uphill (east) side of this meadow, the faintly mark trail continues generally north, enters an old growth Douglas fir forest and drops down to the North Fork of Hunter Creek, approximately 1 mile north (and slightly east) of the Stone Chair.
The other option is to follow the trail through the drainage to the left (on west and south) of the Stone Chair. Here the flagged trail follows a north-south running meadow that is in the middle of a private land holding in the middle of the ACEC.

2. McKinley Mine Trail

Starting on FS Rd. 195 (at the junction and parking area on FS Rd. 190) follow 4-wheel Road 195 for approximately .6 mile. This very poorly defined trail is mark by a less than barely readable, grey wooden sign that is hanging by one nail in a tree on the left side of the road. Follow this barely recognizable trail (which is not marked by any ribbons) on west. It soon crosses the upper headwaters of the N. Fork Hunter Creek, and then passes the Col. I. E. Munsey cabin and grave site (small pile of rocks beside a tree) that are noted on small wooden signs. Brief references to the Col. Munsey and the McKinely Mine are given on pps. 101 & 211 "The Mineral Resources of Oregon, published monthly by the Oregon Bureau of Mines and Geology, Vol 2, No. 1, May 1916"at
http://books.google.com/books?id=9MUVAQAAIAAJ&pg=PA211&lpg=PA211&dq=%22Col.+I.+E.+Munsey%22&source=bl&ots=cXX-tboOni&sig=lqKVdexUFJRtvTQIgMAFUdrwps8&hl=en&ei=aUAyTPTsG8minQfE7KCMBA&sa=X&oi=book_result&ct=result&resnum=1&ved=0CBIQ6AEwAA#v=onepage&q=%22Col.%20I.%20E.%20Munsey%22&f=false

Also OregonSouthCoast.com features (and shows photos) at:
http://oregon.user.openhosting.com:8181/oregon/McKinley%20Mine%20Trail

Continue for at least another few hundred yards where the vegetation again opens, with a view of one Signal Buttes many rock monoliths to the left, and very grand views of the Pacific Ocean on ahead. Here, according the website (cited immediately above) the "old mine tunnel site which is now completely closed in and consists of a rock gravel area." I think I observed this on the right-hand side of the trail. I turned around here but "the next site, 25 minutes (hike) beyond the grave, is a collapsed cabin that is not identified." Here the trail is described as heading downhill, (but I believe then rises as a trail on a BLM map I obtained was drawn in heading north, showing the trail it ultimately joins FS Rd. 195 (in Section 31) further north. This junction (which I did not locate) is several hundred feet higher elevation, and where this portion of road 195 also continues as little more than a foot trail where it forks off from what becomes FS Rd. 196 toward the northwest (see below).

The actual beginning of the (still poorly) signed "McKinley Mine Trail" begins off of FS Rd. 190, to the left, .25 mile beyond the parking area at the junction of FS. Rds 190 and 195. While road FS 190 initially continues east beyond the parking area, it then bends north. The trailhead is marked to the left by a faintly written "McKinley Mine Trail" grey wooden sign, nailed to a pine about 20 feet left of the edge of the road. (I didn't walk this segment—but it appears to initially transverses interesting serpentine landscapes) and then crosses Rd. 195.

3. Trail west Forest Service/ Private land boundary, at junction (just below undeveloped Signal Butte elev. 3503) Possibly connects to north ends of McKinley Mining Trail (enabling a loop-hike).

Walking 1 ¼ miles mostly north on the FS 195 (from the 190/195 junction) to where main jeep road makes a fairly sharp turn to the right (SE corner of Sec. 31) where on the 1989 US Forest Service Gold Beach RD map it actually continues as FS Rd. 196). This (non) junction of Rd. 195 and 196 is totally unsigned, and the hiker (or ATV driver) has no indication that you have left one road and begun another. Additionally, the latest 2008 map Gold Beach RD map shows FS Rd. 195 ending at approximately this same point (in the SE corner of Sec. 31), and erroneously does not show FS Rd. 196 (or any other road) continuing beyond this point. Also, the recent Rogue River-Siskiyou National Forest, did not identify this as a road, or include it among their plans for otherwise opening roads on both ends of FS Rd. 195 to vehicles.

Instead, the "road" indicated as FS Rd 195 on the 1989 map, here continues as nothing more than a foot path to the left, with FS Rd.196 continuing on north another 1/3 of a mile to the top of one of the slightly higher Signal Buttes (3512 ft. elev.)--where there are two small buildings and communication towers on its summit.) This trail (not a road) is easy to miss, and appears from the main, continuing jeep road as only a water bar to the left (of unsigned FS Rd. 196—that continues as a well-used jeep trail to the right).

After completely having walked by it the first time (while looking for "a road" to the left), this path quickly enters the top of a lovely meadow (on the left), and continues for another mile, to (and beyond) the FS/ private land boundary between Sec. 36 (R14W) and Sec. 31 (R 13 W). We previously, but unsuccessfully attempted to get this information from the Forest Service. However, BLM map that Oregon Wild was ultimately provided shows the west end of the McKinley Mining Trail forking north in Sec. 6, with both forks joining this portion of FS 195 (that is really a trail) is the in the SW corner of Section 31 (T37S R 13W).

4. Trail to Sutter Butte(s) and on north

From the junction of 190/ 195 it is approximately 1 ¾ mile to the top of (developed) Sutter Butte (elev. 3512) that is just slightly NW of its slightly lower (and undeveloped Butte) (elev. 3503). To access the higher butte beginning at the 190/195 road trailhead, just follow the developed jeep road as far as you can, which terminates on the higher buttes' summit. From here there are expansive views including (to the west) the mouth of the Rogue River. Along the coast, north of the Rogue River you can see Humbug Mt, followed north by "the Heads" at Port Orford, and then Cape Blanco to the extreme north.

The last 1/3 mile of this trail wraps around the south, then east, and north side of the lesser 3503 butte. While a "hill" is visible from the jeep road, the sides are forested so its rocky butte top is not revealed as viewed from this road. However, when down on the east-west FS Road. 3680 (as at Pine Pt. Campground) it is only the "lesser" 3503 Butte that is visible. The higher 3512 ft.

butte cannot be seen from below, as it, and its otherwise readily identifiable communication towers are blocked from this view from the south (looking north).

Just below the higher, jeep road accessed butte, the main jeep road makes a left turn at the bottom before rising sharply to the butte's summit. Where it turns right there is a meadow immediately ahead. As of the summer of 2010 a non-define jeep trail may have once crossed this meadow but it no longer visible. However, once you cross the meadow directly north, and the forest, evidence of an now eroded ATV trail continues on (only) the 1989 FS map as FS Rd. 196 (terminating at FS Rd. 103 in the extreme SW corner of Section 29. (Again, I could not even fine this road, until I search for it at the north end of the meadow. I only followed this (not a) road further north for about ¼ mile, as it continues mostly in the a creek bed that flows north, and is little more than just now water eroded foot trail. It does have some ATV use, that are further cutting over riparian vegetation to avoid the more eroded and wetter portions. This trail (immediately north of Signal Buttes in Section 31), should not be restored, but longer regarded as a road, consistent with its removal from the most recent 2008 Gold Beach RD map.

By cherry stemming out the first 1 ¾ mile of FS Rd. 195 and 196 (spur to east) to the top of the 3512 ft. Signal Butte it can be seen that one can easily connect the Signal Buttes and Hunter Creek Roadless Areas as one roadless area. However, if the Forest Service were to inappropriately adopt the motorized trail recommendation contained in the DSEIS, like the previous Travel Plan decision, the trail north of Signal Buttes will be reestablished as a reconstructed ATV trail across Sec. 31, connecting to FS Rd. 103 in the SW corner of Sec. 29. As described, this would inappropriately impact sensitive cultural and botanical resources in this area, and without a legally sufficient NEPA review. Furthermore the DSEIS's preferred alternative would result in causing further erosion.

Again, as a previously described, Spur FS Rd. 220 to the NE beginning in Section 5 at its junction with FS Rd. 3680-190, should be closed on its western in to all motorized vehicle traffic. After 100 yards, it rapidly narrows to only being (at best) a narrow ATV trail (with the ¼+ mile section that is shown as "4WD" on the 1989 FS map can no longer really be considered to be a road. (See photo below)

True terminus of FS Rd. 3313-220--where it actually ends, and constricts significantly, heading on west (in this photo direction) before connecting as an ATV trail with FS Rd. 3680-190.

FS Rd 3313-220 is reduced to just a trail to the east of its junction with FS Rd. 3680-190. Photo of the right additionally shows where this trail ("Rd. 220") presently crosses a small stream in Section 5 (T36S R13W)--and thus longer exists as a functional road along its western most end.

Thus roadless lands in Section 32 (cherry stemming out Rd. 3313-1020) are thus connected in fact to uninventoried (unroaded) roadless lands in Sec. 5 as well as finger in the middle north half Sec. 8—with the boundary defined by the lower portion of FS Rd. 190.*

Still, if the Forest Service were to incorrectly adopt their preferred Travel Plan decision, the trail north of Signal Buttes will be reestablished as a reconstructed ATV trail along FS Rd. 220.

Also, the BLM, consistent with its North Fork Hunter Creek special management emphasis, has been doing extensive thinning of underbrush and some trees to open up serpentine balds and grassy meadows. There were areas currently being treated with stacked burn piles in Section 1 of the ACEC in meadows south of N. F. Hunter Creek.

*Additionally, a "C shaped loop trail" shown on Forest Service GIS maps that seems to almost join the southern-most end of FS Rd. 3313-102 (SE corner of Sec. 32) is non-existent as either a road or trail. Based on our on-the-ground investigation, it's just a green meadow at its beginning with FS Rd. 3680-220. I walked both its (short) right and left forks which are very vegetated and little passable beyond the first hundred yards (just after the forks two junctions).

Additionally, in 2010 these vegetation piles were scattered along the Stone Chair Trail in the middle west portion of Sec. 6 and north and east of the junction of FS Rds. 190 and 195, and in Sec. 8 south of FS Rd. 190 just south of its junction with Rd. 192, and just north and east of the Paradise Pt. Campground in Sec. 18 at the south end of the Signal Buttes Roadless Area.
Both BLM and FS efforts at botanical restoration in this area should not be negated by the future established of an inappropriate motorized vehicle route that will only encourage off-road travel in these sensitive areas.

Please let us know, if you need any additional information, or would like to further discuss the special resources and special values associated with this remarkable area. Additionally, we wish to receive information on any additional cultural, botanical or trail information the Forest Service may have for this area, in addition to the information contained with this letter, and the information we previously referenced in our letter to your office, addressed to Pam Olson on August 15, 2010 (attached). Also, please let us know if the Signal Butte communication towers and facilities is no longer in use, and if there are any current permits that presently enable its current or future use for such purposes, or plans to disassemble and remove the existing small building and equipment.

Finally, please also note my new mailing address below.

Sincerely,

Wendell Wood

Wendell Wood, Wildlands Interpreter
Oregon Wild
PO Box 1923
Brookings, OR 97415
707-218-8355
ww@oregonwild.org

Attachments:

Oregon Wild letter to Pam Olson, RR-Siskiyou NF, of August 15, 2010

2 pdf maps of trails and special resource locations on BLM and FS lands around Signal Buttes

Separate email (due to attachment size)—Oregon Wild's roadless area map of roadless areas still uninventoried by the Forest Service in the Signal Buttes area—encompassing both FS and BLM lands.

OREGON WILD
Formerly Oregon Natural Resources Council (ONRC)

August 15, 2010

Pam Olson
Rogue River-Siskiyou National Forest
3040 Biddle Road
Medford, OR 97504

Dear Ms. Olson,

Specific to the Gold Beach Ranger District, Oregon Wild would like to submit the following concerns for the Forest Service to consider and address in developing a new decision on Rogue River-Siskiyou National Forest Travel Plan on the Gold Beach Ranger District. (see attached)

Sincerely,
Wendell Wood
Wendell Wood, Wildlands Interpreter
PO Box 1783
Crescent City, CA 95531
707-218-8355
ww@oregonwild.org

cc: Steve Johnson and Scott Conroy

OREGON WILD
Formerly Oregon Natural Resources Council (ONRC)

August 15, 2010

Pam Olson
Rogue River-Siskiyou National Forest
3040 Biddle Road
Medford, OR 97504

Dear Ms. Olson,

Specific to the Gold Beach Ranger District, Oregon Wild would like to submit the following concerns for the Forest Service to consider and address in developing a new decision on Rogue River-Siskiyou National Forest Travel Plan on the Gold Beach Ranger District.

Sincerely,

Wendell Wood

Wendell Wood, Wildlands Interpreter
PO Box 1783
Crescent City, CA 95531
707-218-8355
ww@oregonwild.org

Signal Buttes

Conservationists strongly oppose "new motorized trail construction/ reconstruction" in the Signal Buttes area (T37S R 14W) and that would encourage additional vehicle use and access into the Forest Service's own recently signed "Botanical Restoration Project"--where restoration work was begun this spring and summer 2010). Instead the existing 4WD FS Rd. 3680-195 should be gated to eliminate OHV damage that is already occurring to this area's sensitive resources, and to reduce the potential for spreading Port Orford Cedar root disease that has been already established as occurring along water courses within this specific area.

Vehicle road reconstruction along FS Rd. 3680-190; 3680-195 and 3680-220 would threaten adjacent area sensitive plants, and adjacent sensitive plant habitats including serpentine areas and Camas Lily containing wet meadows in this immediate area and off of Rd. 195 south and immediately east of the major Signal Butte. This is particularly if FS Rd. 195 were to be extend along the east side of Signal Butte as was proposed in the Dec. 2009 Travel Plan decision--as this construction would directly impact a wet meadow containing Camas Lily, *Camassia quamash ssp. walepolei*) (Section 31).

Additionally, increase vehicle use in this area could potentially impact BLM's North Fork Hunter Creek ACEC (T37S R15W) by enabling vehicle trespass via what is termed the ecologically sensitive "Stone Chair Trail". This unsigned trailhead to this ACEC's remarkable and expansive meadows under old growth Jeffrey Pine, with an Oregon White Oaks component in unusual close proximity to the coast, is immediately off of Rd. 195, just west of it's junction

with FS Rd. 190. Immediate, close access to, or areas to be bisected by this vehicle trail reconstruction, are located all along the December 2009 Travel Plan's proposed reconstructed vehicle trails in the Signal Buttes area.

These trails and surrounding meadows and serpentine, sensitive plant habitats could be heavily impacted with increase illegal OHV use in this immediate area. The Stone Chair (hiking not yet an ATV) Trail also bisects the west end of the Forest Service's recently initiated "botanical restoration project" for the sensitive Howell's or Gasquet Manzanita, *Arctostaphylos hispidula*. See specific Signal Buttes area sites as described in Forest Service Report: "Conservation Assessment for Gasquet Manzanita (Arctostaphylos hispidula) Within the State of Oregon", http://www.fs.fed.us/r6/sfpnw/issssp/documents/planning-docs/ca-va-arctostaphylos-hispidula-2010-03.pdf and which reads in part:

> "Some areas, such as the ultramafic bands in and around the Signal Butte area on the Gold Beach Ranger District, are likely to have thousands of plants occurring within them. The current data from the area are likely to grossly underestimate the numbers of plants because of minimal inventory, the density of vegetation, and difficulty in identifying A. hispidula.
>
> Considering range, distribution, and abundance, A. hispidula can be classified as a rare species based on a fairly narrow geographic range, an affinity for unique habitat/substrate (serpentine) and small to moderate sized populations (Kaye et. al., 1997), with the exception of a few populations recently discovered during our field assessments."

Other sensitive plant species known to occur in this area, and could be likely impacted by increased OHV use include: *Mondardella purpurea*; *Carex scabriuscula (C. gigas)* Siskiyou Sedge; and *Poa piperi.*

While FS. Rd. 195 provides access along a 4WD road to the top of the principal (highest) Signal Butte (3512 ft. elev.) to service a commercial communication tower, this road should be gated and closed during the wet season to prevent the spread of Port Orford Cedar disease into other parts of the watershed (consistent with Forest Service management in the District for other infected roads and stream crossings.) In a Sept. 2008 report by the BLM and Institute for Applied Ecology, the authors state (page 8):

> "*Phytophthora lateralis*" killed "Port Orford Cedars were observed on (adjacent) Forest Service property. The cedars that were observed in the (BLM, Hunter Creek) ACEC were all alive, but the proximity of the pathogen means that these trees are potentially at risk." And on page 12: "Vehicles should be parked at the parking area (near junction of FS Rds. 190 & 195) instead of driving the 250 yards of 4x4 road (FS Rd. 195) which crosses a creek with dead Port Orford Cedar. All boots should be cleaned with a dilute bleach solution prior to entering the ACEC."

Cultural resources are also threatened with increase OHV use in this area. The poorly marked "McKinley Mine Trail" also begins from FS Rd. 190 (Section 5) and the crosses FS Rd.195

(Section 6). This trail heads generally west and crosses FS Rd. (4WD) 195, (another ¼ mile beyond the Stone Chair Trailhead) approximately .5 to .6 mile on up 4WD road 195 beyond the FS Rd.190 junction (longitude: -124.279541, latitude: 42.405699).

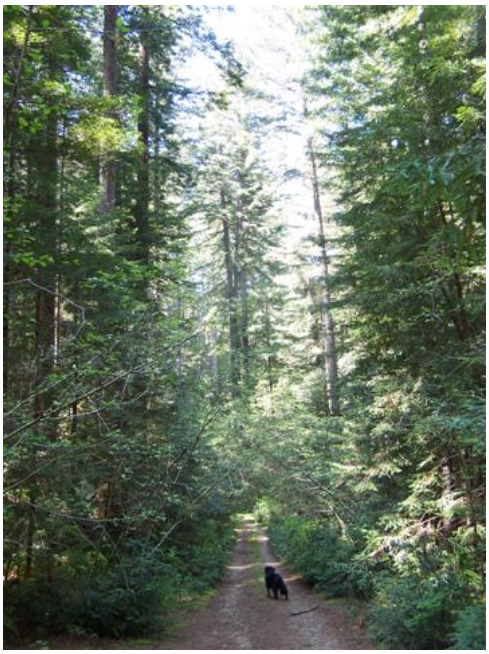
It soon crosses the upper headwaters of the N. Fork Hunter Creek, (with more dead Port Orford Cedars) and then passes the Col. I. E. Munsey cabin and grave site (small pile of rocks beside a tree) that are noted on small wooden signs. In this area, we observed artifacts, old bottles and metal pieces literally still lying on the ground. Brief references to these cultural resources for the late Col. Munsey and the McKinely Mine are given on pps. 101 & 211 "The Mineral Resources of Oregon, published monthly by the Oregon Bureau of Mines and Geology, Vol 2, No. 1, May 1916"at
http://books.google.com/books?id=9MUVAQAAIAAJ&pg=PA211&lpg=PA211&dq=%22Col.+I.+E.+Munsey%22&source=bl&ots=cXX-tboOni&sig=lqKVdexUFJRtvTQIgMAFUdrwps8&hl=en&ei=aUAyTPTsG8minQfE7KCMBA&sa=X&oi=book_result&ct=result&resnum=1&ved=0CBIQ6AEwAA#v=onepage&q=%22Col.%20I.%20E.%20Munsey%22&f=false

Finally, new motorized trail construction/ reconstruction linking FS Rd. 195 with FS Rd 103 in Sections 29 and 30 immediately to the north on Signal Buttes, would also potentially be in conflict with auto tours along the Forest Service's "self guided forest ecology tour" (long tour) that is a described in a brochure developed by the "Society of American Foresters and the US Forest Service". Additional trail "reconstruction" that would bringing additional OHV thrill craft onto this tour route originating along the Rogue River would be inappropriate as recognized in the guide's introduction which states: "Part of the tour is on gravel roads, so we urge caution; maintain slow speeds, keep to the right, avoid stopping on corners, and watch for oncoming traffic." The tour guides also point out features along the way such as serpentine plant communities, short trails to a small lake, and large meadow prairie area where OHV's that would at times leave the road would be similarly inappropriate.

Oregon's Redwoods

The Forest Service needs to close (an approx. 2/3 mile long) Gold Beach RD Road 1101-170 to vehicle traffic, protecting what is otherwise a defacto recreational trail to "level 1" road status. The area of vehicle closure should be from FS Rd. 170 junction with FS Rd. 1101 (T41S R12W Section 17), to FS Rd. 170's termination at private lands on the line between Section 16 & 17.

FS Rd 170 should instead be made available primarily as a hiking trail in association with the near by Oregon Redwoods Hiking Trails #s 1106 and 1107. Like trail #1106, road/trail 170, because of the generally level terrain surrounded by area tall trees, could be an additional "barrier free" recreational trail for almost its entire length, in a portion of the Siskiyou National Forest that is relatively easily accessed from Hwy 101 in southwestern most Oregon. In June, FS Rd. 170 also provides views of many Tiger Lilies, *Lilium columbianum*, that are not seen along the other nearby Oregon Redwoods Hiking Trails #s 1106 and 1107.


Trail/ road 170 through Oregon's Redwoods

Big redwoods along south side of Trail/Rd. 170

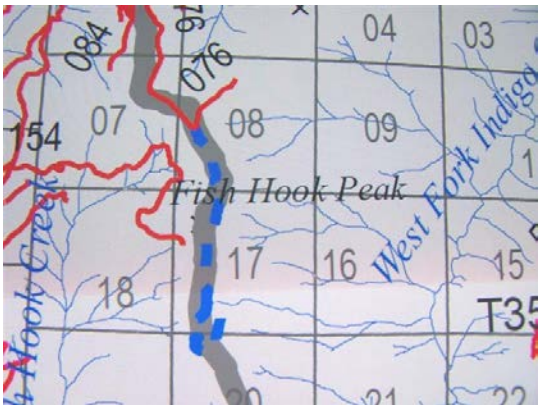
Presently area sensitive species such as Slink Pod Lily, *Scoliopus bigelovii* occurs in the immediate area (junction of 1101 and 170) at the northern most end of its biological range, and the area has been previously recognized as a potential site to reintroduce Kellogg's Lily *Lilium kelloggii*, where it has previously been reported to have once occurred in this immediate area.

OHV use in this area is incompatible with existing highway vehicle use along FS Rd. 1101 for the established purpose of pedestrian/hiker access to the nearby redwood forest hiking trails #s 1106 & 1107 (where this road terminates). Thus traffic on this road should be limited, and not encouraged so as to increase incompatible, vehicle uses in this area. OHV use on FS Rd. 170 also potentially invites OHV use violations on the established redwood hiking trails. Additionally, increase vehicle use is already anticipated along the west end of Rd. 1101, as private lots here, have been recently cleared for (assumed) residential development.

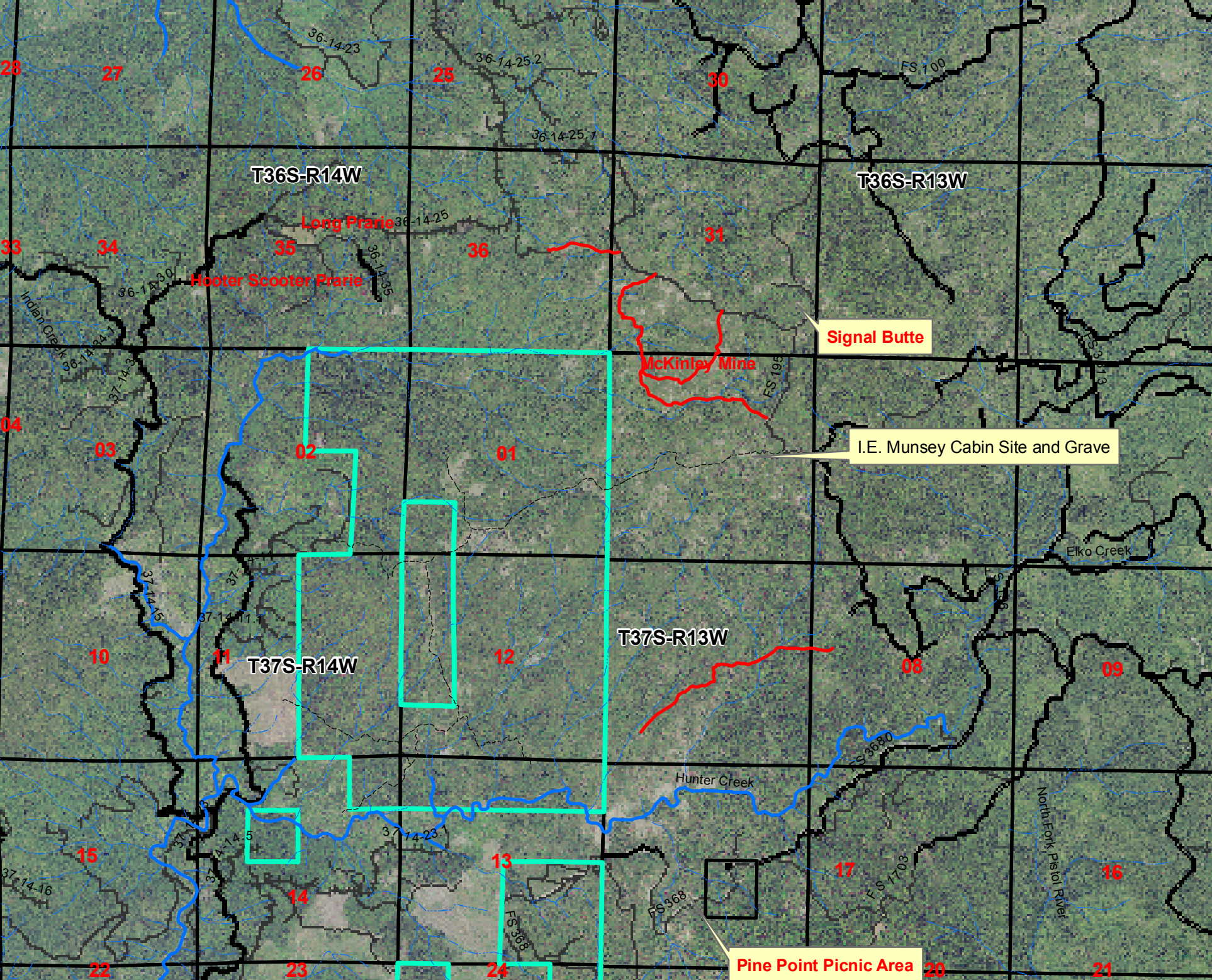
Presently, as a dead end road, FS Rd. 170 (and FS Rd. 1101) provide no loop opportunities for OHV use. FS Rd 170, however, does provide great opportunities for viewing still more of the area's large redwood trees, on what has become a mostly level, easy accessed forest trail. Approximately, 1/4 mile down Rd. 170, on the north side of this narrow road, is an outstanding forested bench containing other mature and old growth redwoods and Douglas fir trees, and also one very large big-leaf maple (in another ¼ mile, and before the road dead-ends). Presently vehicles traveling down this road/trail muddy up low wet areas in spring, and impact native herbaceous plants growing along its side. Additionally, some vehicles are proceeding down this side road for the purpose of dumping garbage (which conservationist have collected or reported to the Forest Service in the past).

Fish Hook Interpretive Trail #1180

The Fish Hook Interpretive Trail, and Fish Hook Peak area in the Sugarloaf Mountain Area along the divided between the Gold Beach and Wild River Ranger Districts--Section 8 & 17 (T35S R10W) should not be opened to OHV or other motorized used as recommended in the Dec. 2009 decision. This highly scenic 2.5 miles trail has been long recognized as a "botanical observation, day hiking, and wildlife observation" trail in many previous produced Gold Beach Ranger District Trail guides, and most recently (is again described as such) in a latest 2010 trail hiking guiding "published by the Northwest Interpretive Association in cooperation with the Rogue River-Siskiyou National Forest" (and presently being distributed to the public at Forest Service offices).



This latest FS guide describes the Fish Hook Interpretive Trail #1180 as one six featured short trails on the Gold Beach RD, noting "a brochure available near the trailhead explains various aspects of the effect of the Silver Fire (1987), and also provides information on the wildlife, botany and cultural resources of the area." This short trail was designed for National Forest visitors that wish to study and contemplate nature at a slower pace, and is thus inconsistent to mix this interpretive use with OHV thrill craft adventurers.


T36S-R14W
T36S-R13W
T37S-R14W
T37S-R13W
Long Prarie
Hooter Scooter Prarie
McKinley Mine
Signal Butte
I.E. Munsey Cabin Site and Grave
Pine Point Picnic Area
Hunter Creek
Elko Creek
North Fork Pistol River
Indian Creek
36-14-23
36-14-25.2
36-14-25.1
36-14-25
36-14-35
36-14-30
36-14-34.1
37-14-3
37-14-15
37-14-11.1
37-14-14.5
37-14-23.1
37-14-16
FS 100
FS 195
FS 3680
FS 1703
FS 368
28
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North Fork Hunter Creek Trails

Final_USFS_Trail
ACEC
USFS-BLM Trail
Highway
County Road

BLM or Other Road
SurfaceType
Paved Road
Gravel Road
Natural/Unk Surface Road
NewRiverTrails_7Jan10
Trail
HunterCrTrailGPS

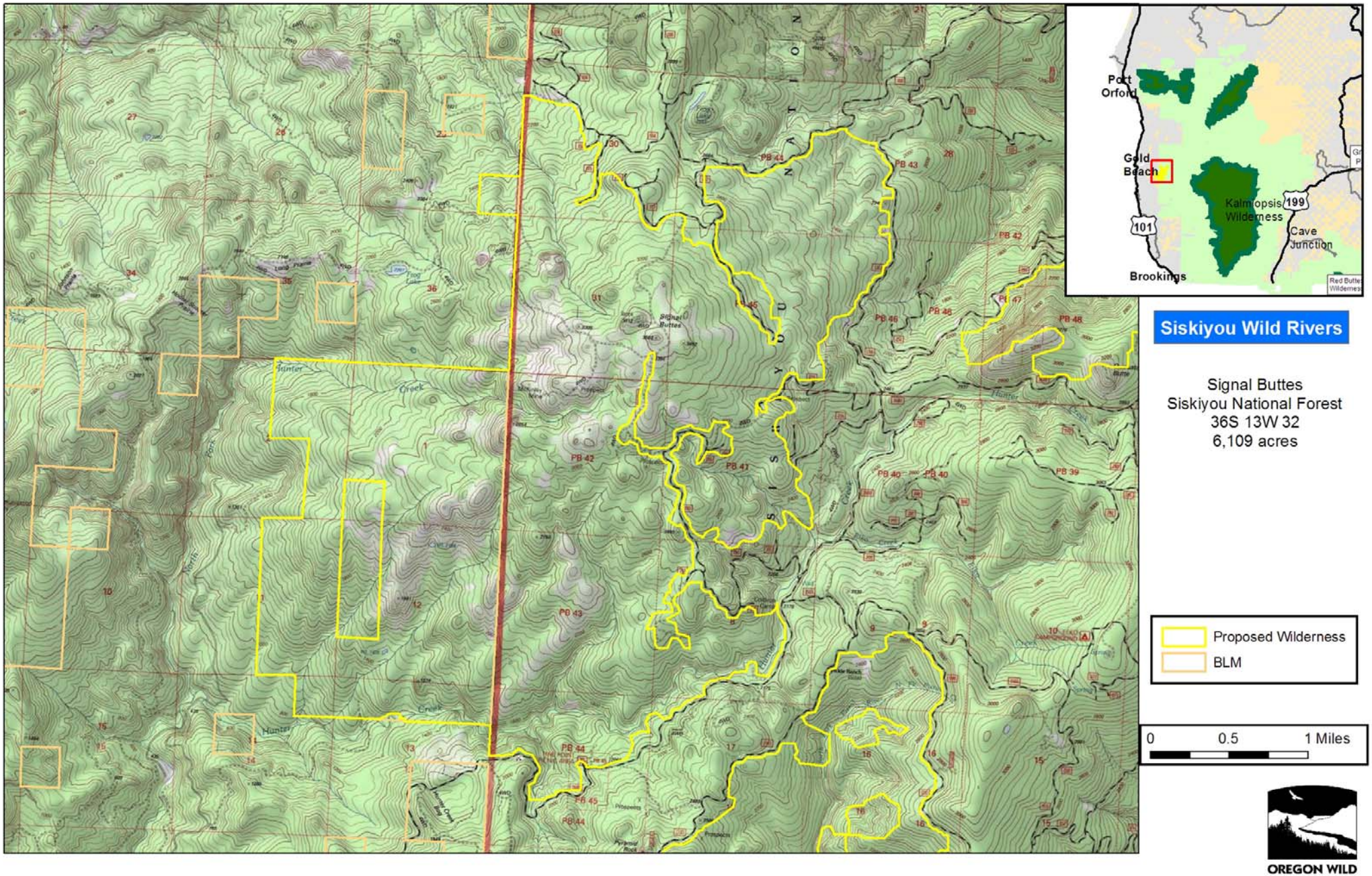
Imagery\Half_Meter\Region_6\Oregon_NAIP_2006_Half_Meter
RGB
Red: Band_1
Green: Band_2
Blue: Band_3

N

0 0.05 0.1 0.2 Miles

Scale 1:4,642

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.


Port Orford
Gold Beach
Brookings
Kalmiopsis Wilderness
199
101
Cave Junction
Red Butte Wilderness
Siskiyou Wild Rivers
Signal Buttes
Siskiyou National Forest
36S 13W 32
6,109 acres
Proposed Wilderness
BLM
0
0.5
1 Miles
OREGON WILD

From: John Weber
To: FS-comments-pacificnorthwest-rogueriver-siskiyou
Subject: DSEIS comments
Date: Monday, November 14, 2011 8:53:16 PM

Dear Mr. Scott Conroy;

I am writing to comment on the DSEIS for Motorized Vehicle Use on the Rogue River-Siskiyou National Forest as I am concerned about the tentative decision in the Preferred Alternative (Alternate 5, Map 4) to close a portion of the Lower Illinois River Trail #1161. (Box B on the Gold Beach Ranger District)

I have been a regular user of this trail for the past twenty-eight years, both on foot and on a motorcycle. I primarily use it for hunting purposes and use a motorcycle for packing both gear and game. I also occasionally ride the trail for pleasure and to camp, using both Conners Place and the old Fantz Ranch as destinations for all three of these activities. The Fantz Ranch in particular serves as a very desirable destination due to the availability of an existing shelter, especially during inclement weather. I know I am not alone in these endeavors.

From my experience and observations during this time I have noted that motorized use of this trail has been extremely light, keeping any detrimental impacts to a minimum. This includes wildlife harassment, soils erosion, water quality, user conflicts and others. Though this portion of the Illinois River Trail is located within the North Kalmiopsis Inventoried Roadless Area, it does not have any of the troublesome attributes associated with other trails proposed for change in this District. (Chapter II, page 42, DSEIS)

In closing, I ask that you consider either leaving this trail open to motorized use as in the Proposed Alternative (Alternate 3, Map 2) (my preference), or modify the closure of this trail to begin at Forest Creek (just South of the Fantz Ranch) instead of at the Silver Peak/Hobson Horn Trail (#1166) junction. This would at least keep the Fantz Ranch Shelter available as a motorized vehicle destination and still eliminate any motorized vehicle impacts for a majority of the trail.

I would be interested in discussing this with you further.

Thank You for your consideration.

Respectfully;

John Weber
P.O. Box 1439
Cottage Grove, Ore. 97424 John Weber <johnw@leeconstruction.com>

From: Casey Jo Remy
To: Krantz, David
Subject: Motor Vehicle Use on the RRSNF
Date: Wednesday, November 16, 2011 6:13:06 PM

I am writing to lend my voice to the thousands of Americans that have previously requested that the Rogue-River Siskiyou National Forest focus motorized recreation on existing Forest Service roads while managing botanical areas, roadless areas and backcountry hiking trails for their special non-motorized values.

I agree with the 2009 letter from Representative DeFazio and Senators Wyden and Merkley to the Forest Supervisor Conroy requesting that lands proposed for wilderness designation by the Forest Service not be designated as off-road vehicle routes. I also agree that the Forest Service should re-think its "plan amendments" to open protected botanical areas, research natural areas, and backcountry non-motorized areas to off-road vehicle use.

The Rogue River-Siskiyou National Forest has over 4,500 miles of roads available for motorized recreation and has one of the most extensive and developed ORV trail systems on the West Coast in the Cascades District. There is simply no need to open botanical areas, roadless areas, and research natural areas to the 2% of Forest Users who prefer off-road vehicle use (according to the Forest Service analysis).

The travel management process was not intended to facilitate the costly construction of new motorized ORV trails in sensitive coastal meadow areas. Please withdraw all plans for new construction of motorized ORV trails and allow only motorcycles on motorized trails in the Gold Beach District as was intended with the Siskiyou management plan.

I am discouraged that the Forest Supervisor continues to ignore the American public and the Oregon Congressional Delegation in this planning process. Why are the values of those of us who appreciate botanical diversity and roadless wildlands unimportant to the Forest Service? How should we make those values heard other than participating in the NEPA planning process and contacting our elected officials?

Please respect my values and my voice.

Casey Jo Remy
PO Box 2489
Sandpoint, ID 83864

From: mike meredith mike meredith <mikemere@gmail.com>
To: FS-comments-pacificnorthwest-rogueriver-siskiyou
Subject: DEIS comment
Date: Tuesday, November 15, 2011 10:26:08 AM
Attachments: deis roads and trails.doc

Please see attached comment on the DEIS Motorized Vehicle Use on the Rogue River-Siskiyou National Forest. Please confirm receipt back to this address.

Thank you, Mike Meredith
Snowy Butte Timberlands LLC

Please see attached comment on the DEIS Motorized Vehicle Use on the Rogue River-Siskiyou National Forest. Please confirm receipt back to this address.

Thank you, Mike Meredith
Snowy Butte Timberlands LLC
3200 Camp Baker Road
Medford OR 97501
mikemere@gmail.com

Nov 15, 2011

Rogue River-Siskiyou National Forest
C/O David Krantz, Project Lead
Forest Supervisor's Office
3040 Biddle Road
Medford, Oregon 97504

Quote below from DEIS: Motorized Vehicle Use on the Rogue River-Siskiyou National Forest, with comment following:

CHAPTER I – PURPOSE AND NEED…..G. DECISION FRAMEWORK

> *"Although State and private lands are included within the analysis area (the entire RRSNF), the decision to be made is only for National Forest System lands and Forest System roads and trails.*
> *No decision will be made for State and County roads, and other roads not under the jurisdiction of the Forest Service."*
> ==========

Comment:

Clarification needed to above language in DEIS: suggestion below in CAPITALS:

> *No decision will be made for State and County roads, and other roads OR ROAD SEGMENTS not under the jurisdiction of the Forest Service.*

Justification:

There is at least one instance within the Forest boundary on private land where a Forest Road is in place without the proper corresponding easement. Implied in the DEIS language and accompanying maps, USFS has jurisdiction over these road segments, and management decisions can be made for them.

The 20 road on the Siskiyou Mountains RD, where it crosses private land in 40S-1W-26 is not covered by easement within the north half of the northeast quarter section. This has not been a problem in the past, but the owners (Snowy Butte Timberlands) need to maintain their property rights.

Adding the three words above to the EIS will satisfy this requirement.

Sincerely,

Michael S Meredith
Member, Snowy Butte Timberlands LLC

0014

Rogue River – Siskiyou National Forest Travel Management
comments-pacificnorthwest-rogueriver-siskiyou@fs.fed.us

Scott Conroy, Forest Supervisor
C/O David Krantx, Project Lead
Forest Supervisor's office
3040 Diddle Road
Medford, OR 97504

As a member of the Pacific Northwest Four-Wheel Dive Association, I respectfully request roads currently open to motorized travel stay open to motorized travel.
The forest service has not addressed OHV Class II roads. Additional Class II roads need to be established for the enjoyment of the motorized public.

I have used the McGrew trail for over thirty years and want the trial left open in its entirety. The McGrew Trail was the first Class II Adopt a Trail in Oregon and is vital the 4X4 community in Oregon and California.
I am a member of the Klamath Falls Four Runners 4X4 club and our club has donated countless hours maintaining the McGrew trail and Sourdough Campground. The gate to McGrew trail and Sourdough campground should be open by May 1st each year and not closed until after the end of November.

The Forest Service should open more User Created roads that make a loop to connect with; Level I, and Level II, roads open to the public.

Alternative II is the only option that leaves the entire McGrew trial system intact as we know it today. The TMP directive was not to close roads but to stop cross country travel. Additional trails for motorized access should be developed.

Dispersed camping should be allowed 300 feet from road ways.

As a member of the Oregon Hunters Association, I request motorized big game retrieval be allowed.

Roads to keep open to OHV Class II Vehicles shown on the map in Box H:

1. Road # 19
2. Road # 112
3. Road # 172
4. Road # 206
5. Road # 259
6. Road # 450
7. Road # 497
8. Road # 535

9. Road # 530
10. Road # 550
11. Road # 4402
12. Road #3482 – travels 7.6 miles north of the McGrew Trail

Comments from:

Steve Roach
6035 Climax Ave
Klamath Falls, OR 97603
Phone 541-882-9593
smroach53@yahoo.com

Member:
Klamath Falls Four Runners 4X4 club
Pacific Northwest 4 Wheel Drive Association
Oregon Hunters Association

From: George Alderson
To: Conroy, Scott; Connaughton, Kent; FS-comments-pacificnorthwest-rogueriver-siskiyou
Subject: Comments on travel management DSEIS
Date: Thursday, November 17, 2011 8:19:24 AM

Rogue River-Siskiyou National Forest
Attn: Travel Management Plan
Medford, OR

To the Forest Service:

Please consider this message as our comment on the draft supplemental EIS on motorized travel. Thank you for sending us a copy of the DSEIS. I (George) grew up in Oregon, and my sister lives in southern Oregon and can see the RSNF from her window. We have visited the forest many times, starting around 1959. Our most recent visit was four years ago. We previously commented on the draft EIS.

We favor keeping motorized recreation on existing forest roads and out of botanical areas, inventoried roadless areas, and areas with backcountry hiking trails. The latter should be managed to protect their high value to the public as motor-free areas, without the noise of ORVs and without the impacts of ORVs against lands, waters, and fish and wildlife habitat.

We heartily agree with Representative DeFazio and Senators Wyden and Merkley, who wrote to Forest Supervisor Conroy in 2009 asking that no ORV routes be approved in areas the Forest Service has recommended for wilderness designation. We would like to see the Forest Service reconsider the “plan amendments” that would approve ORV routes in botanical areas, research natural areas, and backcountry non-motorized areas.

With over 4,500 miles of roads available for all forms of motorized recreation, the RSNF already has plenty of routes for ORV recreation. There is no need to compromise botanical areas, roadless areas, or research natural areas by opening them to the small proportion of forest visitors who prefer to use ORVs – only 2 percent, according to Forest Service data.

We oppose any ORV trails in coastal meadows in the Gold Beach District. Trail construction would be costly, and maintenance would likely be a continuing expense in that sensitive environment.

We favor the prohibition of cross-country ORV use throughout the forest, and we applaud the banning of ORVs from 774 miles of roads used for administrative purposes.

Please keep us informed of further action on this project.

Sincerely,

George & Frances Alderson
112 Hilton Ave.
Catonsville, MD 21228
george7096@verizon.net

From: George Sexton
To: FS-comments-pacificnorthwest-rogueriver-siskiyou; Krantz, David
Subject: Motorized Use DSEIS Comments
Date: Thursday, November 17, 2011 2:09:05 PM
Attachments: KS RRSNF DSEIS Comments.pdf

Attached to this email are the comments of the Klamath Siskyiou Wildlands Center, Casadia Wildlands, Oregon Wild, The American Hiking Society, Big Wildlife, Friends of the Kalmiopsis, Wildlands CPR and Rogue Riverkeeper.

Our comments are also being submitted through certified mail (7000 0520 0014 9713 0889)

17 attachments to these comments are being submitted via separate emails.

We sincerely hope the agency will finally consider the site-specific information, concerns, comments and values that are articulated in our comments.

Regards,
George Sexton
Conservation Director
Klamath Siskiyou Wildlands Center
PO Box 102
Ashland, OR 97520
(541) 488-5789

November 17, 2011

Scott Conroy, Forest Supervisor
C/O David Krantz, Project Lead
Forest Supervisor's Office
3040 Biddle Road
Medford, OR 97504

Sent via e-mail (comments-pacificnorthwest-rogueriver-siskiyou@fs.fed.us)
and via certified mail (7000 0520 0014 9713 0889)

RE: Draft Supplemental Environmental Impact Statement (DSEIS) Regarding Motorized Vehicle Use on the Rogue River-Siskiyou National Forest

Pursuant to 40 CFR §1506.10 the Klamath Siskiyou Wildlands Center, Cascadia Wildlands, Oregon Wild, The American Hiking Society, Big Wildlife, Friends of the Kalmiopsis, Wildlands CPR and Rogue Riverkeeper submit the following comments to Rogue River-Siskiyou National Forest Supervisor Scott Conroy concerning the Supplemental Draft Environmental Impact Statement (DSEIS) for Motorized Vehicle Use on the Rogue-River Siskiyou National Forest. **Please ensure that our organizations are sent all further NEPA and decision documents to the addresses listed at the end of these comments.**

> *"An estimated 2% of Rogue-River-Siskiyou NF visitors participated in OHV use each year between 2002 and 2007."*
> *-Rogue River Siskiyou Motorized Vehicle Use DSEIS, III-39.*
>
> *"Currently (and for the foreseeable future) the road maintenance obligations for maintaining 2,550 miles of classified roads on the Rogue River National Forest and 2,765 miles of classified roads on the Siskiyou National Forest exceeds the funding capability by approximately 70 percent…it is necessary to bring Forest Service costs in line with available funding."*
> *-Roads Analysis January 2004 Rogue River-Siskiyou NF page 1-4.*
>
> *"We are concerned that your pending decision for the Forest Travel Management Plan will designate motorized use on backcountry hiking trails and within sensitive botanical areas, Inventoried Roadless Areas (IRAs) and areas recommended by the Forest Service as Wilderness."*
> *-11/06/09 Letter From Congressman Peter DeFazio and Senators Ron Wyden and Jeff Merkley to Forest Supervisor Scott Conroy.*

As will be established below, the agency's identified "preferred alternative" (alternative 5) contained in the Draft Supplemental Environmental Impact Statement (DSEIS) fails to achieve the stated purpose and need for the project and threatens violation of the Travel Rule,

the National Environmental Policy Act (NEPA), several Executive Orders (EO), the Administrative Procedure Act (APA), the Endangered Species Act (ESA), and the National Forest Management Act NFMA.

FAILURE TO ACHIEVE THE PURPOSE AND NEED.

"The purpose for action is to enact the Travel Management Rule."
-ROD page 2.

"The purpose of the Travel Management Rule is to designate a system of roads, trails, and areas for motor vehicle use (other than over-snow vehicle use) and end unmanaged cross-country motor vehicle use.
-FEIS Appendix A-3.

"[I]dentification or rightsizing of the entire road system is neither a goal nor part of the analysis conducted for designation of motorized vehicle use on the RRSNF."
-FEIS Appendix A-3.

As stated repeatedly in our scoping comments and in our comments regarding the initial DEIS, our organizations were perplexed by the refusal of the Rogue River-Siskiyou National Forest to implement the Travel Rule in its entirety. Page 2 of the initial ROD for this project indicated that the sole purpose of this planning process "is to enact the Travel Management Rule" yet the agency proceeded as if the requirements of 36 CFR 212 Subpart A (§212.5) did not exist.

Now, rather than address and implement the requirements of 36 CFR 212 Subpart A, the agency has elected at this late hour in the planning process to completely re-write the project's purpose and need in the DSEIS so that it will be better in line with the preordained and inevitable implementation of action alternative 5. Now, after having completed a 3-plus year planning process –including a public hearings, a scoping process, a DEIS, a FEIS and ROD *all* based upon implementing the Travel Rule- the agency has magically transformed the "purpose" of the project to reflect its desire to only "implement Subpart B of the Travel Management Rule." (DSEIS 1-7).

This manipulation of the planning process turns NEPA on its head. The very purpose of NEPA is to develop and implement action alternatives that will implement and achieve the purpose of the project. Here, the Forest Service has simply abandoned the purpose that allegedly guided project development for over 3 years and plucked a new "purpose" out of thin air that will better align with the action alternative it prefers to implement. Rather than developing an action that will implement the Travel Rule, the agency has redefined the purpose of the project to reflect its subjective management preferences reflected in alternative 5 of the DSEIS.

A) REFUSAL TO IMPLEMENT THE TRAVEL RULE

The Rogue-River Siskiyou National Forest has improperly proceeded to carry out route designation under Subpart B of the Travel Management regulations (36 CFR 212—Travel Management) without first following the requirements under Subpart A. Specifically, the Forest has failed to: a) identify the minimum road system needed for safe and efficient travel and for administration, utilization, and protection of National Forest System lands; b) identify the roads under its jurisdiction that are no longer needed to meet Forest resource

management objectives, and that, therefore, should be decommissioned or considered for other uses, such as trails; and c) complete a science-based Travel Analysis to inform these decisions.

While it may have been possible for the agency to comply with the requirements of subpart B, without first addressing subpart A, the Rogue River-Siskiyou has failed to do so and has failed to provide a plausible rationale for that failure. Without the information about what is the minimum road system and the results of travel analysis, the Forest has failed to comply with the requirements of 36 CFR 212.55 to:

> *consider . . . conflicts among uses of National Forest System lands, the need for maintenance and administration of roads, trails, and areas that would arise if the uses under consideration are designated; and the availability of resources for that maintenance and administration.*

The failure to comply with 36 CFR 212.55 has produced an DSEIS that is lacking in the necessary information to support a ROD.

The Forest has completed NEPA analysis only for *some* system routes that have been arbitrarily selected for a change in management. Travel planning, however, must evaluate and address the environmental, social, and cultural impacts associated with unauthorized routes *and* system roads (Maintenance Levels 1-5), trails, and areas, as identified through a landscape-scale, science-based Travel Analysis. The absence of this landscape-scale cumulative travel analysis leads to a fatal flaw, in the form of both missing information and in the scale of the analysis itself, in this decision.

The United States Congress agrees. In the FY 2009 Omnibus Appropriations Act, Congress instructed the U.S. Forest Service to complete all parts of the Travel Management regulations, including Subpart A:

<u>Senate Language</u> (Appropriations Act of 2009): *The Committees on Appropriations expect that each individual National Forest or Grassland will comply fully with all travel management regulatory requirements, particularly the science-based analysis in 36 CFR 212.5 (b) (1), the identification of unneeded roads in 36 CFR 212.5 (b) (2), and the criteria for designation in 36 CFR 212.55 (a) and (b). The Committees expect the Forest Service to identify priorities, and associated resource requirements, to fully comply with the regulatory requirements of 36 CFR 212.5 (b) (1) and (2).*

The U. S. Congress requires the Forest Service to take a comprehensive approach that will allow each Forest to identify a minimum system commensurate with fiscal expectations and environmental needs. In report language accompanying the FY 2010 Appropriations Act, Congress provided:

<u>Senate Language</u> (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.*

Analyzing impacts to ecological and recreational resources across the entire transportation system is a critical factor in determining the minimum road system as envisioned by 36 CFR 212.5 (b) (1)[1]. Travel Analysis should be used to determine the minimum system and to identify unneeded roads that should be decommissioned or considered for other uses, such as trails. The agency's contention on page S-5 of the DSEIS that the proposed action is "based on the Forest's Travel Analysis process" is unsupported by fact or by the findings in that Analysis. *Instead, the Rogue River-Siskiyou National Forest has excluded from its purpose and need statement the need to conduct travel analysis to inform decisions regarding route designations, determining a minimum system, and identifying unneeded routes for decommissioning.* This interpretation of relevant guidance is erroneous and defies logic. The agency steadfastly refuses to implement those portions of its own Forest Travel Analysis and the Travel Rule that it finds inconvenient. Analysis and planning to determine the minimum route system should inform, and thus precede, designation of the current transportation system and designation of new routes for motorized travel; designation of new routes cannot logically occur without a determination of the minimum necessary system.

The travel planning directives state that "travel analysis assesses the current forest transportation system and identifies issues and assesses benefits, problems, and risks to inform decisions related to identification of the minimum road system per 36 CFR Part 212.5 (b) (1) and designation of roads, trails and areas for motor vehicle use per 36 CFR Part 212.51."[2]

The Rogue River-Siskiyou National Forest is claiming that they are 1) able to determine where motorized recreation should be encouraged and codified without first determining what the minimum transportation system is; 2) able to determine the direct and indirect effects of designating the entire transportation system without conducting travel analysis for every road in the system, based on the logic that previous decisions have been made that substitute for this analysis; but 3) are unwilling to synthesize, analyze, or even produce a record, of those previous decisions. This argument is arbitrary and capricious.

We are concerned that the DSEIS does not adequately reduce the continuing impacts associated with motorized use occurring on the current transportation system. For example, the proposed action continues to encourage motor vehicle use in ecologically and socially important inventoried roadless areas, botanical areas, late-successional reserves, riparian reserves, research natural areas, backcountry non-motorized areas, and on fragile serpentine soils. The agency cannot propose to increase mixed use and codify ORV routes on existing roads that are poorly maintained without disclosing the ability of the Forest Service to

[1] "For each national forest, national grassland, experimental forest, and any other units of the National Forest System (§ 212.1), the responsible official must identify the minimum road system needed for safe and efficient travel and administration, utilization, and protection of National Forest System lands."
[2] Forest Service Manual 7712 – Travel Analysis.

maintain motorized roads and trails in an environmentally responsible manner. Hence, we have repeatedly requested the NEPA analysis address the ongoing impacts, both direct and indirect, associated with encouraging motorized use on the many thousands of miles of motorized routes on these resource values. Our request has gone unheeded.

The Travel Management Rule upon which the proposed action is based "addresses all motor vehicle use on National Forest System (NFS) roads, on NFS trails, and in areas on NFS lands, from passenger cars to ATVs to motorcycles." Accordingly, we believe that the planning process must include a more thorough Travel Analysis and consideration of impacts associated with the *existing* road and trail system.

In our view, the existing motorized route density in the Rogue River- Siskiyou National Forest far exceeds the minimum necessary for administrative and public access and cannot be maintained to agency standards. Consequently, the proposed action should be supplemented with a plan to close and decommission unnecessary or damaging roads (as determined through Travel Analysis as described in the directives for implementing the Travel Management Rule) to allow for maintenance of a road system that provides for public safety and ecological health.

The Forest Service has accumulated a road maintenance backlog estimated at $10 billion for the Nation's 155 National Forests and Grasslands. Current maintenance budgets are woefully insufficient to meet current maintenance needs. Recent forest-wide condition surveys indicate that our current road maintenance funding only meets a small portion (30%) of the annual maintenance needs on the Rogue River-Siskiyou National Forests. The deferred maintenance backlog for the forest exceeds many millions of dollars and will continue to grow until additional funds can be found, or the number of roads requiring maintenance is reduced.

Travel management planning provides an important opportunity to the Forest Service to streamline the motorized road and trails system to make it commensurate with the available resources for maintenance and management. Specifically, travel management decisions need to adequately reflect a Forest's limited resources, and routes should not be added unless the Forest determines that it has adequate funds for their maintenance. The Forest Service Manual articulates this requirement clearly:

> *Administrative units and ranger districts should avoid adding routes to the forest transportation system unless there is adequate provision for their maintenance.*

FSM 7715.03; *see also* FSM 7715.6 (6) ("[T]he following should be considered in designating roads, trails, and areas: . . . The Forest Service's ability to administer and maintain the routes and areas under consideration."). This requirement is reiterated in the Forest Service's regulations:

> *In designating National Forest System roads, National Forest System trails, and areas on National Forest System lands for motor vehicle use, the responsible official shall consider effects on National Forest System natural and cultural resources, public safety, provision of recreation opportunities, access needs, conflicts among uses of National Forest System lands, the need for maintenance and administration of roads, trails, and areas that would arise if the uses under consideration are designated; and the availability of resources for that maintenance and administration.*
> *-36 CFR 212.55(a)*

For each national forest, national grassland, experimental forest, and any other units of the National Forest System (§212.1), the responsible official must identify the minimum road system….The minimum system is the road system determined to be needed to meet resource and other management objectives adopted in the relevant land and resource management plan (36 CFR part 219), to meet applicable statutory and regulatory requirements, ***to reflect long-term funding expectations****, to ensure that the identified system minimizes adverse environmental impacts associated with road construction, reconstruction, decommissioning, and maintenance.*

-36 C.F.R. § 212.5(b) (emphasis added)

We do not understand how the agency intends to obtain adequate funding for maintenance of thousands of miles of existing roads and motorized trails upon which it is authorizing motorized use. ***The USFS should consider closure and decommissioning of at least those roads that the agency identified in its Roads Analysis Report as having both low value and high risk.*** Key watersheds such as Sucker Creek in the Illinois Valley, Silver Creek on the lower Illinois, Elk Creek in the Upper Rogue, and Elk River on the coast are logical high priority areas for reducing road associated sediment.

Further, please note that page 1-6 of the DSEIS acknowledges that "[t]he Travel Management Rule requires designation [of motorized routes] to be consistent with the applicable land management plans developed pursuant to the National Forest Management Act." This "requirement" is simply ignored by the Rogue River-Siskiyou National Forest. Indeed, the Forest Service appears committed to enacting a ROD for this project that contains route-specific plan amendments to map, codify and encourage ORV use in:

1. Backcountry Non-Motorized Areas;
2. Botanical Areas;
3. Research Natural Areas; and
4. Backcountry Recreation Areas.

B) REFUSAL TO MEANINGFULLY ADDRESS USER CONFLICT

"*We are concerned about possible visitor conflicts associated with off-road vehicle (ORV) use along the Boundary Trail, which is located within the Kangaroo IRA in the vicinity of the Oregon Caves National Monument. As a result of unregulated motorcycle use, which has led to unsafe conditions and diminished the attraction for hikers, families and individuals avoid this narrow and remote backcountry hiking trail."*
-11/6/09 Letter to Forest Supervisor Scott Conroy from US Representative Peter DeFazio and US Senators Ron Wyden and Jeff Merkley.

"As noted in the DEIS, there are Forest Service Sensitive species and habitat along the Boundary Trail (p. III-69) and user conflicts have been documented on the Boundary Trail (p.III-114). Amending the Forest Plans to allow for use in these areas would reconcile existing use with the land use allocation, but we do not believe it would be consistent with the direction in the Planning Rule.
-5/11/09 EPA Commenting Letter Regarding the Rogue-River Siskiyou Motor Vehicle Use DEIS.

"The Boundary, Mt. Elijah and Bigelow Lake trails are located within the Kangaroo Inventoried Roadless Area. Portions of the Boundary and Bigelow Lake trails are located within two Botanical Areas (Bigelow Lakes and Grayback Mountain). Bolan Lake and Kings Saddle trails are located

within or adjacent to the Bolan Lake Botanical Area. Prohibiting motorized use would help protect unusual and sensitive plants indigenous to Southwestern Oregon."
-Rogue-River Siskiyou Motorized Vehicle Use DSEIS at II-36.

On page 7 of the (now withdrawn) ROD for this project the Forest Supervisor indicated that as-per 36 CFR 212.55, the Forest Service would conduct monitoring with the objective of minimizing "conflicts between motor vehicle use and existing and proposed recreation." In our appeal of that ROD we pointed out that his statement is nonsensical given that the agency is *currently* aware of a long history of user conflict on the Boundary Trail, and yet elected not to address that conflict in any manner whatsoever in the ROD. What is the purpose of "monitoring" when the agency continually turns a blind eye to extreme user-conflict that has been documented on the Boundary Trail and goes as far as to implement plan amendments to codify and encourage motorized use of hiking trails located in so-called Botanical Areas, Backcountry Non-Motorized Areas and Research Natural Areas on this trail? The agency again elected not to respond to these concerns in the DSEIS. Simply ignoring the ongoing user conflict will not satisfy the agency's duties under both NEPA and the Travel Rule. Why does the Forest Service believe it need not even respond to the following concern from your colleagues in the EPA:

"As noted in the DEIS, there are Forest Service Sensitive species and habitat along the Boundary Trail (p. III-69) and user conflicts have been documented on the Boundary Trail (p.III-114). Amending the Forest Plans to allow for use in these areas would reconcile existing use with the land use allocation, but we do not believe it would be consistent with the direction in the Planning Rule.
-5/11/09 EPA Commenting Letter Regarding the Rogue-River Siskiyou Motor Vehicle Use DEIS.

Please note that page 2 of the (now withdrawn) ROD referenced "user conflict" as contributing to the "need" for this project. Hence we were surprised and disappointed that the (withdrawn) ROD for the project and the preferred alternative in the DSEIS provide no convincing rationale for codifying and encouraging (via plan amendments) motorized use on the hiking trails upon which motorized use is creating the user conflict that gave rise to the project's purpose and need.

The Forest Service has acknowledged that "user conflicts have been documented most noticeably on the Boundary Trail," yet the DSEIS preferred alternative calls for plan amendments to codify encourage continued ORV use in botanical areas, research natural areas and backcountry non-motorized areas such that "user conflicts would continue to occur on most motorized trails, including the Boundary Trail." Why are user conflicts resolved in favor of the 2% of Forest visitors who recreate with ORVs? Why are user conflicts resolved in a manner that eliminates the current protections for botanical areas, research natural areas and backcountry non-motorized areas contained in the LRMP?

Please note that 36 CFR 219 21 (g) requires that:

"Off-road vehicle use shall be planned and implemented to protect land and other resources, promote public safety, and minimize conflicts with other uses of National Forest Lands."

Moreover, according to Executive Order 11644 and 36 CFR §212.55(b)(3), in designating routes for motorized use, the Forest Service is required to minimize "conflicts between motor vehicle use and existing or proposed recreational uses of National Forest System lands or neighboring Federal lands."

We can find no evidence in the DSEIS that the Forest Supervisor intends to "minimize conflicts with other uses of National Forest Lands" via this planning process. Indeed, the proposed action seems designed to *encourage* user conflict on trails like the Boundary Trail and Cook & Green.

The contention in the DSEIS that the proposed action will not have discernable effects on women may be in error. Please note that many women have written to the Forest Service of conflicts and safety concerns regarding motorized ORV use on the Boundary Trail and other backcountry *hiking* trails. Women have also spoken to Forest Service District Rangers about these user conflicts. Please further note that the vast majority of ORV advocates at the open houses were men. Please note that *all* participants in the MRA's August 2008 and 2009 "trail ride" of the Boundary Trail were men. Please further note that none of those men live in the immediate vicinity (Williams Oregon) of that trail. Please note that letters are present in the Administrative Record for this project regarding threats made to the public from MRA officials during the 2008 trail ride. Please also note that many of the women who wrote to the agency regarding user conflict on the Boundary Trail are in fact local residents who would like to safely walk that trail system. It is highly likely that many women are displaced from hiking trails where ORV use is encouraged.

The DSEIS acknowledges that the unique recreational niche provided by the Rogue River-Siskiyou National Forest includes its botanical resources, roadless areas and "solitude seldom found on the west side of Interstate 5." Hence we are perplexed at the agency's proposal to encourage motorized ORV thrill-riding in places where it conflicts with the Forest's unique recreational niche. The botanical areas and roadless solitude that are harmed by proposed ORV trails are uncommon and extremely valuable to most Americans.

C) CROSS-COUNTRY TRAVEL EXEMPTION FOR ALLEGED "PROSPECTING"

In the withdrawn ROD for this project the agency indicated that "[i]n order to provide consistency with the Final Rule for Travel Management" Attachment A of the Motorized Vehicle Use ROD adopts a Forest Wide Plan Amendment that "prohibits cross-country motorized use unless the area is designated for that use." Please note that a great deal of the analysis and effects determinations provided in the DSEIS rely heavily upon the assumption that this plan amendment to be implemented via publication of the MVUM will eliminate recreational cross-country ORV use on the Rogue River-Siskiyou National Forest. Unfortunately, this assumption may be incorrect, and hence much of the analysis regarding the effects of the action alternatives may be seriously flawed.

On page III-175 of the DSEIS the Forest Service contends:

> *Any person entering federal lands identified within the Forest for the purpose of exploration, sampling, or beginning prospecting may use motor vehicles on all publicly maintained roads (including ML 1 roads) without further authorization from the Forest Service. 36 CFR §228.4 specifically states that such use is exempt from notifying the Forest Service. Further, if an operator reasonably concludes that the travel associated with exploration, sampling, or beginning prospecting will not cause a significant disturbance of surface resources, cross-country travel could also be exempt from notifying or obtaining additional authorization from the Forest Service prior to conducting this activity.*
>
> *The regulations do not specifically state that cross-country or off road travel is authorized,*

but the regulations allow the operator to evaluate any activity associated with mining to determine if a significant surface resource disturbance might occur. 36 CFR §228.12 states that when a Plan of Operation is required, the use of an off-road vehicle is prohibited until the plan is approved.

Also, at A-24 in the Response to Comments contained in the initial FEIS, the Forest Service stated:

Further, if an operator reasonably concludes that the travel associated with exploration, sampling, or beginning prospecting will not cause a significant disturbance of surface resources, cross-country travel could also be exempt from notifying or obtaining additional authorization from the Forest Service prior to conducting this activity.

In other words, the Forest Service contends that: (1) Anyone who claims to be engaged in "exploration, sampling, or beginning prospecting" has unfettered and unlimited motorized access to ML 1 "closed" roads on the Forest; and (2) That anyone who asserts that they are engaged in "exploration, sampling, or beginning prospecting" and who alleges that they did not think their activities would "cause a significant disturbance of surface resources" has unfettered and unlimited ability to simply ignore the cross-country motorized travel ban. These exemptions rely entirely on the alleged state of mind of the ORV operator ("Am I prospecting?", "Do I believe my cross-country ORV use will not result in significant disturbance of surface resources?" and render the prohibition on cross-country ORV use unenforceable and meaningless. All one need do to avoid the "restrictions" on motorized use of ML 1 roads and for cross-country travel is to assert that one is "prospecting" (looking at rocks) and "believes the ORV use won't "significantly" harm surface resources. The impacts of this extremely broad exemption to the Travel Rule are neither analyzed or disclosed in the DSEIS despite the concern being raised to the agency repeatedly during this planning process. The agency may not simply ignore comments and significant issues that it finds inconvenient in its NEPA analysis.

Please note that on page III-10, the initial FEIS states of roads located in the Lawson Creek Riparian Reserve in a Key Watershed that:

Under Alternatives 3 (Proposed Action), 4, and 5, conversion of portions of the motorized trails to non-motorized use would eliminate slope vegetative cover removal and erosion (soil displacement, travel-way rills) generated by vehicle use on steep ground. Existing ruts and exposed soil would recover passively. Alternative 4 would further reduce the amount trails open to motorized use as compared to Alternatives 3 and 5.

This language was changed in the DSEIS to read as follows:

Under Alternatives 3, 4, and 5 this action would result in no change to the TSRC since the trail would still exist as a commitment to the soil resource. There would be no change, to a potential reduction in DD with the exclusion of motorized use disturbance. Exclusion of motorized use may allow surface litter and vegetation to encroach and narrow the active trail tread, which has the potential to reduce soil displacement.

The DSEIS has dropped the language indicating that "conversion of portions of the motorized trails to non-motorized use would eliminate slope vegetative cover removal and erosion (soil displacement, travel-way rills) generated by vehicle use on steep ground." What is the reason for this redaction? Does the Forest Service no longer believe that conversion of

this route to a non-motorized use would contribute to attainment of ACS objectives? Is the agency attempting to hide and obfuscate conclusions that undermine the pre-determined outcome it has identified for this planning process?

Please note that at III-3 of the DSEIS the Forest Service states:

> *Routes with fixed barriers are closed and are expected to re-vegetate. The effects analysis assumes re-vegetation over time. Differences in time frame and ultimate composition of that re-vegetation may vary based on soil types and site conditions (aspect, rainfall, elevation, etc.).*

Please contrast these findings and assumptions with this statement on page III-179 of the DSEIS:

> *As stated within the enforcement analysis, successful compliance with the Travel Management Rule under the Action Alternatives would take approximately 2 to 5 years. Eventually, it is hoped that physical closures would no longer be necessary on ML I (closed) roads and the removal of the road from the MVUM would be sufficient to achieve the closure objective. Therefore, over time, fewer physical closures may occur, reducing the need to reopen these roads for mining operations.*

In other words, the alleged "recovery" relied upon in the analysis regarding the effects of implementing the Travel Rule is not likely to occur on ML 1 "closed" roads or cross-country travel routes upon which any ORV enthusiast asserts that he is "prospecting" and claims that he didn't believe he was causing "significant surface disturbance." Further, the Forest Service anticipates and hopes that that ML 1 "closed" roads will actually be managed in an "open" condition across the Forest to facilitate motorized "prospecting" activities. The results and impacts of these policy decisions run directly counter to the assumptions and analysis relied upon the DSEIS regarding the effects of implementing any of the action alternatives. For instance, in analyzing the impacts of action alternatives on Botanical Areas on page III-97 of the DSEIS, the Forest Service concludes:

> *Alternatives 3, 4, and 5 would include a reduction in miles of routes open for public wheeled motor vehicle use adjacent to habitat and the prohibition of cross-country travel.*

Given the agency's proposal to exempt anyone who says the magic word "prospecting" from the prohibition on cross country travel, this is simply not the case. This is not a hypothetical concern. Further it is a concern we have raised with the Forest Service throughout this planning process. Please note that on 3/17/08 our organizations submitted photos to the Forest Service project planners illustrating a new ORV route that had been cut around the boulder closure of (closed ML 1) Forest Service road 011 leading into and through the Star Flat Botanical Area to access recreational mining opportunities on Deer Creek. Unlike other forest visitors, the alleged "miners" were unwilling to walk the short route through the Botanical Area to reach the creek. Undoubtedly they subjectively "believed" that the removal of vegetation, rutting of the wetland, and alteration of the Botanical Area's hydrology via ORV use did not constitute "significant surface disturbance."

There is nothing in law or regulation that requires the Forest Service to authorize and encourage ORV use anywhere anyone may subjectively believe that they might find a valuable mineral. Indeed, 36 CFR §228.4 clearly indicates that a Notice of Intent (NOI) to prospect or mine must be filed unless the prospecting "will be limited to the use of vehicles

on existing public roads or roads used and maintained for National Forest System purposes." ML 1 roads are generally not used or maintained. By definition, cross-country ORV travel does not occur on roads. Hence an NOI is required and there is no general "right" to unlimited and unregulated off-roading even if one claims that one is engaged in recreational prospecting. We have repeatedly raised this concern, yet the DSEIS is simply silent on this point.

Further, the Travel Rule at 70 Fed Reg 68284 (11/9/05) indicates that "written authorization" for activities such "mining" may be "exempted from designations and the prohibition regarding motor vehicle use." Please note the requirement for "written authorization." Please also note that the Rule mentions "mining," not "prospecting" or "exploration." Hence the contention on the Rogue River-Siskiyou National Forest at A-24 of the FEIS (not included in the DSEIS) that recreational ORV users are exempt from road closures and the cross-country travel prohibition and need not provide notification to or seek authorization from the Forest Service prior to alleged motorized travel for "exploration" or "sampling" activities is in error.

Please note that foreseeable impacts of implementing the Forest Service's belief that any ORV user who claims to be involved in "exploration" is exempt from the cross-country travel prohibition in the Travel Rule was not analyzed or disclosed in the DSEIS for this project. Hence the public is deprived of the opportunity to meaningfully comment on this loophole. Given that the loophole renders both ML 1 road designations and the cross-country motorized travel prohibition toothless, NEPA requires that the agency disclose the environmental impacts of this motor vehicle use management policy.

ROUTE-SPECIFIC PLAN AMENDMENTS.

In their comments of May 11, 2009 your colleagues in the EPA wrote:

> *As noted in the DEIS, and in the Federal Register[3], the 2005 Travel Management Rule is intended to manage motorized use on Forest Service roads and trails so as to protect natural resources, promote the safety of all users, and minimize conflict among users. Under the proposed alternative, the Land and Resource Management Plans (LRMPs) for the Rogue and Siskiyou National Forests would be amended to allow for motorized use in areas where motorized use is currently prohibited (specifically the Boundary Trail area). As noted in the DEIS, there are Forest Service Sensitive species and habitat along the Boundary Trail (p. III-69) and user conflicts have been documented on the Boundary Trail (p.III-114). Amending the Forest Plans to allow for use in these areas would reconcile existing use with the land use allocation, but we do not believe it would be consistent with the direction in the Planning Rule.*

In their letter of November 6, 2009 Congressman Peter DeFazio and Senators Ron Wyden and Jeff Merkley wrote to Forest Supervisor Scott Conroy that "we are concerned that your pending decision for the Forest Travel Management Plan will designated motorized use on backcountry hiking trails and within sensitive botanical areas, Inventoried Roadless Areas (IRAs) and areas recommended by the Forest Service as Wilderness."

Well over 10,500 comments were received by the Forest Service via electronic mail requesting that the Rogue River-Siskiyou National Forest protect Botanical Areas, Research Natural Areas and Backcountry Non-Motorized Areas from recreational ORV motorized use.

[3] Federal Register Volume 70, Number 216, Page 68264

Please note the DSEIS for this project (at III-39) concluded that a mere 2% of forest visitors participated in OHV use each year between 2002 and 2007.

The content of the Rogue River and Siskiyou Land Management Plans, the Planning Rule, the concerns of the EPA and the Congressional Delegation and the written comments of thousands of Americans have been continuously thwarted by the Forest Supervisor's desire to implement plan amendments to codify and encourage motorized use of hiking trails located in non-conforming land use allocations. Appendix B of the DSEIS contains a number of Route-Specific Plan Amendments designed to encourage and codify off-road motorized recreation in Backcountry Non Motorized Areas, Botanical Areas and Research Natural Areas in the Rogue River-Siskiyou National Forest.

The preferred alternative amends the Rogue River NF LRMP to codify and encourage ORV use in Back Country Non Motorized Areas (MS-3) impacted by the Boundary Trial (#1207), the O-Brien Trail (#900), and the Sturgis Fork Trail (#903).

The preferred alternative amends the Rogue River NF LRMP to codify and encourage ORV use in Botanical Areas (MS-12) impacted by the Boundary Trail (#1207), the O-Brien Trail (#900), and the Sturgis Fork Trail (#903).

The preferred alternative amends the Rogue River NF LRMP to codify and encourage ORV use in a Research Natural Area (MS-25) impacted by the Boundary Trail (#1207).

The preferred alternative amends the Siskiyou NF LRMP to codify and encourage ORV use in a Research Natural Area (MA-3) impacted by the Boundary Trail (#1207).

The preferred alternative amends the Siskiyou NF LRMP to codify and encourage ORV use in Backcountry Recreation Areas impacted by the Game Lake Trail (#1169), the Lawson Trail (#1173), the Lower Illinois Trail (#1161), and the Silver Peak Hobson Horn Trail (#1166) and two unnamed connector trails.

In addition to the Route-Specific Plan Amendments, at B-18 the DSEIS also calls for altering the Standards and Guidelines contained in the Rogue River NF LRMP at 4-24 in order to codify and encourage off-road motorized recreation in Backcountry Non Motorized Areas. Interestingly, this proposed amendment does not modify the prohibition on ORV use within Research Natural Areas. Please note that the Boundary Trail (on which the Forest Supervisor encourages motorized ORV use) traverses a Research Natural Area on lands governed by the Rogue River NF LRMP. It is unclear why the agency is proposing eliminating the previous protection for Back Country Non-Motorized Areas but not the protection for Research Natural Areas found at 4-24 of the Rogue River NF LRMP given that the Forest Supervisor is intent on opening both of these land use allocations to recreational ORV use.

The only rationale provided in the DSEIS to support the plan amendments to codify and encourage ORV use on the Boundary Trail in non-conforming land use allocations such as Back Country Non-Motorized Areas, Research Natural Areas and Botanical Areas consists of reference to "historic and ongoing use" in Appendix B of the DSEIS. Please note that the 1990 decision codified in the Rogue River National Forest LRMP to exclude ORV use from these land use allocations was made by the agency with the knowledge that some motorcycle use of these trails had previously occurred. In the current DSEIS, the Forest Supervisor points to no new information or changed circumstances that have arisen since the sensible 1990 decision to exclude ORV use from Back Country Non-Motorized Areas, Research

Natural Areas and Botanical Areas. Instead, the agency simply makes reference to "historic and ongoing use" that was in fact prohibited by the LRMP. Further, no attempt has been made by the agency to address or respond to the many instances of user conflict engendered by ORV use within the Back Country Non-Motorized Areas, Research Natural Areas and Botanical Areas that have been extensively documented in public comments regarding this planning process.

Please further note that no analysis is presented to disclose why the Back Country Non-Motorized Areas traversed by the Lower Illinois (#1161) and Lawson (#1173) should be subject to ORV use. Again, the only rationale contained in Appendix B of the DSEIS is an oblique reference to "historical and ongoing use." It is important to note that this use was known of at the time that the Siskiyou National Forest LRMP designated those land allocations and published standards and guidelines prohibiting ORV recreation within them. The Forest Supervisor has not pointed to an error in the LRMP land use allocation or to changed circumstances to support the decision to encourage and codify ORV use within Back Country Non Motorized Areas.

FAILURE TO RESPOND TO SUBSTANTIVE COMMENTS.

"NEPA procedures must insure that environmental information is available to public officials *and citizens* before decisions are made and before actions are taken." 40 C.F.R. 1500.1(b). "NEPA requires consideration of the potential impact of an action before the action takes place." City of Tenakee Springs v. Clough, 915 F.2d 1308, 1313.

Please note that NEPA is primarily a procedural statute: It mandates a particular process but not necessarily a particular result. Inland Empire Public Lands Council v. USFS, 88 F.3d 754, 758 (9th Cir. 1996). This process must proceed without undue bias from the action agency and ultimate decision maker. The CEQ regulations warn that a NEPA document may not be used to justify a decision already made. 40 CFR §1502.2(g). In the case of this planning process, it was inevitable that the agency would issue a ROD to authorize and codify motorize use in land use allocations where such use was previously prohibited regardless of public comment, user conflict or scientific controversy. Further, it was inevitable that the requests of the public and the EPA that the Forest Service identify the minimum road system as per Sub A of the Travel Rule to inform the designation of motorized use would be ignored by the Forest Supervisor.

A number of significant site-specific impacts and practices were not adequately analyzed or disclosed in this NEPA planning process. All of the significant issues discussed below in this section have been repeatedly raised to the Forest Service in this planning process. The DSEIS substantively addresses none of them. Hence we will *again* reference a number of the "responses" contained in Appendix A of the initial FEIS:

A) SELECTIVE IMPLEMENTATION OF THE TRAVEL RULE

In the "response to comments" contained on page A-3 of the (initial) FEIS the agency contended that "The purpose of the Travel Management Rule is to designate a system of roads, trails, and areas for motor vehicle use and end unmanaged cross-country use." This "response" ignores 36 CFR Subpart A of the Rule in question. Identifying the minimum road system is also part of the purpose of the Travel Management Rule. The Rogue-River Siskiyou National Forest cannot simply pick and choose which portions of the Rule it would

like to adhere to. The agency's contention that the requirements of Subpart A are somehow not part of the purpose of the Rule is simply incorrect. Please note that page 2 of the initial ROD indicated that "the purpose for action is to enact the Travel Management Rule." After over 3 years of planning, the agency has now belated changed the alleged purpose for the project "to implement Subpart B of the Travel Management Rule." This change is not based upon any new information, new policy, new regulations, or new analysis. Rather the change is designed solely to exclude otherwise reasonable alternatives that would in fact implement the Travel Rule in its entirety as required. Federal courts have warned against this outcome-based methodology of identifying the alleged "purpose" for federal projects. The holding in Simmons is exactly on point in this regard:

> *No decision is more important than that delimiting what these "reasonable alternatives" are ... One obvious way for an agency to slip past the structures of NEPA is to contrive a purpose so slender as to define competing "reasonable alternatives" out of consideration (and even out of existence) ... If the agency constricts the definition of the project's purpose and thereby excludes what truly are reasonable alternatives, the EIS cannot fulfill its role.*
> *-Simmons v. United States Army Corps of Engineers, 120 F.3d 664, 660 (7th Cir. 1997).*

B) IMPACTS OF ILLEGAL MOTORIZED USE

The agency previously contended on page A-3 of the initial FEIS that the Forest Service need not acknowledge, address, or respond to the "many comments [that] provided information regarding illegal motorized use and/or resource damage caused by illegal use." Hence the DSEIS addresses none of this significant site-specific information that was provided in a timely manner by the public. NEPA and NFMA require that these direct, cumulative and significant impacts of motorized use be disclosed and analyzed by the agency. The DSEIS has not done this. Illegal damage is ongoing and continuing. A decision regarding management of motorized use on the Forest is directly related to this ongoing damage. The contention that "this process cannot analyzed or predict illegal activities" is baseless. The public has provided the location and documentation of ongoing resource damage from ORV use on the Forest. The agency's refusal to address, analyze or disclose those impacts in this planning process is a dereliction of its responsibilities.

C) CROSS COUNTRY TRAVEL AND PROSPECTING

At A-3 of the initial FEIS the Forest Service referenced an alleged "nondiscretionary right" to access mining *claims* provided by 35 CFR 261, while failing to disclose why the agency has conflated this right so-as to wholly exempt anyone alleging "exploration" or "sampling" of minerals from the cross-country travel prohibition. See A-24 of the FEIS. Please note that 70 Fed Reg 68284 directs that the agency may provide written authorization exempting *mining* from travel regulations but that no exception is made for exploration, sampling, or prospecting. The agency declined to address this significant issue in the DSEIS. Further, the DSEIS fails to quantify the environmental impacts that may result from the agency's proposal to encourage motorized access on ML 1 Roads and via cross-country ORV travel by forest visitors who claim to be involved in mineral exploration.

D) SCALE OF THE ACS ANALYSIS

On page A-8 (of the initial FEIS) the agency contended that the statements in the DEIS (S-10 and II-72) indicating that the ACS was applied only to the 5th field watershed scale was merely a semantic error. This contention is incorrect. In fact, the initial FEIS and DEIS,

failed to disclose and analyze ongoing and proposed site-specific watershed degradation caused by motorized use in key watersheds, wild and scenic river corridors, riparian reserves and POC watersheds that has been photo-documented and submitted to the agency by our organizations. The new DSEIS continues this trend. Indeed, the DSEIS makes no attempt to document the route specific impacts of roads and trails proposed for motorized use that are located in land use allocations allegedly protected under the ACS. Further, the DSEIS has scrubbed language from its "analysis" that would indicate that the (inevitable) decision to locate motorized trails in riparian reserves will inhibit attainment of ACS objectives.

Page III-10, the initial FEIS states of roads located in the Lawson Creek Riparian Reserve in a Key Watershed that:

> *Under Alternatives 3 (Proposed Action), 4, and 5, conversion of portions of the motorized trails to non-motorized use would eliminate slope vegetative cover removal and erosion (soil displacement, travel-way rills) generated by vehicle use on steep ground. Existing ruts and exposed soil would recover passively. Alternative 4 would further reduce the amount trails open to motorized use as compared to Alternatives 3 and 5.*

This language was changed in the DSEIS to read as follows:

> *Under Alternatives 3, 4, and 5 this action would result in no change to the TSRC since the trail would still exist as a commitment to the soil resource. There would be no change, to a potential reduction in DD with the exclusion of motorized use disturbance. Exclusion of motorized use may allow surface litter and vegetation to encroach and narrow the active trail tread, which has the potential to reduce soil displacement.*

E) SITE SPECIFIC POC MITIGATION FAILURES AND THE "RISK KEY"

A-8 of the initial FEIS "responded" to comments regarding Port Orford Cedar by contending that "a qualitative assessment of a number of management practices, including road gating was completed as a part of the Final Supplemental Environmental Impact Statement – Management of Port-Orford-Cedar in Southwest Oregon" and stated that the basis for alleging the efficacy of "gate closures for prevention of spread of *Phytophthora lateralis* (PL) is Jules et al. (2002) where it was shown that 72 percent of the infection events studies were the result of vehicle traffic." Please note that the POC FSEIS referenced by the agency is not part of this planning process and provides absolutely no site-specific or substantive response to the multitude of substantive site-specific route, trail and road information and photos that our organizations submitted to the Forest Service regarding the widespread failure of gates and other closure devices to prevent motorized use of roads seasonally "closed" for the protection of POC in the course of this NEPA process. Indeed, none (as in zero) of our photos of gate failures or POC infections were responded to in the previous FEIS or ROD or in this DSEIS. Further, the agency's reference to Jules et al (2002) to support its refusal to disclose or analyze the impacts of motorized use and the efficacy of proposed closure mechanisms on the spread of PL is both misplaced and hypocritical.

As stated on page 40 of our initial DEIS comments, the actual findings of Mr. Jules regarding the efficacy of gates vis-à-vis POC protection are as follows:

> *Permanent road closure/decommissioning combined with robust law enforcement is the only reliable method of reducing the spread of POC root disease, and should be prioritized in all uninfected stands and watersheds. Jules and Kauffman (2003) concluded that:*

Permanent closure of logging roads is by far the most direct and effective way to stem the spread of P. lateralis. There has never been much disagreement about the efficacy of this management strategy, given the clear association of the disease with road vectors.

The general thinking has been that large uninfected and roadless watersheds would remain free of the pathogen, so long as they remain free of roads. Our research findings have been in agreement with this assumption.

In our reconstruction of the history of disease spread across a 37 km 2 landscape, the majority of new infections were associated with roads (n = 26; Jules et al. 2002), and stream populations crossed by roads had a four- to five-fold increase in infection risk over the 23 years since the first infection in our study area (1977).

We suggest that road closures be a priority management goal in the range of POC. There is no better way to reduce the risk of further spread of the disease. Currently, federal agencies have implemented seasonal road closures in areas with which we are familiar. We believe that the agencies should not rely on seasonal closures for mitigating the spread of P. lateralis; rather these should be used in cases where no other option exists. No studies have been done to test the relative efficacy of seasonal vs. permanent road closures, but ***it is well-known that seasonal road closures do not mean that traffic does not enter the roads. Seasonal road closures, in our opinion, can be a risky strategy for several reasons. First, locking of gates must happen before the first rain, and we know this can be difficult for agency employees that have numerous other tasks to perform. We have known of many gates (with POC closure signs) that were not locked before the rainy season. Second, gates do not necessarily keep Off Road Vehicles (ORV) from driving the road, as gates can be bypassed by these vehicles. Third, we do not yet know the risk of infection during dry seasons, but our opinion is that it can be significant. Water, in the form of puddles and run-off near springs, often are evident into mid-summer with the range of POC. In short, seasonal road closures should not be considered as the equivalent of permanent road closures, and they should be viewed as an unproven mitigation measure.***

Reliance upon the Risk Key as described in the 2003 Range Wide Assessment of Port Orford Cedar on Federal Lands is inadequate as described below by Port Orford cedar experts Jules and Kauffman (2004):

The Risk Key is, however, inherently flawed because there is no scenario in which the key can lend the following answer: this project is too risky and no mitigation will reduce risk enough to make it worthwhile." While the response says this has been fixed, it is clear from reading the final Risk Key that the focus remains on going through with the project with mitigation regardless of a potentially high risk of disease spread. Indeed, the Risk Key states that if the project can't be redesigned to reduce risk to acceptable levels then "...the project may proceed if the analysis supports a finding that the value or need for the proposed activity outweighs the additional risk to POC created by the project." If this Risk Key is going to be effective, it must provide for a scenario where a project is denied because the risk for disease spread is too high.

In his March 4, 2010 letter to the Regional Forester concerning the RRSNF Motorized Use planning process Mr. Jules states:

The FEIS relies heavily on the Risk Key (Appendix F), though the key does not have strong scientific merit. There are several issues of which you should aware. First, the Risk Key begins by asking if "there [are] uninfected POC within, near, or downstream of the activity area whose ecological, Tribal, or product use or function measurably contributes to meeting land and resource management plan objectives?" Here, "near" is defined as "within 25 to 50 feet downslope or 25 feet upslope from management activity areas, access roads, or haul routes; farther for drainage features; 100 to 200 feet in streams." The distances here are arbitrary, and although they are

perhaps best guesses, the in-stream estimate of 100-200 has little basis and is of particular concern since that is where infection is most likely. Empirical studies have shown that P. lateralis can infect a stream even if there is up to 540 feet between the upstream road (inoculum source) and the first cedar (Jules et al. 2002). The FEIS notes that my study (Jules et al. 2002) shows a relationship between distance to the first cedar and infection probability. While this is true, it ignores the simple fact that long-distance infections happen frequently. Models using the same data suggest that infection risk does not reach levels near zero until there is approximately 1,300 feet between the road and the first cedar (Jules et al. 2002). Second, the Risk Key lists "sanitation" as a required management practice. It is important to note that there not consensus among scientists that sanitation will reduce the spread of P. lateralis. Again, the FEIS notes that my study shows a relationship between cedar density and infection risk (the more cedar, the higher the infection risk). But it is incorrect to cite this as evidence for the efficacy of sanitation (which we did not and could not analyze). Sanitized sites are excellent habitat for Port Orford cedar recruitment, thus frequent and consistent sanitation of seedlings would be forever be necessitated. It seems clear that this is not a pragmatic approach for land managers. And again, the efficacy of sanitation has not been properly assessed. To date, I know of only one study that has tried to assess the impact of sanitation on P. lateralis spread, and it was hampered by using only one control (comparison) site (Marshall and Goheen 1999).

Unfortunately the POC analysis and Risk Key provided in the DSEIS respond to exactly none of these comments and concerns.

Rather than respond to, analyze, or acknowledge any of the concerns referenced above, the Forest Service continues to contend that it need not analyze the efficacy of seasonal closure mechanisms or the substantial site-specific information supplied by our organizations regarding this issue.

F) USE OF THE 850 ROAD AND HARM TO MEADOWS AND RIPARIAN FEATURES

At A-9 of the (initial) FEIS the Forest Service "responded" to site-specific substantive public comments regarding the 850 road by stating that "a gate will be placed at milepost 1.8 in order to implement the Forest Order." Please note that for years our organizations have provided the Forest Service with information regarding ongoing ORV damage to meadows and hydrological features occurring from the 850 road that occur on the road *prior* to milepost 1.8. The agency has elected not to respond to these site-specific violations of the Aquatic Conservation Strategy and instead to codify and encourage continuing degradation of the hydrological features impacted by the 850 road without conducting any site-specific NEPA analysis in the DSEIS that responds to public comments and concerns.

G) IGNORING THE ROAD AND ROUTE SYSTEM AS A CONNECTED FACTOR TO MOTORIZED IMPACTS

The contention at A-10 of the initial FEIS that the Forest Service can conduct a NEPA analysis to authorize and codify motorized use without analyzing or disclosing the ecologically and economically sustainable National Forest road system as required by 36 CFR 212 Subpart A (§212.5) is misplaced. The "site-specific (project by project) Road Analysis" are not a NEPA document, do not provide a cumulative impacts analysis, and do not disclose the environmental baseline necessary for the agency to make an informed decision as to the appropriate location and acceptable impacts of motorized use. The Forest Service's refusal to identify the minimum road system, as required by the Travel Rule, in order to inform the analysis and decision to map, codify and authorize motorized use on the Forest is baffling. The DSEIS continues this trend of simply ignoring all of the connected and

cumulative significant issues associated with management, maintenance (or lack thereof) and use of the existing NFTS system.

Even more egregiously, in the DSEIS at page III-4 the Forest Service overtly states that it is willfully deciding to ignore the actual physical baseline condition of the forest by stating that existing unauthorized "routes are not considered part of the National Forest System of roads and are not considered part of the baseline conditions." The agencies use of semantics and gamesmanship to avoid disclosure of the actual impacts of motorized use on the forest will not stand.

H) REFERENCING IMPACTS OF ROAD CONSTRUCTION TO AVOID ANALYSIS OF MOTORIZED USE

Previous public comments indicating that the Forest Service evaded analysis and disclosure of the impacts of ongoing and proposed motorized use on sediment and erosion were responded by the following statement at A-11 of the initial FEIS:

> *"The intent of these paragraphs was to communicate that actions that would repair current conditions were not necessarily part of the proposal under this EIS to designate where motorized use would be permitted. Its intent was to imply that there would be more impacts from construction, reconstruction and maintenance of roads and trails, than by use, which is mostly already occurring."*

Our organizations contend that this response to substantive public comments is wholly inadequate. The first sentence is gibberish, while the second sentence merely repeats the same contention that gave rise to the public concern. The Forest Service cannot reference the impacts of road maintenance or construction to evade a meaningful and substantive analysis of the impacts of motorized use. Our previous comments are replete with site-specific examples of how motorized *use* of roads and trails directly impacts wildlife, watersheds, soils and recreational opportunities in the Rogue River-Siskiyou National Forest. Rather than analyze and disclose the site-specific impacts of codifying and encouraging motorized use on these sites, the agency has elected to claim that the impacts of such use need not be disclosed because the impacts of road and trail construction may be greater. In the DSEIS the Forest Service elected not to address this issue at all. Such an approach to NEPA is arbitrary and capricious.

I) ARBITARY TRAIL WIDTHS

On page A-12 of the initial FEIS the Forest Service referenced 36 CFR 212.1 to support its contention that a "trail" may be defined as "a route over 50 inches wide that is identified and managed as a trail." The DSEIS echoes this circular definition at II-3 by contending that "roads are motorized vehicle routes 50" inches or greater in width, unless defined and managed as a trail" [and] "trails are less than 50" inches in width, or when greater than 50" inches in width, defined and managed as a trail." Please note that throughout the NEPA planning process the agency relied upon the assumptions: (1) That codifying existing trails through sensitive and controversial areas will not result in additional impacts; and (2) That "trails" require significantly less maintenance and have significantly fewer environmental impacts that do system roads. We contend that both of these assumptions are inaccurate given the agency's stated intend to maintain 60" inch clearing widths on Class III motorized trails through Botanical Areas and Research Natural Areas and 72" inch clearing widths on Class I motorized trails that traverse through Inventoried Roadless Areas, Key Watersheds,

Riparian Reserves and Wilderness recommended lands. Please further note that the Roadless Rule defines trails as being less than 50" inches in width.

J) IGNORING IMPACTS AND ISSUES REGARDING THE BALD MT. ROAD

The agency's continuing decision to largely ignore public comments and concerns extends to those comments submitted by former Rogue River-Siskiyou National Forest employees concerning their particular areas of expertise. A letter dated 5/6/09 from Retired Forestry Technician (Wilderness) Ranger Rene Casteran contained in the Administrative Record for this project states:

> *I disagree with the identification of the Bald Mountain Road (2512091) on Map 3 for Alternative and Map II-7 on page II-32. These maps show the current condition of this road as Non-Paved Road-Mix Use Allowed. I believe this road was closed to public use after the 1987 Silver Fire and subsequent Silver Fire Salvage activities and should only be shown in the analysis if there are alternative proposing to open use to the public.*

Mr. Casteran basis his opinion (in part) on the following observations:

> *-All public maps currently show the road as closed via gate;*
> *-In his time as Wilderness Ranger it was managed as closed;*
> *-Requests to use the road were often denied;*
> *-He (and other agency personnel) needed permission to use the road.*

Mr. Casteran goes on to discuss the unanalyzed and undisclosed impacts that will flow from the Forest Supervisor's intent to authorize mixed motorized use on this road:

> *A profound effect on use patterns within the Kalmiopsis Wilderness that would be new and different from the current condition. Currently most backpackers need at least two days from the trailhead near Briggs Creek to access the Bald Mountain area. This "new" trailhead on the 2512091 road would make that a day trip. The Bald Mountain area has traditionally been a remote setting where the user would be likely to see few people. There is limited water (small spring) and camping opportunities are few in and around a fragile mountain prairie environment. Whether allowing what could be a dramatic change to use in this area would be positive or negative for the wilderness resource should be subject to more analysis and if it needs to be put off to a latter date, the Forest should not allow the use of a new trailhead until then.*

How did the Forest Service respond to these detailed site-specific concerns from a retired Forest Service employee who worked on these issues for "20 plus years?" With three sentences at page A-13 of the initial FEIS: "The 091 road is a ML 2 road and is open to the public and motorized use. There is no Forest Order that prohibits motorized use of this road. There may have been a period of time that this road was closed after the 1987 fire." *None* of Mr. Casteran's comments, concerns or observations were substantively addressed in the current DSEIS- the agency has simply ignored detailed site-specific comments and issues that it finds inconvenient.

Please further note, in previous comments submitted by our organizations we attached a Forest Service map indicating that the 091 road is in fact closed, photos illustrating maintenance, safety and resource concerns associated with (illegal) motorized use of the road, and we requested that the agency disclose the impacts of codifying and encouraging motorized use of this road on Key Watershed values, Port Orford Cedar, Wilderness Character, Roadless Character and soils. Our attempts to encourage a full and informative

NEPA analysis of the decision to encourage motorized use of this road were met with the same indifference as were Mr. Casteran's concerns. The agency's caviler treatment of these substantive comments is insulting, arbitrary and capricious.

K) INDENTIFICATION OF THE MINIMUM ROAD SYSTEM IS NOT OPTIONAL

The agency's initial response (at A-15) to public concern about the refusal to inform decisions about motorized use through prior identification of the minimum road system as required by 36 CFR 212 Subpart A was that the Forest Service will instead continue its "site by site" Roads Analysis. The Travel Rule does not call for a "site by site" Roads Analysis. Rather, it requires that the agency identify the minimum road system in its entirety. This is a connected action to the designation of motorized use and logically should help inform the decision at issue in this planning process. The Forest Service cannot ignore the cumulative and direct impacts of the existing road system while proposing to codify and encourage use of that system. The Forest Service is correct in acknowledging (at A-15 of the initial FEIS) that the requirements of Subpart A "would not however by attained with this process for motorized vehicle use designation." The DSEIS attempts to "respond" to this concern by belatedly narrowing the alleged purpose the project and by continuing to ignore those portions of the Travel Rule that it prefers not to implement.

L) REFUSAL TO DISCLOSE ENFORCEMENT EFFECTIVENESS

Throughout this planning process our organizations have submitted a number of comments, photos, studies, law enforcement testimony, articles and surveys indicating that the agency's motorized vehicle use analysis should disclose and analyze the efficacy of law enforcement and closure mechanisms implementing the MVUM. Please note that on page A-15 of the initial FEIS the Forest Service acknowledged receipt of comments from the ORV community indicating that should the agency attempt to impose any limits on motorized use on the National Forest that ORV users would be "extremely unhappy" and might respond by "riding wherever they want." Despite this overt threat from ORV users to ignore and thwart the MVUM designations, in the DSEIS the agency continues to refuse to meaningfully analyze or respond to the voluminous amount of information provided during the commenting period by our organizations regarding the need to analyze and disclose the efficacy of the agency's enforcement strategy.

Please note that on page A-16 of the initial FEIS the Forest Service contended that law enforcement will be based on the "three E strategy." The "three Es" stand for Engineering, Education and Enforcement. A key provision of this enforcement strategy is to "physically close and rehabilitate decommissioned roads and trails." Yet as repeatedly stated by the Forest Service in the DSEIS, this planning process "is not a proposal to physically close (or decommission) any roads or trails." Hence the Forest Service is in fact not implementing the "three E" strategy. The "Engineering" law enforcement strategy of closing and decommissioning roads and trails to prevent illegal use was not carried forward under any of the action alternatives. At best the agency is contemplating a "two E" strategy. This despite the fact that considering and planning road closures and decommissioning would be a reasonable alternative to address the well documented refusal of many in the ORV community to abide by closures such as gates and berms.

The DSEIS has failed to propose or analyze the closure and decommissioning portion of the "engineering" strategy that the agency claims is the basis for its analysis of enforcement.

This is an odd omission given that at page III-59 of the DSEIS the Forest Service specifically acknowledges that "The magnitude of the indirect effects on soils will depend on:

1. How effectively law enforcement can confine traffic to designated routes;
2. How effectively law enforcement can keep traffic off routes that are not designated; and
3. How well routes closed to public wheeled motor vehicle use recover on their own without restoration treatments.

Given this acknowledgement in the DSEIS, it is mystifying why the agency continues to refuse to meaningfully analyze or disclose the efficacy of enforcement mechanisms.

M) CONCERNS OF THE MEDFORD WATER COMMISSON IGNORED

Given the agency's treatment of other public comments, comments from the Oregon Congressional Delegation, and comments from the EPA, it does not come as a surprise that the concerns and comments of the Medford Water Commission also receive short shrift from the Forest Service. The Commission's substantive and site-specific concerns about creating an ORV play area in a portion of the municipal water supply watershed that is extremely susceptible to pollution were blown-off with the blithe assurance in the initial FEIS that "development of an OHV play area does not mean that the spilling or release of fuels and lubricants or septic effluent from any source would be allowed; these would be illegal activities." FEIS A-16. Such activities may in fact be illegal, and they are also inevitable. Yet despite the request of the Water Commission, the agency has again refused to analyze or disclose the foreseeable impacts of such activities in its DSEIS. The agency may not refuse to analyze foreseeable harm to the environment that will be facilitated and encouraged by the forthcoming MVUM by simply dismissing those impacts as illegal.

N) MISLEADING POC INFORMATION

At A-18 of the initial FEIS the Forest Service responded to public comments indicating that the spread of *phytophthora* was a "significant issue" for analysis in the EIS by contending that: (1) "there are no predictable direct effects that vary by alternative;" and (2) "the question of finality of infestation of *Phytophthora lateralis* is an open one." Neither statement is meaningful or responsive. The first contention serves to illustrate the paucity of the agency's narrowly constrained range of action alternatives. The reason there are no predictable direct effects that vary by alternative is because the Forest Service refused public requests to develop and consider an action alternative that would meaningfully address the impacts of motorized use on POC through decommissioning access to high-risk roads such as the McGrew Trail and the Bald Mountain Road. The contention that the question of finality of infestation of *phytophthora* is an open one is misleading in the extreme. There are no peer-reviewed studies or literature to support the agency's contention, while the vast body of science indicating the finality of *phytopherthora* is conveniently ignored in the DSEIS.

O) ROAD/TRAIL MAINTENANCE AND MOTORIZED USE IMPACTS

The agency's contention throughout this NEPA process that it need not analyze or quantify the impacts of publication of the MVUM on motorized use levels or the ability to maintain roads and trails is misplaced. The Forest Service states "road and trail maintenance funding is a year to year issue." That may be so. It is also directly germane to decisions regarding where and when to allow and encourage motorized use. By deciding to simply ignore Subpart A of

the Travel Rule the Forest Service cannot know if it will have the ability to maintain the roads and trails that are designated for motorized use in the ROD and MVUM. Indeed, at page 1-22 of the DSEIS the Forest Service explicitly indicates that its ability to maintain roads and motorized trails to standard will not influence its decision to codify motorized use in any way. "[F]unding associated with adminstration of designated uses (or lack thereof) will not be a decision criterion for these use designations." In other words, the agency's actual ability to safely maintain routes it designates for motorized use is simply unimportant to the Forest Service. This is an interesting position given that the agency's analysis in the DSEIS rests on the assumption that roads and trails are "assumed to be in acceptable condition". (DSEIS page 111-4.)

Further, the agency has elected to (incorrectly) assume that publication of the MVUM will not encourage additional motorized use on roads and trails that currently received little or no use. Hence, trails like Red Dog that are completely overgrown and receive no motorized use will begin to see use. The impacts of this *new* motorized use on Spotted Owls and other wildlife that are not habituated to noise disturbance is ignored by the agency. The impacts of this new use on POC watersheds that are uninfected is also ignored. Similarly, publication of the MVUM will encourage motorized use on little-used roads like the Bald Mountain Road, which is currently shown as closed and gated on public Forest Service maps. The subsequent additional use of these roads will result in un-analyzed and un-disclosed impacts on POC, Key Watersheds, Wilderness values, roadless values, recreation and wildlife. Lastly, the agency is proposing the conversion of closed ML 1 roads (located in Key Watersheds and Riparian Reserves) into motorized trails without the benefit of an analysis of their ability to financially or ecologically maintain the newly opened motorized play trails. All this despite the acknowledgement on page III-8 of the DSEIS that "vehicle use of roads and trails greatly increases surface erosion through substrate displacement, rutting and dust generation."

P) CODIFYING ORV USE ON INCOMPATIBLE LAND USE ALLOCATIONS

The unsupported and unanalyzed contention on page A-23 of the initial FEIS that ORV use through Research Natural Areas, Big Game Winter Range and Backcountry Non-motorized Areas "is in concert with Forest Objectives" is incorrect, arbitrary and capricious. The LRMPs have long-prohibited such incompatible ORV use on these land allocations. No compelling rationale is presented in the initial FEIS, the new DSEIS, or any other document, to support the agency's sudden shift in philosophy or the proposed route-specific plan amendments to open these land allocations to ORVs. Further, the agency has neglected to do any monitoring, or make reference to any analysis, to support its contention that such use is compatible with the objectives of these land use allocations.

The vast majority of public comments (over 10,000), the EPA and the Congressional Delegation expressed concern with the agency's proposal to codify ORV use in Back Country Non-Motorized Areas via a plan amendment. At A-23 of the initial FEIS, the Forest Service "responded" to technical concerns regarding the plan amendments by stating that "4-24 of the RRNF LRMP may need to be amended as well." This "response" is so truncated as to be meaningless. *What is the purpose of the Back Country Non-Motorized land use allocation if motorized use is codified and encouraged in the MVUM?* What is the purpose of a public commenting period if additional plan amendments are added after completion of the commenting period in order to further the pre-ordained and inevitable decision to open Back Country Non-Motorized Areas to ORVs? What is the purpose of public commenting if the concerns of elected officials, federal agencies and the vast majority of the public are simply ignored by the Forest Supervisor? Why do the desires of the 2% of Forest Visitors that ride

ORVs trump the values held by the majority of American's that reflected in the standards and guidelines in the LRMPs that are being amended? Does the agency contend that responding to these concerns by stating that "4-24 of the RRNF LRMP may need to be amended as well" constitutes the "hard look" at these issues that NEPA requires of the Forest Service? The agency elected to answer none of these questions in the DSEIS.

Q) MOTORIZED TRAILS IN INVENTORIED ROADLESS AREAS

The agency's statement at page A-24 of the initial FEIS that "the 2001 Roadless Rule would not prohibit continued existing motorized use of trails in IRAs" is unresponsive to the majority of comments received regarding this issue. The Forest Service has refused to analyze or disclose the foreseeable impacts of encouraging *additional* motorized use in IRAs via publication of the MVUM in the DSEIS. Please note that our previous comments have established that a number of the proposed motorized trails through IRAs currently receive little-to-no motorized use. Some are completely overgrown and impassible to motorized use. Yet the impacts of encouraging *additional* ORV use in IRAs, Key Watershed, Riparian Reserves, and POC watersheds is not analyzed. Further, the agency intends to maintain ORV trails through IRAs with clearing widths that greatly exceed the 50" inches allowed for in the Roadless Rule. The impacts of maintaining trails through IRAs that require wide clearing of vegetation is neither analyzed nor disclosed in the DSEIS.

R) MOTORIZED TRAILS IN RECOMMENDED WILDERNESS

The agency's contention on page A-24 of the initial FEIS that "the Forest Supervisor recognized that some IRAs have wilderness quality but a proposal has not been formalized to Congress" in no way responds to the Congressional, EPA, and public letters regarding the impacts of encouraging and codifying ORV use on lands the Forest Supervisor previously recommended for Wilderness designation. In 2004 the Forest Supervisor stated that he supported "consideration of 64,000 acres of lands adjacent to the Kalmiopsis Wilderness for their outstanding wilderness character."[4] What has changed in the intervening 6 years? What would the impacts of increased ORV use be on this "outstanding wilderness character?" Again the agency elected to simply ignore these timely questions in the DSEIS.

S) "PROSPECTING" IS EXEMPTED FROM THE CROSS COUNTRY TRAVEL PROHIBITION

The contention at page A-24 of the initial FEIS that 36 CFR §228.4 requires unfettered motorized access to ML 1 roads and unrestricted motorized cross-country travel for anyone who claims to be involved in "prospecting" is incorrect. Further, the proposal to exempt anyone who claims to be involved in "prospecting" from ML 1 road closures and cross country motorized travel restrictions invalidates most of the NEPA analysis contained in the DSEIS in which the agency attempts to describe the environmental impacts of motorized use on the National Forest.

T) FAILURE TO ADDRESS THE RED FLAT BOTANICAL AREA

The agency appears ready to select an Alternative (5) that will encourage ORV use within the Red Flat Botanical Area (Gold Beach RD) without analyzing the effects of that action. While

[4] http://www.fs.fed.us/r6/rogue-siskiyou/news/2004/news06-01-2004-biscuit-fire-feis-release.shtml

the agency acknowledges that "prohibiting motorized use [in this Botanical Area] would help protect unusual and sensitive plants indigenous to southwest Oregon" the DSEIS contain no analysis, discussion or rationale to support ORV use on the Red Flat trail as proposed in the preferred alternative. Indeed, the only reference to this Botanical Area in the DSEIS is found at III-17 and III-44 in the context of Alternative 4 in which the motorized use would not be permitted in the Botanical Area. Red Flat is simply ignored when discussing the action alternatives that would codify use within this Botanical Area.

In Discussing the alternative (4) in which motorized use would not be codified in this Botanical Area page III-17 of the DSEIS states:

> *This trail connects two existing roads and runs along a minor drainage divide on gradients of 20-50%. It crosses no riparian reserve, but, because of its moderately steep gradient, is likely to capture and channel water/sediment onto the 3680 road below. Elimination of motorized use on this trail would be consistent with BMPs that control road drainage and sediment sources that could cause culvert failures*

So while "elimination of motorized use on this trail would be consistent with BMPs" that action is not carried forward in the agency's preferred alternative, and the analysis of the preferred alternative contained in the DSEIS fails to analyze or disclose the impacts associated with ignoring the BMPs that control road drainage and sediment sources or the impacts of foreseeable culver failures.

U) FAILURE TO RESPOND TO CONCERNS REGARDING THE LAWSON CREEK ROAD

The Forest Service has received a number of substantive site-specific comments regarding the impacts of road 3318310 on the objectives of the ACS due to the 30 channel crossings of the creek by the road in this Key Watershed. The agency initially "responded" to these concerns at A-29 of the FEIS by claiming: (1) That the DEIS was incorrect in stating that it was an ML 1 Road; (2) That the 1995 Watershed Analysis was incorrect in identifying this road for closure in the Key Watershed; and (3) That the stated environmental consequences of encouraging motorized use on this road (in the DEIS) were "also in error." The FEIS contained no analysis, support or information whatsoever regarding the impacts of publishing a MVUM that encourages forest visitors to drive in and through the riparian reserves and creek crossing traversed by this road through the Key Watershed. Nor did the FEIS refute any of the information provided in the DEIS regarding the impacts of such use on sediment production. Instead, the initial FEIS (at A-29) simply claimed that all previous findings by the agency that motorized use of the road inhibits attainment of the ACS objectives in this Key Watershed were in error and that the Forest Supervisor intends to publish a MVUM to encourage ongoing and additional motorized use of this road.

Now, in the new DSEIS (page III-16) the agency contends that:

"Six first and second order ephemeral channel crossings occur in the Lawson Creek sub-watershed. Closure to motorized use would be consistent with the management direction for this Key Watershed and with ACS objectives to protect stream channel integrity and vegetation."

Yet following this management direction for the Key Watershed and ACS objectives is not proposed in the agency's preferred alternative. Further, the Forest Service makes no attempt

in the DSEIS to explain the discrepancies between the analysis contained in the initial DEIS and the initial FEIS.

V) IGNORING THE ACS IN THE SILVER CREEK WATERSHED

Our organizations remain perplexed by the agency's refusal (see initial FEIS page A-28) to implement the ACS by reducing the impacts of the NFTS on hydrological values in Key Watersheds. Please note, as discussed above, the preferred alternative in the DSEIS calls for designating and encouraging recreational motorized use on roads such as Bald Mountain (091) through publication of a MVUM that will illustrate it as open to mixed use while public forest maps currently indicate that the road is gated and closed. Please further note our organizations have submitted photos documenting the dangerous lack of maintenance on this road and the threat it poses to downstream POC populations. Given that the agency contends that the purpose of this project is to implement the Travel Rule, why not implement the Travel Rule in its entirety by acknowledging that roads such as 091 are not compatible with maintaining the minimum road system or with the management objectives of Key Watersheds and that motorized use should not be codified or encouraged on such roads?

W) CONVERTING ML 1 ROAD 3680351 INTO A MOTORIZED TRAIL

At A-29 of in the initial FEIS the agency responded to public comments regarding the inadvisability of converting currently closed ML 1 road 3680351 into a motorized trail due to the impacts on post-fire recovery by stating that "the situation regarding restoration since the Biscuit Fire is accurate." We're not sure what that means, but we do know that the claim that "this will be clarified in the FEIS" is not accurate. In fact, the initial FEIS contained no information about the impacts of opening this closed road on post-fire restoration and recovery of the terrestrial environment. Belatedly at page III-64 of the DSEIS the Forest Service stated that due to the proposed motorized use designation:

> *There would be an increase in DD since the travel bed would be going from a closed state, where organic litter and vegetation have the opportunity to collect and grow on the road surface, to an actively used state that would result in regular disturbance of the travel-bed surface from wheel action that is easily susceptible to soil displacement. Some of these routes travel over areas with serpentine soils.*

Yet the DSEIS continues the policy of refusing to analyze the impacts of designating recovering post-fire ecosystems to ORV use. Further, the DSEIS makes no attempt to provide a rationale for why the agency prefers the negative soil impacts associated with motorized use of this ML Road to the resource benefits of motorized closure.

X) FAILURE TO HARMONIZE THE IMPACTS OF THE NANCY CREEK TRAIL WITH THE OBJECTIVES OF THE ACS

The Forest Service received site-specific substantive comments concerning the impacts of designating and encouraging motorized use on the Nancy Creek trail located in the Riparian Reserve that parallels Nancy Creek. At A-30 of the initial FEIS the agency responded that "consequences regarding ACS will be clarified in the FEIS." No such "clarification" was actually present in the FEIS regarding the Nancy Creek Trail. Instead, the initial ROD authorized, codified and encouraged motorized use in the Riparian Reserve with no analysis whatsoever. Further, the FEIS (at A-42) went as far as to suggest that ORV riders on non-street legal motorcycles should seek out and utilize this trail.

Rather than defend the paucity of that administrative record, in response to substantive appeals of the ROD the agency belatedly developed a Supplemental DEIS to bolster its analysis of this (and a number of other) issues. Page III-17 of the DSEIS states of the proposal to codify motorized use on the Nancy Creek and Illinois River Trails:

> *This is an area of sensitive aquatic resources because the Illinois River is listed for temperature and the area is within Key Watersheds…Prohibition of motorized use on this trail network is consistent with management objectives that protect water quality and aquatic resources…Crossings of perennial streams are more problematic since bank erosion contributes directly into flowing water and degrades riparian vegetation and possible water quality.*

Despite this new acknowledgement that "prohibition of motorized use on this trail network" would contribute to attainment of ACS objectives in a TMDL-listed waterbody within a Key Watershed, the agency appears committed to encouraging and codifying motorized use of the trails. Such an approach is both arbitrary and capricious. Why conduct an environmental analysis if its findings are immaterial to the pre-ordained decision to authorize destructive actions contrary to the ACS and the CWA?

Further, in the DSEIS the agency again refuses to analyze or disclose the impacts of the foreseeable increase in such use (on riparian areas, Key Watersheds, Botanical Areas and IRAs) that will result from encouraging and mapping such use on these trails via publication of the MVUM.

Y) IMPACTS OF 4-WHEEL DRIVE USE ON SOURDOUGH CAMP IN THE NORTH FORK SMITH WILD AND SCENIC CORRIDOR

In response to publication of the initial DEIS the agency received site-specific substantive comments regarding public concerns over the loss of botanical diversity and harm to the Outstanding Remarkable Values of the NF Smith River due to ORV damage in Sourdough Camp. This is a longstanding problem that has been documented by numerous Forest Service employees and the concerned public. Yet the DSEIS continues to propose publication of a MVUM that will promote and codify *additional* damage to the area via unrestricted motorized use. At A-32 of the initial FEIS, the Forest Service contended that "The FEIS will include a more complete analysis of Outstanding Remarkable Values as related to the Smith River." In fact, that FEIS contained no site-specific information whatsoever about the impacts of proposed motorized use in the Sourdough Camp in the North Fork Smith Wild and Scenic Corridor.

In response to public administrative appeals the Forest Service published the current DSEIS that belatedly discloses the following at page III-201:

> ***Classifications***
> *The North Fork Smith is classified as Wild from the headwaters and extends 4.5 miles to Horse Creek. There is a Scenic segment beginning at Horse Creek and extending 6.5 miles to Baldface Creek. Then, from Baldface Creek to the Oregon/California border is a 2-mile Wild segment.*
>
> *The ORVs are water quality, fisheries, and scenic quality. The North Fork Smith is known for its outstanding water quality and its ability to clear quickly following storms. Low turbidity and lack of pollutants contribute to the river's excellent habitat and high fisheries value. The scenic quality in the river corridor is a result of the combination of the colors, geology, water and vegetation. The scenic diversity includes large rocks, deep pools, exposed peridotite outcrops, a*

variety of vegetation and emerald-colored water.

Existing Motorized Roads and Trails
There are approximately 2.9 miles of existing motorized roads and no motorized trails in the North Fork Smith WSR. Only 0.6 mile of these routes have measurable impacts associated with the action alternatives. The following is a description of those road and trail segments being impacted by the action alternatives.

The Wild section contains all 0.6 mile of motorized roads. Road 4402-206 extends 0.3 mile into the corridor, providing motorized access to Sourdough Camp. Sourdough is a semi-primitive campground acknowledged by the 1988 WSRA as an exception to the preclusion of motorized development in the Wild section. There are two short roads within Sourdough Camp that provide access to campsites and the North Fork Smith. These are 4402-256 and 4402-259A. Both comprise another 0.3 mile of motorized access in and around Sourdough Camp, with access to the river. Access on these motorized roads is restricted to the dry season (June 1 to September 30) to reduce the risk of introduction and spread of Phytophthora lateralis.

While this analysis is a marked improvement over the complete lack of information in the previous NEPA documents, the DSEIS still neglects to address the significant ongoing damage to Outstanding Remarkable Values that is occurring from motorized use in the Wild and Scenic Corridor at Sourdough Camp. Page III-201 of the DSEIS indicates that:

However, motorized activity within the proposed wild segment of the eligible corridor will detract from this segment classification. While there are existing motorized uses in the adjacent North Fork Smith River WSR, any added impacts to the proposed segment classification of the Bald Face eligible corridor would impact potential classification as wild by Congress.

Yet the Forest Service continues to refuse to substantively address the significant impacts of current motorized use and the foreseeable increase in such impacts from publication of the MVUM.

Z) FAILURE TO ANALYZE THE CONNECTION BETWEEN MOTORIZED USE DESIGNATIONS AND THE NEED FOR MAINTENANCE

Concerned parties ranging from the general public, to the Oregon Congressional Delegation, to the EPA to environmental organizations have repeatedly asked Rogue River-Siskiyou National Forest Planners to first identify the parameters of a NFTS that can adequately maintained prior to issuing a ROD to codify and promote motorized use of that system. All of those requests have been ignored and the Forest Service has made no effort whatsoever to implement Subpart A of the Travel Rule through identification of the minimum road system. At A-33 of the initial FEIS the Forest Service discounted these concerns by contending "the costs for road and trail maintenance by alternative is not directly related to the process for designating motorized use, especially given that there is very little change over current conditions."

This response is nonsensical. The agency's ability to maintain roads and trails designated for motorized use directly touches on every significant issue identified by the Forest Service for analysis in the NEPA process. Yet the Forest Service has simply refused to disclose what a sustainable road system would look like.

Rather than analyze and disclose the impacts of authorizing motorized use on a NFTS that the agency cannot afford to adequately maintain, project planners focused on attempting to discount and evade previous agency acknowledgements that funding is a major problem for

road and trail maintenance. Despite the agency's response to comments, the findings of the 2004 Forest Roads Analysis that roads are not being adequately maintained are directly relevant to the decision to codify and promote motorized use on the Forest.

The Forest Service cannot respond to public concern regarding how many roads and motorized trails the agency can afford to maintain by simply stating that "the extent of road and trail maintenance funding is not directly related to this process for designating motorized use."

Please note that page II-62 of the DSEIS acknowledges that "motorized trails typically do not receive the same level of maintenance as a road, therefore they *often* experience higher levels of channelized flows and erosion off their surfaces, as well as a higher chance of surface failure." Yet this knowledge is not carried forward into the analysis of any of the proposals to convert roads into motorized trails or to construct new motorized trail. Indeed, the DSEIS rests upon the (incorrect) assumption that additional motorized trails will be adequately maintained despite the agency's inability to maintain the current NFTS to standard.

AA) FAILURE TO RESPOND TO STUDIES AND SURVEYS REGARDING ORV COMPLIANCE

The public has submitted a large number of studies, law enforcement testimony, surveys, articles and information regarding the widely-acknowledged unwillingness of many members of the ORV community to comply with any restrictions on their activities to the administrative record for this project. At page A-35 of the initial FEIS the Forest Service "acknowledged that enforcement throughout the Forest's 1.8 million acres is at times difficult and challenging…" Page III-96 of the DSEIS similarly acknowledges that "[t]he viability of some local occurrences of FSS vascular plants in the Eight Dollar Mountain and Day's Creek Botanical Areas is at risk from the adverse effects of illegal off-road and off-trail vehicle use. This is not an effect of any of the action alternatives, rather an effect of recreational misuse that the Forest Service has had limited ability to control." Yet the agency has nevertheless refused to acknowledge or respond to *any* of the materials submitted by the public indicating that many ORV users prefer not to abide by the rules and regulations established by the Forest Service. Instead, the agency assumes (despite all evidence to the contrary) that compliance will be ensured by education and enforcement. When asked about the basis for this assumption, the Forest Service stated "this assumption is based on common sense, studies in other area (sic) regarding human compliance." Initial FEIS A-35. No supporting documents are referenced to support this contention. None of the news articles, studies or surveys submitted during the commenting period were responded to in the new DSEIS. This does not make a compelling case for the "common sense" that is being relied upon by the Forest Service in lieu of actual NEPA analysis and disclosure.

BB) INACCURATE ASSUMPTIONS REGARDING MAINTENANCE

Public comments throughout this NEPA process have noted that the agency's analysis of the environmental impacts of motorized use rely upon the inaccurate assumption that all roads and trails are, and will be, maintained to an acceptable condition to minimize the environmental and hydrological impacts of motorized use. Numerous field visits documented in our previous comments demonstrate this not to be the case. The agency's own 2004 Roads Analysis further documents that this assumption is not accurate. On page A-36 of the FEIS the agency responds to these concerns by discounting the findings of its own Roads Analysis and concluding that the Roads Analysis had "the purpose of looking at the entire system."

The agency is correct that the Roads Analysis looked at the entire system, and unlike the Motorized Use DSEIS, that analysis correctly indicated that roads and trails designated for motorized use are not, and will not, be maintained in an acceptable condition until the agency relents and finally identifies the minimum road system such that it can routinely and properly maintain the transportation system.

CC) DEFINING ROADS AS TRAILS

The agency's contention on page II-3 of the DSEIS that trails can be "greater than 50 inches in width if defined and managed as a trail" renders the words "trail" and "defined" meaningless. It is the equivalent of contending that "a cat can be a dog if defined and managed as a dog." Calling a cat a dog does not in fact mean that a cat and a dog are the same animal, just as calling a road a trail does not turn that road into a trail. The impacts of roads on wildlife connectivity, peak flows, sediment delivery, and recreation are substantively different than the impacts from trails. Simply calling a road a trail does not lessen the environmental impacts of the road. The Forest Service has: (1) Relied upon the assumption that trails have different environmental impacts than do roads; while (2) Refusing to implement a meaningful definition of the word "trail" that distinguishes a trail from a road.

DD) ANALYSIS BASED ON MAPS RATHER THAN REALITY

The Forest Service received several substantive site-specific comments regarding the high risk that motorized use of 1/3rd of a mile of the Chetco Pass Road (4103087) that extends into the Chetco watershed (to the boundary of the Kalmiopsis Wilderness) may significantly contribute to the spread of *P Lateralis*. The agency's response at A-42 of the initial FEIS to site-specific concerns about this road was to acknowledge that it exists and state that "this last segment is classified as ML 1 and is not open to the public." Such a statement is meaningless. There is no sign at that location indicating to the public that the road is not open to motorized use. There is no gate or berm preventing use. There are *always* motor vehicle tracks on that portion of the road (going through wet areas, seeps and fens.) The *only* place in which this stretch of road is "not open to the public" is in the minds of Forest Service planners.

The "analysis" of this issue contained in the new DSEIS is limited to the agency's assertion on page III-21 that closure of the road "would have no impact on riparian resources or water quality" since it includes "only a minor portion of one ephemeral stream buffer." This assertion is patently false. In fact motorized use of 4103087 passes through a number of riparian features and introduces significant additional risk of p. lateralis spread into both Slide Creek and the main-stem Chetco River. The agency's refusal to acknowledge this reality is extremely frustrating.

Responding to public concerns regarding the very real impacts of the very real motorized use that frequently occurs on this road segment by stating that it is not open to the public does not satisfy the requirements of NEPA, NFMA or the Travel Rule.

EE) REFUSING TO DECOMMISION UNNECESSARY ROADS

At A-43 of the initial FEIS the agency responded to the reasonable request that it *consider* an action alternative that would decommission un-needed harmful roads (such as the 4103087 road discussed above) by stating that *"this project is not evaluating the entire Forest Transportation System, nor is it making recommendations for road closing or*

decommissioning. This process is about designating where motorized vehicle use would be allowed; it is not a proposal to physically close (or decommission) any road or trails."

How can the agency know or disclose the cumulative and connected environmental impacts of authorized motorized use if this NEPA process will not evaluate the entire Forest Transportation System? How can the agency make an informed decision about where to encourage motorized use without evaluating the entire Forest Transportation System? How can the agency contend that it has analyzed a full range of reasonable action alternatives when it refuses to consider an alternative that would implement Subpart A of the Travel Rule, the recommendation of the EPA and the Congressional Delegation, and the requests of the public to consider an alternative that would decommission harmful roads to mitigate the impacts of motorized use on the Forest? How can the agency contend that its law enforcement/compliance strategy is based on the "3E" methodology when the "E" of engineering is precluded by the arbitrary and capricious decision to throw away the tool of road decommissioning? How can the agency rely upon assumptions regarding the maintenance of roads and trails that it designates for motorized use without first analyzing and disclosing the size of the transportation system that it can reasonably maintain and achieving that system through decommissioning un-needed roads (such as the Western portion of 4103087) that are shown as ML 1 for the purpose of this analysis but which in fact receive significant motorized use?

The agency response to these concerns in the new DSEIS is to state at page 1-22 that "funding associated with administration of designated uses (or lack thereof) will not be a decision criteria for these use designations" and to significantly narrow the "purpose" of the project after over 3 years of planning to exclude those portions of the Travel Rule that it would prefer not to implement.

FF) REFUSING TO IDENTIFY THE MINIMUM ROAD SYSTEM

At page A-44 of the initial FEIS the Forest Service blithely dismissed all requests to consider and develop an action alternative that would identify the minimum road system by writing "see response to Comment #140 above." Via the DSEIS the agency continues to refuse to considered a full range of reasonable action alternatives. Development of an alternative identifying and describing the minimum road system is necessary for the Forest Supervisor to make an informed decision regarding the direct and cumulative impacts of authorizing and promoting motorized use on the Forest. If you don't know the size of the road system that you can afford to maintain than you cannot know the full impacts of authorizing and encouraging motorized use on system. Please note that page III-33 of the DSEIS indicates that "safety is enhanced if Forest roads and trails are routinely maintained and unexpected damage or unsafe conditions are identified and corrected in a reasonable amount of time." Yet the agency steadfastly refuses to analyze or disclose the size and composition of areas designated for motorized use that it has the ability to maintain in a safe condition.

GG) ENCOURAGING ORV USE IN THE OAK FLAT CAMPGROUND

At A-45 of the initial FEIS the Forest Service responded to public concerns about publishing a MVUM that encourages ORV use in the Oak Flat Campground by stating "an increase in use associated with the MVUM and the potential of increased noise and exhaust cannot be predicted." The agency's position that publication of a map to indicate to motorized recreationalists where they should pursue that form of recreation will not lead to an increase in that form of recreation at sites where the agency is encouraging such use is arbitrary and

capricious. There are currently no maps in the world that direct ORVs to the Oak Flat campground; the MVUM will be the first. Does the agency also contend that if it were to eliminate all hiking trails from its wilderness maps that a reduction in wilderness hiking could not be predicted? Does the agency contend that if Oregon State Highway maps failed to illustrate Highway 99 that a reduction in use of that route might result? One is left to wonder exactly what the agency believes the purpose of the MVUM is if not to channel motorized use into those areas where the Forest Supervisor has deemed it appropriate. The contention that motorized users should obtain a MVUM map, abide by it, yet not be influenced by it to visit areas designated for motorized use is nonsensical. If you map it, they will come.

HH) REFUSAL TO CONSIDER A REASONABLE ALTERANTIVE TO IMPLEMENT A PERMIT SYSTEM FOR CONTROVERSIAL MOTORIZED TRAILS

At page A-45 of the initial FEIS the Forest Service responded to requests that the agency develop an alternative that would consider designation of some trails as requiring a permit for motorized use by stating that "this idea has merit." The DSEIS at II-62 again acknowledged that "this idea has merit" while refusing to analyze such it as an alternative. The DSEIS goes on to contend that " no route specific permitting proposals were identified by either the public or the planning team with the exception of the boundary trail. This statement is false. Our successful administrative appeal of March 8, 2010 (that lead to creation of the DSEIS) stated that "such a system, on controversial trails such as the Boundary Trail, Cook and Green, Mule Mountain, Silver Peak-Hobson Horn, McGrew Trail and the Illinois River Trail would allow non-motorized visitors to avoid those trails when a motorized permit was issued, allow the Forest Service to monitor motorized use to protect botanical and hydrological resources, and would make motorized use of such trails a special event to be planned for and enjoyed accordingly." The agency elected to simply ignore these suggestions.

Despite the "merit" of this idea for reducing user conflict (as required by the Travel Rule and Executive Order) the agency continues to refuse to develop motorized access via permit as an alternative, and did not analyze it in the DSEIS. Instead, the agency proposes to implement trail-specific plan amendments to codify and encourage unregulated year-round motorized use on the most controversial hiking trail in the Forest (the Boundary Trail) that traverses through Botanical Areas, RNAs, IRAs, and a Back Country Non-Motorized Area. The DSEIS (page II-62) blithely dismisses these significant concerns and user conflicts by contending that "motorized use on this trail is relatively infrequent." Please note that this makes encountering such use on the trail more jarring to the majority of trail users hoping to enjoy a non-motorized experience. Indeed, the agency acknowledges this on page III-39 of the DSEIS:

> *Non-motorized users may use designated motor vehicle routes and would expect to encounter motor vehicle use, thus, not affecting the expectation and experience. In areas where the non-motorized user does not expect to encounter motor vehicles is where user conflict occurs. It is within these areas and under these situations that user conflicts are often exacerbated due to noise, presence, emissions associated with motor vehicle use, and lack of awareness of motor vehicle use in the area.*

Hence, by the agency's own logic, the "relatively infrequent" motorized use of the Boundary Trail argues for, rather than against, a permit system to reduce user conflict.

Similarly, while the Administrative Record is replete with examples of environmental harm that has occurred on the McGrew Trail (including oil spills, impacts to the Wild and Scenic River Corridor, and impacts to rare plants) the agency offers *no* rationale why use of this extreme route could not be managed via permit. The arbitrary decision to refuse to develop such a reasonable alternative will lead to additional user-conflict and resource degradation via publication of the MVUM encouraging motorized use of these controversial trails.

II) MULE MOUNTAIN BIG GAME WINTER RANGE

The agency received timely, site-specific, and substantive comments regarding the need to implement ODFW recommendations to restrict motorized use within designated Big Game Winter Range (RR Land Management allocation MA-14) from November 1-May 1 in the Mule Mountain area. The Forest Service refused to develop, consider, or analyze such an alternative. Instead, at A-45 of the FEIS the Forest Service contends that such a seasonal restriction is "already an option." Yet that FEIS and the current DSEIS fail to disclose if and when that "option" will be implemented. Further, the DSEIS proposes codifying ORV use on the very trail system at issue located in MA-14 lands without analyzing or disclosing the impact on Big Game. Simply stating that the agency may (or may not, depending on its whim) follow the ODFW recommendations to actually protect this land use allocation is not enough. Personal communication with the Siskiyou Mountain District Ranger indicates that a motorized closure was issued for this trail system in 2010. However, it does not appear that the closure was either posted at the trailheads or enforced by the agency. The DSEIS simply ignores the efficacy and impacts of designating hiking trails located within Inventoried Roadless Areas serving as very important deer winter range as areas appropriate for ORV use. Please note that page II-63 of the DSEIS indicates that "the Mule Mountain area is identified as a very important deer winter range and has been the focus of large prescribed burn habitat improvement projects."

JJ) NATURALLY OCCURRING ASBESTOS

The agency's response to public comments recommending that the Rogue River-Siskiyou National Forest implementing the management protocols outlined on the USDA Forest Service Region 5 website for Naturally Occurring Asbestos was that the Forest "will likely adopt those protocols and apply them to this Forest." Such a statement is non-responsive, vague and largely meaningless.

KK) WET WEATHER RESTRICTIONS

The public has repeatedly raised substantive concerns during the NEPA commenting period regarding the generic use of specific dates for wet weather restrictions rather than reliance on actual weather conditions. The public also raised site-specific examples of the Forest Supervisor waiving wet weather restrictions when they conflicted with his desire to see the Biscuit Fire salvage logging operations continue during winter rain events. At A-48 of the initial FEIS the agency responds to these concerns by stating that "wet weather restrictions may be adopted for implementation of the Travel Rule based on the flexibility provided by the MVUM standards. This will be clarified in the FEIS." This was not in fact clarified in the FEIS or the new DSEIS. Nor did the DSEIS analyze the impacts of wet weather motorized use. Further, even if the DSEIS did contained reasoned analysis and a rationale policy for determining when to implement wet weather restriction, the Forest Supervisor would likely waive the restrictions to benefit politically powerful interests as he has done in the past.

LL) MYSTERY MONITORING PLAN

In their letter of May 11, 2009, your colleagues in the EPA requested that "a comprehensive implementation and adaptive management plan be incorporated into the action alternatives, and that initial details of this plan be included in the Final EIS (as opposed to being developed subsequent to the Record of Decision)." Their request went unheeded. The agency's position is that its alleged monitoring plan need not be subject to public commenting or analyzed and disclose in the NEPA process despite the fact that page III-173 of the DSEIS indicates that:

> *The Action Alternatives involve changes in culture from historic access and freedoms on the Forest that some users enjoyed. A well-designed implementation and monitoring plan for realizing those changes is an important component for successful implementation of the new direction.*

MM) BIG BUTTE SPRINGS ORV "PLAY AREA"

At A-50 of the FEIS the Forest Service acknowledged "that the proposed play area is within an area identified as having a high aquifer contamination hazard from infiltration" in the municipal drinking watershed and that "pollution releases would quickly navigate the alluvium and infiltrate the rock that serves as a groundwater conduit." Page III-24 of the DSEIS repeats portions of this acknowledgment while omitting some of the language regarding pollution releases. The agency discounts these significant concerns by relying on the convenient assumption that "the play area would be properly administered to ensure that illegal dumping does not occur." This assumption is both arbitrary and capricious. As has been documented by the public and the agency; oil leakage, punctured oil pans, broken fuel lines, and human waste are a foreseeable and common result of ORV use. Indeed, our organizations have submitted a number of photos to the Administrative Record illustrating exactly these impacts on the Rogue River-Siskiyou National Forest. The Forest Service has presented no evidence or analysis suggesting that such events will not occur in a sensitive area designated for ORV "play."

NN) HUMAN HEALTH AND SAFETY

In response to a number of news articles detailing the ever-increasing number of human injuries and fatalities resulting from ORV use on public lands, at A-51 of the FEIS the agency states that "the web sites referenced will be reviewed by the planning team." The new DSEIS contains no indication that such a review occurred. None of the articles, incidences or concerns about the human health and safety impacts of ORV use were addressed by the agency. The DSEIS ignores the fact that the decision to map, encourage and codify ORV use on remote, currently un-maintained, extremely technical trails (such as Silver Peak-Hobson Horn or the Red Dog Trail) will encourage inexperienced ORV users to find, and attempt to ride, these dangerous trails.

36 CFR 212.55 requires that public safety be considered when designating roads, trails and areas for motor vehicle use and 36 CFR 212.55 requires that the Forest Service consider the need for maintenance and administration of the designated NFTS. Hence the agency's continuing and steadfast refusal to consider either safety or maintenance in this NEPA process is extremely puzzling. Page III-33 of the DSEIS acknowledges that "safety is enhanced if Forest roads and trail are routinely maintained and unexpected damage or unsafe driving conditions are identified and corrected in a reasonable amount of time." Yet the

Forest Supervisor is committed to a planning process in which "funding associated with administration of designated uses (or lack thereof) will not be a decision criteria for these use designations." (DSEIS page 1-22).

OO) ENCOURAGING MOTORIZED USE IN INVENTORIED ROADLESS AREAS

Virtually everyone outside of the Forest Service would like to see IRAs managed for their unique remote roadless wildland character. The EPA, the Oregon Congressional Delegation, and nearly 11,000 Americans have asked the Forest Supervisor to recognize and protect the special roadless character and values of the Rogue River-Siskiyou National Forest that most of us hold dear. As with the Mt. Ashland Ski expansion ROD and the Biscuit Salvage logging RODs, this Motor Vehicle Use DSEIS preferred alternative ignores the vast majority of substantive public comments in order to codify and encourage off-road use in IRAs that is known to diminish the unique values of unroaded forests.

Page II-36 of the DSEIS indicates that managing the Sturgis Fork and O'Brien Creek trails for non-motorized recreation in the roadless areas would "potentially reduce user conflict on these trails." Page II-36 of the DSEIS also indicates that managing the Cook and Green hiking trail for non-motorized use in the IRA "would help protect unusual and sensitive plants indigenous to southwest Oregon." Page III-16 of the DSEIS states that closing the Lawson Creek roadless trails to motorized use "would be consistent with the management direction for this key watershed and with ACS objectives to protect stream channel integrity and vegetation." Similarly, page III-17 of the DSEIS indicates that managing the roadless Nancy Creek and Illinois River trails for non-motorized use "is consistent with management objectives that protect water quality and aquatic resources." Page 111-22 of the DSEIS acknowledges that roadless "trail #1143 travels through inventoried landslides along Red Dog Creek [and] prohibiting motorized use would be consistent with ACS goals and objectives for protecting riparian reserves and channel integrity and vegetation. BMPs would also be served by removing vehicle travel from an area with unstable slopes." Page III-22 of the DSEIS also concludes of the roadless Boundary, O'Brien and Sturgis Creek Hiking trails that "prohibiting motorized use on these spurs would be consistent with ACS goals for protecting streambank integrity." Yet the previous ROD for this project, and the current preferred alternative in the DSEIS, refuse to implement actions that would protect and enhance the unique recreational, hydrological and habitat values of these roadless lands. Instead the agency appears committed to codifying and encouraging off-road motorized use on these lands even though "if new or continued motorized trail use is authorized in the selected alternative, a short-term impact on the roadless characteristics of solitude and remoteness is expected." (DSEIS page III-53).

The Forest Supervisor's continued antipathy towards the values that most American's find in IRAs is disturbing and unfortunate. At page A-51 of the initial FEIS the Forest Service contended that it is free to maintain (currently unmaintained) motorized "trails" through IRAs with clearing widths greater than 50" inches because "clearing widths are not the same as track widths that are used to define a road." In fact, as previously stated, the Forest Service is contending that there are no limits whatsoever on the size of "clearing widths" that it may maintain in IRAs for "trails" of any width. The agency's position is that a "trail" is anything that the Forest Service calls a "trail." Presumably I-5 could be a "trail" if "managed as a trail." Further, the DSEIS does not analyze or disclose the fact that many of the trails proposed for motorized use (and clearing maintenance) in IRAs are currently overgrown or contain clearing widths much narrower than is called for in the DSEIS. Hence the contention

that new impacts and activities in IRAs are not being proposed by the agency is false. Many trails through IRAs will contain much wider clearing widths and may receive much heavier motorized use than they do currently once the MVUM is published. The agency has consistently refused to analyze or disclosed the impacts of these activities on IRAs.

PP) HARASSMENT OF NORTHERN SPOTTED OWLS

> *New disturbance during the critical nesting period in occupied or unsurveyed NSO habitat "may adversely affect spotted owls by causing adults to flush out form their nest site, abandon the nest, or cause juveniles to prematurely fledge, interrupt foraging activity, or result in increased predation due to less protection when the adult flushes."*
> *-Draft Supplemental EIS for Motorized Use on the RRSNF Page II-48.*

The public submitted timely and substantive comments indicating that the Forest Service assumption (contained in the DEIS, FEIS and DSEIS) that Spotted Owls located near to proposed motorized trails are habituated to noise disturbance is in error. As has been documented by our organizations throughout this planning process, a number of proposed ORV trails currently receive very little use and no maintenance and are currently impassible to motorized travel. **Hence nearby owls may not be habituated to motorized disturbance.** The agency "responded" to this concern at A-52 of the initial FEIS by stating (without citation, analysis or documentation) that it will continue to make such an assumption "regardless of use." Why? Shouldn't actual disturbance and harassment, as indicated by whether the trail has received significant motorized use prior to publication of the MVUM have some bearing on the assumption of whether an owl is habituated to disturbance or not?

At B-3 of the initial ROD the Forest Service appropriately required seasonal restrictions for road or trail work/maintenance that is proposed near occupied NSO activity centers in order to prevent harassment and take as required by the ESA. Yet no such prohibition is proposed for actual motorized use of the very same roads and trails "regardless" of whether the owls are actually habituated to noise disturbance or not. Such an inconsistency is arbitrary, capricious, and a violation of NEPA, NFMA and the ESA.

As indicated on page II-49 of the DSEIS, motorized vehicle use requires the same "zone of restricted activity" (60 yards) to prevent harassment/take of NSO during the nesting/fledging period. Yet the DSEIS continues the agency's policy of relying on an assumption that the Forest Service knows to be inaccurate: that owls located near areas proposed for motorized trails that currently receive little or no motorized use are habituated to motorized use.

The DSEIS elected not to respond to our DSEIS scoping letter of May 14, 2010 in which we wrote:

> *We bring to your attention the analysis conducted by your colleagues in the Fremont-Winema National Forest during their recent motorized use planning process. Please see pages 34 and 49 of the Fremont-Winema motorized use Environmental Assessment at:*
> *http://www.fs.fed.us/r6/frewin/travel-mgmt/index.shtml*
>
> *Please note that Fremont-Winema NEPA planners acknowledge the impacts of motorized use on Northern Spotted Owl and ungulates and propose to reduce those impacts through seasonal restrictions on motorized use near to these species and their habitat. The Rogue-River Siskiyou National Forest DEIS and FEIS contain no such analysis and no equivalent mitigation measures. We hope that the Supplemental EIS will remedy this.*

QQ) IMPACTS TO WILDLIFE FROM MOTORIZED USE OF THE BOUNDARY TRAIL

As with the issue of NSO harassment, the Forest Service has repeatedly ignored public comments and peer-reviewed literature regarding the impacts of motorized use of the Boundary Trail on terrestrial wildlife linkages by contending that "any disturbance to terrestrial wildlife is historical and ongoing." The agency presents no quantitative or qualitative support for this statement whatsoever. How much motorized use is occurring? How long has it been occurring? When does it occur? What are its impacts on terrestrial wildlife linkages? Will the impacts increase as a result of the plan amendments and publication of the MVUM encouraging motorized use of this hiking trail? The decision maker and the public can't know because the agency won't analyze or disclose these details.

At A-54 of the initial FEIS, the Forest Service claimed to be "familiar with these opinion papers that support conservation of ecosystems of the Klamath province." Peer reviewed, published articles are not "opinion papers" and the agency did not respond to them in the FEIS or the DSEIS. The undocumented convenient assumption by the agency that "any disturbance to terrestrial wildlife is historical and ongoing" is, however, opinion. How does the agency's opinion that wildlife disturbance on the Boundary Trail is "historic and ongoing" square with its contention at page II-62 of the DSEIS that documented conflict with non-motorized use is unimportant because motorized use is "relatively infrequent?" It appears that when the Forest Service wishes to avoid its mandate to reduce user conflict it characterizes motorized use of the Boundary Trail as "infrequent," yet when it wishes to avoid documentation of the impacts of motorized use on wildlife it characterizes the use as "ongoing" such that wildlife are "habituated." It is interesting that the agency believes that wildlife, but not humans, are habituated to ORV disturbance on the Boundary Trail.

RR) POC ANALYSIS IMPROPERLY TIERS TO RISK KEY

Throughout the NEPA commenting period the public has submitted substantive comments indicating concerns with the lack of transparent site-specific analysis of the risk to POC populations from proposed motorized roads and trails, the lack of analysis regarding the efficacy of POC closure mechanisms, and shortcomings of the generic POC Risk Key relied upon by the agency in lieu of more detailed NEPA analysis. At A-55 of the FEIS the agency "responded" to these significant concerns by again stating its reliance on the POC Risk Key (while not responding to any comments regarding the efficacy of the Risk Key), and contending that impacts to POC will be "clarified in the FEIS."

Now, in the current DSEIS, the agency again relies upon the generic Risk Key (at Appendix F) refuses to respond to any of the substantive concerns that have been raised by the public during this planning process regarding the agency's refusal to address POC threats on a site-specific basis. Please note that the agency has constrained its analysis such that all action alternatives under consideration "only propose minor decreases in motorized use within areas containing POC" and each action alternative "will introduce additional appreciable risk" to POC populations. See DSEIS pages III-110 and III-111.

Lastly, the DSEIS simply ignores the content of Professor Jules' March 4, 2010 letter to (then) Regional Forester Mary Wagner expressing concern regarding the extensive reliance on the POC Risk Key in this planning effort in which he writes:

The FEIS relies heavily on the Risk Key (Appendix F), though the key does not have strong scientific merit. There are several issues of which you should aware. First, the Risk Key begins by asking if "there [are] uninfected POC within, near, or downstream of the activity area whose ecological, Tribal, or product use or function measurably contributes to meeting land and resource management plan objectives?" Here, "near" is defined as "within 25 to 50 feet downslope or 25 feet upslope from management activity areas, access roads, or haul routes; farther for drainage features; 100 to 200 feet in streams." The distances here are arbitrary, and although they are perhaps best guesses, the in-stream estimate of 100-200 has little basis and is of particular concern since that is where infection is most likely. Empirical studies have shown that P. lateralis can infect a stream even if there is up to 540 feet between the upstream road (inoculum source) and the first cedar (Jules et al. 2002). The FEIS notes that my study (Jules et al. 2002) shows a relationship between distance to the first cedar and infection probability. While this is true, it ignores the simple fact that long-distance infections happen frequently. Models using the same data suggest that infection risk does not reach levels near zero until there is approximately 1,300 feet between the road and the first cedar (Jules et al. 2002). Second, the Risk Key lists "sanitation" as a required management practice. It is important to note that there not consensus among scientists that sanitation will reduce the spread of P. lateralis. Again, the FEIS notes that my study shows a relationship between cedar density and infection risk (the more cedar, the higher the infection risk). But it is incorrect to cite this as evidence for the efficacy of sanitation (which we did not and could not analyze). Sanitized sites are excellent habitat for Port Orford cedar recruitment, thus frequent and consistent sanitation of seedlings would be forever be necessitated. It seems clear that this is not a pragmatic approach for land managers. And again, the efficacy of sanitation has not been properly assessed. To date, I know of only one study that has tried to assess the impact of sanitation on P. lateralis spread, and it was hampered by using only one control (comparison) site (Marshall and Goheen 1999).

I believe the FEIS and ROD have not used the best available scientific information to evaluate the spread of P. lateralis and the risk that roads and vehicular traffic have in contributing to that risk. At the very least, I'm writing to let you know that the perspective given in the FEIS is not one that is shared by all scientists with expertise in the ecology of Port Orford cedar and P. lateralis.

SS) FAILURE TO DISCLOSE IMPACTS OF POC LOSS ON ACS OBJECTIVES

The agency's ACS analysis contends that the decision to map, codify and encourage use of motorized trails and roads in watersheds containing POC will not result in the alteration of any riparian vegetation. Public comments throughout the NEPA process have questioned this conclusion. On page A-58 of the initial FEIS the agency responded to this concern by stating that "some risk is practical to mitigate; some risk is not." Regardless of what risk the agency believes is practical to mitigate, NEPA requires that the agency fully disclose the impacts of its decisions on attainment of the objectives of the Aquatic Conservation Strategy.

The agency now claims that it has disclosed the impacts of motorized use in POC habitat on attainment of the ACS Objectives in the DSEIS.

What the DSEIS actually discloses is the following:

> *"POC provides an uncommon ecological function on ultramafic soils and loss of this species can prevent attainment of management objectives." Page III-103.*

> *"Reducing POC risk within riparian reserves contributes to meeting ACS objectives by decreasing tree mortality, thereby maintaining stream shade and habitat, bank stability and maintaining the physical integrity of the aquatic system." Page III-104.*

All action alternatives "only propose minor decreases in motorized use within areas containing POC." Page III-110.

The agency is proposing 3 road to trail conversions that "will introduce additional appreciable risk" to POC populations." Page III-111.

In other words, the Forest Service knows that POC are critical to achieving the objectives of the ACS and that reducing risk of POC infection would implement the Forest Plan, yet the agency will only consider action alternatives that do not address the threat that motorized use presents to this species and intends on implementing actions that it knows will increase use. What remains unknown is why the Forest Service believes such a reckless policy abides by the requirements of the Aquatic Conservation Strategy.

TT) IGNORING ILLEGAL MOTORIZED USE ORIGINATING ON THE COOK AND GREEN TRAIL

The Forest Service received site-specific public comments regarding illegal motorized use of the Pacific Crest Trail (PCT) that originates from access provided by the Cook and Green Trail (which also illegally encourages ORV use through the Cook and Green Botanical Area). On page A-58 of the initial FEIS the agency responded to this concern by: (1) acknowledging that illegal motorized use occurs on the PCT; and contending that (2) typically, motorcycle riders make a loop by going up Cook and Green Trail and returning down to the Applegate Lake area via the 1055 Road." In fact use of the 1055 Road by ORV riders to complete a loop from the Cook and Green Trail is not at all typical. Far more common is for ORV riders to make a loop with the Cook and Green and Horse Camp Trails, which involves motorized use of the PCT. KS Wild staff and volunteers have regularly and routinely observed ORV riders and tracks on this portion of the PCT. We have never observed a Forest Service employee on this portion of the trail. We have submitted testimony as to the frequency of this use. Yet the agency prefers to pretend that ORV riders will choose to ride up a trail illegally traversing a designated Botanical Area, reach the PCT (where riding is also illegal) and return via a road rather than via the trail loop system that they prefer. This conclusion is arbitrary and capricious. The decision to codify, encourage and map motorized ORV use on the Cook and Green trail is also arbitrary and capricious.

Page II-36 of the new DSEIS (page II-36) states that closure of the Cook and Green Trail to motorized use "would help protect sensitive plants indigenous to southwest Oregon" located in the Cook and Green Botanical Area, while page III-23 goes on to conclude that:

> ***"This trail closely follows the main stem of the Cook and Green Creek within the riparian reserve buffer, crossing 20 closely spaced channels near their confluence with the main channel****. The drainage along Cook and Green is unusually high. The Middle Fork Applegate River Watershed Analysis states that Cook and Green is a 'very active downcutting stream which has steepend slopes creating an extremely steep topography.' Processes associated with steep slopes, such as rock fall, creep and ravel, are very active.* ***Closure to motorized use would be consistent with ACS objectives for streambank protection."***

The facts are: (1) this trail is regularly and routinely used to facilitate illegal motorized use of the PCT; (2) this trail traverses through a Botanical Area in violation of the LRMP and puts rare plants at-risk to motorized damage; (3) this trail traverses the riparian reserve of Cook and Green Creek and involves 20 motorized stream crossings; and (4) closure of this hiking

trail to ORV use would facilitate attainment of ACS objectives. Yet the agency refused to close the hiking trail to ORV use in the previous ROD and undoubtedly will refuse to close it to motorized use in the forthcoming ROD. The agency's steadfast desire to place the desires of the 2% of forest visitors who prefer motorized thrill riding on hiking trails above all other values, policies and objectives is both mystifying and disheartening.

UU) IGNORING THE IMPACTS OF MOTORIZED USE ON PACIFIC FISHERS

Despite public requests that the agency analyze and disclose the impacts of motorized use on Pacific Fisher dispersal and behavior, the Forest Service (on page A-59 of the initial FEIS) assumed "that there would be no measurable change in the amount of use these routes currently receive" and hence that impacts to this species will be minimal. No evidence is presented by the agency to support the contention that its decision to map and maintain previously unmapped and unmaintained motorized trails will not increase motorized use. Further, the agency refused to analyze or disclose the baseline existing (and ongoing) impacts of wildlife harassment from motorized use. The DSEIS continues the "don't ask, don't tell" policy vis-à-vis Pacific Fisher.

VV) MORE THAN 5% OF BCNM LANDS BEING IMPACTED BY MOTORIZED RECREATION

Throughout the NEPA commenting period the public has pointed out that at 5-8 the Rogue River NF LMRP requires that the agency limit ORV use and impacts to less than 5% of designated Back Country Non-Motorized areas. While the agency's preferred alternative calls for codifying and encouraging ORV use in BCNM areas, the DSEIS presents no analysis, monitoring, numbers, or information whatsoever regarding the quantitative or qualitative impacts of encouraging ORV use in Back Country "Non Motorized" areas. Instead, the Forest Service attempts to avoid the substantive requirements of its LRMP and procedural requirements of NEPA by stating (at page A60 of the FEIS) without analysis, citation or support that "motorized used on the Boundary Trail has no effect on acres and was occurring in 1990." Motorcycle use on the Boundary Trail can be heard on hundreds of acres in the BCNM, and as documented in the Administrative Record, *results in significant user conflict every year*. The contention that motorized use of this trail "has no effect" is arbitrary, capricious and damaging to the agency's credibility. While the Forest Service has refused to analyze or respond to the public comments regarding the level of motorized impacts to BCNM areas in violation of NEPA, it is also highly likely that the agency's decision to codify such use also runs afoul of the requirements of its LRMP. In the DSEIS, the Forest Service once again ignored this issue.

WW) REFUSING TO ANALYSE OR DISCLOSE IMPACTS TO WOMEN

The Forest Supervisor received written comments, and participated in a meeting, in which several women indicated that virtually all of the motorized use on the Boundary Trail occurs by groups of men (not families) resulting in an intimidation factor for some women hikers. The extremely brief Forest Service "response" at page A-61 of the initial FEIS stated "This will be clarified in the FEIS." In fact- the agency did not clarify this issue in the FEIS, or in the DSEIS -it simply ignored it. NEPA, and the Forest Service Manual, do not permit the

agency to ignore the impacts of an exclusively male activity (motorcycle use of the Boundary Trail) on women hikers who then avoid the trail.

Please note, the only public advocates for the plan amendments encouraging ORV use in the Back Country Non-Motorized Areas, Research Natural Areas, and Botanical Areas traversed by the Boundary hiking trail is the Motorcycle Riders Association (MRA). The MRA conducts a yearly "club ride" along this hiking trail. The "club ride" through the Botanical Areas, Research Natural Areas and Back Country Non-Motorized Areas is *exclusively* male. Please see:
http://www.motorcycleridersassociation.org/gallery1/2008GraybackClubTrailRide/DPu_0041

It is unclear why the agency again neglected to address this issue in the new DSEIS. The agency's contention on page III-203 of the DSEIS that "the objectives of this review and analysis are to prevent disparate treatment and minimize discrimination against minorities, women and persons with disabilities" is simply false. No such effort has been made and public concerns regarding disparate treatment have been ignored.

XX) INCONSISTENT INFORMATION

Throughout the planning process the agency has changed its findings to support the conclusions that it hopes to achieve. The agency received timely comments indicating that the initial DEIS provided conflicting analysis for the Boundary Trail by stating on page III-19 that "the risk of direct adverse effects to plant habitat is relatively high due to the ease of leaving the trail at Sugarloaf/Windy Gap" while also states on page III-20 that "damage to these habitats from off-road use is not expected to occur." On page A-62 of the initial FEIS the Forest Service responded to this concern by stating "the only reasonable expectation that the agency can assume (based on stated assumptions III-2) is that motorized users will follow the rules, would not leave authorized trails and that the degree of this illegal use would be minor." There is nothing at all "reasonable" about such an "expectation." Our organizations have submitted articles concerning ongoing illegal ORV use in the Rogue River-Siskiyou National Forest, studies, law enforcement testimony, and surveys all indicating that *many ORV riders simply prefer not to follow the rules*. The agency has offered no evidence whatsoever to support the assumption that ORV riders will "not leave authorized trails." So while the agency acknowledges that "the risk of adverse effects to plant habitat is relatively high" in the Botanical Area in which the Forest Supervisor is intent on encouraging ORV use, it discounts that risk by simply wishing it away. NEPA, NFMA and the LMRP do not allow wishful thinking to supplant meaningful analysis.

Please note that the new DSEIS states of ongoing severe damage to the $8 Dollar Mountain and Day's Creek Botanical Areas that:

> *"The viability of some local occurrences of FSS vascular plants in the $8 Dollar Mountain and Day's Creek Botanical Areas is at risk from the adverse effects of illegal off-road and off-trail vehicle use. This is not an effect of any of the action alternatives, rather an effect of recreational misuse that the Forest Service has had limited ability to control."*

How does the agency intend to square its contention that it is a "reasonable expectation" that "motorized users will follow the rules" and that "illegal use would be minor" with its knowledge that the viability of rare plants in botanical areas is actually "at risk" due to known "adverse effects of illegal off-road and off-trail vehicle use" that the agency "had had limited ability to control?"

In our comments regarding the initial DEIS we wrote:

We had hoped that the DEIS would analyze or disclose the potential for increased off-route and off-road OHV abuse of serpentine sites due to the identification of such routes on the MVUM. Early on in the planning process Mr. Rich Nawa (Siskiyou Project) repeatedly suggested to the Forest Service that all serpentine areas be removed from the MVUM except for major through roads and roads to recreation sites. The destruction of rare plants by motor vehicles is a direct impact that cannot be mitigated and may contribute to the need for Endangered Species Act listings (in violation of NFMA and Northwest Forest Plan). Ruts, rills, and gullies persist in serpentine areas for decades (in violation of the ASC) and prevent re-establishment of desired rare species (via permanent soil damage).

Examples of extensive off-road damage occurring in serpentine meadows may be found at: http://www.mailtribune.com/archive/2005/1103/local/stories/07local.htm

While examples of extensive off-road damage occurring in alpine meadows may be found at: http://www.mailtribune.com/archive/2005/0526/local/stories/05local.htm

Indeed in the above referenced news story officials from the Rogue River-Siskiyou National Forest acknowledge the difficulty of preventing damage to serpentine sites near Eight Dollar Mountain in the Illinois Valley:

The Rogue River-Siskiyou National Forest's steep terrain and dense forests have helped hinder the proliferation of unauthorized trails and roads carved out by off-road vehicles, Burel said. But botanical areas, set aside by the forest to preserve rare and unique plants, are at risk, she said.

Illegal off-road vehicles have damaged plants in the Eight Dollar Mountain and Day's Gulch botanical areas in the forest's Illinois Valley Ranger District, said Pam Bode, district ranger.

"Botanical areas are relatively boggy, wet areas," Bode said. "They are very popular for use in the Illinois Valley and Grants Pass. They come here and drive through with large trucks and get muddy."

On March 19, 2001 the Grants Pass Courier reported that "[a]n area about the size of a football field has deep ruts filled with pools of water and hard-pan embossed with tire tracks, after a winter of heavy abuse from pickup trucks and all terrain vehicles" (This article was included as an attachment to our scoping comments).

Project planners have repeatedly declined to incorporate the information above into their analysis of motorized use on the Forest. Instead, the agency has again decided to propose plan amendments to encourage ORV use in Botanical Areas, Back Country Non-Motorized Areas, and Research Natural Areas based on the assumption that "motorized users will follow the rules, would not leave authorized trails and that the degree of this illegal use would be minor" despite significant evidence to the contrary in the administrative record.

THE ANALYSIS IS BIASED.

The development of a project must proceed without undue bias from the action agency and ultimate decision maker. Otherwise, neither the public nor the ultimate decision maker is fully aware of the potential consequences of the proposed action. "Bias in the impact statement, of course, renders impossible the fair and careful evaluation of a project's environmental effects demanded by NEPA." NRDC v. Callaway, 389 F. Supp. 1263, 1273

(D. Conn. 1974) citing Calvert Cliffs' Coordinating Comm., Inc. v. US Atomic Energy Commission., 449 F.2d 1109, 1115 (D.C. Cir. 1971).

In the present case, the initial ROD stated "the purpose for action is to enact the Travel Management Rule." Hence the public, the EPA, and the Oregon Congressional Delegation requested that the agency develop and consider an action alternative that would identify and address the size of a transportation system which could be safely maintained for motorized use as called for by the Travel Rule. Rather than even consider such an alternative, the agency has now altered the "purpose" of the project via the DSEIS to consist of "implement[ing] sub part B of the Travel Rule." Please note it is both inevitable and certain that the Forest Service's next ROD will exactly mirror the previous ROD in this planning process. The Forest Supervisor's desired outcome has influenced both the stated "purpose" of the project and the analysis to support the forthcoming decision. Such bias is illegal. The purpose and the analysis are supposed to inform the decision rather than vice-versa. The agency's refusal to actually implement the portions of the Travel Rule that it finds inconvenient is evidence of a biased process leading to a pre-determined outcome.

Another instance of bias in this NEPA planning process is the stated rationale for the plan amendments to codify and encourage ORV use on the Boundary hiking Trail (#1207) in non-conforming land use allocations such as Back Country Non-Motorized Areas, Research Natural Areas and Botanical Areas. The *only* rationale provided to support these drastic plan amendments is reference to "historic and ongoing use" of the hiking trail by ORVs in violation of the LRMP. Please note that the 1990 decision codified in the Rogue River National Forest LRMP to exclude ORV use from these land use allocations was made by the agency with the knowledge that some motorcycle use of the trail had previously occurred. In the current DSEIS the Forest Service points to no new information or changed circumstances that have arisen since the sensible 1990 decision to exclude ORV use from Back Country Non-Motorized Areas, Research Natural Areas and Botanical Areas contained in the Forest Plan. Instead, the agency simply makes reference to "historic and ongoing use" that was in fact prohibited by the LRMP. Further, no attempt was made by the agency to address or respond to the many instances of user conflict engendered by ORV use within the Back Country Non-Motorized Areas, Research Natural Areas and Botanical Areas documented in public comments regarding this planning process.

The Forest Supervisor's arbitrary proposal to encourage and codify ORV use within the Back Country Non-Motorized Area evidences the failure of this NEPA process due to the bias of the decision maker.

The agency's only nod to the significant bias occurring in this planning process is its curious contention that its decision to apply for and utilize "OHV grant funding" "to supplement federal appropriated funding to support project planning" does not bias the agency's analysis or influence the outcome of the planning process. The agency's contention is both inaccurate and self-serving.

The Supreme Court has long held that the appearance of financial bias in a decisionmaker gives rise to a Due Process violation. *Caperton v. A. T. Massey Coal Co*., 129 S. Ct. 2252 (2009) (requiring recusal when an adjudicator has a "direct, persona, substantive, pecuniary interest" in the outcome of a matter, *Tumey v. Ohio*, 273 U.S. 510, 523 (1927)). In addition, the 9th Circuit has previously admonished the Forest Service for its biased decisionmaking when the agency's financial interests were implicated. *Earth Island Inst. v. U.S. Forest Serv.*, 442 F.3d 1147, 1178 (9th Cir. 2006) (Noonan, J., concurring); *Earth Island Inst. v. U.S.*

Forest Serv., 351 F.3d 1291, 1309 (9th Cir. 2003) (Noonan, J., concurring); *see also*, Austin D. Saylor, Note, *The Quick and the Dead: Earth Island v. Forest Service and the Risk of Forest Service Financial Bias in Post-Fire Logging Adjudications*, 37 ENVTL. L. 847 (2007). In a recent opinion from this court, Judge Noonan again revisited the fiscal impartiality of the Forest Service. *Sierra Forest Legacy v. Rey*, 2009 WL 2462216, *7 (9th Cir. 2009) (Noonan, J., concurring) (criticizing the agency for selling timber to meet hazardous fuels objectives).

In this instance the Forest Service's financial interest is even more front and center: utilizing "OHV grant funding" "to supplement federal appropriated funding to support project planning" such that the desires of the 2% of forest visitors who prefer OHV recreation over-ride the agency's ecological and legal requirements.

This planning process has been biased by the monetary reward to the agency from OHV programs that are funding the NEPA process. Against this background of precedent, the Forest Service's own regulation requires that the Forest Service "objectively evaluate all reasonable alternatives." 40 C.F.R. § 1502.14(a) (2000). Predictably the Forest Service has refused to even consider action alternatives that would in fact implement the Travel Rule in its entirety.

USER CONFLICT.

Executive Orders 11644 and 11989 require the Forest Service to manage motorized use so as to "minimize damage to soil, watershed, vegetation, or other resources," to "minimize harassment of wildlife," and to "be based upon the protection of the resources of the public lands, promotion of public safety of all users of those lands, and minimization of conflicts among the various uses of those lands." Similarly, the Travel Management Rule has the "objective to minimize" impacts to those resources." 36 CFR §212.55(b).

Please note that in their scoping comments of October 14, 2008, the EPA submitted the following to the Rogue-Siskiyou National Forest:

> *We recommend that the range of alternatives (i) incorporates a science-based roads analysis that identifies the minimum road system, (ii) addresses over snow recreation and (iii) includes an alternative which minimizes motorized and non-motorized user conflict…*
>
> *Minimizing Motorized and Non-Motorized Forest User Conflict*
> *From 1982 to 2000, the number of people driving motor vehicles off road in the United States increased over 109 percent[5]. EPA recognizes the significance of this increase and commends the Forest Service for developing and implementing the Travel Management Rule. Simultaneously we understand that recreation visits involving OHVs constitute only about 5 percent of all recreation visits to national forests[6]. The Purpose and Need for this action is, in part, to minimize user conflicts and increase safety. User conflict and safety risks are often associated with interactions between non-motorized and motorized forest users (e.g. direct conflicts on trails and less direct conflicts related to noise from motorized use and so-called "quiet" recreation). To better understand these interactions we recommend that the EIS quantitatively and qualitatively describe*

[5] Cordell, H.K., Betz, C.J., Green, G.T., Mou, S., Leeworthy, V.R., Wiley, P.C., and et al. (2004). Outdoor recreation for 21st century America: a report to the nation: the national survey on recreation and the environment. State College, PA: Venture Publishing. 293 p.
[6] English, D. 2003. Southern Research Station. from http://www.fs.fed.us/publications/policy-analysis/unmanaged-recreation-position-paper.pdf

the priorities and concerns of motorized and non-motorized forest users. In order to "Rigorously explore and objectively evaluate all reasonable alternatives" in accordance with NEPA (40 CFR 1502.14) we propose that an alternative which emphasizes the minimization of potential conflict between non-motorized and motorized forest users be developed.

The Forest Service has repeatedly rejected this request from your colleagues to "quantitatively and qualitatively describe the priorities and concerns of motorized and non-motorized forest users. In their May 11, 2009 comments the EPA went on to state:

As noted in the DEIS, and in the Federal Register[7], the 2005 Travel Management Rule is intended to manage motorized use on Forest Service roads and trails so as to protect natural resources, promote the safety of all users, and minimize conflict among users. Under the proposed alternative, the Land and Resource Management Plans (LRMPs) for the Rogue and Siskiyou National Forests would be amended to allow for motorized use in areas where motorized use is currently prohibited (specifically the Boundary Trail area). As noted in the DEIS, there are Forest Service Sensitive species and habitat along the Boundary Trail (p. III-69) and ***user conflicts have been documented on the Boundary Trail (p.III-114). Amending the Forest Plans to allow for use in these areas would reconcile existing use with the land use allocation, but we do not believe it would be consistent with the direction in the Planning Rule.***

Again the Forest Service elected not to respond to the EPA's concerns regarding user conflict on the Boundary Trail via the DSEIS.

Please note that on 11/6/08 Congressman DeFazio and Senators Ron Wyden and Jeff Merkley wrote to the Rogue River-Siskiyou Forest Supervisor about their concerns:

We are also concerned about possible visitor conflicts associated with off-road vehicle (ORV) use along the Boundary Trail, which is located within the Kangaroo IRA in the vicinity of the Oregon Caves National Monument. As a result of unregulated motorcycle use, which has led to unsafe conditions and diminished the attraction for hikers, families and individuals avoid this narrow and remote backcountry hiking trail.

Again the Forest Service elected not to respond to these concerns about user conflict on the Boundary hiking trail via the DSEIS.

A great number of heartfelt letters were submitted to the Forest Service documenting user conflict, fears for personal safety, and inappropriate behavior by ORV riders occurring on the Boundary Trail. The Forest Service also elected not to respond to any of these documented instances of user conflict on the Boundary Trail in the DSEIS. It is as if public comments are simply immaterial to the agency's preordained preferences.

At Page 7 of the initial ROD, the Forest Supervisor contended that as per the requirements of 36 CFR 212.55 monitoring will be conducted with the "objective" of "minimizing" conflicts between motor vehicle use and existing or proposed recreation. Such conflict is already extremely well documented on the Boundary Trail. It has been raised by the public. It has been raised by the Congressional Delegation. It has been raised by the EPA. Yet the Forest Supervisor is unwilling to take *any* steps to actually minimize the conflict. Instead, he has elected to again propose a slew of plan amendments to encourage and codify ORV use in Back Country Non-Motorized Areas, Research Natural Areas, and Botanical Areas through which the trail passes. What is the point of "monitoring" user conflict if when Forest

[7] Federal Register Volume 70, Number 216, Page 68264

Supervisor is made aware of existing conflict he responds by publishing a MVUM to encourage additional controversial ORV use of the area in question?

Please note that page II-36 of the DSEIS indicates of the Sturgis Fork and O'Brien Creek trails that:

> *These trails are located within the Kangaroo inventoried roadless area and are part of the Boundary complex of trails that include Elk Creek and Bigalow Lake on the Wild Rivers Ranger District. A portion of the O'Brien Creek trail is located within the Grayback botanical area.* ***Motorized closures would potentially reduce user conflict on these trails****."*

We contend that despite the agency's acknowledgement that motorized closure of the Boundary Hiking Trail would "potentially reduce user conflict" that it is inevitable and pre-ordained that the preferences of the 2% of forest visitors who primarily utilize ORVs will be valued over the agency's binding requirements to address and reduce user conflict.

AQUATIC CONSERVATION STRATEGY.

Quotations From the Initial DEIS:

"Motorized use in riparian reserves is not consistent with management objectives for maintaining or enhancing riparian resources under the ACS, especially since Silver Creek is a Key Watershed."
-Motorized Vehicle Use on the RRSNF DEIS at III-12.

"Site scale indirect and long term impacts to wetlands and lakes as a result of motorized access are likely to continue. Damage to wetland vegetation and bank stability due to vehicle passage is common on accessible wetlands."
-DEIS at III-13.

"[The Horse Creek and the Cook and Green Trail] would be expected to generate slope ravel from OHV passage on steep slopes. Portions of the trail may also contribute to instability on earthflow terrain known to be in the Butte Fork subwatershed. Within riparian areas, the trails may have a damaging short and long-term effect on bank stability and drainage patterns. Sediment would be expected to reach perennial streams where the trail crosses or is parallel to channels."
-DEIS III-14.

"The reduction or elimination of motorized vehicle traffic on a road or trail near a stream will result in less sediment delivered from the road to the stream, and this in turn will reduce the risk of adverse effects to water quality from roads."
-DEIS III-6.

"At the landscape scale, it is well documented that motorized routes can modify the frequency, timing, and magnitude of disturbance to aquatic systems. The current motorized travel system on the Forest includes over 5,800 miles of motorized routes. Many of these routes are located within proximity to occupied fish habitat."
-DEIS III-103.

"Roads, particularly those located in proximity to riparian areas; pose a distinct threat to aquatic biota habitat quality and population structure. Roads can route sediment into water bodies, fragment aquatic habitat (i.e., migration barriers), and provide a vector for introduction of aquatic nuisance species and hazardous materials. Additionally, roads provide access to and concentrate human and livestock use within riparian areas. This can lead to widespread degradation of stream banks, in-channel aquatic habitat, and riparian vegetation."

-DEIS III-103.

Quotations From the Supplemental DEIS:

"Vehicle use of roads and trails generally increases surface erosion through substrate displacement, rutting and dust generation."
-DSEIS III-8.

"Six first and second order ephemeral channel crossings occur in the Lawson Creek sub-watershed. Closure to motorized use would be consistent with the management direction for this key watershed and with ACS objectives to protect stream channel integrity and vegetation.
-DSEIS III-16. Please note, the agency's preferred alternative calls for codifying and encouraging motorized use of this route.

The Nancy Creek and Illinois River Trails are "an area of sensitive aquatic resources because the Illinois River is listed for temperature and the area is within key watersheds…Prohibition of motorized use on this trail network is consistent with management objectives that protect water quality and aquatic resources…Crossings of perennial stream are more problematic since bank erosion contributes directly into flowing water and degrades riparian vegetation and possibly water quality."
-DSEIS III-17. Please note, the agency's preferred alternative calls for codifying and encouraging motorized use of these trails.

Regarding the Briggs Creek, Swede and Red Dog trails "out of 11.5 miles of trail 10 is within the riparian reserve of these channels. These trails cross 20 ephemeral channels and 10 perennial streams…Trail #1143 travels through ***inventoried landslides*** *along Red Dog Creek. Prohibiting motorized use would be consistent with ACS goals and objectives for protecting riparian reserves and channel integrity and vegetation.* ***BMPs would also be served by removing vehicle travel from an area with unstable slopes****."*
-DSEIS III-22. Please note, the agency's preferred alternative calls for codifying and encouraging motorized use of these trails.

On the O'Brien and Sturgis Creek trails "prohibiting motorized use of these spurs would be consistent with ACS goals for protecting streambank integrity."
-DSEIS III-22. Please note, the agency's preferred alternative calls for codifying and encouraging motorized use of these trails.

"[The Cook and Green] trail closely follows the mainstem of Cook and Green Creek within the riparian reserve buffer, crossing 20 closely spaced channels near their confluence with the main channel. The drainage density along the Cook and Green Creek is unusually high. The Middle Fork Applegate River Watershed Analysis states that Cook and Green Creek is 'a very active downcutting stream which has steepend slopes creating an extremely steep topography.' Processes associated with steep slopes, such as rock fall, creep and ravel are very active. Closure to motorized use would be consistent with ACS objectives for streambank protection."
-DSEIS III-23. Please note, the agency's preferred alternative calls for codifying and encouraging motorized use of this trail.

The quotations above from the Motorized Use NEPA record clearly establish the harm being done to the objectives of the Aquatic Conservation Strategy from motorized use in riparian reserves and the hydrological benefits that would accrue from restricting such use.

Hence we are extremely perplexed by the agency's steadfast refusal to implement an action alternative that would implement the recommendations of the Rogue River-Siskiyou Travel Analysis, the EPA, and the requirements of the NW Forest Plan to reduce open road densities impacting riparian values (especially in Key Watersheds).

A) LAWSON CREEK ROAD 3318310

Rather than reducing road density and motorized use in Key Watersheds, the Forest Service is proposing to cater to the 2% of Forest Users that enjoy ORV travel on the Rogue River Siskiyou National Forest by proposing to designate road 3318310 for mixed use. The agency anticipates that "[a]s the road and associated drainage features degrade due to minor rutting associated with motorized trail use, sediment and runoff are likely to increase over the long term." (DEIS page III-11). Predictably this language was excised from the new DSEIS. Nevertheless, the action threatens a serious violation of the ACS because "[g]enerated sediment could easily reach Lawson Creek from the **30 channel crossings**, or through the new rills and gullies generated by road use and uncontrolled drainage."

By designating 3318310 for mixed use the DSEIS calls for *increased* motorized use of these 30 channel crossings in a Key Watershed allegedly protected by the Northwest Forest Plan. Please note that Forest Road 3313110 "follows a perennial stream channel for 1,400 feet on an average grade of 10%. This alignment would be of concern because is presents an extended opportunity to deliver road related runoff and sediment to enter the stream system." Such a proposal also is inconsistent with agency requirements under 36 CFR §212.55(b).

> *"There is potential for localized increases in sedimentation to Lawson Creek, as a result of the conversion from Maintenance Level 1 to motorized trail. Increased sedimentation can result in the loss of habitat for both aquatic macroinvertebrates and fish through the elimination of the interstitial spaces in the streambed and the filling of pools. Sedimentation can also adversely affect the spawning success of salmonids…"*
> *DEIS page III-106.*

This language was also redacted from the agency's newly scrubbed and sanitized DSEIS. Please note that in the initial DEIS the agency relied upon maintenance (that may or may not actually occur) to reduce the impacts of management decisions that it knows will harm water quality at Lawson Creek and throughout the planning area. See DEIS page III-11 and III-7. Yet no analysis is provided as to the *level* or frequency of maintenance that the Forest Service will actually be able to achieve because the Forest Service steadfastly refuses to disclose the parameters of a transportation system that it can afford to maintain in either the DEIS or the DSEIS.

The agency's proposal regarding increased motorized use of road 3313110 despite the presence of 30 channel crossings on steep grades within a Key Watershed leads us to believe that Forest Service planners may not be committed to the goals or objectives of the ACS.

Please note that the initial FEIS (at A-28) responded to these concerns by redacting many of the initial DEIS quotations provided above and by contending that road 3318310 was misidentified as a closed ML 1 Road and "should have been described as a ML 2 road." The maintenance level of the road indicated on a Forest Service map prior to issuance of the ROD has little bearing on whether the decision to encourage and codify ORV use on this road will inhibit attainment of the ACS objectives. The road *still* requires 30 stream crossings. The road *still* parallels the creek in the Riparian Reserve on a steep slope with erosive soils. The road is *still* introducing sediment into the creek. The road is *still* located in a Key Watershed. The agency's response to these concerns of redacting the analysis

contained in the initial DEIS is arbitrary and capricious. The silence of the DSEIS regarding these issues is deafening.

Please note that while the Forest Service now evidently claims (at A-28 of the initial FEIS) that road 331830 is currently managed as an open ML 2 road, the POC Risk Key contained in the initial FEIS at F-4 identifies the road as "currently closed to motorized use" and concludes that authorizing motorized use (as occurred in the ROD) **"would introduce appreciable additional risk to POC that measurably contributes to meeting management objectives."** Either the Response to Comments is inaccurate, or the POC Risk Key is inaccurate. Either way, the initial Risk Key makes it abundantly clear that the Forest Supervisor's decision to encourage and codify mixed motorized ORV use on this road will inhibit attainment of the objectives of the ACS and directly increase additional risk to POC. Conveniently, it appears that the findings contained in the Risk Key in the initial FEIS regarding road 331830 have been redacted in the DSEIS.

B) SILVER CREEK KEY WATERSHED

Throughout this NEPA process we have submitted comments urging the Forest Supervisor to please follow the recommendations of the watershed analysis and the standard and guidelines of the Northwest Forest Plan by decreasing road density in the Silver Creek key watershed. We specifically advocated closure and decommissioning of Forest Service roads 091 and 642. Both of these roads fragment key interior wildlife habitat. Both are adjacent to an IRA with outstanding wilderness characteristics. Both have numerous non-maintained slides and debris shoots that make motorized travel unsafe. Both access Port Orford Cedar populations. The 091 road also accesses wilderness trails that are attractive to unscrupulous motorized users. Neither route provides motorized "loop" opportunities. Many Forest Service maps already show a gate present on road 091 in section 19. Hence a gate and continued closure to public motorized uses is appropriate in this location.

The Forest Service elected not to respond to or acknowledge *any* of the site specific comments regarding the 091 and 642 roads and to propose a preferred alternative that encourages additional ORV "mixed use" on both of these roads within the Key Watershed. Despite the input provided by the public, the DSEIS largely fails to analyze and disclose the impacts of these routes on POC, IRA character, Wilderness Character, non-motorized recreation or user safety. Instead both roads are simply proposed for increased mixed motorized ORV recreation with no analysis concerning the impacts of such a designation.

Please note that page II-34 of the DSEIS indicates that:

> *"This road [091] borders the Kalmiopsis Wilderness and the Illinois River Trail. Prohibiting mixed use would lessen the likelihood of motorized users entering the Wilderness and gaining access to the trail."*

Despite this finding the preferred alternative calls for mixed motorized use of the 091 road. No rationale is provided to explain why the agency refuses to manage this road for the protection of natural resources and non-motorized recreational opportunities.

Please note that as described previously in these comments, Retired Siskiyou National Forest Forestry Technician (Wilderness) Ranger Rene Casteran submitted a letter dated 5/6/09 to the planning team for this project stating that:

I disagree with the identification of the Bald Mountain Road (2512091) on Map 3 for Alternative and Map II-7 on page II-32. These maps show the current condition of this road as Non-Paved Road-Mix Use Allowed. I believe this road was closed to public use after the 1987 Silver Fire and subsequent Silver Fire Salvage activities and should only be shown in the analysis if there are alternative proposing to open use to the public.

Mr. Casteran basis his opinion (in part) on the following observations:

-All public maps currently show the road as closed via gate;
-In his time as Wilderness Ranger it was managed as closed;
-Requests to use the road were often denied;
-He (and other agency personnel) needed permission to use the road.

Mr. Casteran goes on to discuss the unanalyzed and undisclosed impacts that will flow from the Forest Supervisor's decision to authorize mixed motorized use on this road:

A profound effect on use patterns within the Kalmiopsis Wilderness that would be new and different from the current condition. Currently most backpackers need at least two days from the trailhead near Briggs Creek to access the Bald Mountain area. This "new" trailhead on the 2512091 road would make that a day trip. The Bald Mountain area has traditionally been a remote setting where the user would be likely to see few people. There is limited water (small spring) and camping opportunities are few in and around a fragile mountain prairie environment. Whether allowing what could be a dramatic change to use in this area would be positive or negative for the wilderness resource should be subject to more analysis and if it needs to be put off to a latter date, the Forest should not allow the use of a new trailhead until then.

Rather than respond to these substantive and site-specific comments, the agency has elected to simply ignore the concerns of its former employee. Current employees on the ID Team may wish to reflect on the ethics and consequences of such an approach to project planning and public input.

C) THE 087 AND 885 ROADS

Our organizations have repeatedly requested closure and decommissioning of the 087 and 885 roads. As documented throughout our previous NEPA comments, the 087 road poses a significant risk to the hydrological and Port Orford Cedar resources on the West Fork of Rancheria Creek. The road is severely out of compliance with Forest Service maintenance standards and is subject to significant erosion, rilling and cut bank failures. Many of the culverts and stream crossings are non-functional. The Biscuit fire has resulted in numerous roadside hazard trees that could be left (rather than felled) if the road is permanently closed and converted to non-motorized use. Road 885 provides easy and illegal access into the Kalmiopsis Wilderness and is the scene of frequent illegal motorized use into the Wilderness. It also conflicts with non-motorized use of the popular 1124.2 "Whetstone Butte" hiking trail. Both roads require road clearing by forest visitors, which encourages additional clearing and driving into the Wilderness.

Both of these roads are proposed for mixed motorized use in the preferred alternative in the DSEIS. The agency has not substantively responded to any of the site specific concerns listed above.

D) COOK & GREEN TRAIL

We are perplexed as to why the Forest Service continues to promote motorized ORV use of the Cook & Green hiking trail when the FEIS (III-13) concludes that use of the trail:

> *"[w]ould be expected to generate slope ravel from OHV passage on steep slopes. Portions of the trail may also contribute to instability on earthflow terrain known to be in the Butte Fork subwatershed. Within riparian areas, the trails may have a damaging short and long term effect on bank stability and drainage patterns. Sediment would be expected to reach perennial streams where the trail crosses or is parallel to channels."*

Perhaps that is why the language above was censured from the new DSEIS and replaced with the following:

> ***"This trail closely follows the main stem of the Cook and Green Creek within the riparian reserve buffer, crossing 20 closely spaced channels near their confluence with the main channel****. The drainage along Cook and Green is unusually high. The Middle Fork Applegate River Watershed Analysis states that Cook and Green is a 'very active downcutting stream which has steepend slopes creating an extremely steep topography.' Processes associated with steep slopes, such as rock fall, creep and ravel, are very active.* ***Closure to motorized use would be consistent with ACS objectives for streambank protection."***

Regardless of the language used, why is the Forest Service intent on codifying and encouraging motorized use of a hiking trail (Cook & Green) that the agency knows will inhibit attainment of the objectives of the ACS? Such an approach is clearly inconsistent with agency regulation under 36 CFR §212.55(b). Please further note that this trail accesses the Pacific Crest Trail (PCT) upon which motorized travel is prohibited. Additionally, please note that many forest visitors (and those Forest Service employees who actually visit the field) have repeatedly observed motorized use on the PCT and within the Red Buttes Wilderness that originates from the Cook and Green/Horse trail system. It is not difficult to follow the frequent motorcycle tracks from the PCT and Red Buttes Wilderness to their origin on the Horse and Cook & Green trailheads.

E) MULE MOUNTAIN TRAIL SYSTEM

> *"The Mule Mountain Area is identified as very important deer winter range and has been the focus of large prescribed burn habitat improvement projects."*
> *-DSEIS page II-63*

The initial FEIS (III-14) states that closure of the Mule Mountain Area trails to motorized use under Alternative 4 "would eliminate a source of localized disturbance that generates erosion and sediment and damages riparian function." Once again, without explanation, the agency scrubbed its initial analysis and conclusions in order to better support the pre-ordained result that this planning process is designed to achieve. So now the DSEIS concludes that:

> *Trail #920 follows the majority of the main channel of Mule Creek up to the headwaters. This results in abundant tributary crossings near their confluence with the mainstem. The trail also intercepts many first order tributaries on its way to join Trail #919 at the ridge. The Squaw-Elliott Watershed Analysis states that Mule Creek typically becomes dry by June of most years and remains so until the autumn rains. This would tend to reduce the level of effect of motorized impact. Prohibiting motorized use would alleviate some stream channel degradation, even if pedestrian use continues.*

The agency's willingness to change and skew its analysis to conform with the result it hopes achieve is shameful and unethical. Why does the Forest Service place the desires of 2% of Forest users above the land use objectives of the LRMP and the NWFP? Why is the agency *increasing* the motorized loop trails associated with the Mule Mountain system? Please further note that this trail system is located in Big Game Winter Range that the ODFW has recommended for seasonal closure to motorized use. The preferred alternative in the DSEIS does not contain a proposal to seasonally restrict motorized use of these trails.

D) AQUATIC CONSERVATION STRATEGY OBJECTIVES

The agency's decision to measure attainment of the ACS at only the 5th field scale is in error. The Forest Service has already been reprimanded in a court of law for attempting to mask the site-level and 7th field watershed impacts of agency activities on management objectives of the ACS by only revealing the impacts of agency activities on 5th field watersheds.

Implementation of action alternatives that encourage recreational ORV thrill-riding in riparian reserves threatens attainment of many of the objectives of the ACS. The Forest Service has not fulfilled its NEPA duty to take a hard look at such impacts.

Please note that ACSO 3 requires that the Forest Service maintain *and restore* the physical integrity of the aquatic system. Unfortunately the DSEIS contains no serious proposal to maintain or restore the vast number of riparian reserves upon which the agency is proposing motorized stream crossings and activities known to generate sediment.

The Forest Service action alternatives (and DSEIS analysis) largely write-off the contributions of uninfected streamside Port Orford Cedar populations to maintaining ACS objectives. Instead, in areas like the 091 road, and the McGrew Trail, the DSEIS proposes codifying increased motorize use that it knows will contribute to the spread of *p. lateralis* and the death of Port Orford Cedar populations. The contention that "no alteration of riparian vegetation would occur regardless of which alternative is implemented" (FEIS III-73) is simply false. Indeed page III-17 of the DSEIS reveals of proposed motorized use of the Nancy Creek and Illinois River trail that "crossing of perennial streams are more problematic since bank erosion contributes sediment directly into flowing water **and degrades riparian vegetation** and possibly water quality." Undoubtedly this will be the next portion of the agency's NEPA analysis to be redacted. Further, It is inevitable that streamside Port Orford Cedars will die in areas in which the Forest Service promotes riparian ORV use.

The agency's contention that the proposed actions will contribute to restoring ACS objectives 4 and 5 is arbitrary and capricious. The action alternatives are designed to do no such thing. Indeed, the action alternatives were designed largely to codify and sanction motorized harm to these very aquatic objectives. Our organizations have submitted voluminous photos to the Administrative Record documenting ongoing and proposed harm to these ACS objectives that the agency has elected to simply ignore.

We are extremely concerned that the Forest Service does not seem committed to designating ORV routes in compliance with 36 CFR §212.55(b) and to ensuring that this project contributes to the attainment of the objectives of the ACS:

> *"Under any of the alternatives, roads and motorized trails (routes) would be identified for use within watersheds that support fish populations and other aquatic biota. Some of these routes are*

located within Riparian Reserves, and thus ***have a high likelihood*** *of producing adverse impacts to both aquatic biota populations and habitat."*
-FEIS, page III-112. Emphasis added.

Of course the above analysis has also been scrubbed from the new sanitized DSEIS which now reaches the exact opposite conclusion of the previous FEIS:

Implementation of any alternative would result in negligible effects to aquatic biota and habitat across the forest. In general, the actions included within the alternatives are related to changes in use designation on various routes across the Forest. Adverse impacts to aquatic biota and habitats related to the existing road system would continue to occur regardless of the alternative selected.
-DSEIS, page III-73.

The agency's dramatic change of heart on this point leads us to ask: Was the Forest Service lying in the FEIS, or is it lying in the DSEIS?

NORTHERN SPOTTED OWLS.

"The risk to spotted owls from noise disturbance is tied to the timing of the activity and is highest when adults are defending young or eggs in a nest or are feeding and protecting recently fledged juveniles. During this period, the separation of adults and their young could result in death or injury to the young as a result of predation."
-DSEIS page III-119.

The agency's refusal to analyze the ongoing harassment of northern spotted owls (NSO) by ORV use during their nesting season violates both NEPA and the ESA.

On page II-29, II-35 and II-45 of the DSEIS the Forest Service acknowledges that several motorized route closures were proposed "due to issues associated with spotted owl sites." Hence the agency must recognize that some NSO sites are negatively impacted by the noise associated with ORV use.

Yet the DSEIS largely ignores the impacts of motorized ORV use on NSO nesting and reproductive success. Indeed, the DSEIS and the BA limit analysis to the impacts of *new* trail construction on NSOs. The Forest Service ignores infrequent and sporadic motorized harassment of owls by simply assuming that all owls across the forest that are subject to any noise harassment are already habituated to such harassment. (Personal communication with Forest Service Biologist Dave Clayton). This assumption is arbitrary and capricious and does not recognize that the act of designating these routes for ORV use will likely serve to increase motorized traffic, and thus harassment, of Spotted Owls.

Our organizations have repeatedly documented (via photographs submitted to the Administrative Record) many of the hiking trails proposed for motorized use in the planning area are clearly overgrown and currently receive very limited (or no) motorized use. Hence it is highly unlikely that nearby Spotted Owls are "habituated" to motorized disturbance. The proposal to codify and encourage motorized thrill-riding on lightly used back-country trails that traverse through NSO activity centers is highly likely to result in illegal harassment of NSOs.

Please note that at B-3 of the initial ROD for this project the Forest Service appropriately required seasonal restrictions for road or trail work/maintenance that is proposed near occupied NSO activity centers in order to prevent harassment and take as required by the ESA. Yet no such prohibition is applied to actual motorized use of the very same roads and trails regardless of whether the owls are actually habituated to noise disturbance or not. Such an inconsistency is arbitrary, capricious, and a violations of NEPA, NFMA and the ESA.

PORT ORFORD CEDAR.

> *"Roads are by definition high risk sites for new areas of root disease. Jules et al. (2002) have shown that the number of POC and their proximity to roads are significant factors for new infection."*
> *-Initial FEIS A-29*

> *"High risk sites include streamside POC within 100' feet of a road and non-streamside POC within 50' feet of a road."*
> *-DSEIS III-101.*

A-8 of the Motorized Travel Use initial FEIS contended that "a qualitative assessment of a number of management practices, including road gating was completed as a part of the Final Supplemental Environmental Impact Statement –Management of Port-Orford-Cedar in Southwest Oregon" and states that the basis for alleging the efficacy of "gate closures for prevention of spread of *Phytophthora lateralis* (PL) is Jules et al. (2002) where it was shown that 72 percent of the infection events studies were the result of vehicle traffic." Please note that the POC FSEIS referenced above is not part of this planning process, and provides absolutely no site-specific or substantive response to the multitude of substantive site-specific route, trail and road information and photos that our organizations submitted to the Forest Service regarding the widespread failure of gates and other closure devices to prevent motorized use of roads seasonally "closed" for the protection of POC in the course of this NEPA process. Indeed, none (as in zero) of our photos of gate failures or POC infections were responded to in the FEIS or ROD or the new DSEIS-the agency has elected to simply ignore site-specific substantive concerns in this planning process. Further, the agency's reference to Jules et al (2002) to support its refusal to disclose or analyze the impacts of motorized use and the efficacy of proposed closure mechanisms on the spread of PL is both misplaced and hypocritical.

On March 4, 2010 Mr. Jules wrote to Regional Forester Mary Wagner regarding the agency's reference to his paper cited above:

> *The above text from the FEIS is erroneous and reveals a worrisome misinterpretation of the science that has been conducted on the spread of P. lateralis. The study by Jules et al. (2002) did not assess the effect of reducing vehicle access by gating nor by any other means. The study did show that spread is more likely along roads, but we had no way to compare gated versus ungated areas. It is, on the other hand, defensible to conclude that permanent closure of roads (e.g., decommissioning) will reduce the spread of P. lateralis from infected to uninfected watersheds. Unfortunately, one cannot apply the same conclusion to seasonal gate closures nor to ineffective closures, where vehicular traffic (including OHVs) may continue to access the road, simply because there has never been any study that assessed their efficacy as a means to slow P. lateralis spread. The study mentioned on A-8, "[a] qualitative assessment of a number of management practices", has*

no scientific merit and does not allow for a comparison with areas that do not have mitigation measures in place. In short, we currently do no understand the impact of seasonal gate closures or non-permanent closures on the spread of P. lateralis.

Mr. Jules' letter of March 4, 2010 **is attached to these comments.**

As stated on page 40 of our initial DEIS comments, the actual findings (as opposed to those reported in the agency's initial FEIS) of Mr. Jules regarding the efficacy of gates vis-à-vis POC protection are as follows:

Permanent road closure/decommissioning combined with robust law enforcement is the only reliable method of reducing the spread of POC root disease, and should be prioritized in all uninfected stands and watersheds. Jules and Kauffman (2003) concluded that:

Permanent closure of logging roads is by far the most direct and effective way to stem the spread of P. lateralis. There has never been much disagreement about the efficacy of this management strategy, given the clear association of the disease with road vectors.

The general thinking has been that large uninfected and roadless watersheds would remain free of the pathogen, so long as they remain free of roads. Our research findings have been in agreement with this assumption.

In our reconstruction of the history of disease spread across a 37 km 2 landscape, the majority of new infections were associated with roads (n = 26; Jules et al. 2002), and stream populations crossed by roads had a four- to five-fold increase in infection risk over the 23 years since the first infection in our study area (1977).

We suggest that road closures be a priority management goal in the range of POC. There is no better way to reduce the risk of further spread of the disease. Currently, federal agencies have implemented seasonal road closures in areas with which we are familiar. We believe that the agencies should not rely on seasonal closures for mitigating the spread of P. lateralis; rather these should be used in cases where no other option exists. No studies have been done to test the relative efficacy of seasonal vs. permanent road closures, but ***it is well-known that seasonal road closures do not mean that traffic does not enter the roads. Seasonal road closures, in our opinion, can be a risky strategy for several reasons. First, locking of gates must happen before the first rain, and we know this can be difficult for agency employees that have numerous other tasks to perform. We have known of many gates (with POC closure signs) that were not locked before the rainy season. Second, gates do not necessarily keep Off Road Vehicles (ORV) from driving the road, as gates can be bypassed by these vehicles. Third, we do not yet know the risk of infection during dry seasons, but our opinion is that it can be significant. Water, in the form of puddles and run-off near springs, often are evident into mid-summer with the range of POC. In short, seasonal road closures should not be considered as the equivalent of permanent road closures, and they should be viewed as an unproven mitigation measure.***

At A-18 of the initial FEIS the Forest Service responded to public comments indicating that the spread of *phytophthora* is a "significant issue" for analysis in the EIS by contending that: (1) "there are no predictable direct effects that vary by alternative;" and (2) "the question of finality of infestation of *Phytophthora lateralis* is an open one." Neither statement is meaningful or responsive. The first contention serves to illustrate the paucity of the agency's narrowly constrained range of action alternatives. The reason there are no predictable direct effects that vary by alternative is because the Forest Service refused public requests to develop and consider an action alternative that would meaningfully address the impacts of motorized use on POC through decommissioning access to high-risk roads such as the

McGrew Trail and the Bald Mountain Road. The contention that the question of finality of infestation of *phytophthora* is an open one is misleading in the extreme. There are no peer-reviewed studies or literature to support the agency's contention, while the vast body of science indicating the finality of *phytopherthora* is conveniently ignored in the FEIS, ROD and new DSEIS.

The Jules letter of March 4th draws attention to the scientific foundations and assumptions relied upon by the agency:

> *The study described here tells us nothing about the "finality" of P. lateralis. For instance, if the current rate of decline continued, how long would it be before all of the P. lateralis was gone? One could use the data presented to make such an estimate, but I believe you will find that it allows enough time for Port Orford cedar to recolonize the site, and thus to perpetuate the presence of the pathogen. Also, how do these rates of declining mortality compare to areas that did not burn? Without such a comparison, how would one conclude fire had an effect on P. lateralis? In any case, the study should not be used to guide management, nor should it be used to make any conclusions about the role of fire in the ecosystem of P. lateralis.*

Throughout the NEPA process our organizations have pointed out that the agency's reliance upon the Risk Key as described in the 2003 Range Wide Assessment of Port Orford Cedar on Federal Lands is inadequate as described below by Port Orford cedar experts Jules and Kauffman (2004):

> *The Risk Key is, however, inherently flawed because there is no scenario in which the key can lend the following answer: this project is too risky and no mitigation will reduce risk enough to make it worthwhile." While the response says this has been fixed, it is clear from reading the final Risk Key that the focus remains on going through with the project with mitigation regardless of a potentially high risk of disease spread. Indeed, the Risk Key states that if the project can't be redesigned to reduce risk to acceptable levels then "...the project may proceed if the analysis supports a finding that the value or need for the proposed activity outweighs the additional risk to POC created by the project." If this Risk Key is going to be effective, it must provide for a scenario where a project is denied because the risk for disease spread is too high.*

Rather than respond to, analyze, or acknowledge any of the concerns referenced above, the Forest Service initially elected to simply site to the work of Mr. Jules to support its contention that it need not analyze the efficacy of seasonal closure mechanisms or the substantial site-specific information supplied by our organizations regarding this issue.

Mr. Jules March 4, 2010 letter also addresses the issue of the "Risk Key" upon which the agency relies:

> *The FEIS relies heavily on the Risk Key (Appendix F), though the key does not have strong scientific merit. There are several issues of which you should be aware. First, the Risk Key begins by asking if "there are uninfected POC within, near, or downstream of the activity area whose ecological, Tribal, or productive use or function measurably contributes to meeting land and resource management plan objectives?" Here, "near" is defined as "within 25 to fifty feet downslope or 25 feet upslope from management activity areas, access roads or haul routes; farther for drainage features; 100 to 200 feet in streams." The distances here are arbitrary, and although they are perhaps best guesses, the in-stream estimate of 100-200 has little basis and is particular concern since that is where infection is most likely. Empirical studies have shown that P. lateralis can infect a stream even if there is up to 540 feet between the upstream road (inoculum source) and the first cedar (Jules et al. 2002). The FEIS notes that my study (Jules et al. 2002) shows a relationship between distance to the first cedar and infection probability. While this is true, it*

ignores the simple fact that long-distance infections happen frequently. Models using the same data suggest that infection risk does not reach levels near zero until there is approximately 1,300 feet between the road and the first cedar (Jules et al. 2002). Second, the Risk Key lists "sanitation" as a required management practice. It is important to note that there not consensus among scientists that sanitation will reduce the spread of P. lateralis. Again, the FEIS notes that my study shows a relationship between cedar density and infection risk (the more cedar, the higher the infection risk). But it is incorrect to cite this as evidence for the efficacy of sanitation (which we did not and could not analyze). Sanitized sites are excellent habitat for Port Orford cedar recruitment, thus frequent and consistent sanitation of seedlings would be forever be necessitated. It seems clear that this is not a pragmatic approach for land managers. And again, the efficacy of sanitation has not been properly assessed. To date, I know of only one study that has tried to assess the impact of sanitation on P. lateralis spread, and it was hampered by using only one control (comparison) site
(Marshall and Goheen 1999).

The new Motorized Use DSEIS resolves none of the issues identified above. Instead the agency acknowledges (III-104) that reducing POC risk within riparian reserves would contribute to meeting ACS objectives, that only "minor" reductions in motorized use are proposed in POC habitat and that three of the agency's proposed actions "will introduce additional appreciably risk" to the species. The agency's failure to address our site-specific concerns, develop a reasonable range of action alternatives, respond to conflicting science, and implement the ACS in this regard is simply baffling.

MINERAL EXPLORATION.

The DSEIS references an alleged "nondiscretionary right" to access mining *claims* provided by 35 CFR 261, while failing to disclose why the agency has conflated this right so-as to wholly exempt anyone alleging "exploration" or "sampling" of minerals from the cross-country travel prohibition. Please note that 70 Fed Reg 68284 directs that the agency may provide written authorization exempting *mining* from travel regulations but that no exception is made for exploration, sampling, or prospecting. Further, the DSEIS fails to quantify the environmental impacts that may result from the agency's proposal to encourage motorized access on ML 1 Roads and via cross-country ORV travel by forest visitors who claim to be involved in mineral exploration.

Attached to these comments are photographs illustrating recent significant harm to the environment from cross-country travel by individuals who claim to be engaged in mining activities.

The agency's contention that 36 CFR §228.4 mandates unfettered motorized access to ML 1 roads and unrestricted motorized cross-country travel for anyone who claims to be involved in "prospecting" is incorrect. Further, **the proposal to exempt anyone who claims to be involved in "prospecting" from ML 1 road closures and cross country motorized travel restrictions invalidates most of the NEPA analysis contained in the DSEIS in which the agency describes the environmental impacts of motorized use on the National Forest.**

There is nothing in law or regulation that requires the Forest Service to authorize and encourage ORV use anywhere to anyone who may subjectively believe that they might find a valuable mineral. Indeed, 36 CFR §228.4 clearly indicates that a Notice of Intent (NOI) to prospect or mine is needed unless operations "will be limited to the use of vehicles on existing public roads or roads used and maintained for National Forest System purposes." ML 1 roads are generally not used or maintained. By definition, cross-country ORV travel does not occur on roads. Hence an NOI is required and there is no general "right" to

unlimited and unregulated off-roading even if one claims that one is engaged in recreational prospecting.

Further, the Travel Rule at 70 Fed Reg 68284 (11/9/05) indicates that "written authorization" for activities such "mining" may be "exempted from designations and the prohibition regarding motor vehicle use." Please note the requirement here for "written authorization." Please also note that the Travel Rule mentions "mining," not "prospecting" or "exploration." Hence the contention on the Rogue River-Siskiyou National Forest that recreational ORV users are exempt from road closures or the cross-country travel prohibition and need not provide notification to or seek authorization from the Forest Service prior to alleged motorized travel for "exploration" or "sampling" activities is in error.

INVENTORIED ROADLESS AREAS.

"Roadless areas are more likely that roaded areas to support greater ecosystem health, including the diversity of native and desired non-native plant and animal communities due to the absence of disturbances caused by roads and accompanying activities."
-Motorized Use DSEIS page III-52.

"We are concerned that your pending decision for the Forest Travel Management Plan will designate motorized use on backcountry hiking trails and within sensitive botanical areas, Inventoried Roadless Areas (IRAs) and areas recommended by the Forest Service as Wilderness."
-11/06/09 Letter From Congressman Peter DeFazio and Senators Ron Wyden and Jeff Merkley to Forest Supervisor Scott Conroy.

Virtually everyone outside of the Forest Service would like to see IRAs managed for their unique remote roadless wildland character. The EPA, the Congressional Delegation, and nearly 11,000 American's have asked the Forest Supervisor to recognize and protect the roadless values that most of us hold dear. As with the Mt. Ashland Ski expansion ROD and the Biscuit Salvage logging RODs, this Motor Vehicle ROD ignores the vast majority of substantive public comments in order to codify activities known to diminish the values of unroaded forests.

The Forest Supervisor's continued antipathy towards the values that most American's find in IRAs is disturbing and unfortunate. At page A-51 of the initial FEIS the Forest Service contends that it is free to maintain (currently unmaintained) motorized "trails" through IRAs with clearing widths greater than 50" inches because "clearing widths are not the same as track widths that are used to define a road." In fact, as previously stated in these comments, the Forest Service is contending that there are no limits whatsoever on the size of "clearing widths" that it may maintain in IRAs for "trails" of any width. Further, the new DSEIS simply refuses to analyze or disclose the fact that *many* of the trails proposed for motorized use (and clearing maintenance) in IRAs are currently overgrown or contain clearing widths much narrower than is proposed in the DSEIS. Hence the contention that new impacts and activities in IRAs are not being proposed by the agency is false. *Many* trails through IRAs will contain much wider clearing widths and may receive much heavier motorized use than they do currently once the MVUM is published. The agency has refused to analyze or disclosed the impacts of these activities on IRAs.

The Forest Service is required to "minimize conflicts between motor vehicle use and existing or proposed recreational uses of National Forest System lands."[8] Inventoried Roadless Areas provide a type of quiet and primitive recreation that cannot be found near roads and motorized trails. The Forest Service is required to take a hard look at how its actions affect the roadless characteristics of IRAs. The decision to codify and encourage ORV use in these areas adversely affects roadless area characteristics and results in disproportionate and inappropriate conflict between quiet recreationists and ORV users. These impacts were not adequately analyzed in the DSEIS. Rather, (at III-53) the DSEIS acknowledges the conflict, but refuses to quantify or disclose the site-specific impacts:

> *"If new or continued motorized trail use is authorized in the selected alternative, a short-term (sic) impact on the roadless characteristics of solitude and remoteness is expected."*

To most forest visitors, trails are travelways that are traversed in a non-motorized fashion (feet and hooves), while roads are designed to facilitate motorized use. Designating "motorized trails" inside a roadless area thus, by definition, damages the integrity of the roadless area with what is essentially a rough road. Roadless areas are often one of the last bastions of relative ecological health. They provide important havens for wildlife and sensitive species by limiting the human impacts that come with motor vehicle access.

Designation of routes as motorized trails (in some cases open to all vehicle types) raises many concerns. We challenge how these designations can be construed to minimize impacts, as directed by Executive Orders 11644 and 11189 and the Travel Management Rule when the management guidelines and monitoring requirements for motorized trails are more lax than those for roads. Please note that page III-62 of the DSEIS acknowledges that:

> *"Motorized trails typically do not receive the same level of maintenance as a road, therefore they often experience higher levels of channelized flows and erosion off their surfaces, as well as a higher chance of surface failure."*

The DSEIS failed to "disclose that significant roadless areas will be affected [via the Motorized Use ROD] and take the requisite 'hard look' at the environmental consequences of that fact," including analyses of the plan's effects on the character of "water resources, soils, wildlife habitat, and recreation opportunities" associated with roadless areas. *Lands Council v. Martin*, 529 F.3d 1219, 1230, 1232 n. 7 (9th Cir. 2008); *Smith*, 33 F.3d at 1078; *Or. Natural Desert Ass'n v. Bureau of Land Mgmt.*, 531 F.3d 1114, 1137-38 (9th Cir. 2008),

While motorized trails (for vehicles less than 50 inches) are explicitly allowed within IRAs, it is also clear that these trails must be submitted to an analysis to determine if their presence and the promotion of motorized use (via the MVUM) would damage those roadless characteristics which the area was inventoried to protect. This has not been done, and the analysis must be completed before continued motorized use is allowed within IRAs.

The DSEIS fails to meet the numerous legal requirements cited above in these comments because it proposes to codify and encourage *additional* use of motorized routes in inventoried roadless areas without sufficient NEPA analysis and because it fails to minimize conflicts between motorized and non-motorized recreation.

[8] 36 C.F.R. § 212.55

There is no formal definition of "trail vehicle" or "trail" in the Roadless Rule. However, the Roadless Rule references FSM 2350 for the definition of "trail" that is used in response to public comments. FSM 2350 defines a trail as "a pathway for travel by foot, stock, or trail vehicles." (FSM 2353.05(2001)). Trail vehicles were then defined as "designed for trail use, such as bicycles, snowmobiles, trail bikes, trail scooters, and all terrain vehicles (ATV)." Id. ATV is defined as a "type of off-highway vehicle that travels on three or more low-pressure tires; has handle-bar steering; is less than or equal to 50 inches in width; and has a seat designed to be straddled by the operator." Application of these definitions, which were in place at the time of the Roadless Rule promulgation, prevents allowance of full size vehicles in IRAs and clearly shows that the intent of the Roadless Rule was to prevent use by vehicles over 50 inches in width. Yet the DSEIS proposes and encourages unlimited motorized use of the McGrew Trail in IRAs by full size vehicles.

The definition for "trail vehicle" has since been removed from the Forest Service directives. There is no comparable definition to replace it. The definition of "trail" was modified in 2005 by the implementation of the Travel Management Rule. The current definition for road and trail are ambiguous. A trail is a trail if it is managed as a trail. This still provides that it must be "managed" in some way that qualifies it as a trail, rather than as a road. Thus, the name of a route cannot simply be changed on paper from "road" to "trail", with no changes in actual management.

There is also a well-settled line of decisions that hold that proposed activities that might harm the roadless quality of an area constitute significant impacts and must be analyzed in an EIS independent of wilderness considerations. See National Audubon Society v. United States Forest Service, 46 F.3d 1437 (9th Cir. 1993); Smith v. U.S. Forest Service, 33 F.3d 1072 (9th Cir. 1994).

"There can be no serious argument that restrictions on human intervention in these wilderness areas will not result in immeasurable benefits from a conservationist standpoint." Kootenai Tribe of Idaho v. Venemen, 313 F.3d at 1124-25.

"Many sensitive wildlife species…make their homes in wild and roadless areas of forest, and can know no other life… many wildlife species that are hard-pressed for survival have final refuge in roadless areas… As for the forests themselves, which mankind itself needs to survive, they have not fared well in aggregate in recent decades." Kootenai Tribe of Idaho v. Venemen, 313 F.3d at 25 n. 30.

"It is well established in this [9th] Circuit that harming an unroaded area is an 'irreversible and irretrievable' commitment of resources and 'could have serious environmental consequences.'" And therefore requires and EIS. Sierra Club v. Austin No 03-35419; DC No. CV-03-00022 DWM (9th Circ 2003), *citing* Smith v. Forest Service 33 F. 3d 1072, 1078 (9th Circ 1994). The NEPA analysis for this project simply does not adequately discuss the impacts of proposed road use and maintenance on the many significant values of roadless forests. These legally recognized (see 36 CFR §294.11) values include:

(1) High quality or undisturbed soil, water, and air;
(2) Diversity of plant and animal communities;
(3) Habitat for threatened, endangered, proposed, candidate, and sensitive species and for those species dependent on large, undisturbed areas of land;
(4) Primitive, semi-primitive non-motorized and semi-primitive motorized classes of dispersed recreation;

(5) Reference landscapes;
(6) Natural appearing landscapes with high scenic quality;
(7) Other locally identified unique characteristics.

Motorized Use in Forest Service Proposed Wilderness Additions.

Please note that on June 1, 2004 the Rogue River-Siskiyou Forest Supervisor issued a press release regarding release of the FEIS for the Biscuit salvage logging project. That release may be viewed at:

http://www.fs.fed.us/r6/rogue-siskiyou/news/2004/news06-01-2004-biscuit-fire-feis-release.shtml

The heart of the Biscuit FEIS, to which the press release refers, was the Forest Supervisor's proposal to commercially salvage log 370 million board feet of post-fire forests. Despite the comments of over 23,000 Americans, the agency approved logging in supposedly protected areas such as Inventoried Roadless Areas and Late Successional Reserves. Even beloved places such as the Babyfoot Lake trailhead and Babyfoot Lake Brewers Spruce Botanical Area were clearcut.

The one scrap thrown to the majority of Americans who value wildlands over clearcuts was the agency's assurance that:

> *"Acting upon a wilderness proposal recommended by the Oregon Governor Ted Kulongoski, the Forest Supervisor supports consideration of 64,000 acres of lands adjacent to the Kalmiopsis Wilderness for their outstanding wilderness character."*

The same "outstanding wilderness character" that the Forest Supervisor recognized in the 2004 press release is now being compromised by the agency's proposal in the Motor Vehicle Use ROD to encourage and codify ORV use within the 64,000 acres of outstanding wilderness caliber lands adjacent to the Kalmiopsis Wilderness.

The Forest Supervisor's decision to acknowledge and support the retention of the outstanding wilderness character of these lands only when such acknowledgment provides the illusion of balance regarding a proposal to salvage log inventoried roadless areas is disappointing in the extreme. Motorized use is in no way compatible with the outstanding Wilderness character that the Forest Service recognized in its Biscuit salvage logging press release of June 1, 2004. Why are these lands with "outstanding wilderness character" that were proposed for wilderness by the Forest Service a mere 6 years ago now being handed over to the 2% of Rogue-Siskiyou National Forest visitors who ride ORVs? Why does the Forest Service refuse to respond to public comments requesting that you explain why the areas in question were proposed for wilderness designation in 2004 yet proposed for ORV use in 2011? Why does the agency refuse to managed these areas for their acknowledged "outstanding wilderness character?"

In his letter of October 7, 2008 regarding the Motorized Use planning process on the Rogue River-Siskiyou National Forest Congressman Peter Defazio wrote to the agency that a number of the hiking trails proposed for motorized use "are in areas that you and Under Secretary Mark Rey proposed as additions to the Kalmiopsis Wilderness Area in 2004.

Governor Kulongoski has similarly proposed that portions of these lands be designated as Wilderness. I have been reviewing them for possible protection as well."

Please also note, in their November 6, 2009 letter to the Forest Supervisor, Senators Ron Wyden and Jeff Merkley along with Congressman Peter DeFazio wrote:

> *"It is also our understanding that you are considering designating for motorized use areas proposed in 2004 as additions to the Kalmiopsis Wilderness Area. These recommendations were made by both the Forest Service and former Undersecretary Mark Rey. As was the case five years ago, Oregon Govemor Ted Kulongoski supports expansion of the Kalmiopsis Wilderness and we are looking closely at options for the protection of these unique landscapes. We feel strongly that the designation of motorized trails in these areas (i.e., the Kangaroo and North and South Kalmiopsis IRAs) and other Inventoried Roadless Areas might inappropriately compromise their wilderness potential and values."*

Why does the agency's preferred alternative call for motorized use in areas with "outstanding wilderness character" that the majority of the public, Congressman Peter DeFazio, Senators Ron Wyden and Jeff Merkley former Governor Kulongoski, Forest Supervisor Scott Conroy, and former Bush-Administration Under Secretary *all* recognize should be managed for its outstanding wilderness character? Please keep in mind this 64,000 acres are a small sub-set of the IRAs present on the Rogue River-Siskiyou National Forest.

Attached to these comments is a May 7, 2009 Memo entitled: Draft Environmental Impact Statement for Motorized Vehicle Use on the Rogue-River Siskiyou National Forest and the failure to analysis impacts of motorized trails in areas recommended as Wilderness in 2004.

Also attached to these comments is the November 6, 2009 letter from Congressman Peter DeFazio and Senators Ron Wyden and Jeff Merkley to Forest Supervisor Scott Conroy.

The Forest Supervisor has repeatedly declined to explain his change of heart regarding the outstanding wilderness character of lands that he identified as having such character in 2004. Rather than analyze or disclose the impacts of Forest Service maintenance activities on ORV routes through the proposed Wilderness additions, or analyze and disclose the impacts of encouraging *additional* motorized use of these routes via publication of the MVUM, the Forest Service attempts to duck the issue by concluding that "limited motorized use in this area (not currently wilderness) is ongoing and no new routes are being proposed." Initial FEIS A-24. Please note that several of the routes at issue currently receive very infrequent and irregular motorized use prior to publication of the MVUM. Please further note that many of the routes at issue receive little-to-no maintenance from the Forest Service prior to publication of the MVUM. The forthcoming ROD may result in both increased use and increased maintenance of these routes. Additionally, the Forest Service has never analyzed or disclosed the impacts of motorized use on the "outstanding" wilderness character of the lands proposed as wilderness additions by the Forest Supervisor in 2004.

APPLEGATE MCKEE LEGACY ROADS.

Please note that the DN for the Applegate-McKee Legacy Roads EA is based in part upon the findings of the 1994 Beaver and Palmer Creek Watershed Analysis (WA) that concluded:

Numerous active to subactive roadcut and fill slope failures were located when verifying conditions in section 13 of the granitics in the Haskins sub-basin. Near the ends of roads 20000907 and 20000908, the cutslopes and fill failures occur one after another in many cases merge into each other to form large areas of instability. The road has pit run surfacing and is not adequately drained. Road cut slopes are high, very steep, and continue to ravel and slide. Road fill slopes receive concentrated drainage, especially near headwalls or drainages. Road fill failures often merge together with raw erosion gullies which are up to 3 feet deep. The area has been clear-cut logged and has been very slow to recover in numerous areas in the southern portion of section 13. Road 2000908 has the most active slumps and debris flows in it. Slumps and slide are mostly concentrated near the drainages on road 2000907.
-Beaver and Palmer Creek Watershed Analysis, 1994. Pages 11-12

Please further note that page II-19 of the WA concludes:

In sections 18 and 19 of the Beaver Creek granitics, several erosion rills and gullies are found in or associated with the 890 road. Landtypes in sections 18 and 19 are sandy and sandy clay loams which have a high potential for erosion. Most of the erosion in the 890 road is caused by poor or concentrated road drainage and steep grades. Several of the gullies run hundreds of feet down the road before they exit into the fill slopes. The road in section 18 (private land) can only be driven using a four wheel drive vehicle due to the very large waterbars built up on the road. Small clear-cuts and partial cuts located in section 18 often have raveling slopes and some have rill erosion occurring.

We bring these findings to the attention of the Appeal Decision Officer because they are the type of information that has been systematically ignored by the Rogue River-Siskiyou National Forest Supervisor in his proposal to designate such roads as open to mixed ORV use in the Motorized Vehicle Use EIS.

While the Watershed Analysis, and the site-specific EA regarding roads in the Applegate McKee 5th Field Watershed conclude that ongoing motorized use in Riparian Reserves and on granitic roads is impacting listed fish and the ACS, the Motorized Vehicle Use DSEIS concludes (without analysis or documentation) that continuing motorized use of these roads would result in no such impacts. Hence the Applegate McKee Legacy Roads DN calls for closing and decommissioning harmful roads that the Motorized Vehicle Use ROD designates as open to recreational ORV mixed use riding.

While the Applegate McKee Legacy Roads planning area provides the most topical and timely example of this phenomenon, the fact is that the Motorized Vehicle Use FEIS and ROD provide no site-specific analysis and disclosure about the effects of encouraging mixed use on any roads in the Forest transportation system. That analysis simply has not occurred. Further, by authorizing new and expanded mixed motorized use in the Forest, the agency is promoting additional motorized use of these roads resulting in additional environmental impacts from that use.

LAW ENFORCEMENT.

On page III-93 of the DSEIS the Forest Service acknowledges "repeated instances" of ORVs driving off the McGrew Trail at Sourdough Junction onto a hill containing an at-risk Rock Cress population. On page III-96 of the DSEIS the agency admits that:

"The viability of some local occurrences of FSS vascular plants in the $8 Dollar Mountain and

Day's Creek Botanical Areas is at risk from the adverse effects of illegal off-road and off-trail vehicle use. This is not an effect of any of the action alternatives, rather an effect of recreational misuse that the Forest Service has had limited ability to control."

Hence the Forest Service knows that ORVs frequently leave trails and roads, and that such actions have the potential to harm Forest resources. Yet throughout the rest of the DSEIS, the agency assumes that ORVs will stay on the proposed trails and roads. Indeed, this assumption is again relied upon as a basis for the effects analysis at III-3 of the DSEIS. This assumption is baseless and without merit. Reliance upon this assumption significantly downplays the *foreseeable* impacts of off-trail/off-road ORV use that is facilitated by the proposal to codify and encourage motorized ORV thrill-riding in IRAs, LSRs, Riparian Reserves, Key Watershed, Botanical Areas, Research Natural Areas and Backcountry Non-Motorized Areas. The DSEIS failes to disclose cumulative and connected actions that are facilitated by the agency's promotion of motorized ORV trails through the publication of a MVUM.

According to a 2001 study of ORV riders in Colorado conducted by the firm Monaghan and Associated at the behest of the Colorado Coalition for Responsible ORV Riding, many ORV riders--despite recognizing "stay on the trail" as a fundamental principle of responsible ORV use--still ride off trail: two-thirds of ORV riders go off-trail from time to time and 15 to 20 percent admitted to breaking the rules and driving off trail frequently. Commonly, these riders believe it is okay to occasionally ride cross-country or off designated routes especially "if routes have been previously cut by other riders." (Monaghan, 2001) This and other similar studies (see http://www.wildlandscpr.org/biblio-notes/just-few-bad-apples-research) should have been consulted as a basis for a more realistic assessment of the impacts of encouraging ORV routes in remote and sensitive areas. The DSEIS once again fails to acknowledge or respond to this information.

There is ample evidence that mere signage and barriers are not effective to protect the forest land and water resources from the adverse effects of ORV trespass. An agency's reliance on mitigation in the form of signage alone would be unacceptable because it has been proven not to work. Approximately 75% of ORV riders regularly ignore regulations such as speed limits and closures. *See, e.g.*, Testimony of Jack Gregory, Special Agent in Charge (Ret.) USFS Southern Region, Before Subcommittee on National Parks, Forests, and Public Lands, U.S. House of Representatives, March 13, 2008. This testimony was attached to our initial DEIS comments yet not responded to in the FEIS or the DSEIS.

While assuredly many ORV riders have lawful intentions and "follow the rules," a disturbingly high percentage show a pronounced preference and practice among ORV recreationists to travel cross-country and ride off of legal routes. This conclusion is derived from publically available data generated by the ORV community itself. A summary of several recent studies undertaken by state agencies and academic researchers in four western states can be found at:
http://www.wildlandscpr.org/biblio-notes/just-few-bad-apples-research

The analysis in the new DSEIS is inadequate as it does not describe the implications of these relevant studies as it relates to the ability of the Forest Service to manage and enforce rider compliance with a designated ORV route system. This is an interest decision on the part of the agency given that the Forest Service expressly acknowledges on page III-59 of the DSEIS that "the magnitude of the indirect effects on soils will depend upon:"

1. How effectively law enforcement can confine traffic to designated routes;
2. How effectively law enforcement can keep traffic off routes that are not designated; and
3. How well routes closed to public wheeled motor vehicle use recover on their own without restoration treatments.

The record is clear that the problem of reckless, inappropriate and illegal ORV is not located someplace else, the problem extends to the Rogue River-Siskiyou National Forest. Thus, the Forest Service must address the effects of foreseeable illegal motorized use in its travel management plan, including the cumulative effects of continued off-route travel on the Forest.

To counter the anticipated lack of compliance with a designated motorized route system, the Forest's Service NEPA analysis should have addressed the impacts, direct, indirect or cumulative, that will flow from publication of a MVUM that encourages and codifies motorized use on high-risk trails and sites. Doing so would be consistent with the "hard look" required by NEPA. *See, e.g.*, *Native Ecosystems Council v. United States Forest Serv.*, 428 F.3d 1233, 1240 ("NEPA requires us to determine whether the USFS took a 'hard look' at the environmental consequences of a proposed action"). The data noted above concludes that route designation does not result in compliance or control of off route travel.

The Forest Service must not rely on the promise of "education" to avoid the inevitable adverse consequences of widespread non-compliance with ORV travel restrictions. The Agency should also specify the nature or scope of any increased law enforcement as an associated tool to control ORV-misuse. *See, for example,* Nevada Fish and Wildlife Office, U.S. Fish and Wildlife Service. 2007. 12-Month Finding on a Petition to List the Sand Mountain Blue Butterfly (*Euphilotes pallescens ssp. arenamontana*) as Threatened or Endangered with Critical Habitat. Federal Register, Vol. 72, No. 84. *See* pages 24260-61, http://www.wildlandscpr.org/denial-petition-list-sand-mountain-blue-butterfly-threatened-or-endangered.

During the NEPA commenting period for this project our organizations submitted a number of comments, photos, studies, law enforcement testimony, articles and surveys indicating that the agency's motorized vehicle use analysis should disclose and analyze the efficacy of law enforcement and closure mechanisms implementing the MVUM. Please note that on page A-15 of the initial FEIS the Forest Service acknowledged receipt of comments from the ORV community indicating that should the agency attempt to impose any limits whatsoever on motorized use on the National Forest that ORV users would be "extremely unhappy" and would respond by "riding wherever they want." Despite this overt threat from ORV users to ignore and thwart the MVUM designations, the agency continues to refuse to meaningfully analyze or respond to the voluminous amount of information provided during the NEPA process by our organizations regarding the need to analyze and disclose the efficacy of the agency's enforcement strategy.

Please note that on page A-16 of the initial FEIS the Forest Service responded that law enforcement will be based on the "three E strategy." The "three Es" stand for Engineering, Education and Enforcement. A key provision of that enforcement strategy is to "physically close and rehabilitate decommissioned roads and trails." Yet as repeatedly stated by the Forest Service in the DSEIS, this planning process "is not a proposal to physically close (or decommission) any roads or trails." *Hence the Forest Service is in fact not implementing the "three E" strategy.* The "Engineering" law enforcement strategy of closing and

decommissioning roads and trails was not carried forward under *any* of the action alternatives. At best the agency is contemplating a "two E" strategy. This despite the fact that considering and planning road closures and decommissioning would be a reasonable alternative to address the well documented refusal of many in the ORV community to abide by closure mechanisms such as gates and berms. The new DSEIS has again faileded to propose or analyze the closure and decommissioning portion of the "engineering" strategy that the agency claims is the basis for its analysis of enforcement.

IMPACTS OF THE EXISTING ROAD SYSTEM MUST BE DISCLOSED AND ANALYZED.

Attached to our scoping comments was a peer-reviewed article by Trombulack and Frissell (2000) detailing some of the negative impacts of road presence and use on Terrestrial and Aquatic ecosystems. We requested that the Forest Service address and mitigate the harmful impacts of motorized use detailed in this study. Yet the agency continues to ignore the direct and cumulative ongoing impacts of its extremely bloated NFTS road system on the environment. Designating and encouraging *additional* motorized use on the Forest Service road system via the MVUM is both a cumulative and connected action, and hence the environmental impacts of the existing road system cannot be lawfully ignored. For instance, the DSEIS repeatedly relies on road and trail maintenance as a mitigation measure for negative environmental impacts from the proposed action, yet the impact of the proposed action on the agency's ability to maintain the road and trail system is never disclosed or analyzed.

They agency's reliance on the Bush-Administration's CEQ guidance to avoid disclosing the cumulative impacts of individual past actions is misplaced and has been repeatedly rejected by the 9th Circuit.

Please note that the abstract for the Trombulack article reads as follows:

> *Roads are a widespread and increasing feature of most landscapes. We reviewed the scientific literature on the ecological effects of roads and found support for the general conclusion that they are associated with negative effects on biotic integrity in both terrestrial and aquatic ecosystems. Roads of all kinds have seven general effects: mortality from road construction, mortality from collision with vehicles, modification of animal behavior, alteration of the physical environment, alternative of the chemical environment, spread of exotics, and increased use of areas by humans. Road construction kills sessile and slow-moving organisms, injures organisms adjacent to a road, and alters physical conditions beneath a road. Vehicle collisions affect the demography of many species, both vertebrates and invertebrates; mitigation measures to reduce road-kill have been only partly successful. Roads alter animal behavior by causing changes in home ranges, movement, reproductive success, escape response, and physiological state. Roads change soil density, temperature, soil water content, light levels, dust, surface waters, patterns of runoff, and sedimentation, as well as adding heavy metals (especially lead), salts, organic molecules, ozone, and nutrients to roadside environments. Roads promote the dispersal of exotic species by altering habitats, stressing native species, and providing movement corridors. Roads also promote increased hunting, fishing, passive harassment of animals, and landscape modifications. Not all species and ecosystems are equally affected by roads, but overall the presence of roads is highly correlated with changes in species composition, population sizes, and hydrologic and geomorphic processes that shape aquatic and riparian systems. More experimental research is needed to complement post-hoc correlative studies. Our review underscores the importance to conservation*

of avoiding construction of new roads in roadless or sparsely roaded areas and of removal or restoration of existing roads to benefit both terrestrial and aquatic biota.

-Tomblike, S.C. and C.A. Frissell. 2000. Review of ecological effects of roads on terrestrial and aquatic communities. Conservation Biology 14(1): 18-30.

The following analysis provided by the Ashland Resource Area of the Medford BLM regarding the impacts of roads on edge effects and microclimatic changes was submitted with our scoping comments but was not addressed in the DSEIS:

Barricades, however, don't mitigate the edge effects and microclimatic changes that roads produce. Various studies (e.g., Ortega and Capon 1999; Marsh and Beckman 2004) show that the negative impacts of roads to wildlife habitat are not limited to the road prism –there is a zone of influence that extends into the adjacent habitat. For example, Marsh and Beckman (2004) found that some terrestrial salamanders decreased in abundance up to 80 meters from the edge of a forest road due to soil desiccation from the edge effects. Ortega and Capen (1999) found that ovenbird (a forest-interior species) nesting density was reduced within 150 meters of forest roads. This study suggests that even narrow forest roads fragment habitat and exert negative effects on the quality of habitat for forest-interior species.
-Deadman's Palm EA III-110. Ashland Resource Area, Medford BLM.

The Ortega and Capen (1999) and the Marsh and Beckman (2004) articles referenced by the Ashland Resource Area in the above quotation were attached to our scoping comments and hence are now part of the Administrative Record for this project. The edge effects, microclimatic changes and soil desiccation acknowledged by your colleagues in the Ashland Resource Area were not disclosed and analyzed in the DSEIS.

The January 2004 Rogue River-Siskiyou National Forest Roads Analysis (page V-11) concludes that:

"Midslope roads can divert ground or surface water and concentrate flow to unstable slopes initiating slope and fill failures. Failures at stream crossings can produce debris flows in saturated, poorly consolidated sediment and fills. Debris flows can scour slopes and stream channels for long distances from the initial landslide. Indirectly, increased sedimentation can alter channel morphology and function; for example, stream flow may be diverted and a landslide toe slope undercut, causing stream bank failures downstream. Roads can alter a watershed's response to rain and snowmelt, affecting flow duration and extent. Road density is a good preliminary measure of the overall impact of a road network to a watershed.

The road system may directly affect large wood and sediment delivery, fish habitat, fish migration patterns, and aquatic habitat conditions. Roads and stream crossings may change the mechanism by which wood and sediment reach streams, and can change fish migration patterns. Roads paralleling or bisecting stream channels and adjacent riparian zones occupy space where vegetation once grew, thus removing sources of large wood and increasing the likelihood of additional sediment delivery to stream channels.

Roads tend to extend the natural drainage network of both surface and subsurface water flows, mainly by redirecting these flows via ditches either to a different point in a watershed or into an adjacent drainage. Newly-constructed cut banks can disrupt subsurface flows creating one or more new springs and/or seeps. A natural break in slope on a hill slope to a steeper gradient can force subsurface flows to change flow gradient or to form a spring or seep. Often, where road segments were located at the slope break, the cut bank forced subsurface water to surface higher on the slope as a spring or seep, which may then be diverted down a road ditch."

Clearly all of the findings referenced above are directly relevant to the decision regarding where to authorize motorized use and speak to the need for the agency to identify a sustainable (and minimal) road system via this planning process.

IMPACTS TO SISKIYOU MOUNTAIN SALAMANDERS MUST BE ANALYZED AND DISCLOSED.

Page III-126 of the DSEIS indicates that "alternatives 3 and 5 construct/reconstruct 1.2 miles of motorized trail through potential habitat [for Siskiyou Mountain Salamanders] on the Siskiyou Mountains Ranger District impacting 1 acre of habitat." However, the DSEIS never discloses if the habitat was surveyed or the potential impacts of the proposed action on either the salamanders or their habitat.

IMPACTS TO MCDONALD'S ROCKCRESS MUST BE DISCLOSED AND ANALYZED.

Despite a planning process that is stretching into its fourth year, the Forest Service has simply neglected to survey the ML 1 Biscuit Hill Road (4402494) for McDonald's Rockcress despite its longstanding proposal to convert identify this currently closed ML 1 road into a motorized thrill trail that is promoted and mapped on the MVUM. Hence the public cannot provide site specific comments regarding this proposal and the decision maker is precluded from issuing an informed decision.

CUMUALATIVE IMPACTS.

NEPA requires that where "several actions have a cumulative ... environmental effect, this consequence must be considered in an EIS." City of Tenakee Springs v. Clough, 915 F.2d 1308, 1312 (9th Cir. 1990). The impacts of the existing NFTS road system, proposed motorized use on that road system, and the maintenance of the system have cumulative effects on wildlife habitat, hydrological health and recreational opportunities that must be considered together under NEPA. 40 CFR §1508.27(b)(7). Yet other than acknowledging that synergy, the DSEIS (and its supporting documents) contain absolutely no quantitative or qualitative analysis of the actual cumulative impacts of the road system upon which motorized use will occur.

The Ninth Circuit Court has repeatedly remanded Forest Service decisions that did not include a detailed analysis of the cumulative effects of projects in proximity to one another. It is not enough for the agency to make general observations about past and future activities. Analysis of specific roads and impacts and a comprehensive evaluation of the environmental effects of these sales when added together must be performed together in an EIS. Neighbors of Cuddy Mountain v. US Forest Service, 137 F.3d 1372 (9th Cir. 1998).

The DSEIS also fails to fully account for the effects of road maintenance and road use over time and space within the planning area and across the larger landscape. Instead the DSEIS presents the same sort of vague conclusory analysis rejected in Neighbors. In that decision, the court held that the cumulative impacts analysis for a timber sale and the other sales proposed for the area "was very general, and did not constitute the hard look that the (government) is obligated to provide under NEPA." Id. at 1378-79. In that case, the Forest

Service had stated that the cumulative impact of timber sales could cause isolation of pileated woodpecker populations, and acknowledged "(t)here is some risk that the remaining mature and old growth forests on Cuddy Mountain may not be adequate in size, if isolated from adjacent suitable habitat, to maintain the dependent species." Id at 1379. But the Forest Service stated: "It is not known to what degree this (isolation) may be occurring." Id. The court rejected this analysis. The analysis contained in Cuddy Mountain is quite similar to the agency's summary dismissal of cumulative effects to hydrological health, Botanical Areas, Back Country Non-Motorized Areas, Research Natural Area, roadless character, Wild and Scenic River Corridors, wilderness character, and Port Orford Cedar in the motorized use planning process.

In Klamath-Siskiyou Wildlands Ctr. V. Bureau of Land Management, 387 F.3d 989 (9th Cir 2004 the Ninth Circuit confirmed the Congressional intent of NEPA that useful information and analysis be provided to public and the decision maker prior to the issuance of a decision and that "conclusory" statements and a list of environmental concerns is not an adequate cumulative effects analysis. Id. at. 995-97

To "consider" cumulative effects, some quantified or detailed information is required. Without such information, neither the courts nor the public, in reviewing the Forest Service's decisions, can be assured that the Forest Service provided the hard look that is required to provide. Such a mandate is also consistent with the Forest Service's duties under NFMA. General statements about "possible" effects and "some risk" do not constitute a "hard look" absent a justification regarding why more definitive information cannot be provided. Id at 1379-80.

In another relevant decision to this Motorized Use planning effort, the Ninth Circuit rejected the cumulative impacts analysis in an EIS because it referred in general terms to "development projects" and "ongoing urbanization" rather than identifying these projects and their impacts. Carmel by the Sea v. US Dept. of Transp., 123 F.3d 1142, 1160-61 (9th Cir. 1997). In the Motorized Use DSEIS, the Forest Service's failure is even greater. It is not a diffuse "ongoing urbanization" that is impacting the listed species; Rather here we see a decision to authorize year-round motorized use in NSO activity centers "regardless" of whether the owls are actually habituated to such disturbance. NEPA requires disclosure of the cumulative impacts from such a decision.

The Motorized Use Administrative Record is closely on point with Sierra Club v. Penfold, in which the court held that the agency planners had to analyze together the impacts of 60 or more functionally independent placer mines that had greatly increased sediment loads to a creek. 664 F. Supp. 1299, 1302-04 (D. Alaska 1987), aff'd, 857 F.2d 1307, 1320-21 (9th Cir. 1988). And Neighbors of Cuddy Mountain and City of Carmel are in line with previous decisions holding cumulative impacts analyses for roads and other projects inadequate under NEPA. See City of Davis, 521 F.2d at 667-76 (an EIS for a road must analyze the impacts of industrial development that the road is designed to accommodate, even though the development is not to be carried out by the agency); Thomas v. Peterson, 753 F.2d 754, 755 (9th Cir. 1985) (enjoining a road project because of an inadequate disclosure of cumulative impacts from timber sales and road construction); Oregon Natural Resources Council v. Marsh, 52 F.3d 1485 (9th Cir. 1995) (an EIS for a dam was insufficient because it did not properly consider cumulative effects from other dams on fish); City of Tenakee Springs v. Clough, 915 F.2d 1308 (9th Cir. 1990) (granting a preliminary injunction against timber sales because plaintiffs raised serious questions concerning the adequacy of cumulative effects analysis); LaFlamme v. Federal Energy Regulatory Comm'n, 852 F.2d 389, 401-02 (9th Cir.

1988) (a hydropower project); Natural Resources Defense Council v. Hodel, 865 F.2d 288, 299 (D.C. Cir. 1988) (rejecting an EIS for outer continental shelf leasing because "(p)erfunctory references" to cumulative impacts on migratory species do not constitute useful analysis in deciding whether, or how, to lessen those impacts."

"Cumulative Effects" as they must be understood in terms of motorized use as referring to the additive consequences of all environmental influences as they affect critical terrestrial, aquatic and riparian resources. "All influences" include past, present and future, off-site and on-site, natural and human-induced, direct and indirect, public and private effects and include all variety of management-induced influences. The cumulative impacts of motorized use on the Rogue-River Siskiyou National Forest transportation system have not been fully analyzed or disclosed in the DSEIS.

FAILURE TO ANALYZE A FULL RANGE OF REASONABLE ACTION ALTERNATIVES

Forest Service planners contend that under all action alternatives "if an operator reasonably concludes that the travel associated with exploration, sampling, or beginning prospecting will not cause a significant disturbance of surface resources, cross-country travel could be exempt from notifying or obtaining additional authorization from the Forest Service prior to conducting this activity." Please note, we are aware of no other National Forest in Region 6 that is proposing to encourage unrestricted cross-country ORV travel to facilitate subjective "exploration" activities. Yet the DSEIS fails to contain even a single action alternative that would prohibit cross-country motorized travel associated with alleged "exploration."

The discussion of alternatives is at "the heart" of the NEPA process, and is intended to provide a "clear basis for choice among options by the decision maker and the public." 40 CFR 1502.14. The agency must "[rigorously explore and objectively evaluate all reasonable alternatives." 40 CFR 1502.14(a); Citizens for a Better Henderson v. Hodel, 768 F.2d 1051, 1057 (9th Cir. 1985) (EIS must consider "every" reasonable alternative). An agency may not decline to evaluate an alternative simply on the grounds that it is not a "complete solution" to the agency's goals. Citizens Against Toxic Sprays, 428 F. Supp. At 933.

Although the agency may limit the design of alternatives to those alternatives that meet the purpose and need identified for the project, the courts have reprimanded action agencies for formulating a purpose and need so as to exclude other alternatives. "An agency may not define the objectives of its action in terms so unreasonably narrow that only one alternative... would accomplish the goals of the agency's action, and the EIS would be a foreordained formality." Sierra Club v. Robertson, 845 F. Supp. 485, 500 (S.D. Ohio 1994); Citizens Against Burlington, Inc. v. Busey, 938 F.2d 190, 196 (D.C. Cir. 1991), cert denied 502 US 994, 112 S. Ct. 616 (1991). The Seventh Circuit has stated:

No decision is more important than that delimiting what these "reasonable alternatives" are ... One obvious way for an agency to slip past the structures of NEPA is to contrive a purpose so slender as to define competing "reasonable alternatives" out of consideration (and even out of existence) ... If the agency constricts the definition of the project's purpose and thereby excludes what truly are reasonable alternatives, the EIS cannot fulfill its role. Simmons v. United States Army Corps of Engineers, 120 F.3d 664, 660 (7th Cir. 1997).

General comments for Gold Beach and Powers District motorized trails, roads, and dispersed camping.

1. The Forest Service has provided no systematic analysis (i.e. observational data) to demonstrates that the motorized trail routes identified are physically suitable for motorized vehicles of any class.

Our organizations have field checked most of the controversial proposed motorized trail routes and agree with previous Forest Service assessments: many of the trails proposed for motorized use are not suited for motorized use. Some are overgrown with vegetation and should be dismissed from further consideration, others were not designed for motorized use, and some create serious user conflicts with respect to safety. Our on-the-ground field checks of proposed motorized trails leads us to conclude that the Forest Service has little or no understanding of the current physical condition of many proposed motorized trail routes and the physical/vegetative characteristics of adjacent terrain (i.e. "context" as per NEPA). The majority of proposed motorized trail routes in the DSEIS have been made with no documented field reviews by the agency. We have received no response from the Forest Service -despite written and verbal requests- for data supporting what appear to be arbitrary motorized trail proposals. For example there is no data to support the Forest Service assertion that motorized use is "ongoing" for some trails identified in Siskiyou LRMP amendment. The FEIS II-10 stated that "routes that have revegetated from non-use were excluded as well." However, several trails that have revegetated are proposed for motorized use in the SDEIS.

We maintain that for all proposed motorized trail designations the Forest Service must show how they intend to minimize impacts in their proposals to continue, codify and encourage that motorized use. The Forest Service FEIS/DSEIS has failed to demonstrate that the Forest Service has evaluated all of the criteria outlined in the TMR and ORV Executive Orders.

The primary criteria we are concerned about are:

1. Damage to soil, watershed, vegetation, rare or sensitive plants, and other forest resources.
2. Harassment of wildlife and significant disruption of wildlife habitats;
3. Conflicts between motor vehicle use and existing or proposed recreational uses of National Forest System lands or neighboring Federal lands (especially Botanical Areas and adjacent BLM ACECs); and
4. Conflicts among different classes of motor vehicle uses of National Forest System lands or neighboring Federal lands (e.g., Coos Bay BLM ACECs).

2. Dispersed camping sites along perennial streams should be identified on the MVUM. Physical signs are needed at approved dispersed campsites in riparian reserves.

Based on DSEIS, the MVUM is anticipated to allow motorized users to travel anywhere they please for 300 ft off-road. The anticipated 300 ft distance allowance for dispersed camping in the MVUM undermines the purpose of the Travel Management Rule because adverse impacts associated with off road travel (e.g. soil compaction, destruction of native plants, increased weeds, etc.) would increase incrementally each year. Rare plants such as Siskiyou trillium (Photo 40) and federally listed plants such McDonalds Rock Cress would be placed

at-risk because motorized use would allowed in the precise areas where the plants grow (see Siskiyou Project Appeal Attachments V,W,X).

The 300 ft allowance would retard riparian reserve recovery and violate Aquatic Conservation Objectives because streams attract dispersed recreation and camping (Photo 41). The proposed dispersed camping exemption would allow damaging off-road day use along streams and allow ATVs to damage more riparian reserve vegetation each year. We concur with the EPA recommendation for "restricting motorized access for dispersed camping within 300 ft of perennial streams, 150 feet of lakes, and 100 feet of intermittent streams." (FEIS A-79). The DSEIS failed to acknowledge that all dispersed camping must be prohibited in Botanical Areas as required by Forest Plans. We recommend that the number of dispersed campsites along perennial streams be clearly designated on the MVUM and with appropriate signs. Other riparian reserves along perennial reserves would be off limits for motorized use and would hopefully begin to recover from years of compaction and vegetative destruction. Restoration is consistent with ACS and ESA objectives for coho salmon.

3. The DSEIS failed to analyze impacts associated with including unauthorized and unnumbered motorized trails into the 2008 baseline road system. Requested relief is that these unauthorized user created routes (with no number and no maintenance data) not be illustrated on the MVUM until they are analyzed as conversions from Maintenance Level 1 to motorized trails in a Supplemental EIS.

Rather than completing the legally required travel analysis, the Forest Service relied on motorized users to identify unauthorized user created routes for inclusion into the 2008 baseline road system for alternative development. The SDEIS II-10 stated "The Rogue River-Siskiyou National Forest undertook an extensive effort to validate the location of all NFS roads and trails along with unauthorized routes that show current or past motor vehicle use, and could be interpreted as travel ways for motor vehicles…. The baseline inventory information [including unauthorized routes] provided by groups and individuals was used to update the roads and trails database." This user initiated anecdotal 2008 "update" occurred subsequent to science based 2004 Roads Analysis. The No Action Alternative is developed based on this [2008 updated] inventory. (see also SDEIS Description of the No Action Alternative). Thus, the Alternative 1 baseline maps contain an undisclosed number of unauthorized routes that have been given instant motorized use status as motorized trails with no NEPA or procedural (CE, DM) oversight. Many of these routes appear on Alternative 1 maps in sensitive unroaded areas, non-motorized backcountry recreation areas, and botanical areas as unnumbered motorized trails. All alternatives are tainted with these undocumented and unauthorized routes. The DSEIS failed to identify and quantify these routes to alert reviewers of their likely dismal engineering, lack of maintenance, and safety hazards.

Some examples of unnumbered routes from Gold Beach and Powers District are listed below:

a. An unauthorized route currently illustrated as motorized trail in the North Kalmiopsis Roadless Area (Gold Beach District) parallels Nancy Creek in section 28 (T35S: R11W) and connects to road 3577-355. The unauthorized route also connects to private land parcel in Indian Flat via sections 28, 33 and 34 and a private land parcel in section 28. SDEIS refers to this route as "Nancy Creek Trail' but no such trail exists in RRSNF database. See Map A-2 in ROD.

b. An unauthorized route is illustrated as a motorized connector trail to connect trail #1173 and trail #1169 in T36S; R12W §14 north of Game Lake. See Map A-2 in ROD.

c. An unauthorized route is illustrated as a motorized trail through Adams Prairie on Gold Beach District is no longer visible for the lower ½ mile adjacent a roadless area.

d. Approximately 3 miles of previously unauthorized routes are illustrated as motorized trail in the Quail Creek watershed in an unroaded area adjacent the Kalmiopsis Wilderness (T. 39S; R12W).

General Comments Regarding The Wild Rivers District

The RRSNF failed to adequately coordinate with Six Rivers National Forest or Oregon Department of Agriculture about the opportunity to reduce spread of *Alyssum* by prohibiting motorized use with Alternative 4.

The Six Rivers National Forest and Oregon Department of Agriculture may have advocated that the McGrew Trail and associated spurs closed to motorized use (as per alternative 4) had they had been adequately informed about Alyssum threat by the Forest Service. No DSEIS was sent to ODA. No formal comment was found from Six Rivers National Forest. Please see the attached April 14, 2011 Siskiyou Project Scoping letter for Smith River Restoration and Travel Management Project.

Specific Comments Regarding the Gold Beach and Powers District Motorized Routes Identified in Preferred Alternative 5.

1. The DSEIS fails to provide accurate trail conditions and recent motorized use data to support amendment to the Siskiyou LRMP to allow motorized use on portions of Game Lake #1169, Lawson #1173, Lower Illinois #1161, Silver Peak Hobson Horn #1166 and two unnamed connector trails. (DSEIS Appendix B-21) The plan amendments should be dropped and alternative 4 adopted. The Oak Flat area warrants an <u>immediate</u> motorized closure as described in our petition dated December 29, 2010.

We object to the proposed plan amendment to encourage and codify motorized use within the Sourgame Botanical Area (DSEIS II-42), within the North Kalmiopsis Roadless Area, within a large area designated for non-motorized recreation, and within the Illinois River Wild River corridor designated by Congress (See Dec 2009 ROD A-6 map).

The proposed amendment for Game Lake, Lawson, Lower Illinois, Silver Peak Hobson Horn Trails and two connector trails failed to identify class of vehicle as required by Travel Management Rule. Historic and ongoing use has been by class III motorcycles during hunting season on Illinois River trail east of Agness (Photo 14). Class 1 ATV use (as suggested verbally by Alan Vandiver to R. Nawa on October 6, 2011) should be prohibited because trails are primarily single track width (Photo 14) or currently overgrown with vegetation making them unsuitable for any class of motor vehicle (Photos 1, 2).

a. Unnamed connector trail north of Game Lake (T36S R12W §14)

Richard Nawa (Klamath Siskiyou Wildands Center) field-checked this proposed motorized route on November 2, 2011. Estimated length is 1.5 mile. The proposed connector route is an unauthorized cat track created decades ago by miners. Motorized travel on the cat track is currently not possible because it is overgrown with vegetation and has numerous fallen trees from the Biscuit Fire (Photos 4, 5, 7). Subsequent to the Biscuit Fire in 2002, it appears that the Forest Service constructed numerous large berms and large water bars in an attempt to correct serious gully erosion and prevent motorized use (Photo 7). The principal reason the proposed motorized route is unsuitable for motorized use is because the cat track is located within and across steep drainages adjacent to steep slopes. The proposed motorized connector trail intercepts at least 4 springs colonized by *Darlingtonia californicus* and Port Orford cedar (Photos 4, 6). Proposed motorized use where none now occurs would greatly increase the risk for introducing the root disease and killing cedar trees vital to ecological recovery of the biscuit fire area. The proposed motorized use would damage or destroy large numbers of Darlingtonia plants that now grow adjacent and across the proposed route (Photos 4, 6).

In one location a 200 ft long fen has developed adjacent and across the proposed motorized route. R. Nawa observed no evidence that the proposed motorized route had been used by motorized vehicles during 2011. Although numerous hunters were using the road to Game Lake on November 1-2, 2011, none were using ATVs to access the area where motorized routes are being proposed. Motorized use has not likely occurred on the routes proposed since the Biscuit Fire when motorized earth moving equipment was used to create berms and large water bars to reduce severe gully erosion from the proposed motorized connector route. Assertions of "historical and ongoing [motorized] use" of this connector trail in the DSEIS Plan amendment are false and not supported by any verifiable data. This route should not appear on the MVUM. The current land use designation of Backcountry Recreation-Non-motorized should not be changed so as to encourage and codify an environmentally damaging motorized route. Major earth shaping efforts to stabilize erosion has resulted in substantial vegetative growth along the proposed motorized connector route during the past decade.

The proposed motorized route now appears "natural" which is an important and desirable attribute for non-motorized back country recreation, wilderness, and Inventoried Roadless Areas. No single track or dual track trails are visible on the proposed route (i.e. no visual cues that wheeled motorized use has occurred). Proposed motorized use would seriously degrade vegetation that is currently free of any motorized vehicle ruts or tracks. The area is exceptional for solitude that is an important quality for its current designation as non-motorized backcountry recreation. Proposed motorized use would seriously degrade the solitude and remoteness one can currently expect in this area (Photo 3).

This proposed connector trail was intended to connect Lawson trail #1173 with Game Lake trail #1169. Since this connector trail is inappropriate as a potential motorized route the proposed motorized use on Lawson trail and the Game Lake trail would not "connect" and motorized users would have to turn back after going only a relatively short distance. Absent the connector, the two other routes lack a purpose. Continuing to propose two short, dead end, motorized routes in an unroaded area 40 miles from Gold Beach is arbitrary and capricious. Furthermore, the DSEIS III-44 falsely states that "All of these trails provide outstanding opportunities for motorized loops and connections and all provide outstanding views along portions of their routes. These opportunities would not be available for motorized users in this alternative [4]." Since the "Game Lake loop" **is not being used** by motorized users, no opportunity would be lost. The opportunity, if indeed it ever existed, was

lost subsequent the Biscuit Fire when the Forest Service wisely rehabbed the area to prevent motorized damage.

b. Lawson Creek Trail #1173 (T36S; R12W; §27, 22, 15)

The first two miles of Lawson Creek Trail near Game Lake is proposed for motorized use in a SNF Plan Amendment and in the SDEIS preferred alternative as part of a loop trail. R. Nawa field checked this proposed motorized route on November 2, 2011. The trail is not suitable for motorized use. Heavy shrub growth and numerous fallen trees block motorized use of this trail (Photo 8). The trail can be hiked for the first 3/4 miles but beyond that it cannot be followed easily because of shrub growth and tree fall (i.e. the trail is not visible or passable by a reasonable person).

Alternative 4 (DSEIS) correctly prohibits motorized use on the entire Lawson Creek trail 1173. The agency's environmental analysis needs to document that this entire trail is not appropriate for Class III motorized use due to shrub and tree growth and ever increasing numbers of fallen trees from the Biscuit Fire. Assertions of "historical and ongoing [motorized] use" of Lawson Creek Trail 1173 in the Siskiyou Plan amendment are false and not supported by any verifiable data.

R. Nawa observed no evidence that the proposed motorized route had been used by motorized vehicles during 2011. Any historical use was largely ended with increasing numbers of fallen trees subsequent the Biscuit Fire in 2002. Large numbers of trees can be expected to fall across this trail in coming decades. Shrub and tree growth in the burned area beyond the first ¾ miles is becoming impenetrable to where the trail is not visible or passable by a reasonable person. Since the "connector trail" is not a viable motorized route it makes no sense to designate a short dead end route for motorcycles. The DSEIS should remove this trail from further consideration for the compelling reason that motorized users will be very disappointed when they travel 30 miles to the Lawson Creek trailhead only to find that the motorized route on the MVUM cannot be traveled by a reasonable person. The prudent course of action is to remove Lawson Creek trail #1173 from the Plan amendment.

c. Game Lake Trail #1173 (T36S; R12W; §27, 23)

The first two miles of the Game Lake Trail is proposed for motorized use in the preferred alternative 5 with a Siskiyou LRMP amendment. R. Nawa field checked this route on November 1-2, 2011. The proposed route is a decades old miner-created cat track. Subsequent to the Biscuit Fire the Forest Service successfully blocked most motorized access to this trail with a row of boulders at the trailhead parking area and scattered boulders within the former mining route to discourage motorized use. Heavy shrub cover has grown over the trail in several locations indicating no motorized use in recent years (Photos 1, 2). There are no visible ruts, tracks or vehicle-damaged vegetation. R. Nawa observed no evidence of motorized use this year or in recent years.

Although numerous hunters were in the area, none were using ATVs on this trail or engaging in off road travel. Assertions of "historical and ongoing [motorized] use" of Game Lake trail 1173 stated in the proposed Siskiyou Plan amendment are false and not supported by any verifiable data. Large numbers of dead trees have fallen across the trail. Tree fall is likely to be heavy in coming decades due high densities of snags from the biscuit fire. Since the "connector trail" is not a viable motorized route it makes no sense to designate a short dead end route for motorcycles or ATVs. Motorized users will be very disappointed should they

travel 30 miles to the Game Lake trailhead only to find that the motorized route on the MVUM cannot be traveled by a reasonable person. The prudent course of action is to remove Game Lake 9 trail #1169 from the Plan amendment and adopt alternative 4.

A portion of the Game Lake trail proposed for motorized use is within the Sourgame Botanical Area (DSEIS II-42). Motorized use would seriously conflict with nature study at this Botanical Area because the Game Lake trail is one of the only feasible routes to explore the botanical area. R. Nawa did not hear any motorized vehicles or see anyone on the proposed motorized route while hiking the area for 2 days. The proposed motorized trail would compromise the current solitude and unique botanical values enjoyed by hikers in the area now designated non-motorized backcountry recreation (Photo 3). Hiker safety would be adversely affected by toxic asbestos dust created by motorized users.

d. Unnamed Connector Trail (Nancy Creek Trail) T35S; R 11W; § 29, 28, 34

The Siskiyou LRMP Specific Plan Amendment (DSEIS B-21) identifies two unnamed connector trails. One of the unnamed connector trails is called the Nancy Creek Trail (as discussed on 11/8/2011 telephone conversation between R. Nawa and David Krantz). The Nancy Creek Trail connects Forest road 271 in section 29 with a private parcel known as Indian Flat in section 34. The Nancy Creek trail is an unauthorized, unmaintained, and unnumbered route. The first mile of the trail is a bulldozed route constructed to access mines many decades ago. Subsequently, an unauthorized user created ATV route was extended from the mining route through sections 33 and 34 for a distance of about 1.5 miles (see Petition for Motorized Closure Oak Flat, Figure 1, segment GH). A bulldozed spur route branching north accesses an abandoned mining cabin (Oak Flat Petition, Fig.1 segment JK). A second spur route branching north is a ATV user created route that connects to an unnumbered logging route extending from Road 3577 (Oak Flat Petition, Fig. 1, segment JK).

e. The user created ATV route (Nancy Creek Trail) and associated spur trails are unsafe for motorized users and unsafe for hikers sharing the trail with motorized use.

User created ATV route grades were field measured by R. Nawa and typically exceeded 30% on the steep descent to Indian Flat (range=20%-45%, Oak Flat Petition Fig 1). These trail grades exceed the target grade of 10-25% for the most challenging ATV Trail Class 2 (see FSH 2309.18-Trails Management Handbook, 23.22- All Terrain Vehicle Design Parameters, [Oak Flat Petition Fig. 5]). R. Nawa also measured short pitches of 45% which exceeds the 35% standard (Photo 15). An unsafe wooden bridge has been constructed across Nancy Creek (Oak Flat Petition, Fig.1, location N). R. Nawa found portions of the Nancy Creek trail in the Biscuit Fire Area that did not meet the 60” design clearing standard because the trail was overgrown with Ceanothus (Photo 16). Low site distance and steep grades creates unsafe conditions for ATVs and hikers. The potential for collision between hikers and ATVs adds to user conflict on the trail. Apparently a man operating an ATV on one of these ATV user created routes was seriously injured in a rollover accident a few years ago. The terrain in the areas south of Nancy Creek is too steep for safe ATV use. The long overdue remedy is to immediately enact a motorized area closure as requested in previously submitted petition that is consistent with Forest Plan designation: Backcountry Non-Motorized (IV 96-97). Currently the southernmost 0.5 mile of the Nancy Creek Trail is within Non-motorized Backcountry Recreation.

f. Motorized vehicles are damaging the Illinois River Trail 1161

On May 30, 2010 several all-terrain vehicles (ATVs) accessed the northern terminus of the Illinois River Trail # 1161 near Oak Flat. Since the trail is designed as a narrow single track hiking trail, the dual track created by ATV use resulted in soil compaction, destruction of plants, and contributed to the widening of the trail (Photo 11). The damage was severe enough to warrant the Gold Beach District Ranger, Alan Vandiver to seek volunteers to repair the damage. Subsequent to repair efforts, R. Nawa hiked the trail several times during July 3-5, 2010. Despite Forest Service efforts to ameliorate the ATV damage, dual tracks are intermittently visible for a combined distance of about 650 feet over the first 2,600 ft of the trail. R. Nawa estimates that 400 ft of trail have been previously widened, probably by repeated motorized use. Approximately 35% of the trail segment to Nancy Creek has been widened or is in the process of being widened to facilitate ATVs.

Motorized vehicles are damaging soil and threatening rare plants on the Illinois River Trail. ATVs go around felled small trees, increasing soil and vegetation damage. An illegal loop trail is being created by ATV use.

R. Nawa observed that the May 30, 2010 ATVs operated off- trail for about 125 ft in one location where the hiking trail was too narrow for ATVs. Past ATV use has created two new user created routes that form an unauthorized loop route that is illustrated in Fig. 1 of Oak Flat Motorized Petition. Segment AC (1,000 ft) "shortcut" connects Forest Road 270 to Forest Road 270-273 on Forest Service land. Despite the apparent Forest Service authorized felling of about 12 small tanoaks and a 20 inch diameter snag, R. Nawa observed two ATVs riding through the middle of the felled trees without stopping on July 5, 2010. Forest Service and/or volunteers efforts to physically block this unauthorized ATV route with small tree boles only caused ATVs to drive around the blockage that ultimately increased the soil and plant damage. User-created segment BD (1,000 ft) connects the Illinois River Trail to an unmaintained road (beginning Nancy Creek trail route). Once an easily traveled ATV loop route is created, it is certain to receive more ATV use in the future. Thus it is reasonable to expect continued use of ATVs on this unauthorized user created loop (Fig 1, segments ABDFC). Needless to say, there is no trailhead for motorized use and the use is known to be unwanted by local residents.

The June 2010 posting of the beginning of the Illinois River Trail with "no motorized use" signs was necessary, but signs alone are not likely to be effective for some ATV users who frequent the area and are known to ignore regulations. Furthermore, the posting apparently only closes the Lower Illinois River trail itself, while adjacent and easily accessible terrain away from the trail remains open. Much of the unauthorized loop is off-trail (Segments AC and BD) or on unmaintained routes (Segment FD) and therefore motorized use is not prohibited by motorized closure of the Illinois River Trail (i.e. segments AC, BD, and DF are not "legally" closed to motorized use by a motorized closure for the Illinois River trail). The "no motorized use" signs are only visible to motorized users entering the trail from the hiking trailhead. Motorized users traveling the loop in a clockwise direction would never see the signs. The signs posted incorrect assume all motorized access is via the trailhead.

The terrain from the Illinois River trailhead to the Nancy Creek hiking bridge is flat or with gentle slope and allows ATVs to create new trails about anywhere at their whim. The rare Siskiyou trillium (*Trillium kurabayashi*) grows in this area and can be viewed from the trail (Photo 12). Cross country ATV use creates an unnecessary risk for damage to these plants, especially the ones growing immediately adjacent the trail. An immediate "area wide" motorized closure, not merely an individual trail closure, is needed to prevent damage from additional user created routes, to protect rare plants, and to effectively restore damaged areas.

g. Nancy Creek has been damaged by miners who access Nancy Creek with an unauthorized cross country ATV route (B-E) through a riparian reserve (Fig. 1 Oak Flat Petition).

Two local residents reported to R. Nawa that ATVs are frequently used by miners to access Nancy Creek via road 273 and route BE (Fig. 1). R. Nawa observed that the mining appears to have damaged Nancy Creek by rerouting the flow and digging into exposed streambanks after dewatering. An area motorized closure is needed to require miners to obtain permission (i.e. written permits) from the Forest Service prior to engaging in cross country motorized travel. The proposed Siskiyou LRMP amendment would encourage and codify additional ATV use on road 273 and unmaintained route FD, whereas an area motorized closure similar to alternative 4 would facilitate an orderly and hopefully less damaging mining activity.

h. ATV use at the Oak Flat Campground and adjacent areas damages soils, destroys rare plants, disrupts quiet recreation, and is a safety hazard.

The preferred alternative (Map 4) illustrates "mixed use" within and adjacent Oak Flat campground in section 29. We recommend class 1 and class 3 motorized use be prohibited (licensed use only) to maintain safety in the campground and protect rare plants. Campers and local visitors to Oak Flat campground are using the area as a "motorized play area" by creating numerous ATV routes that damage soils and destroy rare plants (Photos 22, 23). Motorized play conflicts with longstanding quiet uses of the campground. We are particularly concerned about danger to children in the campground from unrestricted ATV use and motorcycle use.

i. The oak savanna at Oak flat, which is currently managed for livestock and wildlife, is extremely vulnerable to OHV use. Routes leading to fragile savanna areas are easily accessible for potential damaging motorized use. A motorized closure is needed to make this activity unlawful.

Several routes and gates (often unlocked) provide easy access for ATVs to a vulnerable oak savanna (Photo 24). An immediate area motorized closure would legally restrict the public to licensed motorized use of the paved Oak Flat road leading to hiking trails and the campground.

2. The proposed Siskiyou LRMP amendment to allow motorized trail use lacks adequate safety analysis and jeopardizes hikers and motorized users.

It appears that no safety analysis was prepared for the motorized trails illustrated on Map A-6 in the 2009 ROD and carried forward with DSEIS. The Forest Service is responsible for reasonable safe travel when they produce a MVUM with specific trails and class of vehicle. Forest Service Manual 2353.15 and Forest Service Handbook 2309.18,15 identify safety standards for motorized trails. At a *minimum* motorized trails must be assessed for rollover potential for Class 1vehicles and sight distance for Class III. Signs at the trailhead for Illinois River Trail #1161 indicate the trail is unsafe for motorcycles due to falling snags from Biscuit Fire (Photo 13).

Motorized use creates safety hazards for hikers and motorized users. Portions of Illinois River trail and Hobson Horn Trail are located on narrow paths on very steep slopes that do not allow for the safe passage of a hiker and motorcycles or motorcycles traveling in

opposite direction (Photo 14). This situation is particularly dangerous for older people and children who have the ability to hike the trail but lack the agility to find safe footing on steep slopes below the trail to avoid collisions with motorized users.

The Nancy Creek connector trail is unsafe for motorized vehicles where it crosses Nancy Creek and is unsafe at its eastern terminus where it descends steeply among several steep drainages into Indigo Creek. Portions of this trail exceed 55% side-slope and have high rollover potential.

The Forest Service has failed to determine if motorized use is safe in serpentine trails in vicinity of Game Lake where motorized use could create cancer causing asbestos dust to be inhaled. Asbestos dust is particularly disturbing for hikers who would be forced to inhale asbestos not of their creation (analogous to second hand smoke).

3. The Forest Service failed to adequately notify the public about the Siskiyou Forest Plan specific route amendments and failed to have public meetings about the Plan amendment.

The Siskiyou LRMP specific route amendments were added to this planning process very late in the development of alternatives and never explained at public open house or meeting.

4. The rationale of "historical and ongoing use" for the Siskiyou Forest Plan amendment is neither appropriate nor adequate.

Historic motorized use is not an adequate reason to allow motorized use in an area previously designated by the Siskiyou National Forest Plan for *non-motorized* backcountry recreation. The 1989 Siskiyou National Forest Plan designation for non-motorized backcountry recreation was made with the knowledge that the area had a history of motorized use prior to 1989. Little has changed about motorized use since 1989 except that motorized use has decreased due to fallen trees and shrub growth from the Biscuit Fire.

Since historic motorized use was acknowledged in the 1989 decision, there is no compelling reason to now reference historic/ongoing motorized use in order to amend the 1989 Siskiyou National Forest Plan decision. The Forest Service has not shown a compelling need to amend the Forest Plan to provide for motorized trails in an area previously designated non-motorized. The FEIS I-5 stated that "[t]here is no requirement to reconsider decisions made prior to the Travel Management Rule." There are no conflicting forest plans to be resolved. The current proposed DSEIS Siskiyou National Forest Plan amendment is arbitrary and capricious. We request that the Forest Plan be followed and motorized use be prohibited on remote back country trails. We suggest that motorized use be revisited in the next planning cycle rather than using travel management to undermine the intent of the existing plan.

5. The proposed Siskiyou LRMP amendment severely fragments the Lower Illinois and Lawson Non-motorized Backcountry Recreation areas with motorized trails that would convert large areas to Motorized Backcountry Recreation.

The Forest Service fails to adequately explain how motorized use would be consistent with a designation that expressly prohibits motorized use. (See Siskiyou National Forest Plan IV 96-99). Solitude experienced with hiking the Game Lake Trail would be eliminated with the proposed motorized loop trail (Photo 3).

6. The proposed Siskiyou LRMP amendment is inconsistent with the Wild River designation.

In general, Wild River corridors are managed to prohibit motorized use. The DSEIS fails to adequately describe the degraded experience of river users because of sight and sounds of motorcycles and ATVs operating on trails above the Illinois River.

7. The proposed Siskiyou LRMP amendment is inconsistent with Wilderness designation and invites illegal motorized use.

Motorized use of Lower Illinois trail 1161 and proposed motorized use in the Game Lake area is likely to result in illegal motorized use in the Kalmiopsis Wilderness. Publication of the MVUM will draw motorized users drawn to the area where there will be no meaningful law enforcement in remote areas many miles away from trailheads. Compliance with motorized restrictions would be voluntary and highly unlikely to be effective for these remote areas. The agency's analysis must disclose that motorized use can be expected in the Kalmiopsis Wilderness and have adverse physical impacts and adverse impacts on hikers expecting a "non-motorized" experience.

8. Proposed Siskiyou LRMP plan amendment allowing motorized use of unnamed connector trail (Nancy Creek Trail), Lower Illinois River Trail, and Game Lake connector trail violates the Aquatic Conservation Strategy and Clean Water Act. Unauthorized motorized use has likely infested Nancy Creek with the root disease pathogen and resulted in loss of shade.

Motorized use of unnamed connector trail (aka Nancy Creek Trail) has likely caused Port Orford Cedar root disease to infect cedar trees that once shaded Nancy Creek (Photo 19). Since dead Port Orford cedar trees only occur *below* the motorized stream crossing (Photo 20) and not upstream of the motorized crossing, the use of this trail by motorized vehicles likely caused the root disease introduction and subsequent death of the Port Orford cedar trees. Proposed authorization of motorized use of Nancy Creek Trail is highly likely to cause currently uninfected Port Orford cedar trees in the Riparian Reserve along Nancy Creek to become infected with *P. lateralis* and further decrease shade for Nancy Creek (Photo 21).

At least ½ mile of this motorized "connector trail" is within the riparian reserve of Nancy Creek and retards riparian vegetation recovery, especially at stream crossings. Elimination of motorized use would greatly reduce disease risk and allow vegetation to heal the stream crossing. Lack of maintenance for drainage and the poor location for Nancy Creek Trail has resulted in at least one significant landslide that is degrading aquatic habitat.

The motorized Game Lake "loop trail" (Map A-2) includes a connector trail that was not constructed to Forest Service standards. The connector trail is a cat track that parallels natural drainages and captures flow. Severe gully erosion has occurred due to this proposed connector trail despite attempts to restore natural drainage with berms and water bars. Several seeps and springs along the connector trail have Darlingtonia plants that would be damaged with motorized use (Photo 6). At one location a Darlingtonia fen has developed within and adjacent the route (Photo 4). Motorized use would compromise the wetland (fen) with ruts and destroy Darlingtonia plants.

Proposed motorized trails pass through or adjacent fragile meadows and serpentine area where motorized use would damage fragile meadows. Elimination of motorized use in

alternative 4 would decrease sediment delivery to streams, greatly reduce risk of spreading *P. lateralis*, and allow riparian reserves and meadows to be restored. Current and projected motorized use retards recovery of Riparian Reserves where motorcycles and ATVs cross streams and damage associated wetlands.

9. Proposed Siskiyou LRMP amendment would provide motorized access via unnamed connector trail (Nancy Creek Trail) to a small private inholding at Indian Flat and adjacent Indigo Creek (see Gold Beach District Map T.35S; R11W; §34)

The Nancy Creek " unnamed connector" trail in T.35S; R11W sections 28, 33 and 34 is primarily used by class 1 vehicles that access this route via road 273 and an unnumbered route in sec. 29 (see Fig 1 Oak Flat Petition). Prior to accessing the unnamed connector trail on Forest Service lands the class 1 vehicles traverse private lands on road 273. One destination for the proposed motorized use of Nancy Creek trail is a small private parcel along Indian Creek in sections 34, 4 known as Indian Flat. This private parcel is illustrated on Gold Beach District Map. Indian Flat is a private inholding bordering Indigo Creek and surrounded by the North Kalmiopsis Inventoried Roadless Area. A Siskiyou National Forest non-motorized use land allocation also surrounds Indian Flat. Trespass motorized users are regularly damaging Indian Flat private lands and littering (Photo18). Indian Flat has become a defacto motorized "play area" due to trespass motorized use facilitated by user created Nancy Creek Trail on Forest Service lands.

The Forest Service cannot designate motorized routes that rely on access via private land and whose destination is privately owned without first discussing motorized use with affected land owners and then obtaining necessary easements. Map A-2 in the December ROD contained a misleading attempt to make this illegal route comply with jurisdiction requirements. Mapping inaccuracies do not remedy the unwanted ATV use at the trailhead in section 29 and unwanted motorized use on private lands at Indian Flat in section 34 that will be perpetuated and encouraged by designation of this trail for motorized use. If the Forest Service (falsely) contends that access to Nancy Creek trail is via Forest Road 355, then the segment of Nancy Creek Trail that crosses Nancy Creek would need to be removed from MVUM. The historic use of Nancy Creek Trail has been for private land owners at Indian Flat to access their private land. This can be accomplished with special use permits. Apparently the current land owners only want relief from unauthorized motorized use being promoted by the Forest Service with the proposed Plan amendment. The DSEIS fails to provide context (as per NEPA) for historical and ongoing use of Nancy Creek Trail. It is more than merely a "connector trail".

It is unnecessary to illustrate the Nancy Creek connector trail on the MVUM for public use. We believe that "Nancy Creek Trail" has been left off previous Forest Service maps (e.g Gold Beach 1987 District Map) to discourage motorized use by the public. Illustrating Nancy Creek Trail for public use in the MVUM is arbitrary, capricious, and causes harm to private land and noise irritation to private residents.

10. Alternative 5 erroneously proposes ATV use on the southern Portion of the Pine Grove Trail (#1160). Alternative 4, which prohibits motorized use, would eliminate resource conflicts.

None of the Pine Grove trail #1170 is suitable for ATV use as is proposed for the southern half because the tread is primarily a single track hiking trail. R. Nawa hiked the southern half of the trail on November 1, 2011 and the northern half on April 15, 2009. At the

southern end the trail begins as an abandoned road, but the road soon ends after about ½ mile at "Sevenmile Camp" . The next portion of the trail is a narrow single track hiking trail not suitable for ATVs as indicated in season/motor vehicle class table. The width of the trail determines the suitability for the Class of Vehicle (October 6, 2011 telephone conference with David Krantz, Wendell Wood, Rich Nawa, Alan Vandiver). Thus, the southern portion of the Pine Grove trail is not suitable for ATVs because much of the trail is single track width on relatively steep side slopes (Photo 14).

Furthermore, motorized use with ATVs has *severely* damaged the northern portion of Pine Grove Trail #1170 (Photo 25) and causes nuisance trespass use on adjacent private lands. The northern section of the Pine Grove Trail (#1160) abuts private lands near the junction of the Rogue and Illinois rivers. Motorized users are avoiding the steep lowest most ½ mile section by operating motorized vehicles on private property to access a less steep section further upslope. Trespass and resource damage is occurring on the private property.

Motorized access to the northern trailhead is via a private road (Spud Road) and staging area is on private land owned by Jack Churchill. During the initial DEIS comment period, Mr. Churchill requested that this motorized conflict with his land be remedied by prohibiting motorized use on Pine Grove Trail (see comment #93 FEIS A-32). Mr. Churchill has had correspondence and discussions with District Ranger Alan Vandiver about the motorized trespass and the need to prohibit motorized use. We are dismayed that the preferred alternative map continues to illustrate motorized use on the northern portion of the trail. The Forest Service continues to simply turn a deaf ear to substantive comments and concerns received during this planning process.

The Pine Grove Trail is primarily a single tread hiking trail and has been severely damaged for at least ¼ mile at the northern end by ATV use north of road 33- 250 in section 18 (Photos 13, 15). The damaged trail is now unsafe for downhill hiking. Sierra Club hikes led by Al Collinet have had difficulty negotiating this section of the trail due to unsafe conditions created by ATV use. The risk of people falling has been increased due to loose rocks caused by ATV use (Photo 13).

The Oak Flat motorized area closure would prohibit conflicting and damaging ATV use of Pine Grove Trail and adjacent private lands. Disease risk to a Port Orford cedar would be reduced (Photo 15).

The DSEIS proposes to "continue" motorized use on a trail where none currently exists. Except for the trail damage caused by ATVs, there does not appear to be any motorized (motorcycle) use of this trail. R. Nawa has hiked it twice and saw no evidence of motorized use except for damage at northern end. Hiking groups in the area schedule public hikes for the trail. The Jeffrey Pine savanna that attracts hikers would be extremely vulnerable to motorized off trail use. We strongly recommend this trail be left off the MVUM. Promoting motorized use will only exacerbate existing trail damage, create nuisance for private land owners, and create new resource damage where none currently exists.

11. We object to the proposed motorized trail through Adams Prairie (T35S; R12W; §20).

We assert that proposed motorized use in Adams Prairie is contrary to Siskiyou National Forest Plan direction to protect MA-9 wildlife meadows from motorized damage. The current proposed motorized trail was user-created to access private land along the Rogue

River but is no longer used for that purpose. At a minimum, the unmaintained motorized trail through Adams Prairie must be limited to class 1 and class 3 use because of vulnerability of adjacent meadows to damage from class 2 vehicles (Photo 28). Ruts are visible in adjacent meadows where 4-wheelers (Class 2 vehicles) have gone off road in attempts to climb Potato Illahe Mountain (Photo 31). This damage can be expected to greatly increase if access is authorized, encouraged and mapped for class 2 four-wheel drive vehicles. We support the apparent prohibition of class 2 vehicles in the table emailed to us for motorized vehicle class.

The motorized route illustrated on the alternative 5 map is unsuitable for motorized use since no route (i.e. mineral soil, physical depression, road cut, or fill) is visible in the southern portions of Adams Prairie (photos 29, 30). The lower ½ mile of the proposed route has re-vegetated from non-use and must be excluded from the MVUM. The initial FEIS II-10 states that "routes that have revegetated from non-use were excluded as well." Since no route is physically discernable, the motorized use that may be occurring presently and in the future would be technically prohibited because it is cross-country travel in a meadow and in an Inventoried Roadless Area. Enforcement of prohibition to cross country travel in Adams Prairie would be impossible because there is no visible trail. The trail width is 0. The southern portion of Adams Prairie would likely become a defacto OHV "play area" in a meadow as no trails are visible in this portion of the Potato Hill Roadless Area.

FS Road 910 enters the top of Adams Prairie in the north half of Sec. 17 (T35S R12W), where a sign says: "Please protect sensitive meadow habitat (Photo 28). Motorized vehicles prohibited on all meadows. Foot traffic welcome. 36CFR 261.56"

Not only are this sign's instructions not being followed, it is impossible to drive beyond this point, without driving off the initial two track road to turn around, and vehicles that have been using this area have not stayed on the route that corresponds to the map.

12. We object to the motorized trail through the Red Flat Botanical Area. Motorized use must be prohibited within botanical areas consistent with Forest Plan direction and Alternative 4.

The DSEIS failed to identify the 1 mile route through the Red Flat Botanical Area (T.37S; R13W; §18,19) as actually a conversion from Maintenance Level 1 road to motorized trail. The depiction of the route through the Red Flat Botanical Area as an existing motorized trail on Map 1 (alternatives 1 and 2) is in error. The unnumbered route does not appear in any roads database (e.g. INFRA). The proposed motorized trail is illustrated as an unnumbered 4 wheel drive road on the 1989 Gold Beach Ranger District Administrative use map but was removed from the 2008 Gold Beach Ranger District map. Similar unnumbered four-wheel drive roads, such as the one to Signal Butte (T.36S; R13W; §31), were not shown on DSEIS Map 1 but were included in Alternative 5 as a conversion from Maintenance Level 1 road to motorized trail. Another similar four-wheel drive road on the 1989 Gold Beach District map (T37S; R13W; §17) and only a mile NE from the Red Flat Botanical Area motorized trail was not shown on any DSEIS map -ostensibly because it was deemed a Maintenance Level 1 road. The illustration of an unnumbered motorized trail through the Red Flat Botanical Area in Alternative 5 and on Map 1 is wrong. This motorized trail should have been treated as a conversion from Maintenance Level 1 Road to a motorized trail or eliminated as a Maintenance Level 1 road.

Cumulative and connected impacts are not assessed in DSEIS. The motorized trail through the Red Flat Botanical Area would provide motorized access to the greater Red Flat Area which encompasses over a thousand acres of ultramafic soils (see SNF Plan Appendix F-105). Numerous abandoned mining roads and total lack of vegetation creates appealing terrain for illegal off road use (Photos 32, 33.) The Red Flat Botanical Area motorized trail would provide a convenient shortcut for illegal motorized travel at Fly Catcher Spring and spur routes that enter adjacent BLM Hunter Creek Bog Area of Critical Environmental Concern (Gold Beach District Map). Motorized off-road "recreation" is certain to continue in the Red Flat ultramafic area because of sparse vegetation on ultramafic soils (Photo 32), numerous unmapped mining routes, and no practical means of enforcing motorized use restrictions on anticipated Motor Vehicle Use Map. Red Flat will continue to be motorized "play area" with convenient motorized access provided through the Red Flat Botanical Area by the preferred alternative.

The Forest Service has not coordinated or communicated effectively with Coos Bay BLM about unwanted motorized access into Hunter Creek Bog ACEC via the proposed Forest Service motorized trail. Allowing motorized use through the Red Flat Botanical Area jeopardizes the integrity of the BLM Hunter Creek Bog ACEC because unauthorized use is highly likely (Photo 34).

The only logical access route for botanizing the Red Flat Botanical area is via the disputed motorized trail. Allowing motorized use would encourage conflicts between hikers wishing to enjoy the plants along the trail and the destructive influence of motorized "recreation" vehicles. Recreational motorized use of this route is contrary to the recreational purposes of the Red Flat Botanical Area and adjoining Hunter Creek Bog ACEC on BLM land. In other words, retaining botanical values and associated botanical recreation and research the purpose of the Botanical Area- not recreational motorized use (the purpose of all motorized trails is for recreation). Yet in this case the Forest Service wrongfully designating the trail as a through route. In the long term, motorized use causing noise, dust and destruction of roadside plants will drive away hikers wishing to enjoy this area for its intended use (Photo 36). Identifying this route as motorized trail means that it is managed for a recreation activity. For all practical purposes, the Red Flat Botanical Area would be a defacto motorized recreation area which is contrary to the purpose of Botanical Areas.

The SDEIS fails to explain why alternative 4 was not the preferred alternative as recommended by EPA to reduce risk of POC root disease (FEIS A78). Port Orford Cedar within the Red Flat Botanical area would have decreased risk of infection with alternative 4 that would eliminate motorized use (Photo 36). The SDEIS also fails to provide for a seasonal closure in Alternative 5 for this motorized trail.

The SDEIS fails to explain why alternative 4 was not the preferred alternative as recommended by EPA to reduce risk of asbestos exposure (FEIS A77-78). "We (EPA) recommend prohibition of motorized use on trails within serpentine area consistent with the direction under alternative 4." Motorized access to Red Flat through the Red Flat Botanical Area is certain to create potentially toxic dust due to fine textured native surface soils in roadways. Hikers exploring the Botanical Area would be exposed to potentially harmful toxic dust.

13. We object to the proposed conversion of road 3680-351 and-353 to a motorized trail.

The status of road 3680-351 (MP 0.55 to 2.43) is decommissioned (Rogue River Siskiyou INFRA 2/08/10). Several culverts have been removed and formerly eroding slopes adjacent stream channels now have vegetation (Photos 38, 39). Converting this decommissioned road to a motorized trail would violate the Aquatic Conservation Strategy because ongoing vegetative recovery would be retarded indefinitely. Motorized use would destroy vegetation and result in sediment being directly delivered to stream channels because slopes adjacent stream channels are very steep. The conversion of road 3680-351 to motorized use is inconsistent with Alternative 5 because motorized use would cause unacceptable erosion and damage to stream banks. The DSEIS at III-18 falsely states that conversion of these roads to a motorized trail would generate no sediment likely to reach a stream channel.

14. We object to the conversion of Maintenance Level 1 roads 3313103, 3680190, 3680195, and 3680220 in the Signal Butte area to motorized trails. The DSEIS III-26 fails to provide adequate site-specific impact analysis for rare plants and cultural resources from expected increased motorized use or ongoing damaging use. See attached letter dated August 10, 2010 from Wendell Wood (Oregon Wild) to Pam Olson (RRSNF).

Our organizations strongly oppose "new motorized trail construction/ reconstruction" in the Signal Buttes area (T37S; R14W) that would encourage, codify and map additional vehicle use and access into the Forest Service's own recently signed "Botanical Restoration Project" (where restoration work was begun in the spring and summer of 2010). We recommend that the existing 4WD FS road 3680-195 be gated to reduce ATV damage that is already occurring to this area's sensitive resources and to reduce the potential for spreading Port Orford Cedar root disease that has already established along some water courses within this area.

Proposed road reconstruction along FS roads 3680-190; 3680-195 and 3680-220 would threaten sensitive plants and adjacent sensitive plant habitats in serpentine areas and wet meadows along road 195 and immediately east of the Signal Butte. Areas along the east side of Signal Butte would have severe impacts with reconstruction as proposed in the SDEIS. Road work would directly impact a wet meadow containing Camas Lily (*Camassia quamash* ssp. *Walepolei*) in Section 31.

Additionally, increased vehicle use in this area could potentially impact BLM's North Fork Hunter Creek ACEC (T37S R15W) by enabling vehicle trespass onto BLM lands via what is termed the ecologically sensitive "Stone Chair Trail". The unsigned trailhead to this ACEC's sensitive meadows, old growth Jeffrey Pine, and Oregon White Oak is immediately adjacent road 195 and just west of road 195 junction with FS road 190. These trails and surrounding meadows and serpentine sensitive plant habitats could be heavily impacted with increased illegal ATV use in this immediate area. The Stone Chair Trail also bisects the west end of the Forest Service's recently initiated "botanical restoration project" for the sensitive Howell's or Gasquet Manzanita (*Arctostaphylos hispidula*).

See specific Signal Buttes area sites as described in Forest Service Report: "Conservation Assessment for Gasquet Manzanita (*Arctostaphylos hispidula*) Within the State of Oregon": http://www.fs.fed.us/r6/sfpnw/issssp/documents/planning-docs/ca-va-arctostaphylos-hispidula-2010-03.pdf

Which reads in part:

"Some areas, such as the ultramafic bands in and around the Signal Butte area on the Gold Beach Ranger District, are likely to have thousands of plants occurring within them. The current data from the area are likely to grossly underestimate the numbers of plants because of minimal inventory, the density of vegetation, and difficulty in identifying A. hispidula." Considering range, distribution, and abundance, A. hispidula can be classified as a rare species based on a fairly narrow geographic range, an affinity for unique habitat/substrate (serpentine) and small to moderate sized populations (Kaye et. al., 1997), with the exception of a few populations recently discovered during our field assessments."

Other sensitive plant species known to occur in this area that could be likely impacted by increased ATV use include: *Mondardella purpurea*; *Carex scabriuscula* (C. gigas) Siskiyou Sedge; and *Poa piperi*.

While FS road 195 provides access along a 4WD road to the top of the principal (highest) Signal Butte (3512 ft. elev.) to service a commercial communication tower, this road should be gated and closed during the wet season to prevent the spread of Port Orford Cedar disease into other parts of the watershed. In a Sept. 2008 report by the BLM and Institute for Applied Ecology, the authors state (page 8):

"Phytophthora lateralis" killed "Port Orford Cedars were observed on (adjacent) Forest Service property. The cedars that were observed in the (BLM, Hunter Creek) ACEC were all alive, but the proximity of the pathogen means that these trees are potentially at risk." And on page 12: "Vehicles should be parked at the parking area (near junction of FS Rds. 190 & 195) instead of driving the 250 yards of 4x4 road (FS Rd. 195) which crosses a creek with dead Port Orford Cedar. All boots should be cleaned with a dilute bleach solution prior to entering the ACEC."

The DSEIS continues to lack analysis of the botanical impacts of proposed motorized use in botanically sensitive areas on Gold Beach District. At a minimum the Forest Service must obtain site-specific input from agency botanists about the proposed change to enable motorized use. Current analysis is generic and not applicable to the actual site conditions at Signal Buttes.

Cultural resources are also threatened with increase ATV use in this area. The poorly marked "McKinley Mine Trail" also begins from FS road 190 (section 5) and the crosses FS road 195 (section 6). This trail heads generally west and crosses FS road 195 approximately .5 to .6 mile on up road 195 and beyond the FS road 190 junction (longitude: -124.279541, latitude: 42.405699). It soon crosses the upper headwaters of the N. Fork Hunter Creek, (with more dead Port Orford Cedars) and then passes the Col. I. E. Munsey cabin and grave site (small pile of rocks beside a tree) that are noted on small wooden signs. In this area, W. Wood observed artifacts, old bottles and metal pieces literally still lying on the ground. Brief references to these cultural resources for the late Col. Munsey and the McKinely Mine are given on pps. 101 & 211 "The Mineral Resources of Oregon, published monthly by the Oregon Bureau of Mines and Geology, Vol 2, No. 1, May 1916."

Finally, new motorized trail construction/reconstruction linking FS road 195 with FS road 103 in Sections 29 and 30 immediately to the north on Signal Buttes would also present potential conflicts with auto tours along the Forest Service's "self guided forest ecology tour" (long tour) that is a described in a brochure developed by the "Society of American Foresters and the US Forest Service". Additional trail "reconstruction" mapping, and codification that would encourage additional ATVs onto this tour route originating along the Rogue River would be inappropriate as recognized in the guide's introduction which states:

"Part of the tour is on gravel roads, so we urge caution; maintain slow speeds, keep to the right, avoid stopping on corners, and watch for oncoming traffic."

Proposed ATV motorized use is in serious conflict with botanical, archaeological, and existing recreational uses. The DSEIS lacks critical analysis for Signal Buttes area that borders a BLM ACEC. We strongly recommend that the agency adopt alternative 4 for this area. The Forest Service needs to coordinate with BLM and consult with agency botanists about managing this area as a single unit irrespective of political boundaries. The proposed additional motorized use is not acceptable because the Forest Service has failed to obtain site-specific information from its own botanists and cultural resources staff about true impacts from proposed motorized use. The Forest Service has failed to make a good faith effort to coordinate with BLM to manage motorized use that would protect the ACEC and Forest Service lands from motorized damage.

15. We recommend that Road 23-990 in the Gold Beach district be closed to motorized vehicles year-round. DSEIS failed to analyze road 990 closure as was identified in the initial FEIS.

This short ¾ mile road accesses steep oak savannas (meadows) and ends at Shasta Costa Creek. Motorized access has resulted in off road damage to meadows. An ineffective gate at the beginning of the road has failed to prevent motorized damage. Since damage has been documented in the past it would be best to close the area to motorized use to prevent further harm and allow damaged areas to recover**.**

FEIS II-56 states: "Consider permanent closure of Road 990 (T35S, R11W, section 5) to motorized use. Comments to the DEIS suggested that of Road 990 be permanently closed (now gated at the top) with no motorized use allowed. This closure would provide a fine recreational hiking experience to Shasta Costa Creek. This opportunity was not identified or considered during Travel Analysis process. It was therefore eliminated from detailed study with this process. This connection remains as a future opportunity for consideration, outside of this process."

16. We object to the designation of motorized trails in upper Quail Creek watershed T. 39S; R.12W; §36.

These unauthorized and unnumbered trails cross numerous perennial streams and will cause erosion and damage to riparian reserves. These muddy roads and wet stream crossings present a high risk for POC disease introduction.

17. We recommend the Forest Service prohibit motorized use on Gold Beach Road 1101-170. See attached letter dated August 10, 2010 from Wendell Wood (Oregon Wild) to Pam Olson (RRSNF).

The Forest Service needs to close (an approx. 2/3 mile long) Gold Beach RD Road 1101-170 to vehicle traffic. Tpsf 1101-170 appears to be a "level 1" road status. The area of vehicle closure would be from FS road 170 junction with FS road 1101 (T41S R12W section 17), to FS road 170's termination at private lands on the line between section 16 & 17.

FS road 170 could be made available primarily as a hiking trail to view some of the largest redwood trees in Oregon. Road 170 could be developed as an additional "barrier free" recreational trail for almost its entire length and would be relatively easily accessed from

Hwy 101. FS road 170 also provides views of many Tiger Lilies, *Lilium columbianum*, that are not seen along the other nearby Oregon Redwoods Hiking Trails #s 1106 and 1107. Presently area sensitive species such as Slink Pod Lily, *Scoliopus bigelovii* occurs in the immediate area (junction of 1101 and 170) at the northern most end of its biological range, and the area has been previously recognized as a potential site to reintroduce Kellogg's Lily *Lilium kelloggii,* where it has previously been reported to have once occurred in this immediate area.

ATV (mixed) use in this area is incompatible with existing highway vehicle use along FS road 1101 that accesses nearby redwood forest hiking trails #s 1106 & 1107. ATV use on FS road 170 also potentially invites ATV use violations on the established redwood hiking trails. Additionally, increased licensed vehicle use is already anticipated along the west end of road 1101. Private lots have been recently cleared for assumed residential development. Presently the dead-end road 170 provides no loop opportunities for ATV use. It does provide great opportunities for viewing the area's large redwood trees on level terrain. FS road 170 is an outstanding forested bench containing old growth redwoods, Douglas fir trees and very large big-leaf maple. Presently vehicles traveling down this native surface road muddy up low wet areas in spring and impact native herbaceous plants growing along its side. Additionally, some vehicles are proceeding down this road for the purpose of dumping garbage that has been repeatedly reported to the Forest Service in the past.

18. We recommend that motorized use be prohibited on the Fish Hook Interpretive Trail #1180. The Forest Service web site says the trail is not designed for motorbike use. See attached letter dated September 30, 2011 from Wendell Wood (Oregon Wild) to Pam Olson (RRSNF).

Wendell Wood field checked Fish hook trail September 4, 2011. This trailhead and trail to Fish Hook Peak is above West Fork Indigo Creek in North Kalmiopsis Roadless Area (T35S, R10W). This trail is very steep and narrow with lots of loose gravel and rocky areas that that would seem to make it too treacherous for safe or enjoyable use by motorcycles. Predictably there is no evidence of recent motorcycle use. Scrub oak also overgrows the trail in many locations. The area was burned in the Silver Fire and several down snags are across the trail. Fallen trees across will greatly increase in the future making motorized use impractical. Motorized use would be disruptive to a camping area at the start of the trail.

Additionally, the Forest Service's current recreational trail website description for this trail http://www.fs.fed.us/r6/rogue-siskiyou/recreation/trails/fish-hook.shtml specifically acknowledges: "Trail is Not Designed for: Mountain Bike, Motorized Bike, ATV, 4-Wheel Drive, Barrier Free"

Furthermore, this scenic 2.5 miles trail has been long recognized as a "botanical observation, day hiking, and wildlife observation" trail in many previous produced Gold Beach Ranger District Trail guides. The trail is described in the latest 2010 trail hiking guide published by the Northwest Interpretive Association in cooperation with the Rogue River-Siskiyou National Forest and distributed to the public at Forest Service offices. Proposed motorized use would be in conflict with hiking based recreation. Presently the trail is not well graded and barely exists in some locations. In other places steep rocky obstructions clearly prevent access by ATVs that otherwise operate along designated forest roads in the general area. The Forest Service guide describes the Fish Hook Interpretive Trail #1180 as one six featured short trails on the Gold Beach RD, noting "a brochure available near the trailhead explains

various aspects of the effect of the Silver Fire (1987), and also provides information on the wildlife, botany and cultural resources of the area."

Additionally, this trail is an exceptional location for the recreational picking of abundant Serviceberries in late summer. This short trail was designed for National Forest visitors that wish to study and contemplate nature at a slower pace, and beside physical features that would largely make motorcycle access physically impossible, it is totally inconsistent to mix this interpretive use with motorized use. Upon initially topping off, the Fish Hook Peak trail next descends even more steeply, down swithchbacks on the east side of this ridge above the West Fork of Indigo Creek before reaching Fish Hook Peak.

We request that the agency provide us with any written documents or information that indicate the Forest Service has ever investigated or acknowledged the existing, physical and natural barriers--that appear in themselves, to make Fish Hook Peak trail not only unsuitable, but also physically impossible to enable any motorized vehicle use.

The Fish Hook Interpretive Trail, and Fish Hook Peak area in the Sugarloaf Mountain Area along the divided between the Gold Beach and Wild River Ranger Districts--Section 8 & 17 (T35S R10W) should not be opened to motorized use as recommended in the DSEIS preferred alternative.

19. We recommend that motorized use on Shasta Costa Trail be prohibited due to ongoing damage to meadow areas and lack of mixed use at southern terminus of trail at Road 2308. In addition, the trail and off trail use exceeds slope standards for ATVs.

Wendell Wood field checked this trail on July 10, 2010 and Rich Nawa field checked the trail on October 6, 2011. Motor vehicle use is destroying fragile meadow vegetation and exposing bare soil. We object to the Forest Service preferred alternative of ATV use of an estimated 1.5 mile long trail that extends from the south side Shasta Costa Creek over a ridge into the Snout Creek drainage to where this trail ends at FS road 2308. Burnt ridge road is not open to mixed use making it impractical for motorized use since users would have to turn back at this road junction. The location of this trail is roughly shown by a dash blue line on Preferred Alternative in section 8. The Forest Service described this as an existing "ATV trail" that was explained as being the specific location of the prior Travel Plan's motorized recreational development proposal in the lower Shasta Costa Creek watershed.

The DSEIS fails to disclose the extensive damage from off trail motorized use in meadows that are supposed to be off limits for motorized use. We have not been able to find any previous maps that illustrate this proposed ATV trail. A short access road from road 33 terminates at a cleared, dispersed recreation site. From this point two ATV trails lead steeply up the hill to the south. The unmaintained route has major ruts and erosion that appear unsafe for ATV use. The ruts are so deep that it appears the second ATV trail was probably cut by motorized users to avoid places that on the original trail might be non-passable, or only passable with great difficulty.

An excessive amount of toilet paper was observed above the camp area where the initial part of the trail is being used as a toilet area. There were very noticeable amounts of trash, cans, bottles, food containers, scattered along the trail due to motorized use. A large amount of trash had been left along the trail slightly before reaching the summit and near an overview where the Rogue River is visible below from the ATV trail. Rock barriers placed to keep vehicles directly out of camping areas along this side of the creek have been defeated, with

clear tracks of where vehicles have driven over two parallel berms. There are numerous instances of where both motorcycles and ATVs have left the established trail and caused damage to the adjacent meadows. At one meadow just over the ridgeline on the Snout Creek side, a two-track trail going into the meadow is almost as impacted as the established road from which it originates.

Prior to authorizing motorized use much needs to be done to repair the existing damage. Existing erosion and motorized impacts in meadows make this trail inappropriate to be further considered for motorized recreation (Photo 42). The trail has never been previously described or discussed as being authorized in previous Forest Planning or transportation inventories. Approximately half or more of the existing ATV trail is in the SW corner of Section 5 and the north half of section 8 (T35S R11W) of the inventoried Shasta Costa Roadless Area. The Forest Service cannot justify sanctioning this already heavily eroded and rutted, motorized trail's continued use and expansion in any revised Rogue River-Siskiyou National Forest's Travel Plan when there apparently has been inadequate staff or funding to correct, rehabilitate and enforce against the numerous environmental impacts already associated with this ATV trail. The Forest Service assertion that merely by placing the trail on the MVUM will reduce ongoing trail damage, reduce ongoing meadow damage, and reduce accumulation of garbage deposited by motorized users is preposterous. ATV trails need to be located adjacent to mixed-use roads and not lead onto paved roads where ATVs cannot operate safely or legally.

The DSEIS III-17 states:

> *"This trail connects two existing roads and runs upslope on gradients of 20-50%. It crosses no riparian reserve, however, due to its moderately steep gradient, is likely to capture and channel water/sediment into Shasta Costa Creek. Elimination of motorized use on this trail would be consistent with aquatic management objectives and BMPs. The trail is likely to be a sediment source, but even with elimination of motorized use, channeling of water and sediment would continue."*

20. We recommend that motorized use be prohibited on all portions of Sucker Creek Trail #1256 in the Powers District due soil instability and safety concerns. The Forest Service web site says the trail is not designed for motorbike use. Motorized use would increase erosion and worsen trail conditions for hikers. Currently the trail appears impassable for motorized use. T32S R12W sections 9, 10.

Wendell Wood has accessed this trail from its trailheads at both ends. The entire length of this trail is along a steep forested canyon and is barely passable on foot. The trail has many small slides and down trees blocking the trail making it unsuitable for proposed motorized use (Photo 9). Proposed motorized used would require major environmental impact to the area with extensive reconstruction of the existing trail.

Presently, there are pleasant dispersed recreation camping areas at both trailheads. The east trailhead just above Sucker Creek confluence with Johnson Creek is especially pleasant. Any increased ATV use here would negatively impact the existing quiet streamside camping experience.

The eastern end of the Sucker Creek Trail #1256 crosses the creek and travels along a narrow rock ridge before rising steeply on a series of switchbacks. Within the first half mile is a

major slide where the trail has been recently relocated in attempts to provide foot passage. The rerouted trail now climbs an even steeper and narrower route where motor vehicle use would be inappropriate, if not impossible.

We request that the Powers RD please supply us with information about any environmental analysis that was conducted prior to the rerouting in this trail and what trail work or developmental activities may still be presently planned. Presently appears that much of this trail could easily wash out with moderate winter rains. Finally, the condition of the trail from the upper trailhead access (from the west end) is too narrow, too steep and too overgrown with shrubs for any safe motorized use.

Sucker Creek Trail #1256 description on FS website: http://www.fs.fed.us/r6/rogue-siskiyou/recreation/trails/sucker-creek-pow.shtml indicates this trail is not suitable for motorized use (as presently proposed). At this Forest Service website it says: "Trail is Not Designed for: Pack and Saddle, Mountain Bike, Motorized Bike, ATV, 4-Wheel Drive, Barrier Free".

The upper end is presently only barely passable on foot with many small slides, down trees, and vegetation blocking the trail. A number of small creeks and springs cross the trail, providing easy water opportunities. There was also a small slide at one of these seeps or wet areas along the trail, approximately another half mile beyond (upstream) beyond the first major (east end) land slide. These wet areas also support chain fern and other vegetation that should not be impacted, if ATVs were ever able to physically enter this area.

21. We object to proposed dispersed motorized camping on five Elk River gravel bars (DSEIS II-18).

Dispersed camping with 5th wheels, trucks, and motorized campers is not appropriate for a small wild and scenic river such as the Elk River. In August 2010 R. Nawa that existing campgrounds are not being used as motorized campers pack onto gravel bars with trailers and motorized campers. Day use is being excluded by motorized campers who monopolize these desirable recreation sites with 5th wheel trailers and RVs. Human waste and litter is bound to degrade water quality and make water contact recreation less desirable. The Forest Service has not shown that these areas are needed for camping as existing camp sites with no environmental impact are vacant (e.g. Sunshine Campground). We recommend these bars be developed for day use with parking adjacent the road and safe trails provided for hike-in recreation. This would require people to park and walk a few hundred feet to enjoy water contact recreation.

DSEIS COMMENTING CONCLUSION.

The Rogue River-Siskiyou National Forest currently has an excessive number of roads that prohibit proper management of the transportation system. These roads, especially roads built for log hauling, pose a serious threat to water quality and forest visitors. A prudent course of action would be to identify the minimum road network needed for traditional recreation access while reducing the deleterious production of sediment, the degradation of soil resources, and eliminating the ongoing destruction of rare plants from operating motor vehicles in inappropriate areas.

We are extremely concerned that the recreational preferences of the 2% of forest visitors who primarily utilize the RRSNF for ORV recreation have trumped the land use objectives for Botanical Areas, Research Natural Areas, Backcountry Non-Motorized Areas, Inventoried Roadless Areas, Key Watersheds and Riparian Reserves. We urge the Forest Service to fully consider the substantive concerns and issues raised in these comments.

Regards,

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The Forthcoming Final Supplemental EIS for Motorized Use on the Rogue River-Siskiyou National Forest Must Directly Respond to the Content and Conclusions of the Following Attachments That Are Hereby Submitted With These Comments

1) Photo attachment list and document for Gold Beach and Powers Ranger Districts.

2) December 29, 2010 Oak Flat closure petition.

3) April 14, 2011 scoping comments regarding the Smith River Restoration and Travel Management Project.

4) November 6, 2009 letter from Congressman DeFazio and Senators Ron Wyden and Jeff Merkley to Rogue River-Siskiyou Forest Supervisor Scott Conroy.

5) May 7, 2009 Memo from the Friends of the Kalmiopsis entitled: Draft Environmental Impact Statement for Motorized Vehicle Use on the Rogue-River Siskiyou National Forest and the failure to analysis impacts of motorized trails in areas recommended as Wilderness in 2004.

6) May 11, 2009 EPA Comments regarding the Draft Environmental Impact Statement for Motorized Vehicle Use on the Rogue River-Siskiyou National Forest.

7) March 4, 2010 letter from Professor of Biological Sciences Erik Jules to Regional Forester Mary Wagner.

8) Jules, E.S., M.J. Kaufmann, W. Ritts, & A.L. Carrol. 2002. Spread of an invasive pathogen over a variable landscape: a non-native root rot on Port Orford cedar. Ecology 83:3167-3181.

9) Kauffman, M.J., and E.S. Jules. 2006. Heterogeneity shapes invasion: host size and environmental influence susceptibility to a nonnative pathogen. Ecological Applications 16:166-175.

10) August 15, 2010 correspondence from Wendell Wood to Pam Olson.

11) February 26, 2010 correspondence from the Siskiyou Chapter of the Native Plant Society to the Regional Forester.

12) March 13, 2008 Statement of Retired FS Special Agent Jack Gregory.

13) November 15, 2011 Status and Summary Report OHV Responsible Riding Campaign.

14) January 18, 2002 Off Highway Vehicle Uses and Owner Preferences in Utah.

15) Selected Results From a 2006 Survey of Registered Off-Highway Vehicle Owners in Montana.

16) December 18, 2008 Letter From Senator Dianne Feinstein to Regional Forester Randy Moore.

17) Siskiyou National Forest Kalmiopsis Wilderness Map illustrating gate closure of road 091.

We Herby Remind the Agency of the Following Attachments to the Rogue-Siskiyou National Forest Travel Management Scoping Comments of Klamath Siskiyou Wildlands Center, Siskiyou Project et al. That Were Previously Provided to the Forest Service And Hence Constitute a Part of the Administrative Record For This Project That Must Be Considered in the Forthcoming Record of Decision:

-Photo attachment 1 illustrates the (then functioning) closure gate on Forest Service “river access” road entering the Eight Dollar Mountain Botanical Area. Within months the rock barricade to the west of the gate was illegally moved and the gate protecting the Botanical Area was rendered ineffectual.

-Photo attachment 2 illustrates the beginning of the open un-gated road (016) which connects down to the "river access road" and from which ATVs and four-wheelers have been accessing the Eight Dollar Mountain Botanical Area and its off-road serpentine meadow ecosystems. Sluffing and sediment from cut bank erosion are present at beginning of the road.

-Photo attachments 3 and 4 illustrate recent ATV impacts in a serpentine meadow near FS road 016 in the Eight Dollar Mountain Botanical Area.

-Photo attachment 5 illustrates water interception, rilling and road failure occurring on FS road 016 within the Eight Dollar Mountain Botanical Area adjacent to the Wild and Scenic Illinois River Corridor.

-Photo attachment 6 illustrates road cutting and the effects of water interception on FS road 016 within the Eight Dollar Mountain Botanical Area adjacent to the Wild and Scenic Illinois River Corridor.

-Photo attachment 7 illustrates large-scale water interception and a cut bank (in the background) occurring on FS road 016 within the Eight Dollar Mountain Botanical Area adjacent to the Wild and Scenic Illinois River Corridor.

-Photo attachment 8 illustrates Port Orford Cedar adjacent to a stream overtopping FS road 016 within the Eight Dollar Mountain Botanical Area adjacent to the Wild and Scenic Illinois River Corridor.

-Photo attachment 9 illustrates the FS road sign 840 (possibly misplaced) with water overtopping FS road 016.

-Photo attachment 10 illustrates running water (a stream) diverted though deep ruts in FS road 016 within the Eight Dollar Mountain Botanical Area adjacent to the Wild and Scenic Illinois River Corridor.

-Photo attachment 11 illustrates a rutted meadow resulting from off-road use accessed via FS road 016 within the Eight Dollar Mountain Botanical Area adjacent to the Wild and Scenic Illinois River Corridor.

-Photo attachment 12 illustrates clear water reaching FS road 016 and becoming visibly turbid.

-Photo attachments 13-14 illustrate an illegally constructed user route in which small rock barricades have been removed to provide motorized access around the gate blocking the "River Access Road" which also accesses FS road 016 within the Oregon Mountain Botanical Area.

-Photo attachment 15 illustrates the beginning of FS road 011 (Deer Creek Road).

-Photo attachment 16 illustrates posted signage requesting that motorized users remain on the road system and out of the Botanical Area adjacent to FS road 011.

-Photo attachment 17 illustrates rutting and water diversion from off-road motorized use within the Botanical Area accessed by FS road 011.

-Photo attachment 18 illustrates a Forest Service sign attempting to prevent off-road motorized recreation in the Botanical Area access by FS road 011.

-Photo attachment 19 illustrates a recently user-created off-road route around the boulder-closure of FS road 011.

-Photo attachment 20 illustrates a dying Port Orford Cedar located near the low water ford of Josephine Creek accessed via FS road 920.

-Photo attachment 21 illustrates a recreational vehicle driving through the low water ford of Josephine Creek at FS road 920.

-Photo attachment 22 illustrates water from a seep/spring that has been diverted by FS road 920 flowing down the road-bed.

-Photo attachment 23 illustrates scour, erosion and ORV tracks on the cut bank of FS road 011.

-Photo attachment 24 illustrates the low water ford of Canyon Creek on road 011 in section 8.

-Photo attachment 25 illustrates the low water ford of Rocky Bar Creek on road 011 in section 9.

-Photo attachment 26 illustrates the low water ford of Sebastapol Creek on road 011 in section 11.

-Photo attachment 27 illustrates a recreational vehicle that has just completed the low water ford of Josephine Creek on road 920 in section 12.

-Photo attachments 28-32 illustrate the current and ongoing harm to botanical, soil and hydrological values occurring in the Oregon Mountain Botanical Area from ongoing motorized use on and near FS road 019, also known as the McGrew Trail.

-Photo attachments 33-34 illustrate the effects of off-road travel in serpentine meadow habitat in the Oregon Mountain Botanical Area.

-Photo attachments 35-37 illustrate vandalism to the McGrew Trail "Adopt-a-Trail" information sign.

-Photo attachments 38-40 illustrate dying and dead Port Orford Cedar trees infected by *P. Lateralis*, located along FS road 4402 adjacent to the West Fork of the Illinois River.

-Photo attachments 41-42 illustrate used motor oil from motorized use left in an open milk jug along FS road 4402 adjacent to salmon and steelhead habitat in the Illinois River.

-Photo attachment 43 illustrates dying and dead Port Orford Cedar trees along Whisky Creek.

-Photo attachment 44 illustrates a quart of motor oil from motorized use placed on a tree branch as a shooting target in the Oregon Mountain Botanical Area.

-Photo attachment 45 illustrates a wet water crossing of Soldier Creek for Briggs Creek Trail 1132 which has both infected and uninfected Port Orford Cedar along its banks.

-Photo attachments 46-47 illustrate both infected and uninfected Port Orford Cedar along Briggs Creek.

-Photo attachment 48 illustrates the Briggs Creek Trail 1132 which is wider than 50" inches, the maximum size allowed for a motorized route in an Inventoried Roadless Area under the Roadless Rule.

-Photo attachment 49 illustrates the wet water ford of Briggs Creek required to access the Red Dog trail.

-Photo attachment 50 illustrates that the Red Dog Creek Trail 1143 is overgrown and not being currently utilized by motorized vehicles and hence there is no current demand for that form of recreation on this trail.

-Photo attachment 51 illustrates that Red Dog Creek Trail 1143 has numerous route failures, sloughing and sections that are impassible for motorized vehicles.

-Photo attachment 52 illustrates that Red Dog Creek Trail 1143 has both infected an uninfected Port Orford Cedar trees along it.

-Photo attachments 53-56 illustrate inappropriate organized motorized use of the Boundary Trail within the Back Country Non-Motorized Area in direct violation of the Rogue River Land Resource Management Plan.

-Photo attachment 57 illustrates the ineffectiveness of gates to close roads and routes to motorized use on BLM lands in the nearby Elliott Creek area (BLM road 37-7-10, R7W, T37S §15).

-Photo attachment 58 illustrates the ineffectiveness of barricades to close roads and routes to motorized use on BLM lands in the Elliott Creek area (BLM road 37-7-10, R7W, T37S §15).

-Photo attachments 59-60 illustrate the ineffectiveness of berms that are being used as "jumps" or "play areas" by ORV and motorcycle-users in the nearby Smith River National Recreation Area of the Six Rivers National Forest.

-Photo attachments 61-62 illustrate non-functioning berms in the Oregon Mountain Botanical Area of the Siskiyou National Forest.

-Photo attachments 63-64 illustrate an illegal user created ORV route around the gate "blocking" FS road 112 in the Siskiyou National Forest.

-Photo attachment 65 illustrates illegal motorized-user caused destruction of the previous gate closing FS road 112 in the Siskiyou National Forest.

-Literature Attachment 1: Frost, Evan. 2002. Serpentine Fen Conservation Project, Summary of Phase III: Field surveys for new fens and rare plant population on the Siskiyou National Forest, 2002.

-Literature Attachment 2: Frost, Evan 2007. New Occurrences for *Darlingtonia* wetlands and associated ONHP List 1 plant species in the Josephine Creek watershed, Josephine County, Oregon.

-Literature Attachment 3: Trombulak, S.C. and C.A. Frissell. 2000. Review of ecological effects of roads on terrestrial and aquatic communities. Conservation Biology 14(1): 18-30.

-Literature Attachment 4: Ortega, Yvette K, David Capen. 1999. Effects of Forest Roads on Habitat Quality For Ovenbirds in a Forested Landscape. The Auk 116(4): 937-946.

-Literature Attachment 5: Marsh, David B., Noelle Beckman. 2004. Effects of Roads on the Abundance and Activity of Terrestrial Salamanders. Ecological Applications, 14(6), 2004, pp. 1882-1891.

Photo captions contain substantive comment.

List of Photos

#	Date	Description
1	11/01/11	Game Lake Trail overgrown with small trees and shrubs.
2	11/01/11	Game Lake Trail blocked by fallen trees and shrubs .
3	11/01/11	Game Lake Trail view of Horse Sign Butte
4	11/02/11	Proposed Game Lake "connector trail" Darlingtonia fen and fallen tree blocking trail
5	11/02/11	Proposed Game Lake "connector trail" choked with azaleas and shrubs.
6	11/02/11	Proposed Game Lake "connector trail" Darlingtonia plant growing within trail.
7	11/02/11	Proposed Game Lake "connector trail" berms constructed to reduce gully erosion
8	11/02/11	Lawson Creek Trail blocked by fallen trees and shrubs .
9	09/06/10	Sucker Creek Trail 1256 blocked by landslide
10	09/04/11	Fish Hook Peak Interpretive Trail appears too steep for safe motorbike use
11	07/03/10	Illinois River Trail widened from ATV and motorcycle use
12	4/11/10	Illinois River Trail Siskiyou Trillium threatened by motorized use
13	11/11/08	Illinois River Trail 1161 near Agness. Sign states "Due to unknown conditions only foot traffic is recommended".
14	11/11/08	Lower Illinois River Trail in section 33 (Wild River) is not wide enough in many places to allow safe passage of motorbikes and hikers with backpacks.
15	7/4/10	Nancy Creek connector trail. Trail creates unsafe loose rock and exceeds 45%
16	7/4/10	Nancy Creek connector trail. Overgrown with shrubs and deeply rutted-unsafe
17	7/4/10	Nancy Creek connector trail. Trail continually rerouted around fallen trees.
18	7/4/10	Indian Flat. Access and damage to private land from OHV use.
19	7/4/10	Nancy Creek connector trail. Motorized use through the streambed causes loss of riparian vegetation, sedimentation and introduced Port Orford cedar root disease ..
20	4/21/10	Port Orford cedar trees that once shaded Nancy Creek are now dead due to the introduced root disease (*P. lateralis*) below the motorized stream crossing.
21	4/21/10	Nancy Creek connector trail. Saturated soil conditions/puddled water
22	4/21/09	Oak Flat Campground. ATV use is destroying Siskiyou Trillium
23	4/21/09	Oak Flat Campground. ATV use is destroying riparian vegetation
24	7/6/10	Oak Flat Wildlife Management Area. Motorized access to fragile oak savannas
25	4/15/09	Pine Grove Trail. ATV use has widened and damaged trail north of road 250 making it unsafe for downhill hiking.
26	11/1/11	Pine Grove Trail. Trail is primarily a single track trail in sensitive ultramafic soils.
27	4/15/09	Pine Grove Trail. Motorized use during wet season increases risk of root disease.
28	4/16/09	Adams Prairie. Meadow areas are extremely vulnerable to damage from class II vehicles.
29	4/16/09	Adams Prairie. Proposed motorized trail is obliterated with vegetation.
30	9/6/10	Adams Prairie. Proposed motorized trail is obliterated with vegetation.
31	9/6/10	Adams Prairie. Class II vehicles causing soil and veg damage with hill climbs.
32	6/13/08	Red Flat. Barren ultramafic soils vulnerable to OHV damage.
33	6/13/08	Red Flat. Typical unauthorized OHV motorized trail from an unnumbered spur route
34	4/20/09	Red Flat Botanical Area. Spur route leading SW from Red Flat Botanical Area towards BLM Hunter Creek Bog ACEC
35	4/20/09	Red Flat Botanical Area. Fawn Lily growing on disputed motorized route
36	4/20/09	Red Flat Botanical Area. Proposed motorized trail through Red Flat Botanical Area.
37	4/20/09	Red Flat Botanical Area. Port Orford cedar along proposed motorized trail.
38	5/26/04	Proposed motorized route is decommissioned Road 3680-351 (T37S;R12W;Sec18)
39	5/26/04	Proposed motorized route is decommissioned Road 3680-351 (T37S;R12W;Sec18)
40	4/15/09	Oak Flat area. Rare Siskiyou Trillium could be easily destroyed with motorized dispersed camping.
41	4/26/09	Oregon Mt. Botanical Area. Off road motorized use to campsites has destroyed riparian vegetation along West Fork Illinois River.
42	10/6/11	Meadow damage from OHV using proposed Shasta Costa OHV trail

Photo 1 . Game Lake Trail near Game Lake (center) is unsuitable for proposed ATV use because portions of trail are completely overgrown with small trees and shrubs. Lack of motorized use for past 3-10 years makes proposed plan amendment unwarranted. Photo by R. Nawa, 11/01/11.

Photo 2. Game Lake Trail (center) near Game Lake is unsuitable for proposed ATV use because portions of trail are completely overgrown with small trees and shrubs. Trees will continue to fall from biscuit fire for decades making motorized use impractical. Lack of motorized use here for past 3-10 years makes proposed plan amendment unwarranted. Photo by R. Nawa 11/01/11.

Photo 3. View from Game Lake Trail. We strongly support the current Siskiyou Forest Plan designation for this area as non-motorized backcountry recreation. The DSEIS fails to disclose that proposed ATV use would have significant adverse impacts on those who come here seeking solitude, quiet, peace, tranquility and natural beauty. Bears, elk, cougar, and deer would also be adversely impacted. We found no unsightly trash on this trail largely because it has not had motorized use for at least 3 years and possibly for up to ten years since Biscuit Fire rehabilitation projects. Photo by R. Nawa 11/01/11.

Photo 4 . The proposed Game Lake motorized "connector trail" is not suitable for motorized use because a Darlingtonia fen with numerous Port Orford cedar seedlings has developed adjacent and across the trail. Proposed motorized use through wet areas as illustrated would create a high risk for root disease introduction. Substantial vegetative growth on the trail suggests it has not had motorized use since rehab equipment installed numerous berms and water bars to prevent serious gully erosion after the biscuit fire. (T.36S; R12W;Sec 14 SW1/4) Photo by R. Nawa. 11/02/11.

Photo 5. Azaleas and Port Orford cedar seedlings have colonized the proposed motorized Game Lake "connector trail" making it unsuitable for motorized use and demonstrates there has been no motorized use on this route for years. (T.36S; R12W;Sec 14 SW1/4) Photo by R. Nawa 11/02/11.

Photo 6 . Proposed Game Lake motorized connector trail. Darlingtonia plants growing in perennial seep within proposed motorized connector trail. Proposed motorized use on Game Lake "connector trail" would destroy numerous Darlingtonia plants that grow within and adjacent the proposed route. Several springs cross the trail and run within the old mining cat track. Photo by R. Nawa 11/02/11.

(T.36S; R12W;Sec 14)

Photo 7. The proposed motorized Game Lake "connector route" is an abandoned miner created cat track constructed within steep drainages making it impossible to maintain as a motorized route. Numerous water bars and berms have been placed across the cat track to reduce severe gully erosion. The DSEIS failed to assess ongoing erosion potential for this proposed motorized route or disclose the fact that currently cannot be used by motorized vehicles (i.e. no ongoing motorized use) Photo by R. Nawa. (T.36S; R12W;Sec 14)

Photo 8 . Proposed motorized Lawson Creek Trail 1173. The first ¾ mile of the Lawson Trail can be hiked, then it becomes overgrown with shrubs, small trees, and jack straw fallen trees from biscuit fire. A reasonable person would not hike this trail beyond the first 3/4 mile and proposed motorized use is currently impossible. Fallen trees and encroaching shrubs for the coming decades make this trail impractical for proposed motorized use. There is no "ongoing use" as is falsely stated in proposed plan amendment. Photo by R.Nawa 11/02/11. (T. 36S:R12W;Sec.22)

Photo 9. Sucker Creek Trail 1256 Powers District. A major slide across trail on west end. The original trail itself is now completely gone at this particular location. Proposed motorized use not currently possible and future use is impractical due to recurring landslides, narrow tread, numerous switchbacks, very large fallen trees, steep slopes, and shrub encroachment. Photo taken on September 6, 2010 by Wendell Wood (Oregon Wild).

T32S; R12W Section 10

Photo 10. Fish Hook Peak Interpretive Trail 1180. Upon initially topping off, the Fish Hook Peak trail next descends even more steeply, down switchbacks on the east side of this ridge above the West Fork of Indigo Creek before reaching Fish Hook Peak. Trail is too steep and narrow to be safe for both motorcycles and hikers. Photo by Wendell Wood (Oregon Wild) on September 4, 2011.

Photo 11. Illinois River Trail 1161 near trailhead at (Agness) Oak Flat Motorized use is widening the former single track trail which will encourage further damaging ATV use. Photo by R. Nawa on July 3, 2010.

Photo 12. Siskiyou Trillium photographed immediately adjacent to Illinois River Trail during April 11, 2010 Siskiyou Project sponsored hike. The DSIES fails to disclose that ATVs are likely to destroy some of these rare plants with continued illegal widening of the Illinois River trail and ongoing cross country travel. Photo by Tim Hubbard.

Photo 13. Forest Service sign at trailhead of Illinois River Trail 1161 near Agness states: "Due to unknown conditions only foot traffic is recommended". Contrary to what is known about trail conditions created by biscuit fire the DSEIS preferred alternative proposes motorized use on Illinois River trail and Hobson Horn trail. Photo by R. Nawa on November 11, 2008.

Photo 14. Lower Illinois River Trail in section 33 is not wide enough in many places to allow safe passage of motorbikes and hikers with backpacks or motorbikes traveling in opposite directions. The uphill slope is a rock cliff while the downhill side is over 70% slope and is not safe for a descent to evade motorcycles by elderly hikers, backpackers, or children. Photo by R. Nawa on November 11, 2009

Photo 15. . July 4, 2010. Nancy Creek Trail. Steep 45% grade for 75-150ft. Severe soil damage from gullies and widening of route to 20 ft. Unsafe for ATV travel. Loose rock is unsafe for hikers. Photo by R. Nawa on July 4,2010. T35S;R12W; Sec. 34)

Photo 16. The deeply rutted Nancy Creek ATV trail in Biscuit Fire area is overgrown with Ceanothus making it unsafe for dual use by hikers and ATVs. Photo by R. Nawa on July 4, 2010 (T35S;R12W; Sec. 33).

Photo 17. Nancy Creek Trail. Motorized users continually reroute the Nancy Creek trail around fallen trees from Biscuit Fire. Motorized use causes increased soil compaction, increased erosion, and increased destruction of vegetation on fragile serpentine soils in areas recovering from the Biscuit Rire area. Photo by R.Nawa on July 4, 2010 (T35S;R12W; Sec. 34).

Photo 18. Indian Flat. The Nancy Creek trail on Forest Service lands is used to access privately owned Indian Flat. Indian Flat is being damaged by ATVs that obtain access over Forest Service lands. Ruts destroy vegetation, flowers and damage soil. Photo by R.Nawa on July 4, 2010 (T35S;R12W; Sec. 34).

Photo 19. Nancy Creek Trail. Motorized use through Nancy Creek streambed (top, center) has caused Port Orford cedar root disease introduction, sedimentation of Nancy Creek, severely damaged streambanks, loss of riparian vegetation, and loss of shade within a Riparian Reserve. Photo by R.Nawa on July 4, 2010 (T35S;R12W; Sec. 28 SW1/4).

Photo 20. Nancy Creek Trail. Several large Port Orford cedar trees that once shaded Nancy Creek are now dead due to the introduced root disease (*P. lateralis*) below the motorized stream crossing. Photo by R.Nawa on April 21, 2009 (T35S;R12W; Sec. 28 SW1/4).

Photo 21. Nancy Creek Trail. Saturated soil conditions and puddled water on proposed motorized trail adjacent Nancy Creek causes high risk for *Phytopthora lateralis* disease introduction that would kill Port Orford cedar trees (center left and 2 trees at right) that currently provide shade for the stream. Photo by R.Nawa on April 21, 2009 (T35S;R12W; Sec. 28 SW1/4).

Photo 22. Oak Flat Campground. Unauthorized ATV route (top) between Oak Flat campsites has likely destroyed some Siskiyou Trilliums (bottom). Photo by R.Nawa on April 15, 2009 (T35S;R12W; Sec. 29).

Photo 23. Oak Flat Campground. ATV users have destroyed riparian vegetation and damaged soils by creating numerous routes within and adjacent the Oak Flat Campground. Photo by R.Nawa on July 5, 2010 (T35S;R12W; Sec. 29).

Photo 24. Oak Flat near Agness. OHVs could use the route above to access and damage the vulnerable oak savannas adjacent Oak Flat Road. Gates are often unlocked. Photo by R.Nawa on July 6, 2010 (T35S;R12W; Sec. 29).

Photo 25. Pine Grove Trail 1170. The former single track hiking trail has been damaged and widened by ATV use north of road 250. The ATV use has made the trail unsafe for hikers due to loose rock and steep grades up to 35%. Photo by R.Nawa on April, 15, 2009 (T35S;R12W;Sec. 18 SW1/4).

Photo 26. Pine Grove Trail (south half). Preferred alternative proposes ATV use for upper (south half) of Pine Grove Trail. Current trail is mostly single track not wide enough for ATVs which would greatly damage the fragile ultramafic soils as shown in photo above. Photo by R.Nawa on November 1, 2011 (T35S;R12W;Sec. 26).

Photo 27. Pine Grove Trail. Motorized use of Pine Grove trail during wet season creates high risk for spreading Port Orford Cedar root disease to uninfected trees adjacent the trail and has made the trail less safe for hiking. Photo by R.Nawa on April, 15, 2009 (T35S;R12W;Sec. 18 SW1/4).

Photo 28. North end of Adams Prairie and beginning of proposed motorized trail. Meadow areas are extremely vulnerable to damage from class 2 vehicles. We recommend the north ½ mile of the route be limited to motorcycles and ATVs. Four wheel drive trucks must be prohibited because they are causing soil and vegetative damage with hill climbs. Photo by R. Nawa on April 16, 2009 (T35S;R12W;Sec.17SW1/4).

Photo 29. South end of Adams Prairie near junction with Lower Rogue Trail. Meadow vegetation illustrated and tree encroachment (not illustrated) has obliterated the lower ½ mile of the proposed motorized trail illustrated on preferred alternative map through Adams Prairie (T.35S;R.12W;S 20). The lower ½ mile of trail must be excluded from proposed motorized use since no route is visible due to vegetative growth. Photo by R. Nawa on April 16, 2009 (T.35S;R.12W;S 20).

Photo 30 . Adams Prairie, Gold Beach District. After ¾ miles from the beginning or proposed motorized route through Adams Prairie various tracks proceed in all directions. Person on left is on the supposedly "proposed" route. The dog is at the junction of the two similar grass track roads. Photo by Wendell Wood 9-6-10. (T.35S;R.12W;S 20).

Photo 31 . Adams Prairie. Gold Beach District. Four weel drive vehicles have created soil and vegetative damaging ruts on north side of Potato.-Illahee Mt.Photo taken by Wendell Wood (Oregong Wild) on 9-6-10.

Photo 32. Red Flat is characterized by barren ultramafic soils. View is west of Road 1703 and north of Fly Catcher Spring. Proposed motorized trail through the Red Flat Botanical Area would provide convenient motorized access to support illegal and damaging OHV use of serpentine landscapes. Photo by R. Nawa on June 13, 2008 (T.37S; R13W Sec 19)

Photo 33. Red Flat. Typical illegal user created OHV motorized trail (center) branching from an unnumbered spur route from Road 1703-150 in Red Flat area. The proposed motorized trail through the Red Flat Botanical Area would provide convenient access to support illegal and damaging OHV use of serpentine landscapes. Photo by R. Nawa on June 13,2008 (T.37S;R.13W;Sec. 30).

Photo 34. Red Flat Botanical Area. An unnumbered spur route leading SW from Forest Service Red Flat Botanical Area. The proposed motorized trail thourgh the botanical area would allow unwanted motorized access to BLM Hunter Creek Bog Area of Critical Environmental Concern. DSEIS failed to make site specific analysis for adverse impacts to plants and nature based recreation from proposed motorized recreational use of currently unauthorized trail. Photo by R. Nawa on April 20, 2009 (T.37S;R13W;Sec 18).

Photo 35.. Red Flat Botanical Area. Fawn Lily growing on proposed motorized route through Red Flat Botanical Area. Plants growing in and adjacent motorized route would likely be destroyed or damaged contrary to recreational purpose of Red Flat Botanical Area. Motorized use would greatly conflict with hikers seeking to enjoy plants and expose them to toxic asbestos dust. Photo by R. Nawa on April 20, 2009 (T.37S;R13W;Sec 18).

Photo 36. Red Flat Botanical Area. The proposed motorized trail (center right) through the middle of the Red Flat Botanical Area would create a defacto motorized recreation area contrary to the stated recreational purpose of the Botanical Area. Photo by R. Nawa on April 20, 2009 (T.37S;R13W;Sec 18).

Photo 37. Red Flat Botanical Area. Elimination of motorized trail through Red Flat Botanical Area as specified in Alternative 4 would greatly reduce risk of infecting Port Orford Cedar trees (center right) with fatal root disease and preserve the integrity of the botanical area. Photo by R. Nawa on April 20, 2009 (T.37S;R13W;Sec 18).

Photo 38. Decommissioned Road 3680-351. Several large fills and culverts have been removed from the decommissioned road and vegetation was stabilizing steep 60% side-slopes in May 2004 following the 2002 Biscuit Fire. Former road surface is at top far right. Person is in a stream channel about 15 ft below road. Conversion of this decommissioned road to a motorized trail would retard recovery of vegetation and cause increased stream sediment contrary to ACS and contrary to was stated in DSIES. Photo by R. Nawa May 2004 (T.37S;R12W;Sec 18).

Photo 39. Decommissioned Road 3680-351. Converting decommissioned road 3680-351 to a motorized trail would increase sediment to several wet stream crossings that would retard recovery of Riparian Reserves in Lawson Creek Key Watershed. DSEIS falsely asserts there would be no sediment transported to perennial streams. Photo by R. Nawa May 2004 (T.37S;R12W;Sec 18).

Photo 40. . Oak Flat Gold Beach District. Rare Forest Service listed sensitive Siskiyou Trillium (center left) could be easily destroyed by a car driven off road to dispersed camp site . Photo by R. Nawa on April 15, 2009 (T.35S;R12W;Sec 29).

Photo 41. Oregon Mt. Botanical Area. Off road motorized use has destroyed 300 ft of riparian vegetation along the West Fork Illinois River and retards recovery. Dispersed camping exemption would allow damage to continue. The DSIES must be revised to be consistent with forest plans that prohibit motorized dispersed camping in botanical areas. Photo by R. Nawa on April 26, 2009 (T.41S;R9W;Sec 4).

Photo 42. Off trail motorized use via proposed Shasta Costa OHV trail has destroyed substantial amounts of meadow vegetation contrary to Forest Plan. Photo by R. Nawa on October 6, 2011 (T. 35S;R12W; Sec. 8).

December 29, 2010

Mr. Scott Conroy, Supervisor
Rogue River/Siskiyou National Forest
3040 Biddle Rd.
Medford, OR 97504

RE: Petition for motorized closure of public lands at Oak Flat near Agness, Oregon including areas along the lower Illinois River, areas designated for non-motorized backcountry recreation, and Inventoried Roadless Areas.

Dear Mr. Conroy,

Pursuant to the Administrative Procedures Act ("APA"), 5 U.S.C. § 551 *et seq.*, Siskiyou Project, Oregon Wild, Klamath Siskiyou Wildlands Center (KS Wild), and Wildlands CPR hereby petition the Rogue River-Siskiyou National Forest to immediately close to motor vehicles public lands at Oak Flat, public lands along the Lower Illinois River, public lands designated for non-motorized backcountry recreation, and portions of North Kalmiopsis Inventoried Roadless Areas (Fig 1; T.35S;R12W; Secs.13S1/2, 24;T.35S; R11W;Secs 18S1/2,19,20, 21,22,27,28,29,30, 32,33,34). Although we also submit this information as public comment for the anticipated supplemental DSEIS for travel management and subsequent decision-making, we do not believe further NEPA process warrants delays in issuing closure orders for this area. Therefore, we request a response to this petition within a "reasonable time" as required by the APA.

The Forest Service has jurisdiction over these public lands. This Petition initiates a process with definite response requirements on the agency. Specifically, the Forest Service must respond to this petition and must issue a closure order for the areas covered in this petition upon a finding that ORV activity in these areas has caused or will cause "considerable adverse effects . . . upon soil, vegetation, wildlife, wildlife habitat, cultural resources, historical resources, threatened or endangered species, wilderness suitability, other authorized uses, or other resources." Exec. Order 11644, 11989 at § 9; 36 C.F.R. § 212.52(b)(2). Petitioners need only demonstrate "considerable adverse effects" resulting from ORV activity. No other showing is required under the Executive Orders or Forest Service regulations.

This Petition demonstrates that ORVs are causing considerable adverse effects to these areas, therefore Petitioners request that the Forest Service immediately publish an ORV closure order for the public lands in the *Federal Register*. The APA commands each federal agency to conclude a matter presented to it in a reasonable time. 5 U.S.C. § 555(b).

Notably, such mandatory closures must remain in effect "until such time as [the Forest Service] determines that such adverse effects have been eliminated and that measures have been implemented to prevent future recurrence." Exec. Order 11644, 11989 at § 9.

Please note that the Executive Orders and Travel Management Rule referenced above also require the agency to "minimize damage to soil, watershed, vegetation, or other resources" and to ensure management is "based upon the protection of the resources of the public lands, promotion of the safety of all users and those lands, and [the] minimization of conflicts amoung the various uses of those lands." Indeed, the Executive Orders create a non-discretionary duty to enforce a closure on motorized use whenever such use "will cause or is causing considerable adverse effects."

The Forest Service is well within its authority to issue these closures without additional NEPA analysis. A forest supervisor may, by order, "close or restrict the use of described areas within the area over which they have jurisdiction." 36 C.F.R. § 261.50(a). Such "[a]n order may close an area to entry or may restrict the use of an area by applying any or all of the prohibitions authorized in this subpart or any portion thereof." *Id*. In addition, "each Forest Supervisor may issue orders which close or restrict the use of any National Forest System road or trail within the area over which he has jurisdiction. (36 C.F.R. § 261.50 (b))."

Please further note that the National Forest Management Act (NFMA) also mandates that the Forest Service "provide for diversity of plant and animal communities based on the suitability and capability of the specific land area in order to meet overall multiple-use objectives." 16 U.S.C. § 1604(g)(3)(B).

1. **Siskiyou National Forest Plan Management Prescriptions, Northwest Forest Plan, Executive Order 11644, and Forest Service Trails Management Handbook support motorized closure orders for areas petitioned.**

A. **Management Area 6-Backcountry Recreation (Fig 2).** In areas designated "Non-motorized" the use of motorized equipment is prohibited. See Siskiyou National Forest Plan IV 96-99.

B. **Management Area 9-Special Wildlife Site (Fig 4).** MA9-3 states "Dispersed recreation (including trails) activities may be allowed in special sites: however, motorized activities should be prohibited except where such use in not detrimental to wildlife or botanical resources." The oak savannah known as "Oak Flat" and smaller parcels in the petition area are identified in the Siskiyou National Forest Plan IV -113 as MA 9.

C. **The Northwest Forest Plan RM-32 (p.C-34) provides for elimination of practices (e.g. OHV use) that retard or prevent attainment of Aquatic Conservation Strategy.** RM-2 states: "Where adjustment measures such as education, use limitations, traffic control devices, increased maintenance, relocation of facilities, and/or specific site closure are not effective, eliminate the practice or occupancy.

D. **Much of the area identified in the closure petition is also designated Inventoried Roadless Area and is suitable for wilderness designation.** See Travel Management scoping map for Gold Beach District and Siskiyou National Forest Plan Appendices I C102.

E. **FSH 2309.18 trails management handbook identifies standards and criteria for All-Terrain Vehicle (Fig 5).** The short pitch maximum is 35%. The Nancy Creek Trail and associated spurs exceeds the short pitch maximum. Most of the area petitioned for area closure exceeds the maximum cross slope of 15%. Several locations on user created routes lack the 60" clearing width with heavy shrub encroachment. The user created Nancy Creek trail has no trailhead (FSH 2309.18 Chapter 20 22.41).

F. **Executive Order 11644 provides that areas must be closed to motorized use if that use will cause or is causing considerable adverse effects to soil, vegetation, wildlife, wildlife habitat or cultural or historic resources.** In the case of sensitive plants and soil, including Siskiyou Trillium and Port Orford Cedar, precautionary management is a necessity in order to prevent irreparable damage to populations.

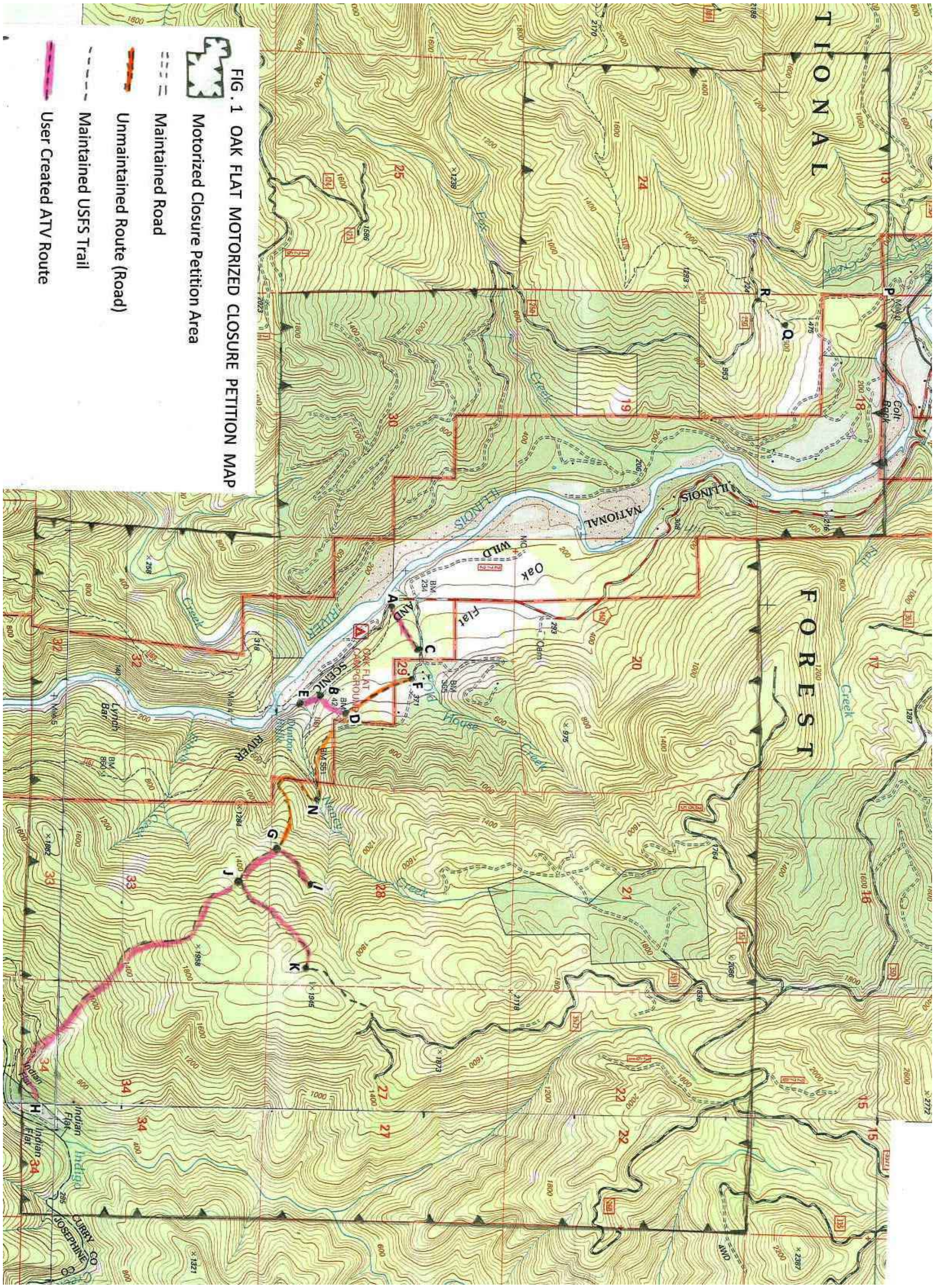

Fig. 1. Map of motorized area petitioned for motorized closure. Maintained Forest Service roads (e.g. Oak Flat Road) would be open for licensed motorized use only. Map is composite of four Forest Service 7.5 minute quadrangles: Horse Sign Butte, Agness, Silver Peak and Brandy Peak. Hand drawn ATV route locations (Nancy Creek Trail) are approximate.

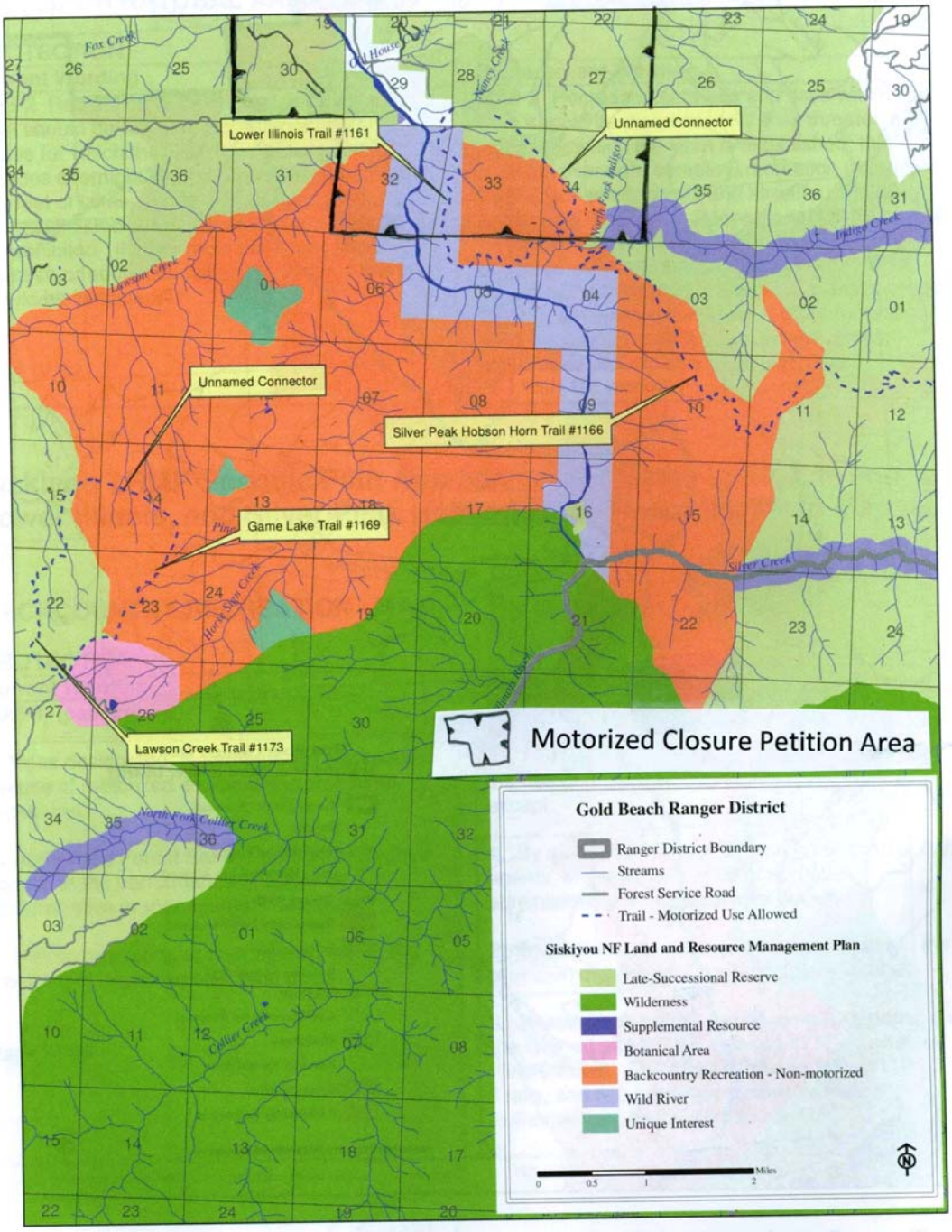

Fig. 2 Map of Land use allocations within and adjacent to motorized closure petition. Modified from p. A-6 December 2009 ROD for Motorized Vehicle Use on the RRSNF.

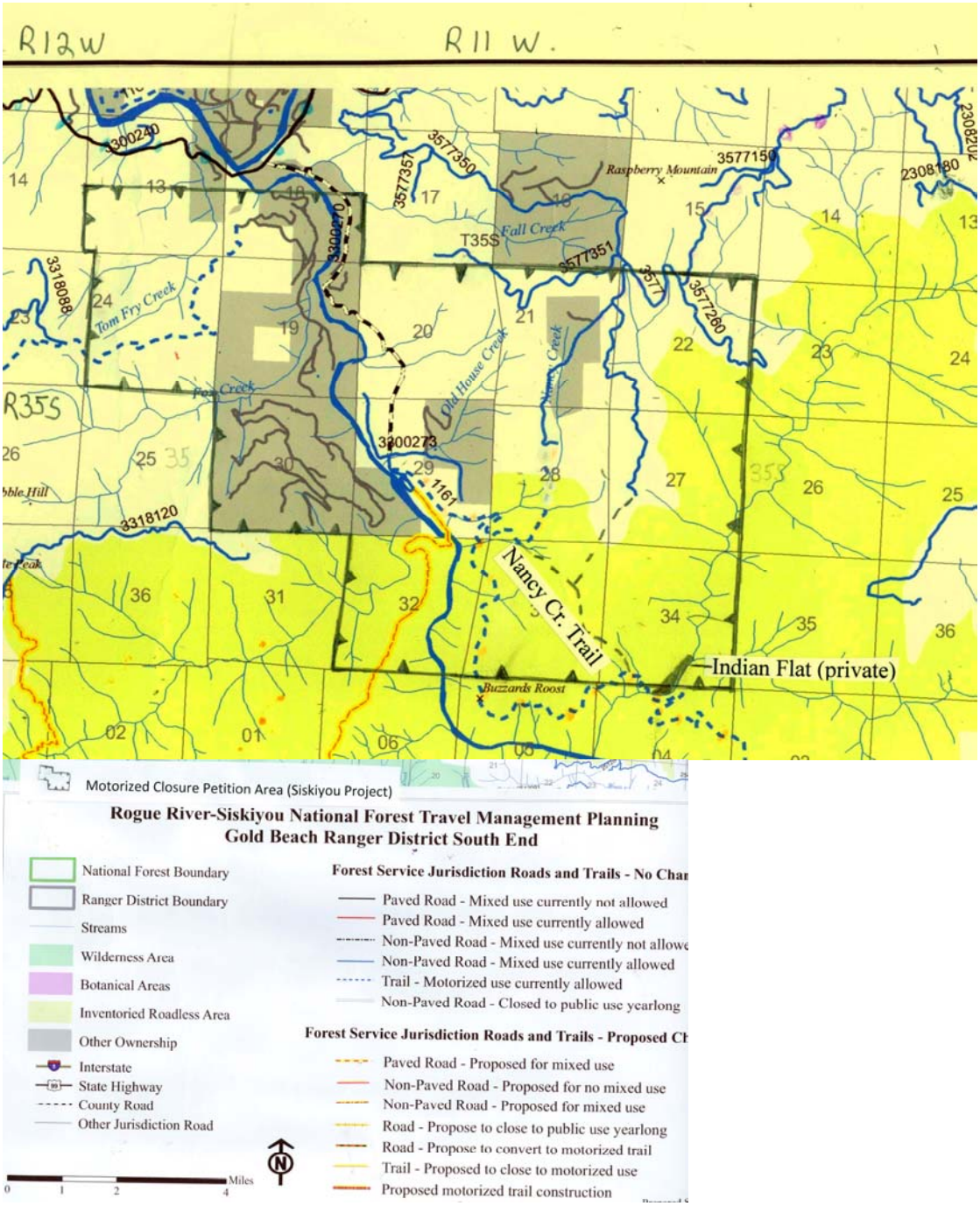

Fig. 3. Map of Inventoried Roadless Area (yellow) within and adjacent to motorized closure petition area. Modified from scoping map for RRSNF Travel Management dated 8/21/2008.

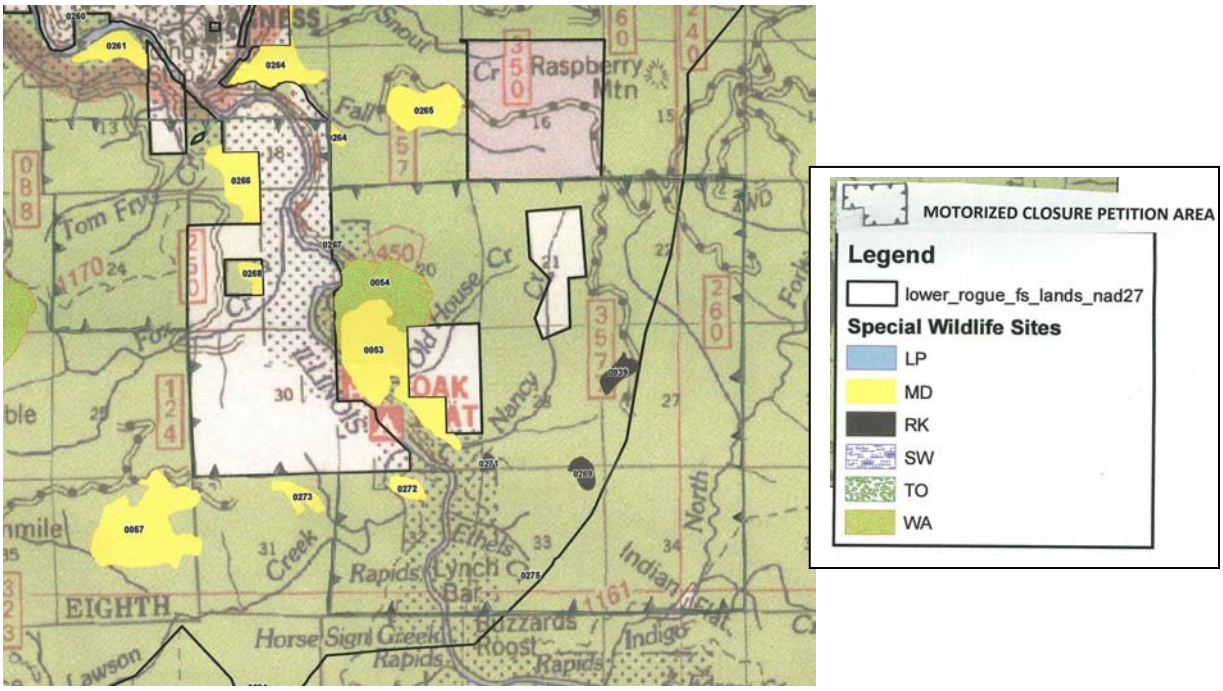

Fig. 4. Siskiyou National Forest Plan Special Wildlife Sites within and adjacent to motorized closure petition area. Map modified from Gold Beach R.D Lower Rogue Vegetation project.

WO AMENDMENT 2309.18-2008-4
EFFECTIVE DATE: 10/16/2008
DURATION: This amendment is effective until superseded or removed.

FSH 2309.18 – TRAILS MANAGEMENT HANDBOOK
CHAPTER 20 – TRAIL DEVELOPMENT

23.22 – Exhibit 01--Continued

Designed Use ALL-TERRAIN VEHICLE		Trail Class 1	Trail Class 2	Trail Class 3	Trail Class 4	Trail Class 5
Design Grade [2]	Target Grade		10% – 25%	5% – 15%	3% – 10%	
	Short Pitch Maximum		35%	25%	15%	
	Maximum Pitch Density		20% – 40% of trail	15% – 30% of trail	10% – 20% of trail	
Design Cross Slope	Target Cross Slope		5% – 10%	3% – 8%	3% – 5%	
	Maximum Cross Slope		15%	10%	8%	
Design Clearing	Height		6' – 7'	6' – 8'	8' – 10'	
	Width (On steep side hills, increase clearing on uphill side by 6" – 12")		60" Some light vegetation may encroach into clearing area	60" – 72"	72" - 96"	
	Shoulder Clearance		0" – 6"	6" – 12"	12" – 18"	
Design Turn	Radius		6' – 8'	8' – 10'	8' – 12'	

[1] For definitions of Design Parameter attributes (e.g., Design Tread Width and Short Pitch Maximum), see FSH 2309.18, section 05.

[2] The determination of the trail-specific Design Grade, Design Surface, and other Design Parameters should be based upon soils, hydrological conditions, use levels, erosion potential, and other factors contributing to surface stability and overall sustainability of the trail.

Fig 5. Forest Service criteria and standards for All-Terrain Vehicle trails.

2. Motorized vehicles are damaging the Illinois River Trail.

On May 30, 2010 several all-terrain vehicles (ATVs) accessed the northern terminus of the Illinois River Trail # 1161 near Oak Flat. Since the trail is designed as a narrow single track hiking trail, the dual track created by ATV use has caused soil compaction, destruction of plants, and contributed to the widening of the trail. The damage was severe enough to warrant the Gold Beach District Ranger, Alan Vandiver, to seek volunteers to repair the damage. Subsequent to repair efforts, R. Nawa (Siskiyou Project) hiked the trail several times during July 3-5, 2010. Despite efforts to ameliorate the ATV damage, dual tracks are intermittently visible for a combined distance of about 650 feet over the first 2,600 ft of trail (Fig. 6).

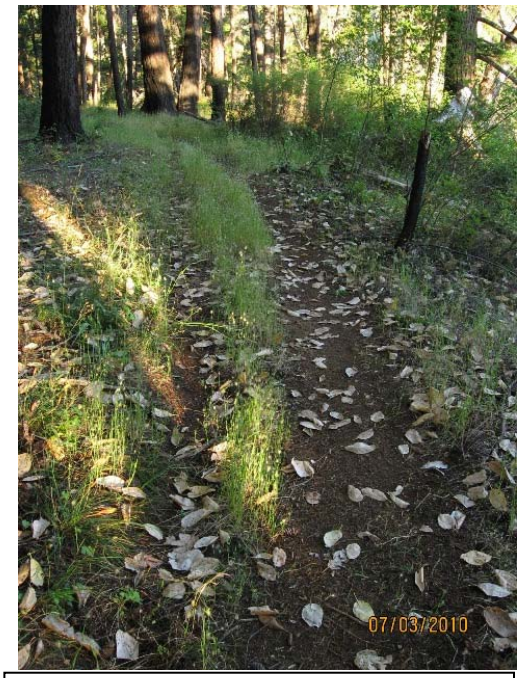

Fig. 6. Illinois River Trail. Despite volunteer efforts to ameliorate ATV damage, portions of the trail now has dual tracks due to ATV use. The visual appearance of a widened, dual track invites additional use by ATV users in the area. July 3, 2010

Fig. 7 Illinois River Trail. Motorized use is widening the trail which will encourage damaging ATV use. July 3,2010.

R. Nawa estimates that 400 ft of trail have been previously widened, probably by repeated motorized use. Approximately 35% of trail segment AB has been widened or is in the process of being widened to facilitate ATV use (Fig 7.)

3. **ATVs are damaging soil and threatening rare plants. ATVs go around felled small trees, increasing soil and vegetation damage.**

R. Nawa observed that the May 30, 2010 ATVs operated off- trail for about 125 ft in one location where the hiking trail was too narrow for ATVs. Past ATV use has created two new routes that form an unauthorized loop route. Segment AC (1,000 ft) "shortcut" connects Forest Road 270 to Forest Road 270-273 on Forest Service land (Fig 1). Despite the apparent Forest Service felling of about 12 small tanoaks and a 20 inch diameter snag, on July 5, 2010 R. Nawa observed two ATVs riding through the middle of the felled trees without even stopping. Forest Service and/or volunteers efforts to block this ATV route with small tree boles only causes ATVs to drive around the blockage which <u>increases</u> the soil and plant damage. User created segment BD (1,000 ft) connects the Illinois River Trail to an unmaintained road. Once an easily traveled loop route is created, it is certain to receive more OHV use in the future. Thus, it is reasonable to expect continued use of OHVs on this unauthorized user created loop (Fig 1 segments ABDGB). Needless to say, there is no trail head for motorized use and the use is known to be unwanted by residents who must endure the noisy ATVs.

The June 2010 posting of the beginning of the trail with "no motorized use" signs is necessary, but signs alone are not likely to be effective for some ATV users who frequent the area and are known to ignore regulations. Furthermore, the posting apparently only closes the Lower Illinois River trail while adjacent and easily accessible terrain off the trail remains open. Much of the unauthorized loop is off-trail (Segments AC and BD) or on unmaintained roads and therefore motorized use is not prohibited by closure of the Illinois River Trail (i.e. segments AC, BD, and DF are not "legally" closed to motorized use by a motorized closure for the Illinois River trail).

The "no motorized use" signs are only visible to motorized users entering the trail from the hiking trail head. Motorized users traveling the loop in a clockwise direction would never see the signs, since the posting assumes all motorized access is via the trailhead.

The terrain from the Illinois River trailhead to the Nancy Creek bridge is flat or with gentle slope and allows ATVs to create new trails anywhere at their whim. The rare Siskiyou trillium (*Trillium kurabayashi*) grows in this area and can be viewed from the trail (Fig. 8). Cross country ATV use creates an unnecessary risk for damage to these plants, especially the ones growing immediately adjacent the trail. An "area wide" motorized closure (Fig 1) not merely an individual trail closure is needed to prevent damage from additional user created routes, to protect rare plants, and to effectively restore damaged areas.

Fig. 8. Siskiyou Trillium photographed immediately adjacent to Illinois River Trail during April 11, 2010 Siskiyou Project sponsored hike. ATVs are likely to destroy some of these rare plants with continued illegal widening of the Illinois River trail and ongoing cross country travel.

4. **Nancy Creek has been damaged by miners who access Nancy Creek with an unauthorized cross country ATV route (B-E) through a riparian reserve.**

Two local residents reported to R. Nawa that ATVs are frequently used by miners to access Nancy Creek via route BE (Fig. 1). R. Nawa observed that the mining appears to have damaged Nancy Creek by rerouting the flow and digging into exposed streambanks after dewatering (Fig.9). An area motorized closure is needed to require miners to obtain permission (i.e. permits) from the Forest Service prior to engaging in cross country motorized travel. An area closure would facilitate an orderly and hopefully less damaging mining activity.

Fig. 9. Nancy Creek. Miners appear to have diverted Nancy Creek (upper center) which resulted in new channel (lower center). Location E, UTM E: 415227; N:4707155 NAD 27

5. **Motorized use of unauthorized Nancy Creek "Trail" and associated spur trails are unsafe for motorized users and unsafe for hikers sharing the trail with motorized use.**

An unmaintained route with no road number has been extended by ATV use to access Indian Flat, a private inholding. The unauthorized user created route is known as the "Nancy Creek Trail". The first mile of the Nancy Creek trail is a previously constructed road no longer maintained or identified with a road number (Fig.1 segment FG). Road cuts up to 6 ft high indicate heavy machinery constructed this road at least 60 years ago. The next 1.5 miles of the route appear to have been user created with ATVs because no road cuts are visible (Fig. 1 segment GH). A spur route branching north accesses an abandoned mining cabin (Fig.1 segment JK). A second spur route branching north connects to an unnumbered logging route extending from Road 3577 (Fig. 1 segment JK).

User created grades field measured by R. Nawa typically exceeded 30% on the steep descent to Indian Flat (range=20%-45%). These trail grades exceed the target grade of 10-25% for the most challenging ATV Trail Class 2 (FSH 2309.18-Trails Management Handbook, 23.22-Exhibit 01 All Terrain Vehicle Design Parameters; Fig. 5). R. Nawa also measured short pitches of 45% which exceeds the 35% standard (Fig. 10,11). An unsafe wooden bridge (Fig 12) has been constructed across Nancy Creek at location N (Fig.1). R. Nawa found portions of the trail in the Biscuit Fire Area that did not meet the 60" design clearing standard because the trail was overgrown with *Ceanothus* (Fig 13). Low site distance and steep grades creates unsafe conditions for ATVs and hikers. The potential for collision between hikers and ATVs adds to user conflict on the trail. Apparently a man operating an ATV on one of these user created routes was seriously injured in a rollover accident a few years ago. The terrain in the areas south of Nancy Creek is too steep for safe cross country ATV use. The only logical remedy is to prohibit cross country use with a motorized area closure consistent with Forest Plan designation: Backcountry Non-Motorized (IV 96-97).

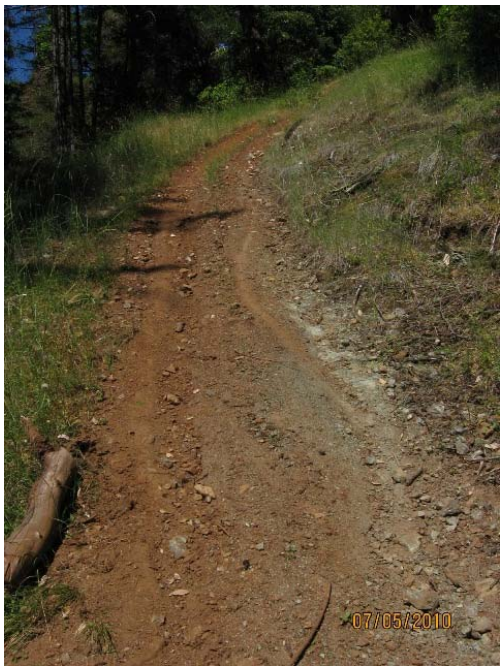

Fig. 10. Nancy Creek Trail. A steep 45% pitch for 200 ft with obstructed site distance at top creates unsafe conditions for ATVs and hikers. UTM N:4707080; E:416118 NAD 27

Fig 11. Nancy Creek Trail. Steep 45% grade for 75-150ft. Severe soil damage from gullies and widening of route to 20 ft. Unsafe for ATV travel. Loose rock is unsafe for hikers.

Fig. 12. An unsafe bridge has been constructed across Nancy Creek adjacent to motorized wet crossing. 7/4/2010

Fig. 13. The deeply rutted Nancy Creek ATV trail in Biscuit Fire area is overgrown with Ceanothus making it unsafe dual use by hikers and ATVs. UTM N:4706279; E:416700 NAD27

6. **Motorized users of Nancy Creek trail continually widen or reroute the trail causing increased soil compaction, erosion, and destruction of native vegetation (Figs 14,15,16).**

Fig 14. Nancy Creek Trail. Motorized users continually reroute the Nancy Creek trail around fallen trees causing ever increasing soil compaction, erosion, and destruction of vegetation on fragile serpentine soils in areas recovering from the Biscuit fire area. 7/4/2010

Fig 15. Nancy Creek Trail. Motorized users continually reroute the Nancy Creek trail in fragile grassy areas causing ever increasing soil compaction, erosion, and destruction of vegetation. 7/4/2010

Fig. 16. Nancy Creek Trail. Motorized users continually widen the Nancy Creek trail (foreground) which results in ever increasing destruction of desirable wildflowers and native vegetation (top). 7/5/2010

7. **Motorized users are using Nancy Creek Trail on Forest Service to access Indian Flat, a private inholding.**

One end point and destination for ATV users of the Nancy Creek trail is Indian Flat (Fig 1). Indian Flat is a private inholding bordering Indigo Creek and surrounded by the North Kalmiopsis Inventoried Roadless Area (Fig 3). . A Siskiyou National Forest non-motorized use land allocation also surrounds the area (Siskiyou National Forest Plan IV-96,97; Fig 2). Trespass motorized users are damaging private lands and littering (Figs 18,19). Indian Flat has become a defacto motorized "play area" due to trespass motorized use facilitated by user created Nancy Creek Trail on Forest Service lands.

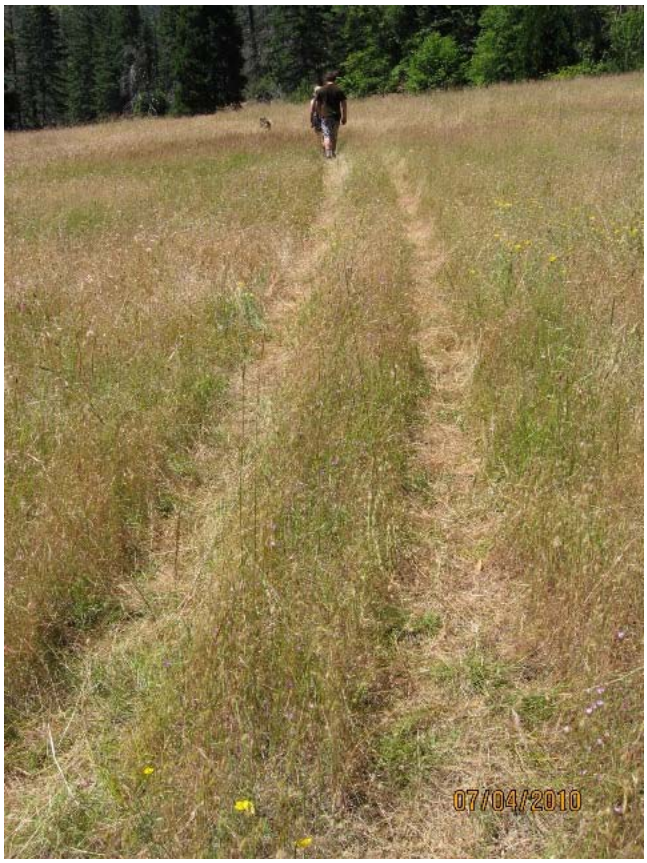

Fig 18. Indian Flat. Privately owned Indian Flat is being damaged by ATVs. Ruts destroy vegetation/flowers and damage soil. July 4, 2010

Fig. 19. Indian Flat. Motorized users likely discarded this solid waste at privately owned Indian Flat. July 4,2010

8. **Motorized use adjacent and through Nancy Creek retards recovery of Riparian Reserve (Fig. 20; Fig 1 location N). Motorized use has likely caused the loss of mature Port Orford cedar trees on Nancy Creek and threatens others with the introduction of *P. lateralis* that kills Port Orford cedars.**

Motorized use of Nancy Creek Trail has likely caused Port Orford Cedar root disease to infect and kill Port Orford cedar trees that once shaded Nancy Creek (Fig.21. Dead Port Orford cedar trees only occur below the motorized stream crossing (Fig 20) and not upstream of the motorized crossing.

Continued motorized use of Nancy Creek Trail is highly likely to cause currently uninfected Port Orford cedar trees in the Riparian Reserve to become infected with *P. lateralis* and further decrease shade for Nancy Creek (Fig 22). At least ¼ mile of this route is within Riparian Reserve of Nancy Creek and retards riparian vegetation recovery, especially at stream crossings. Besides Nancy Creek, live Port Orford cedar are found at motorized crossings of Ethel Creek and along spur routes (Fig 23).

Elimination of motorized use would greatly reduce disease risk and allow vegetation to recover at the stream crossing. Lack of maintenance for drainage and poor location for Nancy Creek Trail has contributed to at least one significant landslide that is degrading aquatic habitat (Fig 24).

Fig. 20. Nancy Creek Trail. Motorized use through Nancy Creek streambed (top, center) caused Port Orford cedar root disease introduction, sedimentation of Nancy Cr., severely damaged stream banks, loss of vegetation, and loss of shade within a Riparian Reserve.

Fig 21. Nancy Creek Trail. Several large Port Orford cedar trees that once shaded Nancy Creek are now dead due to the introduced root disease (*P. lateralis*) below the motorized stream crossing. 4/21/2009

Fig. 22. Nancy Creek Trail. Saturated soil conditions and puddled water on motorized trail adjacent Nancy Creek causes high risk for *Phytopthora lateralis* disease introduction that would kill Port Orford cedar trees (center left and 2 trees at right) that currently provide shade for the stream. 4/21/2009

Fig. 23. Nancy Creek Trail. Port Orford Cedar on spur trail and adjacent wetland. Motorized use increases risk that live Port Orford cedars along routes will become infected. 7/5./2010

Fig 24. Nancy Creek Trail. Large active landslide adjacent Nancy Creek Trail. 4/21/2009.

9. ATV use at the Oak Flat Campground and adjacent areas damages soils, destroys rare plants, disrupts quiet recreation, and is a safety hazard.

Campers at Oak Flat campground (Fig. 1) are using the area as a "motorized play area" by creating numerous ATV routes that damage soils and destroy rare plants (Fig. 25, 26,27).

Fig. 25. Oak Flat Campground. ATV use between campsites at Oak Flat campground has created routes that are damaging and destroying the rare Siskiyou Trillium (*T. Angustipetalum*). 7/5/2010

Fig. 26. Oak Flat Campground. ATV route (top) between Oak Flat campsites has likely destroyed some Siskiyou Trilliums (bottom). 4/15/2009

Fig 27. Oak Flat Campground. ATV users have destroyed riparian vegetation and damaged soils by creating numerous routes within and adjacent the Oak Flat Campground. 7/5/2010

10. Oak savanna at Oak flat, which is currently managed for livestock and wildlife, is extremely vulnerable to OHV use. Routes leading to fragile savanna areas are easily accessible for unauthorized motorized use.

Several routes and gates (often unlocked) provide easy access for OHVs to vulnerable oak savanna (Figs 28a, 28b, 29). An area closure would legally restrict the public to motorized use of the paved road leading to hiking trails and the campground.

Figs. 28a 28b. Oak Flat. OHVs could use the route at left to access and damage the vulnerable oak savanna at right.

Fig 29. Oak Flat. Numerous gates provide access for OHV use in vulnerable oak savanna.

11. Motorized use has severely damaged the Pine Grove Trail #1170 and results in nuisance trespass use on adjacent private lands.

A. The lowest section of the Pine Grove Trail (#1160) abuts private lands near the junction of the Rogue and Illinois rivers. Motorized users are avoiding the steep lowest most section by operating motorized vehicles on private property to access a less steep section further upslope. Trespass and resource damage is occurring on the private property (Fig. 1 "P").

B. Motorized access to this trail is via a private road (Spud Road) and staging area is on private land owned by Jack Churchill. During the DEIS comment period, Mr. Churchill requested that this motorized conflict with his land be remedied by prohibiting motorized use on Pine Grove Trail (see comment #93 FEIS A-32). Mr. Churchill has had correspondence and discussions with District Ranger Alan Vandiver about the motorized trespass and the need to prohibit motorized use.

C. The Pine Grove Trail is a single tread hiking trail and has been severely damaged for at least 1/4mile by ATV use north of road 33- 250 in section 18 (Fig 1 Segment QR; Fig 30). The trail is unsafe for downhill hiking. Sierra Club hikes led by Al Collinet have had difficulty and displeasure negotiating this section of the trail due to unsafe conditions created by ATV use. The risk of people falling has been increased due to loose rocks caused by ATV use.

D. An area closure would prohibit conflicting and damaging OHV use of Pine Grove Trail and adjacent private lands. Disease risk to a Port Orford cedar would be reduced (Fig. 31).

Fig 30. Pine Grove Trail. The former single tread has been damaged north of road 250 by ATV use and made unsafe for hikers due to loose rock and steep grades up to 35%. 4/l5/2009

Fig. 31. Pine Grove Trail.. Motorized use of Pine Grove trail during wet seasons creates high risk for spreading Port Orford Cedar root disease to uninfected trees adjacent the trail and has made the trail less safe for hiking. 4/15/2009

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Conclusion.

For the foregoing reasons, we urge you to use your authority and fulfill your responsibilities by immediately closing to motorized vehicle the area petitioned except for licensed use on Forest Service maintained roads (e.g. Oak Flat Road).

We are also requesting that the agency promptly begin development of a Restoration Plan to identify and schedule the remedial activities that are needed to restore areas that have been damaged or degraded by motorized vehicle use within the petitioned area (e.g. Nancy Creek trail stream crossing, widened Pine Grove Trail, Siskiyou Trillium populations). The most pressing matter is preventing further damage and degradation from occurring. Thus, the requested Closure Order should be issued immediately and the Restoration Plan should be developed as expeditiously as possible afterwards. The Petitioners are interested in assisting with the restoration effort by contributing strategies and, if necessary, by doing field work. It is essential that the Closure Order and Restoration Plan be supported by agency law enforcement.

If you wish to inspect the damaged areas in person, the Petitioners are willing to accompany you on a field inspection to the areas in question. However, we do not want to delay action on this Petition.

Your answer to this Petition should provide a complete statement of all grounds should you decide to deny this Petition in whole or in part. In particular, if you believe the public resource damage shown on the attached photographs is not considerable, is not unacceptable, is not undue, or is not significant, please fully explain your reasons for these beliefs. We are committed to using whatever legal avenues may be necessary to halt the damage being done to this special part of the Forest by inappropriate motorized vehicle use and by USFS policies and inaction.

Respectfully submitted,

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SISKIYOU PROJECT

Protecting the Siskiyou Wild Rivers region for future generations

April 14, 2011

Mary Kay Vandiver, District Ranger
Smith River National Recreation Area
Six Rivers National Forest
P.O. Box 228
Gasquet , CA 95543

Re: Scoping Document for Smith River Restoration and Travel Management Project

Dear Ms. Vandiver:

These scoping comments are provided on behalf of Siskiyou Project, Klamath Siskiyou Wildlands Center and Illinois Valley Sierra Club Activity Section. These scoping comments are intended to supplement those comments provided to you in a letter dated March 31, 2011 by George Sexton.

The scoping document fails to address coordination with Rogue River Siskiyou National Forest (RRSNF). Coordination with RRSNF is needed so that motorized vehicles can be stopped from traveling between RRSNF and SRNRA on low standard roads. Highway 199 provides for motorized travel between Oregon (RRSNF) and California (SRNRA) quite adequately and also provides for inspection of vehicles at the state line. Reducing or eliminating the numerous low standard road trans boundary crossing points would allow better control/enforcement of motorized use in each forest and more importantly reduce the likelihood of spreading an alien noxious weed (*Alyssum)* and Port Orford Cedar root disease into the SRNRA from RRSNF. *Alyssum* is a Priority List A noxious weed and the USDA has declared it to be the #1 priority for eradication in the western USA in 2011 (Shawna L. Bautista USFS R6 Pesticide Coordinator / Invasive Plants, Portland , Or). The Forest Service must take immediate action to stop unrestricted public motorized travel from RRSNF into SRNRA (or any portions of the Smith River watershed) because of potential for spreading *Alyssum* and *P. lateralis* (see 43 C.F.R. PART 8341.2 to immediately close trans boundary areas to OHVs).

1. **The scoping document dated Feb 22, 2011 fails to identify the need to close roads to public use to prevent *Allysum murale* and *Allysum corsicum* from spreading into the SRNRA from Oregon.**

Allysum sp. has been identified as a high priority by the Forest Service to prevent its spread from the Illinois River watershed (see Illinois Valley News article from March 1,2011 http://www.ivdailyview.com/2011/03/01/durable-plant-spreads-beyond-welcome/) . A map of escaped *Allysum* shows 3 locations adjacent Rogue River Siskiyou National Forest Road 4402 http://www.ivdailyview.com/wp-content/uploads/2011/03/alyssum_map_1.pdf . A potential exists for *Allysum* to be spread by motorized users from Oregon via several routes that cross the state line into the Smith River watershed (18N14,316,19N01,315). The SRNRA must coordinate with RRSNF, county and state governments to prevent the spread of *Allysum* into the SRNRA. The SRNRA must consider a coordinated closure of roads to prevent the spread of *Allysum.* If you choose not to close road access to Oregon motorized users, then the EA must analyze the dire consequences of the spread of *Allysum* into the serpentine landscape of the SRNRA and likely significant adverse impacts to native plants.
The two *Allysum* species were ranked as "A" listed noxious weeds because they have the potential to outcompete native flora on serpentine substrates with a moderate probability of introduction through human activities (Amsberry et al. 2008). In 2008 an *Allysum murale* population was found at the base of the Lone Mt/Wimer Road in 2008 (Amsberry et al 2008:5) (Photo 1). Although the plants were removed "more escaped Alyssum maybe going undetected due to lack of surveys and a lack of knowledge of other *Alyssum* plantings near public land."

Photo 1. An *Alyssum murale* population found at the base of the Lone Mt./Wimer road (4402) near O'Brien, Oregon in 2008. This population consisted of 198 seedlings and 21 flowering plants-all were removed after documentation. The road is a primary access route onto the Josephine ophiolite shield (one of largest and most botanically unique masses of serpentine bedrock in North America. (Photo by K. French)

In a letter dated December 29, 2009 The California Native Plant Society states:

We [California Native Plant Society] are particularly concerned about the potential spread of these invasive species [Allysum] to the sensitive serpentine areas of Del Norte County, which known for its botanical uniqueness. The Smith River National Recreation Area is particularly at risk due to the network of dirt roads coursing the Oregon-California border. These roads are regularly used by off-highway vehicle (OHV) drivers who access the Smith River National Recreation Area from area in Oregon where roadside populations of Alyssum have already been documented just miles from the California border. Since the seeds are known to spread on vehicle tires and equipment, as well as by water and wind, the continued uncontrolled expansion of infestations is highly likely. [Amsberry et al. 2008]

2. **The scoping document fails to identify the need to regulate motorized access to Sourdough Camp in Oregon and the "McGrew Trail" via the SRNRA.**

The SRNRA must coordinate with RRSNF to regulate public motorized access to Sourdough Camp and unauthorized participation in McGrew Trail ride via SRNRA. The RRSNF provides for an annual permitted motorized "McGrew Trail" ride into Sourdough Camp originating near O'Brien, Oregon. Unpermitted motorized users can gain access to the trail ride via SRNRA and then engage in illegal activities much to the displeasure of legitimate permitted users and law enforcement officers. *Arabis mcdonaldiana* is known to grow on roads leading to Sourdough Camp and some plants may be vulnerable to vehicle access to Sourdough from SMRNA. In addition, vehicle use at Sourdough Camp and unauthorized vehicle use in adjacent streams is likely caused in part by motorized users that use the SRNRA to gain access to Sourdough Camp. The RRSNF cannot effectively protect Sourdough Camp, *Arabis mcdonaldiana* plants, and Port Orford Cedar with motorized access restrictions because of likely access via the SRNRA. At a minimum the SRNRA must coordinate seasonal motorized closures to Sourdough Camp via roads from the SRNRA. We recommend that motorized access be regulated with seasonal closures along 305 road before it joins road 4402 or road 206 in section 3. An effective gate is needed to prevent violations of seasonal closures by RRSNF and prevent unauthorized motorized access to the permitted annual trail ride into Sourdough Camp. Great care needs to be taken to locate any gate so as not to invite increased soil damage from motorized vandals circumventing or destroying the gate.

3. **The scoping document fails to identify the likely occurrence of asbestos on serpentine routes which would cause health risks to motorized users and innocent bystanders.**

The Forest Service must acknowledge that closing motorized routes on serpentine soils would likely reduce health risks associated with asbestos dust. The EPA has recommended a "[p]rohibition of motorized use within Inventoried Roadless areas, Botanical Area and **serpentine soils**." (Comment letter on RRSNF DEIS for motorized use) (emphasis added). Reduced motorized use would result in a lower risk of inhaling asbestos and also protect a high proportion of endemic and rare plants.

4. **Unwanted public motorized access to private lands via road 19NO1 and 315 across the California /Oregon state line must be prohibited with a coordinated effort by SRNRA and RRSNF.**

Land owners have expressed their desire not to have unrestricted public motorized access into private parcels south of the state line (sections 2,3). Travel management decision and gating could prohibit unrestricted public access into these private parcels from adjacent public lands. The Forest Service should not be providing access for unwanted motorized vehicle trespass. If SRNRA lacks jurisdiction, the gate could be placed near the state line by RRSNF or on private land with land owners consent.

5. **The Josephine Ophiolite that straddles the California state boundary is not being effectively protected from motorized damage due to lack of coordination between RRSNF and SRNRA.**

One would expect a high standard of protection for this unique geologic and botanical feature but instead the Forest Service has allowed this incredible landscape to become a defacto play area for OHVs engaging in motorized vandalism. This is a public disgrace that violates the public trust (i.e. malfeasance). In general, neither the Rogue River Siskiyou National Forest nor the Six Rivers National Forest has effectively coordinated about motorized travel between the two forests and across state lines. Effective coordination between the two forests is not an "out of scope" issue because of the numerous motorized routes open to the public that cross between the two Forests. We believe Hwy 199 provides adequate motorized travel between the two Forests. No other routes are needed for the general public (one exception being seasonal access to Sourdough Camp in Oregon from the SRNRA). Motorized access routes between the two forests would be for administrative or permitted purposes only. When Six Rivers National Forest lacks jurisdiction to close roads, this could be accomplished with closures by RRSNF or vice versa. Coordination and cooperation with private land owners and power companies is also needed to reduce the threat of spreading Port Orford Cedar root disease from motorized vehicles that cross state lines.

Citations

Amsberry, K. M. Jules and R.J. Meinke . 2008. Pest Risk Assessment of Alyssum murale and A. corsicum. Oregon Department of Agriculture and United States Forest Service.

Two page letter dated December 29,2009 from J. Kalt (California Native Plant Society) to K. Coba (Oregon Dept. of Agriculture).

USDA Forest Service. 2009. FEIS. Motorized Vehicle Use on the Rogue River-Siskiyou National Forest.

Sincerely

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Attached: Amsberry et al. 2008
California Native Plant Society letter dated December 29, 2009.

C: Scott Conroy (RRSNF) , P. Olson (RRSNF), Shawna L. Bautista (USFS R6)

Congress of the United States
Washington, DC 20515

November 06, 2009

Mr. Scott Conroy, Supervisor
Rogue River-Siskiyou National Forest
3040 Biddle Rd.
Medford, OR 97504

RE: Rogue River-Siskiyou National Forest Travel Management Plan and Agency-Inventoried Roadless Areas

Dear Mr. Conroy:

We are writing regarding the Rogue River-Siskiyou National Forest's motorized vehicle planning efforts initiated by the August 26, 2008 Federal Register Notice. We are concerned that your pending decision for the Forest Travel Management Plan will designate motorized use on backcountry hiking trails and within sensitive botanical areas, Inventoried Roadless Areas (IRAs) and areas recommended by the Forest Service as Wilderness.

As expressed in a letter to you from Mr. DeFazio dated October 7 2008, we have specific concerns about proposed motorized access on trails within agency-inventoried Roadless Areas that meet the criteria for designation as Wilderness. These trails include: the Silver Peak-Hobson Horn Trail, Illinois River Trail, Biscuit Hill Trail, Briggs Trail, Red Dog Trail, Cook and Green Trail, and the Boundary Trail. Also of concern are the McGrew Trail, Lower Rogue Trail 1168, the Game Lake/Lawson Creek Loop, and an unauthorized route to Indigo Creek from the Illinois River Trail.

We are also concerned about possible visitor conflicts associated with off-road vehicle (ORV) use along the Boundary Trail, which is located within the Kangaroo IRA in the vicinity of the Oregon Caves National Monument. As a result of unregulated motorcycle use, which has led to unsafe conditions and diminished the attraction for hikers, families and individuals avoid this narrow and remote backcountry hiking trail.

It is also our understanding that you are considering designating for motorized use areas proposed in 2004 as additions to the Kalmiopsis Wilderness Area. These recommendations were made by both the Forest Service and former Undersecretary Mark Rey. As was the case five years ago, Oregon Governor Ted Kulongoski supports expansion of the Kalmiopsis Wilderness and we are looking closely at options for the protection of these unique landscapes. We feel strongly that the designation of motorized trails in these areas (i.e., the Kangaroo and North and South Kalmiopsis IRAs) and other Inventoried Roadless Areas might inappropriately compromise their wilderness potential and values.

Forest Service regulations address the need to minimize conflicts associated with ORV trail designations, with specific reference given to avoiding conflicts with other recreational uses.

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Specifically, 36 CFR 212.55(b) requires that when designating ORV trails on National Forest System lands:

> ...the responsible official shall consider effects on the following, with the objective of minimizing: ...Conflicts between motor vehicle use and existing or proposed recreational uses of National Forest System lands or neighboring Federal lands.

Forest Service Manual 1923.03 requires the Forest Service to manage recommended Wilderness, such as the North and South Kalmiopsis IRAs, so as not to reduce its Wilderness potential or compromise Wilderness values. The Manual states:

> Any inventoried roadless area recommended for wilderness...is not available for any use or activity that may reduce the wilderness potential of the area. Activities currently permitted may continue pending designation, if the activities do not compromise the wilderness values of the area.

Given the regulatory and policy direction around designating routes for ORV use and the unique qualities of the Rogue River-Siskiyou National Forest, we urge you to designate motorized recreation in such a way that the Forest's wilderness characteristics and ecological values are protected. Specifically, we urge you to allocate motorized recreation on a subset of backcountry roads that you have identified to be of high benefit and low environmental risk, rather than on trails that traverse habitat for rare and threatened plants, IRAs or in locations that conflict with the needs of sensitive wildlife and traditional recreational uses.

Thank you for your attention to this matter. We look forward to your prompt response.

Sincerely,

Peter DeFazio
Member of Congress

Ron Wyden
Member of Congress

Jeff Merkley
Member of Congress

cc: Tom Tidwell, Chief, U.S. Forest Service
Mary Wagner, Regional Forester, Pacific Northwest Region

May 7, 2009

Attachment - To comments submitted by Friends of the Kalmiopsis, Klamath Siskiyou Wildlands Center and Soda Mountain Wilderness Council

Subject: **Draft Environmental Impact Statement for Motorized Vehicle Use on the Rogue-River Siskiyou National Forest and the failure to analysis impacts of motorized trails in areas recommended as Wilderness in 2004**

Summary

In 2004, the Rogue River-Siskiyou National Forest Supervisor and Under Secretary of Agriculture, Mark Rey, announced their support for the addition of ~64,000 acres to the Kalmiopsis Wilderness. Governor Ted Kulongoski issued a press release supporting the recommended Wilderness but said the area warrants a significantly larger addition.

While media reported on the proposal (Oregonian 6/2/04 and 6/8/04, Associated Press 6/4/04 and Medford Mail Tribune 6/2/04) few details, beyond general maps, were provided. Some of the little information available was acquired through the Freedom of Information Act and maps that were included on the Forest Service's Biscuit Fire website.

The RR-SNF's draft environmental impact statement for motorized use on the Forest, is now proposing motorized trails in areas they found had "outstanding wilderness character" less than 5 years ago.

Forest Service Wilderness Additions

The Rogue River-Siskiyou National Forest issued a press release on June 1, 2004 in which the Forest Supervisor announced, among other things, support for the consideration of 64,000 acres, with outstanding Wilderness character, to be added to the Kalmiopsis Wilderness. See - http://www.fs.fed.us/r6/rogue-siskiyou/news/2004/news06-01-2004-biscuit-fire-feis-release.shtml.

The Oregonian

Wilderness proposal comes as a surprise

Wednesday, June 02, 2004

MICHELLE COLE

The federal government's call for 64,000 acres of new wilderness was viewed widely Tuesday as intriguing -- and a complete surprise ...

If the wilderness proposal is to become reality, Congress must act. It's rare for the U.S. Forest Service to request a wilderness designation, and the Biscuit proposal marks only the second time the Bush administration has promoted additional wilderness lands.

OREGON.gov

June 1, 2004

Press Release

Statement of Governor Ted Kulongoski on Final Environmental Impact Statement for Biscuit Fire Recovery Project

"I am pleased that the FEIS reflects my proposal that the lands adjacent to the Kalmiopsis Wilderness should be added to the wilderness area. However, ***I am disappointed that the Forest Service has only recommended the inclusion of 64,000 acres of land. The unique character of this area warrants a significantly larger addition****."*

Governor Supports Wilderness Additions

See Governor Ted Kulongoski's full press release at http://governor.oregon.gov/Gov/p2004/press_060104.shtml and more public statements below on page 8.

Congressional Request for Information

On June 25, 2004, Senator Ron Wyden and Congressmen Peter DeFazio wrote to Under Secretary Rey, requesting information on the Forest's and Bush Administration's recommendation, with proposed legislative language. (See letter right).

Congress of the United States
Washington, DC 20510
June 25, 2004

The Honorable Mark Rey
Under Secretary for Natural Resources and Environment
U.S. Department of Agriculture
14th St. & Independence Avenue, SW
Washington, DC 20250

The Honorable Kathleen B. Clarke
Director
Bureau of Land Management
Department of Interior
1849 C Street NW
Washington, DC 20240

Dear Under Secretary Rey and Director Clarke:

On the first of this month the Rogue River-Siskiyou National Forest and the Medford District of the Bureau of Land Management (BLM) announced the release of the Final Environmental Impact Statement (FEIS) for the Biscuit Fire Recovery Project. Included in this release the Forest Service and BLM announced your support for consideration of 64,000 acres of lands adjacent to the Kalmiopsis Wilderness for inclusion in the wilderness area.

Though the Forest Service and BLM noted these acres were being considered for wilderness "because of their outstanding wilderness character" the Administration has yet to relay any further detail of these areas to Congress. If this Administration is serious about pursuing Wilderness in the Kalmiopsis it will require Congressional action. However, there are only 33 legislative days left in this session of the 108th Congress. The normal course of action would be for the Administration to provide Congress with maps and descriptions of the areas you are considering for addition to the existing Kalmiopsis Wilderness. It is also accepted procedure for the Administration to provide Congress with proposed legislative language covering the proposed Wilderness areas.

We need this information immediately if we are to proceed on this issue. We would like to receive this information as soon as possible and look forward to your cooperation with our request.

Sincerely,

Ron Wyden
U.S. Senator

Peter DeFazio
U.S. Representative

PRINTED ON RECYCLED PAPER

Freedom of Information Act Request

On June 17, 2004, a Freedom of Information Act request was made for the following: "*Any and all documents, analysis, date opinions maps or other information supporting the proposed addition of 64,670 acres to the Kalmiopsis Wilderness as proposed on June 1, 2004 by the Rogue River-Siskiyou National Forest.*"

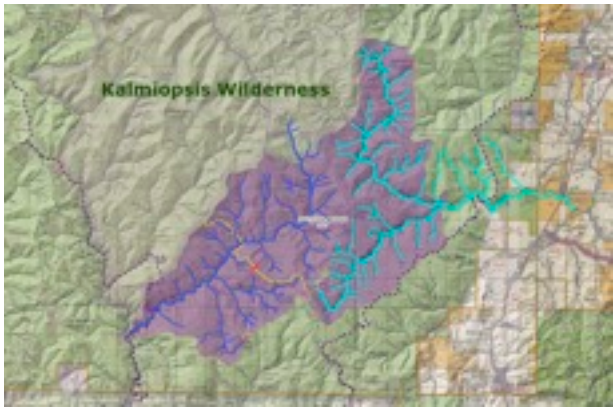
The Forest responded on July 13, 2004 stating that: "I have enclosed notes of an evaluation of Wilderness candidate areas written on May 10, 2004 and a paper describing the proposal for Kalmiopsis Wilderness Additions, including a map of those additions."

Rogue River-Siskiyou National Forest's 2004 Recommended Additions to the Kalmiopsis Wilderness

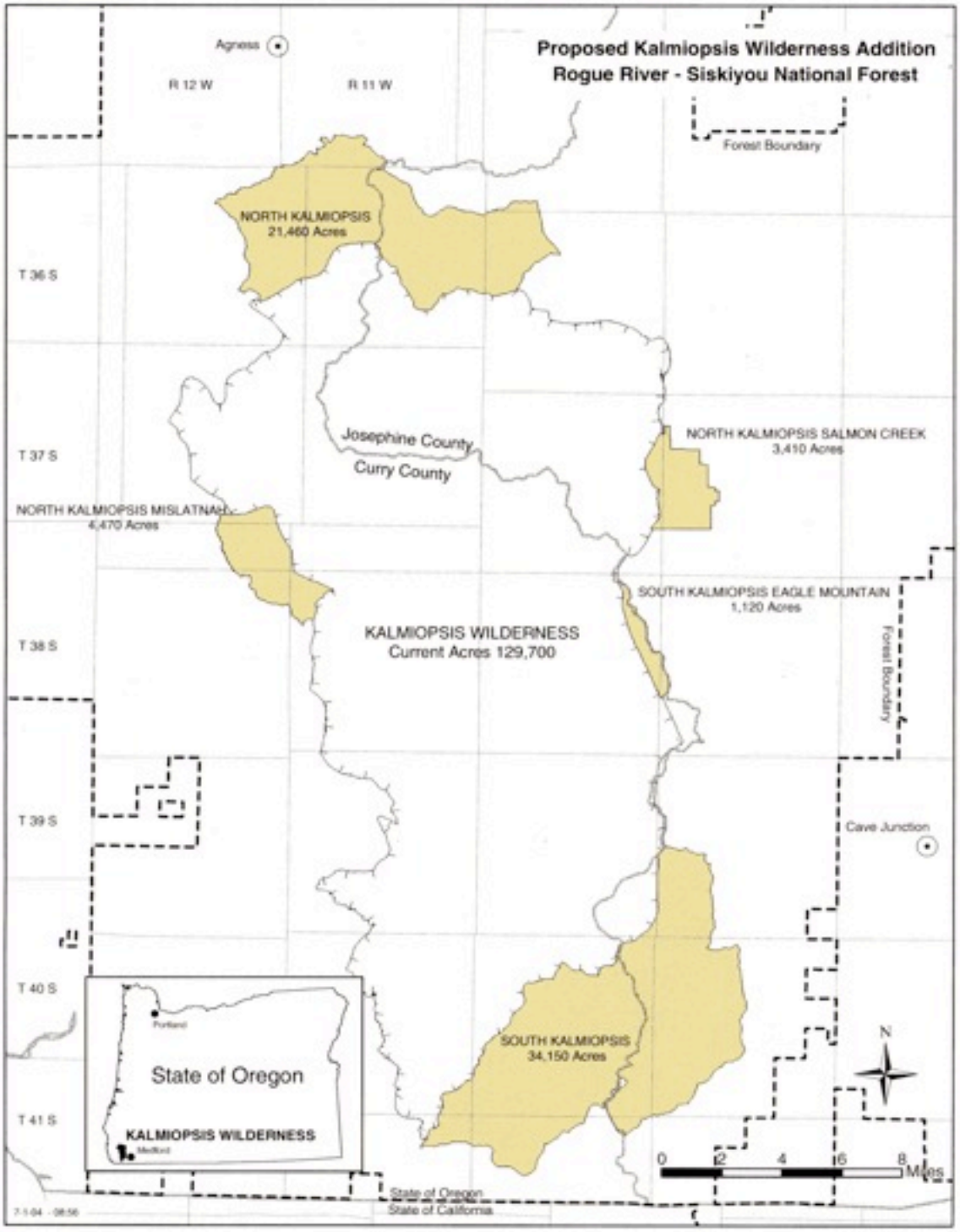
Pages 4 through 7 are scanned copies of the four page RR-SNF's proposal for Kalmiopsis Wilderness Additions. The accompanying map is on page 3. Page 8 is intentionally blank. Page 9 includes a more detailed map of the proposed Wilderness additions prepared by the agency.

RR-SNF's Travel Management Plan Draft Environmental Impact Statement

The proposed action for the Draft Environmental Impact Statement for Motorized Vehicle Use on the Rogue River-Siskiyou National Forest includes motorized trails in areas recommend as Wilderness in 2004. Because the effects on Wilderness potential was not analyzed in the DEIS, this report includes two maps on page 9 that show the approximate location of several proposed motorized trails within or mostly within the proposed Wilderness Additions.



Above - Map of the Rogue River-Siskiyou National Forest's proposed South Kalmiopsis Wilderness Addition with stream course highlighted and approximate location of proposed motorized trails added (yellow dash line). See page 11 for larger maps, legends and further explanation.



Note - the acreage of the Kalmiopsis Wilderness is incorrect on the map. The Wilderness covers 179,755 acres.

Kalmiopsis Wilderness Additions

Rogue River-Siskiyou National Forest

State of Oregon

July 7, 2004 (1100)

The Kalmiopsis Wilderness is within the Rogue River-Siskiyou National Forest located in southwestern Oregon. The Kalmiopsis Wilderness Additions proposal contains five separate areas totaling 64,670 acres that are contiguous to the existing 179,700 acre wilderness. The names of these areas and their acreages are:

North Kalmiopsis	21,501 Acres
North Kalmiopsis Mislatnah	4,477
North Kalmiopsis Salmon Creek	3,410
South Kalmiopsis	34,153
South Kalmiopsis Eagle Mountain	1,129
Total	64,670 Acres

A map is included with this proposal.

Non-Conforming Uses

Proposed wilderness boundaries were adjusted to achieve a balance between competing values for a particular landscape. No structures of any significance occur within the additions. No power lines are present. Several miles of old logging and mining roads exist within some areas. Most of these are not part of the Forest's road system, are un-maintained, and have not been used for many years. Those that are currently used and are within the proposed wilderness areas, such as the road from Chetco Pass to the existing wilderness boundary, will be closed to motorized traffic (.5 mile).

A RAWS (Remote Automated Weather Station) site exists on Lawson Butte and will be relocated.

A wilderness inholding would be created by this designation. The Connor parcel (22 acres) is owned by Josephine County Forestry, is adjacent to the current wilderness boundary, and will be encompassed by the North Kalmiopsis area. Acquisition may occur at a future date.

Some motorized trails exist within the areas, however little or no mountain-bike activity occurs. Designation would eliminate motorized use on the Northern-most end of the Illinois River Trail from Oak Flat to Fantz Ranch (4 miles). Motorized use would also be eliminated on the western-most end of the Hobson Horn Trail (10 miles), but will continue on the eastern portion. Both of these trails are within the North Kalmiopsis area. The McGrew Trail, adjacent to the South Kalmiopsis area, will remain open to motorized use its entire length. Motorized access to Sourdough Camp will continue.

Even though attempts were made to avoid areas of concentrated mining claims, eighty-four claims exist within the five addition areas, totaling 4,920 acres:

	Claims	Acres
North Kalmiopsis	0	0
North Kalmiopsis Mislatnah	4	780
North Kalmiopsis Salmon Creek	2	280
South Kalmiopsis	80	3,860
South Kalmiopsis Eagle Mountain	0	0
Total	86	4,920

The Forest recognizes the potential for conflicts with mining operations. This is especially the case in the Rough & Ready Creek drainage within the South Kalmiopsis area. The wilderness values of this area, however, are high, most claims here are owned by one party, and the plan of operations submitted by that party is the focus of current litigation with valid existing rights determinations nearing completion. Most of the other claims are believed to be placer claims supporting suction dredge operations. These mining operations within newly designated wilderness, however, will require valid existing rights determinations.

Special Provisions Needed

No special provisions are requested with this proposal.

Proposed Geographic Areas; Map of Record and Legal Descriptions to be completed at a later date.

1. North Kalmiopsis Addition area:

The area encompasses the Horse Sign Creek watershed, excluding the area around Game Lake; the south side of the lower 5 miles of Lawson Creek watershed, except those private ownerships near to the mouth of the creek; the Illinois River watershed, south of the Nancy Creek watershed and Lawson Creek, to the existing wilderness boundary, except that part of the Indigo Creek watershed north of Indian Flat, and excepting the Silver Creek watershed east of the mouth of the North Fork of the Silver Creek watershed.

Notable effects to existing uses:

- The addition would possibly include a Forest Service RAWS (weather station) facility, which would be removed.
- The addition *would create a private inholding* (i.e., the "Conners Place," a small and undeveloped parcel of land along the Illinois River owned by Josephine County Forestry Dept.
- The addition *would close the westernmost 3-4 miles* (and least-used portion) along the Indigo-Silver Creek divide of an existing 10+mile trail (the "Hobson Horn Trail") to currently permitted motorized/mechanized use.

2. South Kalmiopsis Addition area:

The area encompasses the North Fork watershed of Rough and Ready Creek; the South Fork watershed of Rough and Ready Creek north of Roads #445, #019, #112 and two existing trailheads, excluding all of road #480 and its trailhead, the Baldface Creek watershed north of road #450, and north of the Sourdough trailhead area, any of its associated trailhead facilities, and its dispersed camping areas.

Notable effects to existing uses. *With the exception of the closure of two very short spur roads (#530 & McGrew Peak road), all existing 4WD/OHV use (i.e., road #450) would continue.*

80 mining claims covering 4,920 acres (a portion of a 155 mining claim block) would fall within the boundary of the new wilderness. The United States is currently the defendant in a lawsuit filed in the U.S. Court of Claims regarding a mining proposal on these claims. We are currently finalizing a BLM-led validity examination on the 155 mining claims.

Any mining activities proposed on pre-existing mining claims within the new wilderness boundary would require Valid Existing Rights determinations prior to authorizing any mining activity, or prior to taking any other management action regarding these claims.

3. North Kalmiopsis - Salmon Addition area:

The area is west of the Illinois River Wild and Scenic River Corridor, east of the existing wilderness and north of an east/west line through Castle Rock.

Notable effects to existing uses:

Two mining claims covering 280 acres would fall within the boundary of the new wilderness.

4. South Kalmiopsis - Eagle Mountain Addition area:

The area lies west of the existing wilderness, east of the Chetco River/Illinois River watershed divide (which is also the Josephine County/Curry County line), south of Pearsoll Peak Lookout, and north of a southwest bearing down slope spur ridge approximately one half mile south along the divide from Whetstone Butte.

No notable effects to existing uses:

- The boundary *would exclude Pearsoll Peak Lookout* from wilderness.
- The boundary *would exclude that portion of the existing Pearsoll Peak motorized-access route that is east of the Chetco/Illinois Divide* from wilderness.
- The boundary *would exclude from wilderness the existing vehicle turn-around/parking area that is located on (or very near) the Chetco/Illinois Divide.*

5. North Kalmiopsis - Mislatnah Addition area:

The area lies in the Mislatnah Creek and Chetco River watersheds being north and east of a line from a topographic saddle approximately ½ mile west of Green Craggie Peak, to and along an unnamed tributary of Mislatnah Creek extending into Sec 27, T. 37 ½ S., R. 12 W., along Mislatnah Creek to Blueslide Creek, to the southern end of a southerly ridge in the SE ¼ of Sec 1, T. 38 S., R 12 W., to a point on the north bank of Chetco River approximately 1/3 mile west of the existing wilderness boundary, and lying north of the Chetco River. Excluding the Low Meadow Timber Sale.

Notable effects to existing uses. The boundary *would exclude the entirety of a current "sold" timber sale. However, four mining claims covering 780 acres would fall within the boundary of the new wilderness.*

Legend Map #2 (left)

Indigo Creek - Eligible Wild & Scenic River

Silver Creek - Eligible Wild & Scenic River

National Wild & Scenic Illinois River

Motorized Trails

Rogue River-Siskiyou National Forest proposed North Kalmiopsis Addition to Kalmiopsis Wilderness and approximate location of proposed motorized trails from the Forest's Draft Environmental Impact Statement for Motorized Use.

Legend - Map #4 (below)

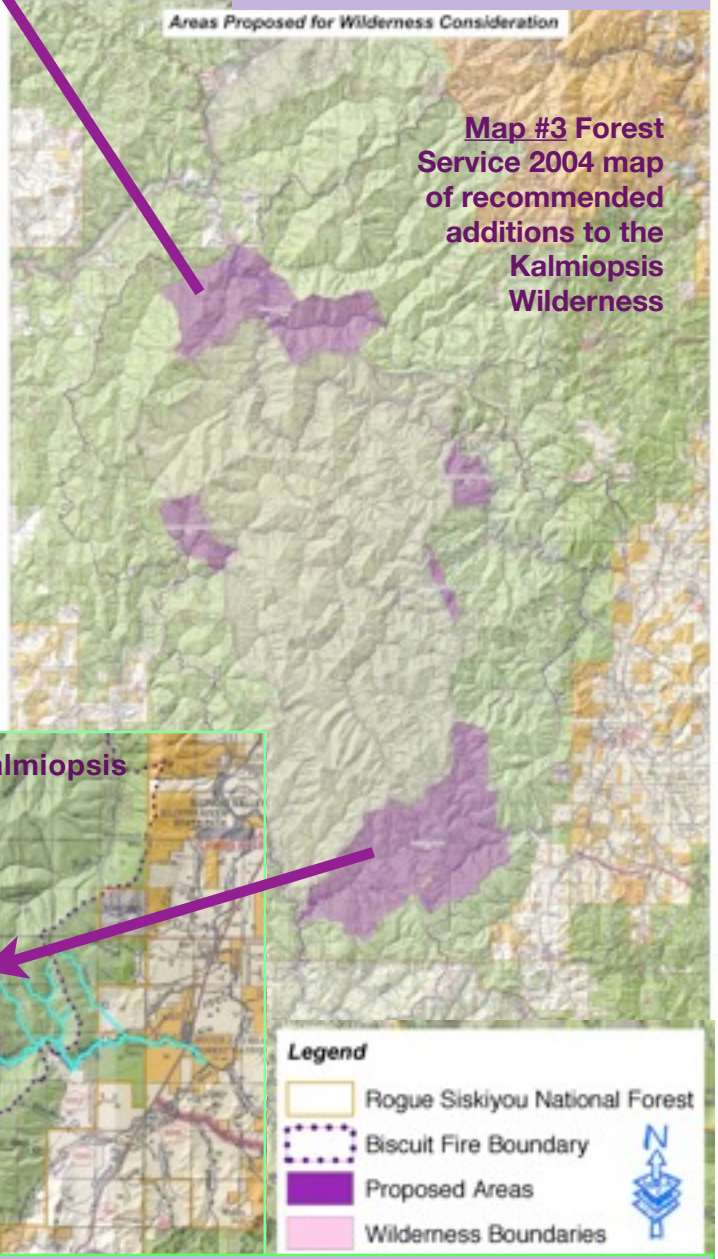
Baldface Creek

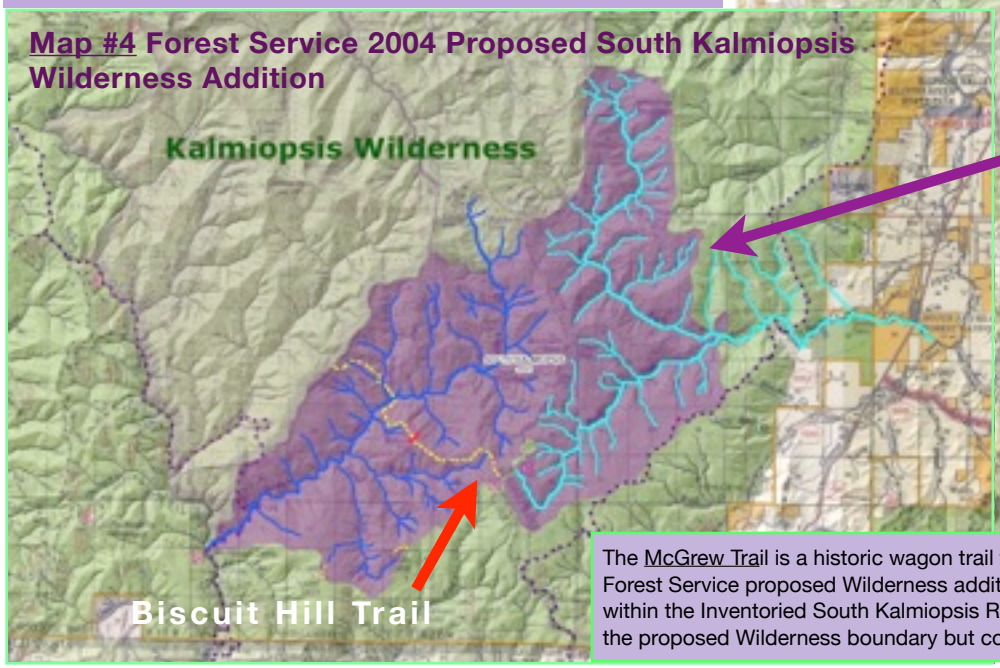
Rough & Ready Creek

Motorized Trails

Rogue River-Siskiyou National Forest's proposed South Kalmiopsis Wilderness Addition and approximate location of proposed motorized trails. The primary motorized trail is approximately 2.7 miles of a longer trail that is a combination of old, native surface user created road and a single track trail known collectively as the Biscuit Hill Trail. The single tack segment is not proposed for motorized use. However, we show the entire length of the trail because there's nothing to prevent motorcycles from continuing beyond the designated segment. The red line shows approximate end of the designated motorized vehicle part of the route.

Map #3 - Rogue River-Siskiyou National Forest's recommended additions to the Kalmiopsis Wilderness. The North Kalmiopsis Addition and South Kalmiopsis Addition maps (#3 & 4 respectively) were developed from the original agency map (#3). They show the approximate location of motorized routes, from the proposed action for the Draft Environmental Environmental Impact Statement for Motorized Vehicle Use on the Rogue River-Siskiyou National Forest,





The McGrew Trail is a historic wagon trail that runs along the southern edge of this Forest Service proposed Wilderness addition. It's approximately 16 miles long, mostly within the Inventoried South Kalmiopsis Roadless Area. It essentially follows much of the proposed Wilderness boundary but could not be drawn accurately on the map.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

0016 Attachment 06 May 11, 2009

Travel Management Team
Rogue River-Siskiyou National Forest
Siskiyou Mountains Ranger District
645 Washington Street
Ashland, OR 97520

RE: U.S. Environmental Protection Agency (EPA) review and comments for the Motorized Vehicle Use on the Rogue River-Siskiyou National Forest (Forest) Draft Environmental Impacts Statement (EIS). EPA Project Number: 08-053-AFS

Dear Mr. Conroy:

This review was conducted in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Under our policies and procedures, we evaluate the environmental impact of the proposed action and the adequacy of the impact statement. We have assigned an EC-2 (Environmental Concerns, Insufficient Information) rating to the Draft EIS/OEIS. A copy of the EPA rating system is enclosed.

We believe the action alternatives – especially alternative 4 - promise increased environmental protection in comparison to the no-action alternative. Unmanaged Off Highway Vehicle (OHV) use on federal lands has resulted in unplanned roads and trails, soil erosion, watershed and wildlife habitat damage, impacts to cultural sites, safety concerns, and increased degradation of recreational experiences, especially a loss in opportunities for solitude, primitive hunting and other quiet experiences (Okanogan-Wenatchee National Forest Motorized Travel Management Proposed Action Scoping Document, p. 3).

Our review of the DEIS has identified the following concerns:

- The proposed alternative (Alternative 3) may not be fully consistent with the direction in the 2005 Travel Management Rule (36 CFR 212), or with previous Forest Service direction regarding proposed wilderness areas adjacent to the Kalmiopsis Wilderness.
- Because information about levels of asbestiform minerals in serpentine soils on the Forest is very limited, the Forest may not have adequate information to analyze the risk of exposure to naturally occurring asbestos.
- We believe that the Draft EIS contains insufficient information related to implementation and adaptive management planning. These are vital aspects of ensuring that predicted environmental benefits are fully realized.
- We are concerned about potential impacts to water resources from dispersed recreation. Impacts from dispersed recreation are generally concentrated around streams, lakes and other areas of special interest for forest users.

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We support the selection of Alternative 4 as it most effectively addresses each of the concerns raised above. Our attached comments provide additional detail about our concerns, and specify the key components of Alternative 4 that we recommend be included in the final preferred alternative.

We also provide a series of recommendations to assist the Forest in the development of a more integrated Implementation and Adaptive Management Plan. We suggest that this plan be a part of any proposed action alternative and include additional details and discussion about (i) Effectiveness Monitoring and Adaptive Management, (ii) Education and Enforcement and (iii) Collaboration. We also recommend that the Final EIS consider the water quality benefits of including more specific and restrictive measures for dispersed recreation.

Thank you for this opportunity to comment on the Proposed Action and if you have any questions please contact Teresa Kubo of my staff at (503) 326-2859.

Sincerely,

/s/
Christine B. Reichgott, Manager
Environmental Review and Sediment
Management Unit

Enclosures:
EPA Region 10 Detailed Comments
EPA Rating System for Draft EISs

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EPA REGION 10 DETAILED COMMENTS FOR THE MOTORIZED VEHICLE USE ON THE ROGUE RIVER-SISKIYOU NATIONAL FOREST DRAFT EIS

Consistency with Planning Rule and Existing Guidance

As noted in the DEIS, and in the Federal Register[1], the 2005 Travel Management Rule is intended to manage motorized use on Forest Service roads and trails so as to protect natural resources, promote the safety of all users, and minimize conflict among users. Under the proposed alternative, the Land and Resource Management Plans (LRMPs) for the Rogue and Siskiyou National Forests would be amended to allow for motorized use in areas where motorized use is currently prohibited (specifically the Boundary Trail area). As noted in the DEIS, there are Forest Service Sensitive species and habitat along the Boundary Trail (p. III-69) and user conflicts have been documented on the Boundary Trail (p.III-114). Amending the Forest Plans to allow for use in these areas would reconcile existing use with the land use allocation, but we do not believe it would be consistent with the direction in the Planning Rule.

We also note that the Forest Service has indicated support for considering five inventoried roadless areas around the Kalmiopsis Wilderness (64,670 acres) for wilderness designation[2]. The DEIS does not discuss the potential impact of the current planning process on this potential designation. We are concerned that by allowing for motorized trail use in inventoried roadless areas (such as the South Kalmiopsis Inventoried Roadless Area), Alternative 3 may compromise the ability of the Forest Service to pursue this wilderness designation.

Recommendations:

- We recommend that the Forest Service continue to prohibit motorized use along the Boundary Trail (consistent with the direction under Alternative 4).
- We recommend that the FEIS discuss the potential impact of the current planning effort on potential future wilderness designations.

Naturally Occurring Asbestos

As noted on page III-59 of the DEIS, information regarding levels of asbestiform minerals in serpentine soils on the Forest is very limited. Given the extent of serpentine soils on the Forest, we believe that the risk of potential exposure has not been adequately analyzed. In recent years EPA has conducted activity-based sampling in two areas in the Sierra Nevada Range in California known to have naturally occurring asbestos on site (El Dorado Hills[3], and the Clear Creek Management Area[4]). Both of these assessments found exposure levels to be of concern due to the potential for long-term development of asbestos-related diseases. We recognize that the serpentine deposits on the Rogue-Siskiyou National Forest may be significantly different than those in California. There are, however, portions of the western lower elevation Sierra Nevadan range that have geology similar to that of the Rogue-Siskiyou. In the absence of a more robust analysis, we believe that reasonable and appropriate steps should be taken to reduce potential asbestos exposure.

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[1] Federal Register Volume 70, Number 216, Page 68264
[2] 2004 USFS Record of Decision, Biscuit Fire Recover Project, Page R-24
[3] http://www.epa.gov/region09/toxic/noa/eldorado/index.html
[4] http://www.epa.gov/region09/toxic/noa/clearcreek/index.html

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Recommendations:

- We recommend prohibition of motorized use on trails within serpentine areas consistent with the direction under Alternative 4.

Environmentally Preferred Alternative

EPA recommends adoption of Alternative 4. As noted on page S-6 of the DEIS, Alternative 4 addresses concerns about possible effects to Botanical Areas, serpentine soils (and associated meadows, fens, and bogs), water quality, and the spread of invasive non-native species. Key elements of Alternative 4 that we recommend be incorporated into the preferred alternative in the FEIS include:

- Prohibition of motorized use within Inventoried Roadless Areas, Botanical Areas and serpentine soils This would result in a lower risk of inhaling asbestos (page III-60) and protect a high proportion of endemic and rare plants.
- No motorized use on Maintenance Level 1 National Forest Service roads.
- No parking for dispersed camping along paved roads on the Powers and Gold Beach Ranger Districts (II-42&43)
- Closure of the Boundary Trail and its connecting trails. This would reduce some soil erosion (Page III-13) and reduce "… conflicts stemming from the noise associated with motorized vehicle use between motorized and non-motorized trail users" (Page III-115).
- Closure of the motorized trail system in the Mule Mountain areas. This would eliminate a source of localized disturbance that generates erosion and sediment, and damages riparian function (Page III-15).

Effectiveness Monitoring and Adaptive Management

In examining consistency with the objectives of the Aquatic Conservation Strategy, the DEIS notes that existing road conditions may be causing localized damage, and that "monitoring of these areas as proposed under mitigating measures would allow road related damage to be documented and repaired" (Page III-52). This monitoring and adaptive management effort will be key to meeting the stated goal of reducing existing resource damage from motorized use.

Monitoring and adaptive management will also play a key role in determining the need for future updates and revisions to the MVUM. We strongly support the concept of revising the MVUM based on monitoring results in order to improve resource protection. Because effective monitoring and adaptive management are critical to achieving the predicted environmental benefits, we recommend that additional detail about these efforts be included in the FEIS.

Recommendations:

- We recommend that a comprehensive implementation and adaptive management plan be incorporated into the action alternatives, and that initial details of this plan be included in the Final EIS (as opposed to being developed subsequent to the Record of Decision).
- This adaptive management plan should:
    - describe a decision tree to guide future decisions,
    - identify specific decision thresholds and management responses for resources of concern (e.g. fish, wildlife and sensitive plants),
    - discuss the monitoring needed to assess whether thresholds are being met, and
    - forecast funding opportunities and constraints for the monitoring.

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- Contribution of OHVs to sedimentation of streams should be given priority within the implementation and adaptive management planning framework. Providing a management trigger related to water quality standards for sediment may be a useful method for ensuring benefits to the aquatic environment are realized.

One conceptual example of such an approach to adaptive management is contained in the adaptive management chapter of the Idaho Forestry Program Document[5].

Education and Enforcement

As noted under the assumptions on page III-2, some illegal use is expected to continue. We concur with this assessment and believe that extensive trail use, signage challenges, and other compliance issues will present a challenge to plan implementation. Without compliance, predicted environmental benefits will not be realized.

Recommendation:

- We are fully supportive of the volunteer strategy discussed on page II-62 that would identify opportunities for the public to help implement, enforce, maintain, and fund the designated route system. We recommend that the FEIS more fully explore these kinds of non-traditional public education and enforcement strategies. These may be a cost effective means of increasing compliance.

Collaboration

Cooperative agreements with adjacent landowners, citizen groups, government agencies, universities and research organizations may also increase the Forest's capacity to achieve compliance and monitor the effectiveness of management actions. We recommend that the FEIS discuss possible and appropriate formal partnerships with relevant stakeholders.

Dispersed Recreation

EPA believes that motorized access to dispersed recreation has the potential to cause relatively high and concentrated adverse environmental impacts. Impacts are generally concentrated around streams, lakes and other areas of special interest for forest users. We appreciate the restrictions on parking for dispersed camping within ¼ mile of developed recreation sites (II-24) and 1,320 feet of potable water sources. We encourage the Forest to adopt similar restrictions where appropriate to protect water quality and aquatic resources.

Recommendation

- If or where corridors to dispersed camping are allowed, we recommend restricting motorized access for dispersed camping within 300 feet of perennial streams, 150 feet of lakes, and 100 feet of intermittent streams. Restricting motorized access around waterbodies will lessen potential sediment delivery to streams – an important threat to aquatic resources – by limiting route treads that become drainage pathways.

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[5] See especially "Table I.I-1 The IFP implementation framework" and related text at http://www.idl.idaho.gov/eis/idaho_forestry_program_doc/SecI_I_AdaptiveManagement_011209.pdf.

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U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action*

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987

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HUMBOLDT STATE UNIVERSITY

March 4, 2010

Mary Wagner
Regional Forester
USDA Forest Service, Region 6
333 SW First Avenue
Portland, OR 97204

Dear Mary,

I'm writing in reference to the Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) for Motorized Vehicle Use on the Rogue-River Siskiyou National Forest. I sincerely appreciate the effort that the Forest Service has invested in these documents; from personal experience, I have some sense of the tremendous amount of work it must have taken to complete the process.

Unfortunately, I feel compelled to voice concern about the scientific basis used in several key sections of the FEIS, all of which concern Port Orford cedar (*Chamaecyparis lawsoniana*) and its associated root pathogen (*Phytophthora lateralis*). I am a biologist and I have studied the spread of the root pathogen intensively since 1997. The purpose of my research has been to understand the factors that control the rate and extent of *P. lateralis* spread, and I have published my work in peer-reviewed journals (e.g., Jules et al. 2002, Kauffman & Jules 2006). To date, these are the only studies to rigorously assess the factors that control spread of *P. lateralis*. One of these studies (Jules et al. 2002) was cited several times in the FEIS, though the conclusions of my study were misinterpreted. The FEIS, in my opinion, poorly describes our current scientific understanding of the root rot in several key areas. I describe these below:

On page A-8 of the FEIS, the following response is given to a comment about the efficacy of gating as a mitigation strategy against the spread of *P. lateralis*:

> "As noted with noxious weed treatments, the Feasibility rating of these invasive pathogen mitigation measures should not have been "F3". It will be changed to "F2" in the FEIS. The basis for this, specifically for gate closures for prevention of spread of *Phytophthora lateralis* (PL) is Jules et al. (2002) where it was shown that 72 percent of the infection events studied were the result of vehicle traffic. ***Reducing vehicle access by gates or other means was found to reduce the potential to spread PL.***" (Emphasis added).

The above text from the FEIS is erroneous and reveals a worrisome misinterpretation of the science that has been conducted on the spread of *P. lateralis*. The study by Jules et al. (2002) did not assess the effect of reducing vehicle access by gating nor by any other means. The study did show that spread is more likely along roads, but we had no way to compare gated versus ungated areas. It is, on the other hand, defensible to conclude that permanent closure of roads (e.g., decommissioning) will reduce the spread of *P. lateralis* from infected to uninfected watersheds. Unfortunately, one cannot apply the same conclusion to seasonal gate closures nor

to ineffective closures, where vehicular traffic (including OHVs) may continue to access the road, simply because there has never been any study that assessed their efficacy as a means to slow *P. lateralis* spread. The study mentioned on A-8, "[a] qualitative assessment of a number of management practices", has no scientific merit and does not allow for a comparison with areas that do not have mitigations in place. In short, we currently do not understand the impact of seasonal gate closures or non-permanent closures on the spread of *P. lateralis*.

The scientific foundation of the FEIS is also called into question on A18, where it states:

> The question of finality of infestation of *Phytophthora lateralis* (PL) is an open one. Preliminary (3 year) monitoring from the Biscuit Fire has shown the following: Twenty-one of twenty-two plots planted in spring 2004 had mortality caused by PL. Mortality in the fall 2004 planting has declined from that seen in spring 2004. Fewer plots showed *Phytophthora lateralis* -caused seedling mortality and fewer seedlings overall were infected. PL mortality declined to thirteen, nine, and six plots respectively in 2005, 2006, and 2007 (Betlejewski 2009). This will be clarified in the FEIS.

The study described here tells us nothing about the "finality" of *P. lateralis*. For instance, if the current rate of decline continued, how long would it be before all of the *P. lateralis* was gone? One could use the data presented to make such an estimate, but I believe you will find that it allows enough time for Port Orford cedar to recolonize the site, and thus perpetuate the presence of the pathogen. Also, how do these rates of declining mortality compare to areas that did not burn? Without such a comparison, how would one conclude fire had an effect on *P. lateralis*? In any case, the study should not be used to guide management, nor should it be used to make any conclusions about the role of fire in the ecology of *P. lateralis*.

The FEIS relies heavily on the Risk Key (Appendix F), though the key does not have strong scientific merit. There are several issues of which you should aware. First, the Risk Key begins by asking if "there [are] uninfected POC within, near, or downstream of the activity area whose ecological, Tribal, or product use or function measurably contributes to meeting land and resource management plan objectives?" Here, "near" is defined as "within 25 to 50 feet downslope or 25 feet upslope from management activity areas, access roads, or haul routes; farther for drainage features; 100 to 200 feet in streams." The distances here are arbitrary, and although they are perhaps best guesses, the in-stream estimate of 100-200 has little basis and is of particular concern since that is where infection is most likely. Empirical studies have shown that *P. lateralis* can infect a stream even if there is up to 540 feet between the upstream road (inoculum source) and the first cedar (Jules et al. 2002). The FEIS notes that my study (Jules et al. 2002) shows a relationship between distance to the first cedar and infection probability. While this is true, it ignores the simple fact that long-distance infections happen frequently. Models using the same data suggest that infection risk does not reach levels near zero until there is approximately 1,300 feet between the road and the first cedar (Jules et al. 2002). Second, the Risk Key lists "sanitation" as a required management practice. It is important to note that there not consensus among scientists that sanitation will reduce the spread of *P. lateralis*. Again, the FEIS notes that my study shows a relationship between cedar density and infection risk (the more cedar, the higher the infection risk). But it is incorrect to cite this as evidence for the efficacy of sanitation (which we did not and could not analyze). Sanitized sites are excellent habitat for Port Orford cedar recruitment, thus frequent and consistent sanitation of seedlings would be forever be necessitated. It seems clear that this is not a pragmatic approach for land managers. And again, the efficacy of sanitation has not been properly assessed. To date, I know of only one study that has tried to assess the impact of

sanitation on *P. lateralis* spread, and it was hampered by using only one control (comparison) site (Marshall and Goheen 1999).

I believe the FEIS and ROD have not used the best available scientific information to evaluate the spread of *P. lateralis* and the risk that roads and vehicular traffic have in contributing to that risk. At the very least, I'm writing to let you know that the perspective given in the FEIS is not one that is shared by all scientists with expertise in the ecology of Port Orford cedar and *P. lateralis*.

Please do not hesitate to contact me with any questions.

Sincerely,

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- George Sexton, KS Wild

**The views expressed here do not represent those of Humboldt State University.

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SPREAD OF AN INVASIVE PATHOGEN OVER A VARIABLE LANDSCAPE: A NONNATIVE ROOT ROT ON PORT ORFORD CEDAR

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Abstract. Understanding biological invasions requires information on the history of spatial spread, as well as measures of landscape and biotic features that control habitat invasibility. Because invasive species often spread quickly over large areas, attaining these two sets of information simultaneously is uncommon. We studied the spread of a fatal nonnative root pathogen, *Phytophthora lateralis*, across a heterogeneous landscape of its host, Port Orford cedar (*Chamaecyparis lawsoniana*). Within our 37-km^2 study area in southwestern Oregon and northwest California, Port Orford cedar populations are generally restricted to riparian zones along creeks. The pathogen is spread between watersheds in two ways: (1) by spore-infested material being dislodged from vehicles, and (2) by animals or people moving infested mud (i.e., via foot traffic). Using dendrochronological techniques, we determined the date of infection for dead cedars and reconstructed spread history across our study area from 1977 to 1999. Twenty-six of the 36 (72%) separate infection events we identified were caused by dispersal via vehicles along roads, and the remainder by foot traffic. Survival analysis demonstrated that cedar populations in creeks crossed by roads were more likely to be infected than those creeks that were not crossed by roads. Also, a comparison of minimum dispersal distances showed infections that moved via road moved significantly farther than those vectored by foot traffic, and the distance infection traveled declined significantly through time. We also coupled our spread history with measures of landscape and host features, including abundance of potential host trees, the distance from the road surface to the nearest potential host, length of road in immediate contact with the riparian zone, catchment area (a measure of stream flow), elevation, slope, and solar radiation. Our results show that catchment area, host abundance, and proximity to the nearest tree are significantly and positively associated with infection risk. Our study demonstrates that increased connectivity between invasible sites created by the presence of roads can increase invasion success of a plant pathogen. We also document that successful pathogen invasion can be governed by both physical landscape features and attributes of host plant populations.

Key words: Chamaecyparis lawsoniana; *dendrochronology; disease ecology; forest pathogen; invasibility; invasion ecology; landscape heterogeneity;* Phytophthora lateralis; *plant pathogen; Port Orford cedar; spatial spread.*

Introduction

Attention to the biology of invasive species has remained strong among ecologists since the time of Elton's treatment (1958) of the subject over 40 years ago. Invasive species have apparent and well-known ecological consequences for the structure of native communities, including changes in species composition and shifts in disturbance regimes (Drake et al. 1989, Van Driesche and Van Driesche 2000), as well as large economic consequences resulting from invasive agricultural pests, forest pathogens, and diseases of game species (Pimentel et al. 2000). Unfortunately, studies that have attempted to understand the process of invasion have always been hindered by the lack of two crucial components: (1) detailed maps of spread and (2) measures of landscape and biotic heterogeneity that determine differences in the invasibility of regions, communities, or populations. Both components have limited the formation of general rules about factors governing the rate and extent of biological invasions.

Historical accounts, especially maps, have been important in studies of invasive species (e.g., Levin 1992, Shigesada et al. 1995). Time-series maps describing the spread of muskrats across Europe in the late 1800s, cheatgrass across western North America in the early 1900s, and the spread of Africanized honeybees through South America, among others, are familiar to invasion ecologists, and provide valuable information about the rate of invasion and the large-scale patchiness of the expanding distribution of species (Elton 1958, Mack 1981, Williamson 1996). Most often, however,

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it is impossible to document an invasion accurately because of the speed of the invasion and the enormous effort required to track spread over large areas (e.g., Stodart and Parer 1988, Johnson and Carlton 1996). Because the scale of resolution is usually too coarse to determine unique landscape features related to spread, for instance habitat types where spread was relatively fast or slow, most maps of invasions are of limited use for connecting rates and patterns of spread to measured attributes of the native communities they invade.

For invasive species, the spatial distribution of suitable sites and the variation found among sites can mediate the characteristics of spread, and both of these sources of heterogeneity are a key component for understanding invasion processes (Andow et al. 1990, Levin 1992). However, most studies of invasion have ignored spatial and site heterogeneity, either because it is impossible to study differences in invasion rates post hoc given the lack of fine-scale spread data, or because the magnitude of the study needed to collect data on site characteristics across large areas is simply impractical (Mack et al. 2000). This has been especially true for invasive diseases, where both landscape features and host characteristics (e.g., density, vigor, and patchiness of the host organism) can influence the likelihood and severity of disease dynamics (Anderson and May 1986, Jeger 1989, Dwyer et al. 1997). Most studies of disease spread have ignored natural variation and instead have focused on the role of average host and pathogen densities (see Burden and Chilvers 1982), or on the spatial dynamics of disease over relatively homogeneous landscapes of hosts and abiotic conditions (e.g., van den Bosch et al. 1990*a*, *b*, Dwyer 1991).

Any generalized rules we hope to ascribe to invasion processes will benefit from detailed study of the spatial expansion of an invasive population, starting with its initial introduction, across heterogeneous landscapes where site invasibility is readily measurable. In the study presented here, we investigated the role of both abiotic and biotic heterogeneity in governing the spread of an invasive disease on a patchily distributed conifer. Port Orford cedar (*Chamaecyparis lawsoniana*) is infected by a fatal, nonnative root pathogen, *Phytophthora lateralis*. Landscape-level spread of *P. lateralis* spores (i.e., between cedar populations) occurs via vehicles carrying mud and organic material containing spores along roads, and by foot traffic carrying mud and organic material (e.g., hikers and hoofed animals; Hansen et al. 2000). Using dendrochronological methods that enabled us to determine the date of infection for trees, we established the initial infection date of populations within a 37-km^2 study area and reconstructed the spread of the disease over a 23-yr period. Further, we quantified landscape and host attributes that have influenced the successful invasion of healthy cedar populations. This work has three general objectives: (1) accurately describe the invasion dynamics of *P. lateralis* through time; (2) distinguish differences in spread dynamics attributable to the two major vectors (vehicles vs. foot/hoof traffic); and (3) determine to what extent variation in landscape features and host characteristics influences the probability of invasion.

Methods

The host species

Port Orford cedar is a conifer endemic to a relatively small region of northern California and southwestern Oregon. Individuals can attain sizes of up to 3.65 m diameter at breast height (Zobel et al. 1985) and ages of up to more than 900 yr (M. Creasy, *personal communication*). In the range of the cedar winters are cool and wet, and summers are warm and dry (Zobel et al. 1985), restricting Port Orford cedar to areas that maintain significant soil moisture throughout the summer (Zobel and Hawk 1980). Over much of the cedar's range, this moisture requirement restricts the cedar to areas immediately adjacent to water, such that the cedar's distribution closely follows the network of creeks and rivers (e.g., Fig. 1). Consequently, the roots of Port Orford cedar are frequently in direct contact with standing or moving water (Hansen et al. 2000).

The pathogen and its spread

Phytophthora lateralis is a water mold (Oomycetes) that infects the root system of Port Orford cedar and eventually girdles the tree's primary root collar (Hansen et al. 2000). Initial infection of individual cedars occurs when flagellate *P. lateralis* zoospores disperse through water and contact fine root hairs. Infection is fatal for the host plant, with mortality occurring in as little as 2–3 wk for seedlings and 1–4 yr for larger trees (Zobel et al. 1985, Hansen et al. 2000). Although promising testing of resistance is underway, no fully resistant genotype of Port Orford cedar is yet available for outplanting (Hansen et al. 2000). *Phytophthora lateralis* can also infect Pacific yew (*Taxus brevifolia*), although yew infections are relatively uncommon (DeNitto and Kliejunas 1991, Murray and Everett 1997).

Flagellate zoospores of *P. lateralis* are not able to move upstream to any significant extent and thus subsequent infections via water transport only travel downslope and downstream (Zobel et al. 1985). In contrast, movement of the disease over long distances, for example overland from an infected creek to an uninfected creek, is accomplished via chlamydospores, a type of resting spore. These thick-walled spores are more tolerant of dry conditions than zoospores and can be carried in mud or organic material (Hansen and Hamm 1996). Infested mud can be carried along roads by vehicles or heavy equipment (e.g., logging equipment); many infected cedar populations are found in creeks at locations below where roads cross creeks, and are a clear result of mud dislodging from vehicles. While

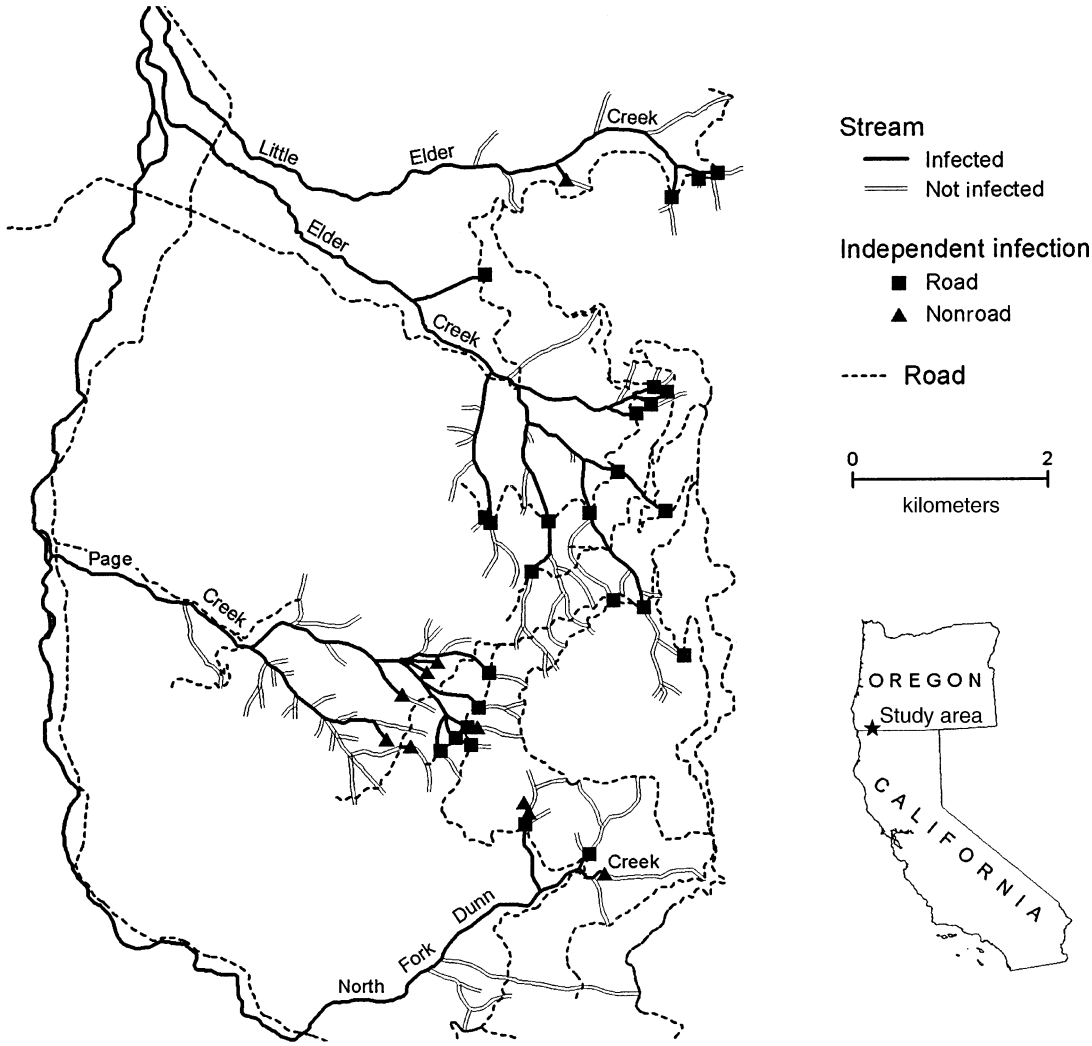

FIG. 1. Distribution of Port Orford cedar and its associated pathogen, *Phytophthora lateralis*, in 1999 within the Page Mountain study area, southwestern Oregon and northwestern California, USA. Cedars in the study area are generally restricted to riparian areas, such that their distribution follows the network of creeks. Independent infection events are those that required transport from an infected creek to an uninfected creek. Squares indicate independent infections via vehicle traffic along roads, and triangles indicate independent infections via animal and foot traffic. Infection from these events spread downstream in water.

vehicles appear to be the primary mechanism of *P. lateralis* dispersal across landscapes, foot traffic also spreads the disease. Wildlife, cattle, hikers, and workers in the woods can transport the pathogen by moving spore-infested mud on feet and boots (Hansen et al. 2000). Hereafter, we use ''foot traffic'' to indicate both foot and hoof traffic.

While infecting a cedar, *P. lateralis* will produce additional zoospores that are transported in flowing water and can infect healthy trees downstream. In some stream surveys, all trees with their roots within the normal winter high water level died from infection (Hansen et al. 2000). Trees on upland sites experience lower mortality rates, which depend on flood frequency and hillslope position, among other factors. In general, entire lengths of infected creeks will contain many standing dead Port Orford cedar within a decade after initial infection.

The initial discovery of *P. lateralis* occurred in 1923 in a nursery near Seattle, Washington, USA, well outside the cedar's natural range (Zobel et al. 1985). In 1952, the disease was first detected in the northwestern portion of the cedar's range near the coastal town of Coos Bay, Oregon, USA (Roth et al. 1957). Spread of the disease was rapid along coastal Oregon over the next few years, and slower into the drier interior. However, as road building and timber harvest accelerated in the 1960s and 1970s, *P. lateralis* invaded remote parts of the range (Hansen et al. 2000). The disease is now found throughout much of the cedar's range. The

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origin of the pathogen is still unknown, although, given how rapidly the disease has spread and that it was first observed outside the cedar's range, it is well accepted that *P. lateralis* is nonnative (Zobel et al. 1985, Hansen et al. 2000).

Study area

The 37-km^2 Page Mountain study area is located in the Siskiyou Mountains, straddling the border of Oregon and California (Fig. 1), and is entirely within the Siskiyou National Forest. Vegetation on upland sites is dominated by mixed conifer forest; the most common trees are Douglas-fir (*Pseudotsuga menziesii*), incense cedar (*Calocedrus decurrens*), tanoak (*Lithocarpus densiflorus*), and Pacific madrone (*Arbutus menziesii*). The most common resource management activity has been timber harvesting; by 1998, 35% of the area had been logged (USDA Forest Service and USDI Bureau of Land Management 2000).

Within the study area, Port Orford cedar is highly restricted to creeks and is the dominant tree in most riparian areas. The area is ideal for our study because the distribution of cedar populations and the distribution of the disease are both discrete (i.e., it matches the distribution of creeks; Fig. 1), and there are at least 63 km of creeks with Port Orford cedar dissecting the study area. Also, there are 93 km of roads throughout the study area with 86 creek crossings. Almost all of these roads are gravel and were built exclusively for timber harvest before the time of initial infection by *P. lateralis*. There is strong evidence to suggest that roads serve as the primary routes for disease vectors (Hansen et al. 2000), thus ample opportunity for infection has been present in the area. Lastly, heterogeneity associated with factors that likely govern *P. lateralis* spread is high. For example, heterogeneity in the ''host landscape'' exists in the abundance of cedar at each creek crossing (i.e., the ''target'' for infection; Fig. 2), as well as the physical characteristics of each creek crossing (e.g., length of road in contact with cedar; Fig. 2).

Mapping

During the summers of 1998 and 1999 we censused all creeks within the study area for the presence of Port Orford cedar and infection by *P. lateralis*. All creeks were assessed as either occupied by uninfected cedar, occupied by infected cedar, or unoccupied by cedar. Using a Geographic Information System (GIS) produced by the USDA Forest Service, the information was assigned to each creek in the database. We digitized creeks we noted in the field that were not present in the existing database. Also available for the study area were spatially referenced data for the road system and elevation that were incorporated into our GIS.

Defining infection sites

Unique *P. lateralis* invasions across the landscape are best described by first determining all points at which new infections have started via transport of the pathogen from one creek to another. Characterizing this type of spread does not require describing the general movement of the pathogen downstream in moving water. Instead, the location of new infections, in general, is indicated by the highest tree killed by infection along a creek. In most cases, this point is just below where a road crosses a creek (Fig. 1). However, we also mapped infections that initiated at points other than road crossings. At these sites, *P. lateralis* was apparently introduced by something other than vehicular traffic; invasions occurred in cedar populations that did not have roads in contact with the creek and were not accessible by All Terrain Vehicles. Thus, all infections were assessed as being either a ''Road'' (via vehicles) or ''Nonroad'' (via foot traffic) infection (Fig. 1). Given their conspicuous association with road crossings, Road infections were assumed to only occur via vehicle travel and never via foot traffic.

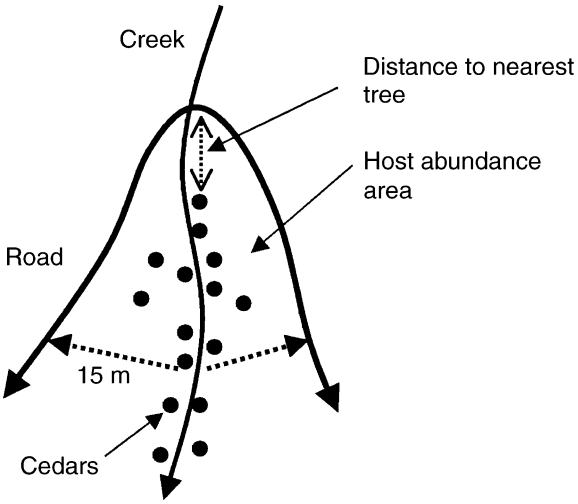

FIG. 2. Example of a road crossing a creek where host cedars may come in contact with spores of *Phytophthora lateralis* deposited by vehicles. Host target abundance below road, distance to nearest cedar, and road distance in contact with creek are shown. Road distance is the amount of road within 15 m of the creek.

We used Arc/Info version 7.2.1 (Environmental Systems Research Institute [ESRI], Redlands, California, USA) to generate basic statistics regarding the distribution of cedar, disease, roads, and creek crossings in the study area. These included the proportion of creek length infected and uninfected, overall road length and density in the study area, number of creek crossings, and elevational extent of the disease.

Reconstructing infection history

Because a creek can be crossed by more than one road, infection can enter some creeks from multiple points and at different times. Thus, for an infected creek, it is impossible to use only our distribution map of infection (Fig. 1) to assess whether infection entered

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(1) only once from the highest, upstream crossing, or (2) first at the lower crossing and then later at the upstream crossing.

To solve this problem, we determined date (year) of each potential infection point by assessing the date of death of standing dead cedar using a standard dendrochronological technique called ''crossdating'' (Douglass 1939, McGraw 2000). Crossdating is based on the premise that the relative size of annual growth rings depends on climatic conditions and, therefore, creates a distinctive temporal pattern (Douglass 1920). For example, during drought years Port Orford cedar usually produces small rings relative to the ring size of the years before and after. For any dead cedar, it is possible to determine the date of death by aligning its growth ring pattern with the pattern derived from healthy trees, where the date that each ring was produced is known (see Stokes and Smiley [1968] and Swetnam et al. [1985] for details). Because the wood of Port Orford cedar is highly rot resistant (Zobel 1986), the annual growth rings of dead cedars are generally intact for many years and can still be analyzed decades after death. Initially, cores of 19 living trees in the study area were used to construct a ''master chronology'' of climatic variation to be used for crossdating. These cores were continually augmented by the addition of growth ring patterns from live trees and dead trees once their ring-width chronologies had been determined. Because of the large number of cores we collected, and because one of us was conducting a related tree coring study in the same area (M. J. Kauffman, *unpublished data*), the resulting master chronology eventually utilized data from 965 cedars.

To determine the dates of all new infections in the landscape, we collected tree ring cores from dead trees at every potential infection site (i.e., in cedar populations below every road crossing and at the top of all Nonroad infections). Wherever possible, two to three cores were taken from each of six trees at each site. In order to be certain that core samples were not missing any of the later rings due to decay, we only accepted core samples for which we could visually detect the smooth patina found at the surface of the vascular cambium (i.e., the outer layer of the last year of growth). In general, we selected the largest trees nearest the top of the infection since, as the largest targets (i.e., those with the greatest root area), large trees are the most likely to be infected first (M. J. Kauffman, *unpublished data*). In total, we collected 973 cores from 436 dead trees in the study area. Crossdating of the cores from dead trees was done using a combination of visual and computer-based (Holmes 1983) techniques. First, the cores were assessed to locate the key ring-width patterns reflected in the wood that are apparent under a stereomicroscope. Using these patterns, the cores were visually crossdated and assigned a year of death. Then, each core was measured to 0.001-mm precision using the Velmex measuring device (TA 4030H1-S6 Unislide, Bloomfield, New York), producing a numeric sequence of ring widths. Using the CoFecha software (Holmes 1983), each individual sequence was compared to the numeric version of the master chronology to produce a level of confidence in the crossdating. Only those cores with high confidence values were included in the analysis.

Crossdating established a year of death for each tree. In many cases, the tree was infected in a year preceding death, creating a latency period defined as the number of years between infection and death. In cores with a latency period, the infection date was estimated as the beginning of a marked and visually apparent decrease in ring width.

Using the infection dates acquired from crossdating, we produced a series of maps that present the spreading distribution of *P. lateralis*. These maps show precise locations of individual infection initiations through time (hereafter termed ''independent infections''), and estimated movement downstream. Downstream dates are based on crossdated trees at various downstream locations and on intensive studies of all trees along several 1–2 km lengths of creek (M. J. Kauffman, *unpublished data*). While we show this estimated downstream movement in order to more completely characterize the invasion process, it should be noted that none of our analyses depend on this estimated rate of downstream movement.

Landscape features

To characterize factors that govern the spread of *Phytophthora lateralis* invasion across the landscape, we measured numerous features at each potential Road infection. We selected features that we believed may be related to the probability of infection entering a creek at a road crossing, such as factors associated with spore movement and viability, and the amount of contact of spore vectors with host targets. To estimate the amount of contact of roads with potential hosts, we measured the length of road surface within 15 m of the creek (''road crossing length''; Fig. 2). Using a GIS, we also calculated elevation, potential solar radiation (in joules per square meter) over seven peak hours of summer solstice (SOLARFLUX model; Rich et al. 1995), slope, and catchment area (amount of land drained to that particular point) for each road crossing. Catchment area reflects the amount of water that may be present in the creek. Catchment area may be important because many of the creeks in our study area become dry during summer, and because survival of *P. lateralis* spores depends on moisture (Hansen and Hamm 1996).

Because Nonroad infections are few and are not associated with particular, discrete routes (e.g., roads), we considered them separately from Road infections. We were interested in the changing spatial configuration of susceptible and infected host populations during the disease invasion, and in the spatial scale of dispersal for these two different types of infections. To measure

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the spatial configuration of healthy and susceptible populations, we calculated the straight-line distance between each healthy stream population and the nearest infected stream segment in each year. To quantify differences between the two types of infection, we determined distance to the nearest potential source of infection for both Road and Nonroad infections. As with the identification of independent infection events, dates of infection were required for this component of the study. For each new infection, we calculated the distance from the top of the infection to the nearest infection that was already present in that year. In particular, we determined this distance using the shortest path from the top of the target infection to any infected creek segment in the study area. This calculation was done using ArcView Spatial Analyst version 2.0 (Environmental Systems Research Institute [ESRI], Redlands, California). Importantly, this method results in a conservative estimate of differences between Road and Nonroad infection distances for two reasons. First, our estimates underestimate the distance inoculum has traveled by vehicle (i.e., Road infections moved along roads, not in a straight line). Second, our estimate of distance for Road infections is a minimum estimate of dispersal distance for most infections, since we only include inoculum sources within the study area; actual dispersal distance could be greater if spores originated from an external source. Our experience suggests that there are no infections in watersheds directly adjacent to our study area that might have acted as sources closer than infections we used to estimate minimum distances.

Target host features

To characterize landscapewide variation in target host populations, we measured features of cedars at each road crossing. First, we counted the number of cedars within 15 m of the creek below roads (Fig. 2). This measure, referred to here as ''host abundance,'' reflects the number of hosts that are immediately available to become infected by spores deposited along the road. For this measure, we used only cedars $\geq$1 m in height because of the difficulty in counting seedlings. Also, we recorded the distance from the road surface to the nearest (first) cedar of any size along the creek (Fig. 2). Besides being a potential factor in disease incidence, this measure has practical applications for managers interested in determining the kinds of creek crossings at which to expect high risk; it is unknown if there is a distance too great for spores to travel downstream from roads and successfully infect cedar.

Statistical analyses

We used survival analysis to compare infection rates between creek populations susceptible to infection via Road and Nonroad vectors. Since this test allows for the use of time (such as time until infection) as a dependent variable, survival analysis increases the power to detect differences in infection risk between groups in many disease studies (Cantor 1997). For this analysis, we delineated individual creek segments having potentially independent infection fates. Each segment was bounded at their top and bottom by any creek confluence or road crossing, except in headwater areas where small branching stream segments were grouped to maintain similarity in drainage areas. We characterized each creek segment as to whether or not it was susceptible to infections transported along roads (i.e., crossed above by a road); all other creek populations were considered susceptible to infection only by foot traffic. Because of the conspicuous nature of Road infections (see *Methods: Defining infection sites*), we consider road crossings to only be susceptible to infection by vehicles. We used the Kaplan-Meier product-limit method to estimate the infection risk of these two groups (Cantor 1997; SAS Version 8.01). This method produces a survival function $S(t)$, which is the probability that an individual creek segment survives (escapes infection) for at least t years. Statistical significance was assessed using the log-rank statistic (Peto and Peto 1972).

To quantify differences in dispersal distances resulting in Road vs. Nonroad infection, we compared the minimum distance of spore travel (see *Methods: Landscape features*) for each infection type at the year of infection using a t test. To understand how the spatial dispersion of susceptible populations changed in relation to the location of infected populations, we calculated the distance to the nearest infection for each healthy and infected stream population in each year. For the healthy populations in each year, we further characterized the variation in distance to the nearest infection by calculating the 1st, 5th, 10th, 33rd, 66th, 90th, 95th, and 99th percentiles of the total distribution of nearest distances. To assess if minimum dispersal distances changed through time, we regressed minimum distance of spore travel for successful infections on year of infection.

Because most infections are directly below road crossings, a second goal of this work was to assess the attributes that facilitate *P. lateralis* invasion of cedar

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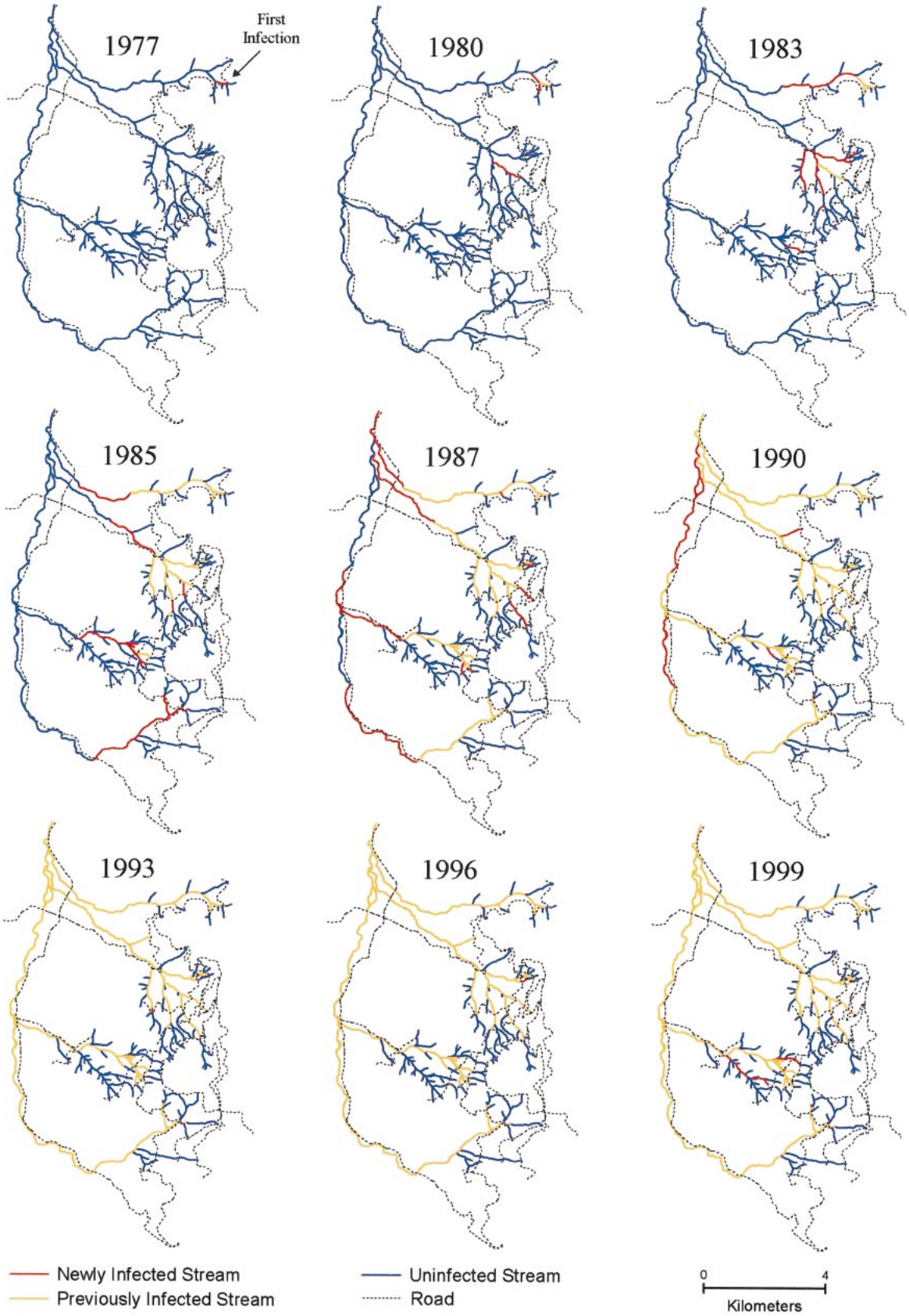
FIG. 3. Time-series maps indicating the spread of *Phytophthora lateralis* infection on Port Orford cedar across the Page Mountain study area, southwestern Oregon and northwestern California, USA, from 1977 to 1999. Note the initial 1977 infection in the northeastern corner of the map. Not all time intervals are equal. Intervals were selected to show most salient features of spread over the 23-yr period; 3-yr intervals are used in most cases, and 2-yr intervals during the peak infection period (1984/1985 and 1986/1987). Newly infected areas (red) indicate all infections initiated at any time during each time interval shown, and previously infected areas (yellow) indicate infections initiated in any previous interval.


1977
First Infection
1980
1983
1985
1987
1990
1993
1996
1999
Newly Infected Stream
Previously Infected Stream
Uninfected Stream
Road
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populations in creeks that are contacted by roads. For this subset of cedar populations, we again used a type of survival analysis to detect attributes of host stands that significantly influence infection risk. In this case, we used proportional hazards regression, which uses a hazard function defined as $h(t,\mathbf{x}) = h_0(t)\exp(\boldsymbol{\beta}'\mathbf{x})$, where $h_0(t)$ is the baseline hazard function and $\mathbf{x}$ is a vector of covariates (SAS procedure PHREG; Cantor 1997). The fitted hazard function was used to obtain the survival function $S(t)$, which describes the probability of a cedar population escaping infection for at least t years based on population-level attributes measured in the field (Fig. 2). Explanatory variables tested included elevation, solar radiation, slope, catchment area, host abundance, distance to the nearest cedar, and road crossing length. Significance of explanatory variables was assessed using likelihood ratio tests for pairs of nested models that varied only in the inclusion of the parameter of interest (Hilborn and Mangel 1997). The statistic used for this test is $-2(\mathcal{L}_{\text{reduced}} - \mathcal{L}_{\text{full}})$, where $\mathcal{L}$ denotes the log-likelihood of the observed survival data given the full or reduced model; for all comparisons, the same full model was used, which included all explanatory variables. This test statistic is distributed as a χ^2, with degrees of freedom equal to the difference in the number of parameters included in the two compared models. We further explored the contribution of each of the significant covariates to infection risk by manipulating the fitted survival function. To do this, we varied each explanatory variable independently across a range of values found in the study, while holding all other variables at their mean values (SAS procedure PHREG; Cantor 1997).

Assessment of previous monitoring

Newly emerging diseases often force managers to utilize coarse surveys of disease distribution and a limited understanding of the biology of dispersal. Thus, we employed our census data to assess one such example of a coarse survey. The USDA Forest Service has been monitoring the extent of *P. lateralis* across federal lands occupied by Port Orford cedar (Greenup 1998). The extent and thoroughness of these surveys varies across the four National Forests that contain Port Orford cedar (Siskiyou, Rogue River, Six Rivers, and Klamath National Forests; D. Kroeger, *personal communication*). In some areas, for example, surveys were coupled with extensive vegetation surveys and may be quite accurate. In many other areas, most infections of cedar were mapped using surveys done by driving along forest roads, or by experienced Forest Service personnel who have extensive knowledge of particular areas (L. Pera, *personal communication*). In the Page Mountain study area, the Forest Service survey data note infections found, mainly through roadside surveys, up to 1995.

We compared the USDA Forest Service data with our own, using infections that would have been visible in 1995. Because no new infection occurred in 1992–1994, we were not concerned with latent infections that were not visible to surveyors in 1995. Specifically, we noted the proportion of Road infection sites not found by the USDA Forest Service, Nonroad infection sites not found, and the number of uninfected sites that were misidentified as infected. Because surveyors could not identify independent infections as we did using infection dates, we considered all road crossings that were infected in 1995, regardless of whether they were independent infections or those caused from downstream movement of spores. We also determined the number of Nonroad infections that were detected by 1995 in the USDA Forest Service survey.

RESULTS

Census results: disease, cedars, and roads

Port Orford cedar was distributed widely across the study area, occupying areas adjacent to almost every creek censused (Fig. 1). Approximately 63 linear kilometers of creek was occupied by cedar. This length, however, is an estimate because we did not locate the highest occurrence of cedar in creeks that were flowing from the top of watersheds with no roads above (i.e., headwaters). The few creeks without cedar were dry, south-facing creeks (not shown on Fig. 1). Cedar were found at most elevations within the study area, with the exception of high ridges forming the area boundaries.

Of the 63 km of creeks with cedar, *Phytophthora lateralis* infection was found along 29 km (46%; Fig. 1). No major watershed within the study area was free of the pathogen. The majority of independent infection events (26 of 36 events = 72%) began directly at locations where roads cross creeks (Road infections). Of the 86 road crossings of cedar-occupied creeks, 37 (43%) were infected by 1999. Of the total of 65 creeks without road crossings, ten (15%) were infected (Nonroad infections). Even though Nonroad infections were not in direct contact with any roads, all of these infections had a road somewhere uphill, above them. That is, only creeks in headwater positions, above the entire road system, always remained uninfected (Fig. 1).

Spread of infection through time

We were able to determine the earliest infection date for almost all potential infection initiation locations. Of the 436 dead trees sampled, 43 trees were observed dying during the course of the study and cores from 10 trees were too damaged to attempt crossdating. Of the 383 remaining trees, 81.7% (313 trees) were crossdated with high confidence (i.e., crossdated with certainty using both visual and statistical methods). These trees afforded an average of 196 annual ring-width measurements used in the crossdating (range 59–486 yr). Importantly, in all but two locations, most of the six trees cored were crossdated with high confidence,

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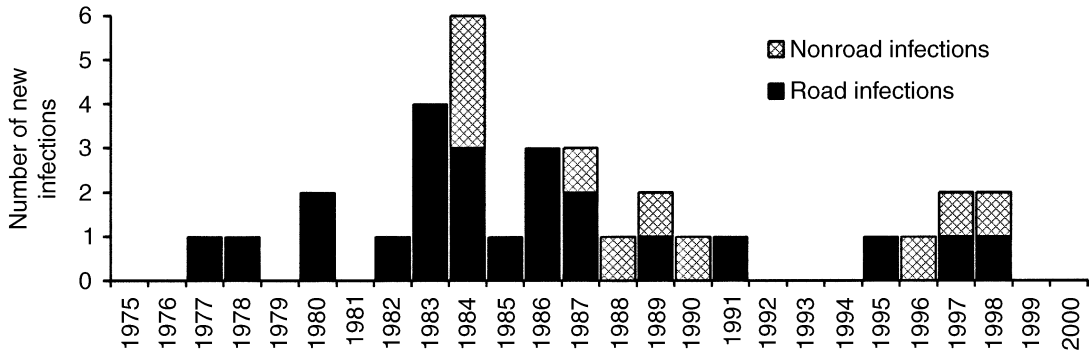

FIG. 4. The number of new independent infection events of *Phytophthora lateralis* on Port Orford cedar occurring between 1977 and 1999. Infections that traveled by vehicles (Road infections; solid bars) and animals/hikers (Nonroad infections; hatched bars) are distinguished.

allowing for a satisfactory date to be determined. The two locations where trees were too young for infection to be determined were omitted from both survival analyses.

Cedars used in the crossdating analysis ranged up to 634 yr in age, and the master chronology included growth information for dates starting in the year 1356. Crossdating revealed that some standing dead cedar in the site had not died of infection by *P. lateralis* and showed the longevity of decay-resistant Port Orford cedar. For instance, we crossdated (with high statistical confidence) one tree that had been dead since 1738. Similarly, several other trees died >100 yr before we collected our cores (e.g., 1858, 1890, 1895).

The study area was free of infection in 1976 and was infected by an outside source the following year (Fig. 3, northwest corner). It is unclear where the initial infection came from, although by 1977 infection was common in coastal areas of Oregon and probably inland sites closer to our study area. After the initial 1977 infection, the next infection was nearby along the same road in the same watershed (Fig. 3). A longer distance movement occurred in 1980, when a new infection was initiated in the watershed south of the first infection (Fig. 3). Between 1977 and 1999 the disease spread over much of the study area. The first Nonroad infections occurred in 1984 (Figs. 3 and 4). In total, we identified 36 independent infection events (Fig. 3). Downstream movement of infection proceeded from these infected sites throughout the 23-yr period (Fig. 3). In eight cases, a creek crossed by two roads was infected first at the lower crossing and later at the higher crossing.

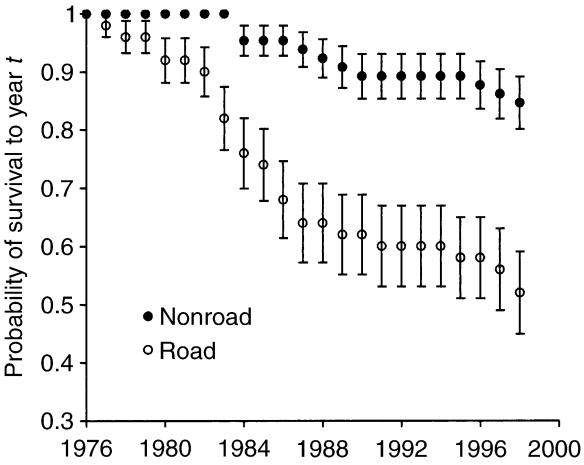

FIG. 5. Kaplan-Meier survival estimates for creek populations of Port Orford cedar in the Siskiyou Mountains of southwestern Oregon. The vertical axis denotes $S(t)$, the probability of escaping infection until the year t. Survival estimates are shown separately for those populations capable of receiving spores from roads and those that are not potentially infected via roads. Error bars indicate ±1 SE.

Statistical analyses

Survival analysis showed a significant difference in infection probability between creek populations susceptible to Road (n = 50 populations) and Nonroad (n = 65 populations) vectors (log-rank χ^2 = 16.33, df = 1, $P < 0.0001$). Kaplan-Meier survival curves illustrate a longer mean survival time for sites which were not vectored by roads (Fig. 5). Minimum dispersal distances were also significantly different for these types of infections. The average distance to the nearest infection at the year of infection was 758 ± 193 m (n = 23 infections) for Road-vectored infections, and 168 ± 24 m (n = 9 infections) for Nonroad-vectored infections (t = −3.03, df = 23, P = 0.003). As well, throughout the 23 yr of invasion, the distance from infected sites to all susceptible, uninfected sites declined (Fig. 6), and the minimum distance traveled to new infections declined significantly (r^2 = 0.223, P = 0.006; Fig. 6).

Proportional hazards regression conducted on the subset of stream populations that were crossed by roads revealed the contribution of population-level attributes to invasion risk (Tables 1 and 2). The best-fit model showed strong influences on infection rates due to catchment area, host abundance and distance from the

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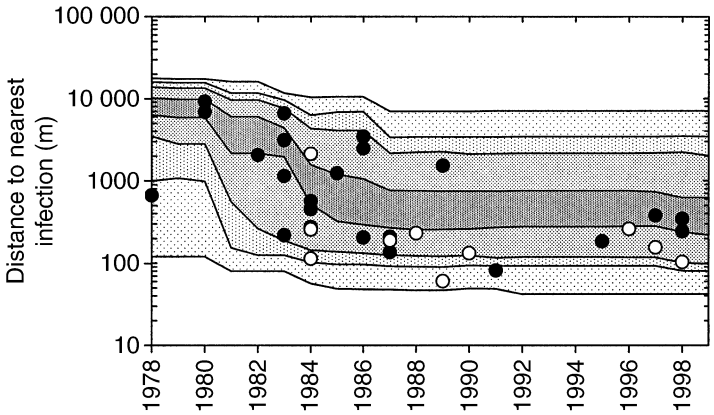

FIG. 6. Distance from all susceptible Port Orford cedar populations to the nearest *Phytophthora lateralis* infection from 1978 to 1999. Shaded sections indicate percentiles of the distribution of all susceptible populations (1st, 5th, 10th, 33rd, 66th, 90th, 95th, and 99th percentiles from bottom to top). Circles indicate the distances from populations that became infected that year to their nearest existing infection. Closed circles indicate Road infections, and open circles indicate Nonroad (foot traffic) infections.

road to the nearest cedar. Each of these factors was significant based on likelihood ratio tests on pairs of nested models (Table 2). Incidence of infection was positively associated with measures of drainage area and host abundance, and negatively associated with distance to nearest tree (Table 1). None of the additional explanatory variables (crossing size, elevation, solar radiation and slope) were significant (Table 2). It is important to note, that host abundance and distance to nearest tree were correlated (Pearson's correlation; rho $= -0.317$, $P = 0.006$). However, we tested the effect of each variable on a reduced model which included the effect of the other correlated variable, indicating that both measures are significant predictors of infection risk. Exploration of the fitted survival function suggests that all three significant variables play a meaningful role in controlling infection risk (Fig. 7).

Assessment of previous monitoring

U.S. Forest Service surveys of the Page Mountain study area were strikingly different than our census of the same area. Their survey revealed 15 of the total 31 (48%) infections present at road crossing in 1995 (Fig. 8). One of seven (14%) Nonroad infections were found, and 3 uninfected locations were misidentified as infected (Fig. 5). In total, 16 out of 38 (42%) infections were detected in the U.S. Forest Service survey.

DISCUSSION

We were able to successfully reconstruct the invasion of *Phytophthora lateralis* across a variable landscape of Port Orford cedar populations. By analyzing the spatial chronology of this disease invasion, we were also able to identify two different scales of pathogen dispersal that are important in mediating the rate and pattern of invasion. The network of roads serve as routes for the primary dispersal vectors (vehicles) connecting populations over landscape-scale distances, while local, small-scale invasions are maintained by short-distance dispersal via foot traffic. Furthermore, the success of long-distance invasion events along roads are clearly mediated by attributes of the connected populations. Specifically, our study shows that successful invasion of *P. lateralis* was higher in cedar populations that had high creek flows and dense stands of hosts in close proximity to road vectors.

Road vectors and dispersal limitation

Roads have been regarded as important in numerous other systems in which they facilitate dispersal of non-

TABLE 1. Summary statistics for road crossings containing Port Orford cedar that are either uninfected or infected by *Phytophthora lateralis*.

		Uninfected (N = 48 catchments)		Infected (N = 26 catchments)	
Measure	Units	Mean	1 SE	Mean	1 SE
Distance to nearest tree	meters	**117.7**	**32.0**	**10.5**	**6.3**
Host abundance	no. trees	**6.3**	**1.6**	**18.5**	**3.2**
Slope	degrees	14.2	0.9	13.8	1.3
Crossing size	meters	40.5	1.9	43.5	4.3
Elevation	meters	1157.3	27.1	1082.0	31.4
Catchment area	km^2	**1759.3**	**368.9**	**3924.5**	**910.6**
Solar radiation	joules/m^2	1.48×10^7	1.40×10^5	1.44×10^7	2.53×10^5

Notes: Infected crossings summarized here are only those crossings that were infected by independent infection events via vehicles, not infection that arrived in flowing water from upstream infection. Factors in bold indicate those with significant effects on infection risk (see Table 2).

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TABLE 2. Proportional hazards regression model of *Phytophthora lateralis* infecting road populations of Port Orford cedar.

Explanatory variable	Log-likelihood	χ^2	df	*P* value
Distance to nearest tree	−97.342	3.927	1	**0.0475**
Host abundance	−98.262	5.767	1	**0.0163**
Slope	−95.652	0.546	1	0.4600
Crossing size	−95.501	0.244	1	0.6213
Elevation	−95.379	0.001	1	0.9748
Catchment area	−98.195	5.633	1	**0.0176**
Solar radiation	−95.782	0.806	1	0.3693
Full model	−95.379	23.4093	6	0.0007

Notes: Results are of likelihood ratio tests for significance of explanatory covariates. For each explanatory variable, the log-likelihood is shown for the reduced model, which excludes that variable. The likelihood-ratio χ^2 value is calculated as $-2(\mathcal{L}_{\text{reduced}} - \mathcal{L}_{\text{full}})$. The reduced model used to test the full model has no covariates and a log-likelihood value of −107.205. Factors in bold have significant effects on infection risk.

native species and pathogens (Tyser and Worley 1992, Wilson et al. 1992, Parendes and Jones 2000). However, quantification of these effects has only rarely been carried out. Of the 36 independent infection events we found, 26 (72%) were vectored along roads. Due to their higher susceptibility, infection of creek segments below roads was not only more common, but occurred earlier in the 23 yr of infection (Figs. 3 and 4). The first Nonroad infection occurred 7 yr after the initial 1977 infection; during that same period 11 additional infections were initiated along the roads. All roads except one in the study area were built to aid in timber harvesting. Because large vehicles and heavy equipment associated with timber harvesting are suspected to transport more mud and organic material than passenger vehicles, timber harvest activity is often thought to increase disease incidence (see Hansen et al. 2000). Interestingly, there were no infections during the period 1992–1994 (Fig. 4), a period that coincides with a cessation of timber harvest due to legal injunctions concerning the northern spotted owl (*Strix occidentalis*; Marcot and Thomas 1997). This decline in new infections is partially illustrated in Fig. 3 (1993 and 1996 maps).

While less important then roads, foot traffic also vectored *P. lateralis* (Figs. 1 and 4). All of these infections appeared to be in areas into which people or animals could easily transport disease. In fact, all of the Nonroad infections were within the system of roads in the study area; no infection was found in roadless watersheds or in headwater sites above all roads. One Nonroad infection began in an apparent bear wallow, along a well-used wildlife trail.

Dispersal of infection via roads occurred over greater distances than those that moved via foot traffic (Fig. 3). Infections via roads moved up to 3.8 km, while the longest distance that infection traveled via foot traffic was 264 m. Importantly, the apparent transport between the four subwatersheds in the study area (Fig. 1) always occurred by vehicles moving along the road system. Foot traffic appears to be a more localized phenomenon, acting diffusely to ''fill-in'' uninfected sites surrounding infected creeks after development of the ep-

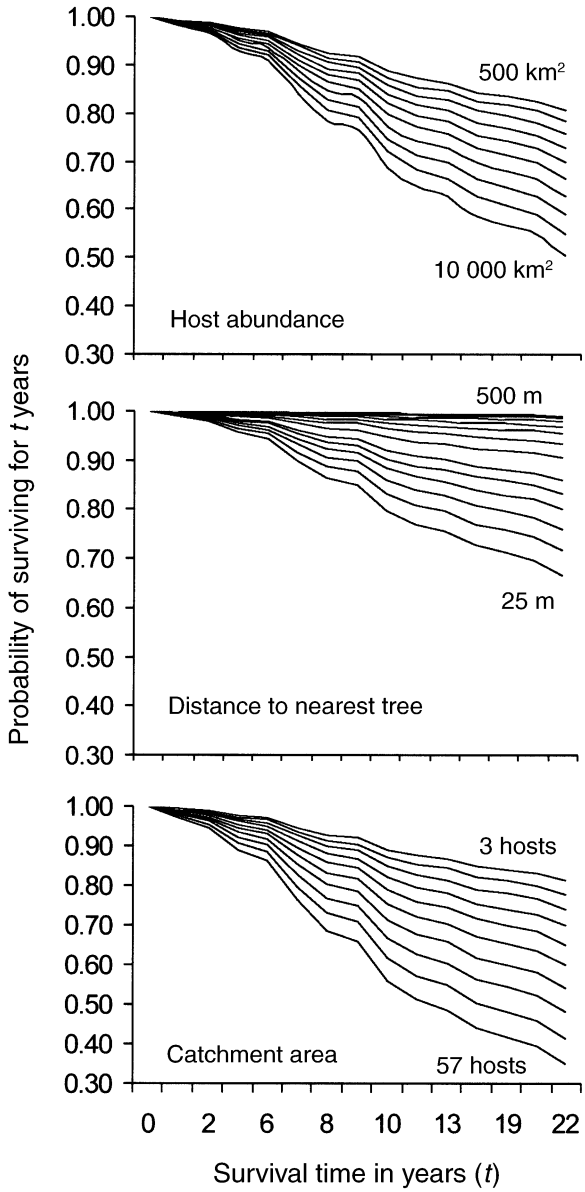

FIG. 7. Expected survival functions $S(t)$ for host populations which vary in their physical attributes. Each survival function estimates the probability of a cedar population with the given attributes escaping infection for at least t years. Functions were created by varying individual covariate values while holding other covariate values at their means: catchment area = 2520.01 km², distance to nearest tree = 80.05 m, and host abundance = 10.55 cedars. Catchment area was varied from 500 km² to 10 000 km² in increments of 500. Distance to nearest tree was varied from 25 m to 150 m by 25-m intervals, and from 150 m to 500 m by 50-m intervals. Host abundance was varied from 3 to 57 cedars in increments of 6 cedars.

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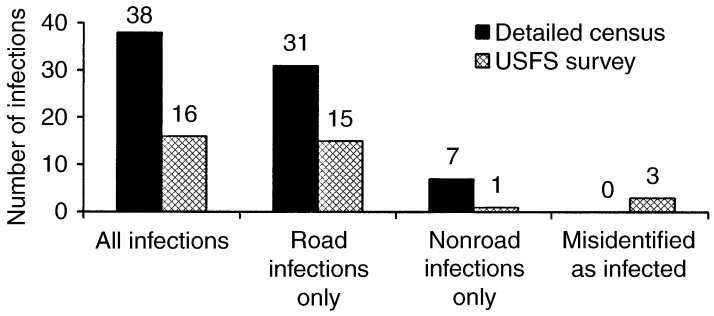

FIG. 8. Summary results of a comparison of a U.S. Forest Service survey and the census performed in the Page Mountain study area, southwestern Oregon and northwestern California, USA.

idemic throughout the landscape. The fact that these short-distance, nonroad infections did not occur until after the seventh year of this disease invasion is presumably a function of the number and spatial configuration of infected creeks (inoculum sources) relative to susceptible stream populations (Fig. 6). Our measure of spatial configuration seems to support this notion as well. First, and not surprisingly, the average distance to nearest infection declined throughout the study for all susceptible populations (Fig. 6). Second, the susceptible populations that did become infected were located more or less randomly across the nearest-neighbor distribution in the first half of the epidemic, but tended to occur at the shorter distances later on (Fig. 6).

Factors influencing host population invasibility

Invasion was also strongly mediated by variation in physical attributes and spatial configuration of cedar populations that were crossed by roads. Risk of infection for these creek populations increased with increasing catchment area, increasing cedar abundance, and decreasing distance to the nearest cedar located below the road crossing.

Catchment area was a highly significant factor affecting survivorship in the proportional hazards regression (Table 2, Fig. 7). Catchment area is most directly an indicator of streamflow in each creek. Crossings with high catchment areas were more likely to have flowing water during the dry summer months, while low catchment area sites were often seasonal (i.e., fall through spring) creeks (authors' *unpublished data*). That sites with large creeks or more persistent creeks are more likely to become infected fits well with the biology of *P. lateralis*, because high-flow creeks create higher quality habitat for deposited spores. Further, higher levels of moisture throughout the dry season increase both the length of the season that successful infection is possible, and the rate at which deposited resting spores may survive from one wet season to the next (Hansen and Hamm 1996).

Abundance of the host species and its proximity to road surfaces also act to govern the spread of the invasion along the road system. Both host abundance and distance to the nearest tree were significant variables in the proportional hazards regression model (Table 2). Expected survivorship curves illustrate that the natural levels of variation in host abundance that we recorded may have large effects on risk of population infection (Fig. 7). When only a few hosts are present, the probability of a creek population remaining uninfected over our 23-yr study is over twice as likely (3 hosts = 81%) than when numerous individual hosts are present (57 hosts = 35% probability of escaping infection; Fig. 7). Most likely, this is a result of *P. lateralis* dispersal events that, while probably quite common across the landscape, deliver concentrations of propagules small enough to limit their probability of root contact and subsequent infection.

Model predictions also show that the distance to the nearest host from the presumed dispersal source (road surfaces) can affect infection probability over short distances. Indeed, the maximum observed distance that spores had successfully dispersed off a road surface in our study was 165 m. Model projections further indicate that stream populations located more than 200 m from the road surface have only a 10% probability of becoming infected, while populations located >400 m have little or no chance of infection. Successful spore dispersal in flowing water most likely follows a diminishing function with distance from source, controlled by the rate at which spores settle out of moving current, or the physical stress of water transport, which may render unsettled spores nonviable. It is important to also note that since these two measures of host abundance and distance are correlated, actual infection rates will vary more dramatically than we have estimated using mean (and fixed) covariate values.

Considerable debate exists on the relative importance of dispersal limitation and site susceptibility for governing the spread of invading organisms (Shurin 2000, Tilman 1997). Some researchers have suggested that dispersal limitation will be more important than local characteristics in the early stages of invasion, with site characteristics becoming more important after the invader becomes more common and dispersal is no longer limited (Wiser et al. 1998). In their 23-yr study of *Hieracium lepidulum*, Wiser et al. (1998) found that site characteristics explained more of the variation in invader distribution as the invasion progressed. We do

not test this relationship directly in our study; however, two site factors important in this study—host abundance and distance to nearest tree—will strongly interact with dispersal limitation.

We also document two important types of heterogeneity in this system: variable ''contact rates'' between infected and susceptible host populations and variable levels of susceptibility to infection among healthy populations. Both of these factors are likely to be important for disease dynamics in this system (Bolker et al. 1995). The first source of heterogeneity—variable contact rates—is due to the ways in which *P. lateralis* spores can be transported. An infected stream population can spread disease to nearby neighbors via foot traffic or it can come into contact with relatively distant neighbors through vehicle-mediated dispersal along the road network. The important result derived from other disease systems where variable contact rates exist (e.g., HIV in humans [May and Anderson 1988]; fox rabies [White et al. 1995]; foot-and-mouth disease [Ferguson et al. 2001]) is that the upper range of contact rates, not the mean level of contact, most strongly determines rates of spread. For example, Ferguson et al. (2001) demonstrated that the recent epidemic of foot-and-mouth disease across the Great Britain countryside expanded rapidly at first due to high rates of contact of infected animals with other susceptibles at livestock auctions. Similarly, large-scale pathogen dispersal along roads in the cedar–*Phytophthora* system is likely to be more important than mean dispersal distances in governing invasive spread rates in currently uninfected regions.

The variation in susceptibility to infection at creek crossings creates a second form of heterogeneity among host populations. We have shown that this type of spatial heterogeneity will be important in regulating current rates and patterns of disease spread (Fig. 7) and work on other systems suggests it will play a role in the long-term maintenance of pathogen endemicity as well (Bolker and Grenfell 1995). For instance, in currently uninfected watersheds, the number or severity of new infections needed to satisfy threshold conditions for new epidemics may be higher due to such host patchiness (Onstad and Kornkven 1992). Alternatively, these levels of heterogeneity may act to stabilize host–pathogen dynamics, enhancing the likelihood of endemic, long-term infections of this nonnative pathogen (Huffaker 1958, Thrall and Antonovics 1995, Bolker and Grenfell 1996).

Future spread and management considerations

Study of *P. lateralis* invasion through time suggests that we may expect a continued spread of the disease in the Page Mountain study area. Vehicles traveling along roads will continue to spread inoculum as there are many uninfected susceptible creek crossings. The U.S. Forest Service has instituted seasonal road closures (i.e., gating of roads in the wet season) and this may slow the spread. However, even if all roads were permanently closed to vehicular traffic, we believe that human and animal foot traffic would continue to spread the disease into uninfected creeks, albeit at a much slower rate. Importantly for rangewide considerations of Port Orford cedar, our data suggest that isolated, roadless watersheds (not found within our study area) may have extremely low risk of infection, because there is probably a limit to how far foot traffic can disperse *P. lateralis* spores. Maintaining areas free of vehicle traffic is likely to be an effective strategy for slowing *P. lateralis* invasion. Our results also help explain why spread of the pathogen was observed to be rampant when it was first introduced into the cedar's range in 1952. *Phytophthora lateralis* first invaded the moister coastal portion of the range, where cedars are not restricted to riparian areas, and we suspect that two significant factors we studied contributed to higher susceptibility of hosts. In general, host abundance near road crossings is greater in coastal populations and distance to the nearest tree is lower. These high-risk factors help explain the fast rates of *P. lateralis* movement in coastal populations.

A commonly suggested and employed management technique for slowing the spread of *P. lateralis* has been the reduction of cedar density (i.e., harvesting of cedar) in potentially infected sites near roads (see Goheen 2000). Although our results show that lower densities of cedar near crossings are strongly associated with decreased disease risk, the efficacy of harvesting healthy cedar is suspect for several reasons. Most importantly, the intensity of management effort needed to bring about substantive reductions in infection risk is rarely employed and difficult to achieve. Specifically, reducing host abundance and distance to the first tree to the extent needed to prevent infection with certainty is impractical and unrealistic (Fig. 7). Moreover, since Port Orford cedar easily recruits abundant seedlings in moist areas near roads (Greenup 1998, Hansen et al. 2000), maintaining cedar-free areas is likely to be impractical.

Managers creating strategies to slow *P. lateralis* spread that utilize existing U.S. Forest Service maps should be aware of potential shortcomings of past surveys (Fig. 8). In most areas of infection, managers should expect higher risks of spread. Similar cautions are probably appropriate for managers confronted with the numerous other forest pathogens currently spreading across large areas (Kelly 2001, Svihra 2001).

Conclusions

The rate and extent of invasion by *Phytophthora lateralis* across our study landscape was influenced by several factors that have been previously predicted to be important by invasion ecologists. Both physical landscape features (i.e., sufficient water) and biotic features (i.e., suitable host populations) appear to mediate spread. The heterogeneity of these factors amongst host

populations has, in part, governed the historical spread of this disease invasion. That many target populations are at low risk, and currently remain uninfected, indicates that the current distribution of the pathogen is a poor metric of long-distance dispersal events. The movement of *P. lateralis* on vehicles has probably resulted in many importations into creeks that failed to produce infection. Dispersal by smaller scale vectors, such as foot traffic, was probably limited by characteristics of susceptible populations, although we could not test this directly. Importantly, however, our study shows that the short-distance movement in a given area is first initiated by necessary dispersal over long distances.

Our study points to the importance of focusing attention on the spatial structure of potential invasion sites and its effect on invasions in general. This is especially important for disease invasions for two reasons. First, most disease invasion studies to date have only assessed spread across homogeneous populations and landscapes. Second, what limited empirical work exists, including ours, suggests that variation in susceptibility will be an important trait mediating spread. Our study is unique in that we were able to quantify variation in susceptibility resulting from physical factors of the landscape as well as population-level attributes of the host. Finally, the power of our analysis of spread was increased markedly because we were able to reconstruct invasion history from the time of the initial infection. Furthering our understanding of what governs invasion in other systems will likewise benefit from coupling accurate spread histories with measures of heterogeneity across landscapes.

Acknowledgments

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HETEROGENEITY SHAPES INVASION: HOST SIZE AND ENVIRONMENT INFLUENCE SUSCEPTIBILITY TO A NONNATIVE PATHOGEN

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Abstract. Theoretical study of invasion dynamics has suggested that spatial heterogeneity should strongly influence the rate and extent of spreading organisms. However, empirical support for this prediction is scant, and the importance of understanding heterogeneity for real-world systems has remained ambiguous. This study quantified the influence of host and environmental heterogeneity on the dynamics of a 19-year disease invasion by the exotic and fatal pathogen, *Phytophthora lateralis*, within a stream population of its host tree, Port Orford cedar (*Chamaecyparis lawsoniana*). Using dendrochronology, we reconstructed the invasion history along a 1350-m length of infected stream, which serves as the only route of pathogen dispersal. Contrary to theoretical predictions, the temporal progression of the disease invasion was not related to a host's downstream spatial position, but instead was determined by two sources of heterogeneity: host size and proximity to the stream channel. These sources of heterogeneity influenced both the epidemic and endemic dynamics of this pathogen invasion. This analysis provides empirical support for the influence of heterogeneity on the invasion dynamics of a commercially important forest pathogen and highlights the need to incorporate such natural variability into both invasion theory and methods aimed at controlling future spread.

Key words: disease invasion; environmental heterogeneity; host heterogeneity; invasion ecology; nonnative pathogen; spatial spread.

INTRODUCTION

Empirical studies of biological invasions have provided considerable evidence that invadable sites are heterogeneous in their susceptibility to invasion. In fact, this is perhaps the most ubiquitous and general result from a large and growing body of work (Moyle and Light 1996, Stohlgren et al. 1999, Mack et al. 2000, Ferguson et al. 2001). Thus, for most scenarios of invasive spread, we should expect strong heterogeneities to exist that can influence the rate and pattern of invasion. And yet, there are still relatively few studies that have attempted to quantify the influence of spatial heterogeneity on the invasion process (Rouget and Richardson 2003, Hastings et al. 2005). This lack of data is fast becoming a hindrance to the development of predictive and useful models of spread. Moreover, lack of empirical support has meant that the importance of including measures of heterogeneity in studies aimed toward management of invasive species remains unclear.

One important reason for the scant number of studies that carefully assess the role of spatial heterogeneity in the invasion process is the difficulty of following spread across a meaningful temporal scale, while simultaneously quantifying important sources of heterogeneity (Smith et al. 2002, Rouget and Richardson 2003). In the work presented here, we have used a 19-yr spread history of a nonnative plant pathogen to study invasive spread over a naturally complicated landscape, where variation in host susceptibility represents an important source of heterogeneity capable of mediating the invasion process. Disease invasions are unique among biological invasions due to the dependence of the pathogen on a native host. However, when a pathogen is first colonizing new hosts, disease spread is driven by pathogen production, dispersal, and host susceptibility, factors which are equally important to nondisease invasions (Mollison 1986). Additionally, there are numerous sources of heterogeneity that have the potential to mediate the rate and pattern of plant disease invasions (Colhoun 1973, Burdon et al. 1989). Among the factors influencing susceptibility are environmental conditions (Jarosz and Burdon 1988), genetic variation (Parker 1985, Burdon and Jarosz 1991, Alexander and Antonovics 1995), and physical factors such as host size (Roche et al. 1995, Morrison 1996).

While the role of various sources of heterogeneity remains largely unexplored, the rich history of research on plant pathogens in agricultural systems does provide some important insights. For example, spatial models evaluating the utility of crop mixtures indicate that the velocity of pathogen spread should increase with the proportion of susceptible plants (van den Bosch et al.

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1990). In a large-scale field test of these ideas, Zhu and co-workers (2000) found lower disease levels in fields planted with mixtures of resistant and susceptible cultivars. However, in natural systems host and environmental heterogeneity often vary continuously and may lead to complex dynamics different than those predicted for agricultural systems (Alexander 1989).

One of the most intriguing and general results from work on nonplant diseases is the prediction that heterogeneity in transmission rates has a stronger effect on disease progress than that of mean levels. For example, in the study of HIV in humans, May and Anderson (1988) have shown that heterogeneous sexual behavior will speed up epidemic progress initially but will also lead to more sustained infection rates after the peak of the epidemic (i.e., at the tail of the distribution). In one of the few studies in natural disease systems where host heterogeneity has been investigated empirically, Dwyer et al. (1997) have shown that variation in host susceptibility leads to more strongly nonlinear transmission dynamics of the nuclear polyhedrosis virus in gypsy moths (*Lymantria dispar*). In this system, host heterogeneity acts to facilitate epidemic development due to the presence of a few highly susceptible hosts. Interestingly, heterogeneity in host susceptibility also acts to stabilize longer-term disease dynamics in this system (Dwyer et al. 2000). Similarly, heterogeneous behavior (in this case, movement) of a few individuals can increase invasion speed compared to that predicted by average behavior alone (Goldwasser et al. 1994).

How important are such sources of heterogeneity and how general is their influence in natural systems? To inform the further development and validation of invasion models, we still need to characterize, in a more formal and quantitative fashion, the degree to which heterogeneities govern invasion dynamics. In this study, we utilized standard tools of dendrochronology (Douglas 1934) to reconstruct a 19-yr invasion by the introduced root pathogen, *Phytophthora lateralis*. The invasion was reconstructed within a large stream population of the pathogen's only common host tree in western North America, the native conifer, Port Orford cedar (*Chamaecyparis lawsoniana*). Port Orford cedar is restricted to riparian corridors in our study area, and the pathogen is dispersed downstream in flowing water, infecting new hosts along the stream bank as the epidemic progresses and killing all hosts that become infected. Using this reconstructed invasion history, we sought to quantify the influence of two distinct forms of heterogeneity: (1) differences in host size and (2) proximity to the stream, on the spatial and temporal dynamics of invasion.

Material and Methods

Study system

Port Orford cedar is endemic to northwestern California and southwestern Oregon, where it frequently attains sizes of 100 cm diameter at breast height (maximum, 3.8 m; Zobel et al. 1985) and is an important component of riparian forests (Hansen et al. 2000). The cedar is the primary North American host of *P. lateralis*, which was first found in the northern part of the cedar's range in 1952 (Roth et al. 1957). Although the geographic origin is unknown, *P. lateralis* is clearly nonnative (Hansen et al. 2000) and has spread throughout much of the cedar's range since the time of its introduction (Zobel et al. 1985). The pathogen attacks the cedar's root system, killing seedlings in two to three weeks and larger trees in one to eight years, by girdling the tree's primary root collar (Zobel et al. 1985, Kauffman 2003). To date, no evidence exists for fully resistant cedar genotypes; once infected, all trees eventually die (Hansen et al. 2000).

Long-distance spread between cedar populations found in different watercourses occurs as resting spores (oospores and chlamydospores) are moved between watersheds on vehicles and logging equipment (Jules et al. 2002). Local (within population) spread occurs when resting spores germinate and produce flagellate zoospores that disperse in surface water (typically beginning at a road crossing). In this study, we focus on the downstream invasion and epidemic development of *P. lateralis* within a single riparian population of cedars. Within a stream, infected host trees produce both resting spores and zoospores that are transported in running water to infect downstream trees (Zobel et al. 1985). Resting spores, which are likely produced by the pathogen until its host tree dies (Trione 1974), are capable of persisting, but not growing, in soils without a live host. Hansen and Hamm (1996) found that recovered isolates of the pathogen from buried root fragments declined sharply with time since infection, although a few of their samples continued to yield isolates up to the end of their 7-yr study. Following the introduction of the pathogen into a stream reach, the temporal development of a local epidemic is likely to be driven almost exclusively by the production of new inoculum from the first infected cedars and those downstream cedars that are subsequently infected.

Importantly for our work, the directionality of pathogen dispersal within an infected stream is highly predictable. Spores produced by infected trees only disperse in running water, spreading downstream via the stream channel; there is no effective dispersal by aerial means. While large mammals (such as elk) can vector the disease, this form of dispersal is thought only rarely to facilitate long-distance colonization events of uninfected stream reaches and not to substantially modify within-stream inoculum levels (Jules et al. 2002). Because spread across the larger landscape (i.e., between streams) is so conspicuous, it is possible to delineate the beginning of an isolated stream invasion.

Reconstructing infection history

We conducted a spatial and temporal reconstruction of the invasion of *P. lateralis* within an isolated pop-

ulation of Port Orford cedar along a mid-montane stream in southwestern Oregon, USA (Little Elder Creek, Siskiyou National Forest, 42°04′15″ N, 123° 33′34″ W). Little Elder Creek was infected in the late 1970s from a logging road that crosses the stream approximately one kilometer above our study area (Jules et al. 2002). Because the forested section of stream immediately below the road crossing was clear-cut logged in 1966, the study plot began just below the clear-cut.

To estimate the infection dynamics of hosts since the beginning of the invasion, we delineated a 1350 m long study plot as a narrow band encompassing cedars potentially at risk of infection on either side of the stream. The width of the study plot was set to include all trees growing within the portion of the stream canyon exposed to dispersing spores (typically no more than 10 m from the stream center on either side). Because epidemic spread has occurred in the stream since the late 1970s, we used the spatial distribution of infected cedars in combination with local stream topography to delineate the plot boundaries. The study plot was of variable width, being wider in areas with a large floodplain and narrower in stream sections with steep banks. Trees on the hill slope that were not exposed to dispersing spores, which comprised ≈50% of the total host population, were not included in the analysis.

We determined the disease status (healthy, dead, or dying due to previous infection) for each cedar tree within the infection zone based on visual signs of infection, including discoloration of foliage and the existence of a red-brown stain on the cambium tissue of recently infected trees (Hansen et al. 2000). Highly deteriorated snags or other dead trees with obvious causes of death (e.g., fire) were identified as natural mortality. Natural mortality of Port Orford cedar is quite low (M. Kauffman, *unpublished data*), and this long-lived conifer is capable of surviving >900 yr. Therefore, we assumed that all large and recently deceased trees (post-1980) without obvious signs of physical trauma were killed by *P. lateralis* infection. For each healthy and infected (dead or dying) tree, we measured its diameter at breast height (or alternatively, total height for trees <2.0 m tall) and mapped its spatial location using a Laser Rangefinder (Laser Technology, Enderson, Colorado, USA). Because it is the route for dispersing spores, we also mapped the center of the stream throughout the plot. Spatial locations of individual trees and the stream course were analyzed using routing methods in Arc/Info (version 7.2.1; ESRI, Redlands, California, USA) to calculate the relative distance down the length of the stream from a fixed point at the top of the study plot (furthest upstream location = 0 m). A proximity-to-stream measure was also calculated as the distance from the center of each tree (spatial locations were adjusted for tree diameter during field surveys) to the closest point on the stream route.

We extracted two core samples at 1.3 m height from opposite sides (stream side and hill side where possible) of each dead tree for dendrochronological analysis using standard methods (Stokes and Smiley 1968). Whole-stem (disc) samples were taken from dead trees too small to core. To avoid missing outer rings due to decay, we only accepted core samples for which we could visually detect the smooth patina found at the surface of the vascular cambium (i.e., the outer layer of the last year of growth). Core samples were glued into wooden mounts, sanded to 300 grit, and ring widths were measured to 0.001 mm precision using a Velmex measuring device (TA 4030H1-S6; Unislide, Bloomfield, New York, USA).

To determine the calendar year of death for infected trees, we analyzed core samples using the dendrochronological method of crossdating, which relies on the shared climatic signature that trees display in their annual growth patterns (Douglas 1939). During drought years, Port Orford cedar usually produces small rings relative to the ring size of the years before and after such an event. Thus, for any dead cedar, it is possible to determine the date of death by aligning its ring-width pattern with the pattern derived from currently live, healthy trees, where the date that each ring was produced is known (Jules et al. 2002; see also Stokes and Smiley 1968, Swetnam et al. 1985 for details). Because the wood of Port Orford cedar is highly rot resistant (Zobel 1985), the annual growth rings of dead cedars remain intact for many years and can still be analyzed decades after death. Individual trees were crossdated either by aligning key ring-width patterns visually and/or by using the program COFECHA (Holmes 1983) to statistically compare the floating ring widths of dead trees to a master ring-width chronology. The master chronology was built initially from 24 cores from 19 living trees. As the study progressed, crossdated core samples from dead trees were added to the master chronology, which ultimately utilized chronologies from a total of 965 cores taken from 593 trees.

Because cedars do not necessarily die the same year they are infected, we assessed cores under a stereo microscope for initial signs of infection. For many infected trees, we were able to detect the beginning of a physiological response to the invading mycelium as a marked reduction in ring width and a relatively thin band of latewood several years prior to death (Jules et al. 2002). The beginning of this growth reduction, coupled with the crossdated year of death, was used to estimate the year of first detectable infection for each dead tree. Previous analyses of these data indicate considerable variation in the time from infection to death for infected trees (mean = 2.03 yr; SD = 2.26), with significantly longer time-to-death periods for larger diameter hosts (Kauffman 2003).

Statistical analyses

To summarize host population characteristics and invasion progress down the length of the stream, we di-

vided the stream into 10 135-m segments and tallied the cumulative proportion of trees in each segment that were infected in each year of the invasion. For each stream segment, we also plotted the infection year (or healthy status) of all host trees in relation to their diameter and proximity to the center of the stream channel. As a measure of downstream disease progression, we conducted a linear regression of stream distance (0 to 1350 m downstream) on the infection year of individual hosts for which an infection date could be determined.

We used proportional hazards regression to test for the influences of host and environmental heterogeneity on the probability of host infection during the invasion period (1981–1999). Proportional hazards regression uses time-to-infection as a continuous random variable. A hazard function defined as $h(t, \mathbf{x}) = h_0(t)\exp(\beta\mathbf{x})$ is fit to the survival data, where $h_0(t)$ is the baseline hazard function, $\mathbf{x}$ is a vector of explanatory variables, and β is a vector of fitted coefficients (SAS procedure PHREG; Cantor 1997). The hazard function, $h(t, \mathbf{x})$, is the instantaneous rate of change in the probability of death for a host with a vector of attributes $\mathbf{x}$, given that it has survived to time t. By integrating the hazard function over time, the survival function $S(t)$ is obtained, which describes the probability of an infected cedar remaining alive for at least t years as a function of its individual attributes.

Host heterogeneity was characterized by quantifying the effect of host size on infection risk, because saplings and small trees are expected to have lower infection rates than larger trees due to the smaller target that their roots present for dispersing spores. We assessed the influence of environmental heterogeneity by looking for effects of a host's position relative to the stream, with infection risk likely to decline with decreasing proximity to stream (a measure of soil condition and exposure to dispersing spores). Thus, in the fitted hazards model for this analysis, $\beta\mathbf{x} = \beta_1(\text{diameter}) + \beta_2(\text{proximity to stream}) + \beta_3(\text{interaction})$. To test for these effects, likelihood ratio tests were conducted between full and reduced models that excluded each parameter of interest. For infected trees, this analysis relies on knowing the year of infection. Thus, trees whose date of infection could not be determined by the crossdating method—mostly smaller trees with too few rings to crossdate accurately—were excluded from this analysis.

In a separate analysis, which included these smaller trees, we used logistic regression to assess the role of heterogeneity on the dichotomous disease status of all individual trees (healthy or infected in 1999). This analysis tested the same explanatory variables (host diameter, proximity to stream, and their interaction) as the proportional hazards regression. However, since the dependent variable is assessed after 19 years of epidemic development, it is less likely to be influenced by the stochastic realization of annual spatial spread. As for the prior analysis, the significance of explanatory variables was determined using likelihood ratio tests on nested models.

To assess how variation in susceptibility is distributed within the host population, we estimated the infection risk (as a function of diameter and proximity to stream) from the proportional hazards regression for all trees that were healthy when the invasion began. We estimated host infection risk on an annual basis as $\sqrt[T]{\theta}$, where T is the number of years of the study (19), and θ is the probability of infection by the end of the study in 1999. Thus, this analysis provides a picture of the underlying heterogeneity in infection risk that is inherent in the population of susceptible hosts before the invasion began.

Results

Crossdating and reconstruction

Overall, 555 trees within the infected stream segment were mapped, measured, and included within the plot boundaries. Of these, 243 (44%) were classified as having been previously infected by *P. lateralis* and 312 were healthy when surveyed in 1999. Of the previously infected trees, 156 (64%) were successfully crossdated and 87 (36%) were unable to be crossdated. In almost all cases, core samples that could not be crossdated came from young trees with too few annual growth rings for crossdating analysis.

Reconstructed dates of death revealed a large and persistent pulse of infection due to the *P. lateralis* invasion beginning in 1980, reaching a peak of 28 trees infected in 1985, and declining to only one or two trees becoming infected each year in the late 1990s (Fig. 1). Although biased downward, mortality dates from the standing dead snags in the study plot (i.e., trees dying prior to the *P. lateralis* invasion), suggest that the death rate from nondisease causes was far lower than that observed after 1980 when *P. lateralis* invaded this stream. A small cluster of non-*P. lateralis* mortality events in the mid to late 1960s was also evident, which was likely caused by the historic 1964 flood in this region (Fig. 1).

Within the 10 stream segments, there was considerable variation down the length of the stream in the distribution of healthy and infected hosts; available hosts varied as well in their diameter and proximity to the stream channel (Fig. 2). Disease progress curves generated for each stream segment did not show a discernable wave front of infection traveling down the length of the stream. Instead, most stream segments experienced a temporal increase in the number of new infectives from 1982 to 1988, a pattern that mirrored the development of the epidemic at the stream level (Fig. 1). Consistent with this pattern, the temporal progression of newly infected trees was not related to distance down the length of the stream (Fig. 2; linear

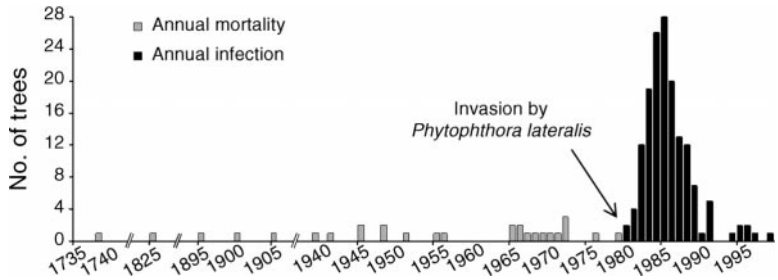

FIG. 1. Temporal development of an epidemic caused by the nonnative root pathogen, *Phytophthora lateralis*, invading a stream population of Port Orford cedar, *Chamaecyparis lawsoniana*. Based on dendrochronological analysis of tree rings, the first detectable infection from the pathogen occurred in 1980. Black bars indicate the number of trees newly infected each year. Gray bars indicate the historical nondisease mortality of dead snags still standing in the study plot.

regression of distance down the stream on infection year, $n = 156$, $F = 0.02$, $P = 0.88$, $R^2 = 0.0002$).

Effects of host and environmental heterogeneity

Both host and environmental heterogeneity had effects on the infection risk of cedar trees during the epidemic (Table 1). In particular, host diameter ($P < 0.0001$) and proximity to stream ($P < 0.0001$) were significant predictors in the proportional hazards regression, with infection risk increasing with host size and proximity to the stream. The interaction of these two factors was also significant ($P = 0.0205$), suggesting a stronger effect of proximity to stream for small hosts than for large hosts. This interaction effect is likely due to the extensive roots systems of large hosts that allow distant contact with stream inoculum. The effect of these sources of heterogeneity on epidemic development resulted in the largest and closest hosts to the stream becoming infected early in the epidemic, and the smaller and more distant hosts either remaining healthy or becoming infected later in the epidemic (Fig. 3). Predictions from the proportion hazards regression also indicate that, if rooted close to the stream, large hosts are over twice as likely to become infected as small hosts over the course of the epidemic (Fig. 4). However, for cedars rooted away from the stream, the increased infection risk due to larger diameter is greatly diminished. The logistic regression on the present-day distribution of healthy and infected trees ($n = 555$; including infected hosts that could not be crossdated) confirmed a significant effect of host size ($\chi^2 = 68.63$, df = 1, $P < 0.0001$), proximity to the steam channel ($\chi^2 = 6.36$, df = 1, $P = 0.0117$), and the interaction between these two factors ($\chi^2 = 20.78$, df = 1, $P < 0.0001$).

Based on the results of the proportional hazards regression, the average predicted infection risk was 0.018 (range 0.006–0.235), with the lowest infection risk for small hosts growing far from the stream and the highest infection risk for large hosts growing near the stream. A histogram of these annual infection probabilities shows that they are log-normally distributed, with many (small) hosts having low infection risk and a few (large) hosts having high infection risk (Fig. 5).

DISCUSSION

The simplicity of pathogen dispersal and infection in the cedar–*Phytophthora* system, coupled with the success of using dendrochronological techniques on this particular tree, allowed the influence of host and environmental heterogeneity to be quantified in the context of this biological invasion. These two sources of heterogeneity both appear to be important determinants of the course and progress of the invasion and may strongly alter the effects of inoculum production and dispersal. The importance of multiple, but potentially interacting, sources of epidemiological heterogeneity has been stressed in theoretical contexts (see

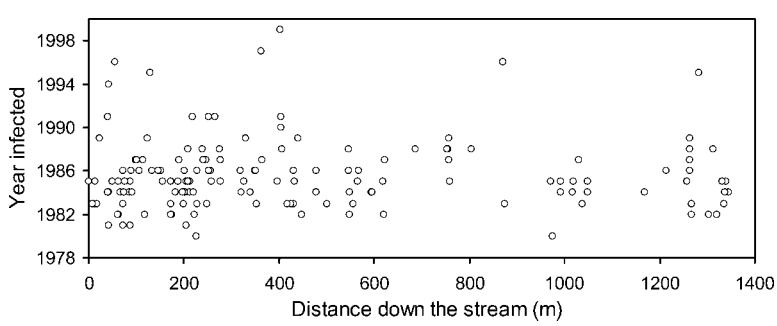

FIG. 2. The temporal distribution of *Phytophthora lateralis* infection of Port Orford cedar hosts was not related to distance down the length of the stream, which acts as a corridor for dispersing spores of this invasive pathogen.

TABLE 1. Likelihood ratio tests for significance of explanatory variables controlling the survival time (year of infection) of Port Orford cedar hosts during a 19-year invasion by *Phytophthora lateralis*.

Explanatory variable	Likelihood ratio χ^2	df	P
Host size	88.87	1	<0.0001
Proximity to stream	23.58	1	<0.0001
Host size × proximity to stream	5.37	1	0.0205
Full model	113.58	3	<0.0001

Notes: The likelihood ratio χ^2 value is calculated as follows: $-2(L_{\text{re-duced}} - L_{\text{full}})$, where L is the model log-likelihood. Models used in nested likelihood ratio tests were: host size only ($L = -899.335$), proximity to stream only ($L = -931.9805$), host size + proximity to stream ($L = -887.544$), and host size + proximity to stream + interaction (the full model, $L = -884.8595$). A constant-only model ($L = -941.65$) was used to test the full model.

Bolker et al. 1995). The reconstructed invasion dynamics evaluated in this study provide an empirical example of how two of these sources of heterogeneity influence epidemic progress in a disease invasion of conservation concern. The magnitude with which host size and position influenced invasion, in this case, strongly suggests that measures of heterogeneity are of practical concern for management, and they should be carefully considered for predicting and controlling invasive species.

Host heterogeneity had the largest effect on infection risk, with substantially higher infection rates for larger hosts compared to smaller ones. An effect of increasing infection risk with host size has been found in other plant–pathogen systems where spore deposition may limit infection rates (Roche et al. 1995, Morrison 1996). For large cedars, this is most likely a result of the larger target their roots present for dispersing spores, and the fact that larger hosts are more likely to have developed distant roots that are exposed to stream inoculum.

Environmental heterogeneity in this system, as we have characterized it, is a function of stream habitat, with hosts growing close to the stream channel (i.e., on the stream bank) having a higher chance of becoming infected than those growing on the hillslope farther away. Since disease transmission occurs primarily via stream-dispersed spores, this variation in susceptibility is either caused by increased inoculum loads for hosts growing close to the stream or by their enhanced vulnerability, since moist areas favor pathogen growth and persistence (Trione 1959). However, we interpret the significant interaction effect between host size and proximity to stream, which yields a diminishing effect of host size at the furthest distance classes (Fig. 4), to be most consistent with the notion that inoculum loads diminish with increasing distance to stream. This explanation provides a mechanism whereby the ''target'' effect of host size is diminished at further distances due to limiting inoculum supply.

The variation in susceptibility due to host and environmental factors strongly influenced the rate and pattern of this *P. lateralis* invasion. The first and most obvious influence of these heterogeneities was a sharp increase in new infections within the first few years of the invasion, when the most highly susceptible hosts quickly became infected. A second influence was to extend the duration of new infections after the peak of the epidemic, when only the less susceptible hosts remained to be infected. Ultimately, this epidemic declined to low levels of infection due to a lack of highly susceptible hosts. By the end of the study period, all except three of the surviving hosts within 3 m of the stream were <20 cm in diameter (Fig. 3).

Interestingly, these two sources of heterogeneity may also influence disease transmission. Because of their large root mass, large hosts are expected to be a more productive inoculum source than smaller hosts, and hosts growing close to stream inoculum (which are highly susceptible) may make a strong and disproportionate contribution to stream inoculum once infected. This potential correlation between host susceptibility and infectiousness may have been responsible for the rapid increase in the number of new infections during the early years of the epidemic (Fig. 1). This effect of heterogeneity on epidemic progress largely follows May and Anderson's (1988) prediction of the effect of heterogeneous sexual activity in HIV epidemics.

While we have not characterized large-scale effects of spatial heterogeneity (i.e., the spatial positions of healthy and diseased hosts down the length of the stream), it is likely that this source of heterogeneity influenced epidemic progress as well. However, given that spore dispersal must follow the flow of water, it is notable that there was not a discernable wave of new infections progressing downstream (Figs. 2 and 3). Indeed, the classic result from reaction-diffusion models, a constant velocity of new infections (van den Bosch et al. 1988), is clearly lacking in the invasion studied here. One explanation is simply that disease propagules are not limiting within this stream population due to abundant production of propagules by the first infected hosts and their long-distance transport down the stream. Such a scenario seems unlikely, however, since the classic epidemic pattern (Fig. 1) suggests that inoculum was limiting in the beginning of the epidemic (i.e., the increasing number of new infections in years 1980–1985 are likely a result of increasing stream inoculum levels).

A second explanation for the lack of a downstream wave of infection is that a handful of long-distance dispersal events initiated disease foci along the length of the stream as the epidemic was beginning, and that subsequent disease spread was the result of more common, short distance dispersal. A third explanation, which is not exclusive of the existence of multiple foci, is that the spatial and temporal pattern of stream-based spore dispersal was eroded by the heterogeneous sus-

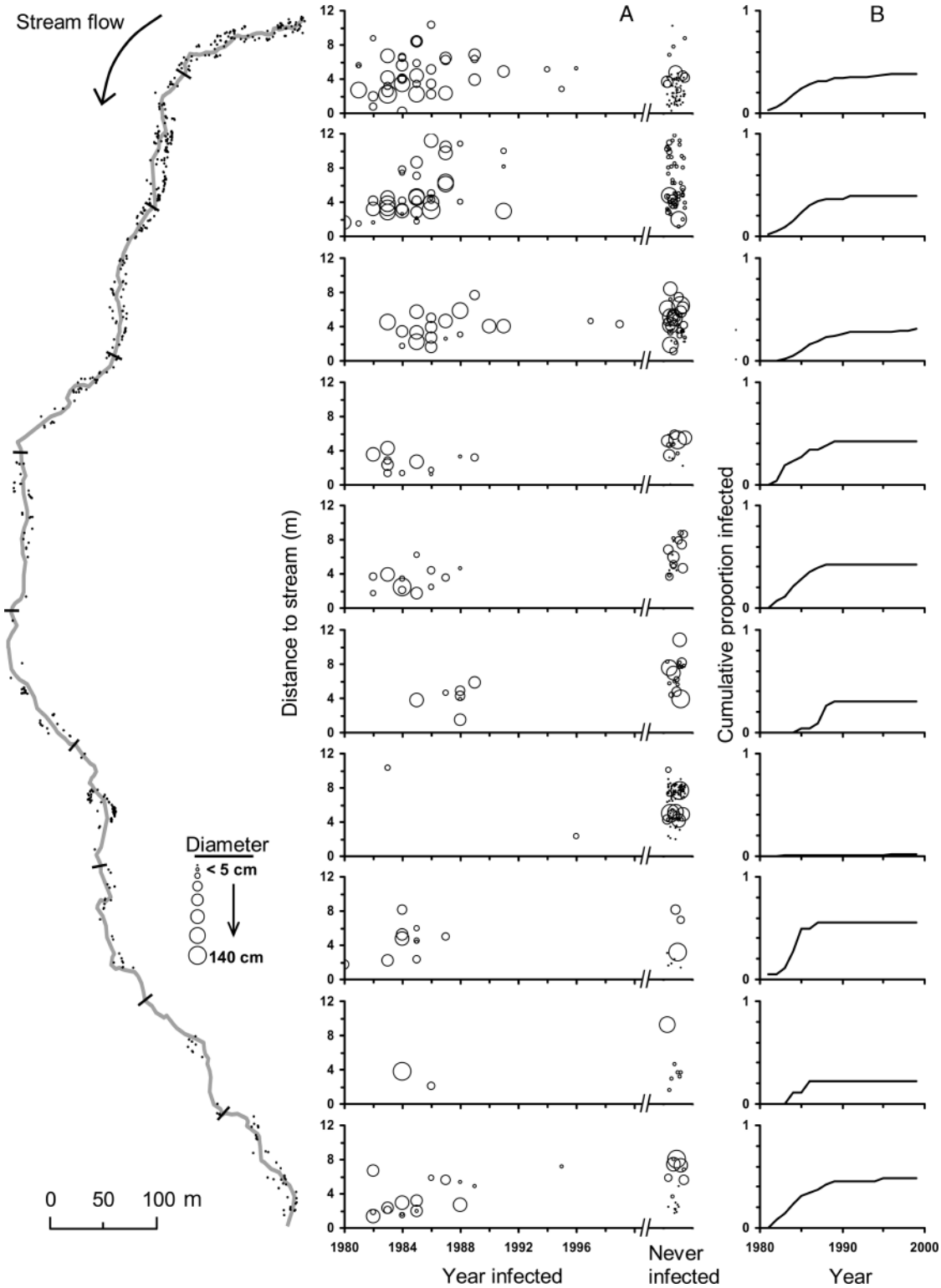

FIG. 3. Spatial and temporal progression of the spread of *Phytophthora lateralis* through a stream population of Port Orford cedar. Left-hand panels (A) show, for each 135-m stream segment, the relationship between the infection year of crossdated trees and their diameter (indicated by size of bubble) and proximity to the stream channel. Large cedars that were growing close to the stream channel were infected earlier in the epidemic. After the peak of the epidemic (1985), newly infected hosts were generally smaller and growing farther from the stream (as were hosts that were never infected). Right-hand panels (B) show the cumulative proportion of cedar hosts within each 135-m stream segment that were infected annually during the epidemic.

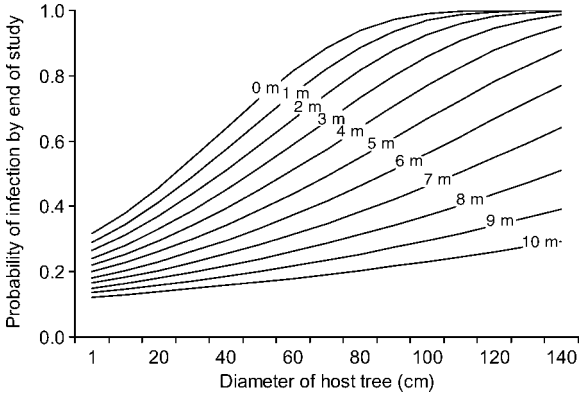

FIG. 4. Infection probabilities of Port Orford cedar hosts predicted by proportional hazards regression. The vertical axis denotes the probability of infection by the end of the study period (1999) for trees of varying host size (horizontal axis) and proximity to stream (individual lines).

ceptibility of hosts. We think an interaction between long-distance dispersal and host heterogeneity seems likely in this system, whereby downstream infection of the most susceptible hosts initiated multiple disease foci early in the invasion (Fig. 3). Theoretical models that produce a constant invasion speed almost always ignore sources of heterogeneity such as those quantified in this study.

This work suggests that heterogeneity in real-world invasions may be an underappreciated factor controlling observed invasion dynamics, and has implications for the theory and management of disease invasions. The strong influence of host heterogeneity in the Port Orford cedar system suggests that heterogeneity may not only erode, but drive, spatial patterns of disease spread. Thus, theoretical efforts should seek not only to account for sources of heterogeneity, but to incorporate them explicitly into predictive models of disease spread. Research that compares how disease spread is influenced by heterogeneity in susceptibility (due to host or environment) vs. the spatial structure of hosts and pathogen dispersal are particularly needed.

For management, recognizing and characterizing intrinsic variation in susceptibility can improve our understanding of the spatial scale of pathogen dispersal and thus, disease risk. For example, in an earlier study, we found that the spread of *P. lateralis* among host populations (i.e., spread at the larger, landscape scale) is strongly controlled by both the density and proximity of cedars growing just downstream of road crossings (Jules et al. 2002). This lead us to believe that inoculum is more widely dispersed along the road systems than previously thought, but that invasions generally only occur within highly susceptible stream populations. In many host-pathogen systems, knowledge of variation in susceptibility (at the level of host or sub-population) will lead to better assessments of the spatial components of infection risk and their management. Ferguson et al. (2001) provide an example of such a case for the recent foot and mouth disease (FMD) in Great Britain. Their study showed that farm type (number and type of livestock species) had a strong influence on the transmission dynamics of FMD, and that the efficacy of culling efforts could be improved by including information on variation in farm susceptibility.

In addition to understanding epidemic progress and spatial spread, ecologists are increasingly interested in how heterogeneity influences longer-term host-pathogen dynamics (Bolker et al. 1995, Bolker and Grenfell 1995, Real and McElhany 1996, Thrall and Burden 1999, Park et al. 2001). In the system studied here, heterogeneous infection rates may influence the long-term dynamics of the cedar-*Phytophthora* system in unpredictable ways. Young trees that are not rooted near the stream edge represent a dynamic reserve of hosts that are unlikely to become infected until they have grown to a larger diameter. Thus, the population of susceptible hosts may not be as thoroughly depleted by the initial epidemic as would be expected in the case of constant host susceptibility, and these young trees may continually provide the pathogen with newly susceptible hosts as they grow in size. In this way, heterogeneous susceptibility may enhance host-pathogen coexistence. In contrast, the relative invulnerability of young trees may increase the likelihood of local pathogen extinction since new recruits (which may take over 20 years to reach 1.5 m; M. J. Kauffman, *unpublished data*) will not provide a ready supply of highly susceptible trees in the short term. Ultimately, the rates of cedar growth and inoculum decay will determine whether these sources of heterogeneity act to enhance or diminish the persistence of this nonnative pathogen.

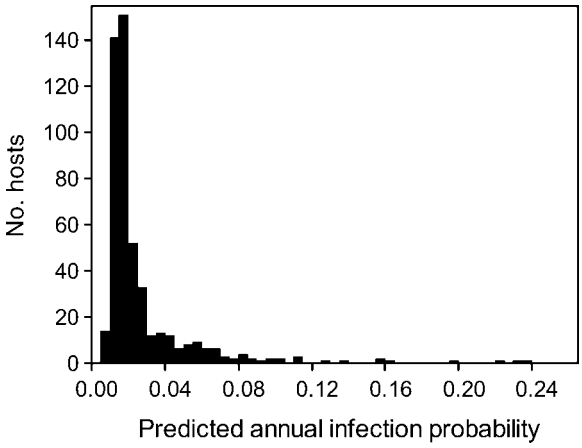

FIG. 5. Variability in annual susceptibility of Port Orford cedar hosts to infection by the nonnative pathogen, *Phytophthora lateralis*. Predictions are the results of proportional hazards regression, using empirical measures of host diameter and proximity to stream as predictors of host susceptibility. The long right-hand tail of the distribution represents the existence of a few highly susceptible hosts of large diameter and close proximity to the stream channel.

The results of this study have several implications for the management and control of *P. lateralis*. First, it is clear that once the pathogen colonizes a stream population, the entire stream will become infected, despite sections of low host density, and that this may happen in the time span of several years (Fig. 2). Second, the finding that streams with large, old-growth cedars growing in close proximity to water are at high risk of infection should be taken into account when deciding among alternative forest management practices, such as building new roads. Third, local infections of stream populations of Port Orford cedar may last for several decades, and managers should not assume that *P. lateralis* will eventually go extinct in previously infected stream reaches. We believe that pathogen extinction is most likely within Port Orford cedar populations where cedars are found solely on the banks of streams, as is often the case in the southern and eastern parts of its range. In the northern portion of its range, where Port Orford cedar is not restricted to stream banks, *P. lateralis* seems most likely to persist as an endemic pathogen, as uninfected hosts growing on slopes and ridges provide a continual supply of young hosts (seeds) to infected riparian areas.

Conclusion

By connecting reconstructed invasion dynamics with measured attributes of susceptible hosts, this study has shown that host and environmental heterogeneity can have a substantial influence on the spatial and temporal spread of a nonnative forest pathogen. Because dispersal of the pathogen is constrained to the stream corridor and unidirectional, we expected to see a detectable downstream pattern of annual infection. Surprisingly, we did not find a straightforward relationship between temporal development of disease and the downstream location of hosts along the length of the stream in this seemingly simply system. In addition to long-distance dispersal events, this study indicates that host and environmental heterogeneity may have eroded the spatial and temporal pattern of invasion predicted from theoretical models. Thus, the key result from this study is that the observed rates and patterns of real-world invasions may be strongly controlled by host- or site-specific factors. Because most natural landscapes exhibit various heterogeneities that influence invader colonization, infection, or establishment, this study highlights the need to better understand how such variability influences the spread of nonnative organisms.

Acknowledgments

We are especially grateful to Dan Doak for his help in most aspects of this study. In the field, we had help from Jeremy Borgeson, Krishna Dole, Ansgar Kahman, Leo Polansky, and Jenny Taylor. Analysis of tree rings would not have been possible without the work of Allyson Carroll, Jennifer Kluse, and Kathy Dilley. Technical support for the dendrochronological component was provided by Chris Baisan, Thomas Swetnam, and the University of Arizona Tree Ring Laboratory. This manuscript benefited from the comments of Dan Doak, Ingrid Parker, and Greg Gilbert. M. J. Kauffman is also indebted to Greg Dwyer for comments on an earlier draft. Funding was provided by NSF grant DEB-9806722.

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0016 Attachment 10

August 15, 2010

Pam Olson
Rogue River-Siskiyou National Forest
3040 Biddle Road
Medford, OR 97504

Dear Ms. Olson,

Specific to the Gold Beach Ranger District, Oregon Wild would like to submit the following concerns for the Forest Service to consider and address in developing a new decision on Rogue River-Siskiyou National Forest Travel Plan on the Gold Beach Ranger District. (see attached)

Sincerely,
Wendell Wood
Wendell Wood, Wildlands Interpreter
PO Box 1783
Crescent City, CA 95531
707-218-8355
ww@oregonwild.org

cc: Steve Johnson and Scott Conroy

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Signal Buttes

Conservationists strongly oppose "new motorized trail construction/ reconstruction" in the Signal Buttes area (T37S R 14W) and that would encourage additional vehicle use and access into the Forest Service's own recently signed "Botanical Restoration Project"--where restoration work was begun this spring and summer 2010). Instead the existing 4WD FS Rd. 3680-195 should be gated to eliminate OHV damage that is already occurring to this area's sensitive resources, and to reduce the potential for spreading Port Orford Cedar root disease that has been already established as occurring along water courses within this specific area.

Vehicle road reconstruction along FS Rd. 3680-190; 3680-195 and 3680-220 would threaten adjacent area sensitive plants, and adjacent sensitive plant habitats including serpentine areas and Camas Lily containing wet meadows in this immediate area and off of Rd. 195 south and immediately east of the major Signal Butte. This is particularly if FS Rd. 195 were to be extend along the east side of Signal Butte as was proposed in the Dec. 2009 Travel Plan decision--as this construction would directly impact a wet meadow containing Camas Lily, *Camassia quamash ssp. walepolei*) (Section 31).

Additionally, increase vehicle use in this area could potentially impact BLM's North Fork Hunter Creek ACEC (T37S R15W) by enabling vehicle trespass via what is termed the ecologically sensitive "Stone Chair Trail". This unsigned trailhead to this ACEC's remarkable and expansive meadows under old growth Jeffrey Pine, with an Oregon White Oaks component in unusual close proximity to the coast, is immediately off of Rd. 195, just west of it's junction

with FS Rd. 190. Immediate, close access to, or areas to be bisected by this vehicle trail reconstruction, are located all along the December 2009 Travel Plan's proposed reconstructed vehicle trails in the Signal Buttes area.

These trails and surrounding meadows and serpentine, sensitive plant habitats could be heavily impacted with increase illegal OHV use in this immediate area. The Stone Chair (hiking not yet an ATV) Trail also bisects the west end of the Forest Service's recently initiated "botanical restoration project" for the sensitive Howell's or Gasquet Manzanita, *Arctostaphylos hispidula*. See specific Signal Buttes area sites as described in Forest Service Report: "Conservation Assessment for Gasquet Manzanita (Arctostaphylos hispidula) Within the State of Oregon", http://www.fs.fed.us/r6/sfpnw/issssp/documents/planning-docs/ca-va-arctostaphylos-hispidula-2010-03.pdf and which reads in part:

> "Some areas, such as the ultramafic bands in and around the Signal Butte area on the Gold Beach Ranger District, are likely to have thousands of plants occurring within them. The current data from the area are likely to grossly underestimate the numbers of plants because of minimal inventory, the density of vegetation, and difficulty in identifying A. hispidula.
>
> Considering range, distribution, and abundance, A. hispidula can be classified as a rare species based on a fairly narrow geographic range, an affinity for unique habitat/substrate (serpentine) and small to moderate sized populations (Kaye et. al., 1997), with the exception of a few populations recently discovered during our field assessments."

Other sensitive plant species known to occur in this area, and could be likely impacted by increased OHV use include: *Mondardella purpurea*; *Carex scabriuscula (C. gigas)* Siskiyou Sedge; and *Poa piperi.*

While FS. Rd. 195 provides access along a 4WD road to the top of the principal (highest) Signal Butte (3512 ft. elev.) to service a commercial communication tower, this road should be gated and closed during the wet season to prevent the spread of Port Orford Cedar disease into other parts of the watershed (consistent with Forest Service management in the District for other infected roads and stream crossings.) In a Sept. 2008 report by the BLM and Institute for Applied Ecology, the authors state (page 8):

> "*Phytophthora lateralis*" killed "Port Orford Cedars were observed on (adjacent) Forest Service property. The cedars that were observed in the (BLM, Hunter Creek) ACEC were all alive, but the proximity of the pathogen means that these trees are potentially at risk." And on page 12: "Vehicles should be parked at the parking area (near junction of FS Rds. 190 & 195) instead of driving the 250 yards of 4x4 road (FS Rd. 195) which crosses a creek with dead Port Orford Cedar. All boots should be cleaned with a dilute bleach solution prior to entering the ACEC."

Cultural resources are also threatened with increase OHV use in this area. The poorly marked "McKinley Mine Trail" also begins from FS Rd. 190 (Section 5) and the crosses FS Rd.195

(Section 6). This trail heads generally west and crosses FS Rd. (4WD) 195, (another ¼ mile beyond the Stone Chair Trailhead) approximately .5 to .6 mile on up 4WD road 195 beyond the FS Rd.190 junction (longitude: -124.279541, latitude: 42.405699).

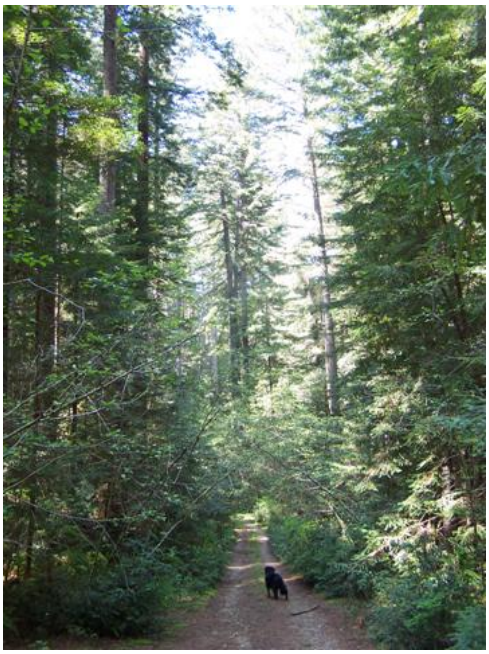
It soon crosses the upper headwaters of the N. Fork Hunter Creek, (with more dead Port Orford Cedars) and then passes the Col. I. E. Munsey cabin and grave site (small pile of rocks beside a tree) that are noted on small wooden signs. In this area, we observed artifacts, old bottles and metal pieces literally still lying on the ground. Brief references to these cultural resources for the late Col. Munsey and the McKinely Mine are given on pps. 101 & 211 "The Mineral Resources of Oregon, published monthly by the Oregon Bureau of Mines and Geology, Vol 2, No. 1, May 1916"at
http://books.google.com/books?id=9MUVAQAAIAAJ&pg=PA211&lpg=PA211&dq=%22Col.+I.+E.+Munsey%22&source=bl&ots=cXX-tboOni&sig=lqKVdexUFJRtvTQIgMAFUdrwps8&hl=en&ei=aUAyTPTsG8minQfE7KCMBA&sa=X&oi=book_result&ct=result&resnum=1&ved=0CBIQ6AEwAA#v=onepage&q=%22Col.%20I.%20E.%20Munsey%22&f=false

Finally, new motorized trail construction/ reconstruction linking FS Rd. 195 with FS Rd 103 in Sections 29 and 30 immediately to the north on Signal Buttes, would also potentially be in conflict with auto tours along the Forest Service's "self guided forest ecology tour" (long tour) that is a described in a brochure developed by the "Society of American Foresters and the US Forest Service". Additional trail "reconstruction" that would bringing additional OHV thrill craft onto this tour route originating along the Rogue River would be inappropriate as recognized in the guide's introduction which states: "Part of the tour is on gravel roads, so we urge caution; maintain slow speeds, keep to the right, avoid stopping on corners, and watch for oncoming traffic." The tour guides also point out features along the way such as serpentine plant communities, short trails to a small lake, and large meadow prairie area where OHV's that would at times leave the road would be similarly inappropriate.

Oregon's Redwoods

The Forest Service needs to close (an approx. 2/3 mile long) Gold Beach RD Road 1101-170 to vehicle traffic, protecting what is otherwise a defacto recreational trail to "level 1" road status. The area of vehicle closure should be from FS Rd. 170 junction with FS Rd. 1101 (T41S R12W Section 17), to FS Rd. 170's termination at private lands on the line between Section 16 & 17.

FS Rd 170 should instead be made available primarily as a hiking trail in association with the near by Oregon Redwoods Hiking Trails #s 1106 and 1107. Like trail #1106, road/trail 170, because of the generally level terrain surrounded by area tall trees, could be an additional "barrier free" recreational trail for almost its entire length, in a portion of the Siskiyou National Forest that is relatively easily accessed from Hwy 101 in southwestern most Oregon. In June, FS Rd. 170 also provides views of many Tiger Lilies, *Lilium columbianum*, that are not seen along the other nearby Oregon Redwoods Hiking Trails #s 1106 and 1107.



Trail/ road 170 through Oregon's Redwoods

Big redwoods along south side of Trail/Rd. 170

Presently area sensitive species such as Slink Pod Lily, *Scoliopus bigelovii* occurs in the immediate area (junction of 1101 and 170) at the northern most end of its biological range, and the area has been previously recognized as a potential site to reintroduce Kellogg's Lily *Lilium kelloggii*, where it has previously been reported to have once occurred in this immediate area.

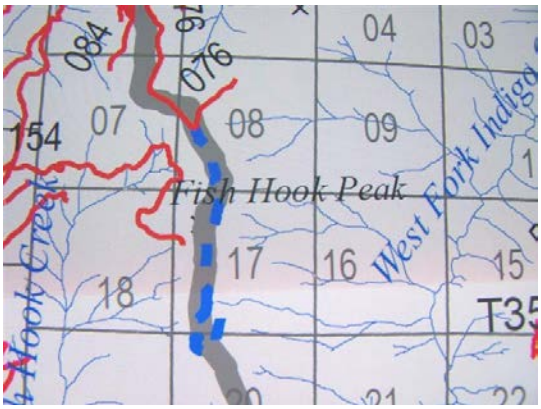
OHV use in this area is incompatible with existing highway vehicle use along FS Rd. 1101 for the established purpose of pedestrian/hiker access to the nearby redwood forest hiking trails #s 1106 & 1107 (where this road terminates). Thus traffic on this road should be limited, and not encouraged so as to increase incompatible, vehicle uses in this area. OHV use on FS Rd. 170 also potentially invites OHV use violations on the established redwood hiking trails. Additionally, increase vehicle use is already anticipated along the west end of Rd. 1101, as private lots here, have been recently cleared for (assumed) residential development.

Presently, as a dead end road, FS Rd. 170 (and FS Rd. 1101) provide no loop opportunities for OHV use. FS Rd 170, however, does provide great opportunities for viewing still more of the area's large redwood trees, on what has become a mostly level, easy accessed forest trail. Approximately, 1/4 mile down Rd. 170, on the north side of this narrow road, is an outstanding forested bench containing other mature and old growth redwoods and Douglas fir trees, and also one very large big-leaf maple (in another ¼ mile, and before the road dead-ends). Presently vehicles traveling down this road/trail muddy up low wet areas in spring, and impact native herbaceous plants growing along its side. Additionally, some vehicles are proceeding down this side road for the purpose of dumping garbage (which conservationist have collected or reported to the Forest Service in the past).

Fish Hook Interpretive Trail #1180

0016 Attachment 10

The Fish Hook Interpretive Trail, and Fish Hook Peak area in the Sugarloaf Mountain Area along the divided between the Gold Beach and Wild River Ranger Districts--Section 8 & 17 (T35S R10W) should not be opened to OHV or other motorized used as recommended in the Dec. 2009 decision. This highly scenic 2.5 miles trail has been long recognized as a "botanical observation, day hiking, and wildlife observation" trail in many previous produced Gold Beach Ranger District Trail guides, and most recently (is again described as such) in a latest 2010 trail hiking guiding "published by the Northwest Interpretive Association in cooperation with the Rogue River-Siskiyou National Forest" (and presently being distributed to the public at Forest Service offices).



This latest FS guide describes the Fish Hook Interpretive Trail #1180 as one six featured short trails on the Gold Beach RD, noting "a brochure available near the trailhead explains various aspects of the effect of the Silver Fire (1987), and also provides information on the wildlife, botany and cultural resources of the area." This short trail was designed for National Forest visitors that wish to study and contemplate nature at a slower pace, and is thus inconsistent to mix this interpretive use with OHV thrill craft adventurers.

0016 Attachment 11

SISKIYOU CHAPTER

Native Plant Society of Oregon

Dedicated to the enjoyment, conservation, and study or Oregon's native vegetation

February 26, 2010

Regional Forester
Pacific Northwest Region
ATTN: 1570 Appeals
P.O. Box 3623
Portland, OR. 97208-3623

Re: Record of Decision for Motorized vehicle use on the Rogue River-Siskiyou National Forest

The Native Plant Society of Oregon (NPSO) is a nonprofit organization dedicated to the study, enjoyment, and conservation of Oregon's native flora. We are writing on behalf of the Siskiyou Chapter of NPSO, which represents over 100 members in southwestern Oregon.

In the Rogue River-Siskiyou National Forest, designated Botanical Areas provide floristically diverse locations for education and conservation, which could easily be damaged by unregulated off-highway vehicle (OHV) use. We are particularly concerned about OHV damage to rare plants and other botanical resources on serpentine sites in the Siskiyou Mountains. When OHV users permitted on trails stray off into populations of rare plants, they can cause irreparable damage, where there may be little hope of natural recovery.

We are particularly concerned about OHV use at Grayback Mountain Botanical Area. Currently, OHV use along a spur trail to Windy Gap within the Grayback Botanical Area is damaging fragile decomposed granitic soils and plant habitat. Members have also voiced concerns over the authorization of motorized vehicles on the Hobson Horn and Silver Peak trails, as there are known rare plant sites along or near these trails. In particular, the area near these trailheads is a site of ongoing botanical research. Members have also expressed concern over potential effects of OHV activity at the Cook and Green Botanical Area.

We are therefore disappointed that the Record of Decision by the Forest Service does not provide adequate protection for designated botanical areas; in part because historically the Agency has not had a workforce to adequately enforce existing regulations. Consequently, we support ongoing administrative appeals that strive to prohibit motorized vehicle use within or adjacent to designated Botanical Areas.

Thank you for your consideration.

Sincerely,

0016 Attachment 11

David Bowden

Conservation Co-chair, Siskiyou Chapter, NPSO

Dominic DiPaolo

Conservation Co-chair, Siskiyou Chapter, NPSO

Statement of

JACK GREGORY
Special Agent in Charge, Retired,
Southern Region
U.S. Forest Service

On Behalf of Rangers for Responsible Recreation and
Public Employees for Environmental Responsibility

Before the
Subcommittee on National Parks, Forests, and Public Lands
Natural Resource Committee
United States House of Representatives

Hearing on
The Impacts of Unmanaged Off Road Vehicles on Federal Land
March 13, 2008

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

Thank you for the opportunity to present our views on the impacts of Off-Road Vehicles (ORV's) on public lands. I am Jack Gregory, currently retired from the U.S. Forest Service (FS). In my last 10 years of over 36 years of service with the agency, I provided management and direction for the largest law enforcement (LE) program within the FS, serving as the Special Agent in Charge for the Southern Region, with approximately 200 LE employees and an $18 million budget.

In the Southern Region, LE problems associated with ORV use are substantial. Today, I am speaking for myself, my former colleagues, and for Rangers for Responsible Recreation, a network of former federal, state and local rangers and land managers organized by Public Employees for Environmental Responsibility, otherwise known as PEER.

My message is simply this: Our public lands are in serious trouble. Irresponsible off-roading has become such a menace that it is now the single greatest threat to American landscapes.

Before recommending solutions, I would like to make three points: 1) the ORV problem is getting steadily worse, with no end in sight; 2) the ORV problem is not just "a few bad apples" -- we are suffering from a major breakdown in attitude from sadly, a high percentage of off-roaders; and 3) route designation without effective enforcement simply will not work and, when done poorly, significantly aggravates problems.

My first point is that we are not close to getting a handle on ORV problems and, if anything, we are headed in the wrong direction. Already, on many national forests, ORV's are the top LE problem. The story is the same on other federal lands. Figures from the U.S. Bureau of Land Management (BLM), for example, indicate that ORV incidents are not only the biggest drain on LE Rangers' resources but, nationally and in the Western U.S., generate more LE citations than all other criminal activity combined.

In preparation for my testimony, I recently contacted a number of my former colleagues currently working in FS LE, who deal with ORV users every day. Here is some of their perspective:

One National Forest Patrol Captain said:

> "The damage to the forest floor here is huge. I would estimate that 75% of the Forest has some kind of ORV created trail. In recent years the Forest has been inundated with ORV's."

Another National Forest Law Enforcement Patrol Captain wrote:

> "ORV problems are probably number 1 on this Forest in terms of volume of violations. Every corner of the Forest shows the impact of vehicles being operated off-road. With declining budgets our road conditions are deteriorating and the large-tire vehicles are tearing up what is left of many FS roads."

ORV-generated LE problems range from minor offenses to serious life threatening incidents. For example, last Easter weekend at Little Sahara Recreation Area in Utah, the situation spun out of control. A gathering of approximately 1,000 ORV enthusiasts

terrorized many of the 35,000 visitors to this popular BLM recreation spot. By the end of the weekend, there were:

- More than 37 injuries, including a state Highway Patrol officer;
- More than 300 arrests or citations were issued; and
- More than 50 officers had to be summoned to the scene from state, federal and local law LE agencies to assist.

Inebriated gangs of ORV riders surrounded family campsites. According to BLM's official incident report:

> "Officers were faced with near riot conditions on two separate nights involving approximately 1,000 people which required all available officers and over 5 hours to mitigate the situation… Groups of partiers were blocking an area and forcing women to bare their breasts in order to leave, along with numerous incidents of unwanted fondling of women. When LE officers took action, the crowd became unruly, throwing objects at the officers."

Serious problems extend beyond assaults. In tinder-dry forests, the red hot mufflers of ORV's can set off deadly forest fires. A National Forest Patrol Captain wrote to me:

> "Just this past week, we had a 2700 acre fire and used a road as a containment line. The road was so badly damaged from previous ORV activity that access was hampered. We had to post Law Enforcement Officers (LEO's) at either end to close the road because of the continuous traffic from jeeps and 4x4 trucks that came to play in the mud in spite of the fire. In a separate fire last week we had over 1,000 acres burn and it forced the evacuation of an entire neighborhood adjacent to NF land. The cause – illegal ORV operation on the NF; 2 juveniles on an ORV, riding on a FS horse trail when the ORV caught fire…Fact is Jack, we are down to 10 LEO's here covering 1.8 million acres, 3,000 miles of forest roads, and 17 Wilderness areas, all with ORV problems. And we are overwhelmed with it."

Significant LE problems occur when ORV use directly interferes with the enjoyment of other forest users. Visitation to National Parks, Forests and BLM lands includes a wide range of activities. Many visitors enjoy sight-seeing, bird watching, hiking, fishing, and hunting. The problem is when there is conflict of use. Here is what this National Forest Patrol Captain said about how ORV's can effect hunting:

> "All winter we got complaints from hunters who had (to deal with) ORV's in areas where they were trying to hunt. Many had walked back into areas to get away from everyone and here comes 5 ATVs. It was almost weekly that someone was calling."

Here is what a National Forest LEO stated about conflicts between ORV's and Hunters:

> "Many ORV riders are uninformed about the state and federal laws regarding ORV use and are mostly ignorant to the fact that other things happen in the forest, especially hunting and how they impact hunting. We have some weekends that are especially significant to our hunters; those being - a special youth hunt for deer (it is the weekend before the main season), a youth turkey hunt (the weekend before the main season), and of course opening weekend of each of the big game and turkey season. We receive multiple daily complaints from hunters and hunting camps about ORV's dusting them out, riding off-road, disturbing the hunting and reckless driving on forest roads. We have attempted to educate people about "sharing the land" and being respectful of other people by planning trips around these times but the response has been negative to say the least."

Compounding the problem, in most cases, ORV riders in the forests have firearms and many have alcohol. A Supervisory Special Agent spoke to me about how ORV's have become a driving force for a host of other problems:

> "Imagine a wheel with legal ORV use as the small hub. The spokes that form the wheel and the wheel itself represent the illegal use and their negative effects proceeding outward from it. And once that wheel starts to spin…it becomes near impossible to stop it given our current number of officers to serve as a 'brake.'"

To put this problem in a national perspective, Rangers for Responsible Recreation surveyed FS and BLM LE Rangers in the five-state Southwest region about ORV issues last fall. The results were unambiguous:

- More than nine out of ten (91%) of respondent rangers agreed that "off-road vehicles present a significant LE problem in my jurisdiction";
- More than half (53%) felt "off-road vehicle problems in my jurisdiction are out of control"; and
- Nearly three out of four (74%) said that off-road abuses "are worse than they were five years ago."

In the essay portion of that survey, a FS LEO conveyed the scope of impacts by noting:

> "The numbers of off road vehicles on public lands, especially national forests, are creating resource damage at an alarming rate."

The second and related point here is that the ORV problem is not as has been portrayed by some rider groups; where just "a few bad apples" are the ones causing these problems. I am certainly not trying to demonize ORV riders. In fact, many of the Rangers for Responsible Recreation are themselves ORV enthusiasts. Rather, there is unfortunately a "don't give a damn" attitude among a high percentage of off-roaders that result in resource damage, unnecessary accidents and other bad side effects. In the PEER Survey, one BLM LE Ranger wrote bluntly:

> "User attitudes are atrocious. They (ORV's) are the single biggest destruction on public lands these days, far worse than grazing or energy development."

One of my former colleagues wrote me:

> "Most of our (ORV) accidents can be attributed to speed, alcohol, or operator with little/no experience on the machine. We have multiple fatalities each year from riders striking a fixed object."

He also elaborated on how widespread user indifference is to the forest rules:

> "Not all damage is by radical behavior, some is by repetition, as folks ride the same user created trails until it becomes an accepted 'trail'... If we could reach 70% compliance with ORV regulations, I would call it a success, as the situation we now have hampers enforcement efforts, I would say we have less than a 25% compliance rate with closure orders."

Another National Forest LEO stated:

> "On my Forest we have had 7 airlifted in the last 10 months from ORV accidents. Two factors caused all of these accidents, too fast or too steep. The too steep occurs when they get off the legal riding areas and climb hills, powerlines, creek banks, etc. Too fast occurs whenever. We had one ORV accident where an ORV hit a deer crossing the road. How fast do you have to be going on an ORV to hit a moving deer, kill the deer instantly and eject the rider? The driver spent 3 months in the hospital. We had another get on a neighbor's ATV and rip down the

> road, hit a bank, overturn and paralyze himself from the neck down. The list goes on and on."

A National Forest Law Enforcement Patrol Captain explained the enforcement challenge this way:

> "I would dare say that ORV's are the number one complaint from the public and the number one resource damage problem we face. By their very nature, it is very hard to exclude them by physical barriers. One of the biggest problems is that they have such a network of illegal trails all over the NF, it is almost impossible to combat them…. With the proximity to metropolitan areas and the influx of people moving into these rural areas adjacent to NF lands, the problem is increasing. ORV's are driving directly out of their backyard onto NF land and are virtually undetectable until a complaint comes in."

Without the ability to enforce ORV rules and regulations, it is unlikely that off-roader behavior will change. As one of my former colleagues pointed out:

> "The Forest may have as many as 1000 ORV's per weekend and they go wherever they want. With 8 Enforcement Officers we deal with what we can catch, but with 1.86 million acres, chances are slim that the riding public will even see an Officer, let alone be contacted in the back country."

Part of this irresponsible mindset is due to manufacturer advertising that promotes the thrill of speeding, ripping up and down hills, and tearing through streams. Mechanized thrill-seeking in national forests simply means more and more damage to the forests. One National Forest Patrol Captain said:

> "The problem for the future includes, wildlife disturbance, bigger ORV's with tires that chew up the ground, people riding in water like they see in the ORV advertisements and the newer UTV (mules) that will need to be on the roads instead of the woods because of clearance and hauling 2-3 family members."

Another argues that agencies like the FS should do a better job of rider education:

> "I think more than anything else, it has a lot to do with the culture that rides and to a large extent they are ignorant to the laws and the impacts they are having. I think the FS has done a poor job on education and outreach to spread the message about the use of ORV's on NF land."

But the FS has no budget for ORV rider education. In fact, it is arguable that the FS has a manageable budget for LE operations. Despite a rising tide of assaults, accidents, and LE incidents related to ORV usage, the FS LE budget is shrinking:

- The FS LE program has lost one-third of its total patrol force since 1993; Down from 984 uniformed LEO's and Criminal Investigators in FY 1993 to a total of 660 in FY 2006.
- The FS spends less than 2% of its total budget on law enforcement.
- This translates into one position for every 291,000 acres of forestland or one for every 733,000 visitors each year. …the lowest LE presence of any of the agencies.

Incredibly, just last month, FS Chief Abigail Kimbell, in her House testimony on the agency's FY 2009 Budget, actually called for a $17 million decrease in LE operations over what the agency had in FY 2008. Given these dynamics, it unlikely that the FS can finance the sort of public education campaign needed to shape the attitudes of ORV riders, particularly younger riders, or provide for the number of on-the-ground LEO's to police this activity.

The third point I would like to make is that ORV route designation without effective enforcement simply will not work.

Thus far, FS and BLM travel planning efforts have been a mixed blessing. While the agencies are moving from millions of acres that have been open for off-roading toward designated route systems, they are still keeping open large, unmanageable, and damaging route systems available for ORV use. Route designation will not work without enforcement and there are not currently enough LE Rangers on the ground in any agency to police this activity. As two senior level LE Managers working the Southern Region stated:

> ". . . each Forest is closed unless designated by map. . . . . Our maps suck. Hard for the folks to understand."
>
> "Many FS ORV areas were originally established without much thought or science as to effects on the land. Over the years, they have become de-facto official areas and the FS is now afraid to close them due to user backlash. And these same

> areas will likely be permitted on the new Travel Maps because of 'past use.' In a typical area that this open to ORV's, we need 3 LEO's just to patrol it, let alone trying to deal with activity on areas that are closed. Some of these areas are impossible to monitor and patrol at all. With manpower and budgets the way they are, we can't even patrol regular roads…let alone open ORV areas. "

Another National Forest LEO wrote me:

> "I worked in a region where, because of the population densities, ORV planning and proper LE has been underway on some of the units. Even on those units (where good planning, route designation, and effective field implementation has occurred), we still need help."

Even when agencies designate ORV trails to follow, riders often branch-off from the approved route or corridor. As that happens, an entire network of unauthorized trails and roads start to develop very quickly with devastating effects to the ecosystem.

Another drawback is that FS designated routes often do not address ORV issues on state and county roads running through the national forests. Compounding this is that in some areas, there is virtually no ORV enforcement by state and local police jurisdictions on these roads, which is a major problem. If the other agencies around NF's are not enforcing their own ORV laws on county roads and state highways, it makes our job in the forests that much tougher.

Even if agency ORV route planning makes sense in downtown offices and public meeting rooms, there must also be a well funded on-the-ground monitoring and enforcement component. This is where the FS has failed time after time. Once plans are drawn up and implemented, there is not adequate funding for field resources to police this activity where it's actually occurring. Throughout my years of working for the FS, I witnessed the development of many good plans, but a failure to provide the field resources to properly execute them. It is unfortunate that the FS is long on "plans" and seemingly good intentions, but very short on effective field implementation, particularly with providing necessary LE resources for dealing with serious problems.

Congress and Federal land management agencies must take the lead to get a better handle on the thousands of irresponsible users who are continuing to destroy important archaeological, riparian, botanical, and wildlife habitat resources, not to mention the large number of injuries and deaths attributed to ORV use. The following was copied this week from a popular ORV web-site under the "Directions" section for ORVers. It provides information about how to drive ORV's in an "approved" National Forest location known as the Tellico ORV Area. This area is within one of the best networks of wild trout waters for native trout species in the Southeast and, until the development of the ORV area, was known for its pristine qualities as a place to "get away" from other busy visitor use areas.

> "Ultra low gears are not needed here and sometimes hurt more than they help, as wheel spin is required to clean the tires and heat up the rubber in hopes that they will stick to the wet rocks. You will see a lot of local rigs here with 300 horsepower and tires in the 40"+ range. These big rigs (locally called hybrids or cab trucks) are what keep our trails interesting. When they 'hammer down' they tend to move large quantities of rock and dirt, so the trails are in a constant state of change. Therefore, the 'line' that worked for you on your last trip, may not be the correct approach the next time out. That's what makes this place such a hoot to ride….it's always changing!. . . Known as 'Hard Rock' going up and 'Slick Rock' coming down, either way, this trail provides plenty of excitement. The approach to the rock runs right up a creek bed with lots of big, loose muddy boulders that get shifted around each time someone goes up. Steering linkage damage and tires coming off the rim happen quite frequently here. There is no getting around Hard Rock, so when you reach this point on Trail 9 you are committed. The rock has a very smooth surface, is about two stories tall, and has a natural spring at the base to ensure that it's always muddy and wet. . . .This is a favorite place for the locals to gather and watch the show and rollovers are quite common."

In other words, off-roaders are being advised to ride right in the middle of a hydrological sensitive area to increase the thrill value. It is not uncommon for FS LE personnel to write numerous ORV citations on the weekends in this area. Recently an LEO wrote over 125 violation notices and seized over 300 containers of alcohol during one shift. Also on the aforementioned website is the "Tread Lightly; Leaving a Good Impression" logo that the FS promotes to ORV manufacturers. The notion that the above driving directions

could somehow coexist with the "Tread Lightly" theme, particularly in this ecologically sensitive location, cuts against rationality.

Congress should evaluate both BLM and FS on-going travel planning by reviewing several of their current proposals involving ORV management scenarios. PEER and the Rangers for Responsible Recreation believe these efforts could clearly be improved if the agencies better complied with Executive Orders, regulations, and policies. Federal agencies are often willing to go the extra mile in placating and appeasing the ORV community, even in the face of logic and common sense. For example, illegal immigrants and drug smugglers are entering the United States through BLM's Imperial Sand Dunes Recreation Area, which shares a common international boarder with Mexico. To quote a recent Los Angeles Times article:
(http://www.latimes.com/news/local/la-me-dunes2mar02,0,4925540.story?page=1) these individuals:

> "shoot across the border in souped-up vehicles loaded with illegal immigrants and drugs and elude U.S. Border Patrol agents by playing the part of dune enthusiasts: wearing helmets and decorating their bikes and all-terrain vehicles with decals and flags. The cat-and-mouse game turned deadly recently when a suspected smuggler driving a Hummer ran over an agent and fled back across the border over the dunes. The agent's death focused attention on the federal government's enforcement strategy in this remote corner of the border."

The obvious solution to the problem would be to close this portion of the area to all OHV's and then patrol it for incursions. That would affect approximately 7,842 acres, which is less than 10% of the 80,000 acres that would still be open to off-roaders. It appers that not even the death of a federal agent, simply trying to do his job, gets the attention of our public land ORV managers. PEER believes that Border security should certainly trump the off-road industry. But it's not clear that's the case with this administration.

For any chance of success, America needs a strategy to cope with the recent explosion of ORV use and its public safety, ecological, social, and financial consequences. We propose beginning with these three steps:

1. **Establish Penalties that Deter**

In most locations, today's fines for ORV abuse are inadequate. Some are so low that oftentimes the offender(s) will just view it as a necessary user fee. In many Federal Judicial Districts, agency collateral forfeiture schedules have not been updated for years. When fines for ORV violations are raised, rider compliance is easier to gain. Reckless or "Repeat Offender" off-roading can be deterred by on-site criminal seizure of the offending vehicle(s) in the field, coupled with a criminal asset forfeiture of that vehicle if the offender pays the fine or is adjudicated guilty. These provisions could be accomplished by Federal rulemaking changes to each agency's prohibitions contained in the Code of Federal Regulations. This effective strategy is currently used at the State level with firearms and hunting licenses when offenders are caught violating State game laws. Repeat offenders should face suspension of riding privileges (through time imposed Federal Court "banishments" from public lands), and, when appropriate, imprisonment.

2. **Properly Fund ORV Enforcement**

Necessary enforcement actions dealing with off-road abuse are taking an ever larger toll on already over-burdened LE Rangers. Congress and state legislatures need to immediately augment their public lands LE budgets. The FS is far less capable today in redeeming traditional land management LE responsibilities than they were 10 years ago. Many internal and external reports demonstrate that illegal and unchecked use continues to rise as the number of on-the-ground personnel to deal with these problems fall. With regard to ORV's, this is due to agencies failing to place a priority funding emphasis on an activity that is currently responsible for ruined landscapes, demolished wildlife habitats, and destroyed riparian areas. The region where I worked is currently under-funded by

approximately 20 LE Officer positions from when I retired in 2006. The proposed budget cuts for LE staffing in the Southern Region will exacerbate an already bad enforcement staffing situation.

3. **End Hidden Costs to the Taxpayers**

Taxpayers are footing the bill for the damage and havoc caused by reckless off-roaders. As yet, we do not know the full extent of these costs. Mr. Chairman, I am very pleased to hear that you have recently asked the Government Accountability Office to investigate the use and management of ORV's on Federal public lands. This is a critical first step that's needed for Congress to enact common sense solutions to the growing ORV problem. Over time, some areas have been so trashed by ORV's they are in need of significant restoration. Congress should move to ensure that adequate steps are taken to repair the decades of damage to our rivers, cultural sites, wildlife habitat and other ecologically and culturally valuable places. Greater oversight on the companies that manufacture this category of vehicle is needed. When one looks at today's literature or commercials being produced by the companies, it seems they emphasize the vehicles' durability as well as the perceived freedom that riders have to drive anywhere they wish with little thought given to their impacts or safety. It is time to place an added Federal tax on the sale of these vehicles which could be used by land management agencies to offset management and rehabilitation costs related to this type of use.

Congress should not allow more off-road usage than can be monitored and managed. Responsible use of public lands now is a necessity for future generations to enjoy.

I highly recommend that the Members endorse the report entitled "Six Strategies for Success, Effective Enforcement of Off-Road Vehicle Use on Public Lands.", which was published by Wildland CPR, and available for viewing at the following web link: http://www.wildlandscpr.org/news/new-report-reveals-solutions-road-vehicle-abuse-

public-land . I also brought several copies with me today if Members are interested. This report presents a comprehensive review of the current issues associated with ORV's on public lands and then makes a number of very effective recommendations. Its Executive Summary states, in part:

> "Over the past two decades, advances in off-road vehicle technology have enabled riders to drive on nearly any type of terrain, up steep slopes, and onto lands that once were accessible only on foot. At the same time, the popularity of off-road vehicle recreation has soared. Together, these forces have overwhelmed the regulatory enforcement efforts of public lands agencies. The results: An extensive network of unauthorized, usercreated routes that criss-cross the landscape and a legacy of damage to environmental and cultural resources. Safety concerns for humans and wildlife and conflicts among motorized and non-motorized recreationists have escalated. Public land management agencies are facing these challenges with inadequate enforcement funding and staff. This leaves them unable to protect the lands under their stewardship, and at a loss to turn around the attitude of lawlessness that is alarmingly common among off-road riders. The common perception among off-road riders is that breaking the rules some of the time is all right, especially if someone else has ridden off-route before and cut a visible trail. This has become a significant public problem because of the destructive capabilities of off-road vehicles."

This is the best statement that I have seen encapsulating the problem. The report also contains a lot of very practical advice that federal land management agencies should be integrating into their approach to this growing problem.

This concludes my statement. I would be pleased to answer any questions that you may have.

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Status and Summary Report
OHV Responsible Riding Campaign

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The purpose of this paper is to provide an overview and status report of the Responsible Riding Campaign being undertaken by Monaghan & Associates at the direction of the Colorado Coalition for Responsible OHV Riding.

Situation

Serious conflicts continue to emerge related to off-highway vehicle (OHV) use throughout the West. Evidence can be found of public and private lands being abused by OHV users. Evidence also exists that this legitimate form of outdoor recreation has been made a target of overly-broad political attacks.

The current "battleground" for these conflicts are serious efforts to limit and even close certain public lands to OHV use. At the same time, consumer use of all terrain vehicles (ATVs) and off-highway vehicles continues to grow at a very substantial rate in Colorado and other states.

Against this backdrop, a coalition of OHV representatives, environmental leaders and public officials are initiating a pilot project to motivate OHV users in Colorado to voluntarily adopt safe and environmentally conscientious riding practices (responsible riding).

For the past 9 months Lisa Frueh and her colleagues have examined existing data regarding OHV use – and conducted original opinion and behavioral research. This information has been regularly shared with and discussed by Coalition participants – resulting in a strategic premise that is outlined in this paper. In a "nutshell," it is our premise that further ***information*** and ***education*** per se – will not result in substantial behavioral change. Instead, the "message" must be direct and ***motivational***. The premise also recognizes various consumer attributes and therefore targets key user groups.

The strategic premise will then form the basis for an advertising and public relations campaign that will be launched in February 2002. This paper also sets forth a schedule and budget for executing that communications campaign.

Background Data

In order for a "motivational campaign" to be successful, it's vital know as much as possible about those individuals who must be motivated or persuaded - and the "culture" which influences their beliefs and behavior. For example, what constitutes ... or creates ... an "enjoyable" OHV experience? To what extent is that experience – or "user satisfaction" - based upon the physical dimensions (trails and surrounding environment)? To what extent is the experience shaped by cultural influences (e.g. -- Images and expectations created by public perception.)? Or, to what extent is the experience shaped or compromised by opposition to OHV use by certain groups?

In other words, the more that can be understood about OHV users in Colorado and their lifestyles and beliefs, the more successful we are likely to be in creating a message that will actually ***motivate*** the target audience to adopt safe and environmentally responsible riding practices.

Unfortunately, there does not exist in Colorado an authoritative and comprehensive database of OHV use or consumer behavior. Thus, in order to better understand the "user" as well as other efforts that have been made to influence "his" behavior - Monaghan & Associates reviewed what consumer data are available and reports from previous efforts; we interviewed and discussed these matters with knowledgeable individuals; and conducted original focus group research. Below are key points that emerge from this work.

A. Growth of OHV use in Colorado ...

- OHV use is very popular in Colorado: There are about 70,000 registered riders here, with many thousands more estimated to be unregistered users.

- Even this number is conservative because it does not include 4-wheel drive vehicles (jeeps - SUVs) that are "road-licensed" but also used off-road from time to time.

- Colorado ranks 28th in the nation for ATV and off-highway motorcycle (OHM) registration – with use fairly evenly split between the two.

- The growth of ATV and OHM sales in Colorado has out-paced national and regional trends. Nationally, ATV sales increased fourteen percent (14%) [1] from 1992 – 2000, while OHM sales increased thirty-six percent (36%) for the same period. In the West, combined sales of new ATVs and OHMs jumped 154% from 1995 – 2000. **However, Colorado experienced a 176% increase in ATV and OHM sales during the same period.**

- Based on these data and anecdotal reports of increased OHV use by young people (under 18 years of age) and women, it seems safe to assume that overall ATV and OHM uses will continue to grow Colorado – tempered somewhat by fluctuations in the state's economy.

B. The typical Colorado rider ...

The following statistics and characterizations were taken from various studies and reports and represent the ***"average" and/or "mean"*** rider. Such information is useful for crafting effective messages and developing "channels" reaching target audiences.

❑ Typical rider

White male
40 years old
High school education
$50,000 average household income
Professional/Manager or Laborer/Farmhand

❑ Riding Habits

67% of his riding is on weekends
75% of all riding is in Spring, Summer and Fall
85% ride for recreational purposes only
92% ride on trails or in rural areas
Spends about $925 per year on OHV trips

❑ Social Appeal of Riding

79% ride with a small group (3-5) of friends or family
80% do not belong to an organized OHV club
93% of Americans indicate they believe outdoor recreation helps parents and children bond and positively affects health
Top three reasons for riding: **fun, excitement, stress relief**

- Other attributes

  Other interests (in descending order) Camping, fishing, hunting, 4 WD, home repair, football and boating
  48% use the Internet regularly for personal reasons
  62.5% are married

C. Colorado Sportsmen Survey ...

As another effort to better understand OHV users, a questionnaire was circulated at the 2001 annual Colorado Sportsmen convention in Grand Junction. Results of that survey are summarized below and provide yet another "data point" regarding habits and beliefs.

- **OHVs for practical uses**

Not surprisingly, the majority of sportsmen who use OHVs do so to enhance their hunting or fishing experiences. That is, they are used for practical purposes more than for the "ride" itself. This finding has implications regarding the extent to which sportsmen should be part of the target audience for this pilot program. While more discussion about this group of users is warranted, it may be that the "practical user" would be less motivated to consider the "trail" as an important feature in his or her outdoor experience.

- **Sporting Good purchases**

Visits to mega-stores (such as Gart Sports) and other fishing and hunting specialty stores were identified as the most popular venue for making retail purchases among respondents. As the "outreach" channels are considered for the Responsible Riding Campaign, this information will help determine where point of purchase displays can be most effective, as well as how to best target "OHV users" ... many of whom are also hunters, fishermen and other sportsmen.

❑ Internet use

The Internet may be an untapped resource of significant potential for reaching targeted OHV users. Results of the Sportsmen Survey – as well as unrelated data about Internet use in Colorado - suggest that a strong majority of "sportsmen" have computers with Internet access in their homes – but only sporadically access the Internet. For example, the majority of respondents to the Sportsmen Survey access the Internet on only a *weekly* basis – while one person reported a *daily use.*

D. Existing educational programs ...

Background research for this project involved an extensive review of educational efforts by numerous public entities and organizations dedicated to responsible OHV use and environmental protection. Several pertinent results of that review are set forth below.

❑ Logos and Slogans

While logos and slogans are merely two aspects of broader educational programs, they do synthesize the "message" and tonality of various persuasion efforts and are therefore, worth examining. (Note: Visual examples of logos can be found in Appendix A)

Commonly found slogans:

"Protecting Your Right to Ride"

"Preserving our natural resources FOR the public, instead of FROM the public"

"Caring for the land and serving people"

"Leaving a good impression"

"Preserving public access to public lands"

"Four wheeling responsibly"

❑ Tread Lightly!

"Tread Lightly" is a national education program that promotes the responsible use of trails through the distribution of printed material and through encouraging other organizations to use advertising to promote responsible use.

The Tread Lightly brochure series incorporates the slogan, ***"It protects your right to ride"*** as a not-so-subtle threat that public lands users will lose access to their favorite areas unless they undertake the responsibility promote responsible use. For example ***"Respect wildlife; it protects your right to ride."*** Or ***"Keep your sound down; it protects your right."***

According to Lori Davis, executive director of Tread Lightly! - the organization also recognizes groups that promote the protection of public lands through creative advertising - with an **Advertising Leadership Award**. The goal is to encourage powerful, cutting edge advertising that will influence consumer behavior.

❑ National Recreation Trails Program

This is a program initiated in 2000 by **American Trails** – a national trails support organization. National Recreation Trails may be designated by the Secretary of Interior or the Secretary of Agriculture to recognize excellent trails of local and regional significance in response to an application from the trail's managing agency or organization. Benefits that accompany such include promotion, technical assistance, networking and access to funding.

❑ Montana: "On the Right Trail"

The Montana program offers a good example of the type of campaigns that have been conducted on the state level. Primary focus of the campaign was educational -- to communicate the reasons people should stay on the trail and admonish riders to take responsibility for their behavior.

In the case of hunters, the Montana program provided a list of key behavioral traits that define an "ethical hunter" – with several of these related to proper OHV use. These and other principles (e.g. ***"Fair Chase"***) were conveyed to hunters through brochures and other material.

One aspect of Montana's program seemed more aligned with our objective of motivating behavior change. An educational curriculum for kids tagged … ***"On the Right Trail"*** … taught Off-highway Vehicle safety, etiquette, and ethics. Tactics used included *Educational Trunk* which contained maps, OHV educational (VHS) tapes, a tape recorder, safety gear, personal fanny pack, an emergency kit, a tool repair kit and materials for an OHV-theme "jeopardy" game

❑ Arizona Advertising and PR Campaign

An advertising and public relations campaign, launched by Arizona State Parks this past Summer, was also reviewed. This program used television and radio spots, billboards and Internet advertising to educate a statewide audience about "responsible use."

While state officials found that many OHV riders – particularly new and young users – were unaware of a number of rules … the message which seemed to "stick" with the public was simply …***"Stay on the trail."***

Focus group summary – Colorado OHV behavior …

To better understand the Colorado "rider" Monaghan & Associates conducted focus groups with OHV users that probed their values, beliefs, riding behavior, experiences on the trails and the messages that could have a positive influence on their riding behaviors. These groups provided significant insight into OHV perceptions and motivations helped embellish the other data that had been examined. Key findings from three focus groups are set forth below.

❑ Focus Groups Results - Adult (male/female) OHV Riders

- All participants expressed a strong pride in Colorado and a virtual reverence for the "outdoors."
- Participants acknowledge knowing the rules of the trail and spontaneously cited "stay on the trail" as a chief precept.
- They displayed strong emotional attachment to proper behavior.
- Respondents believe that it is "others" who go off-trail and cause most of the damage. These "others" were variously identified as non-Coloradoans or tourists … as well as teens and younger kids.
- Many reluctantly admit to having gone off trail "a couple times" but felt that it is permissible if rarely done …. *"just this one time."*
- Hunters who go off trail to retrieve game are seen as "exempt from criticism because the mission of game retrieval is by definition an off-trail activity.

- OHV users recognize abusive behavior exists among other users but do not believe that they or their close friends are causing the problems.

- Participants were not susceptible to the threat of negative actions – they simply do not believe that trail closures will personally affect them.

- A suggestion of "mentoring" children and teaching them proper trail etiquette – evoked a universally strong and positive response from participants. These OHV users see it as their responsibility to pass proper user "ethics" on to their children.

- As a consequence of these feelings, participants were clear when they indicated they are better behaved on trails when children are present.

❑ Focus Group Results - Young OHV Riders (13-18 years)

- Youthful participants enjoy living in Colorado and even at a young age – they value outdoor activities and the outdoors environment as a major part of their lives in Colorado

- They know the rules of OHV riding and easily recite and refer to them.

- Spontaneous emphasis is on "staying on the trail."

- Issues and rules relating to rider safety were much more "top of mind" than environmental concerns. For example, ***"staying on the trail"*** is a safety issue – not so much an environmental concern with young riders. This is response is not surprising, given the emphasis that parents place on safety when teaching their kids to ride.

- Older kids more easily grasped environmental-related issues and seemed to appreciate the long-term damage that irresponsible OHV use could cause. They also demonstrated personal concern about environmental issues.

- Respondents generally learned to ride at a young age (5-6) and generally from their parents.

- Younger kids admit they ride off trail but feel it's okay if they do so where it's safe and someone else has already cut a trail.

- Older kids would not admit riding off the trail. Feel strongly that they should protect the environment for others. To the extent they were being truthful – this is a positive demonstration of their values. And even if they were not completely forthcoming in answering the "off-trail" question … the denial shows that they know the right thing to do and feel social pressures to behave correctly.

Escalating tensions and conflicts

While OHV recreation is growing at a very fast pace in Colorado, there are significant pressures to reduce the number of trail miles available for motorized recreation.

❑ Physical and cultural influences

This pressure emanates from several factors. There have been incidences in Colorado of irresponsible OHV use, resulting in some level of environmental degradation. The simple act of maneuvering a motorized vehicle off of an established trail and across "virgin" land can cause significant physical damage – first, by virtue of the scars left on the land and secondly, by creating a "map" that will be followed by other OHV riders who will see the unauthorized "trail" as a permissible route for their vehicles.

There are also reports of conflicts on the trail between individuals who enjoy motorized access and those who are on foot, skis or horseback. Some non-motorized users dislike OHV riders because they are seen as disrupting the peace and tranquility of the outdoor "experience." The cultural gap between these two very distinct users – creates a base of distrust that is easily exacerbated when examples of actual resource abuse are encountered.

❑ Media influences

The power of the media to influence – and at times enflame – public perception and opinion are undeniable in our society. And given media's appetite to exploit conflict – the OHV "issue" has been ripe for dramatic coverage.

A powerful and memorable example was the "Mud Fest" incident that occurred on private property above Boulder. That single incident generated several months of media attention in both broadcast and print. While the news articles themselves were factual and – the fact that these illegal activities were not distinguished from valid OHV activities – could have easily created the public impression that "Mud Fest" is what OHV enthusiasts are all about. Moreover, the mere coverage of such environmental abuse created a noticeable public anger over the incident.

❑ Political influence

Once a controversial issue receives high profile media attention, political posturing is certain to follow. And thus, as conflicts over competing uses of public land have been featured in the media, there has been increased political attention by lawmakers and interest groups.

Unfortunately, the "tools" available for use in the political arena are often blunt and unsophisticated. This is certainly the case with current battles to close or severely restrict certain trails to motorized vehicles. As sides are chosen along these stark skirmish lines – the situation will become even more antagonistic as both sides are painted with very "broad brushes" and their behavior inaccurately generalized.

❑ Coalition for Responsible OHV Riding

Seemingly at odds with each other, environmentalists and OHV enthusiasts are often on different sides of issues relating to trails for motorized vehicles. In general, both groups take relatively polarized positions and find it difficult to accommodate one another's concerns. In this case, however, the Coalition has demonstrated that there IS a workable middle ground – encouraging those who ride to do it responsibly so that damage is at a minimum while still granting recreational access to public lands. This solution works for both groups because it addresses the core issues important to each side.

Taking the next step, the Coalition has received funding to develop an effective motivational message and to test it through a pilot advertising program that would launch in February, 2001.

Analysis

❑ OHV user behavior in Colorado

No emperical data exist that indicate how many of the 70,000 registered OHV users … or thousands of unregistered users in Colorado … go "off the trail" … or how often they do … or the extent to which they engage in other unsafe and environmentally harmful manner. However, on the basis of anecdotal reports and the focus groups that were conducted, several reasonable "working assumptions" can be made:

- There is no ambiguity as to the "rules" which apply to OHV use on public and private lands in Colorado. Sanctioned trails are well identified and virtually all users know that the common standard for proper behavior is to ***"stay on the trail."***

- The majority of OHV riders in Colorado stay on the trail a majority of the time and understand that this is fundamental trail etiquette that they are expected to follow.

- However, knowing that going off the trail is not "correct" OHV behavior, as many as two-thirds of adult OHV users go off the trail occasionally. Justification for doing so range from the obvious role of OHVs in hunting to some exceptional circumstance, to following an unauthorized but visible trail cut by previous users.

- An estimated 15%-20% of Colorado users strictly follow safety and environmental rules and never go off the trail.

- A similar range of 15%-20% of the state's OHV users frequently break the rules and often go off-trail.

- While we have not tested its limits, there seems to be a direct connection between individual pride in Colorado's environment and one's strength of conviction when it comes to proper trail behavior.

❑ Learning and social structures

Strong and varied systems exist in Colorado for teaching and reinforcing the proper rules of OHV use.

- Most frequently, new and young riders learn the rules from a parent or family friend.

- At the point of purchase of an OHV, dealers will invariably provide information about safety, trails and their proper use.

- There are approximately 70 OHV clubs in Colorado – with about 30% of those (20) having web sites that include information about trail usage. Additionally, the COHVCO and several state agencies disseminate information on trail-riding etiquette, as do a number of national organizations.

❑ What's missing here?

- The fact is that numerous educational programs have succeeded in creating instant recognition of the "right thing to do" in terms of OHV use … but at the same time, there seems to be a large segment of the user population that will purposefully go off-trail from time to time. This suggests that more "education" is not the right approach to changing behavior.

- In order to be successful and actually influence behavior, OHV users must be <u>motivated</u> to behave properly.

❑ Motivating OHV users

On the basis of work that has been performed to date and upon discussions with Coalition members, the number motivational themes that are available has been narrowed to a very few.

Use it properly or lose it. The threat of massive closures is very real but that threat does not seem resonate with OHV users at this time. Absent user receptivity, the harder this theme is pushed, the harder its intended audience will push back.

Intertwine safety and proper trail use. Particularly among young users, the concept of safe practices is stronger and more relevant than environmentally sensitive practices. This suggests that a message to ***"stay on the trail"*** intertwine both personal safety and environmental objectives.

Demonstrating our pride in Colorado. It's clear that residents of Colorado have a profound pride of their state and its remarkable environment. This pride has the potential to motivate OHV users and to extend their behavior beyond the minimum goal of "staying on the trail" to a more active role of "stewardship." And, to the extent to which this pride can be demonstrated through group activities of existing OHV clubs and organizations – the more powerful and sustained it will be. That's because the organizations themselves reinforce positive behavior because they create a sense of "belonging" for members.

The powerful influence of children. A special dynamic "jumped out" of the focus group research and subsequent discussions. While adults will knowingly cut corners from time to time – compromising their behavior – they hold out a more honorable standard when it comes to children. As an example, adults may loosen personal safety and environmental standards from time to time … but they do not want to see these values compromised as they are translated to their children. This realization creates a number of possibilities for the use of children in crafting the motivational message.

OHV Campaign Mission

Campaign Goal:

To motivate OHV riders to ride "responsibly" and when successful, to publicize the effort.

Objectives –

- A primary objective of the campaign is to reinforce the majority of OHV users who ride responsibly most of the time and to significantly reduce their episodes poor behavior.

- Another key objective is to intersect new and young riders so as to imprint their behavior in a positive manner.

- Finally, an overarching objective is to create a collective public attitude that will "punish" flagrantly irresponsible behavior and "reward" the positive efforts of OHV users who are taking steps to protect Colorado.

Anticipated Beneficial Results –

While this phase of the project consists of a pilot program to prove several key assumptions relating to motivation, if successful, a number of tangible benefits will be realized:

- The outlook and actions of OHV users will evidence a new culture of resource care and stewardship.

- An increase in positive media stories about OHV use will be recognized.

- The general public's impression of OHV users and their practices will improve.

- Number of user conflicts on multiple use trails will decrease.

- Rate of damage to trails in Colorado will decrease.
-
- Decrease trail closures due to irresponsible use

Message implementation -

- Develop and implement a broadcast media plan that will motivate responsible OHV riding and create an appropriate level of public relations attention so as to reinforce proper riding behavior and begin to reshape public attitudes toward OHV users.

- Develop and implement a supporting public relations campaign to compliment and extend the mass media efforts.

- Create a meaningful public vehicle for OHV riders to demonstrate publicly their commitment to responsible riding.

Target Audiences -

The primary audience for this campaign is obviously the recreational OHV user – with particular emphasis upon those riders who generally demonstrate safe and environmentally sensitive practices but do not do so 100% of the time.

It is suggested that new and younger users also be targeted because they are impressionable and hold the key for effective cultural change.

A secondary audience is the general public in Colorado – which has the ability to reinforce the positive behavior of OHV users and create a broader appreciation for what the Coalition and OHV users are doing to protect Colorado's environment.

Target Audience Matrix

The matrix below summarizes the narrative discussion regarding target audiences and message elements which may have strong potential with each..

	Little Knowledge of Rules/Customs	Inconsistent Responsible Behavior	Consistently Responsible Behavior
Frequent Rider			(reward, recognize)
Young	Safety Issues Consequences	Social Belonging Consequences	
Adult	Pride Social Belonging	Stewardship Pride Social Belonging	
Experienced	Social Belonging	Pride Social Belonging	
New Rider	Safety Issues Social Belonging	Pride Stewardship Social Belonging	
General Public	Stewardship Pride	Stewardship Pride	Stewardship Pride
Infrequent, Occasional Rider			(reward, recognize)
Young	Safety	Safety	(reward, recognize)
Adult	Safety Pride	Stewardship Social Belonging Pride	(reward, recognize)
Experienced	Pride Stewardship	Stewardship Pride Social Belonging	(reward, recognize)
New Rider	Safety Pride	Social Belonging Stewardship Pride	(reward, recognize)

Campaign Tactics and Timeline:

The following outline of completion dates and expense are based upon a campaign launch date of February 11, 2002. This date was chosen because it is the beginning of Spring – marking the time of year that riders will be getting back out on the trails again. It is also a fragile time for OHV use – with wet conditions that increase the likelihood of damage when riders go off trail.

➔ **Develop and implement mass market broadcast campaign.**

1. **Develop logo and slogan.**

   This is a critical step because the visual representation of the campaign (the logo) will be critical to its success. It needs to accomplish a number of critical objective: it must be attractive to our audience and memorable.

   The slogan must represent in an active and simple way the heart of what we are doing. It must also be simple and memorable, appealing to our target audience. The slogan, however, should NOT be confused with the key messages that will form the body of our communications with the target audience. Those messages answer the "why" of our campaign.

   Completion Deadline: Nov. 30, 2001

   Total Production Expense: $2,500

2. **Refine and Finalize Key Message Points**

   The message points will be the "meat" of the campaign. These will drive the underlying motivational themes listed in the target audience matrix. These key issues will also define the PR communications. The messages will focus on pride in Colorado; need for social belonging (foil concept); stewardship ideals about legacy and future generations; safety issues about staying on the trail; reward and recognition; and possibly an example of threat if we decide to go that route.

   Completion Deadline: Nov. 30, 2001

3. **Create storyboards for television ads.**

Once consensus about logo, slogan and key message points has been reached within the coalition, we will produce several "storyboards" (visual representation of our concepts) for discussion and eventual approval by the coalition. It will probably be a series of back and forth discussions before we arrive at the final concept.

Completion Deadline: January 7, 2002

4. **Test concepts in focus groups to ensure we have "pushed the right buttons."**

It is recommended strongly that the final 3 storyboards we approve be presented to a focus group (or 2) to ensure we have "gotten" it. If we discover we have not "hit the nail on the head," we will have time to make changes, and we'll have the input of our target audience.

Completion Deadline: January 11, 2002

Total Research Expenses: $5,000

5. **Production of three separate 30 second TV ads and two 15 second PSAs lifted from ads.**

Monaghan & Associates teams with a local, Academy Award winning production company to produce powerful television spots. We will produce three different ads, using three different themes, and from those ads, we will cull 2 :15 spots for use as PSAs at local television stations.

Completion Deadline: January 29, 2002

Total Production Costs: $25,000

6. **Develop Scripts for Radio Ads**

Monaghan & Associates we will script and produce both 30 second and 60 second radio spots as well as PSAs. These will be produced at minimal expense.

Completion Deadline: December 17, 2001

Total Production Expense: $1,000

7. **Execute media buy for both television and radio.**

Monaghan & Associates will negotiate a media buy for both television and radio spots. It is our policy to work on a fixed fee basis and return the standard 17% agency fee back into the media buy, thereby giving the coalition more air time for the dollars spent. The media buy will not proceed until approved by members of the Coalition.

Completion Date: February 4, 2002

Total "Buy" Expenses: $110,000

8. **Design and produce print ads for major daily newspapers.**

Based upon the decisions made regarding the television ads, complimentary and supporting print ads will also be created for Colorado outlets and major daily newspapers surrounding states. It is important that target audiences see the ads "everywhere" – that is, they will see it on television, they will hear it on radio and they will read it in their hometown newspaper. It may also be possible to purchase small ads in national OHV-related magazines. Total expenses estimated below include those purchases of ad space.

Completion Date: January 16, 2002

Total Production Expenses: $10,000

Total Production Expenditures for Mass Market Campaign: $153,500

➔ **Develop and implement a supporting public relations campaign to compliment the mass media efforts.**

1. **Create and Publish Colorado Responsible Riding website.**

   State Parks has graciously offered to host our website, thereby making a significant in-kind contribution to the campaign. The website will begin as a rather simple, informational package, and grow as the campaign grows. Design will be handled with the notion that we will expand the website when finances and need arise.

   Completion Deadline: January 31, 2001

   Total Production Expenses: $5,000

2. **Coordinate Details for Launch of Campaign on Feb. 11, 2002**

   Ensure media coverage in Colorado dailies and weeklies; arrange interviews with Coalition members and/or spokesperson; determine if press conference is merited; try to time NPR story for same day; try to get TV to interview coalition members …

   Completion Date: February 11, 2002

3. **Develop press kit/ public relations materials.**

   We will need a fact sheet on OHV recreation in Colorado and concerns about irresponsible behavior; short bios of coalition members (to show the variety of organizations supporting the campaign); copies of TV ads on video; brochure about campaign; folder for information. Printing costs decrease per piece printed, so we will print as much as the budget allows in the first round. Also included in expenses are a banner, door clings for retailers, auto dealerships and partners.

   Completion Date: February 1, 2002

   Total Production Expenses: $35,000

4. **Generate free media throughout the state on a regular, ongoing basis.**

   This will require close contact with coalition members who we will ask to "author" the topical and timely articles we will ghost write. These articles will be posted on the website as well.

Articles will go to outdoor recreation magazines, environmental magazines, statewide newspapers and newsletters for all identified OHV clubs statewide.

Completion Date: ongoing

5. **Position the Coalition as a source of reliable, in-depth information about the state of both OHV- and environmental issues about Colorado's trails by creating an as-needed "white paper" with quotes from state's experts.**

This will serve to disseminate useful, well-regarded information to Colorado and surrounding states' political, business and community leaders. This will be done when there is an issue of importance to discuss. It will involve close contact with coalition members to identify those issues in a timely, pro-active manner.

Completion Deadline: ongoing

6. **Secure partnerships with Colorado business and civic organizations with which our target audience has some affiliation. Seek partnerships/cooperation with national manufacturers of outdoor equipment used by OHV riders.**

A sample list is attached in the appendix. This portion of the PR plan is vital to the project's continued success because the "partnerships" can help leverage limited campaign dollars. Partners will be asked to include the project logo in any ads or literature. The Coalition will also sponsor special events when feasible; pursue other opportunities as they arise to further develop relationships with key groups in Colorado. As feasible, the program will provide other collateral material to participating/supporting retailers, dealerships, sporting goods stores, grocery stores, etc – in order to more broadly develop exposure for the targeted audiences.

Completion Deadline: ongoing

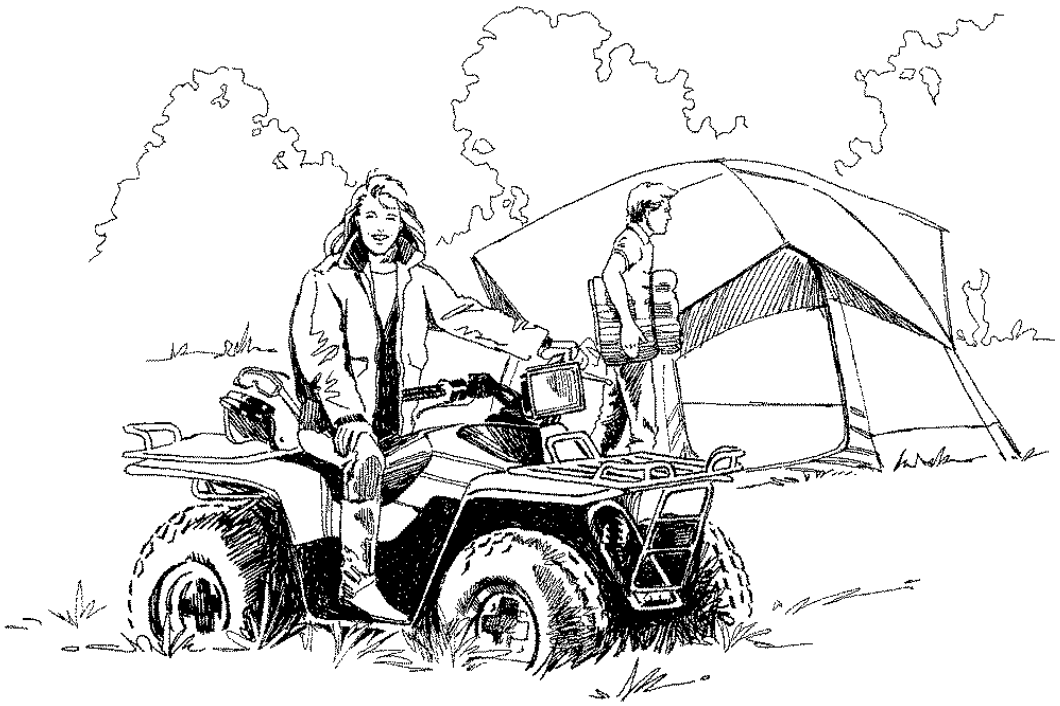
7. **Pursue television program opportunities on relevant stations and/or programs.**

There are several shows on network television relating to outdoor life in Colorado and we will pursue those opportunities as well as those on cable networks, such as Speedvision and ATVision.

Completion Date: ongoing

Total Expenditures for Public Relations Support:	**$40,000**

Off Highway Vehicle Uses and Owner Preferences in Utah (Revised)



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Summary of Findings

In 2000, 50,676 people registered 74,452 off highway vehicles (OHVs) with the Utah Division of Motor Vehicles (DMV). This paper reports the results of a telephone survey of a random sample of 335 owners of these all terrain vehicles (ATV), off highway motorcycles, and recreational 4 x 4s. The results do not represent OHV drivers who rent or borrow vehicles or out-of-state visitors who ride in Utah. Where possible, the results are compared to a 1994 study of the same population, and selected questions concerning snowmobile use are compared to a study by McCoy et al. (2000).

Almost 90% of the respondents own ATVs, 21% own off highway motorcycles, 15% own snowmobiles, and 15% own 4 x 4 vehicles that are used for recreation purposes more than 10% of the time. (It is important to recognized that this study population did not specifically target 4 x 4 owners, but owners of registered OHVs). Respondent households have an average of about 2.5 operators for all vehicle types except 4 x 4s, which have an average of 1.5. Statewide, OHV owners and other household members traveled over 93 million miles on their machines and used more than 7.5 million gallons of gas during the year. Demographic characteristics of OHV owners have changed very little since 1994, although they do appear to be getting older and wealthier on average.

Extrapolating the survey data to the entire state, there are 18,624 off highway motorcycles and 82,368 ATVs in OHV owner households. In 2000, $4.8M in property taxes and $1.3M in registration fees were paid for these vehicles. If snowmobiles and recreational use 4 x 4s are included, Utahns paid nearly $11M in property taxes for their vehicles. The total of 100,992 motorcycles and ATVs in owner households, however, is much higher than the original OHV list which contained 74,452 registered OHVs. This indicates that about 26,500 motorcycles and OHVs are not on the DMV's registration list. There are three possible explanations for this: some of these vehicles may be registered as street legal, some may not be registered at all, or there may be a response bias in the sample toward owners with multiple vehicles.

Most Utah OHV owners live on the Wasatch Front–especially Salt Lake (40%), Utah (20%), and Davis (8%) Counties–but the Southeastern and Central Travel Regions were the top two destinations for the last trip they took before the survey was conducted. BLM land was the primary destination for ATV, motorcycle, and 4 x 4 vehicle trips. Forest Service land was the second most common destination for ATV and 4x4 trips, and State land was second for motorcycle trips. Little Sahara Recreation Area was the most common specific destination, and only about a quarter of the respondents' last OHV trips were on private land.

Motorcycle trips were single-purpose trips to a greater extent than trips taken with other types of vehicles. For those trips that combined other activities, hiking, hunting, fishing, and camping were especially important. Riding off established roads and trails is especially popular with motorcycle and ATV owners, but during their last trips, owners of all three vehicle types were more likely to ride on roads or trails than to go off road.

Over three-quarters of the motorcyclists *always* wear a helmet when they go motorcycling, and half of the motorcycle owners feel helmets should be required. However only one-third of the respondents always wear a helmet when they go ATVing, one-third *never* wear a helmet, and only 39% feel that helmets should be required for ATV use.

Only 41.5% of registered OHV owners are familiar with the State of Utah OHV program. Of those who are aware of the program, 93% agreed that the program is an asset to the State, and most feel the primary role of the program is safety education (52%). There has been a *decrease* in program awareness since 1994 but an *increase* in positive feelings about the program. Only 37.5% of the respondents said they were aware of the State's "Know Before You Go" safety education program. Of those who were familiar with it, 85% felt an OHV safety program is moderately or very important, but less than half felt such a program should be mandatory.

Nearly 41% of the sample said they had no idea how Utah OHV tax and registration funds are spent. Law enforcement was ranked as the *lowest* preference for spending OHV funds, but *highest* as the area where respondents thought funds were actually spent. But these results contrast with the one-third of the respondents who said there should be more law enforcement presence in OHV areas compared to only 7.5% who said there should be less.

And finally, "increasing access to public land" and "having enough places to ride" were the primary OHV-related concerns of respondents.

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Introduction

On February 8, 1972, President Richard Nixon issued Executive Order 11644 to "establish policies and provide for procedure that 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" (Nixon, 1972). Since that time, conflicts between off road vehicle users (now called off highway vehicle or OHV users) and other recreationists have increased. Recently, the Bureau of Land Management published its new version of the National Off Highway Vehicle Management Strategy in which the agency states five points justifying the need for such a document: 1) Greater public interest in unconfined outdoor recreational opportunities, 2) Increasing disposable income for use in recreational pursuits, 3)Advances in vehicle technology that enable OHV users to reach previously inaccessible areas, 4) The rapid growth of the West's cities and suburbs, whose expansion and population growth has brought Westerners closer to once-remote public lands, and 5) A population with an increasing median age with changing outdoor recreational interests (BLM, 2000).

These conflicts are not unique to the BLM. Utah is also faced with the issue of increasing conflict regarding OHV use in the state. In October of 1999, Deseret News reported on a lawsuit brought about by environmental groups to block OHV use in 9 million acres managed by the BLM (Spangler, 1999). Other researchers have questioned how OHV operation affects the environment from soil compaction (Webb, 1982), to elk, birds, mountain sheep, and deer (Laing, 1992). The job of managing Utah's public lands for OHV use combined with other recreation and other land management activities is becoming very complex.

To better plan OHV management strategies on Utah public lands, the Department of Natural Resources, Division of Parks and Recreation asked recreation researchers of the Institute for Outdoor Recreation and Tourism (IORT) at Utah State University to conduct a study to determine how OHVs are being used and to determine owners preferences and opinions related to OHV use. During the Fall of 2000 and the Spring of 2001, researchers conducted a telephone survey of a sample of OHV owners in Utah. Before IORT undertook the study described here, one study had been previously done in 1994 by the University of Utah. Where applicable, our results have been compared to this 1994 study, however these comparisons should be read with caution, as there are sampling and question wording differences between the two studies.

Objectives

The objective of the study was to contact off highway vehicle (OHV) owners in Utah to gather data regarding the usage of all terrain vehicles (ATV's), off highway motorcycles, 4 x 4 **vehicles used at least 10% of the time for off highway recreational use,** snowmobiles, and other OHV's that must be registered in the state, to investigate OHV owner characteristics, attitudes, and management preferences. **It is important to note that contact with snowmobiles and 4 x 4 owners was incidental as they were not directly included in the database.** The study was commissioned by the Utah Department of Natural Resources, Division of Parks and Recreation and conducted by the Institute for Outdoor Recreation and Tourism at Utah State University.

Methods

Study Site, Population, and Sample Selection

The study site is the entire state of Utah, because OHV recreation occurs in all parts of the state.

The study population consisted of individual OHV owners in Utah, who were at least 18 years old. It was constructed from a list of 74,452 individual OHVs registered in the State. This list was provided through the Utah Division of Parks and Recreation **and the Tax Commission. This was a list of actual vehicles within** the state, not owners. If one person owned four ATVs, his name appeared on the list four times, which would increase the likelihood of his name being randomly drawn and bias the sample toward owners who owned multiple vehicles. It was necessary to go through the original list and remove duplicate names to produce the desired list of individual OHV owners. There was no way to account for individuals who rent or borrow OHVs. These individuals were not included in the population.

Table 1 shows that the final study population consisted of 50,676 individual registered OHV owners who live in the state of Utah. Of these registered owners, 943 names were randomly selected to be interviewed. Various websites were used to find telephone numbers for the sample, including USWestdex.com, metacrawler.com, and teldir.com. This method excluded three groups of possible respondents: (1) OHV owners with unlisted numbers, (2) owners without telephones, and (3) owners who recently moved into Utah and were not included on the original list. We were able find 495 valid phone numbers of these owners and 335 respondents completed the survey for a response rate of 67.9%. We attempted to contact each respondent at least six times, 159 individuals either declined the interview or were still unavailable after the sixth attempt for a non-response rate of 32.2%.

Table 1: Utah's registered OHV owner population and sample distribution

Group	Number	Percentage of Group
Number of Registered OHVs in Utah	74,452	100% of Registered OHVs
Population of Utah Registered OHV Owners	50,676	100% of Population
Original Sample	943	1.86% of registered OHV owners
Non-Contactable*	449	47.6% of Original Sample
Valid Phone Numbers	494	52.6% of Original Sample
Respondents	335	67.8% of Valid Phone Numbers
Non-Respondents**	159	32.2% of Valid Phone Numbers

* includes no phone numbers (384), moved and disconnected (39), wrong number (15) as well as individuals who were still on the original list and did not fit the population, i.e. sold vehicles, too young, or deceased (11).
** includes rejections (81), no answers (38), answering machines (19), automatic call blocks (7), and unavailable respondents (14).

Survey Design

The survey was designed to gather descriptive information for OHV owners and their preferences within the state of Utah, see Appendix A. As such, the information gathered with the questionnaire focused on the following:

1. Characteristics of OHV owners
2. Number and Types of vehicles owned
3. Typical and preferred riding behavior
4. Description of most recent trip
5. Preferences regarding OHV use
6. Opinions on current issues, land management, and education/safety programming

Questions related to topics 2, 3, and 4, were repeated for each vehicle type registered in the respondent's name: off highway motorcycles, ATVs, and 4 x 4s. These data are also analyzed by type of vehicle. Where appropriate, results were compared with the results of a similar study conducted in 1994 (University of Utah Survey Research Center, 1994). A smaller subset of questions were also asked if the respondent owned a snowmobile, and these results were compared with a similar study of snowmobiles in Utah conducted

in 2000 (McCoy et al. 2001). Since the snowmobilers in this study were not selected randomly, these results cannot be considered representative of Utah snowmobilers.

Results

Section 1 - Types and Numbers of Off Highway Vehicles Owned

Of the 335 completed surveys Table 1.1 shows that nearly 90% of respondents owned at least one ATV, and 21% of respondents owned off highway motorcycles. In our sample of OHV owners, we found that 67.8% also owned at least one 4 x 4 vehicle, though only 14.6% of respondents reported driving their 4 x 4 vehicle in off road conditions for recreation 10% or more of total driving time. In this study we found that 15% of our sample also owned snowmobiles.

There are many motorcycles and 4 x 4 vehicles in Utah that are considered to be street legal and would not have appeared in our original population. All terrain vehicles cannot be modified in a way that would make them street legal, which means all ATVs registered with the state would have been included on the original list. The large number of ATVs in Table 1.1 may reflect this, as well as an apparent increase in popularity of the ATV. It is also important to note that almost 90% of respondents owned at least one ATV. At the same time, many respondents also owned off highway motorcycles, 4 x 4 vehicles, and snowmobiles.

The number of 4 x 4 vehicles represented may also be misleading. Our study population consisted of people who had registered at least one OHV with the state of Utah. Most 4 x 4's are not registered for recreational purposes only, so they would be registered with the Division of Motor Vehicles as street legal, and would not have appeared on our list. Only eight respondents reported having their 4 x 4 registered for recreation only, and not street legal. For purpose of this study, we were interested only in the 4 x 4 trucks that were used in "off highway" conditions, i.e. four-wheeling for recreational purposes, not just for getting around in the snow or to tow other OHVs to a trailhead. Table 1.1 also shows the number of 4 x 4 vehicle owners that drive their vehicles in "off highway" conditions at least 10% of the total driving time, approximately 14.6%. *This total is what we used for the remainder of the analysis in this report.*

Only six individuals responded that they owned something other than an off highway motorcycle, ATV, 4 x 4 vehicle, or snowmobile. This is less than 2% of all responses and not a large enough sample to infer any results to the population who owns "other" vehicles. The responses from this group of vehicle owners are included for general response questions but not as a specific class of vehicle.

Table 1.1: Respondents who indicated that they own at least one of the specified vehicles.*

Vehicle Type (N = 335)		2001 Survey Results		1994 Results
		Number	% of Total	% of Total
Off Highway Motorcycles		70	20.9%	40%
All Terrain Vehicles (ATV)		298	89.0%	62%
4x4 trucks, jeeps or SUV	total respondents indicating "yes"	227	67.8%	79%
	respondents who spend >10% time "Off Highway"	49 (Which is 22% of all "yes" responses)	14.6%	N/A
Snowmobiles		51	15.2%	39%
Other**		6	1.8%	7%

*Many respondents owned more than one type of vehicle, and the number of 4 x 4 vehicles driven in off highway conditions for recreation is included.

**Includes any vehicle that is registered with the state that doesn't fit one of the above categories

Table 1.2 shows the mean number of OHVs by class. The results from 1994 are also shown in comparison. The mean number of motorcycles is 1.75 per owner. For ATVs, the mean number per owner is 1.81 ATVs. People who own 4 x 4 vehicles tend to own fewer, with a mean of 1.22 vehicles. The results on 4 x 4 vehicles in the 1994 report did not account for driving time in "off highway" conditions. The data regarding snowmobiles was taken from McCoy et al. (2001); it shows that people are even more likely to own multiple snowmobiles.

Respondents were asked to estimate the amount of property tax they spent on all their vehicles not including the $12.50 registration fee per vehicle. Estimated annual property tax for registered vehicles amounted to an average of $109 each year in taxes on all of their motorcycles combined, $80 on their ATVs, $148 on their 4 x4 vehicles, and $135 on their snowmobiles (Table 1.3). More than 50% of the respondents who owned motorcycles and ATVs paid less than $70 each year in property taxes on all of their OHVs combined.

Table 1.2: Mean number of vehicles of each type per owner

Vehicle Type	2001 Results	1994 Results
	Mean number per owner	Mean number per owner
Off Highway Motorcycles	1.75	1.95
All Terrain Vehicles (ATV)	1.81	1.88
4 x 4 Vehicle >10% Off Highway time	1.22	N/A*
Snowmobiles	2.60**	2.32

* 1994 report did not account for time spent driving in off highway conditions

** Taken from McCoy et al. 2001 and did not include per trip means

Table 1.3: The amount of money spent in property tax on each type of vehicle last year

		Vehicle Type			
		Motorcycle (N = 43)	ATV (N = 227)	4 x 4 (N = 28)	Snowmobile (N = 35)
Taxes paid last year on all OHV's combined*	Mean ; Median	$109 ; $55	$80 ; $65	$148 ; $136	$135 ; $100
	Range	$8 to **$1000**	$7 to $350	$9 to $500	$27 to $450

* totals include multiple vehicles

Snowmobile owners tended to pay more because, on average, snowmobile owners tend to own more machines. According to McCoy et al. (2001), people who own snowmobiles own a mean of 2.60 machines per household (Table 1.2). Most owners tended to own fewer than two motorcycles, ATVs, or 4 x 4s per household. An increase in the number of snowmobiles, compared to ATVs per house, would also increase the total amount of taxes paid on snowmobiles compared to taxes paid on ATVs.

Respondents who paid property taxes on 4 x 4 vehicles which were driven at least 10% of the time in "off highway" conditions, also reported paying more on average than the other three types of vehicles.

We used these average tax expenditures and the average number of vehicles per owner to calculate the approximate amount of money paid to the State of Utah last year as well as

calculate the approximate number of OHVs per class owned within the state as shown in Table 1.4. Using the number of OHVs in the state we were also able to calculate an approximate amount of revenue gained by the state in registration fees, not including property taxes. In all, Utah collected nearly 12.5 million dollars in property taxes and registration fees for OHV's in the last year. The mean amount of time 4 x 4 vehicle owners spent in off highway conditions equaled 32.7%. When this figure is multiplied by the amount of tax 4 x 4 vehicle owners pay to the state, approximately 1.66 million dollars are paid to the state for time spent recreating off highways in 4 x 4 vehicles.

There are approximately 18,624 off highway motorcycles, 82,368 ATVs, 41,856 4 x 4 vehicles, and 19,763 snowmobiles found in all Utah households combined. There are only 74,542 OHVs registered in the state for a difference of 26,540 OHVs, if the 4 x 4 vehicles and snowmobiles are not considered. A portion of this difference may be accounted for with motorcycles that were included in the totals that are registered as street legal and would not have been listed on the original OHV list. An additional portion of this difference may come from owners who do not have all of their vehicles registered. Finally, a portion of this difference may be the result of response bias. Owners who tend to own more vehicles may have a greater dedication to off roading and may be more likely to complete a survey about OHV use and preferences. This may inflate the mean number of vehicles per household, which would have inflated the total number of extrapolated vehicles for the state.

Section 2 - OHV Owner Characteristics

According to Table 2.1, almost 90% of the respondents were male, only 10.6% were female. The mean age was 43.9 years, and the median was 43. The ages of respondents ranged from 18 years old to 80 years old. The results from 1994 did not stratify the older ages in the report of their findings. However, we spoke with enough people over the age of 69 that we felt an additional age category was appropriate, as shown in Table 2.1, while the categorical differences are small.

We also found that the average family size was 3.47, with 49.2% of respondents not having children under the age of 17 living at home, and 32.7% only having one or two children living at home. **The 1994 study did not provide a response for families without children. For this reason, 40% of respondents reported not knowing how many children were living at home. Most likely, this is a misrepresentation and most of this 40% should have been reported as not having children living at home**.

Table 1.4: Summary of OHVs owned and taxes paid in Utah last year

		Vehicle Type				State Totals
		Motorcycle	ATV	4 x 4**	Snowmobile**	
Total Number of Owners*		10,642	45,507	34,308	7,601	
Number of Machines	Mean per owner	1.75	1.81	1.22	2.60	
	State Total	18,624	82,368	41,856	19,763	162,611
Taxes Paid	Mean per owner	$109	$80	$148	$135	
	State Total	$1,159,978	$3,640,564	$5,077,584	$1,026,135	$10,904,261
Registration Fees***		$232,800	$1,029,600	N/A	$247,038	$1,509,438

*Based on survey per cents extrapolated to full population of OHV registrants (N=50,676)
**Partial sample based only on those Utah residents who are registered OHV owners, recognizing that the mean amount of time 4 x 4 owners spend in off highway conditions is 32.7% of the total amount of time driving, $1,660,370 is paid to the state for off highway recreation.
***Based on $12.50 fee for motorcycles, ATVs and snowmobiles; fees vary for 4 x 4s.

Table 2.1: Population demographic and characteristics

Characteristics		Percent of respondents 2001 (number of responses)	Percent of respondents 1994
Sex of Respondent N= 322 valid responses	male	89.4% (288)	89%
	female	10.6% (34)	11%
Age N=303 valid responses Mean = 43.9 Median = 43.0 Mode = 42 Range = 18 to 80	18 to 29	10.6% (32)	11%
	30 to 39	21.5% (65)	28%
	40 to 49	32.0% (97)	29%
	50 to 59	20.1% (61)	18%
	60 to 69	11.2% (34)	13%*
	70 and older	4.6% (14)	N/A
Number of People in Household N=316 valid responses Mean = 3.47 Median = 3.0 Mode = 2.0 Range = 1 to 10	1	4.1% (13)	4%
	2	31.3% (99)	25%
	3	14.9% (47)	19%
	4	21.2% (67)	20%
	5 or more	28.5% (90)	31%
Number of Children living at home (17 or younger) N= 327 valid responses Mean = 1.18 Median = 1.0 Mode = 0.0 Range = 0 to 8	0	49.2% (161)	N/A**
	1	15.6% (51)	17%
	2	17.1% (56)	20%
	3	8.9% (29)	13%
	4	5.8% (19)	6%
	5 or more	3.4% (11)	3%

*This age category was reported as 60+ in the 1994 report
**There were no families without children reported, however there were 41% who listed "don't know"

According to Table 2.2, 75% of respondents reported annual household incomes of at least $30,000 and less than $90,000. The mode and median were both in the $30,000 to $60,000 category. The 1994 results reported incomes up to $60,000. We found that more than 45% of all respondent households earned more than $60,000 and felt it was necessary to further stratify the sample.

Table 2.2: Respondents' household income

Income		Percent of respondents 2001 (number of responses)	Percent of respondents 1994
Annual income N = 266 valid responses Median = $30,000 to 60,000 Mode = $30,000 to 60,000	less than $30,000	7.1% (19)	17%
	$30,000 to $60,000	45.1% (120)	50%
	$60,000 to $90,000	30.0% (80)	24%*
	$90,000 to $120,000	9.8% (26)	N/A
	more than $120,000	7.9% (21)	N/A

* This category was reported as $60,000+ in the 1994 report

In general, there are relatively few demographic differences between the 1994 study and the 2001 study, although OHV owners in 2001 were slightly older and considerably wealthier than those surveyed in 1994.

Twenty-seven counties were represented by respondents in the state-wide survey. Only Daggett and Piute counties were not represented. (Combined, the populations of these two counties comprise only 0.1% of the population in Utah (US Census, 2000)). More than half of the respondents who participated in the study reside in Salt Lake, Utah or Davis counties, as shown in Table 2.3. This makes sense, as these three counties are the most populated in the state (US Census, 2000). There tended to be more OHV registrants living in Box Elder, Emery, Sanpete, Sevier, and Utah counties than the census data would indicate, and fewer in Salt Lake and Weber counties.

Table 2.3: Counties where respondents reside compared to census data

County	Number of Respondents	Percentage of Sample	Percentage of Total Utah Population
Beaver	5	1.6%	0.3%
Box Elder	14	4.5%	1.9%
Cache	11	3.6%	4.1%
Carbon	7	2.3%	0.9%
Davis	**23**	**7.7%**	**10.7%**
Duchesne	1	0.3%	0.7%
Emery	6	1.9%	0.5%
Garfield	3	1.0%	0.2%
Grand	2	0.6%	0.4%
Iron	7	2.3%	1.5%
Juab	4	1.3%	0.4%
Kane	2	0.6%	0.3%
Millard	5	1.6%	0.6%
Morgan	4	1.3%	0.4%
Rich	1	0.3%	0.1%
Salt Lake	**69**	**22.4%**	**40.2%**
San Juan	3	1.0%	0.7%
Sanpete	8	2.6%	1.0%
Sevier	11	3.6%	0.8%
Summit	4	1.3%	1.3%
Tooele	8	2.6%	1.8%
Uintah	9	2.9%	1.1%
Utah	**63**	**20.0%**	**16.5%**
Wasatch	3	1.0%	0.7%
Washington	14	4.5%	4.0%
Wayne	2	0.6%	0.1%
Weber	18	5.8%	8.8%
Total Valid Responses	**307**	**100%**	**100%**

Table 2.4, illustrates a summary of all OHV operators in the households of the respondents. On average, most homes have two to three OHV operators, and one or two 4 x 4 drivers. Of these operators, roughly three quarters are male in the motorcycle and 4 x 4 categories, and two thirds are male in the ATV and snowmobile categories.

Operator ages in the 4 x 4 vehicle class are normally distributed, but the ages are slightly skewed toward younger users for the categories of motorcycles, ATVs and snowmobiles.

The average skill level of 4 x 4 vehicle operators is reported to be higher than the other three classes of OHVs. The mean skill level of 4 x 4 operators is 3.0 which is associated with the term "Advanced." For motorcycles, ATVs and snowmobiles, the mean is closer to 2.5 which is between "Intermediate" and "Advanced."

Less than 10% of all OHV owners interviewed in this study indicated that they belonged to an OHV organization or club. Extrapolating these results to the entire state, 4,713 registered OHV owners are members of an OHV or similar organization. The organizations of which most of the respondents considered themselves a part, are listed in Table 2.5. Several of these respondents listed more than one organization. Additional organizations that respondents indicated they have affiliation in smaller numbers, which are not listed in this table, can be found in Appendix B on page 65.

Table 2.4: Description of OHV operators in a household*

		Type of Off Highway Vehicle owned			
		Motorcycle	ATV	4 x 4	Snowmobile
Mean # of operators per household:		2.2 Operators	2.7 Operators	1.5 Operators	2.3 Operators
Sex:	Male	75.9% (110)	60.7% (449)	72.7% (40)	66.4% (71)
	Female	24.1% (35)	39.3% (291)	27.3% (15)	33.6% (36)
Age: Mean : 43.9 years Median: 43 years	< 18	34.3% (49)	23.1% (165)	1.9% (1)	22.0% (22)
	19-35	30.7% (44)	28.4% (203)	23.1% (12)	27.0% (27)
	36 - 50	29.4% (42)	29.4% (210)	44.2% (23)	29.0% (29)
	51 - 65	4.9% (7)	14.7% (105)	25.0% (13)	16.0% (16)
	> 65	0.7% (1)	4.3% (31)	5.8% (3)	6.0% (6)
Skill level:	Mean**	2.45	2.51	3.0	2.4
	beginner	15.2% (22)	14.4% (107)	5.4% (3)	11.1% (11)
	intermediate	31.7% (46)	37.2% (276)	20.0% (11)	41.4% (41)
	advanced	45.5% (66)	40.6% (301)	45.5% (25)	42.4% (42)
	expert	7.6% (11)	7.8% (58)	29.1% (16)	5.1% (5)

* Number of individuals per category listed in parentheses under percentages.
** Mean calculated where 1 = beginner, 2 = intermediate, 3 = advanced, and 4 = expert.

Table 2.5: OHV organization affiliation

Characteristic		Percentage of Respondents
Do you belong to an OHV organization or Club? (N = 323)	Yes	9.3% (N = 30)
	No	90.7% (N = 293)
If "yes," which ones?* (N = 30) (At least 6 respondents indicated that they belong to more than one organization for a total of 36 individual responses).	Blue Ribbon Coalition	13.3% (N = 4)
	Utah Shared Access Alliance	13.3% (N = 4)
	American Motorcycle Association	10.0% (N = 3)
	Utah Trail Machine Association	10.0% (N = 3)
	Southeastern OHV Club	10.0% (N = 3)
	Other**	63.3% (N = 19)

* Totals will not equal 100%, because respondents could indicate they belong to more than one organization
** Other responses listed verbatim in Appendix B, 65

Section 3 - Description of Last Trip

Respondents were asked to describe the last trip that they took with each type of OHV that they own. The first question asked of motorcycle, ATV, and 4 x 4 owners was, "How many vehicles did you take with you?" Table 3.1 shows that owners tended to take one to two motorcycles and ATVs with them on their last trip. However, respondents who took their 4 x 4 vehicle out, indicated that they rarely took more than one 4 x 4 with them. In all three OHV classes, owners tended to own more of each vehicle than they tended to take on a trip (see Table 1.2). Though not shown, many respondents indicated that they would often take a mix of vehicles out at a time.

Table 3.1: Mean number of OHVs taken on last trip by class of OHV

	Mean number taken on last trip
Off Highway Motorcycles	1.4
All Terrain Vehicles	1.60
4 x 4 Vehicles used > 10% Off Highway time	1.08

Respondents were also asked, "Where did you go?" The survey asked this question for off highway motorcycles, ATVs, and 4 x 4 vehicles and received 146 different verbatim responses to this question. The destination listed most often was Little Sahara (24), followed by the West Desert (18), private property (15), San Rafael Swell (14), Soapstone Basin (13), Moab (12), Strawberry Canyon (10), and Richfield (10). Little Sahara is even more important than these results suggest, because nine respondents indicated that they visited Jericho, which is a site located within the Little Sahara Reservation area. The verbatim responses can be found in Appendix B on page 61.

We classified all of the responses into the Utah Travel Region in which each place was found. (If the location overlapped with a second Travel Region, the region containing the majority of that location was used). According to Table 3.2, the Southeastern Travel Region containing Grand, Carbon, and Emery counties was the most visited for 4 x 4 vehicles. The Southeastern Travel Region contains the Moab area which tied with the West Desert, in the Central Travel Region, for the most visited area in the 4 x 4 vehicle class. However, the Central Travel Region received the most overall visits for both the motorcycle and ATV classes of vehicles. **Little Sahara is in this travel region and it received the most visits in the ATV class. However, the San Rafael Swell in the Southeastern Travel Region recorded the largest number of individual motorcycle visits.**

Almost 7.5% of all respondents reported traveling outside of Utah to operate their OHV on the last trip. Responses included all five states that border Utah as well as Mexico. The three regions least used were the Mountainland Travel Region, the Bear River Travel Region and the Wasatch Front Travel Region. These areas are the most densely populated in Utah, and the majority of OHV owners come from these areas. **However, as a function of population, watershed restrictions and many other factors, they have the fewest riding areas available of the various travel regions. It should also be noted that a bias toward certain areas may have occurred in the data collection as contacts were made after the hunting season and before the summer recreation season. This may have led to increased use in areas with hunting related attributes.**

The category marked "other"consists of various responses that could not be located using an atlas. Responses like "Southern Utah," "private land," and the "Great Western Trail" cannot be categorized into one specific travel region.

Table 3.3 shows that the mean distance traveled one-way to get to a place to ride an OHV is 100 miles for motorcycle, ATV, and 4x4 vehicle owners. According to McCoy et al. (2001), snowmobiles have a mean of 50 miles traveled to get to a trailhead. Medians were somewhat lower, down to 70 miles for motorcycle and ATV owners, and down to 77 miles for 4 x 4 owners. This decrease from the mean is due to a greater number of owners traveling distances shorter than the mean. The few respondents who traveled upwards of 700 miles pulled the mean to the high end of the range.

Table 3.2: Percentage of Respondents who visited each travel region on their last trip with their OHV

Travel Region visited	Type of Off Highway Vehicle Owned		
	Motorcycle (N = 66)	ATV (N = 281)	4 x 4 (N = 38)
Bear River	1.5% (N = 1)	7.1% (N = 20)	10.5% (N = 4)
Central	**31.8%** (N = 21)	**25.3%** (N = 71)	18.4% (N = 7)
Southwestern	10.6% (N = 7)	9.9% (N = 28)	10.5% (N = 4)
Wasatch Front	7.6% (N = 5)	7.5% (N = 21)	5.3% (N = 2)
Mountainland	7.6% (N = 5)	6.8% (N = 19)	2.6% (N = 1)
Southeastern	18.2% (N = 12)	13.9% (N = 39)	**31.6%** (N = 12)
Uintah Basin	6.1% (N = 4)	11.7% (N = 33)	7.9% (N = 3)
Outside of Utah	3.0% (N = 2)	6.8% (N = 19)	10.5% (N = 4)
Other	13.6% (N = 9)	11.0% (N = 31)	2.6% (N = 1)

Table 3.3: Miles traveled one-way and type of land visited on last trip

		Type of Off Highway Vehicle owned			
		Motorcycle (N=67)	ATV (N=281)	4 x 4 (N = 42)	Snowmobile (N = 50)
Miles traveled*	Mean ; Median	101 ; 70	100 ; 70	110 ; 77	50 ; N/A
	Range	4 to 700	1 to 750	0 to 47	0 to >100
Percent of Respondents who visited each Type of Land**	Private Land	22.4% (N = 15)	27.8% (N = 78)	21.4% (N = 9)	20% (N = 10)
	State Land	23.9% (N = 16)	13.9% (N = 39)	9.5% (N = 4)	16.3% (N = 8)
	BLM Land	56.7% (N = 38)	39.9% (N =112)	40.5% (N = 17)	22.4% (N = 11)
	U. S. Forest Service Land	14.9% (N = 10)	34.9% (N = 98)	35.7% (N = 15)	63.3% (N = 31)
	National Park Service Land	4.5% (N = 3)	2.5% (N = 7)	11.9% (N = 5)	0% (N = 0)
	Other	3.0% (N = 2)	1.5% (N = 5)	2.4% (N = 1)	0% (N = 0)

* Snowmobile mileage data taken from McCoy et al. 2001
** Percentages will total more than 100%, due to owners visiting more than one type of land on their last trip.

When asked if this is more, about the same, or less distance than they usually travel to get to a riding destination, more than 60% of all respondents indicated this last trip was typical of their usual behavior (Table 3.4). However at least 20% in each class of vehicle did indicate that they would normally travel further than they did during this last trip.

Respondents were also asked who managed the land where they took **their** last trip. Several respondents indicated that they had traveled on more than one type of land, so the total percentages will not be equal to 100%. Bureau of Land Management land was the most popular destination for motorcycle, ATV, and 4 x 4 trips. U.S. Forest Service land was the most visited by snowmobilers. Nearly 24% of motorcycle owners reported that they visited Utah state land on their last trip, edging out the use of U.S. Forest Service land as the second type of land most often visited.

Table 3.4: Typical Distance traveled to ride OHV

		Type of Off Highway Vehicle owned		
		Motorcycle (N = 68)	ATV (N = 283)	4 x 4 (N = 38)
Do you travel more, about the same, or less distance than this usually?	more	29.4%	24.4%	21.1%
	about the same	64.7%	62.5%	65.8%
	less	5.9%	13.1%	13.1%

On their last trip, one-half of the motorcycle owners indicated that they rode off established trails and was the largest category for motorcycles (Table 3.5). **Many indicated they visited sand dunes or play areas, though this** response was not consistent enough to be split into its own category. Nearly 40% of ATV owners also reported operating their vehicles off established trails. However, the majority of ATV owners indicated that they traveled along roads. Eighty-five percent of 4 x 4 owners also traveled on roads during their last outing. **It is likely some confusion existed as it related to the terms used. Most OHV trails in the state are former roads and many people riding what are technically considered trails may have listed them as roads. A bias may have resulted in the data from the terms not being specifically defined.**

Roads ended up being one of the least preferred options for ATV owners. Almost half of the ATV owners responded their favorite type of riding would be off established trails (Table 3.5). Owners of 4 x 4 vehicles also indicated that they would prefer to travel off established trails. However, roads were **still listed as the** most preferred type of riding for 4 x 4s. Motorcycle owners' behavior tended to reflect their preference for riding off trails and roads, though there were respondents who had preferences in the "other" category.

Table 3.6 shows the estimated number of trips respondents took with their OHV in the last 12 months. The snowmobile data are from McCoy et al. (2001). On average, respondents took approximately 13 trips last year with their ATVs and snowmobiles, and 16 trips with their motorcycles, and 12 trips with their 4 x 4 vehicles. Additionally, these results are bimodal for all four vehicle types. The majority of respondents took less than 10 trips, however between 14.3% (4 x 4) and 21.2% (motorcycle) of respondents took more than 21 trips in the 12 months preceding the survey.

In general, respondents indicated that this last year was really typical of most years in the number of trips that they took. More than 90% of 4 x 4 owners responded it was a typical year. However, approximately 20% of both motorcycle and ATV owners indicated they took more trips last year than was considered typical (Table 3.7).

Table 3.5: Preferences of riding type

		Type of Off Highway Vehicle owned		
		Motorcycle	ATV	4 x 4
Type of riding on last trip*	Off established trails	50.0% (N = 34)	39.0% (N = 113)	7.1% (N = 3)
	Double track trail	32.8% (N = 22)	21.5% (N = 62)	N/A
	Single track trail	37.3% (N = 25)	N/A	N/A
	Jeep trail	N/A	N/A	22.0% (N = 9)
	Moto-cross or ATV course	16.4% (N = 11)	8.3% (N = 24)	N/A
	Roads	32.8% (N = 22)	55.5% (N = 161)	85.7% (N = 36)
	Other	4.5% (N = 6)	9.7% (N = 28)	0.0% (N = 0)
Preferred Type of Riding	Off established trails	38.1% **(N = 24)**	49.4% **(N = 127)**	27.6% **(N = 8)**
	Double track trail	12.7% (N = 8)	17.1% (N = 44)	N/A
	Single track trail	12.7% (N = 8)	4.3% (N = 11)	N/A
	Jeep trail	N/A	N/A	6.9% (N = 2)
	Moto -cross or ATV course	9.5% (N = 6)	15.1% (N = 39)	N/A
	Roads	11.1% (N = 7)	4.3% (N = 11)	51.7% (N = 15)
	Other	15.9% **(N = 10)**	9.7% **(N = 25)**	13.7% **(N = 3)**

* Totals will not add to 100% because respondents were able to list more than one type of riding on last trip.

Table 3.6: Number of trips taken last year

		Type of Off Highway Vehicle owned			
		Motorcycle	ATV	4 x 4	Snowmobile*
Number of trips taken with OHV within the last 12 months	Mean ; Median	15.5 trips ; 9.5 trips (N = 66)	13.4 trips ; 7.0 trips (N = 282)	11.9 trips ; 8.0 trips (N = 28**)	12.3 trips ; N/A
	Range	0 to 150	0 to 157	1 to 40	1 to > 21
	0	4.5% (N=3)	1.1% (N=3)	0.0% (N=0)	N/A
	1-5	**27.3% (N = 18)**	**40.4% (N = 114)**	**35.7% (N = 10)**	**32.1%**
	6-10	22.7% (N = 15)	28.4% (N = 80)	32.1% (N =9)	22.2%
	11-15	19.7% (N = 13)	8.9% (N = 25)	7.1% (N = 2)	15.0%
	16-20	4.5% (N = 3)	8.9% (N = 25)	10.7% (N = 3)	9.7%
	21 or more	21.2% (N = 14)	12.4% (N = 35)	14.3% (N = 4)	16.9%

* Snowmobile data taken from McCoy et al. (2001)
** 42.9% of 4x4 owners that take their vehicles out >10% did not respond (N=21)

Table 3.7: Typical number of trips in a year

		Type of Off Highway Vehicle owned		
		Motorcycle (N = 64)	ATV (N = 271)	4 x 4 (N = 35)
Do you take more, about the same, or less trips than this in a typical year	more	9.4%	5.6%	2.9%
	about the same	67.2%	75.6%	91.4%
	less	23.4%	18.8%	5.7%

The mean amount of gasoline used on the last trip was less than 10 gallons for all types of OHVs except 4 x 4 vehicles. Which makes sense, since 4 x 4s are larger, heavier and therefore require more fuel. Even with this in consideration, almost 70% of last trips with a 4 x 4 vehicle used 10 gallons or less of fuel. The mean (18.6 gallons) was pulled higher by the owners who used more than 20 gallons (34.5%). The median amount of gas used by 4 x 4 vehicles is just 10 gallons (Table 3.8).

Also, in Table 3.8, we can see the average mileage per trip for each class of OHV. The mileage data for snowmobiles was taken from McCoy et al. (2001). The data collected from this survey indicated that most trips are fairly short. For motorcycles, ATVs, and 4 x 4 vehicles, approximately 50% of the last trips reported were less than 40 miles in length. The means were pulled up by the owners who traveled greater than 100 miles. The medians for these three vehicle types equaled 50.0 miles. The median mileage for snowmobiles was not reported by McCoy et al. (2001).

Looking at Table 3.9, we are able to determine the total amount of gasoline consumed by OHV owners in a year for the state of Utah. These totals were calculated based on the "average" trip **(as calculated from their most recent trip)** multiplied by the total number of OHV owners in the state. Last year approximately 7.5 million gallons of gasoline were used in OHVs. On average, Utahns who own OHVs traveled approximately 93.5 million miles on all OHV's combined.

The majority (63.2%) of motorcycle owners did not stop to participate in any other recreational activities on their last trip, which indicates that these owners' primary source of recreation is the operating of the motorcycle itself. Table 3.10 shows that almost 60% of ATV owners and 75% of 4 x 4 vehicle owners stopped to do something else. This indicates, especially in the 4 x 4 class, that these OHVs are also tools used to access these other activities.

Hiking was the most popular activity for both 4 x 4 vehicles and motorcycles with greater than 75% of both vehicle groups who stopped, **doing so** to hike. Hunting was the most common activity for owners of ATVs and the second most common activity for 4 x 4 vehicles. At least one-third of all respondents who stopped, **did so** to hunt. Table 3.10 also shows that many people included camping or fishing in their OHV outing. Other activities participated in are listed in Appendix B on page 62. **A bias may be possible because the majority of contacts were made during the winter and early spring after the hunting season and before the summer recreation season.**

Table 3.8: Amount of Gas used in OHV and distance traveled on OHV during last trip by registered OHV owners

		Type of Off Highway Vehicle owned			
		Motorcycle	ATV	4 x 4*	Snowmobile
U.S. Gallons of Gas used in OHV on last trip taken	Mean ; Median	5.0 gallons ; 3.0 gallons (N = 64)	6.7 gallons ; 4.0 gallons (N =270)	18.6 gallons ; 10.0 gallons (N = 29)	10.9 gallons; 9.0 gallons (N = 44)
	0 to 5	**73.4% (N = 47)**	**60.4% (N = 163)**	**34.5% (N = 10)**	25.0% (N = 11)
	6 to 10	17.2% (N = 11)	27.4% (N = 74)	27.6% (N = 8)	**45.5% (N = 20)**
	11 to 15	7.8% (N = 5)	3.3% (N = 9)	3.4% (N = 1)	15.9% (N = 7)
	16 to 20	0.0% (N = 0)	5.6% (N = 15)	0.0% (N = 0)	9.1% (N = 4)
	More than 20	1.6% (N = 1)	3.3% (N = 9)	**34.5% (N = 10)**	4.5% (N = 2)
Miles traveled on OHV during last trip taken **	Mean ; Median	91.2 miles ; 50.0 miles (N = 55)	99.4 miles ; 50.0 miles (N = 242)	149.4 miles ; 50.0 miles (N = 29)	57.0 miles ; N/A
	0 to 20	**21.8% (N = 12)**	21.1% (N = 51)	**31.0% (N = 9)**	13.6%
	21 to 40	20.0% (N = 11)	21.5% (N = 52)	13.8% (N = 4)	25.1%
	41 to 60	16.4% (N = 9)	14.5% (N = 35)	17.2% (N = 5)	**35.7%**
	61 to 80	5.5% (N = 3)	6.6% (N =16)	3.4% (N = 1)	12.4%
	81 to 100	18.2% (N = 10)	10.7% (N = 26)	10.3% (N = 3)	5.6%
	More than 100	18.2% (N = 10)	**25.6% (N = 62)**	24.1% (N = 7)	7.7%

* 40.8 % of 4x4 owners that take their vehicles out >10% were not able or unwilling to respond (N=20)

** Snowmobile data taken from McCoy et al. 2001

Table 3.9: State Summary of OHV Miles Driven and Gas Used by registered OHV owners during 12 Months before Survey

Vehicle Type	Total Number of Owners*	Annual Number of Trips (mean)**	Annual OHV Mileage**			Annual OHV Gasoline Consumption (gallons)		
			Last Trip	Owner Total	State Total	Last Trip	Owner Total	State Total
Off highway motorcycles	10,591	15.5	91.2	1,414	14,975,674	5.0	77.5	820,803
ATVs	45,101	13.4	99.4	1,332	60,074,532	6.7	89.8	4,050,070
Recreational 4 x 4s $10% time off highway***	7,412	11.8	149.4	1,762	13,059,944	18.6	219.5	1,636,934
Snowmobiles***	7,703	12.3	57.0	701	5,399,803	10.9	134.1	1,032,972
State Totals					93,509,953			7,540,779

*Based on survey per cents extrapolated to full population of Utah OHV registrants (N=50,676)
** Snowmobile data taken from McCoy et al. 2001
***Partial sample based only on those Utah residents who are registered owners of other off highway vehicles, there are a total of 34,358 owners of 4x4, however only 7,412 report taking their 4x4 off highway $10% of time

Table 3.10: Other Activities

		Type of Off Highway Vehicle owned		
		Motorcycle	ATV	4 x 4
Did you stop to do any other activities?	Yes	36.8% (N = 25)	58.5% (N = 168)	75.0% (N = 30)
	No	63.2%% (N = 43)	41.5% (N = 119)	25.0% (N = 10)
If "yes," What else did you do?*	Hunting	16.0% (N = 4)	34.5% (N = 59)	33.3% (N = 10)
	Fishing	16.0% (N = 4)	14.6% (N = 25)	23.3% (N = 7)
	Camping	28.0% (N = 7)	21.6% (N = 37)	16.7% (N = 5)
	Rockhounding	4.0% (N = 1)	1.2% (N = 2)	0.0% (N = 0)
	Artifact Collecting	0.0% (N = 0)	0.6% (N = 1)	0.0% (N = 0)
	Access to edge of roadless area	0.0% (N = 0)	0.0% (N = 0)	0.0% (N = 0)
	Hiking	76.0% (N = 19)	20.2% (N = 34)	83.3% (N= 25)
	Sightseeing	20.0% (N = 5)	13.1% (N = 22)	6.7% (N = 2)
	Viewing Wildlife	4.0% (N = 1)	7.7% (N = 13)	1.0% (N = 3)
	Other**	16.0% (N = 4)	16.7% (N = 28)	1.3% (N = 4)

* Percentages will not total 100% because respondents were able to list more than one activity
** A list of other activities is included in Appendix B on page 62.

Respondents, who owned either an off highway motorcycle or ATV, were asked how often they wear a helmet. A large majority of motorcycle owners (75.8%) reported always wearing a helmet (Table 4.1). But there is bimodal response pattern for ATV owners: one-third owners always wear helmets, and almost one-third owners never wear helmets. Though not shown, many respondents who indicated that they do not wear helmets, said the children who operate their ATVs and motorcycles always wear a helmet.

Respondents were also asked if they think that helmets should be required for all riders of off highway motorcycles and ATVs. Motorcycle owners were split exactly 50/50 in response to this question. Where 75.8% of these owners choose to always wear a helmet, 50% felt that the decision to wear or not to wear a helmet should be made by individual OHV operators. Slightly more than 60% of ATV owners responded that the decision to wear a helmet should be left to individuals. Only 40% of ATV owners believed that helmets should be required for all ATV riders and operators. Again, though not shown here, many of the responses included the comment that while they should not be required for adults, they should be for children.

Table 4.1: Frequency of helmet use, and opinion on requiring helmets for motorcycles and ATVs

		Type of Off Highway Vehicle owned	
		Motorcycle (N = 66)	ATV (N = 284)
How often do you wear a helmet?	Always	75.8% (N = 50)	33.8% (N = 96)
	Usually	10.6% (N = 7)	11.6% (N = 33)
	Sometimes	3.0% (N = 2)	14.8% (N = 42)
	Rarely	0.0% (N = 0)	9.9% (N = 28)
	Never	10.6% (N = 7)	29.9% (N = 85)
Do you think helmets should be required?	Yes	50% (N = 32)	39.4% (N = 110)
	No	50% (N = 32)	60.6% (N = 169)

According to Table 4.2, only 41.5% of respondents replied that they were familiar with Utah's Off Highway Vehicle Program or OHV Program. Of these owners who indicated that they were familiar with the program, 93.3% responded that they agreed that the program is an asset to the state and the OHV user. The survey was unable to ascertain if the other 58.5% of people who did not know about the OHV Program thought a program like this would be beneficial.

The bottom of Table 4.2 shows the responses of OHV owners when asked what they believed was the primary role of the OHV Program. The question was asked as an open-ended question. Over half of the respondents who were familiar with the program, thought that the primary role was safety education and only 12.7% gave the second most common answer, "to establish rules and regulations." Additional responses can be found in Appendix B on page 66.

Table 4.2: Familiarity with the OHV Program

Characteristic		Percent of Respondents 2001	Percent of Respondents 1994
Are you familiar with the Utah OHV Program?	Yes	41.5% (N = 136)	64%
	No	58.5% (N =192)	35%
If "yes," Do you agree with this statement: "Utah's OHV Program is and asset to the state and the OHV user"	Strongly agree	40.0% (N = 48)	32%
	Somewhat agree	53.3% (N = 64)	48%
	Somewhat disagree	5.0% (N = 6)	10%
	Strongly disagree	1.6% (N = 2)	7%
If "yes" What do you think is the primary role of the OHV Program?	Safety Education	51.8% (N = 57)	N/A
	Establish Rules and Regulations	12.7% (N = 14)	N/A
	Enforce Laws and Regulations	9.1% (N = 10)	N/A
	Create and Maintain OHV Areas	7.3% (N = 8)	N/A
	Sign and Mark Trails	5.5% (N = 6)	N/A
	Generate Revenue	0.0% (N = 0)	N/A
	Other*	13.5% (N = 15)	N/A

* Other responses are listed in Appendix B on Page 66

Respondents were also asked if they were familiar with the "Know Before You Go" OHV safety education program. Only 37.5% of the people interviewed had heard of the program and only 41.0% of those respondents (N = 50, or 15% of the entire sample) had actually gone through the program *or* had a family member go through the program (Table 4.3). Awareness of the program decreased from 1994, but participation increased slightly among those who were aware of the program.

Of those people who were familiar with "Know Before You Go," 84.5% believed that an OHV education program was either moderately or very important to the overall OHV program, compared with 75% in 1994. When asked if an education program should be mandatory for all owners and operators of OHVs, a slight majority (52.7%) believed that it should not be required, and 47.3% responded that to make the education program mandatory would be a good idea.

More than 42% of all respondents who had heard of the OHV Education Program did not know what they would change about the program. Of those who did have a suggestion, the largest group response was to make the public more aware of the program.

When asked if there are enough areas currently open for OHV use in the state of Utah, 60.3% responded that there are not enough areas open right now (Table 4.4), and almost 40% responded by saying that the number of areas open right now is about right. Many people qualified that statement by adding the comments, "but if they keep closing them, there won't be enough." Only four respondents (1.3%) replied by saying that there are too many areas open right now.

About 35% of the vehicle owners would like to see additional law enforcement presence in the OHV areas (Table 4.5). Less than 10% responded that there is too much law enforcement presence, and the remaining 57% thought that law enforcement presence is about right at current levels.

The survey was also designed to determine how important it was to OHV owners that registration and tax money was spent on various facilities and services provided by the state. Table 4.6 summarizes those responses. According to respondents, access to public land was, on average, the most important service on which the state could make expenditures (mean = 3.40). Closely following, access to public land, were access to open riding areas, including sand dunes, cross country, and play areas (mean = 3.11), and "maintaining the existing trails" (mean = 3.09). Of all the services and facilities listed, money spent on law enforcement efforts was least important to respondents (mean = 2.76). The remaining items on the list were all scored about equally with mean values between 2.91 and 3.01.

When these results are compared to the 1994 results, the ranking is about the same, but the importance values are lower for all items in 2001. The reason for this is unclear, however the mean importance of "access to public lands" and "trailheads, parking lots and sanitation facilities" decreased the least.

Table 4.3: Respondents familiarity with the "Know Before You Go" Education Program

Characteristic		Percent of Respondents 2001	Percent of Respondents 1994
Are you familiar with the Utah OHV Education Program called "Know Before You Go?" (N = 328)	Yes	37.5% (N = 123)	60%
	No	62.5% (N = 205)	40%
If "yes," Have you or any of your family members participated in the program? (N = 122)	Yes	41.0% (N = 50)	30%
	No	59.0% (N = 72)	70%
If "yes," How important do you think the OHV Education Program to the overall OHV program? (N = 110)	Not at all	4.5% (N = 5)	3%
	Somewhat	10.9% (N = 12)	20%
	Moderately	32.7% (N = 36)	18%
	Very	51.8% (N = 57)	57%
If "yes," Do you think the Education Program should be mandatory for ALL riders of OHVs? (N = 110)	Yes	47.3% (N = 52)	N/A
	No	52.7% (N = 58)	N/A
If "yes," What would you change about the Education Program? (N = 121)	Make Public More aware of Program	6.6% (N = 8)	N/A
	More Hands on Training	5.0% (N = 6)	7%
	Make it Required	4.1% (N = 5)	N/A
	Make no improvements	5.8% (N = 7)	17%
	No Education should be required	0.8% (N = 1)	1.0%
	Other*	**38.0% (N = 46)**	61%
	Don't know	39.7% (N = 48)	14%

* Other Verbatim Responses can be found in Appendix B on Page 67

Table 4.4: Number of Areas open to OHV use in Utah

Characteristic		Percent of Respondents 2001	Percent or Respondents 1994
Would you say there are too many, about right, or not enough areas open to OHV use in Utah? (N = 307)	Too many	1.3% (N = 4)	3%
	About Right	38.4% (N = 118)	30%
	Not enough	60.3% (N = 185)	63%

Table 4.5: Law Enforcement presence in OHV areas

Characteristic		Percent of Respondents 2001
Do you think there should be more, about the same or less law enforcement presence in OHV areas? (N = 322)	More	35.1% (N = 113)
	About the same	57.5% (N = 185)
	Less	7.5% (N = 24)

Table 4.6: Importance of Tax and Registration Money Expenditures

Characteristic	Percentage of Respondents				Mean* 2001	Mean* 1994
	Not Important	Somewhat Important	Moderately Important	Very Important		
Access to Public Land (N = 320)	**4.4%**	**9.4%**	**28.1%**	**58.1%**	**3.40**	3.57
Open Riding Areas (N = 319)	12.2%	11.9%	28.5%	47.3%	**3.11**	3.50
Maintaining Existing Trails (N = 322)	7.5%	17.4%	33.9%	41.3%	**3.09**	N/A**
Trailheads, Parking Lots, Sanitation Facilities (N = 325)	8.0%	20.6%	34.2%	37.2%	**3.01**	3.16
Distributing information (N = 325)	11.1%	18.8%	31.7%	38.5%	**2.98**	3.40
Areas Closer to Home (N = 317)	15.8%	12.6%	30.9%	40.7%	**2.96**	N/A
Trail Marking and Signs (N = 325)	9.8%	19.4%	35.4%	35.4%	**2.96**	3.25
New Trail Construction (N = 327)	13.1%	18.0%	30.6%	38.2%	**2.94**	N/A**
Printed Maps and Trail Guides (N = 326)	9.2%	23.6%	33.7%	33.4%	**2.91**	3.24
Law Enforcement (N = 319)	14.1%	26.3%	28.5%	31.0%	**2.76**	N/A

* Means are calculated where 1 = Not important, 2 = Somewhat important, 3 = Moderately important, and 4 = Very important
** 1994 report asked about developing new and maintaining existing trails in the same question, but we divided them.

Once respondents answered with their opinions on which services are important, we asked where they thought the money was actually being spent (Table 4.7). The responses were wide and varied even though we asked that they choose their response based on the list of services and facilities previously mentioned. Of this list, the largest group of respondents thought that the registration and tax money was mostly being spent on law enforcement, which was the least valued service in the preceding question. More than 12% of respondents offered their own ideas as to where the money was being spent, including litigation, lawyers and court costs, administrators, and costs associated with closing areas. Responses classified as "other" can be found in Appendix B on page 66. By far, the largest group of respondents, (40.6%), said that they simply did not know where the money was being spent.

Table 4.7: Where do you think OHV Registration and Tax money is spent?

		Percentage of Respondents
Of the previous list, where do you think the OHV registration and tax money is being spent? (N = 330)	Access to Public Land	4.9% (N = 16)
	Open Riding Areas	0.6% (N = 2)
	Maintaining Existing Trails	10.0% (N = 33)
	Trailheads, Parking Lots, Sanitation Facilities	5.2% (N = 17)
	Distributing information	2.1% (N = 7)
	Areas Closer to Home	0.3% (N = 1)
	Trail Marking and Signs	4.2% (N = 14)
	New Trail Construction	5.5% (N = 18)
	Printed Maps and Trail Guides	2.4% (N = 8)
	Law Enforcement	**13.3% (N = 44)**
	Other*	11.8% (N = 39)
	Don't know	**39.7% (N = 131)**

*Other responses include administration, litigation, and closing areas or trails, for a complete list of responses see Appendix B on page 66.

We then asked OHV owners, "Looking ahead, what do you think **is the** most important issue affecting OHV use in Utah?" **By far**, the largest group of respondents indicated they were concerned about having enough places to ride their OHV. This response comprised almost 40% of all responses, which is a very large percentage of responses for an open-ended question, and a large increase from 1994 (Table 4.8). An additional 44 respondents gave a related answers of "closing off to many areas" and "access to public land." Safety, crowding, and land management issues were all listed by fewer than 25

respondents. The remaining responses were wide and varied. The verbatim responses for the 2001 study are listed in Appendix B on page 68.

Table 4.8: Most important issues affecting OHV use in Utah

		Percentage of Respondents 2001	Percentage of Respondents 1994
What do you think is the most important issue affecting OHV use in the state of Utah?	Having enough places to ride	42.3% (N = 121)	25%
	Closing off too many areas	**8.4% (N = 24)**	**N/A**
	Safety	7.3% (N = 21)	8%
	Access to public land	7.0% (N = 20)	17%
	Crowding	5.9% (N = 17)	N/A
	Knowing where to ride	5.6% (N = 16)	3%
	Resource Management Conservation	5.6% (N = 16)	10%
	Other*	**17.8% (N = 51)**	11%

* Other verbatim responses for 2001 results can be found in Appendix B on page 68

Section 5 - Additional Comments

The last survey question asked respondents if they had any additional comments. The 113 individual comments are listed in Appendix C on page 69 and summarized in Table 5.1.

The largest number of comments by a large margin expressed concerns about closing or restricting use in areas that are open to OHVs (N=36). A couple of these respondents also made a distinction between retaining access to areas and closing currently roadless areas. Related to this, only six respondents said they would like to see more new trails or riding areas.

Table 5.1: Additional Comments

Number of Comments	Comment Category
36	Don't close or restrict
6	Open more trails or areas
9	Law enforcement: More regulations or enforcement
3	Law enforcement: Fewer regulations, enforcement, or management presence
7	Fees: Too high, misused, or need to make others pay
1	Fees: Willing to pay for trail use if they were maintained better
8	Negative comments about environmentalists
8	Resource protection, balanced/reasonable use
2	Safety
4	Participation/input of OHV community or volunteers
4	Information about opportunities
4	Fairness in access and allocation
2	Education
2	Need compromise between OHV and environmental groups for access & resource protection
4	Increase accessibility
1	Crowding
1	Improve maintenance
11	Other specific management suggestions or unclear comments

The second most common category of responses addressed law enforcement (12); nine of these wanted more regulations or enforcement, and three wanted to see less. Some of those who wanted to see more enforcement, also expressed concerns about fairness.

Fees were addressed by eight people, with seven concerned that fees were too high or that revenues were misused, and one person volunteered to pay trails fees if trails were maintained better.

Eight people also complained about environmentalists, or expressed concerns that environmentalists had too much influence over OHV policies. It should be noted, however, that ten respondents expressed the opinion that more was needed to protect resources (8) or to promote compromise between OHV and environmentalists' concerns (2).

There were several additional concerns listed by just a few people, such as greater participation and input of OHV groups, more information and education, increased safety, and areas made more accessible for people with disabilities.

Summary and Discussion

The survey is a representative sample of 50,676 ATV, off highway motorcycle, and 4 x 4 owners who registered their machines with the Utah Division of Motor Vehicles in 2000. The survey also contained questions related to snowmobile and recreational use 4 x 4 ownership, but it is not a representative sample of these owners. (Recreational 4 x 4s are vehicles that may be street legal, but that are used off highway and for recreational purposes at least 10% of the time.) The sample does not include OHV drivers who rent or borrow vehicles and out-of-state visitors, and there may also be a slight bias toward owners who own multiple vehicles. Where appropriate, the results are compared to a 1994 survey conducted with the same population, and the snowmobile results are compared to a 1999 study of registered snowmobilers conducted by McCoy et al. (2001).

Characteristics of Utah's Registered OHV Owners

Almost 90% of the sample own ATVs, 21% own off highway motorcycles, 15% own recreational use 4 x 4s, and 15% own snowmobiles. Compared to 1994, there was a decrease in ownership of all vehicle types except ATVs which increased dramatically from 62% of the sample in 1994. There was also a small decrease in the number of off highway motorcycles owned per household since 1994, and little or no change in the average number of ATVs per household. A smaller percent of OHV owners had snowmobiles in 2000 compared to 1994, but those who do own snowmobiles have more of them on average (from 2.32 to 2.60 per household). The number of recreational use 4 x 4s was not reported in 1994, and while it appears that there was a small decrease in 4 x 4 ownership, this may be the result of differences in survey questions and wording.

Extrapolating the survey data to the entire state, there are 18,624 off highway motorcycles and 82,368 ATVs in OHV owner households. In 2000, $4.8M in property taxes and $1.3M in registration fees were paid for these vehicles. The total of 100,992 motorcycles and ATVs in owner households, however, is much higher than the original OHV list which contained 74,452 registered OHVs. This indicates that about 26,500 motorcycles and OHVs are not on the registration list. There are three possible explanations for this: some of these vehicles may be registered as street legal, some may not be registered at all, or there may be a response bias in the sample toward owners with multiple vehicles.

If snowmobiles and recreational use 4 x 4s are included, there are a total of 162,611 vehicles in owner households, and they paid nearly $11M in property taxes for these vehicles.

Trip numbers and club membership results suggest that Utah OHV owners are dedicated to the activity. Utahns traveled more than 93M miles and used over 7.5M gallons of gas during the 12 months prior to the survey. Based on the median number of trips, motorcycle owners took **an average of 10 off highway motorcycle trips** during the year, ATV owners took about seven trips, and 4 x 4 owners took eight. (This compares to snowmobilers who take more than 12 trips per year **on average** (McCoy et al., 2001)). Two-thirds to three-quarters of the owners of each vehicle type took fewer than 10 trips during the year, but these results are bimodal: over 10% of the owners of each vehicle type took more than 20 trips–including 14% of the ATV owners, and 22% of the motorcyclists–indicating a small but substantial percent of each ownership type is **very** committed to the activity. (McCoy et al. (2001) found this was true of 17% of snowmobilers.) Only 9% of registered OHV owners are members of an OHV club or organization.

There were very few surprises in the sample demographics. For example, 90% are males, 60% live on the Wasatch Front, and the average family size is 3.5. These characteristics have changed very little since 1994. The average age and income of OHV owners has increased since 1994, but it is difficult to say how much since means were not reported in 1994 and the questions were asked a little differently. In general, registered OHV owners appear to be getting older and wealthier, but otherwise there seems to be few demographic changes since 1994.

The respondent households have an average of about 2.5 operators for all vehicle types except for 4 x 4s which have an average of 1.5. Statewide there are 23,412 motorcycle operators living in OHV owner households, and 122,869 ATV operators. When including all operators, the demographic profiles are very similar for motorcycle, ATV, and snowmobile households, but 4 x 4 owners and operators tend to be older and more skilled than for the other types of vehicles.

Description of Last Trip

In order to understand general trip behavior, respondents were asked for details regarding the last recreational trip they took with each vehicle type. While their last trips may not be representative of an *average* trip, we felt that asking about their average trip would be vague and that the last trip would be freshest in their minds and increase recall accuracy. Also, asking actual behavior questions tends to be more accurate than opinion or generalized behavior questions.

Most trip characteristics were similar for all three vehicle types. The Southeastern and Central Travel Regions were the top two destination areas, and Utah OHV owners take relatively few out-of-state trips. The average travel distance to the destination was about 100 miles for all three vehicle types, which compares to 50 miles for snowmobile trips (McCoy et al., 2001). The medians for miles traveled on the last OHV trips were also similar for all three vehicle types: 50 miles for motorcycle trips, 40 miles for ATVs, and 40 miles for 4 x 4s. Most trips for all three vehicle categories were under 60 miles long. Median gallons of gas used in motorcycles and ATVs were also similar, two gallons and three gallons, respectively. Four-by-four vehicles by contrast used a median of 10 gallons of gas to travel the same distance of 40 miles.

Public land is very important for Utah OHV drivers. BLM land was the primary destination for motorcycle, ATV, and 4 x 4 trips. Forest Service land was the primary destination for snowmobile trips and the second most common destination for ATV and 4 x 4 trips. State land was the second destination for motorcycle trips. Only about 25% of the respondents' last OHV trips were on private land.

Unlike the trip characteristics discussed above, there are major differences when comparing participation in other activities during an OHV outing by vehicle trip type. For 63% of the last motorcycle trips, respondents did not participate in any other activities, compared to 41.5% for ATV trips and 25% for 4 x 4 trips. Thus, off highway motorcycling seems to be a single-purpose type activity to a greater extent than the other forms of OHV use. For those who did participate in other activities during their last trip, hiking was especially important during motorcycle and 4 x 4 trips. Hunting, fishing, and camping were also important activities. Hunting was part of the outing for 16% of the motorcyclists, 34.5% of the ATV owners, and 33% of the 4 x 4 drivers. This may be the result of the timing of the survey (interviewing most OHV drivers in winter and early spring after Utah's big game hunting season), but it also indicates the importance of OHVs as support for hunting trips in Utah.

Riding off established roads and trails is the most preferred riding style for motorcycle and ATV owners, and driving on roads is the most preferred for 4 x 4 owners. During their last trips, however, owners of all three vehicle types were more likely to ride on roads or trails.

OHV Owner Attitudes and Program Awareness

There are major differences in attitudes toward helmets between ATV and motorcycle owners. Over three-quarters of the respondents *always* wear a helmet when they ride off highway motorcycles, and half of the motorcycle owners feel helmets should be required.

However, only one-third of the respondents always wear a helmet when they ride ATVs, one-third *never* wear a helmet, and only 39% feel that helmets should be required for ATV use.

The survey indicates that only 41.5% of the registered OHV owners are familiar with the State's OHV program. Of those who are aware of the program, 93% agreed that the program is an asset to the State, and most felt the primary role of the program was safety education (52%) and establishing (13%) and enforcing (9%) the rules. There was also a *decrease* in awareness of the program since 1994, but an *increase* in positive feelings about the program (up from 80%).

Only 37.5% of respondents indicated that they were aware of the State's safety education program called "Know Before You Go." Of those who were familiar with this program, 85% felt an OHV safety program is moderately or very important (an increase from 75% in 1994), but fewer than half felt such a program should be mandatory.

And finally, nearly 41% of the respondents said they had no idea how OHV tax and registration funds are spent. Law enforcement was ranked *lowest* as a preference for spending OHV funds, but *highest* as the area where respondents thought funds were actually being spent. These results, however, contrast with the one-third of the respondents who said there should be more law enforcement presence in OHV areas compared to only 7.5% who said there should be less. In general, increasing "access to public land" and "having enough places to ride" were the primary concerns of respondents in several questions: preferred use of tax and registration money, most important issues, and other comments respondents made at the end of the survey.

Conclusions

Off highway vehicle owners, in Utah, own more than 162,000 machines and paid about $11M in property taxes and $1.5M (excluding 4 x 4s) in registration fees for their recreational vehicles in 2000. The difference between the total number of OHVs, excluding 4x4 vehicles and snowmobiles, extrapolated and the original sample list may lie in some vehicles being registered on other lists, some vehicles not being registered at all, and a slight response bias toward owners with multiple vehicles which would have inflated the extrapolated totals.

Utah OHV owners travel over 93 million miles and use more than 7.5M gallons of gasoline during recreational outings each year. Off highway vehicle owners go about twice as far as snowmobilers to get to their destinations, indicating the travel expenses and related revenues from OHV driving in Utah may be higher than for snowmobiling, but this would need further study to verify.

Public lands are critical to the OHV experience. Public land was the destination for three-quarters of the last trips respondents took, and retaining access to public land is their greatest concern by a large margin. Survey respondents were also concerned with having enough places to ride. Motorcycle trips are more likely to be single purpose trips compared to the other types of OHV outings.

While respondents feel helmets and safety education are good, most feel they should not be mandated, except perhaps for kids (from open-ended comments). There is a lack of awareness of the State's OHV Program, the Know Before You Go Program, and how tax and registration funds are spent. There are positive feelings about the OHV program.

Finally, Utahns have mixed feelings about law enforcement in OHV areas. Some think it is a major need, others think it is a minor concern or even that there is too much law enforcement. This contrast is typical in many recreation areas.

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Appendix A

Survey Instrument

OFF HIGHWAY VEHICLE USERS SURVEY- 2000

NAME:_____ RESPONDENT ID#_____

PHONE:_____+_____ INTERVIEWER'S INITIALS_____

ADDRESS:_____ GENDER: MALE [ ] FEMALE [ ]

CITY:_____ STATE_____

TELEPHONE CALL RECORD

	1	2	3	4	5	6
Date & Time						
Result Code						
Instructions (Call back)						

Result codes:
1 - No answer
2 - Disconnected/Move
3 - Repeatedly Busy
4 - Answering Machine (Leave message after 3 attempts)
5 - Bad time/Call back
6 - Respondent unavailable
7 - Interview complete
8 - Rejection
9 - Other

STUDY INTRODUCTION

Hi. Is _____ there? [OR]
Hello. May I speak to _____ [AFTER YOU GET THE REGISTERED OHV OWNER ON THE PHONE, INTRODUCE YOURSELF BY NAME] This is _____ and I'm a student at Utah State University.

We're conducting a survey of registered Off Highway Vehicle owners for Utah Division of Parks and Recreation. In order to better serve your needs, they are interested in your Off-Highway Vehicle preferences. This is an opportunity for you to influence future state recreation management. The survey should take about 15 minutes, and all of your answers are completely confidential.

Would you be able to help us do the survey now?
[IF NO, GET CALL BACK INFORMATION]

_____
[ENTER RESPONDENT NUMBER ABOVE

1. During the interview I am going to ask you about several different types of vehicles that can be driven off highways, but must be registered in the state. These include Off Highway Motorcycles, ATV's, four-by-fours, and snowmobiles.

First is an Off Highway Motorcycle, but does not include *street legal* motorcycles.

Do you own an Off Highway Motorcycle?
- ☐ Yes [GO TO 1A]
- ☐ No [GO TO 2 -- page 5]
- ☐ Don't know
- ☐ Refused

1a. How many Off Highway Motorcycles are registered in your name?
_____ [ENTER NUMBER]
- ☐ Don't know
- ☐ Refused

[IF MORE THAN ONE]

How many motorcycles did you take on your last trip that are registered in your name?
_____[ENTER NUMBER]

1b. Where did you go on your last trip?
_____[TRAIL OR REGION, AS SPECIFIC AS POSSIBLE]

1c. Thinking again about your last trip with your Off Highway Motorcycle(s), how many miles did you travel to get to your riding destination? [SPECIFY: THIS DOES NOT INCLUDE MILEAGE ON OHV DURING RECREATIONAL EXPERIENCE, JUST THE MILEAGE TO TRAIL HEAD OR RIDING AREA]

_____[MILES TRAVELED]

1d. Would you say that this is more, about the same or less distance than you typically travel to get to a destination to ride your Motorcycle?
- ☐ More
- ☐ About the same
- ☐ Less
- ☐ Don't know
- ☐ Refused

1e. Was your trip on [CHECK ALL THAT APPLY]
- ☐ Private land
- ☐ State land
- ☐ BLM land
- ☐ Forest Service land
- ☐ National Park Service land
- ☐ other _____
- ☐ Don't know

1f. Did you ride

- ☐ Off established trails or roads
- ☐ On a double track trail (about 50" wide)
- ☐ On a single track trail (about 20" wide)
- ☐ On a motocross track area
- ☐ On a road, or
- ☐ other area [SPECIFY: _____]

1g. What type of riding do you prefer?

_____

[OPEN ENDED -- READ RESPONSES TO 1f AGAIN IF NECESSARY]

1h. On your last trip, once you arrived at your riding destination, how much gas did you use in *each* of these Off Highway Motorcycles? This should *not* include the fuel required to get you to and from your riding destination.

_____ [GAL. #1] ____ [GAL.#2] _____ [GAL.#3] _____ [GAL.#4] _____

[IF TOOK MORE THAN ONE MOTORCYCLE, GET GALLONS FOR EACH...
PROBE: "IS THAT FOR ALL YOUR MOTORCYCLES OR FOR EACH?"
WRITE IN ANSWER OR WRITE "DON'T KNOW" ("DK") IN MARGIN]

1i. Again, once you arrived at your riding destination on your last trip, how many miles did you travel on your motorcycle? [SPECIFY: THIS INCLUDES ONLY THE MILES TRAVELED AS PART OF THE RECREATIONAL EXPERIENCE, NOT TO TRAVEL TO RIDING AREA]

_____ , _____ , _____ , _____ [ENTER MILEAGE FOR EACH VEHICLE]

1j. While on your motorcycle, during your last trip, did you stop to do any other recreational activities along the way?

- ☐ Yes
- ☐ No [GO TO 1k]
- ☐ Don't know
- ☐ Refused

[IF YES]
What else did you do? [DO NOT READ RESPONSES: CHECK OFF OR ADD TO OTHER]

- ☐ Hunting
- ☐ Fishing
- ☐ Camping
- ☐ Rockhounding
- ☐ Artifact collecting
- ☐ Access to edge of Roadless Area
- ☐ Other _____

[PROBE:"ANYTHING ELSE"? GIVE EXAMPLE OR TWO ONLY IF ASKED]

1k. Approximately how many trips did you make with *your/each* vehicle within the last 12 months?

_____ [# TRIPS FOR VEH #1] _____[#2] _____ [#3] _____ [#4]

1l. In general, would you say the number of trips you took this year is more, about the same or less than you typically take in a year?

- ☐ More
- ☐ About the same
- ☐ Less
- ☐ Don't know
- ☐ Refused

1m. Including yourself, what is the age and gender of the each member of your household who operates the Motorcycle(s) registered in your name?
[ENTER AGES AND GENDERS IN CHART BELOW]

Ages of Operators	Gender (circle one)	Skill level indicated
	M / F	B I A E
	M / F	B I A E
	M / F	B I A E
	M / F	B I A E
	M / F	B I A E

1n. For each of the Off Highway motorcycle operators you just listed would you classify their level as: Beginner, Intermediate, Advanced, or Expert?
[CIRCLE APPROPRIATE LETTER IN RIGHT COLUMN ABOVE -- LEAVE TO RESPONDENT'S JUDGMENT OF ABILITY]

[READ CAREFULLY]
1o. How much would you estimate you paid in property taxes on *all* of your Off Highway Motorcycles? By property taxes I mean, the amount you paid in taxes assessed by the county, not including the $12.50 OHV registration fee.
$_____ [ENTER DOLLAR AMOUNT]

[THIS IS FOR ALL OF YOUR OFF HIGHWAY MOTORCYCLES COMBINED?]

1p. When operating your Off Highway Motorcycles, how often do you wear a helmet?

- ☐ Always
- ☐ Usually
- ☐ Sometimes
- ☐ Rarely
- ☐ Never
- ☐ Don't know
- ☐ Refused

1r. Do you think that helmets should be required for everyone when riding Off Highway Motorcycles?

- ☐ Yes
- ☐ No
- ☐ Don't know
- ☐ Refused

GO TO NEXT PAGE

Okay, moving on...

2. Do you own an All Terrain Vehicle or ATV? This includes four - wheelers and three - wheelers

- ☐ Yes [GO TO 2A]
- ☐ No [GO TO 3 -- page 8]
- ☐ Don't know
- ☐ Refused

2a. How many ATV's are registered in your name?

_____ [ENTER NUMBER]

- ☐ Don't know
- ☐ Refused

[IF MORE THAN ONE]

How many ATVs did you take on your last trip that are registered in your name?

_____[ENTER NUMBER]

2b. Where did you go on your last trip?

_____[TRAIL OR REGION, AS SPECIFIC AS POSSIBLE]

2c. Thinking again about your last trip with your ATV(s), how many miles did you travel to get to your riding destination? [SPECIFY: THIS DOES NOT INCLUDE MILEAGE ON OHV DURING RECREATIONAL EXPERIENCE, JUST THE MILEAGE TO TRAIL HEAD OR RIDING AREA]

_____[MILES TRAVELED]

2d. Would you say that this is more, about the same, or less distance than you typically travel to get to a destination to ride your ATV?

- ☐ More
- ☐ About the same
- ☐ Less
- ☐ Don't know
- ☐ Refused

2e. Was your trip on [CHECK ALL THAT APPLY]

- ☐ Private land
- ☐ State land
- ☐ BLM land
- ☐ Forest Service land
- ☐ National Park Service land
- ☐ other _____
- ☐ Don't know

2f. Did you ride

- ☐ Off established trails or roads
- ☐ On a double track trail (about 50" wide
- ☐ On an ATV course
- ☐ On a road, or
- ☐ other area [SPECIFY:_____]

2g. What type of riding do you prefer?

_____

[OPEN ENDED -- READ RESPONSES TO 2f AGAIN IF NECESSARY]

2h. On your last trip, once you arrived at your riding destination, how much gas did you use in *each* of your ATV(s)? This should *not* include the fuel required to get you to and from your riding destination.

_____ [GAL. #1] ____ [GAL.#2] _____ [GAL.#3] _____ [GAL.#4]

[IF MORE THAN ONE, GET GALLONS FOR EACH
"IS THAT FOR ALL YOUR ATVs COMBINED OR FOR EACH?"
WRITE IN RESPONSES OR WRITE "DON"T KNOW" ("DK") IN MARGIN]

2i. Again, once you arrived at your riding destination, how many miles did you travel on your ATV during your last trip? [SPECIFY: THIS INCLUDES ONLY THE MILES TRAVELED AS PART OF THE RECREATIONAL EXPERIENCE, NOT TO TRAVEL TO RIDING AREA]

_____ , _____, _____, _____ [ENTER MILEAGE FOR EACH VEHICLE]

2j. While on your ATV during your last trip, did you stop to do any other recreational activities along the way?

- ☐ Yes
- ☐ No [GO TO 2k]
- ☐ Don't know
- ☐ Refused

[IF YES]
What else did you do? [DO NOT READ RESPONSES: CHECK OFF OR ADD TO OTHER]

- ☐ Hunting
- ☐ Fishing
- ☐ Camping
- ☐ Rockhounding
- ☐ Artifact collecting
- ☐ Access to edge of Roadless Area
- ☐ Other _____

[PROBE:"ANYTHING ELSE"? GIVE EXAMPLE OR TWO ONLY IF ASKED]

2k. Approximately how many trips did you make with *your / each* ATV(s) within the last 12 months?

_____ [# TRIPS FOR VEH #1] _____[#2] _____ [#3] _____ [#4]

2l In general, would you say this number of trips is more, about the same or less than you typically take in a year?

- ☐ More
- ☐ About the same
- ☐ Less
- ☐ Don't know
- ☐ Refused

2m. Including yourself, what are the ages and genders of the each member of your household who operate the ATV(s) registered in your name? [ENTER AGES AND GENDERS IN CHART BELOW]

Ages of Operators	Gender (circle one)	Skill level indicated
	M / F	B I A E
	M / F	B I A E
	M / F	B I A E
	M / F	B I A E
	M / F	B I A E

2n. For each of the ATV operators you just listed, would you classify their level as: Beginner, Intermediate, Advanced, or Expert?
[CIRCLE APPROPRIATE LETTER IN RIGHT COLUMN ABOVE]

[READ CAREFULLY]
2o. How much would you estimate you paid in property taxes on *(all* of) your ATV(s)? By property taxes I mean, the amount you paid in taxes assessed by the county, not including the **$12.50** registration fee.

$_____ [ENTER DOLLAR AMOUNT]

[PROBE: "THIS IS FOR ALL OF YOUR ATVs COMBINED"?]

2p. When operating your ATV(s), how often do you wear a helmet?
- ☐ Always
- ☐ Usually
- ☐ Sometimes
- ☐ Rarely
- ☐ Never
- ☐ Don't know
- ☐ Refused

2q. Do you think that helmets should be required for everyone when riding ATVs?
- ☐ Yes
- ☐ No
- ☐ Don't know
- ☐ Refused

GO TO NEXT PAGE

3. Do you own a four wheel drive vehicle, like a jeep, truck or 4 x 4 Sport Utility Vehicle?

- ☐ Yes [GO TO 3A]
- ☐ No [GO TO 4 -- page 11]
- ☐ Don't know
- ☐ Refused

3a. How many 4-wheel drive vehicles are registered in your name?

_____ [ENTER NUMBER]

- ☐ Don't know
- ☐ Refused

3b. What percent of total driving time in each of these vehicles would you say is driving for recreational purpose off of paved roads?

_____%
_____% [IF 0% THEN SKIP TO #4, PAGE 11]
_____%

3c. Are any of these vehicles registered only as off-road vehicles, meaning they are not registered to drive on roads as street legal vehicles?

- ☐ Yes ---- How many? _____[ENTER NUMBER]
- ☐ No
- ☐ Don't know
- ☐ Refused

For the rest of this section please think only of the four wheel drive vehicles that you actually drive off of main roads and highways, in conditions that may require 4-wheel drive at times.

3d. [IF MORE THAN ONE REGISTERED IN RESPONDENTS NAME]
How many 4-wheel drive vehicles did you take on your last trip that are registered in your name?

_____[ENTER NUMBER]

3e. Where did you go on your last trip?

_____[REGION, AS SPECIFIC AS POSSIBLE]

3f. Thinking again about your last trip with your 4-wheel drive vehicle(s), how many miles did you travel to get to your riding destination?

[SPECIFY: THIS DOES NOT INCLUDE MILEAGE ON OHV DURING RECREATIONAL EXPERIENCE, JUST THE MILEAGE TO TRAIL HEAD OR RIDING AREA]

_____[MILES TRAVELED]

3g. Would you say that this is more, about the same, or less distance than you typically travel to get to a destination to drive your 4x4?

- ☐ More
- ☐ About the same
- ☐ Less
- ☐ Don't know
- ☐ Refused

3h. Was your trip on [CHECK ALL THAT APPLY]

- ☐ Private land
- ☐ State land
- ☐ BLM land
- ☐ Forest Service land
- ☐ National Park Service land
- ☐ other _____
- ☐ Don't know

3i. Did you drive

- ☐ Off established roads or trails
- ☐ On a dirt or gravel road
- ☐ On a jeep trail or
- ☐ other area [SPECIFY:_____]

3j. What type of driving do you prefer?

_____

[OPEN ENDED -- READ RESPONSES TO 3i AGAIN IF NECESSARY]

3k. On your last trip, once you arrived at your off road driving area, how much gas did you use in *this / each* 4-wheel drive vehicle? This should *not* include the fuel required to get you to and from your off road driving area.

_____ [GAL. #1] ____ [GAL.#2] _____ [GAL.#3] _____ [GAL.#4]

[IF MORE THAN ONE, GET GALLONS FOR EACH
PROBE: "IS THAT FOR ALL YOUR 4- WHEEL DRIVE VEHICLES OR FOR EACH?"
WRITE IN RESPONSES OR WRITE "DON"T KNOW" ("DK) IN MARGIN]

3l. Again, once you arrived at your off road driving area, how many miles did you travel in your 4-wheel drive vehicle during your last trip? [SPECIFY: THIS INCLUDES ONLY THE MILES TRAVELED AS PART OF THE RECREATIONAL EXPERIENCE, NOT TO TRAVEL TO DRIVING AREA]

_____ , _____ , _____, _____ [ENTER MILEAGE FOR EACH VEHICLE]

3m. While in your 4-wheel drive vehicle, during your last trip, did you stop to do any other recreational activities along the way?

- ☐ Yes
- ☐ No [GO TO 3n]
- ☐ Don't know
- ☐ Refused

[IF YES]
What else did you do? [DO NOT READ RESPONSES: CHECK OFF OR ADD TO OTHER]

- ☐ Hunting
- ☐ Fishing
- ☐ Camping
- ☐ Rockhounding
- ☐ Artifact collecting
- ☐ Access to edge of Roadless Area
- ☐ Other _____

[PROBE: "ANYTHING ELSE"? GIVE EXAMPLE OR TWO ONLY IF ASKED]

3n. Approximately how many trips did you make with *your /(each)* vehicle within the last 12 months?
_____ [# TRIPS FOR VEH #1] _____[#2] _____ [#3] _____ [#4]

3o. In general, would you say this number of trips is more, about the same or less than you typically take in a year?

- ☐ More
- ☐ About the same
- ☐ Less
- ☐ Don't know
- ☐ Refused

3p. Including yourself, what is the age and gender of the each member of your household who drives the 4-wheel drive vehicle(s) registered in your name for Off Highway recreation?
[ENTER AGES AND GENDERS IN CHART BELOW]

Ages of Operators	Gender (circle one)	Skill level indicated
	M / F	B I A E
	M / F	B I A E
	M / F	B I A E
	M / F	B I A E
	M / F	B I A E

3q. For each of the 4-wheel drivers you just listed would you classify their 4-wheel driving experience level as: Beginner, Intermediate, Advanced, or Expert?
[CIRCLE APPROPRIATE LETTER IN RIGHT COLUMN ABOVE]

3r. How much would you estimate you paid in property taxes on *all* of your 4-wheel drive vehicle(s)? By property taxes I mean, the amount you paid in taxes assessed by the county, separate from the registration fee.
$_____ [ENTER DOLLAR AMOUNT]

["IS THIS FOR ALL OF YOUR 4-WHEEL DRIVE VEHICLES COMBINED OR FOR EACH"?]

GO ON TO NEXT PAGE

4. Do you own a snowmobile?

- ☐ Yes [GO TO 4b]
- ☐ No [GO TO 5 -- page 12]
- ☐ Don't know
- ☐ Refused

4b. Was your last trip with your snowmobile on

- ☐ Private land
- ☐ State land
- ☐ BLM land
- ☐ Forest Service land
- ☐ National Park Service land
- ☐ other _____
- ☐ Don't know

4c. On your last trip, once you arrived at your riding destination, how much gas did you use in *each* Snowmobile? This should *not* include the fuel required to get you to and from your riding destination. Just while you were there.
_____ [GAL. #1] ____ [GAL.#2] _____ [GAL.#3] _____ [GAL.#4]

[IF MORE THAN ONE, GET GALLONS FOR EACH
"IS THAT FOR ALL YOUR ATVs COMBINED OR FOR EACH?"]

4d. Including yourself, what is the age and gender of the each member of your household who operates the snowmobiles registered in your name?
[ENTER AGES AND GENDERS IN CHART BELOW]

Ages of Operators	Gender (circle one)	Skill level indicated
	M / F	B I A E
	M / F	B I A E
	M / F	B I A E
	M / F	B I A E
	M / F	B I A E

4e. For each of the snowmobile operators you just listed, would you classify their level of experience as: Beginner, Intermediate, Advanced, or Expert?
[CIRCLE THE APPROPRIATE LETTER IN RIGHT COLUMN ABOVE]

4f. How much would you estimate you paid in property taxes on *(all* of) your snowmobile(s)? By property taxes I mean, the amount you paid in taxes assessed by the county, not including the $12.50 OHV registration fee.
$_____ [ENTER DOLLAR AMOUNT]

[THIS IS FOR ALL OF YOUR SNOWMOBILES COMBINED?]

GO ON TO NEXT PAGE

5. Do you own any other type of Off Highway Vehicle, including any other non-street legal vehicle that we have not talked about?

- ☐ yes [GO TO 5a]
- ☐ no [GO TO 6 -- page 15]
- ☐ Don't know
- ☐ Refused

5a. What kind of vehicle is it and how many of these are registered in your name?

_____[ENTER TYPE]
_____ [ENTER NUMBER]

- ☐ Don't know
- ☐ Refused

[IF MORE THAN ONE]

How many ( ) did you take on your last trip that are registered in your name?
_____[ENTER NUMBER]

5b. Where did you go on your last trip?
_____[TRAIL OR REGION, AS SPECIFIC AS POSSIBLE]

5c. Thinking again about your last trip with your (_____), how many miles did you travel to get to your riding destination? [SPECIFY: THIS DOES NOT INCLUDE MILEAGE ON OHV DURING RECREATIONAL EXPERIENCE, JUST THE MILEAGE TO TRAIL HEAD OR RIDING AREA]

_____[MILES TRAVELED]

5d. Would you say that this is more, about the same, or less distance than you typically travel to get to a destination to ride your (_____)?

- ☐ More
- ☐ About the same
- ☐ Less
- ☐ Don't know
- ☐ Refused

5e. Was your trip on [CHECK ALL THAT APPLY]

- ☐ Private land
- ☐ State land
- ☐ BLM land
- ☐ Forest Service land
- ☐ National Park Service land
- ☐ other _____
- ☐ Don't know

5f. Did you ride

- ☐ Off established roads or trails
- ☐ On a double track road (about 50" wide)
- ☐ On a single track road (about 20" wide)
- ☐ On a motorcross track area or OHV course
- ☐ On a road
- ☐ other area [SPECIFY:_____]

5g. What type of riding do you prefer?

_____

[OPEN ENDED -- READ RESPONSES TO 5f. AGAIN IF NECESSARY]

5h. On your last trip, once you arrived at your riding destination, how much gas did you use in of *each* (_____)? This should *not* include the fuel required to get you to and from your riding destination.

_____ [GAL. #1] ____ [GAL.#2] _____ [GAL.#3] _____ [GAL.#4]

[IF MORE THAN ONE (_____), GET GALLONS FOR EACH
"IS THAT FOR ALL YOUR (_____) COMBINED, OR FOR EACH SEPARATELY?"]

5i. Again, once you arrived at your riding destination, how many miles did you travel on your (_____) during your last trip? [SPECIFY: THIS INCLUDES ONLY THE MILES TRAVELED AS PART OF THE RECREATIONAL EXPERIENCE, NOT TO TRAVEL TO RIDING AREA]

_____ , _____ , _____ , _____ , [ENTER MILEAGE FOR EACH VEHICLE]

5j. While on your (_____), during your last trip, did you stop to do any other recreational activities along the way?

- ☐ Yes
- ☐ No [GO TO 5k]
- ☐ Don't know
- ☐ Refused

[IF YES]
What else did you do? [DO NOT READ RESPONSES: CHECK OFF OR ADD TO OTHER]

- ☐ Hunting
- ☐ Fishing
- ☐ Camping
- ☐ Rockhounding
- ☐ Artifact collecting
- ☐ Access to edge of Roadless Area
- ☐ Other _____

[PROBE: ANYTHING ELSE? GIVE EXAMPLE OR TWO ONLY IF ASKED]

5k. Approximately how many trips did you make with *your / each [IF MORE THAN ONE]* (_____) within the last 12 months?

_____ [# TRIPS FOR VEH #1] _____[#2] _____ [#3] _____ [#4]

5l. In general, would you say this number of trips is more, about the same or less than you typically take in a year?

- ☐ More
- ☐ About the same
- ☐ Less
- ☐ Don't know
- ☐ Refused

5m. Including yourself, what is the age and gender of the each member of your household who operates the (_____) registered in your name?
[ENTER AGES AND GENDERS IN CHART BELOW]

Ages of Operators	Gender (circle one)	Skill level indicated
	M / F	B I A E
	M / F	B I A E
	M / F	B I A E
	M / F	B I A E
	M / F	B I A E

5n. For each of the (_____)operators you just listed, would you classify their experience level as: Beginner, Intermediate, Advanced, or Expert?
[CIRCLE THE APPROPRIATE LETTER IN RIGHT COLUMN ABOVE]

5o. How much would you estimate you paid in property taxes on *(all* of) your (_____)? By property taxes I mean, the amount you paid in taxes assessed by the county, not including the $12.50 OHV registration fee.
$_____ [ENTER DOLLAR AMOUNT]

[PROBE: "IS THIS FOR ALL OF YOUR (_____) COMBINED"?]

5p. When operating your (_____), how often do you wear a helmet?
- ☐ Always
- ☐ Usually
- ☐ Sometimes
- ☐ Rarely
- ☐ Never
- ☐ Don't know
- ☐ Refused

5q. Do you think that helmets should be required for everyone when riding a(n) (_____)?
- ☐ Yes
- ☐ No
- ☐ Don't know
- ☐ Refused

GO TO NEXT PAGE

6. Are you familiar with the Utah Division of Parks and Recreation Off Highway Vehicle Program, or OHV program?

- ☐ Yes
- ☐ No **[GO TO 9]**
- ☐ Don't know
- ☐ Refused

7. What, as far as you know, is the primary role of the OHV program? [LEAVE AS AN OPEN ENDED QUESTION --CHECK ONE RESPONSE]

- ☐ Safety education
- ☐ Establish rules and regulations
- ☐ Generate revenue
- ☐ Create and maintain designated OHV areas
- ☐ Sign and mark trails
- ☐ Enforce laws and regulations
- ☐ Other _____
- ☐ Don't know
- ☐ Refused

8. Please listen to the following statement and tell me if you agree or disagree with it:
"Utah's OHV program is an asset to the state and the OHV user"

[ONCE THE RESPONDENT HAS AGREED OR DISAGREED ASK ...]
Do you _____ somewhat or strongly?

[CHECK APPROPRIATE BOX]

- ☐ Agree strongly
- ☐ Agree somewhat
- ☐ Disagree somewhat
- ☐ Disagree strongly
- ☐ Don't know
- ☐ Refused
- ☐ No opinion / neutral

9. Are you familiar with the OHV education program, "Know before you go"?

- ☐ Yes
- ☐ No [**GO TO 14**]
- ☐ Don't know
- ☐ Refused

10. Have you or any of your immediate family members participated in this program?

- ☐ Yes
- ☐ No
- ☐ Don't know
- ☐ Refused

11. How important do you think the OHV Education Program is to the overall OHV program? Would you say it is...

[READ ONLY THE FIRST COLUMN ALOUD]

- ☐ Not at all important
- ☐ Somewhat important
- ☐ Moderately important
- ☐ Very important
- ☐ Don't know
- ☐ Refused

12. Do you think that the OHV Education Program should be mandatory for all riders of OHV's, not just those without valid driver's licences?

- ☐ Yes
- ☐ No
- ☐ Don't know
- ☐ Refused

13. If you could make one suggestion to improve the OHV Education program, what would it be? [DON'T READ THE LIST, JUST CHECK OFF INITIAL RESPONSE, OR LIST OTHER RESPONSE VERBATIM IF UNSURE]

- ☐ More hands on training
- ☐ Shorten the class
- ☐ Have classroom only
- ☐ Have a written test through the mail
- ☐ No education should be required
- ☐ **Make it more convenient to attend**
- ☐ **Improve communication about times, and locations it is offered**
- ☐ Would make no improvements
- ☐ [Don't know]
- ☐ [Refused]
- ☐ [OTHER]

_____
_____
_____
_____

14. Thinking about the number of areas open to OHV use in Utah. Would you say there are too many, about the right amount, or not enough areas?

- ☐ Too many
- ☐ About right
- ☐ Not enough
- ☐ Don't know
- ☐ Refused

15. Do you think there should be more, about the same, or less law enforcement presence in OHV areas?

- ☐ More
- ☐ About the same
- ☐ Less

[GO ON TO NEXT PAGE]

16. I'm going to read several types of Off Highway Vehicle services or facilities. I want you to think abut how important is it to you personally, that OHV Registration and tax money is spent on each of these. Please respond by saying Not important, Somewhat important, Moderately important or Very important. [CHECK BOX -- REPEAT SCALE AS NEEDED]

		Not important	Somewhat important	Moderately important	Very Important
a	How important is it to you that money is spent on new trail construction? Would you say... [READ RESPONSES]				
b	How about money spent on printed maps and trail guides?				
c	What about money for trailheads and parking lots, including sanitation facilities, like restrooms or garbage cans?				
d	How important is money spent on maintaining existing trails?				
e	How about money for trail marking and signs?				
f	What about money spent in areas closer to home?				
g	How about for law enforcement?				
h	How important is money to provide open riding areas?				
i	Money to provide access to public land?				
j	How important is to spend money distributing information, including rules and operator etiquette?				

17. Of the list I just spoke about, where do you *think* most of the OHV Registration and tax money is being spent? [CIRCLE RESPONSE ON ABOVE LIST- REPEAT IF NECESSARY]

☐ Don't know
☐ Refused

GO ON TO NEXT PAGE

18. Looking ahead, what do you think the most important issue affecting OHV use is in Utah? [DO NOT READ RESPONSES. LEAVE OPEN ENDED AND CHECK INITIAL RESPONSE OR LIST RESPONSE VERBATIM IF UNSURE]

- ☐ Knowing where to ride
- ☐ Having enough places to ride
- ☐ Resource Management / Conservation
- ☐ Safety
- ☐ Trailhead facilities / areas where you begin your ride
- ☐ Increased public awareness / more Information out to public
- ☐ Access to public lands
- ☐ Crowding
- ☐ Trail Maintenance
- ☐ Increasing cost
- ☐ Limited funding
- ☐ Signing
- ☐ Maps
- ☐ Education
- Don't know
- ☐ Refused
- ☐ Other [SPECIFY]_____

_____
_____
_____
_____
_____
_____
_____
_____
_____

19. Do you belong to or are you affiliated with an OHV recreation organization or club?

- ☐ Yes
- ☐ No
- ☐ Don't know
- ☐ Refused

If yes, which ones?
_____[LIST ORGANIZATIONS]
_____
_____

GO ON TO NEXT PAGE

20. These last few questions are for statistical purposes only.

What was your TOTAL pre-tax combined household income from all wage earners during the past 12 months? Please, include money from all sources, not just wages and salaries.

- ☐ Less than $30,000
- ☐ $30,000 - $60,000
- ☐ $60,000 - $90,000
- ☐ $90,000 - $120,000
- ☐ Over $120,000
- ☐ **Don't know**
- ☐ Refused

21. What was your age on your last birthday?

_____[ENTER NUMBER]

- ☐ Don't know
- ☐ Refused

22. How many people are there living or staying in your household, including yourself?

_____[ENTER NUMBER]

- ☐ Don't know
- ☐ Refused

23. Of these individuals, how many are age 17 or younger?

- ☐ Enter number_____
- ☐ Don't know
- ☐ Refused

24. What is your zip code?

Enter number_____

- ☐ Don't know
- ☐ Refused

25. Would you like to receive a summary of the results in this study?

- ☐ Yes [VERIFY ADDRESS AND WRITE "SUMMARY" ON COVER SHEET]
- ☐ No

26. Would you like to add any additional comments?

- ☐ Yes [ENTER COMMENTS BELOW]
- ☐ No

_____
_____
_____
_____
_____

Thank you very much for your time, your information is very valuable to us in this study.

Appendix B

Verbatim Responses to Open-ended Questions

All verbatim answers to the question "Where did you go".

*motorcycle**	*ATV**	*4x4**	*Location*	*County*	*Travel Region*
0	1	0	**12 Mile Canyon**		
0	1	0	**40 Mile Mt.**		
1	2	0	**Alpine**	**Utah**	**Mountainland**
0	5	0	**American Fork Canyon**	**Wasatch**	**Mountainland**
1	1	0	**Arizona**		**Arizona**
0	2	1	**Arizona strip**		**Arizona**
1	1	0	**Around the ranch**		
0	2	1	**Bear Lake**	**Rich**	**Bear River**
0	4	0	**Beaver Mtn**	**Cache**	**Bear River**
0	3	1	**Bookcliffs**	**Carbon**	**Southeastern**
0	5	2	**Boulder Mountain**	**Garfield**	**Southwestern**
0	1	0	**Bountiful area**	**Davis**	**Wasatch Front**
0	1	0	**Brigham City (bird refuge)**	**Box Elder**	**Bear River**
0	2	0	**Bryce Canyon**	**Garfield**	**Southwestern**
0	1	0	**Butler**		
0	1	0	**Cache Valley**	**Cache**	**Bear River**
0	2	0	**Cainville**	**Wayne**	**Central**
0	1	0	**Capital Reef**	**Wayne**	**Central**
1	3	1	**Carbon County**	**Carbon**	**Southeastern**
0	1	0	**Castledale**	**Emery**	**Southeastern**
1	3	0	**Cedar Fork**	**Utah**	**Mountainland**
0	3	1	**Cedar Mountain**	**Iron**	**Southwestern**
1	1	1	**Cherry Creek**	**Davis**	**Wasatch Front**
0	0	1	**Chicken Creek**	**Grand**	**Southeastern**
0	1	0	**Chicken Creek**	**Grand**	**Southeastern**
0	1	0	**Church Canyon, Elsinore**	**Sevier**	**Central**
0	1	0	**Coalville**	**Summit**	**Mountainland**
0	2	1	**Colorado**		**Colorado**
2	5	0	**Coral Pink Sand Dunes**	**Washington**	**Southwestern**
0	1	0	**Dalenport Canyon**	**Tooele**	**Wasatch Front**
0	1	0	**Devils Race Track(in Price)**	**Carbon**	**Southeastern**
0	1	0	**Diamond Fork**	**Utah**	**Mountainland**
0	1	0	**Duchesne**	**Duchesne**	**Uintah Basin**
0	1	0	**Emigration Canyon**	**Salt Lake**	**Wasatch Front**
0	1	0	**Escalante**	**Garfield**	**Southwestern**
0	4	0	**Eureka**	**Juab**	**Central**
0	1	0	**Fairfield**		
0	6	2	**Fairview Canyon**	**San Pete**	**Central**
0	1	0	**Farmington**	**Davis**	**Wasatch Front**
0	1	0	**Farmington Canyon**	**Davis**	**Wasatch Front**
0	7	1	**Fishlake area**	**Sevier**	**Central**
1	0	0	**Five Mile Pass**		
2	2	0	**Five Mile Canyon**		
0	3	0	**Flaming Gorge area**	**Daggett**	**Uintah Basin**
1	0	0	**Foothills**		
0	1	1	**Goblin Valley**	**Emery/Grand**	**Central**

1	3	0	Gooseberry Reservoir	Carbon	Southeastern
0	1	0	Grantsville Res.	Tooele	Wasatch Front
0	3	0	Great Salt Lake area	Salt Lake	Wasatch Front
0	1	0	Great Western Trail	Weber	Wasatch Front
0	2	0	Green River area	Grand	Southeastern
0	1	0	Grouse Creek	Box Elder	Bear River
0	1	0	Hanksville	Wayne	Central
0	1	0	Hardware Ranch	Cache	Bear River
1	1	0	Heber	Wasatch	Mountainland
0	2	1	Henry Mountains	Wayne	Central
0	1	0	Hobbie Creek		
0	1	0	Huntington Canyon	Emery	Southeastern
0	1	0	Huntsville	Weber	Wasatch Front
1	2	0	Hurricane	Washington	Southwestern
0	4	1	Idaho		Idaho
0	1	0	Iron Mines		
0	1	0	Island Park		Idaho
3	6	0	Jericho	Juab	Central
1	2	2	Joe's Valley	Emery	Southeastern
1	2	0	Kamus	Summit	Mountainland
1	1	0	Kanab	Kane	Southwestern
0	2	0	Kanab	Kane	Southwestern
0	1	0	Kimberley		
0	1	0	Knolls		
0	1	2	Lake Powell	Kane	Southwestern
0	1	0	Lehi	Utah	Mountainland
7	17	0	Little Sahara	Juab	Central
0	1	0	Loa	Wayne	Central
0	5	2	Logan Canyon	Cache	Bear River
0	1	0	Malad	Idaho	
0	3	0	Manti	San Pete	Central
0	2	1	Manti La Sal	San Juan	Southeastern
0	1	0	Mayfield	Cache	Bear River
1	0	0	Mexico		
0	1	0	Midway	Wasatch	Mountainland
1	0	0	Millcreek Canyon	Cache	Bear River
0	1	0	Millville Canyon	Cache	Bear River
0	2	0	Mirror Lake area	Uintah	Uintah Basin
3	6	3	Moab	Grand	Southeastern
1	0	0	Mollys Nipple	Washington	Southwestern
0	1	0	Monte Cristo	Cache	Bear River
0	1	0	Monticello	San Juan	Southeastern
0	1	0	Moon Lake	Weber	Wasatch Front
0	1	0	Mt. Carmel	Kane	Southwestern
0	1	0	Mt. Green	Morgan	Wasatch Front
1	2	1	Mt. Ogden	Weber	Wasatch Front
0	1	0	Mt. Pleasant	San Pete	Central
0	3	0	N/A		
0	1	0	Nevada		
0	1	0	Northeastern Utah		
0	1	0	Orderville	Kane	Southwestern
0	3	1	Panguitch	Garfield	Southwestern
0	1	1	Park Valley	Box Elder	Bear River
0	1	0	Payson Canyon	Utah	Mountainland
0	1	0	Peak Desert		
0	3	0	Piute Trail	Piute	Central
0	1	0	Piute Trail (see 90)	Piute	Central

1	1	0	**Point of the Mountain**	**Salt Lake/Utah**	**Wasatch Front**
0	1	0	**Pony Express(near Delta)**	**Millard**	**Central**
2	13	0	**Private Property**		
0	1	1	**Provo Canyon**	**Utah**	**Mountainland**
0	2	0	**Q-bar City**		
1	0	0	**Race track, St. George**	**Washington**	**Southwestern**
0	0	1	**Red Creek Reservoir**		
1	2	0	**Redmond**	**Sevier**	**Central**
2	7	1	**Richfield**	**Sevier**	**Central**
0	0	1	**Roonds Park**	**Daggett**	**Unitah Basin**
0	0	0	**Salem**	**Utah**	**Mountainland**
0	1	0	**Salina Canyon**	**Sevier**	**Central**
1	1	0	**Salt Canyon Road**	**Salt Lake**	**Wasatch Front**
0	2	0	**San Juan**	**San Juan**	**Southeastern**
5	7	2	**San Rafael Swell**	**Emery**	**Southeastern**
0	3	0	**SLC - canyon**	**Salt Lake**	**Wasatch Front**
1	1	0	**Southern Utah**		
1	3	0	**St George area (dunes)**	**Washington**	**Southwestern**
0	1	1	**St. Anthony (dunes)**		**Idaho**
0	1	0	**ST. George, Mc. Taco**	**Washington**	**Southwestern**
0	2	0	**Star Valley, WY**		
0	1	0	**Starvation Canyon - Price**	**Carbon**	**Southeastern**
0	8	2	**Strawberry Canyon**	**Duchesne**	**Uintah Basin**
0	1	0	**Tabiona**	**Duchesne**	**Uintah Basin**
1	0	0	**Temple Mountain**	**Emery**	**Southeastern**
1	0	0	**Tooele-Desert Peak Rec. Complex**	**Tooele**	**Wasatch Front**
0	1	0	**Tuchor Mtn**		
2	11	0	**Uintahs (soapstone basin)**	**Uintah**	**Uintah Basin**
1	0	0	**Utah Hill**		
2	7	0	**Vernal**	**Uintah**	**Uintah Basin**
0	1	0	**Water valley (dunes)**	**Salt Lake**	**Wasatch Front**
0	1	0	**Wells Canyon**	**Kane**	**Southwestern**
0	2	0	**Wendover**	**Nevada**	
6	9	3	**West Desert**	**Juab**	**Central**
1	0	0	**West Mountain**	**Utah**	**Mountainland**
0	1	0	**White Sands Wash**	**New Mexico**	
0	1	0	**Willard Bay**	**Box Elder**	**Bear River**
0	1	0	**Wyoming**	**Wyoming**	
0	1	0	**Zion area**	**Washington**	**Southwestern**

* number of respondents who indicated they had visited each place on their last trip, broken out by vehicle class.

Number of Respondents who indicated they participated in the following activities on their last OHV outing reported as "other"			
	Motorcycle (N = 4)	ATV (N = 28)	4x4 (N = 3)
National Park Visits	0	1	0
Boating	0	1	1
Watch A Race	0	2	0
Biking	0	1	0
Towed Sleds	0	0	0
Photography	0	4	1
Race	1	0	0
Picnic	0	8	0
Enjoy the smell	1	0	0
Swimming	0	1	0
Explore Mines	0	1	0
Shooting	1	3	0
Drink Beer	0	1	0
Back Packing	0	1	0
Getting A Christmas Tree	0	0	1
Tubing	0	1	0
Paragliding	1	0	0
Trapping	0	1	0
Check Cattle	0	1	0
Access to Cabin	0	1	0

All verbatim responses to the question "Which Organizations are you a part of"	
Organization	**Number of Respondents**
American Motorcycle Association	3
ATV Association	1
Blue Ribbon Coalition	4
Cache Valley High	3
Carbon Emery Motorcycle Club	1
Emery County OTTV Club	1
Fairview Riders	1
High Markers	1
Racing Club	2
Skyline Snowriders	2
Snowmobile Snowflakes Club	1
Southeastern OHV Club	3
Southern Utah Land Users	1
Utah Desert Foxes Motorcycle Club	1
Utah Off Road	1
Utah Shared Access Alliance	4
Utah Sports Rider's Association	2
Utah Trail Machine Association	3
Utah Valley OTLV	1

Responses categorized as "other" for the question, "What is the primary role of the OHV program"	
	Number of Respondents
Develop an alliance between users & BLM to maintain areas	1
Protect environment and still allow people to ride	3
Keep roads open	2
Classes	1
Take care of environment	1
Monitor off road travel	1
For people to enjoy	2
Use program	2
Cause me grief	1
Maps	1

Responses categorized as "other" for the question, "Where do you think the money is being spent"	
	Number of Respondents
Closing Areas	3
Administrators	13
Litigation/court cases	3
Land restoration	1
Someone's pocket	1
Doesn't go back to activities	4
Lawyers	1
Roads	1
Lobbyists	1
Closing trails	2
Wasted on programs and areas	1
Education	1
Grooming snowmobile trails	1
School fund	1

All verbatim responses to the question, "What would you do to change the Education Program"	
	Number of Respondents
Keep it the same	1
Make public more aware of program	8
Educate about the importance of obeying laws and regulations	3
Take more time with participants	1
Take a trash bag	1
Make hands on training more realistic(hills, high speeds, etc)	1
Emphasize courtesy to others	2
Make it required for all	3
Lower the age restriction	1
Put it with Driver's Education	1
Better tests	1
Stress where not to ride	4
Emphasize speed and helmets	2
Teach more courtesy to the land	4
Only new or inexperienced riders should have to take it	1
More safety	2
Get certificates out more quickly	1
Offer at more locations	1
Make it more challenging for all riders	1
Better instructors	1
Enforce it on all unlicenced drivers	1
Get rid of it	1
Stress picking up litter	1
Schedule more sessions (2-3 months apart is too long)	1
Make it required	2

Responses categorized as "other" for the question "What is the most important issue facing OHV use in Utah"	
	Number of Respondents
Non-riders ruining it	1
Maintaining users' rights	2
Banning 2-stroke engines	1
Making public aware of issues	2
Littering	2
Attitudes of riders, being courteous	3
People outside of Utah influencing decisions on our land	2
Users abusing the land	11
Bias against OHV Users	1
Trespassing on private property	2
Closing roads only to four wheelers and not trucks	1
Closer areas to ride	2
Sierra Club trying to close areas down	2
Obeying rules	4
Law enforcement	2
Training riders to keep on the trails	1
Lack of education of OHV users	1
Selecting a representative who will represent us as we want	1
People say ATVs cause pollution when it isn't true	1
Ecology groups conflicting views of what should be protected	1
Needs more laws	1
Environmentalists	5
Access to riding areas	1
Need more research before areas are closed	1

Appendix C

Additional Comments

Additional Comments

Would like to see more motocross areas.
Need to be places for kids to ride.
Senior Citizens do not do any harm.
Keep trails Open!
Don't restrict federal lands to motorized recreation. Keep them open.
Enforce the existing laws!
There are too many enforcers of the laws.
Reasonable use is the key.
There are too many areas closing in the mountains.
We have no where to go, then we start trespassing.
Open more areas!
Lands are being taken away, we need to fight for them. I see two sides, environmentalists are fighting to take it away.
People need to ride safer.
Keep remaining trails open.
Soapstone area up to Daddles area has bad trails.
Mark were you can and can't ride better.
Keep areas clean. Too many beer cans.
Any mountain bikes on trails should be registered.
Make people license skies and bikes.
Wouldn't mind paying trails usage fee, if they maintained trails better.
Snowmobile trials need to be groomed better.
Studies that the BLM and USFS do are one sided, should let us have a study for impacts, involving more people.
We should all be environmentalists to a point.
I support development and closing areas with out trails.
Don't close any more land!
Some land closures are important. But keep lands open for use too.
I appreciate being able to ride and I hope we can always ride.
Stop closing trails!
Most of us are riding responsibly, we shouldn't get penalized for those who don't.
Don't close anymore land.
Keep environmentalists out, let Utahns run it!
Concerned about open land.
If people want trails, those people should make the trails.
OHV users could help more with the trails.
Do a better job of budgeting money, put money back into the programs. Take care of what we have.
Environmentalists suck! They do more to hurt and ruin the state than any OHV user.
OHV users need to be safer.
They should get rid of the Forest Service guys. They are bad, they break laws too.
Keep trails open! If they kept some trails open they would not have so much destruction.
Don't like closure of National Parks (Yellowstone) to snowmobiles. ABSOLUTELY WRONG!
To many areas have been closed, so it is no longer any fun. I have more fun on my road bike. Don't know why they are closing everything.

I'm concerned about land closures, the Federal Government and President are closing our land.
In Main Canyon they are too strict!
Logging trails cause more damage to the ecosystem than any OHV user ever does.
We need more places to go and more trails so we can find solitude.
I like having places to go, closing off areas is hurting families.
Keep areas open and maintain the existing trails, don't build new roads.
Make more education pamphlets available.
Open the dirt roads, why are motorbikes allowed, but not ATV's?
Need more places were you can take your ATV's and ride them.
I think there are fewer and fewer places to ride.
More enforcement and education of laws.
Keep places open.
Encourage the kids to recreate, recreation keeps families together.
I hope that they don't give up, and just close all land.
I hope land is closed for the right reasons.
Keep the government out of the closures.
Do a rotation closure, 3 to 5 year cycles.
Let Utah citizens decide what to do with their lands. Not people back east.
Stop closing the lands.
Have more guided tours for ATV.
Build trails so people don't damage the land to see the scenery.
Funnel people into certain areas.
There is room for everyone, treat everyone fairly.
Build more trails, let us see the country.
The roads and trails should be left open.
I want more information, like maps and trail guide. Make them accessible as well.
We enjoy our bikes and would like to stay on the public lands. We are responsible users, as should everyone.
There needs to be more education.
Veterans protected the land. We should be able to go where we want, because we fought for it.
Don't close roads made a 100 years ago, why close them now?
Why are four-wheelers not allowed on roads?
Kick environmentalists in the butt and let us have some fun.
Keep the public lands open.
Hope that we can see more volunteers doing trail work, not the clubs.
Don't spend tax money to do the trail work.
Hikers have too much pull, they are the minority.
OHV money is being used against the OHV users.
I believe 2% do 98% of the damage, it ruins it for everyone else. Those people should be penalized.
It's a political issue, those seeking to close areas are using devious political means.
Most people are prudent in their use of OHV's, but not all.
We have to accept regulations and follow them.
We need to care for the environment, but not to the extent that it constrains reasonable activity.
I have two children that have a condition that prevents them from experiencing nature by walking or backpacking, they need the ATV's.

Don't lock up public land.
Better training would lower the amount of abuse by OHV users.
I like the west desert, keep it open.
There need to be a happy medium.
This is on the right track.
Doing a good job keeping a happy medium between users and green people.
USFS land open, don't advertise it, keep it quiet.
Helmets should be required for certain ages or speed limits.
Lower the taxes.
Take care of the riders, watch out for us.
Bad habit of not using the money where they say it will go, i.e. trail maintenance.
Environmentalists are not telling the truth just misrepresenting facts, and taking money just for litigations.
Make facilities ADA(handicap) accessible.
I want access in to wilderness for handicapped people.
I would like to see improvements in the Dept. of NR. They listen to environmentalists too much.
Current Creek Reservoir is a gravel road that is considered a highway, why can't we ride on it with ATV's but snowmobiles can?
We don't need any more new trails if you stop closing down the existing ones.
We need better information on the areas, and it needs to be more available.
Keep the public lands open.
I want easy access to travel maps, and pamphlets on what I can and can not do.
Helmets should be required for riders 16 and younger.
It is getting too crowded in the sinks area.
Too many careless young kids.
Helmets should be mandatory for 16 and younger, and above a certain speed.
There should be more access for ATV's.
Monte Cristo did not accept Golden Age, I want a program in the state for senior fee reduction.
Ban alcohol from ATV areas.
More law enforcement is needed.
There needs to be more riding areas re-established closer to the Salt Lake City area.

Summary of Research

Montana Fish, Wildlife & Parks

Selected Results From a 2006 Survey of Registered Off-Highway Vehicle (OHV) Owners in Montana

RMU Research Summary No. 21

Michael S. Lewis and Ray Paige

July 2006

In the last decade, the sale of off-highway vehicles (OHVs) has increased three-fold. Montana is no exception to this trend. Increasingly, Montanans are purchasing OHVs (especially 4-wheelers) for trail riding, working on the farm or ranch, fishing, and hunting. OHVs include, but are not limited to: motorcycles (dirt bikes), quadricycles (also know as ATV's or 4-wheelers), dune buggies, amphibious vehicles, and air cushion vehicles.

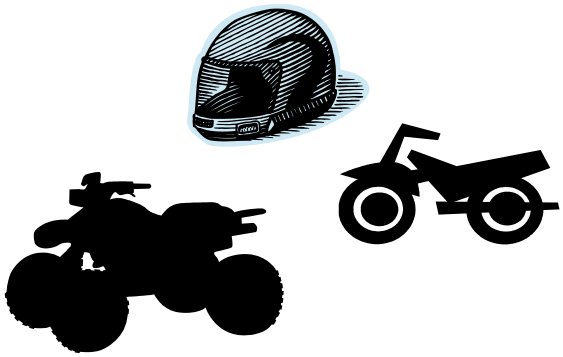
The nature of OHV use makes it essential that riders wear protective clothing (especially helmets), and follow responsible use guidelines in an effort to minimize user conflicts and impacts to the environment. With few exceptions, "cross-county" OHV use (e.g., operating a motorized , wheeled vehicle off a road or trail) is prohibited on publicly owned lands in Montana to protect fragile soils, riparian areas, vegetation, and wildlife.

In concert with federal land management agencies and the Montana Trail Vehicle Riders Association, Montana Fish, Wildlife & Parks (FWP) promotes a variety of OHV safety and responsible use information in Montana. The goal of FWP's OHV education program is to reduce future OHV-related accidents and encroachments, and improve ethics of OHV riders.

In 2006, FWP conducted a survey of registered OHV owners in Montana as part of an effort to evaluate the effectiveness of their OHV education program. Mailback surveys were successfully administered to 950 registered OHV owners. Overall, a 47 percent response rate to the survey was achieved.

Survey questions were asked in the following areas:

- *How many OHV owners have had safety training?*
- *How often do OHV owners follow important safety precautions when riding OHVs?*
- *How many OHV owners have seen or heard educational materials that address the topic of OHV safety and responsible use?*
- *How often do OHV owners follow important guidelines for responsible use when riding OHVs, and to what extent do they agree with these guidelines?*
- *How many OHV owners are aware of Montana's general laws concerning OHVs and their use?*
- *How many OHV owners have ever used an OHV when hunting, and how do they typically use OHVs when hunting?*
- *How many OHV owners who have ever used an OHV when hunting have seen or heard educational materials that address the topic of hunting and responsible OHV use?*
- *How many OHV owners who have ever used an OHV when hunting follow important guidelines for responsible OHV use when hunting, and to what extent do they agree with these guidelines?*
- *How many OHV owners who have ever used an OHV when hunting are aware of Montana's hunting regulations concerning OHVs?*

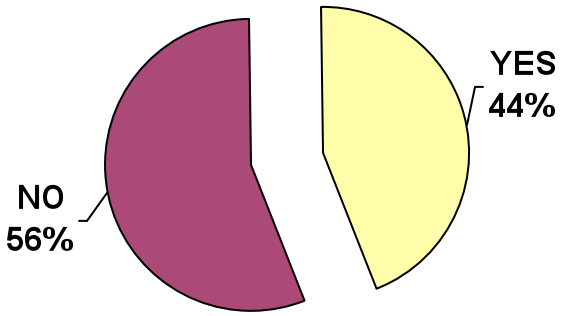


Results

Safety Training

Fifty-six percent of the respondents to the survey reported they have NOT had OHV safety training of any kind (see Figure 1).

Figure 1. Response to: "Have you had off-highway vehicle (OHV) safety training?"

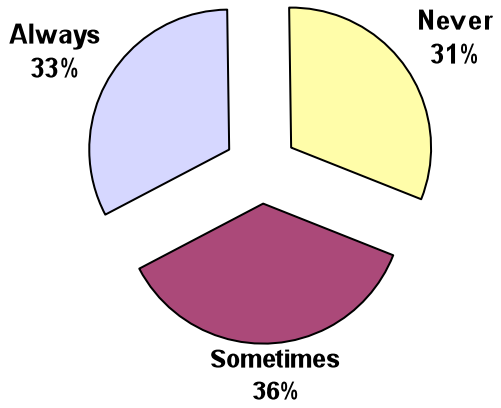


About a third of the respondents who have had training reported they have attended a certified OHV safety education course. Seventy-six percent reported they simply watched a safety video at an OHV dealership or manufacturer.

Safety Precautions

Only a third of the respondents reported they always wear a helmet when riding OHVs (see Figure 2). A little less than a third of the respondents reported they never wear a helmet.

Figure 2. Response to: "When riding OHVs, how often do you wear a helmet?"



Thirty-eight percent of the respondents reported they always wear other safety equipment (e.g., gloves, goggles, chest protectors, shin guards, and/or boots) when riding OHVs. Fourteen percent reported they never wear these types of safety equipment.

Most of the respondents (81 percent) always inspect and prepare their vehicle(s) before riding. And, a strong majority (77 percent) reported they always let someone know where they will be riding and when they will return from riding.

Information Addressing the Topic of OHV Safety and Resposible Use

Eighty-three percent of the respondents reported they have seen written materials (e.g., brochures, posters, articles, etc.) that address the topic of OHV safety and responsible use. Only 13 percent reported they have taken the time to read a lot of the materials they have seen. Eight percent said they have read none of the materials they have seen. Written materials were most often seen at the following places:

- OHV dealership or manufacturer (77 percent)
- Newspaper or magazine (55 percent)
- Montana Fish, Wildlife & Parks (39 percent)
- U.S. Forest Service (33 percent)
- Hunting regulations (31 percent)
- Fair or outdoor show (30 percent)

In addition to written materials, 76 percent of the respondents reported they have seen or heard advertisements on the television or radio that address the topic of OHV safety and responsible use (and/or noxious week prevention related to the use of OHVs).

Guidelines for Responsible Use When Riding OHVs

Registered OHV owners were asked how often they follow important guidelines for responsible use when riding OHVs, and to what extent do they agree or disagree with these guidelines (see Table 1 below for selected survey results).

Table 1. Response to: →

Selected guidelines for responsible OHV use in general:	How often do you do follow this guideline?			Do you agree with this guideline?				
	Never	Sometimes	Always	Strongly disagree	Disagree	Neither agree or disagree	Agree	Strongly agree
It is important that OHV users seek out information on vehicle use regulations for the area(s) they intend to ride before riding	4.6%	22.9%	72.5%	2.4%	3.1%	12.1%	48.2%	34.2%
It is important that OHV users carry travel maps that show land ownership and travel restrictions	15.0%	41.6%	43.8%	1.4%	4.8%	21.9%	45.4%	26.2%
OHV users should closely follow all trail, road, and area restrictions that are put in place to protect natural resources, wildlife, and provide non-motorized opportunities	1.2%	15.1%	83.7%	3.1%	5.9%	7.8%	34.4%	48.7%
To minimize impacts to the environment, OHV users should avoid riding cross-country or shortcutting the main route when riding on trails or roads	3.0%	20.4%	76.6%	1.7%	6.6%	11.1%	35.3%	45.3%
To minimize impacts to the environment, OHV users should avoid riparian areas and wetlands	2.8%	25.6%	71.6%	1.4%	4.5%	13.9%	31.7%	48.5%

MONTANA'S GENERAL LAWS CONCERNING OHVs AND THEIR USE

Nearly all of respondents (greater than 95 percent) were aware of the following laws in Montana:

- *ATVs, 4-wheelers, and motorcycles used off-road on public lands in Montana must be registered with the Montana Department of Justice, Motor Vehicle Division, as Off-Highway Vehicles (OHVs).*
- *With few exceptions, OHVs must be registered as motor vehicles to be used on public roadways in Montana.*

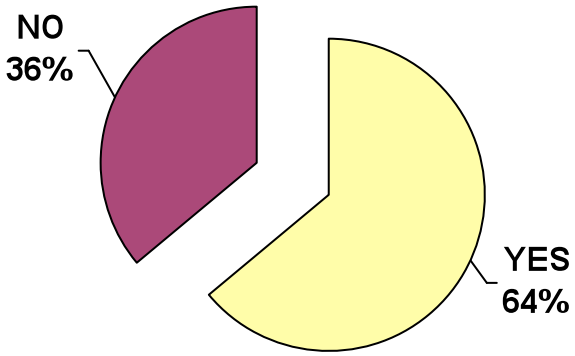
However, 18 percent of the respondents were NOT aware that:

- *ATVs, 4-wheelers, and motorcycles used off-road on public lands in Montana are required to have U.S. Forest Service approved spark arrestors.*

HUNTING AND OHV USE

Nearly two-thirds of the respondents reported they have used an OHV while hunting (see Figure 3).

Figure 3. Response to: "Have you ever used an OHV while hunting?"



The top three uses of OHVs when hunting were as follows:

1) Recovering/retrieving harvested game (reported by 80 percent of the respondents)
2) Traveling to and from hunting areas (79 percent)
3) Scouting out potential hunting areas (57 percent)

INFORMATION ADDRESSING THE TOPIC OF HUNTING AND RESPONSIBLE OHV USE

Two-thirds of the respondents who have used an OHV when hunting reported they have seen written materials (e.g., brochures, posters, articles, etc.) that address the topic of hunting and responsible OHV use. Only 18 percent reported they have taken the time to read a lot of these materials. Six percent said they have read none of the materials they have seen. Written materials were most often seen at the following places:

- Montana Fish, Wildlife & Parks (69 percent)
- Hunting regulations (57 percent)
- Newspaper or magazine (49 percent)
- U.S. Forest Service (39 percent)
- OHV dealer or manufacturer (31 percent)
- Bureau of Land Management (22 percent)
- Fair or outdoor show (23 percent)

In addition to written materials, 55 percent of the respondents reported they have seen or heard advertisements on the television or radio that address the topic of hunting and responsible OHV use.

GUIDELINES FOR RESPONSIBLE OHV USE WHEN HUNTING

Registered OHV owners who have used an OHV when hunting were asked how often they follow important guidelines for responsible OHV use when hunting, and to what extent do they agree or disagree with these guidelines (see Table 2 below for survey results).

Table 2. Response to: →

Selected guidelines for responsible OHV use while hunting:	How often do you do follow this guideline?			Do you agree with this guideline?				
	Never	Sometimes	Always	Strongly disagree	Disagree	Neither agree or disagree	Agree	Strongly agree
To minimize impacts to other hunters, OHV users should access the area they intend to hunting on legal routes and then hunt on foot……..	0.4%	21.1%	78.5%	1.5%	3.7%	13.7%	31.9%	49.3%
To minimize impacts to the environment, OHV users should NOT Travel off legal routes to retrieve harvested game…….…….……..	6.5%	51.6%	41.9%	12.6%	21.1%	21.2%	19.6%	34.2%

MONTANA'S HUNTING REGULATIONS CONCERNING OHVs

Nearly all of respondents (greater than 93 percent) were aware of the following hunting regulations pertaining to OHV use in Montana:

- *It is illegal to shoot from any motorized vehicle including OHVs. An exemption exists for disabled hunters with the proper permits.*
- *Hunters may not use OHVs to concentrate, drive, rally, stir-up, corral or harass wildlife.*
- *Hunters are prohibited from shooting on, from, or across the right-of-way of a publicly maintained road open to vehicular traffic. The right-of-way includes road, shoulders, berms, and barrow pits and generally extends from fence-line to fence-line.*

DISCUSSION

This survey is the first of its kind in Montana, and is intended to provide baseline information to be used by FWP to help evaluate the effectiveness of their OHV education program over time.

Despite the fact that most OHV owners in Montana have been exposed to a variety of safety and responsible use information, it was learned from this survey that the majority of owners:

- Have had little or no formal safety training, and…
- Most do not always wear important safety equipment such as helmets when riding OHVs.

Furthermore, some OHV owners do not always follow important guidelines for responsible use when operating OHVs. For instance, about a third of the respondents who have used an OHV when hunting disagree or strongly disagree that "OHV users should NOT travel off legal routes to retrieve harvested game". Only 42 percent of the respondents who have used an OHV when hunting reported they always follow this guideline. Nearly 7 percent reported they never follow this guideline. And, 52 percent reported they follow this guideline sometimes.

These results speak to the importance of FWP's OHV education program, and the need to continue promoting a variety of OHV safety and responsible use information in effort reduce future OHV-related accidents and encroachments, and improve ethics of OHV riders. Along those lines, in the near future FWP intends to explore the following:

1. Work with its partners to develop more and better OHV maps that provide information about the many roads and trails where people can legally ride OHVs across the state.
2. Explore sending direct mailings of OHV safety and responsible use information to registered OHV owners.
3. Make use of more television ads that are informative, interesting, entertaining, and tap into the values of OHV owners across the state.
4. Do a better job of providing safety and responsible use information at places where people go to ride OHVs.
5. Work with its partners to do a better job of enforcing Montana OHV laws, rules, and regulations.

It is anticipated that FWP will replicate this survey in the future as part of evaluating its OHV education program and the effectiveness of these and other strategies over time.

More OHVs are being sold today than ever before. And, riding an OHV is one of the many important recreational activities pursued by Montanans across the state. FWP recognizes this and is working hard to serve the needs of all Montanans, including those who enjoy riding OHVs in our great state.

ABOUT THE AUTHORS

Michael S. Lewis, Human Dimensions Specialist, Responsive Management Unit of FWP, Helena, Montana.

Ray Paige, Trails Program Specialist, Parks Program of FWP, Helena, Montana.

TO OBTAIN COPIES OF THIS SUMMARY

Contact the Responsive Management Unit of FWP by phone at (406) 444-4758.

Montana Fish Wildlife & Parks
Since 1991
Responsive Management Unit
Helping You Succeed!

GRANT PROGRAMS FOR OHV TRAILS. FWP administers two programs which provide grant money for the rehabilitation and maintenance of OHV trails and riding areas.

(1) Montana OHV Grant Program. Funding for this program is provided through OHV registration fees and 1/8 of 1% of state gas taxes. Grants are awarded annually.

(2) Recreational Trails Program Grants. Federal funds to enhance, develop and maintain trails come through the Recreational Trails Program. The program provides that each year 30% of the money for use in Montana be earmarked for motorized trails.

Detailed information and applications are available on the web at fwp.mt.gov/parks/grants.asp or call the FWP Trails Program Coordinator at (406) 444-4585

DIANNE FEINSTEIN
CALIFORNIA

COMMITTEE ON APPROPRIATIONS
COMMITTEE ON THE JUDICIARY
COMMITTEE ON RULES AND
ADMINISTRATION - CHAIRMAN
SELECT COMMITTEE ON INTELLIGENCE

United States Senate
WASHINGTON, DC 20510-0504
http://feinstein.senate.gov

December 18, 2008

Randy Moore, Regional Forester
Pacific Southwest Region
USDA Forest Service
1323 Club Drive
Vallejo, CA 94592

Dear Regional Forester Moore:

I am writing regarding the Forest Service's current efforts to implement the Travel Management Rule and designate routes in California's National Forests that are accessible to motorized traffic, including off-highway vehicles.

It is my understanding that the Tahoe National Forest plans to add roads to the existing motorized route system and publish a route system map cataloguing the roads open for public motor vehicle use.

I am concerned, however, that as part of the effort for designating the route system the Forest Service did not consider a process for removing existing system roads that may be unneeded or damaging to the environment. I believe that adding routes to the system without a science-based analysis of existing roads or plan to de-designate unneeded roads is misguided, particularly given the $169 million road maintenance backlog in the Tahoe National Forest.

I am also concerned that the Tahoe National Forest plans to publish a route system map, which may leave the public with the impression that all roads present on the map will be permanently open to motorized vehicle access -- unless the public is simultaneously notified of a process to identify and remove unneeded roads. Without a caution that system maps may be subject to further review, it could be difficult for the Forest Service to remove roads that are found to threaten public safety, cause environmental damage or conflict with other forest uses in the future.

As the Forest Service continues with travel management plans in California, I request that the Agency to complete comprehensive analyses of existing system roads in each National Forest and develop a process for identifying and removing unneeded

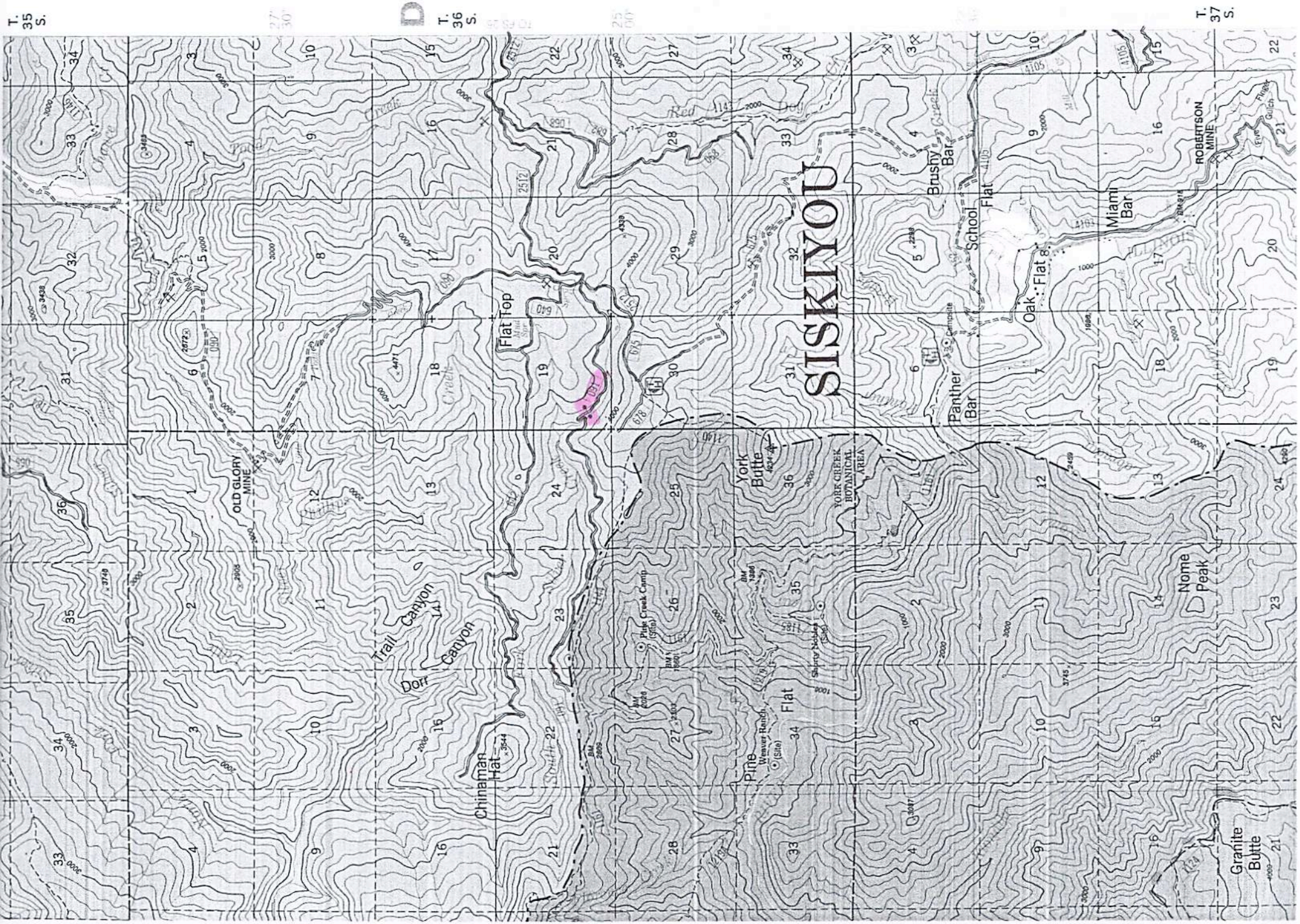
roads prior to publishing route system maps. This level of analysis will help ensure that the Forest Service can afford to maintain a National Forest system that provides public access for motorized recreation while minimizing environmental impacts.

I look forward to being updated on your progress toward designating motorized travel systems in California's National Forests. Best regards.

Sincerely,

Dianne Feinstein
United States Senator

DF:jw:db


T. 35 S.
T. 36 S.
T. 37 S.
SISKIYOU
Flat Top
Chinaman Hat
Trail Canyon
Dorr Canyon
OLD GLORY MINE
York Butte
YORK CREEK BOTANICAL AREA
Pine Flat
Weaver Ranch (Site)
Pine Creek Camp (Site)
Panther Bar
Brushy Bar
School Flat
Oak Flat
Miami Bar
ROBERTSON MINE
Nome Peak
Granite Butte

0016 Attachment 18

OREGON WILD
Formerly Oregon Natural Resources Council (ONRC)

September 30, 2011

Pam Olson
Rogue River-Siskiyou National Forest
3040 Biddle Road
Medford, OR 97504

Dear Ms. Olson,

Specific to the Gold Beach, Wild Rivers and Powers Ranger District, Oregon Wild would like to submit the following concerns for the Forest Service to consider and address in developing a new Record of Decision on Rogue River-Siskiyou National Forest Travel Plan.

Additionally, over the last year, your office has generally failed to responded to previous comments that Oregon Wild has previously made on the site specific areas that we have mailed you concerning several other areas proposed by the Forest Service for motorized development. Thus, we've listed these particular correspondences below, and described any type of Forest Service response we have had. Please let us know if you have reviewed these prior expressed concerns in your revision of the Rogue River-Siskiyou NF Travel Plan. Also, please let us know if you wish for us to re-copy you any of these referenced, previously submitted comments—mostly made since the Forest Service withdrew your initial December 2009 Travel Plan record of decision on April 27, 2010.

This letter is in written in two parts: The first part being a "Summary of Oregon Wild's Previous Comments specific to the Rogue River-Siskiyou National Forest Plan", and secondly: "Additional, Inappropriate Forest Service Proposals For Motorized Use at Fish Hook Peak Trail # 1180 on the boundary of Gold Beach and Wild Rivers Ranger Districts, and Sucker Creek Trail #1256 on the Powers Ranger District".

Summary of Oregon Wild's Previous Comments specific to the Rogue River-Siskiyou National Forest Plan:

1) On May 13, 2010 Oregon Wild submitted comments to Regional Forester Mary Wagner requesting that in revising your Transportation Plan for areas near the southern Oregon Coast (that in addition to previously expressed concerns about the spread of Port Orford Cedar disease forest wide), that the Forest Service similarly address how Forest Service proposed motorized uses in the recently expanded Sudden Oak Death Quarantine Area might also inappropriately contribute the spread of the Sudden Oak Death pathogen *Phytophthora ramorum*. This analysis needs to consider the possible spread of this

disease both within, and beyond the expanded quarantine area in southern Curry Co. Oregon.
The need for this analysis is even more necessary today, than when we made this request a year ago last May, because of the agency's admission that the SOD control program, as originally envisioned, has now failed. For example, on January 27, 2011, Dan Hilburn of the Sudden Oak Death (SOD) Task Force, wrote other SOD cooperators saying:

> "The SOD Task Force (our science panel) is recommending we admit that the eradication effort in Curry Co. isn't going to work and instead transition to a slow-the-spread approach. This would mean letting the disease go in the infected area and only treating the outliers. The reasons for this recommended change are both epidemiological and financial. In a phrase, the disease has outrun our ability to respond with the resources available. We should be proud we kept it bottled up for a decade."

2) On August 15, 2010 Oregon Wild submitted comments to Pam Olson regarding a motorized route in the Signal Buttes area (T37S R 14W) and that would encourage additional vehicle use and access into the Forest Service's own recently signed "Botanical Restoration Project"--where restoration work was begun this spring and summer 2010. Instead, of motorized use in this area being expanded, the existing 4WD FS Rd. 3680-195 should be gated to eliminate OHV damage that is already occurring to this area's sensitive resources, and to reduce the potential for spreading Port Orford Cedar root disease that has been already established as occurring along water courses within this specific area. Additionally we expressed concerns that vehicle road reconstruction along FS Rd. 3680-190; 3680-195 and 3680-220 would threaten adjacent area sensitive plants.

Also, in this August 15, 2010 letter we asked that the Forest Service close (an approx. 2/3 mile long) Gold Beach RD Road 1101-170 to vehicle traffic, protecting what is otherwise a defacto recreational trail in Oregon's Redwoods to "level 1" road status. The area of vehicle closure should be from FS Rd. 170 junction with FS Rd. 1101 (T41S R12W Section 17), to FS Rd. 170's termination at private lands on the line between Section 16 & 17.

Finally, in this same August 15, 2010 letter we addressed a proposed motorized vehicle trail in the Fish Hood Peak area noting that the Fish Hook Interpretive Trail #1180, and along the divided between the Gold Beach and Wild River Ranger Districts--Section 8 & 17 (T35S R10W) should <u>not</u> be opened to OHVs or other motorized uses, as initially recommended in the Forest Service's December 2009 decision. We have recently visited this site again, and (in the second part of this letter below) wish to make still additional comments regarding the physical impracticability of this motorized trail proposal.

3) On September 9, 2010 we wrote Pam Olson concerning the Adams Prairie/Potato-Illahee Mt. Area of the Gold Beach Ranger District, and described (including photos) why the motorized route illustrated on Alternative 5 map at Adams Prairie is unsuitable for motorized use. Such as, for most of its length, there is no specifically defined trail for vehicle use, that is in any way evident once you descend a little over a half mile below

the point where FS Rd. 910 first enters Adams Prairie from the top (north). Again, to date, we have never had a response on this from anyone in the Forest Service.

4) Letter of August 5, 2011 to Alan Vandiver (and copied to Scott Conroy, Pam Olson and Steve Johnson). This letter concerned inappropriate motor vehicle use (that we recently discovered) has been negatively impacting meadows in the lower Shasta Costa Creek area. This particular, and seemingly never officially sanctioned, ATV trail has also been (inappropriately) proposed in the December 2009 Rogue River Siskiyou National Forest Plan as a motorized vehicle trail. This August 15, 2011 letter detailed our objections to the Forest Service further sanctioning future vehicle use of this estimated 1.5 mile long trail that extends from the south side Shasta Costa Creek over a ridge into the Stout Creek drainage (to where this road/trail ends ¾'s of a mile up the Burnt Ridge Rd.-- FS Rd. 2308). Originally, our inquiries began with a letter I emailed, on behalf of Oregon Wild, to Nancy Schwieger of the Gold Beach Ranger District, asking about the specific plans, under the Rogue River-Siskiyou National Forest Travel Plan for the development of this OHV trail. Because, I didn't receive a response I then sent another email to Alan Vandiver and Nancy Schwieger on Fri 11/5/2010 12:39 PM. However, until I visited this area on the ground in 2011, I was never aware of, or informed, that this trail had already been so developed—and is already being heavily used by motor vehicles. As previously described, we observed extreme erosion along the route, with clear evidence of multiple OHV incursions into the area adjacent meadows (that occur primarily near the trail's summit and on the Snout Creek side). Other than the Forest Service's 2009 Travel Plan map, we are aware of no map, on any Forest Service data set that shows this much eroded, already existing ATV trail. Currently the Gold Beach District Ranger has agreed to meet with us, to discuss this area, in the Gold Beach office, this next Thursday, October 6, 2011.

5) Finally, in a previous letter of September 24, 2010 to Pam Olson (that was a supplement to a prior May 27, 2009 letter to Alan Vandiver we expressed concerns about inappropriate motorized vehicle use occurring off FS Rd. 990 in the lower Shasta Costa Roadless Area (T35S R11W Sec. 5 & 8) of the Gold Beach Ranger District. Here, we discussed that our prior expressed concerns were not addressed in your prior Record of Decision--as the Forest Service acknowledged in the Travel Plan under CHAPTER II – ALTERNATIVES under subtitle "1. Alternatives Related to Route Designation" it describes "Alternatives, elements and ideas that are related to route or area designation that were considered but not analyzed in detail include" (on page II-56):

> "Consider permanent closure of Road 990 (T35S, R11W, section 5) to motorized use. Comments to the DEIS suggested that of Road 990 be permanently closed (now gated at the top) with no motorized use allowed. This closure would provide a fine recreational hiking experience to Shasta Costa Creek. This opportunity was not identified or considered during Travel Analysis process. It was therefore eliminated from detailed study with this process. This connection remains as a future opportunity for consideration, outside of this process."

Because of the non-specificity of the Travel Plan (blue dashed line map) we had previously confused this area, with the motorized trail proposed in the lower Shasta Costa Creek area that is described here, in point #4 above. However, our concerns regarding on

going off road vehicle impacts to the meadows here, via previously gated Rd. 990. still remain. As an non-designated motorized use area, the detrimental impacts to this area, still need to be addressed. Additionally, over Labor Day weekend 2011, the gate at the junction of FS Rd.990 and FS Rd. 23 is still wide open, and no significant attempt appears to have yet been made to discourage addition motorized vehicle damage in this area.

Additional, Inappropriate Forest Service Proposals For Motorized Use at Fish Hook Peak (Gold Beach- Wild Rivers Ranger District boundary), and Sucker Creek (on the Powers Ranger District).

In evaluating the following Travel Plan proposed motorized vehicle areas on the ground, it does not appear that Forest Service personnel could have any idea what the physical condition of these areas are on the ground in making recommendations for future motorized use in these areas. Both locations contains portions that are very narrow, steep, rocky, or have very highly erosive soils, and in some places (as in the case of Sucker Cr.) are blocked extensively by fallen logs and both major and minor land slides.

Example 1: Powers RD: Sucker Creek Trail #1256

See proposed "dashed blue line" on motorized trail map below as shown on the Rouge River-Siskiyou National Forest's December 2009 Travel Plan. Oregon Wild has accessed this trail from its trailheads at both ends. The entire length of this trail, along a steep forested canyon, is barely passableon foot, with many small slides and down trees blocking the trail making unsuitable for any proposed motorized access.

Any future motorized used would result in a major environmental impact to the area, and would require extensive reconstruction of the existing trail. Presently, there are pleasant, dispersed recreation camping areas at both trailheads. The trailhead on the eastside, along Sucker Creek (just above its confluence with Johnson Creek) is especially pleasant. Any increased OHV use here would negatively impact the existing, quite, streamside camping experience.

Sucker Creek Trail #1256 trailhead (west end)

Presently, the eastern end of the Sucker Creek Trail #1256 crosses the creek, and initially travels along a narrow rock ridge, before rising steeply on a series of switchbacks.

Mandatory stream crossing on Sucker Creek Trail #1256 (west end) during low summer stream flows.

Extremely steep terrain and switchbacks are the rule, in the first half mile of the west end of Sucker Creek Trail #1256 trailhead.

Within the first half mile of the trail, where the trail used to level off, there is now a major slide, where the trail has seemingly been recently relocated in attempts to provide passage along this trail.

Major slide across Sucker Cr. Tail on west end. The original trail itself is now completely gone at this particular location.

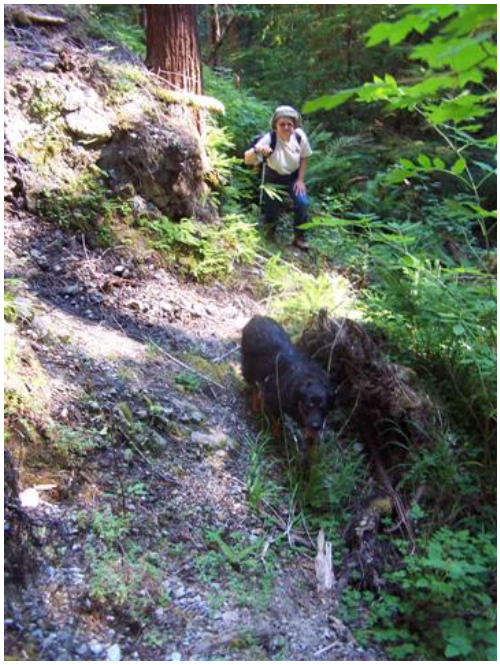
Due to the trail relocation because of the slide, the trail now climbs and even a steeper and narrow route, and where motor vehicle use would be even more inappropriate, if not impossible.

Non-reinforced “dirt stairs” over steep terrain in loose soils have been constructed to get hikers up portions of Sucker Ck. Trail above a major slide area.

We request that your office, or the Powers RD please supply us with information about the any environmental analysis that was done before the rerouting in this

trail, and what trail work or developmental activities may still be presently planned. As presently, it appears that much of this trail could easily and additionally wash out with future, moderate winter rains.

Other impediments (to hikers or vehicles) are common along proposed motorized Sucker Creek Trail that generally contours along a very steep hillside.



Another small slide (beyond the first major slide) along a wet area of the Sucker Creek Trail. The trail proper is also eliminated in this shorter slide section.

Finally, the condition of the trail from the upper trailhead access (from the west end) is just as bad, and also too narrow, and too steep and too overgrown for any motorized use. From the junction of Rd. 3353 and 5325 it is 7.8 miles to the right (south) to Road 3353-260 for the upper most Sucker Creek Trailhead #1256 (between Sections 9 & 10 T32S

R12W). The 2.4 mile trail begins to the west at the end of barricaded Rd. 260, 1.7 miles down this road. Hiking access is also extremely difficult from this end.

This is as good as gets, along the very narrow, often one boot wide trail, on its upper, western end, near the end of FS Rd. 3353-260. The hillside above and below, even the flat sections of trail is very steep, leaving no room for ATV tires on either side of the trail.

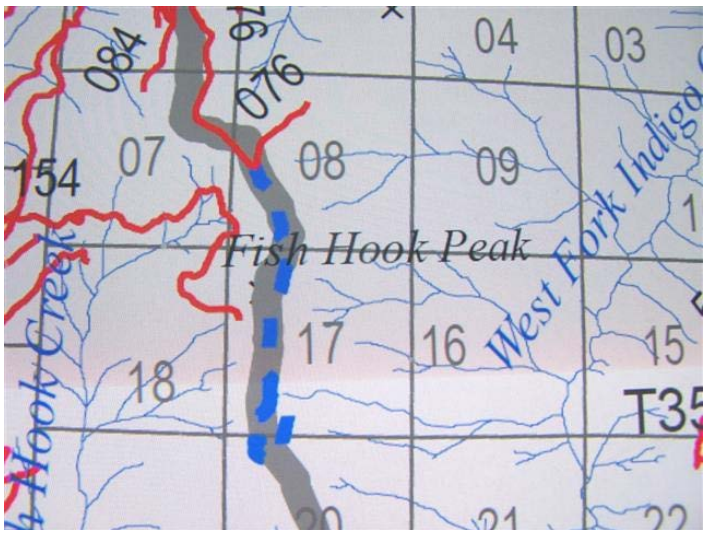
More often, the upper Sucker Creek trail is sometimes barely visible, not well contoured, and is generally overgrown. Trail here is in the middle of the very bottom of this picture.

Sucker Creek Trail #1256 description on FS website: http://www.fs.fed.us/r6/rogue-siskiyou/recreation/trails/sucker-creek-pow.shtml
indicates this trail is not suitable for motorized use (as presently proposed). At this Forest Service website it says: "Trail is Not Designed for: Pack and Saddle, Mountain Bike, Motorized Bike, ATV, 4-Wheel Drive, Barrier Free". However, contrary to the Recreation Opportunities Guide's claim, this trail clearly is NOT "maintained on a regular basis." Also, while shown on the Dec. 2009 Travel Plan as a "blue dash line",

"motorized use trail" on its upper end is presently only barely passable on foot, with again many small slides and down trees blocking the trail.

Besides being overgrown with vegetation, the west end of the trail is barely "one boot" wide along a nearly vertical hill side, and would not be passable on any kind of motor vehicle; and thus could not connect Rd. 3353 with Rd. 5591 (near the confluence of Sucker and Johnson Creeks). The ROG is very correct, however, in saying: "This is a very scenic trail that winds through undisturbed stands of old-growth timber. The trail begins at spur road 260 and gradually descends to Sucker Creek. A number of small creeks and springs cross the trail, providing easy water opportunities." There was also a small slide at one of these seeps or wet areas along the trail, approximately another half mile beyond (upstream) beyond the first major (east end) land slide. These wet areas also support chain fern and other vegetation that should not be impacted, if OHV's were ever able to physically enter this area.

Example 2: Gold Beach & Wild River RDs boundary: Fish Hook Peak Tr. # 1180
This trailhead and trail to Fish Hook Peak is above W. Fork Indigo Creek in North Kalmiopsis Roadless Area, as contained in RARE II, but not included in the 1989 Siskiyou Forest Plan T35S, R10W. (This is a few miles south of the high country in the upper elevation end of the Shasta Costa Roadless Area and about 10 miles down the divide south of the summit of Bear Camp Rd. 23.)



While this trail follows the ridge, this ridge (and trail) becomes very steep and narrow within a ¼ mile south of the trailhead--with lots of narrow, loose gravel, and rocky areas, that that make it too narrow for ATV's passage, and where I really can't imagine a dirt bike attempting it either, due to the steep and uneven terrain. Scrub oak, also overgrows the trail in many locations.

Steep, gravelly slopes just beyond the first beginning of the Fish Hook Peak Trail # 1180 make the actually trail barely definable.

The area was generally burned in the Silver Fire, and down snags across the trail will be an increasing problem, it appears, in the future. There is a nice car camping area at the start of the trail in Section 8 that would be significantly disrupted if it were even physically possible for this are to be developed as a motorized trail.

Pleasant (shaded) camping area at the very beginning at the Fish Hook Peak Trail # 1180, that would be significantly impacted with motorized vehicle access to this trail.

Additionally, the Forest Service's current recreational trail website description for this trail
http://www.fs.fed.us/r6/rogue-siskiyou/recreation/trails/fish-hook.shtml specifically acknowledges:
"Trail is Not Designed for: Mountain Bike, Motorized Bike, ATV, 4-Wheel Drive, Barrier Free"

Furthermore, this scenic 2.5 miles trail has been long recognized as a "botanical observation, day hiking, and wildlife observation" trail in many previous produced Gold Beach Ranger District Trail guides, and most recently is described in a latest 2010 trail hiking guiding "published by the Northwest Interpretive Association in cooperation with the Rogue River-Siskiyou National Forest", and is presently being distributed to the public at Forest Service offices. Proposed motorized use would be highly in conflict with these past and present, less intensive recreational uses.

Presently the trail is not well graded and a trail barely exists in some locations. In other places steep rocky
obstructions clearly prevent access by OHVs, that otherwise operate along designated forest roads in the general area.

This FS guide describes the Fish Hook Interpretive Trail #1180 as one six featured short trails on the Gold Beach RD, noting "a brochure available near the trailhead explains various aspects of the effect of the Silver Fire (1987), and also provides information on the wildlife, botany and cultural resources of the area." Additionally, this trail is an exceptional location for the recreational picking of abundant Serviceberries in late summer. This short trail was designed for National Forest visitors that wish to study and contemplate nature at a slower pace, and beside physical features that would largely make OHV vehicle access physically impossible, it is totally inconsistent to mix this interpretive use with OHV thrill craft adventurers.

Upon initially topping off, the Fish Hook Peak trail next descends even more steeply, down swithchbacks on the east side of this ridge above the West Fork of Indigo Creek before reaching Fish Hook Peak.

Again, please provide us with any written documents or information that indicate the Forest Service has ever investigated or acknowledged the existing, physical and natural barriers--that appear in themselves, to make these two areas, not only unsuitable, but also physically impossible to enable any motorized vehicle use. Let us know if you'd prefer instead, that Oregon Wild make this specific information request under the Freedom of Information Act.

Sincerely,

Wendell Wood

Wendell Wood, Wildlands Interpreter
PO Box 1783
Crescent City, CA 95531
707-218-8355
ww@oregonwild.org

email cc: Scott Conroy, Steve Johnson, Alan Vandiver and Jessie Berner

Pam_Olson@fs.fed.us;
srjohnson@fs.fed.us; sconroy@fs.fed.us; jberner@fs.fed.us; avandiver@fs.fed.us

From:	Dennis Fallow
To:	FS-comments-pacificnorthwest-rogueriver-siskiyou
Cc:	Brierty, George
Subject:	Travel Management Plan
Date:	Thursday, November 17, 2011 2:11:50 PM
Attachments:	Letter Travel Mgt-USFS.pdf

Attached is a letter with my comments, mostly related to trail maintenance and access.

Dennis Fallow
425-766-3825

Dennis Fallow
215 Horseshoe Drive
Grants Pass, OR 97526

Cell 425 7663825
Home 541-476-2098

shoozfallow@gmail.com

November 17, 2011

Travel Management Plan
Medford Interagency Office
2040 Biddle Road
Medford, OR 97504

Dear Sirs,

In general I am in favor of restricting vehicle travel on logging access roads no longer used for this purpose, unless they provide access to trails.

The maintenance of trails, signs and maps should be improved based on my hiking experiences this past summer in the Wild Rivers Ranger District.

Silver Creek Falls is the largest falls in the District. In view of this, there needs to be access for the public. One option is to use the Dutchy Creek Trail #1146 from the top of Chrome Ridge down to Silver Creek.

On September 6, 2011 we started the hike at the sign shown to the left, walking up Road #149 in the background. Maps show the trail leaving Road #149 in the SW corner of Section 35, T35S, R09W. An hour was spent walking in all directions and no sign of the trail could be found.

Another option for access to Silver Creek Falls is Silver Creek Trail #1134, however the road to this trail head is closed. It needs to be reopened. I took my daughter on her first overnight backpack trip down this trail in 1981. We were hoping to repeat the experience.

On September 21, 2011 we drove over Flat Top and down Little Todd Creek Road #090 to the gate above Old Glory Mine. From there we walked down the road to find Trail #1134 shown on the map as leaving Road #090 near the center of Section 5, T36S, R09W. The trail was not found and no signs were found. Continuing on the road we arrived at a view point across from the falls. A large area of recently disturbed ground, for unknown reasons, was found. This was right to the edge of the cliff and likely to wash silt into the creek below.

In July we hiked the China Creek Trail from Road #2500 to #2402. The first half of the trail from #2500 over Taylor Ridge was well marked and in good condition. Arriving at the South Fork of Galice Creek the trail disappears. The trail was eventually found upstream a ways. There needs to be a sign here. Others have reported getting this far and turning back when they couldn't find the trail. The last half of the trail up to Road #2402 also needs maintenance.

Sincerely yours,

Dennis Fallow

Dennis Fallow

From: John and Stephanie Bullock John and Stephanie Bullock <jas@opendoor.com>
To: FS-comments-pacificnorthwest-rogueriver-siskiyou
Subject: Rogue River-Siskiyou National Forest Travel Management Plan and Agency-Inventoried Roadless Areas
Date: Thursday, November 17, 2011 3:23:28 PM
Attachments: ORV Plan 2011.docx

Mr. Conroy:

Attached is a letter of our concerns regarding amendments to the RR-Siskiyou Travel Mgt. Plan.

John and Stephanie Bullock

John and Stephanie Bullock
777 Palmer Road, Ashland, Oregon 97520 (541) 488-7962

Mr. Scott Conroy, Supervisor
Rogue River-Siskiyou National Forest
3040 Biddle Rd.
Medford, OR 97504

RE: Rogue River-Siskiyou National Forest Travel Management Plan and Agency-Inventoried Roadless Areas

Dear Mr. Conroy:

My wife and I utilize the hiking trails and backcountry road systems in Southern Oregon and our enjoyment of solitude and silence is all-to-often shattered by the sight, sound, and smell of motorized ATVs. The presence of these vehicles is completely incompatible with pedestrian and equine uses of our National Forests.

We have received a copy of the Draft Supplemental EIS addressing Motorized Vehicle Use on the Rogue River-Siskiyou NF, and are alarmed to find amendments which **add** several of the trails and areas we enjoy, to the list of places where ORVs will be allowed. Specifically, the Pine Grove Trail, the Red Flats Botanical area, the Signal Buttes area, Oak Flat Campground, the Illinois River Trail, the Fish Hook Peak Trail, the Game Lake Trail, and the Lawson Creek Trail. What were you thinking?

According to the figures in the EIS, the Rogue River-Siskiyou Forests have over 4,500 miles of roads open to ORVs , and we wonder how you can justify proposing to expand these miles to areas of obvious botanical value which are utilized by hikers and horse riders whose safety and enjoyment will be greatly diminished.

Please withdraw all plans for new construction of motorized ORV trails in the Rogue River-Siskiyou NF, obey the law, and respect the values of the majority of forest users who enjoy a motor-free environment in which to recreate.

Sincerely,

John and Stephanie Bullock

cc: Congressman Peter DeFazio

From: Blue & Dawn James Blue & Dawn James <bluejames@frontier.com>
To: FS-comments-pacificnorthwest-rogueriver-siskiyou
Subject: Comments on DSEIS
Date: Thursday, November 17, 2011 8:18:22 PM

Dear Mr. Conroy,

I have reviewed portions of the subject document as it pertains to the Preferred Alternative – Alternative 5 – Map 4 and I am concerned about the potential closure of a portion of the Lower Illinois River Trail #1161 (Box B on the Gold Beach Ranger District).

This trail provides access to the Fantz Ranch (also known as Briggs Ranch) where I was raised until I was 19 years old. I use this trail year round for access to hunting and camping at both Fantz Ranch and Conner's Place. Fantz Ranch, especially, is a desired location because what used to be our horse barn provides adequate shelter from cold, wet weather. I use a specially modified motorcycle to pack my gear and game. The modifications to my motorcycle reduce any negative impact to the trail and decrease the sound impact. I have noticed that the use of motorized vehicles on the trail is very minimal. The trail is typically closed to motorized vehicles during the summer due to fire safety. These things further reduce any detrimental impact.

Over the many years that I have used the trail, I have volunteered countless hours keeping it open and safe. I know this task is also performed by a group of horse riders and some fellow hunters. I have received encouragement and appreciation from hikers for keeping the trail open and safe. This area is my childhood home and I take great care to preserve it and have the least amount of impact on the environment.

I am requesting that you consider leaving this trail open to motorized use as in the Proposed Alternative – Alternative 3 – Map 2, or modify the closure of this trail to begin at Forest Creek (just south of Fantz Ranch) instead of at the Silver Peak/Hobson Horn Trail (#1166) junction. This would keep the horse barn on Fantz Ranch accessible by motorized vehicle and still eliminate motorized vehicle impacts for the majority of the trail.

Thank you for the opportunity to comment on the DSEIS of Motorized Vehicle Use on the Rogue River – Siskiyou National Forest.

Sincerely,

Blue R. James
2437 Kinney St
North Bend, OR 97459
541-756-4055

0020

Rogue River – Siskiyou National Forest Travel Management
comments-pacificnorthwest-rogueriver-siskiyou@fs.fed.us

Scott Conroy, Forest Supervisor
C/O David Krantx, Project Lead
Forest Supervisor's office
3040 Diddle Road
Medford, OR 97504

I request roads currently open to motorized travel stay open to motorized travel.
The forest service needs to add more Class II roads.

I have used the McGrew trail and want the trial left open in its entirety. The McGrew Trail is vital the 4X4 community in Oregon and California.
I am a member of the Klamath Falls Four Runners 4X4 club and our club has donated countless hours maintaining the McGrew trail and Sourdough Campground.

The Forest Service should open more User Created roads that make a loop to connect with; Level I, and Level II, roads open to the public.

Alternative II is the only option that leaves the entire McGrew trial system intact as we know it today. The TMP directive was not to close roads but to stop cross country travel. Additional trails for motorized access should be developed.

Please leave the McGrew Trail open for motorized travel.

Comments from:
Patricia Roach
6035 Climax Ave
Klamath Falls, OR 97603
Phone 541-882-9593

Member:
Klamath Falls Four Runners 4X4 club
Pacific Northwest 4 Wheel Drive Association

Dear Sir, I am writing in support of alternative II. I hope to keep the Mcgrew trail system intact as we know it.

Please keep Sourdough Campground open to O.R.V. & motorized use.

Please consider not only leaving these area's, but also allowing us to build more trails.

My pasttime is in jepardy. This is a pasttime I am devoted to, and love.

I know wheelin' is ugly to many people, and there are many stereotypes of us. Mostly they are not true. It took me two years to build my flat fender. I just spent the last year building a new garage so that I have a nice shop to build my next rig. The next vehicle will be a tube buggy. It will cost me about 15-20 thousand dollars to build, and I hope there are trails out there for it.

Call me if you need a spokesman for the cause of saving & creating wheelin' areas.

Sincerely Ty Wooster

(206)551-9532

Ty Walters
12020 27rd Ave S
Burien wa. 98168

SEATTLE WA 981
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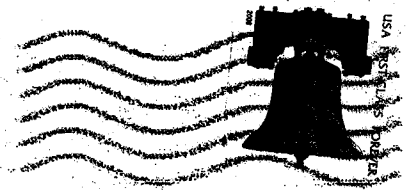


Scott Conroy, Forest Supervisor
c/o David Krantx Proj. Lead. Forest
Supervisors office
3040 Diddle Rd.
Medford Oregon
97504

RECEIVED
NOV 17 2011
ROGUE RIVER-SISKIYOU
NATIONAL FOREST

OREGON WILD

Formerly Oregon Natural Resources Council (ONRC)

PO Box 11648 | Eugene OR 97440 | 541-344-0675 | fax 541-343-0996
dh@oregonwild.org | http://www.oregonwild.org/

From: dh.oregonwild@gmail.com [mailto:dh.oregonwild@gmail.com] **On Behalf Of** Doug Heiken
Sent: Tuesday, November 15, 2011 1:23 PM
To: FS-comments-pacificnorthwest-rogueriver-siskiyou; Krantz, David
Subject: Supplemental DEIS for Motor Vehicle Use on the Rogue River-Siskiyou National Forest - comments

TO: David Krantz, Project Lead

Subject: Oregon Wild comments on the Supplemental DEIS for Motor Vehicle Use on the Rogue River-Siskiyou National Forest.

See attached cumulative comments and attachments.

_____

Doug Heiken, Oregon Wild
PO Box 11648, Eugene OR 97440
dh@oregonwild.org, 541.344.0675

15 November 2011

TO: David Krantz, Project Lead
Rouge River-Siskiyou National Forest
VIA: comments-pacificnorthwest-rogueriver-siskiyou@fs.fed.us

Subject: Oregon Wild comments on the Supplemental DEIS for Motor Vehicle Use on the Rogue River-Siskiyou National Forest.

Dear Mr. Krantz,

Please accept the following site-specific comments (and attached, cumulative comments) from Oregon Wild concerning the Supplemental DEIS regarding Motor Vehicle Use on the Rogue River-Siskiyou National Forest dated September 2011. Oregon Wild represents about 7,000 members and supporters who share our mission to protect and restore Oregon's wildlands, wildlife, and water as an enduring legacy. Our goal is to protect areas that remain intact while striving to restore areas that have been degraded. This can be accomplished in part by minimizing the extent of the road system and expanding unroaded and low-road-density areas.

Since the December 2009 EIS was issued, Oregon Wild has sent several, individual letters to the Rogue River-Siskiyou National Forest and to the Gold Beach Ranger District, detailing additional site-specific concerns with this Forest's proposed Travel Management Plan and Motor Vehicle Use Map, particularly as pertaining to the Gold Beach Ranger District. While some of these issues were additionally discussed in the Gold Beach RD district office on October 6, 2011 with Forest Service staff (in which you participated by conference call), the issues and concerns that we have previously expressed are still unresolved. Thus, our previously expressed issues and concerns still stand.

Please see the attached copies of our previous comment letters (and accompanying emails) regarding Motor Vehicle Use which we sent to the Forest Service in an effort to provide additional, site-specific, on-the-ground information during the development of the DSEIS. As it appears that our concerns expressed here have largely still gone unadopted, at this time we wish to formally request that these following comments be carried forward in total in comment on this Rogue River-Siskiyou National Forest Motor Vehicle Use DSEIS:

- 5.29.09 Lower Shasta Coast Creek meadow OHV damage
- 5.13.10 SOD comments on reanalysis of RRSNF Travel Management Plan SEIS
- 7.12.10 OHV damage at Fairview Meadow Gold Beach RD
- 8.15.10 Signal Buttes Rogue River-Siskiyou National Forest Travel Plan
- 8.5.11 Shasta Costa Stout Creek Motorized Trail proposed in Travel Plan
- 9.9.10 Pam Olson Adams Prairie Potato-Illahee Mt.
- 9.30.11 Sucker Cr. & Fish Hook Peak Travel Plan Summary comments
- 11.14.11 supplemental letter about sensitive areas around Signal Buttes

Sincerely,

Doug Heiken

Doug Heiken

0022

Oregon Wild

0022 Attachment 01

OREGON WILD
Formerly Oregon Natural Resources Council (ONRC)

November 15, 2011

David Krantz, Project Lead
Forest Supervisor's Office
Rouge River-Siskiyou National Forest
3040 Biddle Road
Medford, OR 97504

Dear Mr. Krantz,

The following comments are specific to the Signal Buttes area of the Gold Beach RD, on behalf of Oregon Wild on your September 2011 Draft Supplemental Environmental Impact Statement (DSEIS) titled "Motorized Vehicle Use on the Rogue River-Siskiyou National Forest". The following is to supplement and further clarify comments made by Oregon Wild to Pam Olson on August 15, 2010 specific to a motorized trail proposed by the Forest Service in the Signal Buttes area. By reference we would also like to include our previous August 15, 2010 comments for this record, with the additional information and elaboration we are providing here.

As the subject of this particular letter Oregon Wild still opposes any "new motorized trail construction/ reconstruction" in the Signal Buttes area (T37S R13W & T36S R13W) and that would encourage additional vehicle use that would impact this area's sensitive botanical and cultural resources—which includes BLM's adjacent Hunter Creek Area of Critical Concern (ACEC). The Signal Buttes area, immediately to the east of the BLM ACEC, should be given a similar level of protection, and at a minimum should be designated a Forest Service botanical/cultural resource protected area. Again, please see other specific botanical (and cultural) resources discussed in our letter of August 15, 2010. Also please see two attached maps in pdf format, that while seemingly unavailable from the Forest Service, we were able to obtain from the Coos Bay District Bureau of Land Management (BLM). These maps show the specific locations of sensitive areas, trails, and a few cultural resource sites that would be impacted both on and off Forest Service lands in the Signal Buttes area that would be increasingly impacted by motorized vehicles were they given greater access to these lands as proposed in the Forest Service's DSEIS.

Of the various buttes in the Signal Butte area, only one is accessed by FS Rd. 3680-195 to the top of the butte. Except for official vehicles needed to service communication towers on the 3512 ft. elevation Signal Butte Road 3680-195 should be gated and closed to all other vehicle use at its junction with FS Rd. 3680-190 at the approximate section line between Sections 5 & 6 in T37S R13W. We have recently learned that the towers on this particular Signal Butte may no longer be in use. If this is the case, then FS Rd. 2680-190 should be closed to all motor vehicle entry, and restoration work should be done to attempt to repair the deep, eroded ruts that already occur along potions of this road (particularly eroded in the NE corner of Section 6 T37S R13W).

Map from the previous ravel Management Plan, released in December 2009: The selected, Alternative 5 had similarly proposed converting currently designated as Maintenance Level 1 roads to motorized trails at Signal Butte and in the Hunter Creek This included "3.9 miles on portions of Roads 3313103, 3680190, 3680195, and 3680220."

Presently, immediately east (continuing north) on the proposed motorized trail route north of Rd. 195, no defined road or trail even initially exist. However, most inappropriately, the motorized trail as proposed would cross a camas lily meadow, (pictured immediately below) that we understand may also be a cultural resource site.

Person standing in background at base of trees (and right of shrubs, just to the left of center) shows location where proposed motorized vehicle trail joins Rd. 195 (196 on 1989 FS maps) to the top of Signal Butte. This meadow is located Immediately to the east of that butte on the east side of Section 31.

Only as we continued to walk (cross country) north of this meadow, and into the forested vegetation (July 2010) were we able to detect where there has been some prior motorcycle or ATV use—although the disturbed ground of the photo may also indicate prior vehicle use.

However, as once continues north (opposite the direction faced in the above photo) more vehicle disturbance is evident due to eroded ruts that have formed and as one proceeds downhill into the Rouge River drainage (in the NE quarter of Sec. 31 (T36S R13W).

Two separate area of ruts and erosion exacerbated from previous ATV use along former FS Rd.196—(FS Rd 196 only identified on the Gold Beach and Chetco RD map of 1989, but not identified on the 2008 Gold Beach RD map).

Vehicles that have travel north from here, seem to be riding primarily in or across the creek drainage, and have made some additional trails in wetland habitats, seemingly in order to get around ruts already created (see photo on next age taken July 2010).

ATV track observed in July 2010 where vehicles are attempting to get around the ruts and erosion along the creek bed on the Rouge River side of the drainage (along old FS route 196) north of Signal Butte.

Finally, returning back to the junction of FS Rd. 3680-190 and 195: as one continues on Rd. 190 east of the junction with Rd. 195, you come to the junction of Rd. 3313-220 to the left (east). While the 2008 Gold Beach map would lead the reader to believe that spur road 220 connects with Rd 190, in fact the western most portion of Rd. 220 is very narrow road, and not wide enough for even a jeep to reasonably pass through. In particular, Rd. 220 exists primarily as a trail along most of its western most length of approximately a half mile. To protect sensitive botanical and cultural resources in this area, Rd. 3313-220 should also be closed to motor vehicles its western most half mile--from its approximate junction with Rd. 190 to where Rd. it functionally ends approximately a half mile to the east. This junction of Rd. 190 just a few yards down Rd. 220 is presently a fine, accessible, dispersed camping area, as is the end of eastern most spur of 196, about .2 mile beyond.

More specifically, the Forest Service needs to adopt a management plan for this area that specifically seeks to protect the extensive archaeological and cultural resources contained in this area which include the "McKinley Mine Trail"--which begins from FS Rd. 190 (Section 5) and the crosses FS Rd.195 (Section 6). This trail heads generally west and crosses FS Rd. (4WD) 195, (another ¼ mile beyond the Stone Chair Trailhead) approximately .5 to .6 mile on up 4WD road 195 beyond the FS Rd.190 junction (longitude: -124.279541, latitude: 42.405699).

A motorized trail should not be dedicated or maintained as shown in the photo above that connects deteriorated portions of Rds. 190 and 220. Instead, the Forest Service need to adopt a management plan for this area that specifically seeks to protect the extensive archaeological and cultural resources contained in this area which include the "McKinley Mine Trail" begins from FS Rd. 190 (Section 5) and the crosses FS Rd.195 (Section 6). This trail heads generally west and crosses FS Rd. (4WD) 195, (another ¼ mile beyond the Stone Chair Trailhead)

approximately .5 to .6 mile on up 4WD road 195 beyond the FS Rd.190 junction (longitude: 124.279541, latitude: 42.405699). Additionally, during the 2010 summer season, Entomologist/Lepidopterist Dana Ross reported finding a single male Mardon Skipper, *Polites mardon*, on the USFS lands near Signal Buttes in a very wet portion of area serpentine meadows.

Finally, much of the land around the Signal Buttes area, and particularly when taken in combination with the BLM's adjacent Hunter Creek ACEC is roadless, or would quality as roadless under BLM and Forest Service roadless area identification criteria. See attached map, drawn by Oregon Wild, based on our recent on-the-ground inventory indicating a combined BLM-Forest Service roadless area in the Signal Buttes/Hunter Creek area that would total slightly over 6100 acres.

Before additional development of these land can occur NEPA requires the disclosure of these unroaded values in an Environmental Impact Statement--as the Rogue River-Siskiyou National Forests Travel Plan DSEIS, neither addresses nor analyzes these areas special values. In contributing to a needed future analysis, Oregon Wild wishes to submit (below in greater detail) information we have accumulated and compiled that discusses additional trail and other resource information specific to the general Signal Buttes/NF Hunter Creek roadless area. Again, our particular concern is that hiking trails and sensitive cultural and botanical resources would not be adequately protected under the Forest Service's proposed motorized use plans within the Signal Buttes area.

Detailed Directions to trails relating to botanical and cultural resource sites in the Signal Butte Area:

Below (in greater detail than above) we have included additional trail information specific to the Signal Buttes area. We've included this detail here, as while we were unable to obtain this information from people we asked in the Forest Service, and due to the obscurity of some of these old trails, and old trailheads, we wish to make this information (if newly available) to the Forest Service so it may be fully analyzed as part of this or future plans. Again, it is our strong opinion, that these hiking trails and sensitive cultural and botanical resources would not be adequately protected under the Forest Service's proposed motorized use for this area.

Area Trails--There are 4 featured (poorly or unsigned) trails into the Signal Butte area described below, and mostly originating by initially walking up the FS. Rd. 195--beginning from the small (unsigned) parking area at its junction with FS Rd. 190.

1. Stone Chair Trail to BLM's 1920 acre North Fork Hunter Creek ACEC (Area of Critical Environmental Concern). (.8 mile to the ACEC's eastern boundary and 1.8 miles to the "Stone Chair" and one of the general area's more impressive meadows).

Because the trail into this area takes off from a well-established ATV (all-terrain vehicle) road (Signal Butte Road 3680-195), BLM has not wished to prominently mark this trailhead, in hopes of not encouraging illegal vehicle incursions. Also, while public use is allowed, the ACEC was

designated to protect the area's natural values, and does not seek to encourage heavy public use. The (unmarked) trailhead actually begins (on the left) approximately a quarter mile up FS Rd. 195. Starting at its junction with FS Road 190, walk initially up unsigned (4-wheel drive) Rd. 195. The road immediately rises, and where it then drops downhill, you are now only half way to the trail head. Continue following a flatter portion of this road, predominately heading west. Where the road then takes a 90 degree bend to the right (north) and again in another 50 yards rises uphill, the Stone Chair Trail continues through a big, Jeffrey Pine grassy flat, continuing directly ahead (west) at this bend. The trailhead is probably best marked by a flat round mound of exposed earth with a 2 foot long rock in the middle (that is cracked). Another way of find this place, is if you were pulling a small trailer, (never mind it's a 4 wheel drive road) it would be the first possible place you would come to, where you could see where you could back into, were you trying to turn around.

As you walk about 50 yards ahead west on grass (that still doesn't really resemble a trail) about 25 feet to the left (south) you will see a pile of rocks supporting a short wooden post that has a "3" written on it (?perhaps some kind of cultural resource?) Continue walking west. Where the grassy meadow ends entering the first small patch of shaded woods, the trail is then here discernible continuing on west. This trail, however, throughout its length can be difficult to follow. It has been flagged, and (for the most part) follows the lowest part of the drainage as you continue west, continually slowly losing elevation. This trail passes through a series of small meadows and serpentine (scabland-like) benches. In .8 mile you enter the BLM ACEC where large old growth Douglas fir dominate the more heavily forest portions. You also pass through a series of shallow soiled serpentine dominated grassy and native wildflower meadows, containing big old growth Jeffrey pine. After passing through two of these large 30 to 40 acre meadows, you reach an even larger 100+ acre meadow. Here you first descend a moderately steep, open grassy ridge, dominated by more big pine. Where it levels out, look for the diverse array of varied (large cardboard box size) rocks around the edge. While the poorly define trail through this meadow continues west, initially wrapping around to the south, in the north west end of the flat look for the smaller "Stone Chair" rock. As the name implies this rock has a flat seat and vertical back, that is surprising comfortable to sit in. It is located beyond a two signs on a pine tree reading: "Signal Butte Rd. 1.8 miles" (to east--trailhead on FS Rd. 195); "Long Prairie 2.6 miles" (private land to the north); "Wren Cabin site 1.4 miles" (south end of the ACEC).

From here, (in the direction of Long Prairie which is private land) another large meadow is on the BLM land about **.**2 mile to the north, from the Stone Chair meadow corner. Walk north, and through a slot cut through the middle of a large down tree. If you follow flags and rock cairns staying on the uphill (east) side of this meadow, the faintly mark trail continues generally north, enters an old growth Douglas fir forest and drops down to the North Fork of Hunter Creek, approximately 1 mile north (and slightly east) of the Stone Chair.
The other option is to follow the trail through the drainage to the left (on west and south) of the Stone Chair. Here the flagged trail follows a north-south running meadow that is in the middle of a private land holding in the middle of the ACEC.

2. McKinley Mine Trail

Starting on FS Rd. 195 (at the junction and parking area on FS Rd. 190) follow 4-wheel Road 195 for approximately .6 mile. This very poorly defined trail is mark by a less than barely readable, grey wooden sign that is hanging by one nail in a tree on the left side of the road. Follow this barely recognizable trail (which is not marked by any ribbons) on west. It soon crosses the upper headwaters of the N. Fork Hunter Creek, and then passes the Col. I. E. Munsey cabin and grave site (small pile of rocks beside a tree) that are noted on small wooden signs. Brief references to the Col. Munsey and the McKinely Mine are given on pps. 101 & 211 "The Mineral Resources of Oregon, published monthly by the Oregon Bureau of Mines and Geology, Vol 2, No. 1, May 1916"at
http://books.google.com/books?id=9MUVAQAAIAAJ&pg=PA211&lpg=PA211&dq=%22Col.+I.+E.+Munsey%22&source=bl&ots=cXX-tboOni&sig=lqKVdexUFJRtvTQIgMAFUdrwps8&hl=en&ei=aUAyTPTsG8minQfE7KCMBA&sa=X&oi=book_result&ct=result&resnum=1&ved=0CBIQ6AEwAA#v=onepage&q=%22Col.%20I.%20E.%20Munsey%22&f=false

Also OregonSouthCoast.com features (and shows photos) at:
http://oregon.user.openhosting.com:8181/oregon/McKinley%20Mine%20Trail

Continue for at least another few hundred yards where the vegetation again opens, with a view of one Signal Buttes many rock monoliths to the left, and very grand views of the Pacific Ocean on ahead. Here, according the website (cited immediately above) the "old mine tunnel site which is now completely closed in and consists of a rock gravel area." I think I observed this on the right-hand side of the trail. I turned around here but "the next site, 25 minutes (hike) beyond the grave, is a collapsed cabin that is not identified." Here the trail is described as heading downhill, (but I believe then rises as a trail on a BLM map I obtained was drawn in heading north, showing the trail it ultimately joins FS Rd. 195 (in Section 31) further north. This junction (which I did not locate) is several hundred feet higher elevation, and where this portion of road 195 also continues as little more than a foot trail where it forks off from what becomes FS Rd. 196 toward the northwest (see below).

The actual beginning of the (still poorly) signed "McKinley Mine Trail" begins off of FS Rd. 190, to the left, .25 mile beyond the parking area at the junction of FS. Rds 190 and 195. While road FS 190 initially continues east beyond the parking area, it then bends north. The trailhead is marked to the left by a faintly written "McKinley Mine Trail" grey wooden sign, nailed to a pine about 20 feet left of the edge of the road. (I didn't walk this segment—but it appears to initially transverses interesting serpentine landscapes) and then crosses Rd. 195.

3. Trail west Forest Service/ Private land boundary, at junction (just below undeveloped Signal Butte elev. 3503) Possibly connects to north ends of McKinley Mining Trail (enabling a loop-hike).

Walking 1 ¼ miles mostly north on the FS 195 (from the 190/195 junction) to where main jeep road makes a fairly sharp turn to the right (SE corner of Sec. 31) where on the 1989 US Forest Service Gold Beach RD map it actually continues as FS Rd. 196). This (non) junction of Rd. 195 and 196 is totally unsigned, and the hiker (or ATV driver) has no indication that you have left one road and begun another. Additionally, the latest 2008 map Gold Beach RD map shows FS Rd. 195 ending at approximately this same point (in the SE corner of Sec. 31), and erroneously does not show FS Rd. 196 (or any other road) continuing beyond this point. Also, the recent Rogue River-Siskiyou National Forest, did not identify this as a road, or include it among their plans for otherwise opening roads on both ends of FS Rd. 195 to vehicles.

Instead, the "road" indicated as FS Rd 195 on the 1989 map, here continues as nothing more than a foot path to the left, with FS Rd.196 continuing on north another 1/3 of a mile to the top of one of the slightly higher Signal Buttes (3512 ft. elev.)--where there are two small buildings and communication towers on its summit.) This trail (not a road) is easy to miss, and appears from the main, continuing jeep road as only a water bar to the left (of unsigned FS Rd. 196—that continues as a well-used jeep trail to the right).

After completely having walked by it the first time (while looking for "a road" to the left), this path quickly enters the top of a lovely meadow (on the left), and continues for another mile, to (and beyond) the FS/ private land boundary between Sec. 36 (R14W) and Sec. 31 (R 13 W). We previously, but unsuccessfully attempted to get this information from the Forest Service. However, BLM map that Oregon Wild was ultimately provided shows the west end of the McKinley Mining Trail forking north in Sec. 6, with both forks joining this portion of FS 195 (that is really a trail) is the in the SW corner of Section 31 (T37S R 13W).

4. Trail to Sutter Butte(s) and on north

From the junction of 190/ 195 it is approximately 1 ¾ mile to the top of (developed) Sutter Butte (elev. 3512) that is just slightly NW of its slightly lower (and undeveloped Butte) (elev. 3503). To access the higher butte beginning at the 190/195 road trailhead, just follow the developed jeep road as far as you can, which terminates on the higher buttes' summit. From here there are expansive views including (to the west) the mouth of the Rogue River. Along the coast, north of the Rogue River you can see Humbug Mt, followed north by "the Heads" at Port Orford, and then Cape Blanco to the extreme north.

The last 1/3 mile of this trail wraps around the south, then east, and north side of the lesser 3503 butte. While a "hill" is visible from the jeep road, the sides are forested so its rocky butte top is not revealed as viewed from this road. However, when down on the east-west FS Road. 3680 (as at Pine Pt. Campground) it is only the "lesser" 3503 Butte that is visible. The higher 3512 ft.

butte cannot be seen from below, as it, and its otherwise readily identifiable communication towers are blocked from this view from the south (looking north).

Just below the higher, jeep road accessed butte, the main jeep road makes a left turn at the bottom before rising sharply to the butte's summit. Where it turns right there is a meadow immediately ahead. As of the summer of 2010 a non-define jeep trail may have once crossed this meadow but it no longer visible. However, once you cross the meadow directly north, and the forest, evidence of an now eroded ATV trail continues on (only) the 1989 FS map as FS Rd. 196 (terminating at FS Rd. 103 in the extreme SW corner of Section 29. (Again, I could not even fine this road, until I search for it at the north end of the meadow. I only followed this (not a) road further north for about ¼ mile, as it continues mostly in the a creek bed that flows north, and is little more than just now water eroded foot trail. It does have some ATV use, that are further cutting over riparian vegetation to avoid the more eroded and wetter portions. This trail (immediately north of Signal Buttes in Section 31), should not be restored, but longer regarded as a road, consistent with its removal from the most recent 2008 Gold Beach RD map.

By cherry stemming out the first 1 ¾ mile of FS Rd. 195 and 196 (spur to east) to the top of the 3512 ft. Signal Butte it can be seen that one can easily connect the Signal Buttes and Hunter Creek Roadless Areas as one roadless area. However, if the Forest Service were to inappropriately adopt the motorized trail recommendation contained in the DSEIS, like the previous Travel Plan decision, the trail north of Signal Buttes will be reestablished as a reconstructed ATV trail across Sec. 31, connecting to FS Rd. 103 in the SW corner of Sec. 29. As described, this would inappropriately impact sensitive cultural and botanical resources in this area, and without a legally sufficient NEPA review. Furthermore the DSEIS's preferred alternative would result in causing further erosion.

Again, as a previously described, Spur FS Rd. 220 to the NE beginning in Section 5 at its junction with FS Rd. 3680-190, should be closed on its western in to all motorized vehicle traffic. After 100 yards, it rapidly narrows to only being (at best) a narrow ATV trail (with the ¼+ mile section that is shown as "4WD" on the 1989 FS map can no longer really be considered to be a road. (See photo below)

True terminus of FS Rd. 3313-220--where it actually ends, and constricts significantly, heading on west (in this photo direction) before connecting as an ATV trail with FS Rd. 3680-190.

FS Rd 3313-220 is reduced to just a trail to the east of its junction with FS Rd. 3680-190. Photo of the right additionally shows where this trail ("Rd. 220") presently crosses a small stream in Section 5 (T36S R13W)--and thus longer exists as a functional road along its western most end.

Thus roadless lands in Section 32 (cherry stemming out Rd. 3313-1020) are thus connected in fact to uninventoried (unroaded) roadless lands in Sec. 5 as well as finger in the middle north half Sec. 8—with the boundary defined by the lower portion of FS Rd. 190.*

Still, if the Forest Service were to incorrectly adopt their preferred Travel Plan decision, the trail north of Signal Buttes will be reestablished as a reconstructed ATV trail along FS Rd. 220.

Also, the BLM, consistent with its North Fork Hunter Creek special management emphasis, has been doing extensive thinning of underbrush and some trees to open up serpentine balds and grassy meadows. There were areas currently being treated with stacked burn piles in Section 1 of the ACEC in meadows south of N. F. Hunter Creek.

*Additionally, a "C shaped loop trail" shown on Forest Service GIS maps that seems to almost join the southern-most end of FS Rd. 3313-102 (SE corner of Sec. 32) is non-existent as either a road or trail. Based on our on-the-ground investigation, it's just a green meadow at its beginning with FS Rd. 3680-220. I walked both its (short) right and left forks which are very vegetated and little passable beyond the first hundred yards (just after the forks two junctions).

Additionally, in 2010 these vegetation piles were scattered along the Stone Chair Trail in the middle west portion of Sec. 6 and north and east of the junction of FS Rds. 190 and 195, and in Sec. 8 south of FS Rd. 190 just south of its junction with Rd. 192, and just north and east of the Paradise Pt. Campground in Sec. 18 at the south end of the Signal Buttes Roadless Area.
Both BLM and FS efforts at botanical restoration in this area should not be negated by the future established of an inappropriate motorized vehicle route that will only encourage off-road travel in these sensitive areas.

Please let us know, if you need any additional information, or would like to further discuss the special resources and special values associated with this remarkable area. Additionally, we wish to receive information on any additional cultural, botanical or trail information the Forest Service may have for this area, in addition to the information contained with this letter, and the information we previously referenced in our letter to your office, addressed to Pam Olson on August 15, 2010 (attached). Also, please let us know if the Signal Butte communication towers and facilities is no longer in use, and if there are any current permits that presently enable its current or future use for such purposes, or plans to disassemble and remove the existing small building and equipment.

Finally, please also note my new mailing address below.

Sincerely,

Wendell Wood

Wendell Wood, Wildlands Interpreter
Oregon Wild
PO Box 1923
Brookings, OR 97415
707-218-8355
ww@oregonwild.org

Attachments:

Oregon Wild letter to Pam Olson, RR-Siskiyou NF, of August 15, 2010

2 pdf maps of trails and special resource locations on BLM and FS lands around Signal Buttes

Separate email (due to attachment size)—Oregon Wild's roadless area map of roadless areas still uninventoried by the Forest Service in the Signal Buttes area—encompassing both FS and BLM lands.

0022 Attachment 02

OREGON WILD
Formerly Oregon Natural Resources Council (ONRC)

September 30, 2011

Pam Olson
Rogue River-Siskiyou National Forest
3040 Biddle Road
Medford, OR 97504

Dear Ms. Olson,

Specific to the Gold Beach, Wild Rivers and Powers Ranger District, Oregon Wild would like to submit the following concerns for the Forest Service to consider and address in developing a new Record of Decision on Rogue River-Siskiyou National Forest Travel Plan.

Additionally, over the last year, your office has generally failed to responded to previous comments that Oregon Wild has previously made on the site specific areas that we have mailed you concerning several other areas proposed by the Forest Service for motorized development. Thus, we've listed these particular correspondences below, and described any type of Forest Service response we have had. Please let us know if you have reviewed these prior expressed concerns in your revision of the Rogue River-Siskiyou NF Travel Plan. Also, please let us know if you wish for us to re-copy you any of these referenced, previously submitted comments—mostly made since the Forest Service withdrew your initial December 2009 Travel Plan record of decision on April 27, 2010.

This letter is in written in two parts: The first part being a "Summary of Oregon Wild's Previous Comments specific to the Rogue River-Siskiyou National Forest Plan", and secondly: "Additional, Inappropriate Forest Service Proposals For Motorized Use at Fish Hook Peak Trail # 1180 on the boundary of Gold Beach and Wild Rivers Ranger Districts, and Sucker Creek Trail #1256 on the Powers Ranger District".

Summary of Oregon Wild's Previous Comments specific to the Rogue River-Siskiyou National Forest Plan:

1) On May 13, 2010 Oregon Wild submitted comments to Regional Forester Mary Wagner requesting that in revising your Transportation Plan for areas near the southern Oregon Coast (that in addition to previously expressed concerns about the spread of Port Orford Cedar disease forest wide), that the Forest Service similarly address how Forest Service proposed motorized uses in the recently expanded Sudden Oak Death Quarantine Area might also inappropriately contribute the spread of the Sudden Oak Death pathogen *Phytophthora ramorum*. This analysis needs to consider the possible spread of this

disease both within, and beyond the expanded quarantine area in southern Curry Co. Oregon.
The need for this analysis is even more necessary today, than when we made this request a year ago last May, because of the agency's admission that the SOD control program, as originally envisioned, has now failed. For example, on January 27, 2011, Dan Hilburn of the Sudden Oak Death (SOD) Task Force, wrote other SOD cooperators saying:

> "The SOD Task Force (our science panel) is recommending we admit that the eradication effort in Curry Co. isn't going to work and instead transition to a slow-the-spread approach. This would mean letting the disease go in the infected area and only treating the outliers. The reasons for this recommended change are both epidemiological and financial. In a phrase, the disease has outrun our ability to respond with the resources available. We should be proud we kept it bottled up for a decade."

2) On August 15, 2010 Oregon Wild submitted comments to Pam Olson regarding a motorized route in the Signal Buttes area (T37S R 14W) and that would encourage additional vehicle use and access into the Forest Service's own recently signed "Botanical Restoration Project"--where restoration work was begun this spring and summer 2010. Instead, of motorized use in this area being expanded, the existing 4WD FS Rd. 3680-195 should be gated to eliminate OHV damage that is already occurring to this area's sensitive resources, and to reduce the potential for spreading Port Orford Cedar root disease that has been already established as occurring along water courses within this specific area. Additionally we expressed concerns that vehicle road reconstruction along FS Rd. 3680-190; 3680-195 and 3680-220 would threaten adjacent area sensitive plants.

Also, in this August 15, 2010 letter we asked that the Forest Service close (an approx. 2/3 mile long) Gold Beach RD Road 1101-170 to vehicle traffic, protecting what is otherwise a defacto recreational trail in Oregon's Redwoods to "level 1" road status. The area of vehicle closure should be from FS Rd. 170 junction with FS Rd. 1101 (T41S R12W Section 17), to FS Rd. 170's termination at private lands on the line between Section 16 & 17.

Finally, in this same August 15, 2010 letter we addressed a proposed motorized vehicle trail in the Fish Hood Peak area noting that the Fish Hook Interpretive Trail #1180, and along the divided between the Gold Beach and Wild River Ranger Districts--Section 8 & 17 (T35S R10W) should <u>not</u> be opened to OHVs or other motorized uses, as initially recommended in the Forest Service's December 2009 decision. We have recently visited this site again, and (in the second part of this letter below) wish to make still additional comments regarding the physical impracticability of this motorized trail proposal.

3) On September 9, 2010 we wrote Pam Olson concerning the Adams Prairie/Potato-Illahee Mt. Area of the Gold Beach Ranger District, and described (including photos) why the motorized route illustrated on Alternative 5 map at Adams Prairie is unsuitable for motorized use. Such as, for most of its length, there is no specifically defined trail for vehicle use, that is in any way evident once you descend a little over a half mile below

the point where FS Rd. 910 first enters Adams Prairie from the top (north). Again, to date, we have never had a response on this from anyone in the Forest Service.

4) Letter of August 5, 2011 to Alan Vandiver (and copied to Scott Conroy, Pam Olson and Steve Johnson). This letter concerned inappropriate motor vehicle use (that we recently discovered) has been negatively impacting meadows in the lower Shasta Costa Creek area. This particular, and seemingly never officially sanctioned, ATV trail has also been (inappropriately) proposed in the December 2009 Rogue River Siskiyou National Forest Plan as a motorized vehicle trail. This August 15, 2011 letter detailed our objections to the Forest Service further sanctioning future vehicle use of this estimated 1.5 mile long trail that extends from the south side Shasta Costa Creek over a ridge into the Stout Creek drainage (to where this road/trail ends ¾'s of a mile up the Burnt Ridge Rd.-- FS Rd. 2308). Originally, our inquiries began with a letter I emailed, on behalf of Oregon Wild, to Nancy Schwieger of the Gold Beach Ranger District, asking about the specific plans, under the Rogue River-Siskiyou National Forest Travel Plan for the development of this OHV trail. Because, I didn't receive a response I then sent another email to Alan Vandiver and Nancy Schwieger on Fri 11/5/2010 12:39 PM. However, until I visited this area on the ground in 2011, I was never aware of, or informed, that this trail had already been so developed—and is already being heavily used by motor vehicles. As previously described, we observed extreme erosion along the route, with clear evidence of multiple OHV incursions into the area adjacent meadows (that occur primarily near the trail's summit and on the Snout Creek side). Other than the Forest Service's 2009 Travel Plan map, we are aware of no map, on any Forest Service data set that shows this much eroded, already existing ATV trail. Currently the Gold Beach District Ranger has agreed to meet with us, to discuss this area, in the Gold Beach office, this next Thursday, October 6, 2011.

5) Finally, in a previous letter of September 24, 2010 to Pam Olson (that was a supplement to a prior May 27, 2009 letter to Alan Vandiver we expressed concerns about inappropriate motorized vehicle use occurring off FS Rd. 990 in the lower Shasta Costa Roadless Area (T35S R11W Sec. 5 & 8) of the Gold Beach Ranger District. Here, we discussed that our prior expressed concerns were not addressed in your prior Record of Decision--as the Forest Service acknowledged in the Travel Plan under CHAPTER II – ALTERNATIVES under subtitle "1. Alternatives Related to Route Designation" it describes "Alternatives, elements and ideas that are related to route or area designation that were considered but not analyzed in detail include" (on page II-56):

> "Consider permanent closure of Road 990 (T35S, R11W, section 5) to motorized use. Comments to the DEIS suggested that of Road 990 be permanently closed (now gated at the top) with no motorized use allowed. This closure would provide a fine recreational hiking experience to Shasta Costa Creek. This opportunity was not identified or considered during Travel Analysis process. It was therefore eliminated from detailed study with this process. This connection remains as a future opportunity for consideration, outside of this process."

Because of the non-specificity of the Travel Plan (blue dashed line map) we had previously confused this area, with the motorized trail proposed in the lower Shasta Costa Creek area that is described here, in point #4 above. However, our concerns regarding on

going off road vehicle impacts to the meadows here, via previously gated Rd. 990. still remain. As an non-designated motorized use area, the detrimental impacts to this area, still need to be addressed. Additionally, over Labor Day weekend 2011, the gate at the junction of FS Rd.990 and FS Rd. 23 is still wide open, and no significant attempt appears to have yet been made to discourage addition motorized vehicle damage in this area.

Additional, Inappropriate Forest Service Proposals For Motorized Use at Fish Hook Peak (Gold Beach- Wild Rivers Ranger District boundary), and Sucker Creek (on the Powers Ranger District).

In evaluating the following Travel Plan proposed motorized vehicle areas on the ground, it does not appear that Forest Service personnel could have any idea what the physical condition of these areas are on the ground in making recommendations for future motorized use in these areas. Both locations contains portions that are very narrow, steep, rocky, or have very highly erosive soils, and in some places (as in the case of Sucker Cr.) are blocked extensively by fallen logs and both major and minor land slides.

Example 1: Powers RD: Sucker Creek Trail #1256

See proposed "dashed blue line" on motorized trail map below as shown on the Rouge River-Siskiyou National Forest's December 2009 Travel Plan. Oregon Wild has accessed this trail from its trailheads at both ends. The entire length of this trail, along a steep forested canyon, is barely passableon foot, with many small slides and down trees blocking the trail making unsuitable for any proposed motorized access.

Any future motorized used would result in a major environmental impact to the area, and would require extensive reconstruction of the existing trail. Presently, there are pleasant, dispersed recreation camping areas at both trailheads. The trailhead on the eastside, along Sucker Creek (just above its confluence with Johnson Creek) is especially pleasant. Any increased OHV use here would negatively impact the existing, quite, streamside camping experience.

Sucker Creek Trail #1256 trailhead (west end)

Presently, the eastern end of the Sucker Creek Trail #1256 crosses the creek, and initially travels along a narrow rock ridge, before rising steeply on a series of switchbacks.

Mandatory stream crossing on Sucker Creek Trail #1256 (west end) during low summer stream flows.

Extremely steep terrain and switchbacks are the rule, in the first half mile of the west end of Sucker Creek Trail #1256 trailhead.

Within the first half mile of the trail, where the trail used to level off, there is now a major slide, where the trail has seemingly been recently relocated in attempts to provide passage along this trail.

Major slide across Sucker Cr. Tail on west end. The original trail itself is now completely gone at this particular location.

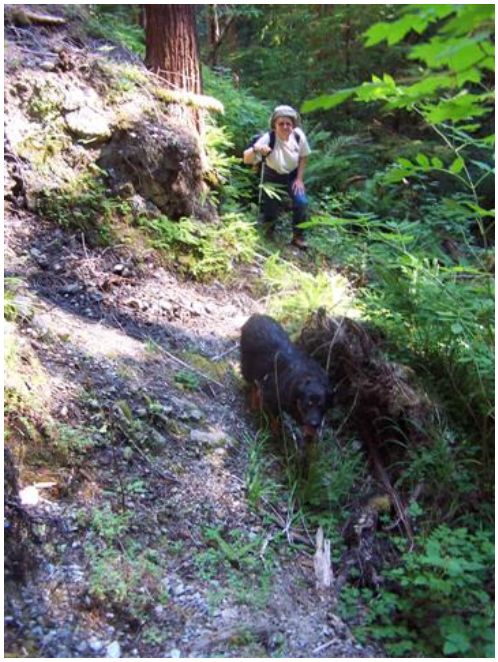
Due to the trail relocation because of the slide, the trail now climbs and even a steeper and narrow route, and where motor vehicle use would be even more inappropriate, if not impossible.

Non-reinforced “dirt stairs” over steep terrain in loose soils have been constructed to get hikers up portions of Sucker Ck. Trail above a major slide area.

We request that your office, or the Powers RD please supply us with information about the any environmental analysis that was done before the rerouting in this

trail, and what trail work or developmental activities may still be presently planned. As presently, it appears that much of this trail could easily and additionally wash out with future, moderate winter rains.

Other impediments (to hikers or vehicles) are common along proposed motorized Sucker Creek Trail that generally contours along a very steep hillside.



Another small slide (beyond the first major slide) along a wet area of the Sucker Creek Trail. The trail proper is also eliminated in this shorter slide section.

Finally, the condition of the trail from the upper trailhead access (from the west end) is just as bad, and also too narrow, and too steep and too overgrown for any motorized use. From the junction of Rd. 3353 and 5325 it is 7.8 miles to the right (south) to Road 3353-260 for the upper most Sucker Creek Trailhead #1256 (between Sections 9 & 10 T32S

R12W). The 2.4 mile trail begins to the west at the end of barricaded Rd. 260, 1.7 miles down this road. Hiking access is also extremely difficult from this end.

This is as good as gets, along the very narrow, often one boot wide trail, on its upper, western end, near the end of FS Rd. 3353-260. The hillside above and below, even the flat sections of trail is very steep, leaving no room for ATV tires on either side of the trail.

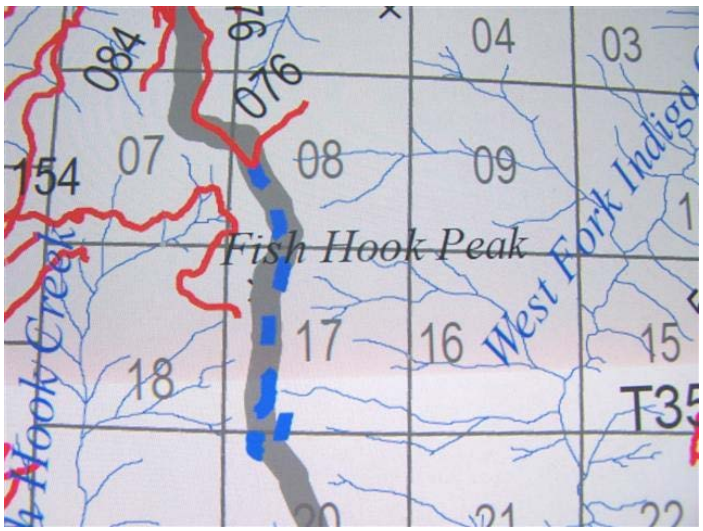
More often, the upper Sucker Creek trail is sometimes barely visible, not well contoured, and is generally overgrown. Trail here is in the middle of the very bottom of this picture.

Sucker Creek Trail #1256 description on FS website: http://www.fs.fed.us/r6/rogue-siskiyou/recreation/trails/sucker-creek-pow.shtml
indicates this trail is not suitable for motorized use (as presently proposed). At this Forest Service website it says: "Trail is Not Designed for: Pack and Saddle, Mountain Bike, Motorized Bike, ATV, 4-Wheel Drive, Barrier Free". However, contrary to the Recreation Opportunities Guide's claim, this trail clearly is NOT "maintained on a regular basis." Also, while shown on the Dec. 2009 Travel Plan as a "blue dash line",

"motorized use trail" on its upper end is presently only barely passable on foot, with again many small slides and down trees blocking the trail.

Besides being overgrown with vegetation, the west end of the trail is barely "one boot" wide along a nearly vertical hill side, and would not be passable on any kind of motor vehicle; and thus could not connect Rd. 3353 with Rd. 5591 (near the confluence of Sucker and Johnson Creeks). The ROG is very correct, however, in saying: "This is a very scenic trail that winds through undisturbed stands of old-growth timber. The trail begins at spur road 260 and gradually descends to Sucker Creek. A number of small creeks and springs cross the trail, providing easy water opportunities." There was also a small slide at one of these seeps or wet areas along the trail, approximately another half mile beyond (upstream) beyond the first major (east end) land slide. These wet areas also support chain fern and other vegetation that should not be impacted, if OHV's were ever able to physically enter this area.

Example 2: Gold Beach & Wild River RDs boundary: Fish Hook Peak Tr. # 1180
This trailhead and trail to Fish Hook Peak is above W. Fork Indigo Creek in North Kalmiopsis Roadless Area, as contained in RARE II, but not included in the 1989 Siskiyou Forest Plan T35S, R10W. (This is a few miles south of the high country in the upper elevation end of the Shasta Costa Roadless Area and about 10 miles down the divide south of the summit of Bear Camp Rd. 23.)



While this trail follows the ridge, this ridge (and trail) becomes very steep and narrow within a ¼ mile south of the trailhead--with lots of narrow, loose gravel, and rocky areas, that that make it too narrow for ATV's passage, and where I really can't imagine a dirt bike attempting it either, due to the steep and uneven terrain. Scrub oak, also overgrows the trail in many locations.

Steep, gravelly slopes just beyond the first beginning of the Fish Hook Peak Trail # 1180 make the actually trail barely definable.

The area was generally burned in the Silver Fire, and down snags across the trail will be an increasing problem, it appears, in the future. There is a nice car camping area at the start of the trail in Section 8 that would be significantly disrupted if it were even physically possible for this are to be developed as a motorized trail.

Pleasant (shaded) camping area at the very beginning at the Fish Hook Peak Trail # 1180, that would be significantly impacted with motorized vehicle access to this trail.

Additionally, the Forest Service's current recreational trail website description for this trail
http://www.fs.fed.us/r6/rogue-siskiyou/recreation/trails/fish-hook.shtml specifically acknowledges:
"Trail is Not Designed for: Mountain Bike, Motorized Bike, ATV, 4-Wheel Drive, Barrier Free"

Furthermore, this scenic 2.5 miles trail has been long recognized as a "botanical observation, day hiking, and wildlife observation" trail in many previous produced Gold Beach Ranger District Trail guides, and most recently is described in a latest 2010 trail hiking guiding "published by the Northwest Interpretive Association in cooperation with the Rogue River-Siskiyou National Forest", and is presently being distributed to the public at Forest Service offices. Proposed motorized use would be highly in conflict with these past and present, less intensive recreational uses.

Presently the trail is not well graded and a trail barely exists in some locations. In other places steep rocky
obstructions clearly prevent access by OHVs, that otherwise operate along designated forest roads in the general area.

This FS guide describes the Fish Hook Interpretive Trail #1180 as one six featured short trails on the Gold Beach RD, noting "a brochure available near the trailhead explains various aspects of the effect of the Silver Fire (1987), and also provides information on the wildlife, botany and cultural resources of the area." Additionally, this trail is an exceptional location for the recreational picking of abundant Serviceberries in late summer. This short trail was designed for National Forest visitors that wish to study and contemplate nature at a slower pace, and beside physical features that would largely make OHV vehicle access physically impossible, it is totally inconsistent to mix this interpretive use with OHV thrill craft adventurers.

Upon initially topping off, the Fish Hook Peak trail next descends even more steeply, down swithchbacks on the east side of this ridge above the West Fork of Indigo Creek before reaching Fish Hook Peak.

Again, please provide us with any written documents or information that indicate the Forest Service has ever investigated or acknowledged the existing, physical and natural barriers--that appear in themselves, to make these two areas, not only unsuitable, but also physically impossible to enable any motorized vehicle use. Let us know if you'd prefer instead, that Oregon Wild make this specific information request under the Freedom of Information Act.

Sincerely,

Wendell Wood

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0022 Attachment 03

OREGON WILD
Formerly Oregon Natural Resources Council (ONRC)

September 9, 2010

Pam Olson
Rogue River-Siskiyou National Forest
3040 Biddle Road
Medford, OR 97504

Dear Ms. Olson,

Specific to the Adams Prairie/Potato-Illahee Mt. Area of the Gold Beach Ranger District, Oregon Wild would like to submit the following information for the Forest Service to consider and address in developing a new decision on Rogue River-Siskiyou National Forest Travel Plan on the Gold Beach Ranger District. (This is in addition to our other site-specific comments most recently submitted on August 15, 2010.)

We submit the following to reiterate and update the points previously expressed specific to Adams Prairie in Siskiyou Project's March 8, 2010 Appeal of the Record of Decision for the Motorized Vehicle Use on the Rogue River-Siskiyou National Forest.

Oregon Wild's recent Labor Day weekend (2010) visit to this area, well demonstrates that the problems that Siskiyou Project enumerated following their prior April 16, 2009 visit, of vehicles leaving the designated road/ trail still persists at this area presently.

Indeed we concur with Siskiyou Projects' previous comments that the motorized route illustrated on Alternative 5 map at Adams Prairie is unsuitable for motorized use as for most of its length, as no specifically defined trail for vehicle use is evident once you descend a little over a half mile below the point where FS Rd. 910 first enters Adams Prairie from the top (north).

FS Rd. 910 enters the top of Adams Prairie in the north half of Sec. 17 (T35S R12W), where a sign says: "Please protect sensitive meadow habitat. Motorized vehicles prohibited on all meadows. Foot traffic welcome. 36CFR 261.56"

Not only is this sign's instructions not being followed, it is impossible to drive beyond this point, without driving off the initial two track road to turn around, and vehicles that have been using this area have not stayed on the route that corresponds to the map. In part, this is because beyond a certain point (as described below) there is no clear track to follow—only seemingly the tracks of those that have gone before, and these drivers have

frequently left even the initial portion of the road that is most defined. Additionally, they have left the defined road, to drive off road up to Potato-Illahee Mountain (as Siskiyou Project folks also documented in April 2009).

Details:
Beginning from the top of Adams Prairie, non-graveled FS Rd. 910 continues south immediately west of the summit of 1853 ft. Potato-Illahee Mountain, where as Siskiyou Project previously documented in photos of April 2009, vehicles have left the designated route to drive cross-country to the top of Potato-Illahee Mountain. We observed additional tracks in this area on September 5 and 6, 2010 (see photos below).

Track up Pot.-Illahee Mt on north side 9-6-10

Tracks continue to the east as viewed from Potato-Illahee Mt. 9-5-10

While the designated road 910 first heads initially straight south, downhill, at the end of the first east-west extension, the road (as such) disappears and basically continues only as a 2 track on grass. See photos below.

Rd. 910 E side of 2nd E-W path, looking west

Rd. 910 W Side of 2nd E-W path, looking east

The more defined dirt track road ends approximately one-half mile from the point the road first enters the northern most end of the prairie. The road (through grass) back east-west, then turns south again. Just before it turns east-west the third time, there is perhaps at best only another 25 yard stretch where dirt is again slightly visible under the tire tracks. When the road turns to the east again (about ¾ mile from the beginning of the

prairie) various tire tracks through grass (with no define road) continue to the south as well as the east.

After ¾ miles from the top of Adams Prairie various tracks proceed in all directions. Person on left is on the supposedly "official" road. The dog is at the junction of the two similar grass track roads. (Photo looking south (9-6-10).

Without looking at the Forest Service map one would not know which trail to follow as the "official" road. Point it is unreasonable to expect drivers to follow any defined road, where no road any longer exists, nor is clearly defined.

Continuing on downhill on this 2-track grass road, the 3rd east-west stretch still continues only as a grass track.

Rd. 910 at 3rd E-W "switchback" looking west and then east from same spot (9-6-10)

At the extreme east end of this 3rd east-west stretch the road is again there, only barely detectable where it briefly leaves the prairie and enters the forest—before continuing on down the prairie. Point is we walked a considerable distance beyond the point where the defined road first ended, and found little trace of it, after (again) the first half mile.

Because there is no clearly, single established route that remains beyond a half (to at best ¾ mile) down Rd. 910 after the point it enters Adams Prairie from the top, <u>this road</u>

should not be included as presently described in the Forest Service Travel Plan. Instead, vehicles should be stopped before they would first enter the prairie, and a specific parking and turn around area should be clearly marked and established. Presently .2 mile before entering Adams Prairies there is a pull out along either side of the still forested road, as well as .1 mile before the prairie, and where you enter a mature/older forest grove is a pull off to the left of short, dead end road (913). Vehicle traffic should be halted at either one of these two locations, so an effective barricade or gate could be provided BEFORE vehicles ever enter the Adams Prairie meadows. Visitors could then walk .1 mile through this forest to emerge at the meadow expanse, more in keeping with what the Forest Service sign at the meadow's start currently recommends.

In conclusion, and as well summarized in Siskiyou Projects previous appeal comments of March 8, 2010 (page 35):

> "The motorized route illustrated on Alternative 5 map is unsuitable for motorized use since no route (i.e. mineral soil, physical depression, road cut, or fill) is visible in the southern portions of Adams Prairie. (As much of the) route has revegetated from non-use and must be excluded from the MVUM. The FEIS II-10 states that "routes that have revegetated from non-use were excluded as well." (emphasis added) Since no route is physically discernable, the motorized use that may be occurring presently and in the future would be technically prohibited because it is cross-country travel in a meadow. Enforcement of prohibition to cross country travel in this sensitive meadow area would be impossible because there is no visible trail. The trail width is 0. The southern portion of Adams Prairie would likely become a defacto OHV "play area" in a meadow as no trails are visible."

Our additional concern is that under the proposal contained in the Forest Service's December 2009 decision, the "north" end and entire Adams Prairie may likely become "a defacto OHV play area" as well.

Sincerely,

Wendell Wood

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ww@oregonwild.org

cc: Steve Johnson and Scott Conroy

0022 Attachment 04

August 15, 2010

Pam Olson
Rogue River-Siskiyou National Forest
3040 Biddle Road
Medford, OR 97504

Dear Ms. Olson,

Specific to the Gold Beach Ranger District, Oregon Wild would like to submit the following concerns for the Forest Service to consider and address in developing a new decision on Rogue River-Siskiyou National Forest Travel Plan on the Gold Beach Ranger District. (see attached)

Sincerely,
Wendell Wood
Wendell Wood, Wildlands Interpreter
PO Box 1783
Crescent City, CA 95531
707-218-8355
ww@oregonwild.org

cc: Steve Johnson and Scott Conroy

August 15, 2010

Pam Olson
Rogue River-Siskiyou National Forest
3040 Biddle Road
Medford, OR 97504

Dear Ms. Olson,

0022 Attachment 04

Specific to the Gold Beach Ranger District, Oregon Wild would like to submit the following concerns for the Forest Service to consider and address in developing a new decision on Rogue River-Siskiyou National Forest Travel Plan on the Gold Beach Ranger District.

Sincerely,

Wendell Wood

Wendell Wood, Wildlands Interpreter
PO Box 1783
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Signal Buttes

Conservationists strongly oppose "new motorized trail construction/ reconstruction" in the Signal Buttes area (T37S R 14W) and that would encourage additional vehicle use and access into the Forest Service's own recently signed "Botanical Restoration Project"--where restoration work was begun this spring and summer 2010). Instead the existing 4WD FS Rd. 3680-195 should be gated to eliminate OHV damage that is already occurring to this area's sensitive resources, and to reduce the potential for spreading Port Orford Cedar root disease that has been already established as occurring along water courses within this specific area.

Vehicle road reconstruction along FS Rd. 3680-190; 3680-195 and 3680-220 would threaten adjacent area sensitive plants, and adjacent sensitive plant habitats including serpentine areas and Camas Lily containing wet meadows in this immediate area and off of Rd. 195 south and immediately east of the major Signal Butte. This is particularly if FS Rd. 195 were to be extend along the east side of Signal Butte as was proposed in the Dec. 2009 Travel Plan decision--as this construction would directly impact a wet meadow containing Camas Lily, *Camassia quamash ssp. walepolei*) (Section 31).

Additionally, increase vehicle use in this area could potentially impact BLM's North Fork Hunter Creek ACEC (T37S R15W) by enabling vehicle trespass via what is termed the ecologically sensitive "Stone Chair Trail". This unsigned trailhead to this ACEC's remarkable and expansive meadows under old growth Jeffrey Pine, with an Oregon White Oaks component in unusual close proximity to the coast, is immediately off of Rd. 195, just west of it's junction

with FS Rd. 190. Immediate, close access to, or areas to be bisected by this vehicle trail reconstruction, are located all along the December 2009 Travel Plan's proposed reconstructed vehicle trails in the Signal Buttes area.

These trails and surrounding meadows and serpentine, sensitive plant habitats could be heavily impacted with increase illegal OHV use in this immediate area. The Stone Chair (hiking not yet an ATV) Trail also bisects the west end of the Forest Service's recently initiated "botanical restoration project" for the sensitive Howell's or Gasquet Manzanita, *Arctostaphylos hispidula*. See specific Signal Buttes area sites as described in Forest Service Report: "Conservation Assessment for Gasquet Manzanita (Arctostaphylos hispidula) Within the State of Oregon", http://www.fs.fed.us/r6/sfpnw/issssp/documents/planning-docs/ca-va-arctostaphylos-hispidula-2010-03.pdf and which reads in part:

> "Some areas, such as the ultramafic bands in and around the Signal Butte area on the Gold Beach Ranger District, are likely to have thousands of plants occurring within them. The current data from the area are likely to grossly underestimate the numbers of plants because of minimal inventory, the density of vegetation, and difficulty in identifying A. hispidula.
>
> Considering range, distribution, and abundance, A. hispidula can be classified as a rare species based on a fairly narrow geographic range, an affinity for unique habitat/substrate (serpentine) and small to moderate sized populations (Kaye et. al., 1997), with the exception of a few populations recently discovered during our field assessments."

Other sensitive plant species known to occur in this area, and could be likely impacted by increased OHV use include: *Mondardella purpurea*; *Carex scabriuscula (C. gigas)* Siskiyou Sedge; and *Poa piperi.*

While FS. Rd. 195 provides access along a 4WD road to the top of the principal (highest) Signal Butte (3512 ft. elev.) to service a commercial communication tower, this road should be gated and closed during the wet season to prevent the spread of Port Orford Cedar disease into other parts of the watershed (consistent with Forest Service management in the District for other infected roads and stream crossings.) In a Sept. 2008 report by the BLM and Institute for Applied Ecology, the authors state (page 8):

> "*Phytophthora lateralis*" killed "Port Orford Cedars were observed on (adjacent) Forest Service property. The cedars that were observed in the (BLM, Hunter Creek) ACEC were all alive, but the proximity of the pathogen means that these trees are potentially at risk." And on page 12: "Vehicles should be parked at the parking area (near junction of FS Rds. 190 & 195) instead of driving the 250 yards of 4x4 road (FS Rd. 195) which crosses a creek with dead Port Orford Cedar. All boots should be cleaned with a dilute bleach solution prior to entering the ACEC."

Cultural resources are also threatened with increase OHV use in this area. The poorly marked "McKinley Mine Trail" also begins from FS Rd. 190 (Section 5) and the crosses FS Rd.195

(Section 6). This trail heads generally west and crosses FS Rd. (4WD) 195, (another ¼ mile beyond the Stone Chair Trailhead) approximately .5 to .6 mile on up 4WD road 195 beyond the FS Rd.190 junction (longitude: -124.279541, latitude: 42.405699).

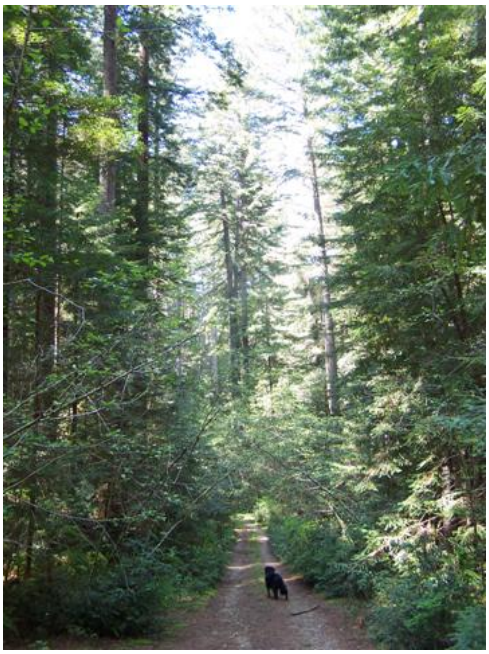
It soon crosses the upper headwaters of the N. Fork Hunter Creek, (with more dead Port Orford Cedars) and then passes the Col. I. E. Munsey cabin and grave site (small pile of rocks beside a tree) that are noted on small wooden signs. In this area, we observed artifacts, old bottles and metal pieces literally still lying on the ground. Brief references to these cultural resources for the late Col. Munsey and the McKinely Mine are given on pps. 101 & 211 "The Mineral Resources of Oregon, published monthly by the Oregon Bureau of Mines and Geology, Vol 2, No. 1, May 1916"at
http://books.google.com/books?id=9MUVAQAAIAAJ&pg=PA211&lpg=PA211&dq=%22Col.+I.+E.+Munsey%22&source=bl&ots=cXX-tboOni&sig=lqKVdexUFJRtvTQIgMAFUdrwps8&hl=en&ei=aUAyTPTsG8minQfE7KCMBA&sa=X&oi=book_result&ct=result&resnum=1&ved=0CBIQ6AEwAA#v=onepage&q=%22Col.%20I.%20E.%20Munsey%22&f=false

Finally, new motorized trail construction/ reconstruction linking FS Rd. 195 with FS Rd 103 in Sections 29 and 30 immediately to the north on Signal Buttes, would also potentially be in conflict with auto tours along the Forest Service's "self guided forest ecology tour" (long tour) that is a described in a brochure developed by the "Society of American Foresters and the US Forest Service". Additional trail "reconstruction" that would bringing additional OHV thrill craft onto this tour route originating along the Rogue River would be inappropriate as recognized in the guide's introduction which states: "Part of the tour is on gravel roads, so we urge caution; maintain slow speeds, keep to the right, avoid stopping on corners, and watch for oncoming traffic." The tour guides also point out features along the way such as serpentine plant communities, short trails to a small lake, and large meadow prairie area where OHV's that would at times leave the road would be similarly inappropriate.

Oregon's Redwoods

The Forest Service needs to close (an approx. 2/3 mile long) Gold Beach RD Road 1101-170 to vehicle traffic, protecting what is otherwise a defacto recreational trail to "level 1" road status. The area of vehicle closure should be from FS Rd. 170 junction with FS Rd. 1101 (T41S R12W Section 17), to FS Rd. 170's termination at private lands on the line between Section 16 & 17.

FS Rd 170 should instead be made available primarily as a hiking trail in association with the near by Oregon Redwoods Hiking Trails #s 1106 and 1107. Like trail #1106, road/trail 170, because of the generally level terrain surrounded by area tall trees, could be an additional "barrier free" recreational trail for almost its entire length, in a portion of the Siskiyou National Forest that is relatively easily accessed from Hwy 101 in southwestern most Oregon. In June, FS Rd. 170 also provides views of many Tiger Lilies, *Lilium columbianum*, that are not seen along the other nearby Oregon Redwoods Hiking Trails #s 1106 and 1107.



Trail/ road 170 through Oregon's Redwoods

Big redwoods along south side of Trail/Rd. 170

Presently area sensitive species such as Slink Pod Lily, *Scoliopus bigelovii* occurs in the immediate area (junction of 1101 and 170) at the northern most end of its biological range, and the area has been previously recognized as a potential site to reintroduce Kellogg's Lily *Lilium kelloggii*, where it has previously been reported to have once occurred in this immediate area.

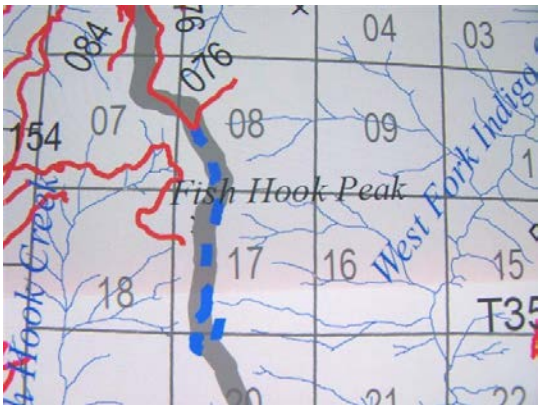
OHV use in this area is incompatible with existing highway vehicle use along FS Rd. 1101 for the established purpose of pedestrian/hiker access to the nearby redwood forest hiking trails #s 1106 & 1107 (where this road terminates). Thus traffic on this road should be limited, and not encouraged so as to increase incompatible, vehicle uses in this area. OHV use on FS Rd. 170 also potentially invites OHV use violations on the established redwood hiking trails. Additionally, increase vehicle use is already anticipated along the west end of Rd. 1101, as private lots here, have been recently cleared for (assumed) residential development.

Presently, as a dead end road, FS Rd. 170 (and FS Rd. 1101) provide no loop opportunities for OHV use. FS Rd 170, however, does provide great opportunities for viewing still more of the area's large redwood trees, on what has become a mostly level, easy accessed forest trail. Approximately, 1/4 mile down Rd. 170, on the north side of this narrow road, is an outstanding forested bench containing other mature and old growth redwoods and Douglas fir trees, and also one very large big-leaf maple (in another ¼ mile, and before the road dead-ends). Presently vehicles traveling down this road/trail muddy up low wet areas in spring, and impact native herbaceous plants growing along its side. Additionally, some vehicles are proceeding down this side road for the purpose of dumping garbage (which conservationist have collected or reported to the Forest Service in the past).

Fish Hook Interpretive Trail #1180

0022 Attachment 04

The Fish Hook Interpretive Trail, and Fish Hook Peak area in the Sugarloaf Mountain Area along the divided between the Gold Beach and Wild River Ranger Districts--Section 8 & 17 (T35S R10W) should not be opened to OHV or other motorized used as recommended in the Dec. 2009 decision. This highly scenic 2.5 miles trail has been long recognized as a "botanical observation, day hiking, and wildlife observation" trail in many previous produced Gold Beach Ranger District Trail guides, and most recently (is again described as such) in a latest 2010 trail hiking guiding "published by the Northwest Interpretive Association in cooperation with the Rogue River-Siskiyou National Forest" (and presently being distributed to the public at Forest Service offices).



This latest FS guide describes the Fish Hook Interpretive Trail #1180 as one six featured short trails on the Gold Beach RD, noting "a brochure available near the trailhead explains various aspects of the effect of the Silver Fire (1987), and also provides information on the wildlife, botany and cultural resources of the area." This short trail was designed for National Forest visitors that wish to study and contemplate nature at a slower pace, and is thus inconsistent to mix this interpretive use with OHV thrill craft adventurers.

0022 Attachment 05

From: Wendell Wood [mailto:ww@oregonwild.org]
Sent: Friday, August 05, 2011 3:15 PM
To: Alan Vandiver (avandiver@fs.fed.us); nschwieger@fs.fed.us
Cc: 'Pam_Olson@fs.fed.us'; 'srjohnson@fs.fed.us'; 'sconroy@fs.fed.us'
Subject: Shasta Costa/ Stout Creek Motorized Trail proposed in Travel Plan

OREGON WILD
Formerly Oregon Natural Resources Council (ONRC)

August 5, 2011

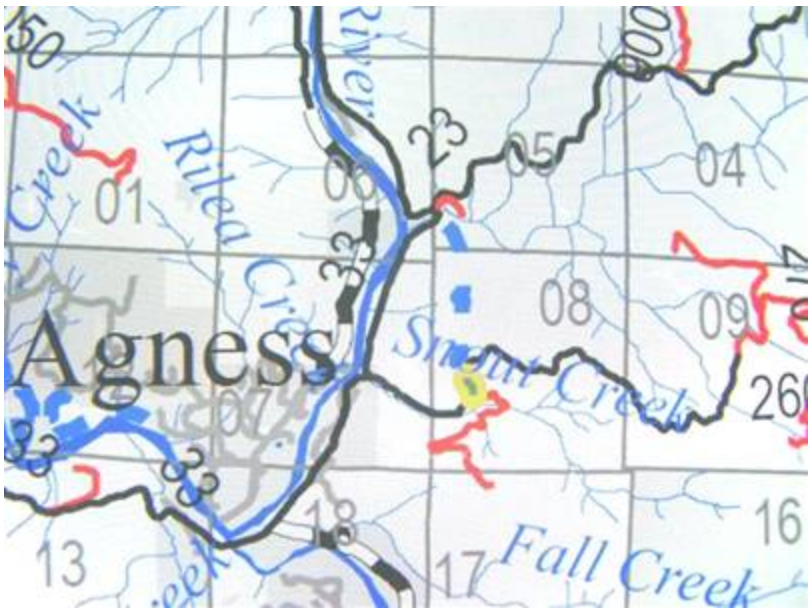
Alan Vandiver, District Ranger
Gold Beach Ranger District
Rogue River-Siskiyou National Forest
29279 Ellensburg Ave.
Gold Beach, Oregon 97444

Regarding: Shasta Costa/ Stout Creek Motorized Trail proposed in Travel Plan

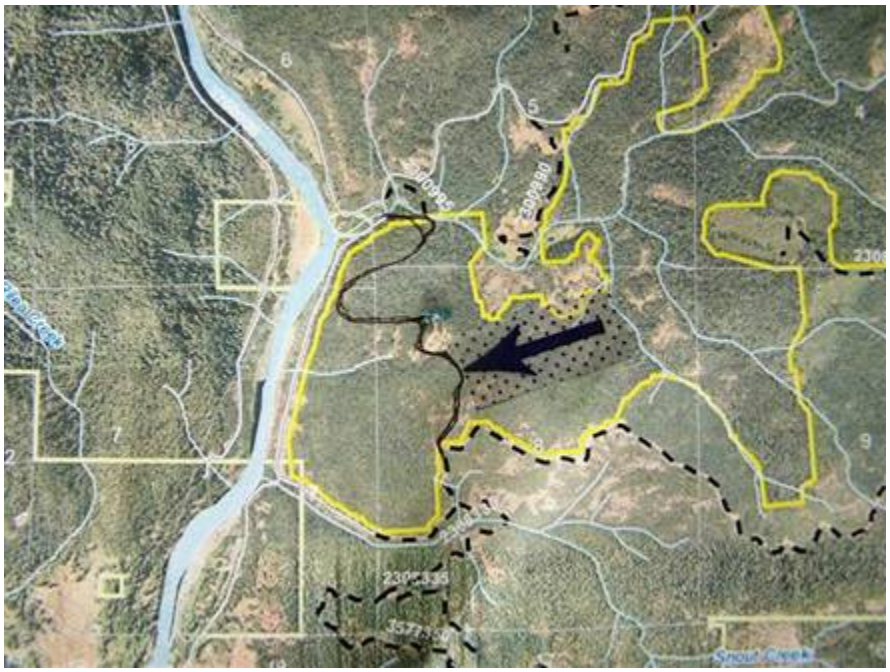
Dear Mr. Vandiver,

We are writing to supplement our previous comments about inappropriate motor vehicle use impacting meadows in the lower Shasta Costa Creek area, and to specifically state our objections to the Forest Service further sanctioning future vehicle use of an estimated 1.5 mile long trail that extends from the south side Shasta Costa Creek over a ridge into the Stout Creek drainage (to where this road/trail ends ¾'s of a mile up the Burnt Ridge Rd.-- FS Rd. 2308). The location of this trail is roughly shown by a dash blue line in your previously approved (now withdrawn) Rogue River-Siskiyou National Forest Plan, pasted here below.

0022 Attachment 05



While not entirely accurate, below we have attempted to draw our approximation, as identified with the black arrow, of the route this trail more specifically traverses.



Previously, we have written (May 27, 2009 and September 24, 2010) expressing concerns about off road vehicle impacts to meadows in the lower Shasta Coast watershed as accessed through an open gate at the top of FS Rd. 990 (T35S R11W Sec. 5) off the Bear Camp Rd., FS Rd. 23. While we are still concerned about OHV impacts in this particular area, the Ranger explained to me in a meeting in Gold Beach RD office of November 17, 2010 that I was confusing this area with another area in the lower Shasta Coast/ Snout Creek drainage that was proposed for

development for motorized recreation in the last released Rogue River-Siskiyou National Forest Travel Plan.

On July 31, 2010, I had an opportunity to hike this area that the Forest Service previously described to me as an existing "ATV trail"--that was explained as being the specific location of the prior Travel Plan's motorized recreational development proposal in the lower Shasta Costa Creek watershed. Despite our previously expressed concerns about OHV impacts occurring immediately upstream, no mention was made of the extensive string of erosive ruts that I have now observed that are contained along this route, and similar vehicle impacts to other meadows just off this Snout Creek OHV trail.

As it is our concern that this motorized recreational trail is likely still under consideration to be officially sanctioned by the Forest Service in your next Travel Plan decision, we wish to make the following comments and express our considerable concerns about the impacts this existing OHV trail is presently experiencing.

Having now walked the length of the existing motorized trail, (as described) we understand our prior mistake in identifying its location--based alone on a blue dash line contained in the Travel Plan and only identified this OHV trail's general location. To date we have been able to find any other maps that shows this OHV trail, or the just under **.**1 mile road on the south side of Shasta Coast Costa Creek, off of Rd. 33 that provides one of this trail's two access points.

Initially, off Rd. 33, on the south side, near the mouth of Shasta Costa Creek, a short, all grade vehicle road terminates at a cleared, dispersed recreation site, where the Forest Service (assumingly) has placed a picnic table, and posted a sign stating that there is no garbage collection at this otherwise non-designated, open camping site.

From this point, two, not just one, ATV trails leads steeply up the hill, overall to the south. (See photos below)

It was appalling to see the amount of major ruts and erosion that is occurring along this (apparently never officially authorized) ATV trail. The ruts are so deep that initially lead out from the Shasta Costa side camp area, that it appears that the second trail was probably cut by OHV users to avoid places that on the original trail might be non-passable, or only passable with great difficulty for most OHVs.

OHV trail out of camp area

2nd OHV trail out of camp area

Similarly, there were many additional, similarly eroded, and deeply rutted areas all along the trail, particularly on the Shasta Costa side, but also on the Snout Creek drainage portion of this OHV trail.

0022 Attachment 05

In addition, to an excessive amount of toilet paper was observed above the camp area, where the initial part of the trail is being used as a toilet area, there were very noticeable amounts of trash scattered along the trail. Some I picked up in the camp area, but was unable to collect a large amount of trash that had been left along the trail, slightly before reaching the summit, and near an overview, where the Rogue River is visible below from the OHV trail. (I did, however, report this trash to a Forest Service employee that I laterobserved in the other camp area on the north side of Shasta Costa Creek. By the way, here rock barriers placed to keep vehicle directly out of camping areas along this side of the creek, have been defeated, with clear tracks of where vehicle have driven over two parallel berms.) See photo immediately below.

When reaching a series of small, oak lined meadows on the top of the ridge between the Shasta Costa and Snout Creek drainages, there are numerous instances of where both motorcycles and ATVs have left the established trail, and have caused damage to the adjacent meadows. At one meadow just over the ridge line on the Stout Creek side, a two track trail going into the meadow, is almost as impacted as the established road from which it originates.

Side trail off main trail into a lg. meadow area

Tracks of rutted trail on the Snout Ck. side of the trail.

While much needs to be done to try to rehabilitate and repair the ruts and damage done to this trail, this trail does have the potential to offer hikers and lighter impact recreationist through

diverse habitats over this trail's approximately 1.5 mile length. But, much needs to be done first, to repair the existing damage to making hiking here a pleasant experience. The scenic and biological diversity of the trail experience, nevertheless, includes moist, old growth Douglas Fir forests and mixed evergreen hardwood forests on the Shasta Costa Creek side of the trail; a grand view of the Rogue River from the top of the ridge dividing the watersheds; and equally diverse meadow habitats on the Snout Creek side of the route. These meadows are surrounded by not only Oregon white oak, and canyon live oak, but also black oak trees as well. However, because of the existing erosion and other meadow impacts, this area is inappropriate to be further considered for any Forest Service sanctioned motorized recreational development.

The following are additional question we have about the area, that we could like to discuss with appropriate members of your staff that would be knowledgeable of the of the area and following information:

1) What is the origin of this trail? When was it first constructed, and by whom, and for what initial purpose(s)?

2) What is the name of this trail and in what Forest Service documents or memos has this trail been previously described or discussed as being either authorized or unauthorized?

3) As approximately half or more of the existing OHV trail is in the SW corner of Section 5 and the north half of Section 8 (T35S R11W) of the inventoried Shasta Costa Roadless Area, how does this trail's construction, and Forest Service's seeming sanctioned use, square with area uses described in the existing Land and Resource Management Plan? Is this OHV trail referenced anywhere in this or any other document that provides any kind of environmental analysis of its construction, use, or past or present environmental impacts?

4) What is the percent slope that Forest Service policy or guidelines permits for sanctioned trail use OHV use on Forest Service lands, and how does the Snout Creek OHV trail meet

these safety and erosion hazard criteria? Portions of this OHV trail, especially on the Shasta Costa Creek side, are far steeper than most hiking trails.

5) Do any Forest Service memos exists that discusses this trail's present motorized use, or analyze or discuss the ruts and potential erosion and existing OHV impacts and trespass into area meadows?

6) How does the Forest Service intend to address or rehabilitate the many areas of this OHV trail that are presently heavily eroded, and to prevent unauthorized vehicle intrusions into sensitive area meadow habitats?

7) On what appeared to be the main ATV trail leading east of the seemingly non-designated, but sanctioned camping area, was a small berm. This seemed like an obstruction that might have been placed along this road at one time, as the Forest Service does elsewhere, to close temporarily, or other roads where some prior entry was made, but where the Forest Service wishes to discourage future vehicle use.

Berm previously placed at beginning of OHV trail at camp area on the Shasta Costa side.

Please provide us any information that acknowledges if the Forest Service has previously made any attempt to close this road in the past. And, if any such prior documentation does exist, have ongoing violations, or the lifting of that vehicle closure ever been readdressed?

8) How can the Forest Service justify sanctioning this already heavily eroded and rutted, motorized trail's continued use and expansion in any revised Rogue River-Siskiyou National Forest's Travel Plan, when there apparently has been inadequate staff or funding

to correct, rehabilitate and enforce against the numerous environmental impacts already associated with this OHV trail?

9) Finally, please tell us when you now anticipate a new decision being made and released on the Rogue River-Siskiyou National Forest's anticipated 2011 Travel Plan?

As this and other examples that we've offered clearly demonstrated that OHVs elsewhere in the lower Contra Costa watershed continue to cause damage to sensitive forest resources, it seems illogical were the Forest Service to now formally sanction this, and additional, motorized vehicle use here in the anticipated 2011 Travel Management Plan Record of Decision. Simply stated, to do so, would only be to further reward bad behavior.

Oregon Wild would like to informally request answers to these above nine questions. Please let us know, however, (and within the next couple of weeks), if you would instead prefer that we make a formal Freedom of Information Act Request for the specific documents that might exist specific to the above questions and requested information.

Sincerely,

Wendell Wood

Wendell Wood, Wildlands Interpreter
PO Box 1783
Crescent City, CA 95531
707-218-8355
ww@oregonwild.org

cc: Scott Conroy, Pam Olson and Steve Johnson

0022 Attachment 06

From: Wendell Wood [mailto:ww@oregonwild.org]
Sent: Monday, July 12, 2010 8:47 PM
To: George Sexton (gs@kswild.org); Rich Nawa (rich@siskiyou.org)
Subject: OHV damage at Fairview Meadow, Gold Beach RD

Rich told me that during your appeal resolution negotiations with the Rogue River Siskiyou National Forest, that the agency conceded your point of the inappropriateness of doing an off road vehicle trail construction in the Fairview Meadow area as contained in the Dec. 2009 decision. Just in case this should become an issue again in the near future, here's documentation of the damage that has already occurred there, in the NE corner of the botanical area.

OHV damage at Fairview Meadow in Section 24 in the NE corner of the Snow Camp Botanical Area. The tire track damage is on the north side of FS Rd. 3680, **.**5 mile west of the junction with FS Rd. 1376 and .4 mile west of FS Rd 1376 junction with 3680-360. The tire tracks through Fairview Meadow are immediately across from a turn off to a small camping area south FS Rd. 3680. Specific location shown with arrow point below. Photo taken by Wendell Wood on July 11, 2010

0022 Attachment 06

0022 Attachment 07

From: Wendell Wood [mailto:ww@oregonwild.org]
Sent: Wednesday, May 27, 2009 12:29 PM
To: 'avandiver@fs.fed.us'
Cc: 'comments-pacificnorthwest-rogueriver-siskiyou@fs.fed.us'; Michael W. Dearborn (mdearborn@fs.fed.us)
Subject: Lower Shasta Costa Creek meadow OHV damage

OREGON WILD
Formerly Oregon Natural Resources Council (ONRC)

May 27, 2009

Alan Vandiver, District Ranger
Gold Beach Ranger District
29279 Ellensburg Ave
Gold Beach, OR 97444

Dear Mr. Vandiver,

Even though formal comments on the DEIS for Motorized Vehicle Use on the Rogue River-Siskiyou National Forest were due on May 11, we would still like to inform the Gold Beach Ranger District of a resource concern near the confluence of Shasta Costa Creek and the lower Rogue River.

Oregon Wild would like to request that the gate at the top of FS Rd. 990 (T35S R11W Sec. 5) be permanently closed, and not opened to allow motorized use within this immediate area. FS Rd. 990 is located only ¾ mile up (on the downhill side) of Bear Camp Rd (FS Rd.23). This area provides a fine recreational hiking (non-motorized) experience to Shasta Costa Creek though lovely conifer surrounded oak meadow woodlands on down to Shasta Costa Creek.

Vehicles that use this road continue to go off the road, doing "donuts" and impacting the meadow and stream side areas. Additionally, less than a ¼ mile down this road, the road bed drops steeply and is already becoming highly eroded. (See attached photos taken on May 25, 2009.) Additionally, once the terrain levels out, vehicles are then leaving the main vehicle track, forking to the left (east), and increasing the motorized trails accessing the edge of the stream along still another portion of lower Shasta Costa Creek.

This area is too sensitive to allow ever increasing motorized use in this small square mile area. Because of its overall flat, and extremely accessible location near Agness-- immediately off the main FS Rd. 33 along the lower Rogue River--this area would be best managed for non-motorized dispersed recreation, with the existing FS Rd. 990 used only as a non-motorized trail.

Also, we noted an older sign (now covered with bracket fungus) at the top of the road 990 at the junction with paved FS Rd 23 saying: "*Please protect sensitive meadow habitat. Motorized*

vehicle prohibited on all meadows. Foot traffic welcome." Keeping this gate closed is the only way this goal can be even reasonably accomplished. Another unauthorized 4-wheel drive vehicle cut-off that accesses Rd. 190 just after the gate, needs also to be appropriately barricaded.

Please advise us, if this is your intent, and whether or not this (seemingly sometimes) gated road should have in fact been closed, instead of open. Also, in the eastern portion of section 5 we noted a number of Douglas fir trees circled with plastic orange flagging. Can you also inform us what the purpose of this flagging is?

Thank you for your consideration. Please call me to discuss further at 707-218-8355.

Sincerely,
Wendell Wood
Wendell Wood
Wildland's Intepreter

cc Michael Dearborn and Rogue River-Siskiyou NF Travel Management Team

0022 Attachment 08

From: dh.oregonwild@gmail.com [mailto:dh.oregonwild@gmail.com] **On Behalf Of** Doug Heiken
Sent: Thursday, May 13, 2010 9:34 AM
To: comments-pacificnorthwest-regional-office@fs.fed.us; comments-pacificnorthwest-rogueriver-siskiyou@fs.fed.us
Subject: comments on the scope of the reanalysis of the Rogue River - Siskiyou Travel Management Plan SEIS

To: Mary Wagner, Scott Conroy, Pam Olson, and Steve Johnson.

Please find **attached** some initial scoping comments on the proposed reanalysis of the Rogue River - Siskiyou Travel Management Plan. We urge careful consideration of the role of motorized vehicles that may spread Sudden Oak Death disease.

OREGON WILD
Formerly Oregon Natural Resources Council (ONRC)

PO Box 11648 | Eugene OR 97440 | 541-344-0675 | fax 541-343-0996
dh@oregonwild.org | http://www.oregonwild.org/

May 13, 2010

Mary Wagner
PNW Regional Forester
USDA Forest Service, Region 6
P.O. Box 3623
Portland, OR 97208-3623

Scott D. Conroy
Forest Supervisor
Rogue River-Siskiyou National Forest
3040 Biddle Road
Medford, OR 97504

Pam Olson
Environmental Coordinator
Rogue River-Siskiyou National Forest
3040 Biddle Road
Medford, OR 97504

Dear Ms. Wagner,

On April 27, 2010 the Rogue River-Siskiyou National Forest announced the withdrawal of the Record of Decision for the Travel Management Plan released in January 2010.

0022 Attachment 08

In response to the Forest Service's announcement that it will now prepare a Draft Supplemental Environmental Impact Statement, we wish to request that the Forest Service also address the following issue.

While conservationists' have previously expressed concerns about the spread of Port Orford Cedar disease forest wide, Oregon Wild asks that the Forest Service also similarly consider how motorized uses in the recently expanded Sudden Oak Death Quarantine Area might also inappropriately contribute the spread of the Sudden Oak Death pathogen *Phytophthora ramorum*--both within and beyond the present quarantine area in southern Curry Co. Oregon.

As shown on Oregon Dept. of Agriculture (ODA) Plant Division's website, http://www.oregon.gov/ODA/PLANT/603_052_1230.shtml , the formal quarantine area has now been expanded as described below:

> (2) Area under quarantine:
> (b) The following portion of Curry County that lies inside the area south of the northern border of T38S R12W sections 29 and 30, T 39S R13W sections 1, 2, 3, 4, 5, and 6, and T39S R14W sections 1, 2, 3, 4, and 5; then west of the eastern border of T38S R12W sections 29 and 32, T39S R12W sections 5, 8, 17, 20, 29, and 32, T40S R12W sections 5, 8, 17, 20, 29, and 32, and T41S R12W sections 5 and 8; then north of the southern border of T41S R12W Sections 7 and 8, T41S R13W Sections 23 and 24 to the intersection with US Highway 101 and then northeast of US Highway 101 to the intersection with T41S R13W Section 10 and then north of T41S R13W Sections 8, 9, and 10; then east of the western border of the Pacific Coastline;

View map of new quarantine area (jpg)
http://www.oregon.gov/ODA/CID/PLANT_HEALTH/images/lg/prop_sod_quar_area.jpg

This quarantine area includes a major portion of the Gold Beach Ranger District.

Additionally, numerous signs have been posted along many of the District's major transportation roads, noting that "the pathogen's spores may spread in water, soil, and infected plant materials" and asks the public to not even walk off of foot trails, and to wash the tires of vehicles that are traveling in this area, and not to remove any kind of plant materials from the area. See attached.

These instructions, that cannot be read by passing vehicles unless one were to stop and get out of their vehicle to read them, among other things, specifically direct forest visitors within the quarantine area to:

> "Park your vehicles in designated parking areas because spores may collect on your tires and spread to other areas."
>
> "Avoid areas of damp soil or mud when walking, biking or horseback riding."
>
> "Clean soil and mud off shoes, bikes, vehicles, and animals' feet to prevent spreading pathogen-containing soil."

In our visits to areas where we have seen these signs posted, we are unaware of any measures being taken to enforce these described procedures, or to provide on-the-ground-signs that also specifically show the boundaries of the quarantine area. We therefore ask the Forest Service to address this in the Rogue River-Siskiyou National Forest travel plan being developed, and to explain how these protocols and rules can be appropriately and effectively enforced.

The supplemental EIS also needs to address whether, at this time, it is appropriate to adopt any transportation policy changes that might further encourage and allow the use of vehicles (on or off-road) that could likely spread Sudden Oak Death pathogens around and outside of the (now expanded) SOD quarantine area. Additionally, the transportation plan needs to address whether the goals of the SOD quarantine can be met, if more than just the primary forest roads are open to vehicle traffic in the particularly rainy months of the year.

Where vehicles are to be allowed in the quarantine area, the Forest Service needs to address how and where vehicle tires are to be washed, and discuss if infected mud might otherwise be spread by vehicles driven within the quarantine area, that are then transported to other locations on trailers, or that are driven directly into other areas.

Additionally, the Forest Service needs to disclose what its current policy is regarding commercial and recreational vehicle use within the SOD quarantine area, such as for the hauling and removal of timber and the cutting of firewood, as well as evergreen bough and Christmas tree cutting, and if these activities, as being currently conducted, are consistent with ODA's signage and stated protocols.

Christmas tree cutting is but one limited, and seasonal use of Gold Beach Ranger District area roads. But, we offer it as one example, of what has appeared to be an inconsistency in policy. Last December (2009) an article appeared in the Crescent City, CA newspaper http://www.triplicate.com/20091202107618/News/Local-News/Oregon-fir-trees-require-documents-at-California-border saying: "People who get a U.S. Forest Service permit to cut their own Christmas tree in Curry County must cut the tree in wilderness areas deemed free of SOD by the Forest Service. The permit must be attached to the cut tree should it be transported into California."

However, when Oregon Wild's Wendell Wood called the Gold Beach Ranger District (last December), the Forest Service staffer told us that to take a tree across the CA/OR state line it would need to be certified as disease free by the Oregon Dept. of Agriculture; that the Forest Service did not do this certification; and that just a Forest Service cutting permit may not be sufficient. Thus, based on our interpretation from this phone conversation, there didn't initially appear to be a process available by which ODA certification could be accomplished, nor did the Forest Service personnel that we spoke to, seem to be aware of how such certification could be accomplished by ODA.

Concerning timber hauling within the SOD quarantine area, other Forest Service personnel told us, that if it were to rain hard enough that water was actually running into ditches off the road within the timber sale being operated, the timber operator would be temporarily asked to stop

timber removal operations during those periods. The Forest Service also told us while some of these requirements are discussed in the timber purchaser's contract, that the issue of removing wood products from the quarantine area was not discussed or contained in the previously written timber sale Environmental Assessment (EA). When we asked about how tires would be washed, we were told that just the "rotation of the tires" would remove any infected mud from vehicles operating within the area.

Additionally, we could find no other information on the Rogue-Siskiyou National Forest's website, except for one posting, 09/01/2009, telling the public they could not enter one specific area within the quarantine area, located along Redwood Nature Trail #1111 http://www.fs.fed.us/r6/rogue-siskiyou/news/2009/09-01-2009-hikers-cautioned-avoid-redwood-nature-trail-1111.shtml

As these communications were verbal, and thus subject to possible misunderstandings, please advise us, if you can better inform us of what the Forest Service policy is in regards to how SOD can be kept from being spread by recreational and commercial users within the identified SOD quarantine area.

Overall, the Forest Service needs to explain why Federal regulations that govern interstate movement of plant materials from a quarantine area (7 CFR 301.92) are seemingly not always consistent with ODA's quarantine rules regulating intrastate movement of plant materials. It appears to us that ODA's intrastate quarantine rules are more specific than the federal regulations.

Specifically, the Forest Service needs to explain if its proposed travel management plan risks the spread of SOD disease in the soil throughout southern Oregon's quarantine area, and to what extent the identified localized infections are (or are not) spreading, as it has in other parts of California. The expansion of the previous more limited quarantine area, and the more recent closure of the Redwood Nature Trail along the Chetco River would indicate that there is reason for concern that the infection is now more widely occurring.

Finally, in addition to analyzing these issues in your supplemental EIS as it now pertains directly to the new transportation plan, please advice us of any future changes, or correction in policies or rules regarding the use of vehicles, or removal plant materials within the southern Curry Co. *Phytophthora ramorum* Quarantine Area on Forest Service lands.

Sincerely,

Doug Heiken

Doug Heiken

0022 Attachment 08

Enclosed: picture of SOD sign

From: hap flynn hap flynn <mishap1975@yahoo.com>
To: FS-comments-pacificnorthwest-rogueriver-siskiyou
Subject: trail closure
Date: Friday, November 18, 2011 1:48:56 PM

Dear Mr. Scott Conroy;

I am writing to comment on the DSEIS for Motorized Vehicle Use on the Rogue River-Siskiyou National Forest. My concern is the tentative decision in the Preferred Alternative (Alternate 5, Map 4) to close a portion of the Lower Illinois River Trail #1161. (Box B on the Gold Beach Ranger District)

Only a few years ago I was introduced to the Illinois River trail for the first time. In that short amount of years I have hunted, camped, explored and just enjoyed the solitude the area has to offer. Most of my trips on the trail have been via motorcycle due to the amount of supplies I have. In my many trips on the trail, myself and other riders have spent countless hours clearing, cutting, shoveling and maintaining the many places this trail has been neglected. Without our motorcycles to haul the required equipment this chore would not get done. They also make it a lot easier to haul out random garbage left from the summer activities on the trail.

Our destination of choice is the Fanz ranch due to the open field, fruit baring trees and shelter. This makes for a perfect winter time destination to get away to. The traffic on the trail that time of year is next to none and any ware and tare is unnoticed. Except for the saw dust from cutting the many trees that are blown down along the way.

In closing, I would ask that you consider leaving the trail from the Silver peak Hobson horn junction open to Fanz ranch, and consider using the Fanz ranch as the border instead.

Thank you for your time,

Hap Flynn
Box 1114
Gold Beach, OR 97444

From: rockyr555@q.com
To: FS-comments-pacificnorthwest-rogueriver-siskiyou
Subject: Fwd: MRA Comments and Appeals to US Forest Service T.M.P.
Date: Friday, November 18, 2011 2:39:35 PM

Subject: MRA Comments and Appeals to US Forest Service T.M.P.

From: Rocky Reeser, MRA Liaison to Forest Service/Seat on Multiuse Trail Coalition.
P.O. Box 1479
Medford Or. 97501 tel. 541-779-1088 email: rockyr555@q.com

To: US Forest Service, Travel Management Plan Team.

1) Members of the Motorcycle Rider's Assoc. object and appeal to keep Horse Camp Trail #958 open to Single Track Motorcycle Access. We have maintained, as in log out, brush cut this trail for years. We have been thanked at least once by Forest Service Rangers, including Ranger Steve Johnson for all the work we have done in years past. In one particularly stormy year, one clearing team spent 11 days clearing the storm damage which made the trail unpassable to ALL USERS.

Most of the heavy trail maintenance in that area is done be two 70 year old volunters who could not accomplish their work without trailmotorcycles. These trails will be lost even to hikers in a short time if not cleared every year. (Pics avail. on request)

Trail 958 may be an out and back trail, but, this 'out and back' represents an 8 mile recreational experience.

With closure of ALL cross country travel, we need every opportunity to disperse and save this all day recreational experience.

Just because of it's proximity to the Pacific Crest Trail,it should not be a consideration or reason to close this trail. The PCT crosses many points on Forest Service Roads. Should all these roads be closed too, because of the Temptation Factor, that someone may take a Dual Sport M/C or Jeep on the PCT?

Please reconsider this planned closure.

2) Concerning the Boundary Connector to Sucker Creek/ 098 Forest Service Rd.---This was dropped from consideration on the TMP alt. 5 draft.

Please consider a closer connector on an established, although little used trail, East Fork Sucker Creek Trail. This comes off the Boundary and Ends on rd. 472

(On documented older maps, FS rd. 4041-A) But on the TMP Packet Supplied Maps, this Forest Service Road is numbered 472

This trail is an old established connector, although needed clearing at present.

It is mentioned on several pages in a book titled, "Hiking the Bigfoot Country" by John Hart, circa 1975. We of the MRA still believe and hope the wisdom this connector, The East Fork Sucker Creek Trail. It's ease within 1/2 mile sight of looking down the system of Forest Service Roads Below be considered. It would exit on Forest Service Rd. 4041-A.....in this case 472
The present beginning of this trail off the boundary is in the North Saddle of Swan Mountain, and if nothing else, make it a downhill exit off the Boundary Trail, thereby saving Traffic and Possible issues of user conflict by 50%. This idea also let's plated dual sport bikes head home in the direction of Cave Junction/and/or the Coast. The Sturgis Trail would see less use with this short connector.

3) Trail 904, Green Valley Trail is not mentioned as a loop exhaust off the Boundary, this trail should be kept in inventory, and usable with MRA volunteer labor. Once again cutting usage from Sturgis Trail Entry and Exit.

Sincerely Yours, Rocky Reeser of the M.R.A.

From: Brian.J.Henry@uscg.mil on behalf of Henry, Brian LCDR
To: FS-comments-pacificnorthwest-rogueriver-siskiyou
Subject: DSEIS Motorized Vehicle Closure
Date: Friday, November 18, 2011 3:07:37 PM
Attachments: DSEIS Motorized Vehicle closure.zip
About WinZip Compressed Attachments.txt

<<About WinZip Compressed Attachments.txt>> To Whom it may concern,
Attached is my letter request regarding the potential closure of a portion of the Lower Illinois River Trail #1161 (Box B on the Gold Beach Ranger District). The text of the letter is also below in case you have issues opening the letter. Thank you for your consideration in this matter.
Regards,
Brian Henry

Brian J. Henry
93572 Easy Lane
Coos Bay, OR 97420
(541) 267-4916
November 18, 2011

Scott Conroy, Forest Supervisor:
C/O David Krantz, Project Lead
Forest Supervisor's Office
3040 Biddle Road
Medford, OR 97504

Subject: Comments on Draft Supplemental Environmental Impact Statement of
Motorized Vehicle Use on the Rogue River - Siskiyou National Forest

Dear Mr. Conroy,

I have reviewed portions of the subject document as it pertains to the Preferred Alternative - Alternative 5 - Map 4 and I am concerned about the potential closure of a portion of the Lower Illinois River Trail #1161 (Box B on the Gold Beach Ranger District).

I have been a regular user of this trail for the past four years, both on foot and on a motorcycle. I primarily use it for hunting purposes and use a motorcycle for packing both gear and game. I also occasionally ride the trail for pleasure and to camp, using both Conner's Place and the old Fantz Ranch as destinations for all three of these activities. The Fantz Ranch in particular serves as a very desirable destination due to the availability of an existing shelter, especially during inclement weather.

From my experience and observations during this time I have noted that motorized use of this trail has been extremely light, keeping any detrimental impacts to a minimum. This includes wildlife harassment, soil erosion, water quality, user conflicts and others. Though this portion of the Illinois River Trail is located within the North Kalmiopsis Inventoried Roadless Area, it does not have any of the troublesome attributes associated with other trails proposed for change in this District. (Chapter II, page 42, DSEIS).

Over the 4 years that I have used the trail, I have volunteered my time by keeping it open and safe. I know this task is also performed by a group of horse riders and some fellow hunters. I have received encouragement and appreciation from hikers for keeping the trail open and safe.

I am requesting that you consider leaving this trail open to motorized use as in the Proposed Alternative - Alternative 3 - Map 2, or modify the closure of this trail to begin at Forest Creek (just south of Fantz Ranch) instead of at the Silver Peak/Hobson Horn Trail (#1166) junction. This would keep the horse barn on Fantz Ranch accessible by motorized vehicle and still eliminate motorized vehicle impacts for the majority of the trail.

Sincerely,

Brian Henry

From: John Mittendorf John Mittendorf <truckops@clearwire.net>
To: FS-comments-pacificnorthwest-rogueriver-siskiyou
Subject: Travel Management Plan
Date: Friday, November 18, 2011 4:40:06 PM

To Whom It May concern:

I am writing as a concerned citizen regarding the proposed Travel Management Plan that is currently under review - - specifically the area that is known as "Horse Camp Trail." As a person who "enjoys the great outdoors," who is 71 years old, who has spent over 30 years in the Fire Service and understands public safety, accountability, and the protection of our natural resources, I feel it is important to maximize the use of the aforementioned area to the public within common-sense-guidelines.

For the past 10 years, I have been a part of several motorcycle riders who use small "trail bikes" with "trials tires" (minimal footprint) in addition to chain saws to maintain the trails in the Applegate area (and also the Sturgis area), which has resulted in the trails being kept open to horses, hikers, mountain bikes, and the few off-road (ORV) riders that use these areas. As an example, for the past year, we have kept track of our time and forwarded hours invested along with appropriate pictures to Ranger Steve Johnson which has helped to clarify trail conditions and their usability. We believe that since the Forest Service has minimal resources and severe budgetary constraints, the maintenance of trails should be a cooperative effort between the Forest Service and the people who use the trails. Without a doubt, without annual maintenance, the trail known as Horse Camp trail(and also the Sturgis area) will be unusable to all forms of use within a couple of years due to "fall-down" after each winter. As an example, several years ago, we spent 11 days on Horse Camp trail alone, clearing fall-down, and rebuilding several sections that were destroyed by large trees.

An argument that has been postulated against closing the Horse Camp trail is the top portion of the trail ends in close proximity to the Pacific Crest trail (PCT) and is accessible to ORV use. However, in the years that we have used the Horse Camp trail, we have never seen signs of ORV use on the Pacific Crest trail. This is likely due to the fact that if a ORV were to use the PCT, there are no connecting trails that allow access to other known trail systems. It must also be remembered that the junction of the PCT, Horse Camp trail, and a public road does see some civilian traffic (autos and trucks - - normally from the Happy Camp-California area). As a side note, it is recommended that the PCT could be posted with more visible signs that would alert people to the presence of the PCT.

In conclusion, we are still committed to maintain the access and usability of the aforementioned trail systems and respectfully request that the planned closure is thoughtfully re-considered as well as future maintenance of the aforementioned trail systems.

Sincerely,

John Mittendorf

From:	Gil Gilbertson
To:	FS-comments-pacificnorthwest-rogueriver-siskiyou
Cc:	Sandi Cassanelli; Simon Hare; Don Reedy
Date:	Friday, November 18, 2011 4:57:42 PM
Attachments:	travel plan 11 15 11.doc

Dear Scott Conroy:

Attached is my input at this time.

Albeit you may sense a level of disappointment and frustration in the attachment, I sincerely want to work with you to a successful solution. We have yet to convene a sit-down to discuss any of the issues and I feel that is necessary. I have pointed out a few issues and look forward to meeting with you soon.

Regards,
Gil Gilbertson

JOSEPHINE COUNTY SHERIFF'S OFFICE

Sheriff Gil Gilbertson
601 NW 5th St – Grants Pass OR 97526
(541) 474-5120
FAX (541) 474-5114
e-mail: jocosheriff@co.josephine.or.us
GGilbertson@co.josephine.or.us

Dear Scott Conroy:

Attached is my input at this time.
Albeit you may sense a level of disappointment and frustration in the attachment, I sincerely want to work with you to a successful solution. We have yet to convene a sit-down to discuss any of the issues and I feel that is necessary. I have pointed out a few issues and look forward to meeting with you soon.
Regards,
Gil Gilbertson

15 November 2011

To: David Krantz
Environmental Coordinator
Supervisor's Office
3040 Biddle Road
Medford, Oregon 97504

From: Gil Gilbertson, Sheriff

Re: Travel Management Plan

Dear Mr. Krantz:

The USFS has not been forthcoming in many issues. I find this yet another unsettling affront to the Sheriff Office. As the elected Sheriff and Chief Law Enforcement Official of Josephine County I take issue with having your travel management plan dropped on my desk for review and comment within a 45 day period.

If this project started about 2002, you have had plenty of time to develop your strategy and plans, without consulting this Office or allowing this Sheriff any level of participation. If this is what you consider "Coordination", I cannot accept this as a proper method of working together. I have been in Office for the last five years and none of this information was shared with me until the closing event; and further, demanding a response according to your time schedule.

In the five years, I have been in Office; the USFS never once even alluded to an opportunity to "Coordinate" as required by your own rules and regulations.

I have found the USFS law enforcement abusive with a tendency leaning towards harassment and violating property owner rights in Josephine County. All of which, I am willing to discuss further, as a side issue. I am concerned about the manner in which your LE officers engage the citizens I am bound to protect.

Regarding your travel plan, I see one option is to take "no action"; but I am told that is not an option we can select. Now, my choice is – "no action". I have no idea what roads were closed, in this County, over the many years. I am not comfortable in approval of any option of your plan not knowing your past actions.

As the elected Sheriff, I am responsible for the health, safety, and welfare of all the citizens within this geographic jurisdiction. Having said that, I have the authority, and responsibility to protect the health, safety, and welfare of the citizens in this geographically defined jurisdiction. As such, I must assert my lawful authority to use any road, or trail deemed essential in this regard to conduct law enforcement operations including crime prevention, crime response, fire suppression, emergency medical response, assistance to federal agents, search and rescue operations, drug cartel and illicit drug eradication, and related operations.

I am willing to work with both the USFS and BLM in the preservation of our natural resources but I will not abrogate the Sheriffs' authority or responsibilities. I look forward to such a meeting.

I request an opportunity to discuss all of the aforementioned issues to find a workable solution. However, until the USFS and/or BLM can identify past, present, or future closures and satisfactorily articulate a sound reason for doing so – I will not recognize any gates, trenches, or other types of barricades.

I recently encountered a locked gate to which neither of my two keys could open. In the future, I will cut or remove such barricade to gain access. In the event a life is lost, I will do everything within my power to see the victim's family seeks appropriate civil remedy as provided by law. I see your road closure plan as a reckless and wanton disregard for human safety and life. Please prove me wrong.

Regards,
Gil Gilbertson, Sheriff
Josephine County
(541) 474-5120

0028

Rogue River – Siskiyou National Forest Travel Management
comments-pacificnorthwest-rogueriver-siskiyou@fs.fed.us

Scott Conroy, Forest Supervisor
C/O David Krantz, Project Lead
Forest Supervisor's office
3040 Diddle Road
Medford, OR 97504

As a member of the Pacific Northwest Four-Wheel Dive Association, I respectfully request roads currently open to motorized travel stay open to motorized travel. Not every one is able to travel via hiking horse back or bike, we have had physically handi capped people in on the trail and in the sourdough camp ground. The forest service has not addressed OHV Class II roads. Additional Class II roads need to be established for the enjoyment of the motorized public.

I have used the McGrew trail for at least twelve years and want the trial left open in its entirety. The McGrew Trail was the first Class II Adopt a Trail in Oregon and is vital to the 4X4 community in Oregon and California. I am a member of the Klamath Falls Four Runners 4X4 club and our club has donated countless hours maintaining the McGrew trail and Sourdough Campground. The gate to McGrew trail and Sourdough campground should be open by May 1st each year and not closed until mid November.

The Forest Service should open more User Created roads that make a loop to connect with; Level I, and Level II, roads open to the public.

Alternative II is the only option that leaves the entire McGrew trial system intact as we know it today. The TMP directive was not to close roads but to stop cross country travel. Additional trails for motorized access should be developed.

Dispersed camping should be allowed 300 feet from road ways.

Roads to keep open to OHV Class II Vehicles shown on the map in Box H:

1. Road # 19
2. Road # 112
3. Road # 172
4. Road # 206
5. Road # 259
6. Road # 450
7. Road # 497
8. Road # 535
9. Road # 530
10. Road # 550
11. Road # 4402

12. Road #3482 - 7.6 Miles north of the McGrew Trail

Comments from:
Wayne Bollinger
5443 Peggy Ave.
Klamath Falls, OR 97601
Phone 541-884-4727
teach03@charter.net

Member:
Klamath Falls Four Runners 4X4 club
Pacific Northwest 4 Wheel Drive Association

From: Keith@BRandK.org
To: FS-comments-pacificnorthwest-rogueriver-siskiyou
Subject: Motorized Vehicle Use on the Rogue River-Siskiyou National Forest
Date: Saturday, November 19, 2011 7:05:33 PM

Mr. Conroy,

I am writing to voice support for Alternative II.

We see a growing popularity and increased public interest in OHVs in all the National Forests at a time when more and more restrictions and closures are being proposed. Specifically we request more (not fewer) Class II trails and more Level I and Level II roads open to OHVs.

After many years, I am finally getting the opportunity to retire from my civil service job and the plan is for my wife and I to visit places in this country where we couldn't before due to time limitations. Due to the effects of time on our bodies, hiking for miles is not a viable option and we planned to drive my 4x4 pickup around the country, seeing as much of the non-Interstate system as possible.

Any alternative other that Alternative II limits those possibilities for us.

Over the years, I have found that the opportunity to get out into the forests with the 4x4 for a few hours or a few days has done much to relax and refresh me. I urge you to maintain as many of these opportunities as possible. Alternative II does the most to provide that.

By way of background, I am a mid-level white collar professional living in the suburbs who uses the forests and my 4x4 on weekends and vacations.

Thank you for your consideration.

Keith Holman

From: Suzanne Savoie Suzanne Savoie <asarum@wildmail.com>
To: FS-comments-pacificnorthwest-rogueriver-siskiyou
Subject: Travel Management Plan Public Comment
Date: Sunday, November 20, 2011 8:12:12 PM

November 19, 2011

David Krantz, Project Lead
Forest Supervisor's Office
3040 Biddle Rd.
Medford, Oregon
97530

I would like to comment on the Draft Supplemental Environmental Impact Statement for Motorized Vehicle Use on the Rogue River-Siskiyou National Forest. I oppose motorized trail use within Research Natural Areas, Botanical Areas, Backcountry Non-motorized Areas, Inventoried Roadless Areas, and Big Game Winter Range Areas. These specially designated areas are not appropriate for motorized use. I oppose plan amendments that allow for motorized use in Research Natural Areas and Backcountry Non-Motorized Areas. Specifically I do not think that motorized use is appropriate for the Boundary Trail, the Mule Mountain Trail system (including the Little Greyback Trail), the Cook 'n Green Creek Trail, the Stein Butte/New London Trail, and trails and/or roads in the South Kalmiopsis and the Wild and Scenic portions of the Illinois River. I support only Alternative Four because it prohibits OHV use in the above listed areas.
As an avid hiker and backcountry advocate, I want to see the disturbance to wilderness characteristics as limited as possible. The DSEIS lacks thorough analysis of noise disturbance associated with motorized use within specially designated areas. There should be a noise disturbance analysis for each trail that borders or enters Inventoried Roadless Areas, Backcountry Non-motorized Areas, or Wilderness Areas. The Boundary Trail, specifically, should have noise disturbance analysis that shows the distance that the noise disturbance would travel if approved for motorized use. There should be no noise disturbance that enters Wilderness Areas or Roadless Areas. The Mt. Hood National Forest EIS, for their Travel Management Plan, covers noise disturbance thoroughly and I would expect the same from the Rogue River-Siskiyou National Forest as well.
I have noticed that the road leading to Hinkle Lake, which is currently gated, is marked as opened to OHV use on Map 4 for Alternative 5 (DSEIS). This should be corrected on your updated map, as I am aware that an outstanding Forest Oder Closure actually prohibits OHV use in the Hinkle Lake basin. I support turning Forest Service Road 1040-850 into a non-motorized hiking trail.

Sincerely,
Suzanne Savoie
17607 Elliott Creek Rd.
Jacksonville, Oregon
97530

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From: Joan Peterson Joan Peterson <joanpete@dishmail.net>
To: FS-comments-pacificnorthwest-rogueriver-siskiyou
Subject: Travel Management Plan
Date: Monday, November 21, 2011 9:39:20 AM

November 21, 2011

Travel Management Plan
Medford Interagency Office
3040 Biddle Road
Medford,Oregon 97504

Dear Rogue River-Siskiyou National Forest Folks,

The newest version of your Travel Management Plan (TMP) that you have been working on for over five years has clarified some issues regarding motorized travel in the forest, but it has left many others still in limbo.

We have lived in Applegate Oregon for 35 years and have recreated (hiking, horseback riding and skiing) on National Forest Lands throughout the Rogue River-Siskiyou National Forest during that entire time. Two things we have found to be true are: Motorized Recreation and Non-motorized Recreation do not mix well on trails and off road users create incredible trail and environmental damage when traveling off of roads. So we applaud your decision to prohibit motorized vehicles from traveling off of roads but are still very much opposed to having mixed travel (Motorized and Non-Motorized) on the same trails.

Following are some specific comments on issues we would like to see addressed or at least better addressed in the Final Motorized Plan:

1. We don't think there should be a change through proposed Plan Amendments to open both Back Country Non-Motorized and Research Natural Areas to motorized use that is presently closed to off road vehicles.

2. Hiking trails in the Mule Mountain Trail System, the Boundary Trail, the Cook and Green Trail, the Elliot Ridge Trail and the Obrian Creek Trail should be off limits to motorized travel. Also,all motorized trail use that could effect Botanical Areas, Big Game Winter Range Areas, Riparian Reserves, Spotted Owl Cores, Inventoried Roadies Areas, Port Orford Cedar Habitat and Salmon Bearing Streams must be off limits to off-road vehicles.

We are disappointed in the fact that there has been little or no coordination with the Bureau of Land Management (BLM) who is also presently working on Travel Management Plans including off-road vehicle designations. It is imperative that the two Federal Agencies work together on joint travel plans (especially in the Applegate Adaptive Management Area) to assure we have the best motorized travel plans along with the least amount of impacts to the environment in Southern Oregon. The TMP briefly calls for consultation with "neighboring federal Lands" on monitoring motorized travel but provides no further details especially how the monitoring will be funded or staffed in these days of budget and staff cutbacks for such items.

4. We support Alternative 4 rather than any of the Other Alternatives.

5. The Forest Service must dedicate sufficient resources for collecting baseline inventory data and follow up monitoring, enforcement, and maintenance of off-road vehicle regulations. If there is not enough money or staff to implement this plan or any required restoration, motorized activity must be cut back accordingly.

6. Given the large size of the TMP Area, we have had to call for help in understanding all

2.

of the impacts and issues considered in this plan. Therefore, we incorporate all the comments made by Klamath-Siskiyou Wildlands Center and Luke Ruediger on the TMP. Please consider them as our comments as well.

Thanks you for this opportunity to comment.

Sincerely,

Chris Bratt and Joan Peterson
5317 Thompson Creek Road
Applegate, Oregon 97530

From: Art Waugh Art Waugh <goldhammer88@yahoo.com>
To: FS-comments-pacificnorthwest-rogueriver-siskiyou
Subject: TMP supplemental draft
Date: Monday, November 21, 2011 10:03:04 AM

We are in favor of Alternative 2, and in Particular the continued use of the McGrew Trail and the motorized access to Sourdough Campground. This trail and the campground have been used by our family and friends for well over 30 years, and on at least a once a year basis, if not more. Usually for 4-5 days at a time.

The McGrew trail has been under an adopt-a-trail project for the last 30 years, and has a long history of motorized use, which should be continued. It has also had a large number of State ATV funds used for its upkeep, as well as the road down into Sourdough. I would not like to see the USFS have to come up with the funds to repay the State if these areas are closed to motorized use.

We would like to see other trail opportunites for motorized recreation, especially for Class II vehicles.

Thank you for the opportunity to comment on this EIS, and we request to be put on the mailing list for a hard copy of all further documents.

Art & Louise Waugh
5570 S. Santiam Hwy. #15
Lebanon, OR 97355

From: Chris Kuper Chris Kuper <romainkuper@yahoo.com>
To: FS-comments-pacificnorthwest-rogueriver-siskiyou
Subject: motorized vehicles
Date: Monday, November 21, 2011 1:12:37 PM

November 20, 2011

Steve Johnson
Travel Management Team
Rogue River/Siskiyou National, Siskiyou Mountains Ranger District
645 Washington St.
Ashland, Oregon 97520

Email: comments-pacificnorthwest-rogueriver-siskiyou@fs.fed.us

Dear Steve Johnson

I applaud the Forest Service for finally addressing the use of motorized vehicles (MV) on its public lands. I have lived in the Illinois Valley for over 35 years and I have witness the increase damage to public lands due to MV. Rogue River/Siskiyou National Forest (RR-SNF) lands are rich with plant and animal diversity so the goal should be how to maintain this diversity at the same time allow some MV access. I support Alternative 4.

The Forest Service should not be promoting using trails or roads for the thrill of MV to mud and rut up. The recreation opportunity for the MV should be to promote going for one place to another. With this in mind the Forest Service should select some of the present secondary roads out of their 4620 miles of roads to be use for the ORV. These secondary road routes would be maintain to prevent erosion, prevent spread of evasive weeds and plant diseases. The routes could be maintained for small MV and motorcycle. They could be maintain to be use in the dry season. Trails in roadless area, botanical areas, etc should be off limits for MV. The Hobson Horn Trail, Boundary Trail, Illinois River Trail, Red Dog Trail, Cook and Green Trail, and Biscuit Hill Trail should all be closed to MV. These remote trails are degraded by the excessive noise of MV, spread of plant diseases and evasive plants. They are in the last remnants of our wild lands. We need to protect these pristine areas.

On the westside of the forest is would be hard to justify MV going on trails or unmaintained roads due to the increase risk of spreading Port Orford disease from infected areas to uninfected areas.

“Increased demand for motorized use, lack of designated areas/routes, and the inconsistent direction contained in the Forest Plans, has led to resource damage and social impacts, user conflicts, and safety concerns.” I feel the resource damage is due the advertisers promoting MV to be use to muddy up roads, stream etc. Forest Service needs to actively educate MV users on preventing resource damage.

Please consider my comments.

Sincerely yours

Christie Dunn

From: Terri Wharton Terri Wharton <TWharton@co.josephine.or.us>
To: FS-comments-pacificnorthwest-rogueriver-siskiyou
Subject: Draft Management Plan Comments
Date: Monday, November 21, 2011 1:46:31 PM
Attachments: image003.png
Forest Service Letter.pdf

Good afternoon, please see the attached letter from the Josephine County Commissioners regarding comments on the Draft Management Plan.

Thank you.

Terri Wharton
Secretary
Josephine County Board of Commissioners
500 NW 6th Street, Dept. 6
Grants Pass, OR 97526
541-474-5221x2

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This email is a public record of Josephine County and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This email is subject to the State Retention Schedule.

Josephine County Board of Commissioners
Sandi Cassanelli, Chair • Simon G. Hare, Vice Chair • Don Reedy, Commissioner

November 21, 2011

Scott Conroy, Forest Supervisor
C/O David Krantz, Project Lead
Forest Supervisor's Office
3040 Biddle Road
Medford, OR. 97504

Dear Mr. Conroy;

Thank you for the recent copies of the 2011 Draft Supplemental Environmental Impact Statement for the Motorized Vehicle Use on the Rogue River-Siskiyou National Forest.

The Josephine County Board of Commissioners requests that this letter be entered as part of the public record for this proposed action so we will have standing to the subsequent decision.

Our position is the County cannot adequately provide specific statements or a decision on the merits of the alternatives at this time because we have not had the opportunity to have our concerns and questions addressed by the Forest Service. However, we do have concerns, one of which is in regards to public access with the proposed closed routes.

We have requested and look forward to a Forest Service Representative briefing on the proposed Travel Management Plan, but none have been available to date.

We have previously requested coordination status with the Forest Service and have not had the opportunity for such coordination.

Please enter our objection to this process into the record.

Board of County Commissioners

S. Cassanelli
S. Cassanelli, Chair

Simon G. Hare
Simon G. Hare, Vice Chair

Don Reedy
Don Reedy, Commissioner

COURTHOUSE
500 N.W. Sixth Street, Dept. 6, Grants Pass, Oregon 97526 • Phone: (541) 474-5221 Fax: (541) 474-5105
"Josephine County is an Equal Opportunity Employer and complies with Section 504 of the Rehabilitation Act of 1973."

From:	Krantz, David
To:	FS-comments-pacificnorthwest-rogueriver-siskiyou
Subject:	FW: PCTA comments re: Travel Mgt DSEIS
Date:	Monday, November 21, 2011 3:09:56 PM
Attachments:	RRSNF-Travel Mgt Comments-PCTA.docx

From: Ian Nelson [mailto:inelson@pcta.org]
Sent: Monday, November 21, 2011 3:07 PM
To: Krantz, David
Cc: Johnson, Steven
Subject: PCTA comments re: Travel Mgt DSEIS

Hello-

Please find PCTA's comments attached. I've copied Steve Johnson here in case I have David Krantz's e-mail address incorrect.

Thank-you,
-Ian

Ian Nelson
Regional Representative
Northern California/Southern Oregon
'Big Bend Region'
Pacific Crest Trail Association
PO BOX 458
Medford, OR 97501
541-778-3252

The mission of the Pacific Crest Trail Association is to protect, preserve, and promote the Pacific Crest National Scenic Trail as an internationally significant resource for the enjoyment of hikers and equestrians, and for the value that wild and scenic lands provide to all people.

November 21, 2011

David Krantz
Environmental Coordinator
Supervisor's Office
Rogue River-Siskiyou NF
Medford, OR 97504

Dear Mr. Krantz,

I am writing on behalf of the Pacific Crest Trail Association (PCTA) to offer comments regarding the Draft Supplemental Environmental Impact Statement (DSEIS) for the Rogue River-Siskiyou National Forest Travel Management Plan. We at the PCTA are the USFS's primary private partner in the management of the Pacific Crest National Scenic Trail (PCNST). My office, based in Medford, has been working closely with the High Cascades and Siskiyou Mountains Ranger Districts' in the management and maintenance of the PCNST for the past seven years.

We at the PCTA strongly support the proposed alternative three outlined in the DSEIS. In particular, we are very pleased to see the language on Page II-29 of the document regarding the prohibition of motorized travel on the Horse Camp Trail #958. The Horse Camp Trail is one of the few opportunities to access the PCNST from the North side of the Crest without utilizing motorized routes. The trail affords a hiker or equestrian a route through spectacular forest, from the river canyons of the Applegate River watershed to the highlands of the Siskiyou Crest. The very steep grade of the Horse Camp Trail and the fact that it dead-ends at the PCNST makes it an unsuitable alternative for motorized travel. The presence of the Cook and Green trail to the east offers a viable option for motorized access of the Crest at a location where the PCNST already crosses an existing forest road.

We are proud of our role in the management of the PCNST and consider the Rogue River-Siskiyou National Forest a strong working partner in the protection, preservation, and promotion of the Trail. We stand ready and willing to continue working alongside Forest staff to ensure that the Trail is not subject to illicit motorized trespass. We thank-you for the opportunity to comment on the DSEIS and look forward to participating in the process as it moves forward.

Sincerely,

Ian Nelson
Regional Representative
Northern California/Southern Oregon
Pacific Crest Trail Association

inelson@pcta.org

From: Barbara Ullian Barbara Ullian <barbaraullian@charter.net>
To: FS-comments-pacificnorthwest-rogueriver-siskiyou
Subject: Comments-Rogue River-Siskiyou NF Travel Plan SDEIS
Date: Monday, November 21, 2011 3:34:40 PM
Attachments: FOTK Comments DSEIS-11-21-2011.pdf

Dear Rogue River-Siskiyou National Forest:

Please find attached (PDF file) comments on behalf of the Friends of the Kalmiopsis on the Supplemental Draft Environmental Impact Statement for Motorized Travel on the Rogue River-Siskiyou National Forest.

We would appreciate confirmation you received the comments in a timely manner.

Thank you.

Barbara Ullian
Friends of the Kalmiopsis
Grants Pass, Oregon
(541) 474-2265
barbaraullian@charter.net

November 20, 2011
Transmitted Electronically

Scott Conroy, Forest Supervisor
C/O David Krantz, Project Lead
Forest Supervisor's Office
3040 Biddle Road
Medford, Oregon 97504
comments-pacificnorthwest-rogueriver-siskiyou@fs.fed.us

Re: Comments on Draft Supplemental Environmental Impact Statement for
Motorized Use on the Rogue River-Siskiyou National Forest
Issue: User created/NFS Roads in Inventoried Roadless Areas and the impacts of their use

Dear Forest Supervisor:

Thank you for the opportunity to comment on the Draft Supplemental Environmental Impact Statement for Motorized Use on the Rogue River-Siskiyou National Forest (DSEIS). These comments are submitted on behalf of Friends of the Kalmiopsis and are supplemental to comments submitted earlier by Klamath-Siskiyou Wildlands Center on our behalf.

Twice we submitted extensive scoping comments and then substantive comments on the previous Draft EIS. On March 10, 2010 we reluctantly filed an administrative appeal of the Record of Decision and Final EIS that was site and issue specific. Like you we believe it's very important to have a good travel plan in place to try and prevent further resource damage that's been increasing as a result of deliberate vandalism and unregulated use. We met with the Rogue River-Siskiyou National Forest (RR-SNF or Forest) staff in an attempt to resolve some serious concerns raised in our appeal.. We didn't seek to enjoin implementation of the travel plan but were hopeful, by the meeting, that by pointing out flaws that at least part of the plan could be implemented.

We also helped the Forest find copies of the Siskiyou National Forest's Wild and Scenic River Eligibility Assessments for duplication. We'd worked on protecting these eligible streams for almost two decades so to not have EIS even address substantive concern about how the travel plan would impact their outstanding values and classification was disappointing at the very least.

In our comments and appeal over three years, we raised substantive concerns about "extreme" off-road-vehicle activities on certain roads, trails and areas with nationally important values. Concerns about with the EIS and resulting decision was the Port Orford cedar analysis (or lack thereof) and direction; about the user-created mineral exploration routes in inventoried roadless areas that had been inventoried as systems roads and about the addition and substance of the section on access to mining claims. We'd also like to acknowledge that there are good decisions in the selected alternative of the Final Environmental Impact Statement (FEIS). For example, the closure of the user created mineral exploration routes in the 4400 road system. This is supported by the 1999 FEIS and Record of Decision for the proposed Nicore Nickel Mine. There was also some improvement over the existing untenable situation in the Josephine/Canyon Creek area. and those in the Josephine/Canyon Creek. It should be noted that our primary area of concern has been to protect the exceptional botanical values, the outstanding rivers and streams, the integrity of this amazing landscape surrounding the Kalmiopsis Wilderness and the opportunities for quiet recreation and education found in Oregon's unprotected counter-part to the Smith River National Recreation Area.

The character and values of the land are every bit as high on this side of the border— higher in some cases. For example, upper Josephine Creek has the highest concentration of serpentine fens in the Klamath-Siskiyou Region and therefore the world. The serpentine terrain that includes parts of Josephine, Curry and Del Norte Counties is host to the one of the highest concentrations of rare endemic plants in North America. While the density of rare plants is higher on the Oregon side of the border, in California the amount of area that's protected and the level of protection is much higher.

In California, not only is the half of the North Fork Smith River that flows from the Oregon half a National Wild and Scenic River but all of its perennial tributaries are protected in this way also. On the other hand, in Oregon, the North Fork Smith's most productive fishery tributary, while determined to be outstandingly remarkable, remains unprotected, and almost as concerning is not being given adequate interim protection.

What does this have to do with travel planning? A lot, when, outside of mining, the greatest potential for harm to these heritage lands and rivers, is from off-highway vehicle activities. For example on the RR-SNF's own analysis (unfortunately not in the SDEIS though) 4-wheel drive use of the McGrew Trail has a high risk of introducing Port Orford cedar root disease into two of the few remaining large uninfested watersheds, within the narrow range of this water loving conifer.

How is it that a simple Freedom of Information Act request gets more and better information about Port Orford cedar and root disease risk specific to these watersheds and the McGrew Trail than in the previous EIS and the current SDEIS?

We also find it hard to understand how we can provide substantive information, much of it from Forest Service sources, to find that it makes little or no difference. For example, on both previous and current motorize vehicle use maps (MVUM) the spur road that goes to the relatively new Onion Camp trailhead, off of 4201, does not show. This is a relatively popular trailhead with a vault toilet but despite pointing this out in comments, the public won't be able to legally drive there if the map is not corrected.

On the other hand, there's a faint spur to nowhere in an inventoried roadless area (4402-535) with a maintenance level objective of 1 that keeps showing up as a mixed use road, It's probably more a magnet for illegal grow operations than important to recreation and access. We've pointed it out but it remains on the maps.

Several new "open to motorized travel" ML1 routes have appeared on the alternatives maps that weren't there before. We couldn't find where these were noted in the DSEIS and they don't have numbers to identify them. One in the Rough and Ready Creek Botanical Area is part of the 4400 system. For example, under the Alternative 5 discussion it states that the 4400 is a jeep route that located within and near a designated Botanical Area and therefore motorized use of the jeep tracks is prohibited out of botanical concerns. DSEIS, p. II-43. I believe the route might be 4400-443. It can only be access through private land were there's not public right of way, therefore this area should have no road open to motorized travel. If this is not simply a mistake, we request a field visit with you or your staff to explain our concerns.

The other is a ML1 mining track from the Wimer Road (4402) that now shows as being a no change mixed use road open to motorized travel. While its beginning terminus is 4402, it has a number on the Illinois Valley RD transportation map of 4400-461, so its part of the 4400 system. We walked it in 2000. Except at the top it was hard to follow then and grew so faint that we eventually did loose it.

It has a ML Objective of 1 on the 2006 Driggs Report inventory of system roads on the East Side transportation zone. However, the track or its vicinity was made into a fire line during the 2002 Biscuit Fire and its quite visible now on Google Earth. The bulldozed safety zones are also clearly visible so its purpose as a fire line is is clear. Since its also in the inventoried South Kalmiopsis Roadless Area, to designated this fire line as a route open to motorized travel would violate the Roadless Area Conservation Rule. We provide Google Earth images later in these comments.

On May 25, 2011 with Klamath-Siskiyou Wildlands Center, Wildlands CPR, Environmental Information Protection Center and Illinois Valley Activity Section of the Rogue Group Sierra Club we submitted a detailed request to Request for temporary emergency closure of the McGrew Trail, FS Road 4402-112 and Sourdough Camp in the Wild River Area of the National Wild and Scenic North Fork Smith River under 36 CFR §212.52 (b)(2). The 36 CFR §212.52 (b)(2) request concerning Forest Service (FS) Roads 4402-019 and 450 (hereafter McGrew Trail) provided documentation: 1) about the dangerous condition of the route; 2) that it was never constructed to Forest Service specifications and is in fact a user-created route; 3) that vehicles are not staying within the road prism; and 4) that there is erosion and resource damage that is occurring.

Unfortunately the DSEIS, proposed action and preferred alternative do not address the substantive concerns we've raised in pre-scoping comments, scoping comments, comments on the DEIS, administrative appeals and in numerous site specific/photo documents memos submitted to the Rogue River-Siskiyou National Forest regarding motorized vehicle use on the Rogue River-Siskiyou National

For example, the SDEIS attempts to get around the issue that many of the Forest's so-called system roads are not, contrary to statements otherwise,[1] "constructed to a high standard based on an engineered design" with this statement on p. III-3:

> CHANGED: NFS roads and trails were originally constructed to an appropriate standard for the intended use based on an engineering design and are assumed to be in an acceptable condition, unless information is documented to the contrary.

However, the DSEIS fails again. In numerous comments and memos, we've provided photo and video documentation about user-created routes[2] that have been inventoried as FS system roads and classed as "forest roads, mixed use allowed." Google Earth provides additional documentation. However, these routes are clearly not engineered or designed and depending on the definition in

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[1] Page III-3 of the FEIS states that NFS roads and trails are in acceptable condition and were constructed to a high standard based on an engineered design. In our administrative appeal we wrote the following:

> The facts simply do not support this assumption. The SNF has on their NFS road inventory many miles of user-created, bulldozed mining tracks which were clearly not constructed to a high standard based on an engineered design and are not in acceptable condition. We provided photographs of these routes and described them in our comments on the DEIS ... It is especially important to note that the user-created routes, now NFS roads had an entirely different purpose and level of use when they were created than the use that they are being put to now.

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[2] Most of the user-created routes are bulldozed mining tracks. Many were created as proof of annual assessment work use to maintain mining claim ownership until a new law essentially ended this practice in 1994. Some of the bulldozed routes were also mineral exploration routes. The standards that they were constructed to were where a bulldozer could travel and there was no environmental analysis.

"acceptable" condition, yet they continue to be shown on the preferred and proposed action maps, as roads inventoried as "forest roads with mixed use allowed" even though their condition has been pointed out with documentation.

In addition to the comments on the DSEIS submitted on our behalf by the Klamath-Siskiyou Wildlands Center we resubmit the following because most of the issues raised have still not been addressed.

1. May 11, 2009 to Scott Conroy, Supervisor, Rogue River-Siskiyou National Forest, c/o Stephen R. Johnson, Project Lead, Ashland Ranger Station, 6545 Washington Street, Ashland, Oregon 97520, comments-pacificnorthwest-rogueriver-siskiyou@fs.fed.us

   Additional Comments on Draft Environmental Impact Statement for Motorized Vehicle Use on Rogue River-Siskiyou National Forest and Request for Immediate Year-Round Closure of the Biscuit Hill Trail to Public Motorized Travel

2. May 10, 2009, Scott Conroy, Forest Supervisor Rogue River-Siskiyou National Forest C/O Steven R. Johnson, Project Lead Ashland Ranger Station 645 Washington Street Ashland, Oregon 97520-1402 comments-pacificnorthwest-rogueriver-siskiyou@fs.fed.us

   Draft Environmental Impact Statement for Motorized Vehicle Use on the Rogue River- Siskiyou National Forest (DEIS), Port Orford cedar and Denial of Comment Period Extension

3. May 7, 2009, Attachment to comments submitted by Friends of the Kalmiopsis, Klamath Siskiyou Wildlands Center and Soda Mountain Wilderness Council

   Subject: Draft Environmental Impact Statement for Motorized Vehicle Use on the Rogue-River Siskiyou National Forest and the failure to analysis impacts of motorized trails in areas recommended as Wilderness in 2004

5. May 6, 2009, Memo to Stephen Johnson, ID Team Leader, Rogue River Siskiyou National Forest Motor Vehicle Use Plan Environmental Impact Statement and Tim Chesley, Recreation Staff Office, Rogue River-Siskiyou National Forest, Joel King, District Ranger Wild Rivers Ranger District

   Subject: Port Orford Cedar, Forest Service Road 4402-112 and Biscuit Hill Trail (4402-494) and the South Kalmiopsis Roadless Area on April 26, 2009

6. March 10, 2010, Appeal of Record of Decision for Motorized Vehicle Use on the Rogue River-Siskiyou National Forest and Final Environmental Impact Statement

7. June 1, 2004, Appeal of Record of Decision Land and Resource Management Plan Amendment for Management of Port- Orford-Cedar in Southwest Oregon, Siskiyou National Forest and Final Supplemental Environmental Impact Statement for Management of Port- Orford-Cedar in Southwest Oregon

8. May 25, 2011, Roy Bergstrom, District Ranger, Wild Rivers Ranger District, Rogue River-Siskiyou National Forest Roy Bergstrom <rbergstrom@fs.fed.us> and Brenda Devlin <bdevlin@fs.fed.us>

9. Request for temporary emergency closure of the McGrew Trail, FS Road 4402-112 and Sourdough Camp in the Wild River Area of the National Wild and Scenic North Fork Smith River under 36 CFR §212.52 (b)(2)

USDA Forest Service poster - Celebrating Wildflowers/Stark Beauty: Klamath-Siskiyou Serpentines

Summary of Comments on DSEIS

The Draft Supplemental Environmental Impact Statement for Motorized Use on the Rogue River-Siskiyou National Forest (DSEIS) tries to achieve compliance with the Forest Service Travel Management Rule's (Travel Rule) requirement to designate roads and trails open to motor vehicle use without having to analyze the effects of the majority of the Forest's decisions.

Using the current condition as the baseline, the Forest's justification is—where there's no change in the status quo, there's no measurable effect to the current condition. DSEIS, p. III-2. In other words, it's argued the agency doesn't have to analyze the impacts of designating roads and trails open to motorized use if they're already open. However, the Bush Administration Rule was promulgated in 2005, because the status quo was not acceptable and too much resource damage was being done to National Forest lands by off highway vehicles.[3]

Merriam Webster defines "designate" as follows: "To indicate and set apart for a specific purpose." In other words using Webster, the Rule directs the Forest to set apart roads and trails for motorized use and that has consequences, especially on trails and user-created roads that have been inventoried as National Forest System (NFS) roads in inventoried roadless areas.

The Travel Rule defines designated roads, trails or areas as:

> A National Forest System road, a National Forest System trail, or an area on National Forest System lands that is designated for motor vehicle use pursuant to § 212.51 on a motor vehicle use map.[4]

While the Travel Rule directs the agency to designate roads open to motorized use, it at the same time recognizes motorized use affects non-motorized users of the National Forest and natural resources belonging to current and future generations.[5]

The Travel Rule requires site specific designation of routes and the DSEIS attempts to do this across almost 2 million acres in one process, relying on shorts cuts in analysis and incomplete information to citizens. It also makes it hard to provide comments on the alternatives, when combined with merely a 45 day comment period. So the public is asked to accept the baseline without examination of the impacts of designating roads and trail open to motorized use, if they're currently open. It also results in the environmental analysis of effects being based on troubling assumptions, which the facts and conditions on the ground belie.

The 1.8 million acre planning area

There are currently 4,512 miles of roads open to motorized travel on the Forest and approximately 1,200 miles of trail. Of the 1,200 miles of trails 246 miles are open to motorized travel. DSEIS S-4.

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[3] Federal Register/Vol. 70, No. 216, November 9, 2005, 68265.

[4] Id. at 68287.

[5] Id. at 68264

However, many trails are not maintained and are disappearing, leaving those seeking physically demanding and so quiet recreation an even smaller pool to chose from. The Travel Rule requires that forest planners balance.

The purpose and need of the DSEIS is incomplete when compared with the preamble of the Travel Rule:

> "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 nonmotorized travel and experiences".[6]

The DSEIS doesn't address the address natural resource issues because analysis is limited to areas where there's change and the need to preserve areas of opportunity for nonmotorized travel and experience. Some of the 4,512 miles open to motorized travel included old user-created mining tracks and historic wagon routes through sensitive areas. Despite the potential for irreversible impacts, under the Forest's "analysis framework" (DSEIS, p. III-2) designating these user-created routes—often in botanically rich inventoried roadless area—open to motorized travel, is essentially a decision to allow impacts, including those that could be irreversible, to continue.

The sheer size of the planning area and miles of road makes the task of travel planning Herculean at best. The difficulty (and importance of getting it right) is compounded by probably the most complex, diverse and highly dissected terrain in any National Forest System, the most botanically rich National Forest in the nation, the highest concentration of Wild and Scenic Rivers and Eligible Wild and Scenic Rivers, a unique serpentine terrain fragile to disturbance and host to one of the highest concentrations of rare, endemic plants in North America and celebrated elsewhere. Complicating the task are two virulent non-native pathogens and highly invasive plants.

Off-highway vehicle impact in the Wild River Area of the National Wild and Scenic North Fork Smith River (Oregon). Deeply eroded hill climb at Sourdough Camp. Photo taken May 15, 2010. 4402-206 was wide open.

National Forest System user-created roads escape scrutiny and analysis

Despite having been presented with evidence demonstrating otherwise, the Forest continues to assert that all National Forest System (NFS) roads and trails were originally constructed to an appropriate standard for the intended use based on engineering design. DSEIS, p. III-4. Another flawed assumption used in the travel planning process is that NFS roads are in "acceptable" condition. *Id.*

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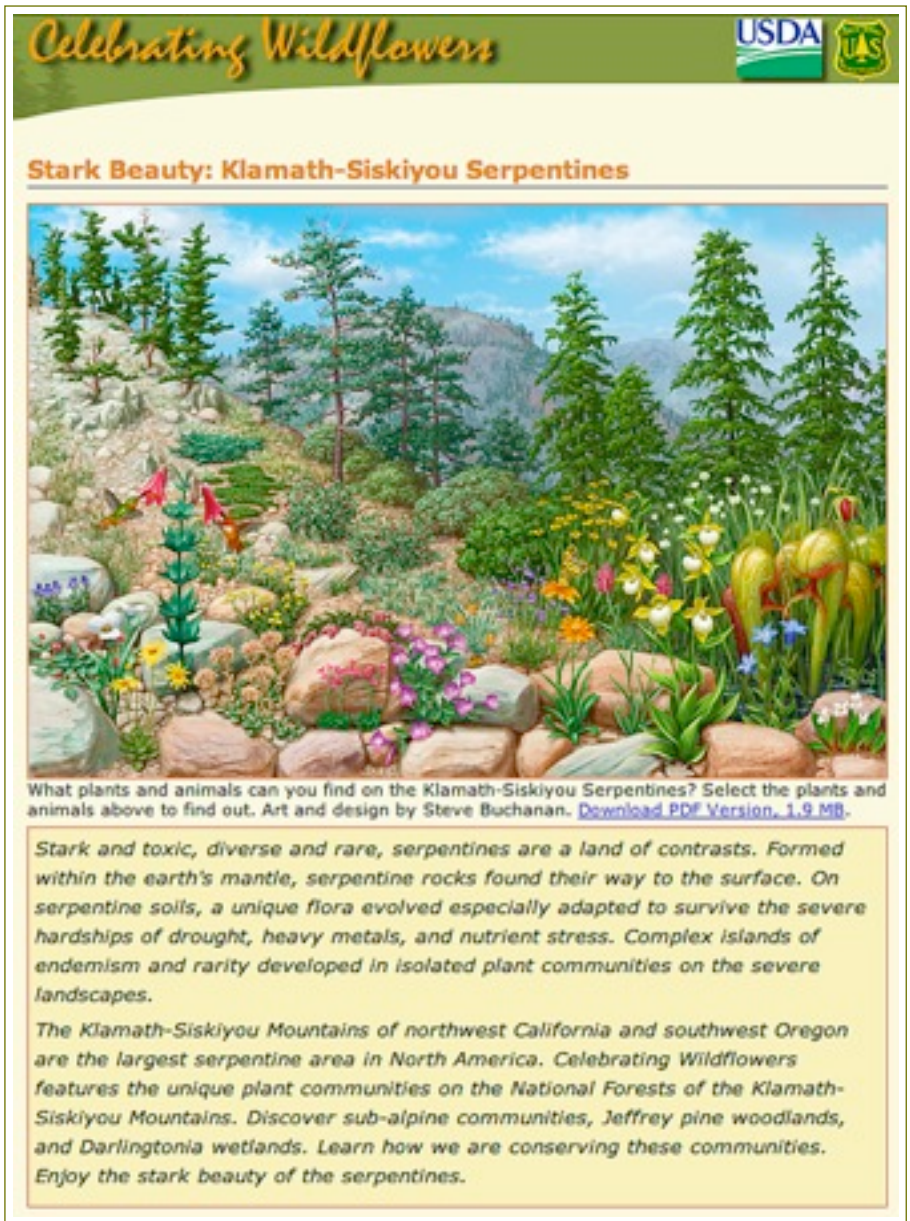
[6] Id. at 68264

On the other hand, the Forest also assumes that unauthorized or user-created routes may not be in an acceptable condition unless information is documented to the contrary.

The DSEIS bases this on the fact that unauthorized routes were generally created without engineering design. *Id.* The DSEIS added to the previous analysis that: "These routes are not considered part of the National Forest System of roads and are not considered part of the baseline condition." *Id.*

But, and its a big one, on the RR-SNF there are user-created routes (most bulldozed mining track) that are NFS roads too. These routes were never designed for the level and type of use that's occurring without analysis or disclosure.

While it may not be the intent, what's happened over several decades, is like the old shell game. No matter which one the public looks under, there's no pea.



USDA Forest Service's website "Celebrating Wildflowers at http://www.fs.fed.us/wildflowers/communities/serpentines/index.shtml

So here lies the paradox—the agency's refusal to address the spiraling degradation that the use of these user-created NFS routes by extreme off-roaders creates. Where, if not in travel management planning, is there a process to address the impacts of the ever increasing abuse of a nationally significant landscape. Routes, such as the old user created McGrew Trail, is a NFS roads—if you can call them that is a prime example. In fact, the increasing nationwide impacts of what amounts to motorized vandalism, is what drove the Bush Administration to develop the Travel Rule. But this need is not being adequately addressed on the RR-SNF.

Equally important is the question: Where is the Forest's compliance with the Roadless Area Conservation Rule. While it doesn't prohibit motorized use per se, it does prohibit road construction and reconstruction. The latter which can be defined as roads that are being put to a use for which they were never intended or designed.

Recommended Wilderness and Eligible Wild and Scenic Rivers

In the North and South Kalmiopsis Roadless Area, surrounding the Kalmiopsis Wilderness, the RR-SNF has one of the largest and most important areas for conservation along the west coast.

In 2004, the Secretary of Agriculture proposed to Congress the designation of about 64,000 acres of these large roadless areas as additions to the existing Kalmiopsis Wilderness. Oregon's Senators have proposed future protection for these lands and rivers. Right now the three National Wild and Scenic Rivers and world-class fisheries and the five unique and beautiful eligible Wild and Scenic Rivers in the area have watersheds or uplands that are only partially protected or unprotected. There should be an imperative to see that travel planning actions don't jeopardize the high values of these lands and rivers and future designations by Congress.

While we helped the RR-SNF obtain copies of the Siskiyou National Forest Wild and Scenic River Assessment and maps of the eligible corridors, the SDEIS and its analysis does not reflect this information. For example, the eligibility map for Baldface Creek shows that a section of the McGrew Trail is in the eligible Wild River Area Taylor Creek, one of Baldface Creek's perennial Tributaries. We could find no mention or analysis of this in the SDEIS.

A good Port Orford cedar analysis might have picked up an even greater concern, without our detailed comments, if there'd been one. It was only through a FOIA request for the Port Orford cedar risk assessment for the Father's Day McGrew trail ride that we learned the full extent of the concern. The agency response, not only included a risk assessment that found the event introduced appreciable additional risk to uninfested watersheds but it included a map entitled McGrew Trail POC 7th Field Uninfested Watersheds.

The maps shows the additional concern with the

Yes, this is a National Forest System Road

The McGrew Trail is an old user-created route that runs through the inventoried South Kalmiopsis Roadless Area. It predates the 1977 RARE II and didn't disqualify the South Kalmiopsis at potential Wilderness. In a Sierra Club hiking book published in 1975 most of the McGrew Trail is described as little more than a broad stony path.

The user created trail is inventoried as maintenance level 2 NFS road 4402-019,112 & 450. Because it's currently open to motorized vehicles and us a system road, the Forest Service

Top and middle - Screen shots from YouTube videos of the McGrew Trail showing the severe erosion taking place on the McGrew Trail.

Middle screen shot from - http://www.youtube.com/watch?v=p9Fe1oHf1Nk

Biscuit Hill Trail in the South Kalmiopsis Roadless Area and the U. S. Department of Agriculture's recommendation to Congress in 2004 to designate the 36,000 acre South Kalmiopsis Wilderness Addition. The Biscuit Hill Trail also goes through the headwaters of Baldface Creek, an Eligible Wild and Scenic River with the classification of Wild. Several alternatives in the DSEIS propose designating the trail as open to motorized vehicles.

McGrew Trail in the headwaters of Taylor Creek —that's there's Port Orford cedar either along the Mcgrew Trail in this area or directly below it.

The analysis of the DSEIS with regard to the Biscuit Hill Trail, which some alternatives propose converting to a motorized trail despite its location in the inventoried South Kalmiopsis Roadless Area (this would violate the Roadless Area Conservation Rule), in the Department of Agriculture's proposed South Kalmiopsis Wilderness Addition and the eligible Wild River Area of Biscuit Creek.

McGrew Trail in same area as blue truck on previous page. Screen shot from YouTube that was Uploaded on July 24, 2011.http://www.youtube.com/watch?v=l5Z11K9EcF4&feature=related

Worst of all though, was the cursory and obviously uninformed analysis that the proposed motorized trail is along a ridge line and would not likely impact fish and water quality because of the distance for a stream. DSEIS, p. III-199,

The analysis exposes the lack of site specificity of the DSEIS. In comments we submitted on the DSEIS, we included photos of this headwaters area of Biscuit Creek. It is on a ridge but is also a perennially wet area (most years at least). The photos show Port Orford cedar directly adjacent to the trail with their roots in the water and more cedar downstream. All one has to do is look at the infestation of Whisky Creek in the South Kalmiopsis Roadless Area, 4-wheel vehicle use of a gravel pit at its headwater, and the downstream infestation to the West Fork Illinois and down it through the Oregon Mountain Botanical Area to realize this is one of the highest risk scenarios.

The Roadless Area Conservation Rule

The 2001 Roadless Area Conservation Rule also provides direction to the RR-SNF regarding motorized use in Inventoried Roadless Areas. However, we could not find where the rule is mentioned in Chapter 3 of the DEIS.

The Roadless Rule at 36 CFR § 294.12 (a) prohibits road construction and road reconstruction in inventoried roadless areas with a number of exceptions.

The rule defines "*Road reconstruction*" as: "Activity that results in improvement or realignment of an existing classified road defined as follows:

(1) *Road improvement*. Activity that results in an increase of an existing road's traffic service level, expansion of its capacity, or change in its original design function.

(2) *Road realignment*. Activity that results in a new location of an existing road or portion of an existing road, and treatment of of an old roadway.

36 CFR §294.11.

A search in Chapter 3 of the DSEIS reveals that the Roadless Area Conservation Rule is not mentioned once. There are 5 very general pages with a small map of the IRAs in the planning area. It's disclosed that there's about 48 miles of maintenance level (ML) 2 roads in the Forest's Inventoried Roadless Areas.

But there's no mention of the impact from the off-highway vehicle use on two large roadless watersheds in the South Kalmiopsis—Rough and Ready Creek and

2011 - Cool and wet into June

The spring of 2001 was cool and wet. Snow fell in O'brien at the end of May. Measurements taken 1.5 miles from O'brien show 2.86" of precipitation in May with the bulk falling from May 25 through 31st. Records available on request.

June continued wet and cool. There was .2" of rain on June 5th and .45" on June 28th with smaller amounts in between. In the higher elevations and more westerly sections of the McGrew Trail this would result in cool/wet high risk conditions long after vehicles began using the trail through the South Kalmiopsis Roadless Area.

High risk activities with potentially irreversible impacts to Roadless, Wilderness and Wild and Scenic River values occur without analysis under the RR-SNF's analysis framework.

For example, there is essentially no environmental analysis of the use of the McGrew Trail, with a few exceptions. One where we catch a glimpse of the potential impacts occurred on June 17th as a result of a 4-wheel drive club's special use permit (required because of the high number of participants).

Despite the cool wet conditions, the Annual Father's Day McGrew Trail 4-wheel drive was allowed. A Freedom of Information Act request for the Port Orford cedar risk assessment for the event revealed the Forest's analysis found "appreciable additional risk" for motorized use of the trail. Site specific mitigation measures were applied and four Forest Service staff monitored compliance.

However, what about all of the unregulated use that was occurring? Videos from June 2011 on the McGrew Trail posted on YouTube show both dusty and muddy conditions. See screen shots above from - http://www.youtube.com/watch?v=tAi8hB6mOAo&feature=related

Baldface Creek. This is because the greatest threat, the McGrew Trail, has been inventoried as as system road that is currently open to motorized use and therefore it escapes analysis. To provide a glimpse of the remote, rocky, eroding trail, there are screen shots of it from videos posted on YouTube throughout this document.

Even when several alternatives propose opening an old trail/track in the South Kalmiopsis to motorized vehicles the SDEIS has no analysis or disclosure that this would violate the Roadless Area Conservation Rule. Even worse there's no disclosure that the Biscuit Hill Trail, that's proposed as a conversion to a motorized trail in several alternatives, is in the Department of Agricultures 2004 proposed South Kalmiopsis Wilderness Addition. It is currently closed to motorized travel."

The Forest Service's own watershed analysis found that it had a high risk of introducing Port Orford cedar root disease into the Baldface Creek Watershed and that the consequences of such introduction were also high.

On May 11, 2009 we submitted 43 pages of comments with photo documentation and Forest Service references regarding the Biscuit Hill Trail. We asked that it be closed to motorized use, expressing concern about the threat off-highway vehicles have to introduce the root disease into the Baldface Creek watershed. We also asked that the high risk situation with the McGrew Trail be addressed through at least a temporary closure until there was protection for both Rough and Ready Creek and Baldface Creek .

On May 25, 2011 along with three other organizations we asked for an emergency closure of the McGrew Trail and spur routes to motorized travel, under 36 CFR § 212.52 (b)(2). The purpose was to protect Arabis macdonaldiana (listed as endangered under the Endangered Species Act) from vehicle use that we documented were not restricted to the road prism and from the potential irreversible impacts to the Wild River Area of the National Wild and Scenic North Fork Smith River from the introduction of Port Orford cedar root disease.

While we've previously sent both documents to the

Off-roading - McGrew Trail 2010

Above - Screen shots from YouTube video of July 18, 2010 on the McGrew Trail. See the video (53 seconds) at http://www.youtube.com/watch?v=WWt6n1naRVw

Top screen shot shows vehicles off the McGrew trail in some of the prime rare plant habitat. Is this one of the rock playgrounds?

Middle - Vehicle crawls serpentine rock and down a bank and

Bottom - onto the McGrew Trail.

Forest Service, we've chosen to send them again, since the DSEIS fails to address the issues we raised in them. Because of size, they'll be emailed separately.

The Travel Management Rule

The Forest Service's Travel Rule (Travel Rule) at 36 CFR §§ 212, 251, 261, and 295 summarizes it purpose as:

> "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" (emphasis added).[7]
>
> These regulations implement Executive Order (E.O.) 11644 (February 8, 1972), "Use of Off-Road Vehicles on the

McGrew Trail in 1988.

Nationally outstanding wild rivers and wildlands at risk

Baldface Creek

- USDA Proposed Wilderness
- Eligible Wild and Scenic River
- Outstandingly Remarkable fisheries, water quality, ecological values
- South Kalmiopsis Roadless Area
- Watershed in Reference Condition
- Riparian Area in Reference Condition
- Exceptionally productive Steelhead and Cutthroat Trout Fishery
- Tributary of National Wild and Scenic North Fork Smith and most productive fishery.
- 80% underlain by Josephine ophiolite
- Late-Successional Reserve/No Matrix or O&C lands.
- Congressional intent to protect

Rough and Ready Creek

- USDA Proposed Wilderness
- Eligible Wild and Scenic River
- Outstandingly Remarkable botanical, geologic/hydrologic, scenic, water quality, wildlife values
- South Kalmiopsis Roadless Area
- BLM Area of Critical Environmental Concern
- Forest Service Botanical Area
- Highest concentration of rare and endemic plants in Oregon, with West Fork Illinois River
- Rare, sensitive and endangered species.
- Late-Successional Reserve, Non-timber/serpentine terrain /No O&C lands.
- Epitome of serpentine terrain
- Congressional intent to protect
- Almost entirely underlain by Josephine ophiolite
- Endangered, Threatened and Sensitive Species.

[7] Federal Register/Vol. 70, No. 216, November 9, 2005, 68264.

Public Lands," as amended by E.O. 11989 (May 24, 1977). These Executive orders 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.[8]

Port Orford cedar along part of the McGrew Trail used as a fire line during the 2002 Biscuit Fire. Photo 2004. This is the south (4402-019) segment of the trail in the Rough and Ready Creek watershed. Port Orford cedar is not only found directly adjacent to the trail but downslope as well.

Port Orford cedar is the primary riparian conifer in the Rough and Ready Creek watershed. Numerous cedar were lost during the Biscuit Fire. Introduction of the root disease into this South Kalmiopsis Roadless Area watershed, would not only be irreversible but would significantly and adversely effect the nationally outstanding water quality and botanical values of this eligible Wild and Scenic River.

Inset - Riparian Port Orford cedar along Rough and Ready Creek often is closely associated with rare plants providing shade, soil amelioration and shelter during high flows for rare and endemic plants

The Roadless Area Conservation Rule and Road Reconstruction in Roadless Areas

The Roadless Area Conservation Rule (Roadless Rue) at 36 CFR § 294 summaries as it purpose as:

> "The Department of Agriculture is adopting this final rule to establish prohibitions on road construction, road reconstruction, and timber harvesting in inventoried roadless areas on National Forest System lands. The intent of this final rule is to provide lasting protection for inventoried roadless areas within the National Forest System in the context of multiple-use management" (emphasis added).[9]

The 1993 Baldface Creek Wild and Scenic River Eligibility Assessment (Assessment) indicates that the Biscuit Hill Trail use includes 10 to 20 hikers and a few horseback riders per season. Page 21. There's no mention that there four wheel drive use.

While there is no mention of motorized use of the Biscuit Hill Trail, the Assessment notes that the McGrew Trail is popular with four-wheel drive and all-terrain vehicle users. Id. The Assessment describes the McGrew Trail as "a wagon trail used in the late 1980's as a transport route from Crescent City to Josephine County)." Id.

John Hart in the 1975 Sierra Club Book, describes the McGrew Trail describes it as

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[8] Id. at 68265.

[9] Federal Register/Vol. 66, No. 9, January 12, 2001, 3244.

The Josephine ophiolite, the geologic feature which is responsible for the stark open landscape and one of the highest concentrations of rare endemic plants in North America, spans Josephine and Curry Counties in Oregon and Del Norte County in California.

In California, its protected in the Smith River National Recreation Area and the 28,000 acre North Fork Smith Botanical Area, where the Six Rivers National Forest closed similar old user created mining tracks to motorized vehicles in order to protect uninfected Port Orford cedar and rare plants.

In Oregon a few thousand acres are semi-protected in small piece-meal Botanical Areas, Areas of Critical Environmental Concern and Research Natural Areas.

In California "the beauty of the ultramafic rock, its wildflowers and breathtaking natural rock gardens" are celebrated.

In Oregon, there's big-tired motorized rock climbing and roll overs in once equally breath taking natural rock garden but this isn't something to celebrate. See - http://www.fs.fed.us/wildflowers/regions/pacificsouthwest/NorthForkSmith/index.shtml on the North Fork Smith River Botanical Area.

The beauty of the rocks is enhanced by the loveliness of the wildflowers that inhabit them, creating breathtaking natural rock gardens. Some of the rarest and most beautiful Klamath-Siskiyou serpentine endemic plants are rock outcrop inhabitants: *Arabis macdonaldiana* (Macdonald's rockcress), *Galium serpenticum* ssp. *scotticum* (Scott Mountain bedstraw), and *Sedum moranii* (Rogue River stonecrop).

Serpentine habitats are not very hospitable for ferns in general but several have been able to find a niche and an ability to survive the rigors of the serpentine. This lace lip fern is growing out of a crack in the serpentine bedrock (*Cheilanthes gracillima*). Photo by Steve Matson.

Siskiyou willowherb (*Epilobium siskiyouense*) is a strict endemic of serpentine habitats, generally observed growing in cracks or seams where some soil and moisture is available for its growth. Photo by Norman Jensen.

Although the rock outcrops can seem to be depauperate of wildflowers, coming upon the beautiful Siskiyou buckwheat (*Eriogonum siskiyouense*) in full flower is a real treat. The succulent leaves allow this plant to store water when it is available so it can survive this extremely xeric environment. Photo by Ken DeCamp.

Excerpt from the USDA Forest Service's Celebrating Wildflowers on serpentine rock outcrops - http://www.fs.fed.us/wildflowers/communities/serpentines/communities/rock_outcrops.shtml

> "as little more that a broad stony trail, a good fifteen mile cross-mountain hike in the red rock country." The new Buckskin Peak Road does interrupt it briefly in the middle.

Except for its terminus with FS road 4402-112, the Biscuit Hill Trail is in the South Kalmiopsis Roadless Area and in the USDA's proposed South Kalmiopsis Wilderness Addition.

Except for its terminus with FS road 4402 (Wimer Road) and approximately one mile where 4402-112 intercepts it, the McGrew Trail is entirely within the inventoried South Kalmiopsis Roadless Area.

Port Orford cedar along the McGrew Trail in the Rough and Ready Creek Watershed.

First, the purpose of these roads was never to provide off-highway-vehicle users with thrills, rock and hill climbs, playgrounds. These uses are antithetical to the purposes of Roadless Areas and the unique characteristics of the Roadless Areas in question. Most of the routes were bulldozed by miners to create the appearance of performing assessment work, with a few used to actually access mines. Some of these were bulldozed over existing trails as was likely the case with the Biscuit Hill Trail and the McGrew Trail. Parts of the McGrew trail were recently bulldozed to create a fire line.

Second, the 2001 Roadless Area Conversation Rule, in its definition of road reconstruction "***includes any activity that results in improvement or realignment of an existing classified road.***" 36 C.F.R. § 294.11 (2001) (emphasis added).

Road "improvement" includes any activity that "results in an increase of an existing roads traffic service level, expansion of its capacity, ***or a change in its original design function***. Id. (emphasis added). Road "realignment," in turn, is activity that results in a new location of an existing road or portions of an existing road, and ***treatment of an old roadway.***" Id.

Arabis macdonaldiana

The analysis for *Arabis macdonaldiana*, McDonald's rockcress, is highly flawed. DSEIS, p. III-92. It's non-specific and based on the assumption that OHVers stay within the road prism. e pointed this out in our comments on the previous draft EIS providing direct quotes from a Forest Botanist where a population was impacted during one of the organized trail rides.

We know for a fact that people do not stay within the road prism. See for example the series of screen shots from YouTube videos on page 10, 12 and 6 the single photo on page 6.

See also the request to District Ranger Roy Bergstrom for a temporary emergency closure for the McGrew Trail dated May 25, 2011.

Conclusion

Thank you for the opportunity to comment of the SDEIS. We'll submit the documents listed on page 4 separately. We ran out of time to edit and apologize for this. If you have questions call Barbara Ullian at (541) 474-2265. Friends of the Kalmiopsis - 1134 S. E. Allenwood Drive - Grants Pass, Oregon 97527

Off-roading along the McGrew Trail South Kalmiopsis Roadless Area

Above - Screen shots taken from a YouTube video of the 2010 Father's Day run on the McCrew Trail at http://www.youtube.com/watch?v=fur6q3MovFQ

While not easy to see in the screen shots, the video clearly shows the damage to this serpentine terrain after the area has been used

Vehicles do not stay on McGrew Trail

During the Annual Father's Day run on the McGrew Trail vehicles are supposed to stay on trail as mitigation for potential impacts to *Arabis macdonaldiana* and other rare plants. This video is just one example that even during this Forest Service regulated event, people do not keep to the trail and go off-road to spin tires and challenge themselves in what they call "little playgrounds full of rocks." - http://www.youtube.com/watch?v=fur6q3MovFQ However, these serpentine rock outcrops and barrens are often host to rare, sensitive and endangered plants.

As an example of what what happens to anything growing in these so-called playgrounds, watch the video beginning at 1:24 and the area of the red circle in the above screen shots. The plant growing in the cavity of the serpentine rock is obliterated after the vehicle goes over it several times spinning its wheels. Now multiply by the hundreds of vehicle users traveling the McGrew Trail.

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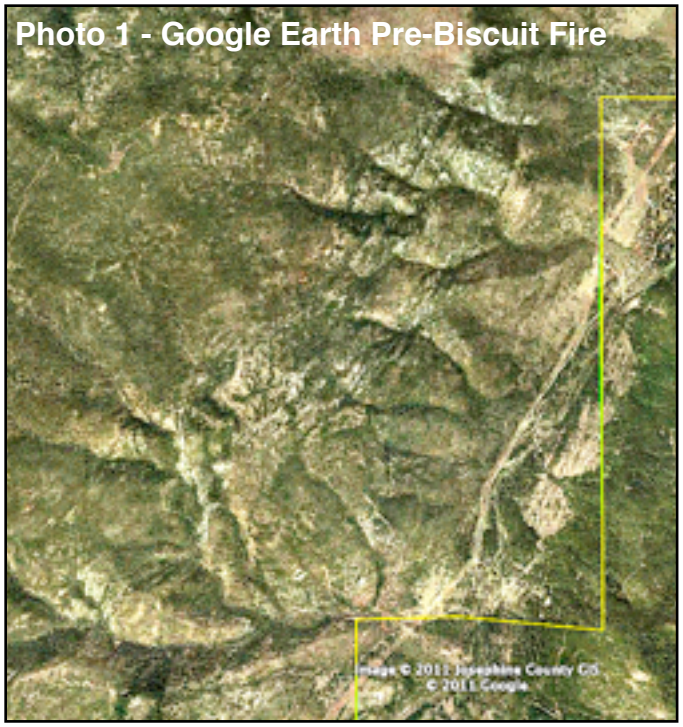
Site specific comment on the Draft Supplemental Environmental Impact Statement for Motor Vehicle Use on the Rogue River-Siskiyou National Forest (DSEIS).

Comment—Proposed and preferred alternatives (Map H) violate the Roadless Area Conservation Rule (36 CFR §294.12). Biscuit Fire fire lines cannot be turned into Forest Service mixed use roads in the Inventoried South Kalmiopsis Roadless Area**.**



Background—The two Google Earth Images (left) show part of the Inventoried South Kalmiopsis Roadless Area (IRA) on the Siskiyou portion of the Rogue River-Siskiyou National Forest (RR-SNF) in the Wild Rivers Ranger District, West Fork Illinois River Watershed (T40S, R9W, Sections 28, 27, 33 & 34). All of Section 34 is within the Oregon Mountain Botanical Area.

Photo 1 is pre-Biscuit Fire Google Earth imagery. It shows no fire line prior to the Biscuit Fire. Close examination show parts of an old user created mining route in the area of the fire line shown in photo 2.. The faint route was given a Forest Service road system number 4400-461.

Photo 2 is post-Biscuit Fire Google Earth imagery showing part of the fire line that was constructed during the Biscuit Fire. The created safety zones are clearly visible.

The Driggs Report 8/16/06 and prior IVRD Zone 1 Road Listings show 4400-461 as a 2.61 mile route with a maintenance level (ML) objective 1. ML 1 roads are closed to public travel.

DSEIS maps for Alternatives 3 and 5 (Box H) show the fire line as a Forest Service mixed use road.

Conclusion—The Biscuit Fire fire lines were emergency measures constructed to protect lives and private property and to provide safety for fire fighters during suppression efforts. They were not engineered to Forest Service road standards or surfaced for motor vehicle use. There was no environmental analysis. Fire lines cannot be turned into Forest Service mixed use roads.

Google Earth imagery demonstrates that the route did not exist in its current form prior to the Biscuit Fire and to now designate it as a mixed use road open to motor vehicle use would be road reconstruction that's prohibited in IRAs, 36 CFR §294.12.

From: Bergstrom, Roy
Sent: Friday, November 18, 2011 4:33 PM
To: Krantz, David
Cc: Blankenship, Otis
Subject: Travel Mgt. Plan

David, Barbara Ullian, Friends of the Kalmiopsis, (541) 474-2265, barbaraullian@charter.net had a couple of questions on the Travel Mgt. Plan on 2 roads on Alternative 5, in Block H on the map.

- The tiny red piece in the NE corner of the block H map appears to be effectively isolated, if the private land surrounding it has no easement thru it. Otis I believe confirmed this for me, but I'll "cc" him to double check. The access from the south will be closed to public use all year, per the map. Is this an error? Barbara says she does not remember this tiny piece of road on the 2009 version of the EIS.
- The Rock Creek road (no # on map, but shows as a red line Mixed Use Forest Road south of the tiny segment discussed above. Barbara says this appears different than in the 2009 EIS also. She says this was a user created, probably level 1 road that you couldn't even see on Google Earth until it was used as a fireline during Biscuit. She wants to know why this is shown as a Mixed Use Forest road in the current 2011 DSEIS.

Can you give me your thoughts on these two roads?

Thanks, Roy

Roy Bergstrom, District Ranger
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Rogue River-Siskiyou National Forest
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May 11, 2009

Scott Conroy, Supervisor
Rogue River-Siskiyou National Forest
c/o Stephen R. Johnson, Project Lead
Ashland Ranger Station
6545 Washington Street
Ashland, Oregon 97520
comments-pacificnorthwest-rogueriver-siskiyou@fs.fed.us

Re: Additional Comments on Draft Environmental Impact Statement for Motorized Vehicle Use on Rogue River-Siskiyou National Forest and Request for Immediate Year-Round Closure of the Biscuit Hill Trail to Public Motorized Travel

Dear Supervisor Conroy:

These additional comments on the Draft Environmental Impact Statement for Motorized Vehicle Use of the Rogue River-Siskiyou National Forest are submitted on behalf of the Friends of the Kalmiopsis, Soda Mountain Wilderness Council and Klamath-Siskiyou Wildlands Center. We believe the information that follows supports the need to formally close the Biscuit Hill Trail—also known as FS Road 4402-494 and trail 1215 (hereafter Biscuit Hill Trail or Trail)— to all public motorized use and travel. The closure should be immediate and year-round and include the installation of physical vehicle barriers.

The closure is needed to preserve the Wilderness character of the Rogue River-Siskiyou National Forest's (RR-SNF) proposed 34,410 acre South Kalmiopsis Addition to the Kalmiopsis Wilderness, the unique values of the Inventoried South Kalmiopsis Roadless Area and to protect the Northwest Forest Plan Key Watershed and the nationally important rivers that flow through it. The physical and formal closure of the Biscuit Hill Trail and the requested motorized vehicle restriction for the McGrew Trail is also needed in order to fulfill the RR-SNF's legally binding commitments in it's Settlement Agreement with American Rivers and Pacific Rivers Council.

Streams that could be irreversibly harmed by motorized use of the Biscuit Hill and McGrew Trails include; 1) the National Wild and Scenic North Fork Smith River, 2) its eligible Wild and Scenic River tributaries Baldface Creek and its tributaries Biscuit and Taylor Creeks and Rough and Ready Creek.

The subject areas of these comments is primarily within the watersheds of the North Fork Smith River and West Fork Illinois River and the Inventoried South Kalmiopsis Roadless Area. The Biscuit Hill Trail is entirely within the Siskiyou National Forest (SNF) portion of the Rogue River-Siskiyou National Forest (RR-SNF).

Additionally, we request that all user-created routes or mineral exploration spurs in this part of the South Kalmiopsis Roadless Area, including the McGrew Trail (4402-019 & 450), be formally closed to public motorized travel during the wet season and all other wet periods and any motorized travel of the McGrew Trail be subject to permit while the RR-SNF determines how the use of this trail, and spur routes off it, affect: 1) Forest Service recommended Wilderness Areas, 2) river's found eligible to be added to the National Wild and Scenic River System, 3) rare and

sensitive plants, including an Endangered Species Act listed plant, and 4) potential public health concerns relating to "naturally occurring asbestos. Mineral exploration spurs of the McGrew Trail which enter the Forest Service's recommended South Kalmiopsis Wilderness Addition—4402-530 and 550—should be closed to all public motorized travel while congress considers the Forest Service's recommendation.

The RR-SNF should coordinate with the adjacent Six Rivers National Forest on the management of the south end of the McGrew Trail (~.71 miles) as the Smith River National Recreation Area Travel Plan did not address the McGrew Trail because the majority of it is on the RR-SNF.

While these comments are specific to part of the South Kalmiopsis Roadless Area, issues raised are also applicable to other areas affected by proposals in the DEIS. On May 8, 2009 Klamath-Siskiyou Wildlands et al. (KS Wild) submitted general comments on the DEIS. On May 10, 2009 Friends of the Kalmiopsis submitted comments on the DEIS specific to the issues concerning Port Orford cedar's function in the ecosystem and motorized use of roads and trails in spreading Port Orford cedar root disease. Additionally since prior to scoping Friends of the Kalmiopsis and KS Wild have submitted comments, reports and photographs which should be considered as comments on the DEIS.

Summary

Except for its immediate terminus with FS Road 4402-112, the Biscuit Hill Trail is within the ~105,000-acre Inventoried South Kalmiopsis Roadless Area[1] and the RR-SNF's proposed 34,153-acre South Kalmiopsis Addition to the congressionally designated Kalmiopsis Wilderness.[2] See maps #4 and 5 on p. 39. The Biscuit Hill Trail and the McGrew Trail are also within ~250,000 acres of potential wilderness entirely contiguous with 179,000 acre Kalmiopsis Wilderness.[3] In 2008, Governor Ted Kulongoski formally wrote to members of the Oregon Congressional delegation to bring this area to the attention of the delegation. He stated that the Kalmiopsis Wildlands is one of nine areas in Oregon "ripe for wilderness and wild and scenic river designation."[4] The McGrew Trail and the mineral exploration spurs off it are also mostly within the Inventoried South Kalmiopsis Roadless area.

The Biscuit Hill Trail is an old native surface, user-create route (see Appendix/Photo #1) accessed by FS road 4402-112. The Trail traverses the watershed divide between the mainstem of Baldface Creek and Biscuit Creek (See Appendix/Map #1). The North Fork Smith Watershed Analysis identifies road 4402-112, the Biscuit Hill Trail (4402-494) and the McGrew Trail (4402-450) as routes with a "high" risk of introducing Port Orford cedar root disease (*Phytophthora lateralis*)

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[1] For map of the South Kalmiopsis Roadless Area and the Biscuit Hill Trail (4402-494) see the Rogue River-Siskiyou National Forest Travel Management Planning, Wild Rivers Ranger District - South End map dated 8-21-08.

[2] USDA Forest Service, Rogue River-Siskiyou National Forest document entitled "Kalmiopsis Wilderness Additions, Rogue River-Siskiyou National Forest, State of Oregon," dated July 7, 2004 and accompanying maps (acquired through the Freedom of Information Act).

[3] The Kalmiopsis Wildlands consists of ~250,000 acres of unprotected wild areas which are contiguous with the congressionally designated 179,000 acre Kalmiopsis Wilderness.

[4] Letter from Governor Ted Kulongoski to each member of the Oregon congressional delegation, dated February 24, 2008.

into large uninfested areas, including Baldface Creek.[5] Port Orford cedar is an essential component of the riparian reserves, springs and wetlands, especially on serpentine terrain (Appendix/Photo #4). The cedar is also found mid-slope and on ridges due to moist coastal influences.

Both trails include segments that enter potential "Wild River Areas" of streams found eligible to be added to the National Wild and Scenic River System—perennial tributaries of Baldface Creek. The Biscuit Hill Trail crosses the headwaters area of Biscuit Creek, an important tributary of Baldface Creek and mapped as meeting the criteria of a Wild River Area by the Forest Service. The McGrew Trail and one spur are in the headwaters of Taylor Creek, another perennial tributary of Baldface Creek. In 1993, the Forest Service found that Baldface Creek and all its perennial tributaries (including Biscuit Creek) possess outstandingly remarkable fisheries and water quality and thus are eligible to be included in the National Wild and Scenic River System.[6] Their highest potential classification is "Wild."[7] See map #4 on page 39.

Areas of the Biscuit Hill Trail remain wet year-round. The Trail goes through the springs forming the headwaters of Biscuit Creek (Appendix/Photos #3, 4 and 29). This spring area is within the potential "Wild River Area of Biscuit Creek (map #4). The Biscuit Hill Trail eventually accesses and crosses the mainstem of Baldface Creek and Spokane Creek, which also qualify as Wild River Areas. [8]

A 2006 RR-SNF road inventory shows the Biscuit Hill Trail (4402-494) with a maintenance level (ML) objective of 1 (closed to public travel). Despite the above and the routes location in an area proposed for Wilderness designation by the RR-SNF, proposed action and preferred alternative (Alternative 3) in the Draft Environmental Impact Statement for Motorized Travel on the Rogue River-Siskiyou National Forest (DEIS) prescribes converting 2.7 miles of the Biscuit Hill Trail from Maintenance Level 1 (closed to public travel) to a motorized trail.[9] The reason give for the conversion is to "offer a side trip for OHV users from the McGrew Trail to Biscuit Hill."[10]

The proposal fails to take into account, the route's "high-risk" of introducing *P. lateralis,* into a stream system with nationally outstanding water quality and fisheries values. Introduction of the root disease is irreversible.[11] This non-native pathogen is fatal to Port Orford cedar and often Pacific Yew.[12] Port Orford cedar is often the primary conifer component of riparian ecosystems in

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[5] USDA Forest Service, *North Fork Smith Watershed Analysis*, Siskiyou National Forest, October 31, 1995, updated, June 2004.

[6] Siskiyou National Forest Supervisor's finding on Baldface Creek Wild and Scenic Eligibility Study, J. Michael Lunn, February 14, 1994, with accompanying map.

[7] *Ibid*.

[8] *Ibid*. See also map #1 in Appendix.

[9] USDA Forest Service Draft Environmental Impact Statement for Motorized Vehicle Use on the Rogue River-Siskiyou National Forest, p. II-30, Map II-6 Wild River RD, Alternative 3, inset map 1 and Rogue River-Siskiyou National Forest Travel Management Planning/Wild Rivers Ranger District - South End Map available at http://www.fs.fed.us/r6/rogue-siskiyou/projects/travel/maps/wild-rivers-south.pdf.

[10] *Ibid*.

[11] Hansen, Everett M., Donald J. Goheen, Erik S. Jules, Barbara Ullian, "Managing Port-Orford-Cedar and the Introduced Pathogen Phytophthora lateralis," in *Plant Disease*/Vol. 84 No. 1, January 2000.

[12] *Ibid*.

the Baldface Creek Watershed and large pacific yew are also found in riparian ecosystems in the watershed.[13]

Moreover, motorized use of the Biscuit Hill Trail is inconsistent with the agency's proposal to add the area to the Kalmiopsis Wilderness and other proposed designations and land allocations. Such use threatens the area's Wilderness potential and its unique Roadless Area values. Motorized use of the trail also threatens the nationally outstanding values of the National Wild and Scenic North Fork Smith River,[14] two streams eligible to become Wild and Scenic Rivers (Baldface and Biscuit Creeks), and rare and endangered plants. Motorized use is inconsistent with the RR-SNF's commitment to manage Biscuit Creek as a Wild River Area and is in violation of the Forest Service's Settlement Agreement with American Rivers et al. of June 1991.

The McGrew Trail a historic wagon route that was used for mineral exploration, then as a hking trail (photos #32 & 34) and currently it has become a destination for extreme off-road vehicle (OHV) use. The RR-SNF has classed the McGrew Trail as a ML 2 road though is doesn't fit the criteria. It is user-created, not engineered to Forest Service standards (see photos #2, 3, & 22)and its not maintained at level 2 standards. McGrew Trail spur routes are primarily old user-created, mineral exploration tracks, which at a certain point were included in Forest Service road system. They are not engineered to Forest Service standards and for decades were essentially not used by motorized vehicles until the development of off-road vehicles that could travel anywhere on the difficult terrain (see for example photo #37). So-called roads 4402-172, 497,530 and 550 are ML1. Road 4402-535, a spur of 4402-112, is also ML1 (see photo #33).

The DEIS provides no analysis or disclosure of the impacts from motorized recreational use of McGrew Trail, its spurs and the 535 spur. This is a fatal flaw of the DEIS because for example: 1) known populations of Arabis macdonaldiana (protected under the Endangered Species Act) occur along the McGrew Trail and at least one population has been impacted in the past by OHV use of the trail; 2) other populations may occur but the RR-SNF has not looked (DEIS, pp. KK-61 & III-69); 3) the routes loop into the agency's recommended South Kalmiopsis Wilderness Addition and "Wild River Area" of a tributary of Baldface Creek an "eligible" Wild and Scenic River candidate; the McGrew Trail according to Forest Service Watershed Analysis has a high risk on introducing Port Orford cedar root disease into large uninfested areas (see Port Orford cedar comments on the DEIS submitted on May 10, 2009).

For the Biscuit Hill Trail the DEIS proposes this mitigation measure:

> *If conversion of ML 1 Road 4402-494 (Cedar Springs to Biscuit Hill) requires actual construction or ground disturbance beyond the first 100 meter, conduct botanical field reconnaissance in the spring or early summer for Arabis macdonaldiana and FS Sensitive Plants along the proposed route before project is implemented. If Arabis macdonaldiana is found, re-route or re-design to avoid individuals. If FS Sensitive plants are found, re-route or re-design if needed to maintain viability of local populations, but no need to avoid every individual.* DEIS, p. 61.

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[13] *Supra* n. 5 at 1 and n. 7 at 2.

[14] The National Wild and Scenic North Fork Smith River's outstanding values were identified by the Supervisor of the SNF as: fisheries, water quality and scenic as discussed in the river's Wild and Scenic River Management Plan March 2003.

The South Kalmiopsis Roadless Area is host to numerous rare and sensitive plant species.[15] Additional species are likely to be identified in the Baldface Creek watershed and the area of the Biscuit Hill Trail, because the area has not been adequately surveyed.[16] Arabis macdonaldiana (McDonald's rock cress), which is listed as threatened under the Endangered Species Act (ESA) is known to occur in the North Fork Smith watershed and may occur in the Baldface Creek watershed and along the Biscuit Hill Trail.[17]

For these reasons, we ask the RR-SNF to:

1) Immediately issue a formal year-round closure order prohibiting public motorized travel on the entire length of the Biscuit Hill Trail (FS 4402-494) beginning at its terminus with 4402-112;
2) Designate the Biscuit Hill Trail as "closed to public use yearlong" in the RR-SNF Travel Management Plan;
3) Physically close the trail through appropriate and effective vehicle barriers prior to opening the seasonal Port Orford cedar gate near the beginning of 4402-112;
4) Manage the Baldface Creek Watershed, South Kalmiopsis Roadless Area and proposed South Kalmiopsis Wilderness Addition for their outstanding wilderness and wild and scenic river values. These include ecological values, wild fisheries, water quality, rare plants, climate change refuge, scenic and quiet-use recreation.

Additionally, we request that all user-created routes or mineral exploration spurs in this part of the South Kalmiopsis Roadless Area, including the McGrew Trail (4402-019 & 450), be formally closed to public motorized travel during the wet season and all other wet periods and any motorized travel of the McGrew Trail be subject to permit while the RR-SNF determines how the use of this trail, and spur routes off it, affect: 1) Forest Service recommended Wilderness Areas, 2) river's found eligible to be added to the National Wild and Scenic River System, 3) rare and sensitive plants, including an Endangered Species Act listed plant, and 4) potential public health concerns relating to "naturally occurring asbestos. Mineral exploration spurs of the McGrew Trail which enter the Forest Service's recommended South Kalmiopsis Wilderness Addition—4402-530 and 550—should be closed to all public motorized travel while congress considers the Forest Service's recommendation.

The Biscuit Hill Trail - Background

The first part of the original Biscuit Hill Trail appears to have been a single track trail bulldozed over by miners. This first section appears as a native surface two track but narrows down before it drops in elevation and crosses Baldface and Spokane Creeks. The later part of the trail is not designated for motorized in the the RR-SNF's trail inventory, however, there's nothing to

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[15] USDA Forest Service 1989, Final Environmental Impact Statement, Appendix C, Siskiyou National Forest Land and Resource Management Plan. See also more recent Forest Service documents, including the 1999 Environmental Impact Statement for the Nicore Mining Plan of Operation; the USDA Forest Service Wild and Scenic River Eligibility Study for Baldface Creek and Its Tributaries and the 1995 North Fork Smith River Watershed Analysis.

[16] USDA Forest, Service, Siskiyou National Forest, Wild and Scenic River Eligibility Study for Baldface Creek and its Tributaries, November 1993.

[17] *Ibid*.

stop motor vehicles users, especially motorcycles from continuing beyond the 2.7 miles the RR-SNF is proposing to convert to a motorized trail. Appendix/Photo 1 is the part of the maintenance level 1 section of the route the FS proposes to convert.

In Hiking the Bigfoot Country, John Hart describes it as the "Baldface Trail," He writes that it's an important east-west link between the Chetco Divide Trail and the North Fork Smith Trail and describes the early part of the trail as " a pale old track."[18]. At a certain point the Biscuit Hill trail was by inventoried by the Siskiyou National Forest as road #4402-494 and added to the Siskiyou National Forest's (SNF) road system. However, its presence did not disqualify the South Kalmiopsis as a potential Wilderness Area during RARE II, as a Roadless Area in Appendix C of the Siskiyou National Forest Plan[19] and as a Forest Service recommended addition to the Kalmiopsis Wilderness. More recent forest service documents describe it as "the Biscuit Hill Trail, such as the Baldface Creek Wild and Scenic River Eligibility Assessment.

A SNF Zone 1 inventory of system roads, run on March 17, 1994, shows 4402-494 with an objective maintenance level (ML) of 1. ML 1 roads are defined as "a closed road". An Illinois Valley Ranger District inventory of existing system roads, dated August 16, 2006, also shows 4402-494 with an objective maintenance level of 1.

The Wild and Scenic River eligibility study for Baldface Creek and its tributaries, describe the route as the "Biscuit Hill Trail." The study describes the Trail as leading from the Buckskin Peak Road (4402-112), across Baldface Creek and up to the North Fork Smith River Trail.[20] It estimates the use of the trail as: "10 to 20 hikers, along with a few horseback riders."[21] This type of use is consistent with the SNF's decision that Biscuit Creek, including its headwaters, which the Biscuit Hill Trail enters and crosses, should be classified as a "Wild River Area."[22]

Both the Biscuit Hill Trail and the McGrew Trail are almost entirely in the inventoried South Kalmiopsis Roadless Area.[23] As noted above the Biscuit Hill Trail enters and crosses the eligible "Wild River Area" of Biscuit Creek (T40S, R10W, section 34 - map #4).[24] Biscuit Creek is a perennial tributary of Baldface Creek. The Biscuit Hill Trail is almost entirely in the RR-SNF's 2004 proposed South Kalmiopsis Addition to the Kalmiopsis Wilderness.[25] See also maps page 39 and attachment.

Both the Biscuit Hill and McGrew trails are in the 54,496 acre Siskiyou National Forest (SNF) land allocation known as the South Kalmiopsis Administrative Study Area.[26] The Northwest Forest

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[18] John Hart, *Hiking the Bigfoot Country, The Wildlands of Northern California and Southern Oregon*, Sierra Club Books 1975.

[19] USDA FS, 1989 Siskiyou National Forest Land and Resource Management Plan and Final Environmental Impact Statement, Siskiyou National Forest.

[20] *Infra* n. 28.

[21] *Infra* n. 28.

[22] *Supra* n. 6. The Wild and Scenic Rivers Act defines Wild River Areas as "Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America." 16 U.S.C. § 1273 (b)(1).

[23] *Supra* n.19.

[24] *Supra* n. 6

[25] *Supra* n. 2.

[26] *Supra* n.19.

Plan allocated the study area to "Administratively Withdrawn Areas." Administratively Withdrawn Areas are:

> identified in current Forest and District Plans ... and included recreation and visual areas, backcountry, and other areas where management emphasis preclude scheduled timber harvest.[27]

The Biscuit Hill Trail is in the watershed of the National Wild and Scenic North Fork Smith River. The watershed is a Northwest Forest Plan Key Watershed. The Biscuit Hill Trail may be in the Riparian Reserve of Biscuit Creek or at the very least an area of springs and as such subject to Standard and Guideline RM-1 of the Northwest Forest Plan. It would prevent meeting the Aquatic Conservation Strategy Objectives.

South Kalmiopsis Roadless Area - Climate, Geology, Hydrology & Riparian Reserves

The North Fork Smith River (including Baldface Creek and its tributaries) and Rough and Ready Creek flow through a unique ancient geologic feature known as the Josephine ophiolite.[28] The ophiolite is though to be the largest exposure of ultramafic rock mass on any continent.[29] Approximately 80 percent of the Baldface Creek watershed is ultramafic terrain (also known as serpentine).[30] Almost all of the Rough and Ready Creek is ultramafic. Due to the mineral imbalances and toxicity of its soils, serpentine terrain supports relatively sparse, open vegetation. While often desert-like in appearance, the area's proximity to the Pacific Ocean results 120 plus inches of precipitation annually.[31] Even during the heat of the summer, the area can be blanketed in fog.

The dryer serpentine terrain of the Josephine ophiolite supports unique plant communities and hosts numerous rare and endemic plants such as the endangered *Arabis macdonaldiana* (McDonald's Rock Cress). The Forest Service found that: "Siskiyou Mat/Idaho Fescue/Serpentine Barrens type plant communities [found on convex shaped, ridge top or spur ridge positions] had the second highest frequency of sensitive and rare plants [on serpentine landscapes]."[32]

The highly fractured ultramafic bedrock of the Josephine ophiolite also supports numerous springs and seeps. This is seen in the Baldface Creek Watershed and other parts of the South Kalmiopsis Roadless Area.[33] Forest Service stream survey's for Baldface Creek note numerous springs along reaches that were surveyed, which affected flow regimes.[34] The cold water from

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[27] USDA FS & USDI, Final Environmental Impact Statement, Record of Decision and Standards and Guidelines for Amendments to Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl, April 1994.

[28] USDA Forest Service, Siskiyou National Forest, Wild and Scenic River Eligibility Study Baldface Creek and Its Tributaries, 1993.

[29] *Ibid.*

[30] *Ibid*.

[31] *Ibid.*

[32] USDA Forest Service, 1995, A Field Guide to Serpentine Plant Associations and Sensitive Plants in Northwestern California, R5-ECOL-TP-006, 1995.

[33] *Ibid*.

[34] Siskiyou National Forest, Baldface Creek 1991 Stream Survey Summary of 11.1 miles.

these seeps and springs contribute to cooler summer stream temperatures.[35] Springs are also found at higher elevations in the watershed. Appendix/Photos #4 and 5 and map #1. The springs often form unique rare plant wetlands known as Darlingtonia or serpentine fens.

Roads on serpentine terrain can create significant impacts. They act as interceptors of surface and subsurface flows that would normally flow downslope and/or recharge seeps and springs forming the rare plant wetlands.[36] The diversion of water from these wetlands subjects the rare plants inhabiting the wetlands to drying conditions leading to the loss of habitat and impact to or loss of the species.[37]

Vehicle travel and bulldozing of old native surface user created routes on serpentine terrain, along with the interception of surface flows, often results in the road becoming lower that the surface of the surrounding landscape and the road becoming or acting increasingly as a stream channel (see for example photos 2, 14 & 22 in Appendix).

Port Orford cedar is an important component of the springs or fens. Part of the Biscuit Hill Trail runs through open serpentine terrain on a broad rounded plateau and crosses at least one spring that forms the headwaters of Biscuit Creek. Appendix/Photos #4 and 5 and map #1. A complete survey of the route has not been conducted but others areas of the trail can remain wet during all or part of the so-called dry season.

The remaining 20 percent of the Baldface Creek watershed is primarily underlain by granitic rock.[38] Denser forest vegetation types are found on the granitic soils, with a rare isolated relic western hemlock plant associations in the headwaters and Port Orford cedar, Douglas fir and sugar pines upward of eight feet dbh are found along streams.[39] Port Orford cedar is a keystone riparian conifer on both ultramafic and granitic soils but on streams flowing through the serpentine terrain of the Baldface Creek watershed, the cedar is the primary conifer component of riparian vegetation.[40]

The RR-SNF estimates that 33% of the riparian canopy in the North Fork Smith River's watershed was killed during the 2002 Biscuit Fire.[41] The Forest Service's 2005 Level II Stream Survey for Baldface Creek and Tributaries, Spokane and, Biscuit Creek confirm the continued presence and importance of Port Orford cedar in the watershed.[42] Post-fire air photos of the Baldface Creek watershed provide an indication of the critical importance of all surviving riparian vegetation and why preventing the introduction of Port Orford cedar is so important in preserving the outstanding fishery and water quality values of Baldface Creek. See composite air photo in Appendix/Page 30.

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[35] *Supra* n. 28.

[36] *Supra* n. 32.

[37] *Ibid.*.

[38] *Supra* n. 28.

[39] *Ibid.*

[40] *Ibid.*

[41] USDA Forest Service, 2004, North Fork Smith Watershed Analysis Update, RR-SNF June 2004.

[42] USDA Forest Service, Baldface Creek and Tributaries Spokane and Biscuit Creek 2005 Level II Stream Survey Report, Rogue River-Siskiyou National Forest Illinois Valley Ranger District.

Annual precipitation in the North Fork Smith and Baldface Creek watershed varies and has been recorded from 110 to 120 inches.[43] Due to the coastal influence the watershed can receive unseasonable and heavy precipitation. For example, in 1990 at the end of May, the headwater area of Baldface and the adjacent Rough and Ready Creek in the Buckskin Peak area (FS road 4402-112) received at-the-very-least 3 inches of precipitation in an approximately 3 day period.[44] See Appendix/Photos #s 15 and 16. In mid June of 2005, an organized, Forest Service approved 4-wheel drive event on the McGrew Trail, which runs along the headwaters of Baldface and Rough and Ready Creeks, occurred during another documented period of unseasonable and heavy precipitation.[45] See Appendix/Photos #s 2 and 3.

Summer fogs and other coastal influence, the high precipitation and numerous springs found even at high elevations, result in the occurrence of wet conditions, even during the supposed dry season. These characteristics are conducive to the introduction and spread of Port Orford cedar root disease in the Baldface Creek watershed and surrounding South Kalmiopsis Roadless Area. There is an especially high risk with 4-wheel drive vehicles and their use of old user-created mining tracks like the Biscuit Hill and nearby McGrew Trail according to findings the North Fork Smith and West Fork Illinois River Watershed Analysis.

Biscuit Hill and McGrew Trail's Impacts on Outstanding Values of the National Wild and Scenic North Fork Smith River and Baldface Creek and Its Tributaries.

According to the Forest Service map accompanying its decision on Baldface Creek's eligibility to become a National Wild and Scenic River (Map #4), the Biscuit Hill Trail is in the headwaters of Baldface Creek's tributary Biscuit Creek, an "eligible" Wild River Area. In addition, the McGrew Trail and spur 530 are in the 1/4 corridor of Taylor Creek an "eligible" Wild River Tributary of Baldface Creek.

Baldface Creek is a important contributor to the outstanding water quality and fisheries values of the National Wild and Scenic North Fork Smith River. The North Fork Smith is also a Northwest Forest Plan Key Watershed watershed administered by the Rogue River-Siskiyou National Forest (RR-SNF) in Oregon and the Six Rivers National Forest (SRNF) in California. In California, the watershed is entirely within the Smith River National Recreation Area (SRNRA). The North Fork Smith and its tributaries in California are all congressionally designated National Wild and Scenic Rivers.

In the 1990 SRNRA Act, Congress found that the Smith River, undammed and free-flowing from its headwaters to the Pacific Ocean, represents one of the last wholly intact vestiges of an invaluable legacy of wild and scenic rivers.[46] The Smith River system is renowned for its exceptional water clarity, beauty, and native, naturally reproducing salmon, steelhead, and cutthroat trout populations.

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[43] *Supra* n. 28.

[44] Personal observation, Barbara Ullian. See Appendix/Photos 15 and 16.

[45] Participants of the event which occurred under a Forest Service special use permit reported "... incessant showers, frequently interrupted by even more rain, for all three days ..."

[46] 16 USC § 460bbb(1).

In Oregon only the mainstem of the North Fork Smith River (NF Smith) was designated a National Wild and Scenic River.[47] Its named outstandingly remarkable values (ORVs) are: fish, water quality and scenic quality.[48] The RR-SNF Wild and Scenic River Management Plan for the North Fork Smith states that:

> *The water quality of the North Fork of the Smith River ... is an integral part of the Smith River system.*

And,

> *The fisheries value of the North Fork Smith River is outstandingly remarkable due to its substantial contribution to the world-class fishery of the greater Smith River. The North Fork Smith provides seven miles of near-pristine steelhead spawning and rearing habitat and is a significant source of high quality water on which the anadromous fishery of the Smith River depends.*[49]

In 1993, the Siskiyou National Forest prepared a Wild and Scenic River Eligibility Study for a tributary of the National Wild and Scenic North Fork Smith. The study included Baldface Creek and its tributaries.[50] In 1994, the Forest Supervisor concluded that Baldface Creek and all its perennial tributaries above the confluence with the North Fork Smith River were eligible for inclusion in the National Wild and Scenic River system and identified fisheries and water quality of as ORVs.[51] See also page 38.

Biscuit Creek and Taylor Creek, are perennial tributaries of Baldface Creek and thus eligible Wild and Scenic River. The map accompanying the 1994 decision includes the portion of Biscuit Creek which the Biscuit Hill Trail crosses and according to USGS maps parts of the McGrew Trail are closer than 1/4 mile from Taylor Creek. The highest potential classification for the entire length of Biscuit Creek and Biscuit Creek is "Wild."[52] Baldface, Biscuit and Taylor Creeks are in the Inventoried South Kalmiopsis Roadless Area and the RR-SNF's 2004 proposed addition to the Kalmiopsis Wilderness. See page 39.

Baldface Creek flows into the National Wild and Scenic North Fork Smith at a primitive dispersed campsite known as Sourdough Camp which is accessible only by high clearance vehicles.[53] Both Baldface Creek's confluence and Sourdough Camp are within the segment of the

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[47] The Oregon section of the North Fork Smith River was added to the National Wild and Scenic River system by Congress in 1988. 16 USC §1274 (a)(92).

[48] USDA Forest Service, Siskiyou National Forest, North Fork Smith Wild and Scenic River Management Plan, March 2003. Note - The Wild and Scenic Rivers Act requires that the managing agency prepare a comprehensive management plan for all wild and scenic rivers designated after 1986 three fiscal years after the date of designation. 16 USC § 1274 (d)(1). The Siskiyou National Forest did not complete the required Wild and Scenic River management plan for the North Fork Smith until March 2003, 15 years after the river was designated.

[49] *Ibid*.

[50] The wild and scenic river eligibility study, *Baldface Creek and Its Tributaries*, was prepared as a result of the Final Settlement Agreement (June 1991) between the SNF and American Rivers and Oregon Rivers Council (now Pacific Rivers Council) of their administrative appeal of the 1989 SNF Land and Resource Management Plan and Record of Decision.

[51] February 14, 1994 decision by J. Michael Lunn, Forest Supervisor, Siskiyou National Forest with map entitled Baldface Creek Eligibility Study Map.

[52] *Ibid*.

[53] USDA Forest Service, 1999, Environmental Assessment for the North Fork Smith Wild and Scenic River Management Plan (Oregon Section Only), Siskiyou National Forest, Chetco Ranger District, 8/13/99.

North Fork Smith that is classified as "Wild."[54] John Hart in his 1975 Sierra Club trail guide describes the "beautiful" Sourdough Camp as:

> *... a large streamside meadow on the angle between Baldface Creek and the North Fork [Smith River]. This spacious meadow under firs and oaks, is very green and, early in the year, full of flowers, especially ranks of blue iris ...*[55]

Despite Sourdough Camp's location the "Wild" segment of the National Wild and Scenic North Fork Smith River, the Forest Service has allowed motorized access to Sourdough Camp to continue and increase. Use has especially increased since 1993, with as many as 275 people and their vehicles camping at Sourdough Camp during an organized annual 4-wheel drive event on the McGrew Trail.[56] A Special Use Permit has been only been required for the organized 4-wheel drive event since 2001.

As the reputation of the McGrew Trail has grown, the primitive Sourdough Camp on the Wild North Fork Smith has increasingly become a destination of OHV users. The McGrew Trail is just east of the Biscuit Hill Trail. It also runs through the Inventoried South Kalmiopsis Roadless Area and, like the Biscuit Hill Trail, is accessed by the FS road 4402 and 4402-112.[57]

Increasing 4-wheel drive use of Sourdough Camp by formally designating both the McGrew and Biscuit Hill Trails as motorized routes (i.e. converting the Biscuit Hill Trail to motorized use as per the proposed action in the DEIS will indirectly impact the Wild Section of the National Wild and Scenic North Fork Smith River and its outstanding values since the Camp is the primary destination of OHV users.[58] A monitoring report of four-wheel drive vehicle impacts at Sourdough Camp in 2001 reported that:

> *Soil compaction in the heavily used areas of the meadow has either denuded the herbaceous area altogether or left remnants of what previously occurred. As use continues these areas will increase.*
>
> *As of September 11, 2001 unofficial roads have been cut into the banks that are either separating the riparian meadow floodplain from the forested area upslope or the rocky beach from riparian meadow. Impacts are both ecological and aesthetic.*[59]

See Appendix/Photos #6 and 7 of unofficial roads and other vehicle impacts at Sourdough Camp in the Wild River Area of the National Wild and Scenic North Fork Smith River taken in 2002.

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[54] *Ibid*.

[55] Hart, John, 1975, *Hiking the Bigfoot Country: Exploring The Wildlands of Northern California and Southern Oregon*, Sierra Club Books 1975.

[56] *Ibid*.

[57] See various trip descriptions of OHV users of the McGrew Trail on the internet and also the 1999 environmental assessment for the North Fork Smith Wild and Scenic River Management Plan.

[58] See RR-SNF monitoring reports regarding the Pacific Northwest Four-Wheel Drive Special Use Permit for it's annual Father's Day trail ride. See also photographs #6 and #7 in Appendix, as documented by Friends of Oregon Living Waters (FLOW) in 2002- also found at - http://www.oregonwaters.org/Post%20Biscuit%20Fire%20McGrew%20Trail.htm

[59] USDA Forest Service, Siskiyou National Forest, Cecile Shohet, Botanist, *Botanical Effects/Sourdough 4WD Monitoring*, July 31, 2001 and November 2, 2001.

Motorized use of the Biscuit Hill Trail poses a significant risk of introducing Port Orford cedar root disease into the watershed of Biscuit Creek, Baldface Creek and the National Wild and Scenic North Fork Smith River in Oregon. Impacts to the nationally outstanding values of all streams could be irreversibly impacted by the introduction. See discussion on the threat and impacts of root disease introduction below.

In 1994 the Northwest Forest Plan allocated the entire watershed of the North Fork Smith River (Oregon and California) as a Tier 1 Key Watershed. The plan states that: "To protect high quality habitats, no new roads will be constructed in inventoried roadless areas in Key Watersheds."[60] Converting the Biscuit Hill Trail, which previously had a maintenance level objective of 1 and which is in the South Kalmiopsis Roadless Area, to motorized use is not consistent with the Northwest Forest Plan's Aquatic Conservation Strategy. Moreover, the Plan's Standard and Guideline RM-1 for Recreation in Riparian Reserves requires that: "New recreational facilities, including trails and dispersed sites, should be designed to not prevent meeting Aquatic Conservation Strategy objectives.[61]

Promoting motorized use by converting the Trail to a motorized trail is inconsistent with the ACS and Northwest Forest Plan and the National Wild and Scenic Rivers Act.

In June of 1991, the Siskiyou National Forest signed a "Final Settlement Agreement" with American Rivers and the Pacific Rivers Council (formerly Oregon Rivers Council). The legally binding agreement states that:

> Upon a determination of eligibility ... the Forest will initiate the process to amend the Forest Plan to protect and manage the streams for their outstandingly remarkable values and potential classification ... [62]

The RR-SNF proposed action to convert the Biscuit Hill Trail to a motorized trail and continue to not address impacts of the McGrew Trail would appear to violate the Forest's Final Settlement Agreement with American Rivers and Pacific Rivers Council. Further the Settlement Agreement requires the Forest to manage Biscuit and Taylor Creeks as Wild River Areas.

The Biscuit Hill and Parts of the McGrew Trail are in Recommended Wilderness Area

The Biscuit Hill Trail (except for its beginning terminus with FS road 4402-112) is entirely within a RR-SNF recommended addition to the Kalmiopsis Wilderness. The McGrew Trail and spur road 550 and 530, or segment of them, also to appear in the proposed South Kalmiopsis Wilderness addition. See page 39 and attachment.

In 2004, the Rogue River-Siskiyou National Forest recommended adding 64,670 acres to the Kalmiopsis Wilderness in five segments.[63] One of the Kalmiopsis Wilderness additions is the

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[60] USDA Forest Service and USDI Bureau of Land Management, Northwest Forest Plan Record of Decision, 1994, p. B-19.

[61] *Ibid*. at p. C-34.

[62] Final Settlement Agreement, American Rivers and The Oregon Rivers Council Appeal of the Siskiyou National Forest Plan, June 1991, John F. Butruille, Regional Forester, Robert G. Dreher, Attorney, Sierra Club Legal Defense Fund. The settlement agreement was convey to Thomas J. Cassidy, Jr. Public Lands Council American Rivers, Inc. in a letter dated July 15, 1991, signed by Michael J. Lunn, Forest Supervisor.

[63] *Ibid*.

called the South Kalmiopsis which shares an extensive common boundary with the existing congressionally designated Kalmiopsis Wilderness and includes most of the Baldface Creek Watershed and the adjacent upper Rough and Ready Creek Watershed. The RR-SNF's South Kalmiopsis Wilderness addition is 34,153 acres.[64] The agency's proposed Kalmiopsis Wilderness addition is entirely within but is not to be confused with the greater 105,000 acre South Kalmiopsis Inventoried Roadless Area.

The Biscuit Hill Trail is also within the ~250,000 acre Kalmiopsis Wildlands. In 2008, Governor Ted Kulongoski, in a letter to the Oregon Congressional Delegation wrote that the Kalmiopsis Wildlands is "ripe for wilderness and wild and scenic river designation."[65] In the letter the Governor stated that the Kalmiopsis Wildlands',

> *"proximity to the Pacific Ocean, extreme topographic and soil diversity, hauntingly beautiful rivers, stark windswept ridges and deep boulder strewn canyons, make it an extraordinary land of national significance."*

Unlike some of the less remote parts of the Kalmiopsis Wildlands, the extraordinary significance of Baldface Creek and the value of its undisturbed state is not well understood. The Siskiyou National Forest's 1993 Wild and Scenic River Eligibility Study gives us a glimpse of the area's wilderness values and unique roadless area characteristics :

> *"Access to Baldface Creek is limited, which contributes to the ecological values of the area. The habitat is less disturbed by human activity than better-know riparian areas ... The full botanical significance of this area has not been determined because the area has not been adequately inventoried ... Exceptional numbers of anadromous and resident salmonids were found during [two recent stream surveys] ... Fisheries habitat within the Baldface Creek watershed is high quality ... [The] limited access ... provides seasonal refugia for adult fish ... Baldface Creek can serve as a model for other watershed studies ... Baldface Creek contributes substantially to the world-class fishery of the North Fork Smith River. It provides near-pristine spawning and rearing habitat and is a source of the high quality water on which the anadromous fishery of the Smith River depends ... Baldface Creek is considered by many fisheries biologists as one of the top anadromous fish production sites on the Siskiyou Forest.*[66]

A 1995 North Fork Smith Watershed Analysis found that:

> *Of the fish-producing streams in the North Fork of the Smith watershed, Baldface Creek is remarkable in its variety of habitats and very high fish production potential.*[67]

This beautiful stream and its productive native, naturally reproducing fish populations are a reflection of the wild, unique nature and integrity of its watershed.

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[64] *Ibid*.

[65] Letter from the Theodore R. Kulongoski, Governor to members of the Oregon congressional delegation, dated February 24, 2008.

[66] *Supra* n. 28,

[67] *Supra* n. 5.

The RR-SNF recommended this area as Wilderness. The Governor of Oregon and federally elected officials also believe the area has high Wilderness potential.[68] The RR-SNF proposal to convert the Biscuit Hill Trail to motorized travel will threaten the outstanding wilderness character and ecological integrity of the recommended South Kalmiopsis addition to the Kalmiopsis Wilderness.

Botanical Values at Risk

Most of the Biscuit Hill Trail traverses the sparsely vegetated serpentine terrain of the Josephine ophiolite, which is known for its high concentration of rare and endemic plants. The Baldface Creek Wild and Scenic River Eligibility Study found that the Creek has similar habitat for rare plants as the neighboring Rough and Ready Creek Watershed but few studies have been conducted to determine their presence or absence.[69] In 1993, the Forest Service found that Rough and Ready Creek had nationally outstanding botanical values and thus was eligible to be added to the National Wild and Scenic River System.[70] Since Rough and Ready Creek's Wild and Scenic Eligibility Study, the Forest Service has found many additional rare plant populations in the Rough and Ready Watershed during plant surveys conducted for the Nicore Mining Plan of Operation Environmental Impact Statement.[71]

The Record of Decision for the proposed Nicore Mine found that "the botanical diversity and watershed resource values ... are extremely high ... and the Rough and Ready Creek Watershed is critical for many endangered, threatened and rare species of plants and fish."[72] The surveys were conducted only along old user-created roads that were proposed as mining routes and the four mine sites. Six previously un-described populations of *Arabis macdonaldiana* were identified in the project area of the proposed Nicore Mine Rough, extending the known range of this ESA listed plant into Oregon.[73]

In 2002, rare plant populations were also found along the previously un- surveyed McGrew Trail when the RR-SNF was finally forced into conducting surveys along this historic trail, after conservation groups challenged a large organized 4-wheel drive event of more than 75 people that had been allowed to occur without a special use permit.[74] The survey found two additional populations of *A. macdonaldiana* along the trail.[75] The McGrew Trail follows the watershed divide

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[68] Oregonian, June 2, 2004, "Wilderness proposal comes as a surprise." The article states: "The areas delineated in the proposal are five land fragments on the rim of the much larger Kalmiopsis Wilderness, selected by the Rogue River-Siskiyou National Forest supervisor as offering the best potential for solitude and other wilderness values." On June 10, 2004 in a letter to the editor of the Oregonian, Senator Ron Wyden wrote: "*I plan to work with our congressional delegation, Gov. Ted Kulongoski and the White House in the days ahead to bring needed additional wilderness to Mount Hood and the Kalmiopsis Wilderness*."

[69] *Supra* n.28.

[70] Rough and Ready Creek Eligibility Study signed by J. Michael Lunn, Supervisor, Siskiyou National Forest, August 10, 1993

[71] USDA Forest Service, Siskiyou National Forest, Nicore Mining Plan of Operation, Final Environmental Impact Statement and Record of Decision, 1999. R9-11-077-99.

[72] *Ibid.*

[73] *Ibid.*

[74] USDA Forest Service, Siskiyou National Forest, McGrew 4X4 Trail Ride and Sourdough Campground Special Use Permit, Botanical Biological Evaluation, June 6, 2002.

[75] *Ibid.*

of Rough and Ready and Baldface Creeks in the South Kalmiopsis Roadless Area. The plant survey was only conducted of the road prism and sight distance from the road (about 5 feet where there was no slope on the road bank).[76] Additional rare and endangered plant populations are likely to occur in the area and could be at risk because motorized vehicles often go off roads (see photos in appendix.

Also many areas and route have not been surveyed and when they are, surveys are often conducted after areas have been already impacted by motorized vehicles. For example, the author of this petition found populations of *Lewisia oppositifolia* (an Oregon Natural Heritage Program list 4 species) on the McGrew Trail near where it intersects with 4402-112 early one day in June.[77] Later that same day, the population of *L. oppositifolia* observed earlier was not to be found. The ground had been heavily impacted by vehicle traffic leaving only fine powdery dust where the plants had been. It's not, therefore, surprising when Forest Service botanists write in a report on the McGrew Trail Ride that: "there are no documented sighting of *Lewisia oppositifolia* ... in the Siskiyou National Forest rare plant database along the length of the McGrew Trail."[78]

Even when Forest Service personnel are stationed to protect rare plants along 4-wheel drive routes, impacts occur. For example a Forest Service botanist reported this during the McGrew Trail Ride, which occurs under a Forest Service special use permit:

> "There were many more users on the trail than just the permittee. A campground (at least 40 people and 15 vehicles) was set-up adjacent to the "SLUICE" (hardest section of the [McGrew] Trail ...). Vegetation was drive over quite heavily in the campground area (*Streptanthus howellii* (FS sensitive) habitat, several plants could be located within the area). Trash abounded ... Impacts to Arabis population occurred before I made it out there. While I was walking the road looking for the population, my backpack, hammer, camelback, and water bottle was stolen (only 3 vehicles passed me in the interim). The *Arabis* has been confirmed to be *macdonaldiana* by Dr. Linda Vorobik."[79]

Monitoring of OHV impacts to rare plants and other resources is also subject to funding. A 2007 memo from a RR-SNF botanist to the botanist for the Six River National Forest states that:

> "The last two years, there has not been a botanist present during the event, but there has been a Rogue River-Siskiyou National Forest Protection Office and a Law Enforcement Office who inspected vehicles at the beginning of the trail and then posted themselves at the Arabis [macdonaldiana] hill to prevent riders from topping the hill where they like to have their photos taken. The last couple of years, the FPO said **he was unable to prevent**

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[76] *Ibid*.

[77] See photo #26 of Lewisia oppositifolia taken in the Baldface Creek Watershed. L. oppositifolia is known only in Josephine County (Oregon) and Del Norte County (California). It's a diminutive plant considered endemic to serpentine soils - http://www.efloras.org/florataxon.aspx?flora_id=1&taxon_id=242415777.

[78] USDA Forest Service, McGrew 4X4 Trail Ride and Sourdough Campground Special Use Permit Botany Related Public Comments, May 1, 2002, Cecile Shohet, Two Rivers Zone Botanist.

[79] Memo to Thomas Link, Acting District Ranger, Illinois Valley Ranger District, dated June 19, 2002, from Cecile Shohet, Illinois Valley District Botantist.

> **vehicles from driving on the Arabis hill.** This year, with 5 Forest Service employees and one volunteer, we successfully prevent riders from driving on the hill (emphasis added)."[80]

Arabis hill is on the Six River National Forest near the junction of 4402-206 and 4402 and the McGrew Trail and is along the route taken by 4-wheel drivers to get to Sourdough Camp. It's important to note that in the Travel Management Plan (SRNRA TMP) for the Smith River National Recreation Area of the Six Rivers National Forest, this site was not surveyed because it's off-road, thus the presence of this ESA listed plant and impacts from OHV vehicle use were not disclosed in SRNRA TMP's Environmental Assessment, even though the issue was raised in comments. In 2002, the botanist with expertise on Arabis macdonaldiana and familiar with the Arabis hill site wrote:

> "Two years ago when I visited the Sourdough [junction] site, I was dismayed by the damage there and along Low Divide Road by off road vehicles. There was destruction in several areas by driving off the FS track, and plants that grew in these destroyed areas will take many years to come back due to compaction of the soils.

In 2007, the Six River National Forest Botanist wrote in a memo to Joel King, Wild River Ranger District , District Ranger that:

> "While I have been aware of the event over the past 4 years or so with concerns for an Arabis site as well as off-road use in general, I had no idea of the magnitude of the issues."[81]

It's also important to note that this information, acquired only through the Freedom of Information, is likely just the tip of the iceberg regarding OHV impacts on botanically rich serpentine terrain. The little monitoring and correspondence available was initiated only because conservation groups challenged a large organized OHV event on the McGrew Trail. And reports only address impacts during this event and not OHV use in general.

These examples raise important issues about the botanical values of the South Kalmiopsis Roadless Area and serpentine terrain, including the area of the Biscuit Hill Trail, and about the Forest Service's inability to protect nationally important botanical resources from the impacts of OHV users:

- We are only just beginning to understand the globally outstanding botanical values of the serpentine terrain on the RR-SNF and adjacent federally owned lands. It's highly likely that there are important areas, which host rare or threatened plant populations and other important botanical features and values, which have yet to be identified or documented.
- Past analysis, reports and plant surveys were often cursory and limited in scope and may not reflect the actual at risk botanical values of an area. Neighboring watersheds to Baldface Creek, which have similar habitat for rare plants, are known to be nationally important after undergoing even limited rare plant surveys.

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[80] Memo from Maureen J. Jules/R6/USDAFS, June 19, 2007 to Lisa D. Hoover/R5 USDAFS, Subject McGrew Trail Four Wheel Drive Ride and Sourdough Camp-out.

[81] Memo from Lisa D. Hoover/R5/UDSAFS to Joel T. King/R6/USDAFS dated June, 13, 2007, Subject: McGrew Trail Four Wheel Drive Ride and Sourdough Camp-out.

- When designating roads and trail for motorized use more than just the road prism or immediate area needs to be surveyed because OHV users often don't stay on the road and don't respect vehicle closures. See Appendix/Photos #s 6, 8, 9, 10, 11, 12 17, 18 & 19.
- Past efforts to protect rare or endangered plant populations, such as *Arabis macdonaldiana,* from OHV use on the McGrew Trail have not been successful.

Thus, permanent closure of the Biscuit Hill Trail to public motorized travel is warranted. In addition, at the very least, strictly regulating motorized use of the South Kalmiopsis Roadless Area on the McGrew Trail and its spur routes by permit must be considered. See also discussion in Roadless Area section on (below) on failures in the DEIS to consider Roadless Area character and values and rare plant populations.

South Kalmiopsis Roadless Area and Port Orford Cedar

Port Orford cedar is globally rare conifer that is endemic to Southwest Oregon and Northwest California. Throughout much of it's narrow range the cedar functions as an important component in the ecosystems where its found, especially along streams and in wetlands. Port Orford cedar's critical ecological functions, if not the species itself, are threatened by a non-native pathogen, *Phytophthora lateralis*, which is fatal to Port Orford cedar and to a lesser extent Pacific yew.

In the journal *Plant Disease*, Hansen, Goheen, Jules and Ullian write that:

> Port Orford cedar [POC] grows primarily along streams and in areas with year round-seepage. It often grows within the active stream channel, where, as large, old trees, POC provides shade and long-lasting stream structure. The stabilizing effect of its fibrous root system have also been noted by stream ecologists and fisheries biologists...
>
> On ultramafic soils POC may be the only riparian tree species. Its loss may have an immediate and drastic effect on stream ecology...
>
> The pathogen [Phytophthora lateralis] has spread through out the native range of its host with dramatic ecological and economic consequences...
>
> The road system in cedar country is largely infested and provides the principle pathway for [*P. lateralis*] spread.
>
> [The] cedar has been drastically reduced or eliminated from miles of riparian environments and from sensitive wetlands, habitat where it ecological contributions are perhaps most critical...
>
> Once introduced, there is no practical means to eradicate the pathogen, and there are fewer and fewer large, disease-free watershed.[82]

The Baldface and Rough and Ready Creek watersheds and the North Fork of Diamond Creek in the South Kalmiopsis Roadless Area Oregon are large disease-free watersheds where Port Orford cedar is often the only or the primary conifer component in riparian and wetland ecosystems. The significance of this large uninfested area is demonstrated by figure 4.8 in the

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[82] *Supra* n. 11.

RR-SNF's range-wide assessment of Port Orford cedar on Federal Lands (page 35).[83] These mostly roadless watersheds, as well as parts of the West Fork Illinois River Watershed in the South Kalmiopsis Roadless Area, are accessed primarily by old user created mining tracks, which were added to the Forest Service's inventory of system roads without analysis of their impacts and condition. These user created routes are steep and eroding. They intercept springs and seeps and often include wet stream crossings with Port Orford cedar above and below the crossings. These conditions are conducive to the spread of the root disease.

The North Fork Smith River Watershed Analysis found four roads in the North Fork Smith Watershed that present a high risk of spreading the root disease.[84] Three of the high risk roads are the subject of these comments: 1) 4402-494, the Biscuit Hill Trail; 2) 4402-112, the native surface route that provides access to the Biscuit Hill Trail (see photo #30) and; 3) 4402-450, the south segment of the McGrew Trail (which can also be accessed by 4402-112).[85]

The watershed analysis notes that 4402-112 has a tank trap in section 24 and a seasonal gate closure at its start that have been frequently violated.[86] Two large tank traps were installed on 4402-112 in Section 35 as a permanent year-round vehicle barriers to replace the tank traps discussed in the watershed analysis. These deep and highly bermed barriers were reinforced with large logs. In 2001 the tank traps had been vandalized. The gate at the beginning of 4402-112 has since been vandalized numerous times. However, the gate is also ineffective, even as a seasonal closure (when its functional) because the McGrew Trail provides access to 4-wheel drive vehicles during the so-called wet season to the entire area behind the gate. See photo on page 40 showing well worn ATV track going around the gate.

Increasing the risk of root disease introduction into the Baldface, Rough and Ready and the North Fork Diamond Creek watersheds is the relatively recent infection of Whisky Creek, the West Fork of the Illinois River below Whisky Creek and the 4402 road system.[87] Whisky Creek flows almost entirely through the South Kalmiopsis Roadless Area. The only road access to it is at the very top of the watershed from Road 4402 and an old mining track at the very bottom.

Shortly after the Whisky Creek root disease infestation was identified, it was easy to trace the source of the infestation to an abandoned Forest Service rock pit on Oregon Mountain above a Whisky Creek headwaters stream, by the dying cedars along the stream course.[88] The West Fork Illinois River Watershed Analysis states that:

> With the exception of Rough and Ready Creek, most of the low elevation main drainages are infested. Areas downstream from known infestations are likely also infested. The highest point in the [West Fork Illinois River] watershed that POC root disease has been detected is an infestation originating at a rock pit on Oregon Mountain. The infestation spread down Whisky

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[83] USDA FS and USDI BLM, 2003, A Range-wide Assessment of Port-Orford-Cedar (Chamaecyparis lawsoniana) on Federal Lands, October 2003.

[84] *Supra* n. 5.

[85] *Ibid*.

[86] *Ibid.*

[87] USDA Forest Service, West Fork Illinois Watershed Analysis, Siskiyou National Forest, June 1997.

[88] Personal communication with Erik Jules and Steve Marsden.

> Creek. It was not identified in an aerial survey in 1992. Shelly, Diamond and Knopti Creeks (tributary to the Smith River) are adjacent to the watershed and are currently infested.[89]

Vehicle tracks in the rock pit and pictures on the internet indicate that the area is used as "play/hill climb" area by OHV users. This source of Port Orford cedar root disease and a known OHV play area is accessed by and just off road 4402 and on the way to road 4402-112 and the McGrew and Biscuit Hill trails.

The North Fork Smith Watershed Analysis states that:

> ...the risk of disease introduction is lowered by the relatively small amount of traffic in the watershed. However, this risk is increased by the high percentage of four-wheel drive vehicles and motorcycles that more commonly carry mud, by wet stream crossings on the routes that may dislodge mud or activate water-bourne spores and by concentrations of Port-Orford cedar along routes. The consequences of disease introduction are hight due to the amount of uninfected Port-Orford-cedar at risk both on routes and downstream...Mud has been observed to stay on vehicles for trips over 30 miles, including 15 miles of four-wheel drive road.[90]

The West Fork Illinois River Watershed Analysis also states that:

> The greatest potential for loss of POC from root disease in the West Fork would be from introductions into the headwaters of largely uninfested stream courses.[91]

`This is exactly what happened with Whisky Creek, when the root disease was introduced by vehicle activity in the rock pit at the top of the watershed and subsequently infested the cedar along the entire length of Whisky Creek and the West Fork Illinois River below it. It's demonstrates why 4402-112, the Biscuit Hill Trail and the McGrew Trail were found to have not only a high risk of introducing the root disease into the watershed below but also that consequences of the introduction were significant.[92] The Whisky Creek example is a grim reminder of the irreversible impacts that can result from failing to address off-high-way vehicle travel comprehensively and the need to take action to prevent introduction elsewhere.

The West Fork Illinois River Watershed Analysis confirms that permanent road closures are the most effective way to prevent root disease infection, stating that:

> The existing road system (Wimer [4402], Sourdough [4402-206] and Bearcamp Roads) as well as the McGrew Trail access portions of the [West Fork Illinois River] watershed through infested areas. Prevention of import of the disease into Rough and Ready Creek subwatershed is particularly important...**Permanent road closure are likely to be the most effective treatment in uninfected areas** (emphasis added).[93]

We add that, based on the Forest Service's analysis and conclusions for Rough and Ready Creek, it is equally important to prevent the introduction of Port Orford cedar root disease into the

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[89] *Supra* n. 87.

[90] *Ibid.*

[91] *Supra* n. 81.

[92] *Supra* n. 5.

[93] *Ibid.*

Baldface Creek and upper North Fork of Diamond Creek watersheds as well as Rough and Ready Creek.

Finally, the Supplemental Environmental Impact Statement for the Management of Port-Orford-Cedar in Southwest Oregon, Siskiyou National Forest (POC SEIS) incorrectly mapped Port Orford cedar in the wake of the 2002 Biscuit Fire. Areas within the Biscuit Fire Area hosting critically important populations of Port Orford are no longer shown as having POC. Thus using the maps in the POC SEIS and the incorrect assumption the agency used to map Port Orford cedar after the Biscuit Fire will lead to management decisions based on highly flawed science and is not support by facts on the ground. Map 2 for the POC SEIS illustrates Phytophthora lateralis and Port-Orford-Cedar by Northwest Forest Plan Allocation for the Oregon Portions of POC's Range. The legend of the map, states that:

> The Port-Orford-Cedar areas inside the Biscuit Fire perimeter in areas greater than 75% topkill have been removed.[94]

The map shows areas just inside (west of) the Biscuit Fire perimeter in the South Kalmiopsis Roadless Area as having no Port Orford cedar, with areas east of the fire perimeter with significant Late-Successional Reserve Port Orford cedar populations. Photos #'s 2, 4, 20, 21 & 22 demonstrate incorrectness of this assumption. As the photos show there are live POC along the McGrew and Biscuit Hill trails, west of the Biscuit Fire line.

Port Orford cedar are also found down slope of the two trails in the Rough and Ready, Baldface and North Fork Diamond Creek watersheds.[95] Since the McGrew Trail was often used as a fire line and agency backfires were set from the fire line, it's likely that the area adjacent to the fire line would have burned hotter on serpentine terrain than areas further away. So extrapolating from the fact that there are live POC along the McGrew Trail, one can assume more cedar survived the fire downslope and away from the fire line where the intent was to "blacken" the area along the line. Thus it's highly likely that, especially large or old Port Orford cedar with thick fire resistant bark, would have survived the fire, including trees in the riparian zones. Both would be critically important as a seed source for POC regeneration.[96]

Port Orford cedar surviving the Biscuit Fire along streams and in wetlands would be even more important for post-fire regeneration. In part, because of the importance of these ecosystem types but also because seed dispersal area would be greater. While the seed dispersal area may not be broad for mid-slope cedar, because POC seeds float, seed from surviving cedar along streams would be dispersed in the flowing water and thus could be conveyed a significant distance from the actual seed tree.[97]

Figure 4.8 in the Range-wide Assessment of Port-Orford-Cedar (*Chamaecyparis lawsoniana*) on Federal Lands (see page 25 of this petition), is more accurate picture of the importance of POC in this area, despite the fact it reflects the range of Port Orford cedar prior to the Biscuit Fire.

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[94] USDA FS and USDI BLM, Final Supplemental Environmental Impact Statement, Management of Port-Orford-Cedar in Southwest Oregon, January 2004 and Record of Decision, March 2004.

[95] Personal observation, Barbara Ullian, October 26, 2003 and June 18, 2006.

[96] Personal communication with Dr. Donald Zobel, March 5, 2003.

[97] *Ibid*.

Despite this it's more correct than the mapping in the POC SEIS because of the incorrect assumption that Port Orford cedar no longer exists in areas with greater than 75% topkill.

Additionally, figure 4.8 show a high percentage of Port Orford cedar's range in the Siskiyou National Forest infested with the root disease, thus demonstrating the importance of the South Kalmiopsis Roadless Area and its uninfested watersheds (with the exception of Whisky Creek) as a large refuge where Port Orford cedar and its habitat can be protected with the closure of a few user-created mining roads.

Figure 4.8, however, is not entirely correct. It's meant to show the "Condition of Port Orford cedar in Siskiyou National Forest relative to factors that influence disease spread, 2001."[98] However, it assumes that much of the South Kalmiopsis Roadless Area is protected and is behind a barrier. The assumption is incorrect because: 1) The McGrew Trail is not closed to motorized vehicles and provides year-round access behind the only vehicle barrier to the area - the seasonal gate on FS 4402-112. The gate has been routinely vandalized and is being driven around. It's also opened on June 1st and risk conditions remain high year-round dues to factors discussed in the North Fork Smith Watershed Analysis—the presence of year-round springs in the headwaters of uninfested streams and un-seasonal precipitation and coastal influence.

See also Friends of the Kalmiopsis comments on the DEIS specific to Port Orford cedar submitted on May 10, 2009. These comments directly discuss the failure of the DEIS to address concerns regarding Port Orford cedar and the diversity of habitats were its found and the risk of introduction of the root disease into uninfested watershed.

Unique Roadless Area Characteristics

The Biscuit Hill and McGrew Trails are in the Inventoried South Kalmiopsis Roadless Area By definition, Inventoried Roadless Areas IRAs are characterized by high quality, undisturbed soil and water, a diversity of plant and animal communities, primitive or semi-primitive recreational opportunity settings, and natural appearing landscapes with high scenic quality. See 66 Fed. 3244 (preamble to the "Roadless Rule"); 36 C.F.R. 294.11 (2001) (defining "roadless characteristics"); see also Kootenai Tribe v. Veneman, 313 F. 3d 1094, 1121 (9th Cir. 2002) ("roadless areas also provide 'important habitat for a variety of terrestrial and aquatic wildlife and plants, including hundreds of threatened, endangered, and sensitive species").

According to the USFS, roadless areas "provide clean drinking water and function as biological strongholds for populations of threatened and endangered species . . . [and]large, relatively undisturbed landscapes that are important to biological diversity and the long-term survival of many at risk species." 66 Fed. Reg. at 3245. IRAs also "provide opportunities for dispersed outdoor recreation, opportunities that diminish as open space and natural settings are developed elsewhere. They also serve as bulwarks against the spread of non-native invasive plant species and provide reference areas for study and research." Id. Roadless Areas also have other "locally identified unique characteristics" that include "uncommon geological formations, which are valued for their scientific and scenic qualities, or unique wetland complexes". Id.

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[98] USDA FS and BLM, A Range-wide Assessment of Port-Orford-Cedar (Chamaecyparis lawsoniana) on Federal Lands, October 2003.

The eastern segment of the 105,000 acre South Kalmiopsis Roadless Area, where the Biscuit Hill and McGrew Trails are located, is a wild, rugged landscape of exceptional values. It's watershed to three National Wild and Scenic Rivers and three streams "eligible" to be added to the National Wild and Scenic River System.[99] The water clarity and color of these streams are nationally outstanding. The South Kalmiopsis is part of one of the most botanically rich areas in the Klamath-Siskiyou Mountains, which hosts among the highest percentages of rare endemic plants in North America. Rare plant wetlands and springs abound and it increasingly serves a refuge for Port Orford cedar as other parts of the conifer's range become irreversibly infested with a non-native pathogen.

The South Kalmiopsis is an ancient landscape of long vistas, broad rounded plateaus, and steep river canyons. Much of it is very remote and either adjacent to the Kalmiopsis Wilderness or other Roadless Areas. Silence can be found in abundance. However, off road vehicle users are increasingly drawn to the area's old eroding user-created roads and trails and open terrain.

The southern part of the eastern segment of the South Kalmiopsis Roadless Area is mostly underlain by the ultramafic rock of the Josephine ophiolite. The ophiolite is thought to be the largest exposure of ultramafic rock on any continent.[100] Inclusions of granitic soils and strong coastal influence add to the uniqueness and botanical diversity of this wild landscape. In the Baldface Creek watershed, granitic islands or plutons are scattered throughout the watershed with many less than half-a-square mile.[101] These islands stand in stark contrast to the sparse vegetation of the surrounding serpentine terrain. Within a distance of a few hundred feet, open Jeffrey pine savannas, with their native bunch grasses and endemic flora (Photo #25) can transition to lush coastal rain forest of western hemlock, Port Orford cedar, rhododendron and salal (Photo #16).[102]

Another unique landscape element of the serpentine terrain is the high concentration of rare plant wetlands found in the South Kalmiopsis Roadless Area. Even at the beginning of the 21st century we are just beginning to understand the irreplaceable values of the area.

For example a 1992 Wild and Scenic River eligibility assessment prepared for the Josephine Creek Watershed. A significant part of the watershed is within the South Kalmiopsis Roadless Area. Josephine Creek was not advanced as "eligible" to become a national wild and scenic river because its outstanding values were not known. The assessment found that:

> Since extensive botanical inventories have not been completed, it is difficult to determine the significance of rare plant populations in the Josephine Creek watershed. The rare plants found here are also found in other locations.[103]

However in 2001, a targeted serpentine fen survey in the South Kalmiopsis Roadless Area, focused on upper Josephine Creek. Among other things, it found that:

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[99] In 1994 and 1994 the Siskiyou National Forest found Baldface, Rough and Ready and Canyon Creeks eligible to be added to the National Wild and Scenic River System. In addition, Josephine Creek is also likely "eligible" due to new information on the high quality serpentine fens found along its length. The watersheds of the four streams are mostly within the South Kalmiopsis Roadless Area.

[100] *Supra* n. 28.

[101] I*bid*.

[102] *Ibid*.

[103] USDA Forest Service, Wild and Scenic River Eligibility Assessment, Josephine Creek and Its Tributaries, Siskiyou National Forest March 1992.

> Pre-existing rare plant sighting reports within the survey area represent only a small proportion of what was actually found in the field. Of the over 85 new fens occupied by rare plants that were discovered, many were very large, in excellent ecological condition, and occupied by large populations of multiple target species...
>
> Of the areas surveyed, upper Josephine Creek had by far the largest number of fens and rare plant populations. Collectively, the high density, large size, ecological diversity and outstanding quality of these Josephine Creek fens far surpasses all other areas that have been sampled in southwest Oregon as part of this project.[104] Emphasis added.

The 1992 Wild and Scenic River Assessment and the 2001 fen survey point out how our understanding of the values of the South Kalmiopsis Roadless Area is likely incomplete, yet decisions are being made about its future that could be irrevocable.

Even with incomplete information, the high concentration of rare plants, in the South Kalmiopsis area is conspicuous in the Klamath-Siskiyou Region. See Map #3. The map shows areas of high and moderate concentrations of "heritage elements" in the region as of 1998. Heritage elements are defined as rare, threatened or endangered species in data bases kept by the states of Oregon and California. The area of the South Kalmiopsis shows the highest concentration of heritage elements, even without reflecting the new data.[105]

In 1975, John Hart, wrote that:

> If there were nothing of interest about it but it emptiness and its size, the Kalmiopsis would still be worth protecting. But we are just beginning to understand the richness that is packed within these mostly undefended borders.[106]

More than three decades later we still don't have a full understanding or appreciation of the ecological richness that is at stake in the South Kalmiopsis Roadless Area (and North Kalmiopsis Roadless Area). While adding to that knowledge In 2001, Frost wrote:

> ... large portions of the forest have never been previously surveyed for these unique plant communities. Most of the known sites are in heavily traveled areas, but much of the landscape is fairly remote from roads, is rarely visited and as a result has not been adequately surveyed.[107]

This relatively narrow survey (about 4,000 acres) only addressed target rare plant species inhabiting serpentine fens.

Even with piecemeal and incomplete information, the botanical richness the South Kalmiopsis area is apparent on a national and global scale. Nested within the Klamath-Siskiyou Region, it is part of the

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[104] Evan J. Frost, 2002, "Serpentine Fen Conservation Project, Summary of Phase III: Field surveys for new fens and rare plant populations on the Siskiyou National Forest", 2002.

[105] In addition to the 2001 serpentine fen surveys, surveys conducted for the proposed Nicore Mine Project in the Rough and Ready Creek Watershed found additional rare plant populations and extended the range of *Arabis macdonaldiana* into Oregon. Also surveys along the McGrew Trail in 2001 identified previously unknown populations of A. macdonaldiana along the Trail.

[106] *Supra* n. 18.

[107] *Ibid.*

larger California Floristic Province. The Floristic Province is one of 35 global hotspots of biodiversity singled out by scientist as the highest conservation priorities.[108]

The Klamath-Siskiyou is one of four subregions in the California Floristic Province with exceptionally high plant diversity.[109] While only 15% of the area of the Floristic Province, the region includes 65% of the native taxa found growing in the province as a whole.[110] It is considered a center of diversity and endemism with species or species assemblages that occur nowhere else in the world.[111] Much of the Klamath-Siskiyou's diversity is attributed to the extensiveness of serpentine landscapes and the endemic species they support.[112]

The importance of the South Kalmiopsis and its serpentine terrain to plant diversity of the Klamath-Siskiyou Region, and correspondingly to California Floristic Province, is demonstrated by its high concentration of rare plants.[113]

> The expansive serpentine terrain of northern Del Norte County in California and adjacent Curry and Josephine counties in Oregon boasts the highest number of endemics for any soil or habitat type in the Klamath region, and holds among the highest percentage of rare endemic on the entire North American continent. [114]

The referenced area in Del Norte, Josephine and Curry Counties includes the serpentine terrain of South Kalmiopsis Roadless Area in Oregon and California and the North Fork Smith Roadless Area in California.

The age and continuity of the land forms found in the South Kalmiopsis and surround wildlands is also is a contributing factor to the area's plant diversity and endemism.[115] The potential for species to move onto serpentines of the Klamath-Siskiyou began at least 5 million years ago. The age of exposure and the continuity of intact serpentine landscapes in the South Kalmiopsis Roadless Area are factors contributing to its high diversity and endemism, compared to other serpentine areas in western North America.

Another feature of the geology of the South Kalmiopsis, are its flattened or broad ridge tops associated with a remnant erosional surface called the Klamath peneplain. - http://www.fs.fed.us/wildflowers/communities/serpentines/communities/jeffreypine_savanna.shtml. These broad ancient land surfaces make the South Kalmiopsis (and the North Fork Smith Roadless Area) unique and vulnerable.

The primary vulnerabilities are mineral exploration and mining associated with its nickel-laterite soils and the growing OHV use of old user-created mineral exploration tracks and a historic trail. On the

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[108] Conservation International, http://web.biodiversityhotspots.org/xp/Hotspots/california_floristic/ and http://web.biodiversityhotspots.org/xp/Hotspots/california_floristic/biodiversity.xml

[109] *Ibid.*

[110] Smith, James P. and John O. Sawyer, "Endemic Vascular Plants of Northwestern California and Southwestern Oregon," in *Madrono*, Vol. 35, No. 1 pp.54-69, 1988.

[111] http://www.fs.fed.us/wildflowers/communities/serpentines/center/index.shtml

[112] *Ibid.*

[113] See Map #3 in Appendix.

[114] Sawyer, John, "A Botanical El Dorado," in *Mountains and Rivers, A Quater Journal of Natural History for the Klamath-Siskiyou Region*, Fall 2000.

[115] Supra n. 107.

broad sparsely vegetated ridge tops, the users of the current crop of off road vehicles seldom stay on the old narrow mining tracks (see photos in the appendix and on the internet). These users also often violate gates and other vehicle barriers—a fact that has been documented numerous times. The more extreme users go mostly where they please without regard to impacts.

For example the 2005 Level II Stream Survey Report for Baldface Creek notes that:

Sourdough Camp (mouth of Baldface Creek) appears to be a popular off-road vehicle recreation area as evidenced by a network of roads and eroding hillslopes from vehicle use.

See John Hart's description of "beautiful" Sourdough Camp above. This popular off-road vehicle camping areas is actually in the "Wild" segment of the National Wild and Scenic North Fork Smith River on the southern edge of the South Kalmiopsis Roadless Area. As many as 275 people at one time, with their vehicles, have camped at Sourdough Camp despite it location in a Wild River segment of the nationally outstanding North Fork Smith River.

The RR-SNF has attempted mitigation measures to prevent OHVers from crossing Baldface Creek, driving on gravel bars of the river and hill climbing most available parts of the landscape at Sourdough Camp to no avail. See photos #6, 7 & 36, the Wild and Scenic River Management Plan for the North Fork Smith River and RR-SNF monitoring reports for the annual Pacific Northwest Four-Wheel Drive Clubs Annual Father Day Trail Ride. Sourdough and the "Wild" North Fork Smith River are where most every OHVer traveling the McGrew Trail camps.

The McGrew Trail is a historic wagon route that was also used for mineral exploration, then as a hiking trail (photos #32 & 34) and currently it has become a destination for extreme off-road vehicle (OHV) use. Approximately 14.5 miles of its estimated 15.5 miles is within the South Kalmiopsis Roadless Area.

The RR-SNF has classed the McGrew Trail as a ML 2 road though is doesn't fit the criteria. It is user-created, not engineered to Forest Service standards (see photos #2, 3, & 22) and its not maintained at level 2 standards. McGrew Trail spur routes are primarily old user-created, mineral exploration tracks, which at a certain point were included in Forest Service road system. They are not engineered to Forest Service standards. For decades these routes were essentially not used by motorized vehicles, until the development of off-road vehicles that could travel anywhere on the difficult terrain (see for example photo #37). John Hart's account provide a pre OHV boom glimpse of the old trail. Other so-called roads, 4402-172, 497,530 and 550, are ML1. Road 4402-535, a spur of 4402-112, is also ML1 (see photo #33).

While the the DEIS has developed Alternative 4, which would prohibit the motorized use of roads and trail in Inventoried Roadless Areas it provides no analysis or disclosure of the impacts from motorized recreational use of McGrew Trail, its spurs or the 535 spur in the other alternatives. The DEIS does also does not address the effects on the area's Roadless Area values of converting the Biscuit Hill Trail from a ML1 route to a motorized trail.

These are fatal flaws because for example: 1) known populations of Arabis macdonaldiana (protected under the Endangered Species Act) occur along the McGrew Trail and at least one population has been impacted in the past by OHV use of the trail in the past (see discussion above); 2) other populations may occur on unsurveyed routes but the RR-SNF has not looked (DEIS, pp. II-61 & III-69); 3) the routes loop into the agency's recommended South Kalmiopsis Wilderness Addition and "Wild River Area" of a tributary of Baldface Creek, an "eligible" Wild and

Scenic River candidate; 4) the McGrew Trail according to Forest Service Watershed Analysis has a high risk on introducing Port Orford cedar root disease into large uninfested areas (see Port Orford cedar comments on the DEIS submitted on May 10, 2009).

For the Biscuit Hill Trail the DEIS proposes this mitigation measure:

> *If conversion of ML 1 Road 4402-494 (Cedar Springs to Biscuit Hill) requires actual construction or ground disturbance beyond the first 100 meter, conduct botanical field reconnaissance in the spring or early summer for Arabis macdonaldiana and FS Sensitive Plants along the proposed route before project is implemented. If Arabis macdonaldiana is found, re-route or re-design to avoid individuals. If FS Sensitive plants are found, re-route or re-design if needed to maintain viability of local populations, but no need to avoid every individual.* DEIS, p. 61.

However, the trail is almost entirely in the South Kalmiopsis Roadless Area, so reconstruction of the trail would not be consistent with the 2001 Roadless Area Conservation Rule.

The DEIS provides no site specific analysis of the impacts of motorized use of these routes on the unique characteristics and "outstanding wilderness character" of the South Kalmiopsis Roadless Area and ignores site-specific recommendations from other RR-SNF documents. However, there is another troubling Roadless Area concern with the DEIS's direction for these areas in alternatives 1 through 3.

The analysis in the DEIS is based on a number of assumptions that are used to avoid addressing significant issues with the RR-SNF's current road system. Many of the problems stem from the fact that the Siskiyou National Forest inventoried many user-created routes as system roads many years ago. See photographs throughout the appendix, including photos #38, 39 & 40.

These so-called roads where simply bulldozed across what we know now is an ancient landscape of global botanical significance, which is watershed to nationally outstanding, beautiful rivers and streams that are home to priceless wild trout and salmon population. The miners that "created" these "roads" were still allowed by the SNF to mark their claims by freshly bulldozing the old tracks as recently as 1995 (see photo #39). Some of these old mining tracks became trails, with the designation of parts of the area as Wilderness in the 1960's and 70's. However, beyond the Wilderness boundary the same routes were inventoried as a National Forest System roads. Most of these routes did not disqualify areas for Wilderness consideration during RARE II and are in Inventoried Roadless Areas.

The old mining tracks received little use (except by hikers and botanists) until the advent of off-road vehicles that could travel the often steep, eroding bulldozer trails. Unless forced by proposed mining plans (Nicore Mine Environmental Impact Statement) or lawsuits (Oregon Natural Resources Council v. Link) the RR-SNF has never done botanical surveys of these routes or their surrounding wild landscapes. When the agency did have to survey for plants they found rare and endangered ones. The Josephine Creek fen survey is another example of the RR-SNF not knowing the value of the land it manages. So most of this area has never been surveyed. Other effects of these mining tracks or their use, either for mining or a motorized vehicle routes and trails. has never been analyzed.

Analysis in the DEIS is based on the assumption that "most [National Forest System] roads and trails are constructed to a high standard based on an engineering design." DEIS, p. III-3. However, the DEIS also uses the assumption that "unauthorized routes were generally created without engineering design. Id. Perversely, on the Siskiyou National Forest there are unauthorized, user-created routes that are NFS "road" and there was no engineering design or regulation of their creation except perhaps the angle of repose. The analysis in the DEIS is also based on the assumption that the presence of rare and sensitive species of plants or animals on or near these roads doesn't count "when the road or trail is put to its intended use" and that the existing level of use of NFS roads and trails is part of the current condition and thus the impacts of the use of the route again escapes analysis. DEIS, p. III-2.

This is like saying to a mugging victim—you were mugged once, therefore it's your lot in life to be mugged again and again. The old muggers, got to mug with impunity so the new muggers get to also. Aside from the injustice of it, the potentially irreversible commitments of resources, and the lack of foundation for the assumptions, there are several problems with the escape clauses the RR-SNF is using in the DEIS, especially for unauthorized, user created, non-engineered, mineral exploration and claim marking National Forest System roads in its Inventoried Roadless Areas.

First, the purpose of these roads was never to provide off-highway-vehicle users with thrills and chills, rock and hill climbs playgrounds and photo and YouTube video opportunities. These uses are antithetical to the purposes of Roadless Areas and the unique characteristics of the Roadless Areas in question. Most of the routes were bulldozed by miners to create the appearance of performing assessment work, with a few used to actually access mines. Some of these were bulldozed over existing trails as was likely the case with the Biscuit Hill Trail and the McGrew Trail. Parts of the McGrew trail were recently bulldozed to create a fire line.

Second, the 2001 Roadless Area Conversation Rule, in its definition of road "reconstruction" includes any activity that "results in improvement or realignment of an existing classified road." 36 C.F.R. § 294.11 (2001) (emphasis added). Road "improvement" includes any activity that "results in an increase of an existing roads traffic service level, expansion of its capacity, or *a change in its original design* function. Id. (emphasis added). Road "realignment," in turn, is activity that results in a new location of an existing road or portions of an existing road, and treatment of an old roadway." Id.

Motorized vehicle use of the unauthorized, user-created, non-engineered, mineral exploration NFS roads in the Inventoried South Kalmiopsis Roadless Area (and some of the other Inventoried Roadless Areas on the Forest), is a form of reconstruction. Users re-align the routes to avoid areas where erosion caused by previous use has made them impassable. Users change the surface, killing vegetation that was becoming re-established and rare plants, widen the routes, cause erosion and otherwise altering the original purpose of the mining tracks. Denuding ultramafic terrain of vegetation and pulverizing the fragile soils may also place other users at risk, if the rock and soil contain naturally occurring asbestos. See - http://www.fs.fed.us/r5/noa/, EPA's comments on Travel Management Plans for other National Forest's with serpentine terrain and publications of the State of California.

Motorized vehicle use of these old user-created routes is likely to result irreversible impacts to areas with "outstanding wilderness quality" and nationally outstanding rivers and streams through the introduction of a non-native pathogen. Use of an abandoned Forest Service gravel pit as an

off-highway vehicle play area has already resulted in irreversible impacts to the South Kalmiopsis Roadless Area and the Oregon Mountain Botanical Area and increasing the risk to other areas.

While motorized use in Roadless Areas is technically not prohibited by the Roadless Rule, the RR-SNF must seriously consider prohibiting motorized use in Inventoried Roadless Areas unless, it can be shown that the use is for example: 1) compatible with the roadless area's unique characteristics and values; 2) that there will be no resource damage from the use; 3) that it will not impact other users seeking quiet recreation, enjoyment of rare plants and other unique qualities of the Roadless Areas.

Wilderness Potential

The DEIS fails to analyzed the impacts of its alternatives on the Wilderness potential of Inventoried Roadless Areas, including those it has recommended for addition to the Kalmiopsis Wilderness in 2004 (see attached Draft Environmental Impact Statement for Motorized Vehicle Use on the Rogue-River Siskiyou National Forest and the failure to analysis impacts of motorized trails in areas recommended as Wilderness in 2004, dated May 7, 2009).

Conclusion

Thank you for considering these comments. If you have any questions please contact: Barbara Ullian at (541) 474-2265.

Sincerely,

Barbara Ullian
Friends of the Kalmiopsis
1134 S. E. Allenwood Drive
Grants Pass, Oregon 97527

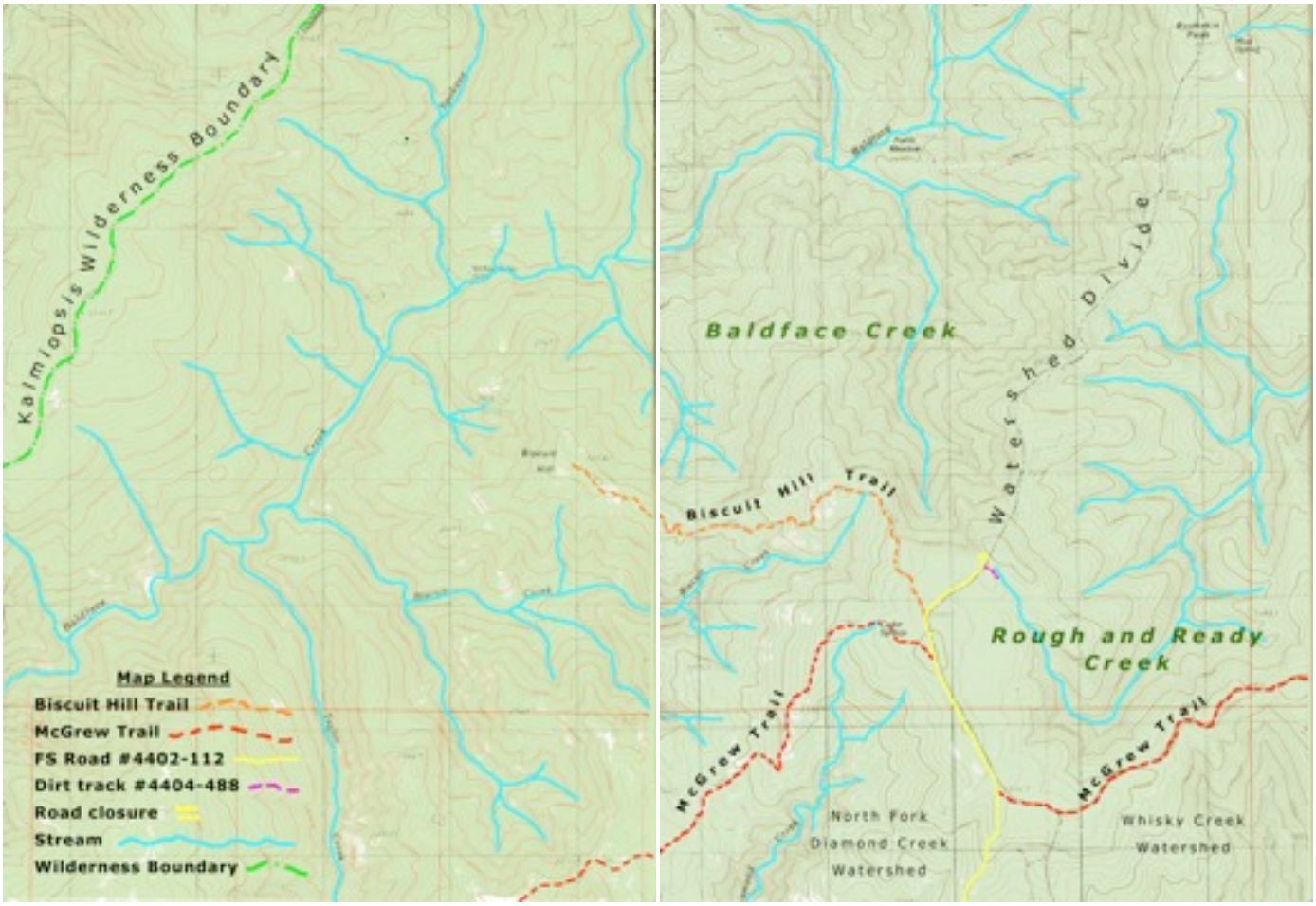
George Sexton
Klamath-Siskiyou Wildlands Center
P. O. Box 102
Ashland, Oregon 97520

Dave Willis
Soda Mountain Wilderness Council
P. O. Box 102
Ashland, Oregon 97502

Attachment: May 7, 2009 document entitled Draft Environmental Impact Statement for Motorized Vehicle Use on the Rogue-River Siskiyou National Forest and the failure to analysis impacts of motorized trails in areas recommended as Wilderness in 2004

Photo #1 The Biscuit Hill Trail. The Trail is an old user created two track, which the SNF included in their system road inventory. The presence of the route did not disqualify this part of the South Kalmiopsis Roadless Area from inclusion in the Forest Service's RARE II Inventory. Except for its terminus with FS road 4402-112, the Biscuit Hill Trail is also within the 34,153-acre South Kalmiopsis addition to the Kalmiopsis Wilderness which the Rogue River-Siskiyou National Forest and the Bush Administration proposed in 2004. The photo was taken on June 18, 2006. It shows the sparse vegetation and open serpentine terrain of the Josephine ophiolite, where the terrain makes it easy for vehicle to go off road. A wet area on the road can be seen in the foreground. The area of the photo burned during the Biscuit Fire.

Map #1 - Biscuit Hill Trail and Baldface and Rough and Ready Creek Watersheds.



Above - Air photo composite of the Baldface Creek Watershed, the headwaters of Rough and Ready Creek, the Kalmiopsis Wilderness and the area of Biscuit Hill Trail. The photo is a composite of four RR-SNF arial photographs from a post Biscuit Fire flight conducted on August 18, 2003. The air photo demonstrates the the high percentage of serpentine terrain (80%) in the Baldface Creek Watershed, where Port Orford cedar is a critically important and major conifer component of riparian ecosystems. The 20 percent of the watershed underlain by granitic rock also stands out and is where a rare isolated western hemlock plant series, in which Port Orford cedar is an important component, is found. Large Port Orford cedar and Douglas fir (upward of 8 feet in diameter are found on the granitic soils of the watershed.

← Beginning terminus of the Biscuit Hill Trail from FS road 4402-112.

← The two segments of the McGrew Trail where it intersects with FS road 4402-112.

X Confluence of Baldface Creek with National Wild and Scenic North Fork Smith River and Sourdough Camp

There is no true "dry season" in the South Kalmiopsis

Top left - **Photo #2** McGrew Trail in the South Kalmiopsis Roadless Area and vehicle during RR-SNF sanctioned 4-wheel drive event on June 18 & 19, 2005. Note the Port Orford cedar along the trail and muddy conditions.

Top right - **Photo #3** McGrew Trail South Kalmiopsis Roadless Area and vehicle during June 18 & 19 2005 Father's Day trail ride. Weather was describe by participants as: "... ***incessant showers, frequently interrupted by even more rain, for all three days*** ...".

Middle - **Photo #4** - The Biscuit Hill Trail goes through an area of springs which forms the headwater of Biscuit Creek. Port Orford cedar are found through out the area and downstream. According to the Forest Service's 1994 wild and scenic river eligibility determination for Baldface Creek, this area of Biscuit Creek meets the Wild and Scenic River classification of "Wild." In 1993, the trail was used primarily by hikers. Vehicles are increasingly using the area and the Rogue River-Siskiyou National Forest's proposed travel management plan converts the trail to a motorized route, despite the fact that it in an area they proposed as Wilderness in 2004 found should be classified as a "Wild" River Area in 1994.

Photos 4 & 5 taken June 18, 2006/Barbara Ullian.

Bottom - **Photo #5** - Biscuit Hill Trail and springs forming the headwaters of Biscuit Creek. The area remains wet year-round.

OHV Damage to "Wild" Section of National Wild & Scenic North Fork Smith River Sourdough Camp - 2002

Top right - **Photo #6** One of the six OHV hill climb "cuts" in "Wild" Section of North Fork Smith.

Top left - **Photo #7** Deep "mud bogging" vehicles tracks within the "Wild" Section of National Wild and Scenic North Fork Smith River corridor.

Photos at - http://www.oregonwaters.org/index.htm

http://www.oregonwaters.org/Post%20Biscuit%20Fire%20McGrew%20Trail.htm

Middle left - **Photo #8** - OBH 1st Annual McGrew Trail Ride and Fishing Trip - June 7 & 8, 2002. Clearly off highway vehicle users do not stay on roads and trails. Here they pose their vehicles in an area call they've ironically dubbed "the rock garden" in order to take pictures of each other in the South Kalmiopsis Roadless Area. http://jbjeep.terahex.com/McGrew2002/McGrew2002.html

Middle right - **Photo #9 -** OBH 1st Annual McGrew Trail Ride and Fishing Trip - June 7 & 8, 2002. Vehicle rock climbing that got stuck on the ultramafic rock of the Josephine ophiolite (South Kalmiopsis Roadless Area).

Bottom left - **Photo #10** - McGrew Trail (South Kalmiopsis Roadless Area) web photo. Caption - *"Randy chose a huge rock on the side of the road to show off the abilities of the custom tube frame he designed. Driving with hand controls only, he crawls the rocks with the best of 'em!"*

http://www.4x4now.com/trorcr.htm - 1997 Creek n" Trail (McGrew Trail) 4X4 Ride

Top left - **Photo #11** - OHV entering stream in Josephine Creek Watershed and South Kalmiopsis Roadless Area - definitely going off road.

Top right - **Photo #12** - OHV heading off road down steep slope in South Kalmiopsis Roadless Area.

Middle left - **Photo #13** McGrew Trail in South Kalmiopsis Roadless Area in April of 2003. Roads on serpentine terrain intercept stream channels or overland flows and becomes stream channels.

Middle right - **Photo #14** McGrew Trail in South Kalmiopsis Roadless Area in April of 2003. The McGrew Trail provided access behind the Port Orford cedar gate on 4402-112 providing access to to large uninfected watersheds. Web photo

Bottom left - **Photo #15 -** Photo taken on May 27, 1990. It shows FS road 4402-112 (Rough and Ready and Baldface Creek watershed) after a storm in which the Illinois Valley received approximately 3 inches of rain in a three day period. An active logging operation continued despite the wet conditions. Precipitation was likely much higher.

Bottom right - **Photo #16 -** May 27, 1990, headwaters of Baldface and Rough and Ready Creek Watersheds in area of erosive granitic soils.

Photos 15 & 16 Barbara Ullian

Top right - **Photo #18** Iron pipes cemented into the ground were pushed over at the Kalmiopsis Wilderness boundary. Vehicle track continued into the Wilderness well beyond the boundary barrier. Barbara Ullian/July 22, 2001.

Middle left - **Photo #19** - OHVer play in abandoned Forest Service gravel pit off of FS road 4402. The gravel pit, in the headwaters of Whisky Creek was the initial source of the Port Orford cedar root disease infestation that resulted in the full length of Whisky Creek (South Kalmiopsis Roadless Area) and the West Fork Illinois River below it. Web photo.

Above - **Photo #20** Port Orford cedar are found directly along the McGrew Trail and below the trail in the Rough and Ready Creek Watershed, despite the fact that the Trail was used as a fire line where the Forest Service set fires to burn the area inside inside the fire line. Barbara Ullian, October 26, 2003.

Bottom right - **Photo #21** Port Orford cedar along the McGrew Trail in the South Kalmiopsis Roadless Area. The Port Orford

Map #2 - Figure 4.8 - of "A Range-wide Assessment of Port-Orford-Cedar (Chamaecyparis lawsoniana) on Federal Lands", October 2003, page 58.

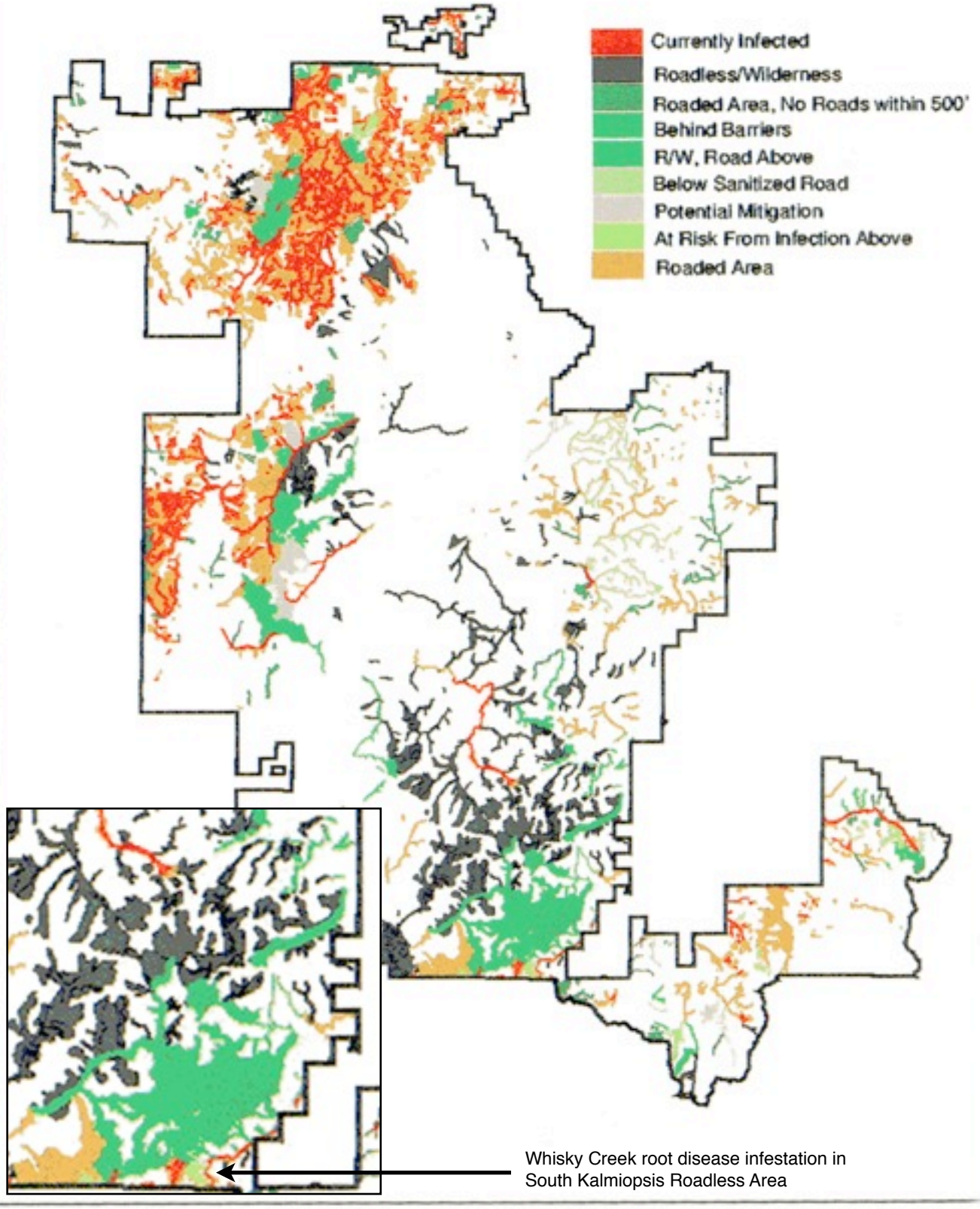


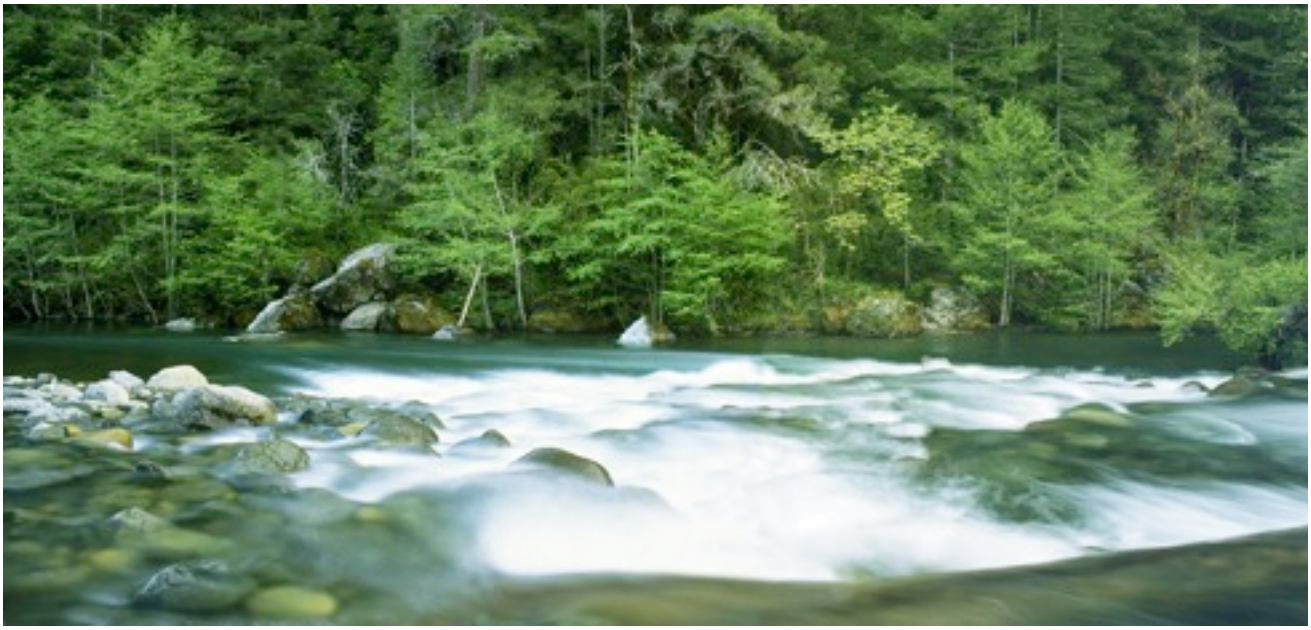
Figure 4.8—Condition of Port-Orford-cedar in the Siskiyou National Forest relative to factors that influence disease spread, 2001

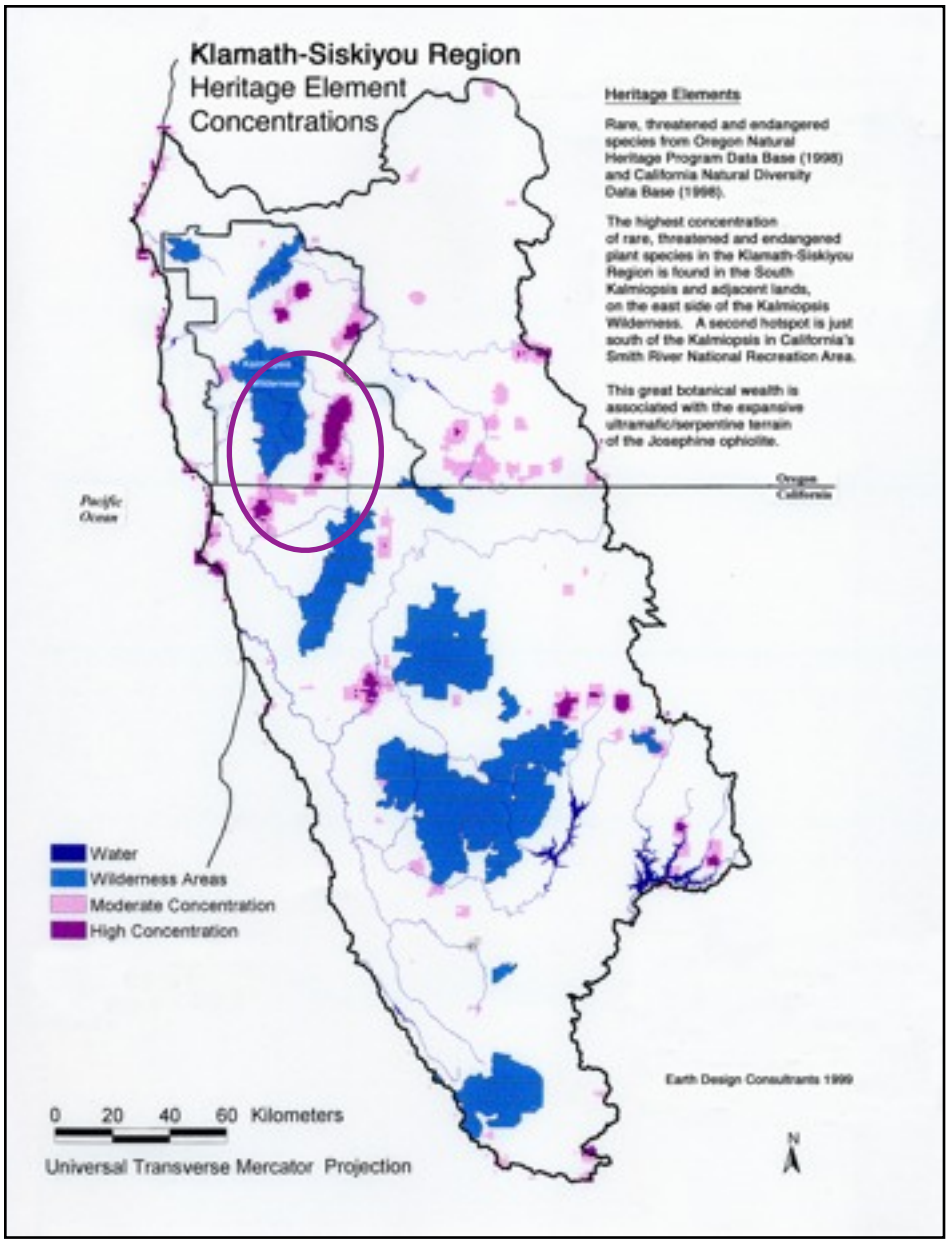
Top left - **Photo #22** - Serpentine terrain and the McGrew Trail in the South Kalmiopsis Roadless. The 1975 Sierra Club Books', *Hiking the Bigfoot Country*, described the McGrew Trail as "little more than a broad stony trail." However, as this 2008 photo from the internet shows parts of the trail have eroded until it's well below the surrounding land surface. The steep grade of the trail, the increasing vehicle travel and accompanying erosion have resulted in the trail increasingly intercepting surface flows until it has essentially become a stream channel during wet conditions. The interception of surface flows by roads can seriously impact rare plant habitat such as serpentine fens. See "A Field Guide to Serpentine Plant Associations and Sensitive Plants in Northwester California (USDA FS, R5-ECOL-TP-006) for more information.

Photograph at - http://forum.ih8mud.com/ca-jefferson-state-cruisers/241994-mcgrew-trail-lost-coat-4x4s.html

Middle left - **Photo #23 -** Rough and Ready Creek is one of three streams flowing through the South Kalmiopsis Roadless Area, which the RR-SNF has found outstandingly remarkable and eligible to be added to the National Wild and Scenic River System. Barbara Ullian, March 2004.

Bottom - **Photo #24 -** Baldface Creek at its confluence with the National Wild and Scenic North Fork Smith. Baldface Creek is the second of three outstandingly remarkable streams flowing through the South Kalmiopsis Roadless Areas, which the RR-SNF has found eligible to be added to the National Wild and Scenic River System. Barbara Ullian. May 17, 1988





Map #3 - Heritage Elements Concentrations in the Klamath-Siskiyou Region

Heritage Elements are rare, threatened and endangered species from the Oregon and California's Natural Heritage Data Bases. The map reflects rare, threatened and endangered species data as of 1998.

The map shows moderate and high concentrations of Heritage Elements.

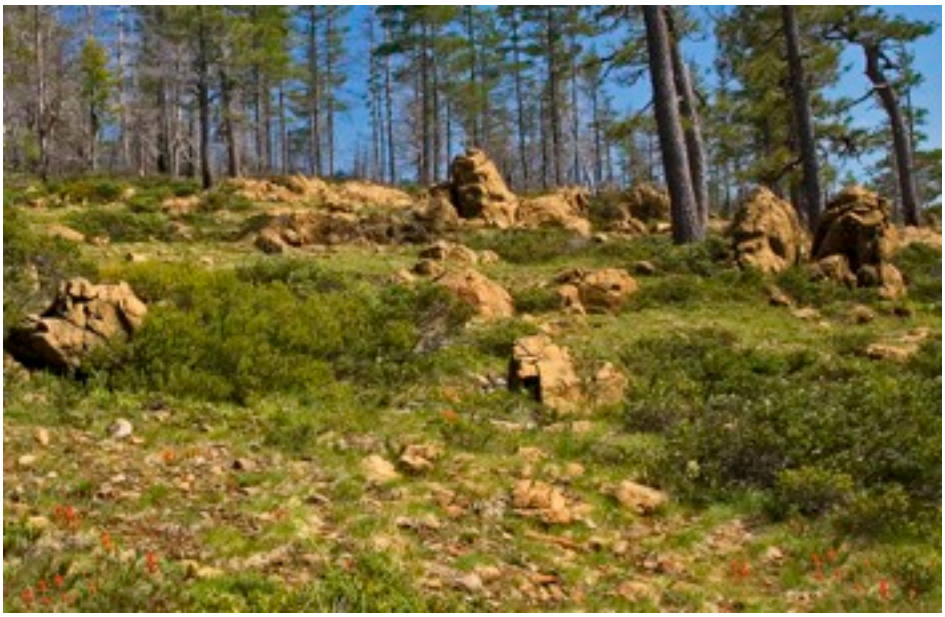
However, it does not reflect numerous more recent discoveries of rare and threatened plants from surveys conducted for the proposed Nicore nickel mine in the Rough & Ready Creek watershed, the McGrew Trail and the 2001 Serpentine Fen surveys in the Josephine Creek Watershed. All are areas mostly in the South Kalmiopsis Roadless Area.

The circled area of high concentration, east and south of the Kalmiopsis Wilderness, represents mostly serpentine terrain and a globally unique area which hosts among the highest percentages of rare endemic plants in North America.

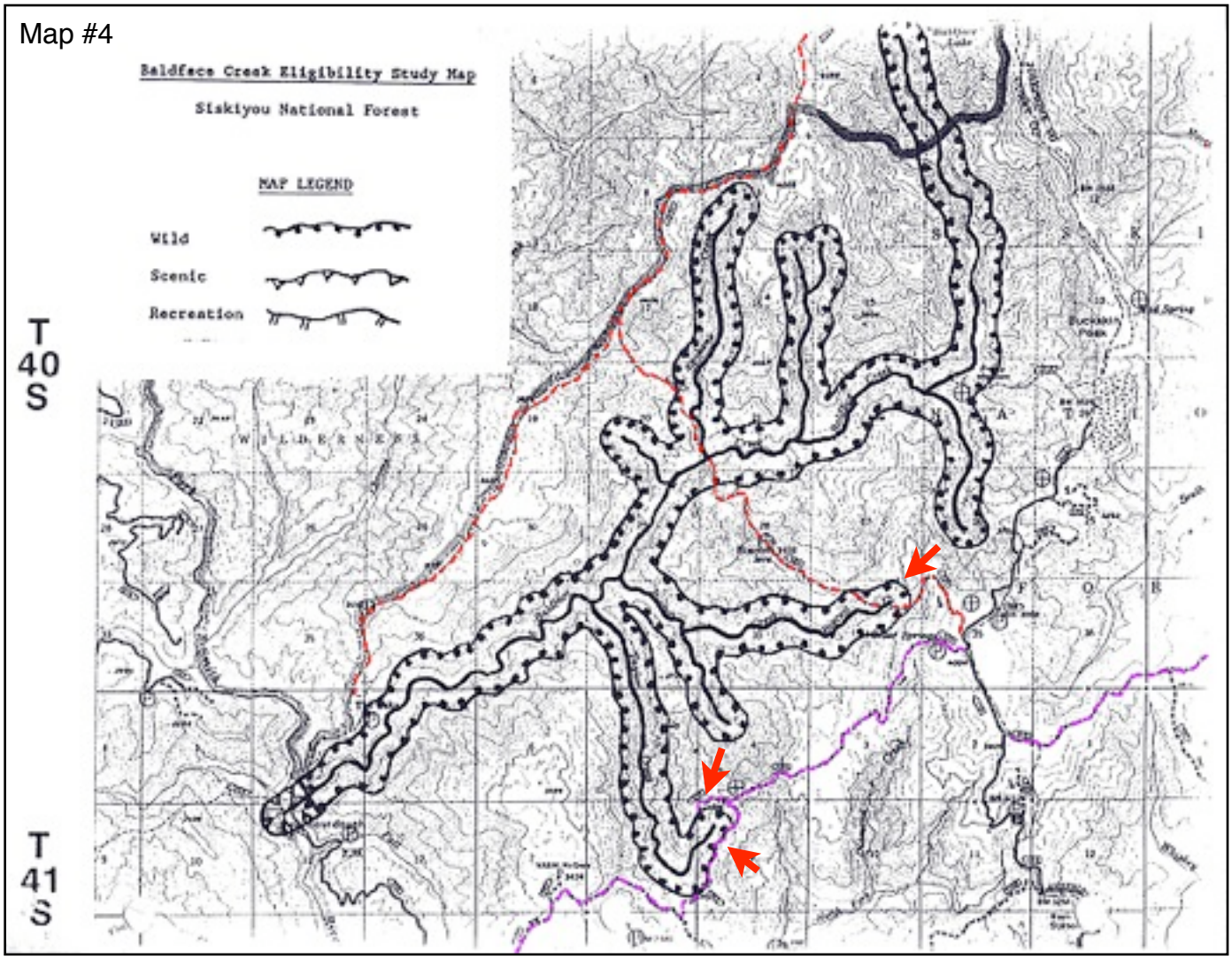
Bottom left - **Photo #25** - Wildflowers and serpentine terrain along the Biscuit Hill Trail (South Kalmiopsis Roadless Area/ Baldface Creek watershed). Off road vehicles could easily access numerous pristine areas like this along the Biscuit Hill Trail. Barbara Ullian, June 18, 2006.

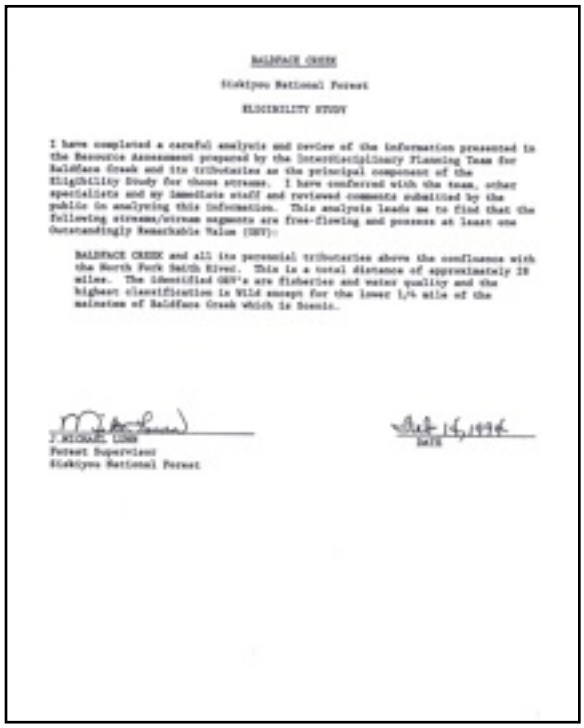
Right (below) - **Photo #26** - *Lewisia oppositifolia* in the Baldface Creek watershed. Barbara Ullian

Bottom Right - **Photo #27** - Indian paint brush and ultramafic rock. Barbara Ullian.



Map #4





BALDFACE CREEK

Siskiyou National Forest

ELIGIBILITY STUDY

I have completed a careful analysis and review of the information presented in the Resource Assessment prepared by the Interdisciplinary Planning Team for Baldface Creek and its tributaries as the principal component of the Eligibility Study for those streams. I have conferred with the team, other specialists and my immediate staff and reviewed comments submitted by the public in analyzing this information. This analysis leads me to find that the following streams/stream segments are free-flowing and possess at least one Outstandingly Remarkable Value (ORV):

BALDFACE CREEK and all its perennial tributaries above the confluence with the North Fork Smith River. This is a total distance of approximately 20 miles. The identified ORV's are fisheries and water quality and the highest classification is Wild except for the lower 1/4 mile of the mainstem of Baldface Creek which is Scenic.

J. MICHAEL [illegible]
Forest Supervisor
Siskiyou National Forest

Feb 14, 1996
DATE

Highlighted Areas on Map #4

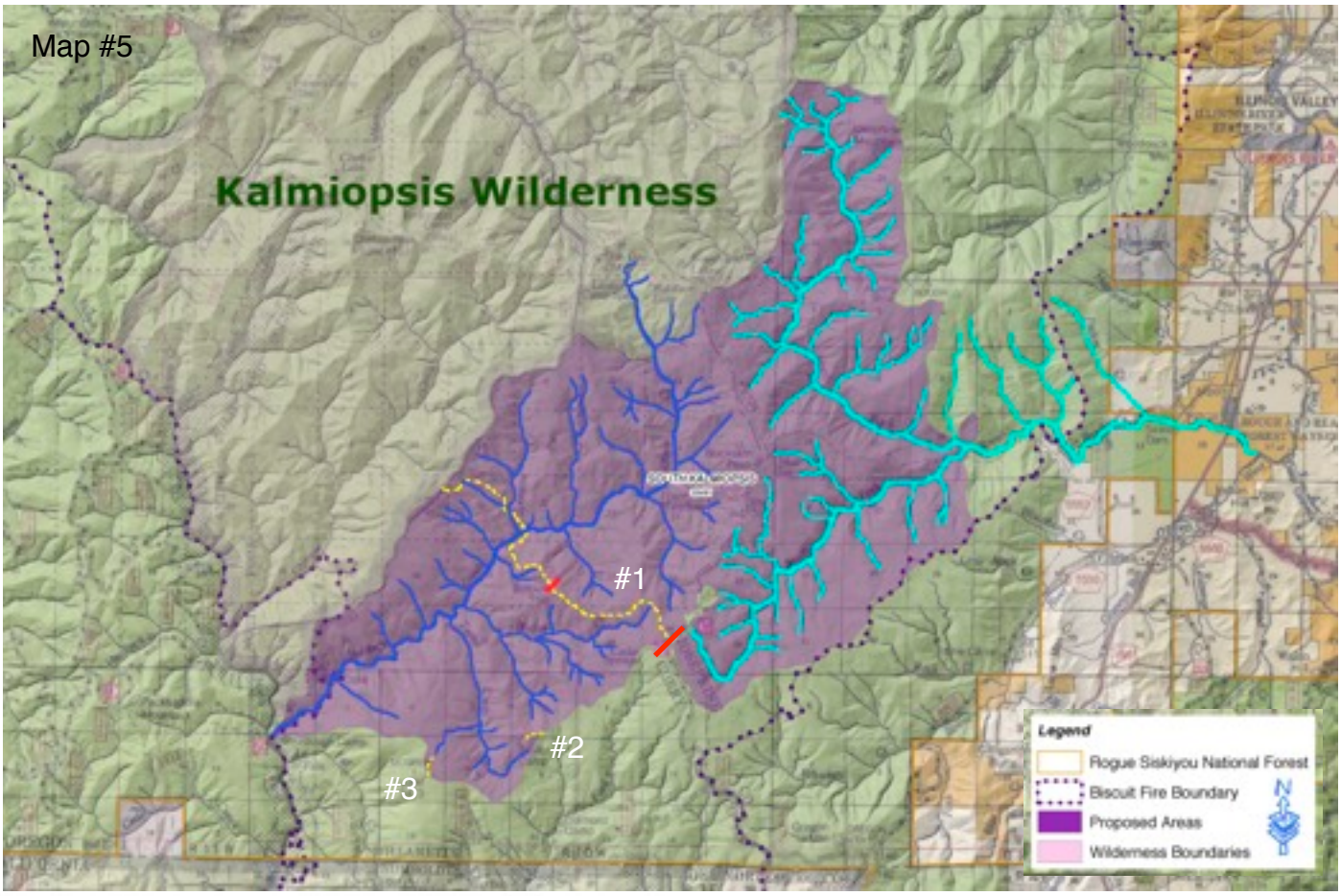
Biscuit Hill Trail plus other trails it accesses

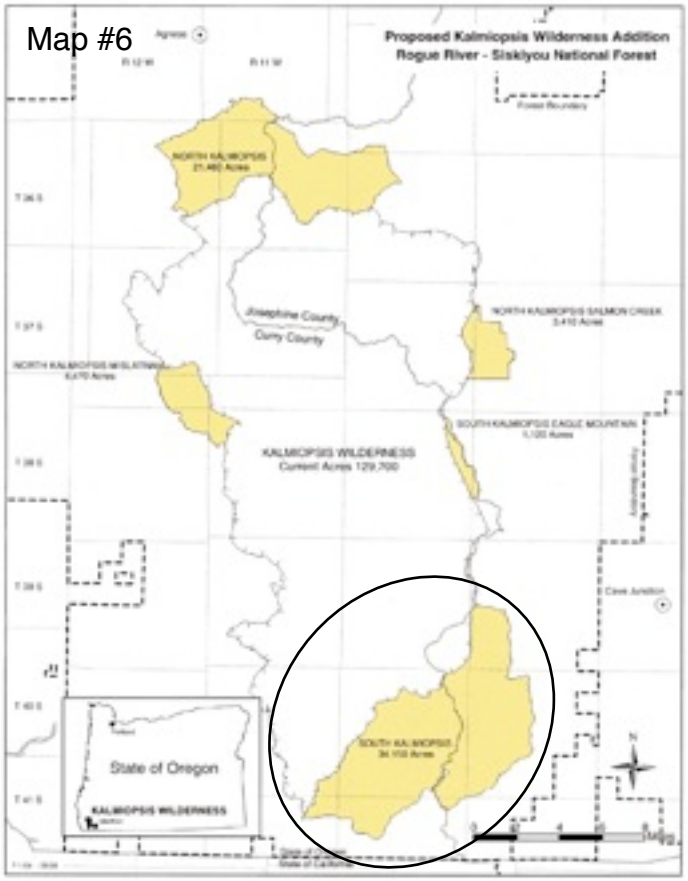
McGrew Trail plus mineral exploration spurs

Proposed OHV trail with potential conflict with eligible Wild River Areas

Map #4 is from the Siskiyou National Forest's Wild and Scenic River eligibility decision for Baldface Creek (left). The decision found Baldface Creek and all its perennial tributaries "eligible." Except for a short segment at its confluence with the National Wild and Scenic North Fork Smith River, all of Baldface Creek was found to meet the classification of a "Wild River Area." The segment at the confluence also would meet the qualification of "Wild" except the RR-SNF has allowed 4-wheel-drive group partying and camping on the "Wild" segment of the Wild and Scenic North Fork Smith immediate below the confluence of Baldface Creek.

The Draft Environmental Impact Statement for Motorized Vehicle Use on the Rogue River-Siskiyou National Forest proposes motorized use of three old user-created routes that potentially enter the eligible "Wild River" segments on two of Baldface Creek's perennial tributaries—Biscuit Creek and Taylor Creek.





Legend for additions to above RR-SNF Map (#5)

RR-SNF proposed motorized trails in proposed South Kalmiopsis Wilderness Addition

Rough and Ready Creek

Baldface Creek

Map #5 - is trom original RR-SNF map of its 2004 recommended additions to the Kalmiopsis Wilderness. The proposed South Kalmiopsis Wilderness addition is the purple area. Map #6 is also a RR-SNF map showing all the recommended Wilderness Additions. The circled area on Map #6 corresponds with the purple area on Map #5

Three trails, which the RR-SNF is proposing as motorized routes in the Draft Environmental Impact Statement for Motorized Vehicle Use on the Rogue River-Siskiyou National Forest, are highlighted on Map #5.

#1 The Biscuit Hill Trail (4402-494. Motorized use is proposed for 2.7 miles of the trail (approximately to the red line). However, there's nothing to stop vehicle, especially motor cycles from going farther and possibly crossing Baldface Creek. Map #3 shows the extent of trails that could be potentially access from the Biscuit Hill trail.

#2 and **#3** are mineral exploration spurs off the McGrew Trail. **The McGrew Trail also crosses in and out of the the South Kalmiopsis Wilderness addition but is not shown on map #3. The south end of the McGrew is on Map #4.**

e

ATV Users Regularly Violating Port Orford Cedar Closures
Forest Service Gate Installation Makes it Ineffective

Top left - **Photo #28** - Ancient fire scared Port Orford cedar along the Biscuit Hill Trail during a trip to investigate how far off road vehicles were going after violating the Port Orford cedar gate closure on road 4402-112. The POC gate is supposed to be closed during the wet season to prevent vehicle access to high risk areas behind the gate. However, the gate is made ineffective because ATV can easily go around it and areas like Photo#29 can be wet most of the year.

Top right - **Photo #29** - Ancient Port Orford cedar in area of springs that are likely associated with the headwaters of Biscuit Creek. This is the same area shown in Photos 4 and 5 on page 27 and likely the area shown on Map #4 where the Biscuit Hill Trail enters into the "eligible" Wild River Area of Biscuit Creek.

Middle left - **Photo #30** - Vehicle tracks through high risk area of saturated soils on road 4402-112, well behind the Port Orford cedar gate.

Bottom left - **Photo #31** - Well worn ATV track goes around the Port Orford cedar gate on 4402-112. ATVs and motorcycles can easily access the area behind the gate, including both segments of the McGrew Trail and the Biscuit Hill Trail and vast areas remote on the Chetco Divide and Kalmiopsis Rim trails. See photo #18 of tire track beyond Wilderness Boundary.

All photographs this page courtesy of Richard Nawa. They were taken on April 26, 2009 during a hike to investigate use of the area behind the 4402-112 Port Orford cedar gate. Additional photographs were submitted to the RR-SNF on May 6, 2009

Top left - **Photo #32** - McGrew Trail, April 1987 Trail Ride and hike - Barbara and Karin Ullian and Doc.

Top right - **Photo #33** - Forest Service road 4402-535 is an old user-created route that is inventoried as a ML 1 road. The DEIS proposes motorized use of the road but does not analyze it. Photo taken June 2002 before the Biscuit Fire.

Bottom right - **Photo #34** - McGrew Trail, April 1987 trail ride and hike - Barbara and Karin Ullian and Doc.

All photographs this page by Barbara Ullian. Additional photographs available to support this petition.

Top left - **Photo #35** - Photograph of McGrew Trail at Cedar Springs from the internet. The DEIS describes Cedar Spring as being on the Biscuit Hill Trail (DEIS p. II-61). This is incorrect. Cedar Springs is on the McGrew Trail and is shown on USGS maps as a headwaters of the North Fork of Diamond Creek.

Middle left - **Photo #36** - Photograph of vehicle fording Baldface Creek after the 2003 National Wild and Scenic River Management Plan for the North Fork Smith River prohibited crossing of Baldface Creek (p. 7 of the plan). Vehicle barriers were placed to prevent vehicles from fording Baldface Creek and driving on gravel bars in the "Wild River Area of the North Fork Smith River but many users Sourdough Camp don't respect the prohibitions and barriers have been vandalized and made ineffective.

Bottom left - **Photo #37** - Photograph of vehicle crossing unknown stream taken from the internet. While the trip name was listed as "McGrew Trail" we believe the photograph is in the Smith River National Recreation Area. It was included here to demonstrate how difficult terrain and stream crossings no longer prevent 4-wheel drive access to wild areas. Also note the large riparian Port Orford cedar (photo upper left one-quarter)

Top left - **Photo #38** - An old user-created mineral exploration track in the South Kalmiopsis Roadless Area, which the Siskiyou National Forest inventoried as a system road. Prior to 1994, when Congress required mining claimants to pay a claim fee rather than allow assessment work to maintain their standing, miners often bulldozed tracks to mark their claims as a form of assessment work. These and other mineral exploration tracks have serious environmental impacts. For example the so-called SNF system road above intercepted the flow of the creek it followed and diverted the creek down the mining track. The scale of the destruction is hard to imagine. There is a person standing in the area of the red circle.

Top right - Photo **#39** - Another user-created mineral exploration route inventoried as a SNF system road. The photo was taken in 1995 after the mining claimant had freshly bulldozed many miles old track in an otherwise roadless area and a Botanical Area as erosion control, when in fact he created erosion with some of the bulldozed route now well below the surface of the surrounding land, intercepting surface flows and becoming stream channels. This photo also shows the fine choking powder of disturbed ultramafic spoils.

Middle right - Photo **#40** - A user-created mining track inventoried as a SNF system road going through a Botanical Area.

All photos this page by Barbara Ullian

May 10, 2009

Scott Conroy, Forest Supervisor
Rogue River-Siskiyou National Forest
C/O Steven R. Johnson, Project Lead
Ashland Ranger Station
645 Washington Street
Ashland, Oregon 97520-1402
comments-pacificnorthwest-rogueriver-siskiyou@fs.fed.us

Re: Draft Environmental Impact Statement for Motorized Vehicle Use on the Rogue River-Siskiyou National Forest (DEIS), Port Orford cedar and Denial of Comment Period Extension

Dear Forest Supervisor:

These comments on the Draft Environmental Impact Statement for Motorized Use on the Rogue River-Siskiyou National Forest (DEIS) are submitted on behalf of Friends of the Kalmiopsis (Friends). They are part of a series of comments Friends will and have submitted on various issues regarding the DEIS (including information submitted prior to scoping and the release of the DEIS). While submitted separately, in order to be timely and to focus on specific issues, all information and comments to the RR-SNF by Friends should be considered as a whole. In addition, Friends are cosigners to comments on the DEIS submitted by Klamath-Siskiyou Wildlands Center.

These particular comments (POC comments) focus on the issue of the motorized use of roads and trails and how this influences the spread and introduction of Port Orford cedar root disease and the impacts of the introduction on the important ecological function of Port Orford cedar in the ecosystems it inhabits. Information and issues raised in Friends' POC comments may also apply to other areas of the DEIS.

In addition, these comments tier to Siskiyou Project, Barbara Ullian, Klamath-Siskiyou Wildlands Center and Oregon Wild's appeal to the Regional Forester, dated June 1, 2004, of the Record of Decision Land and Resource Management Plan Amendment for Management of Port-Orford-Cedar in Southwest Oregon, Siskiyou National Forest and Final Supplemental Environmental Impact Statement for Management of Port-Orford-Cedar in Southwest Oregon. If the RR-SNF does not have an electronic version of the appeal, please let us know and we'll supply it. Finally, we incorporate by reference the comment we submitted during scoping.

On May 4, 2009, Friends of the Kalmiopsis, Pacific Rivers Council, Oregon Wild and American Hiking Society wrote to you asking for an extension of the 45 day comment period on the DEIS. Our request was based on the Rogue River-Siskiyou National Forest's (RR-SNF) long delay in providing information regarding Port Orford cedar as it relates to the Forest's Travel Management Planning (TMP) and alternatives in the DEIS. The request was made on April 7th.

The information and maps were finally supplied on Friday May 8th (we picked up a hard copy map at the Grants Pass Interagency Office) but this map, for the most part, is illegible as is the electronic version that was emailed by Margaret Flores on Friday, May 8. It's very disappointing for it to take 31 days and a number of emails and phone calls—all while the comment period is running—to receive information that should have been, at the very least, readily available to the public and then have the information basically unusable.

When the PDF file would not open correctly, I emailed it to Erik Fernandez, Oregon Wild's map and GIS expert. He sent it back in a format that could be opened. Here's what he wrote about the electronic map

entitled - Draft Environmental Impact Statement Motorized Vehicle Use on the Rogue River-Siskiyou National Forest Working Port Orford Cedar Map May 8, 2009 (hereafter POC map)

> "*... the map is a bizarrely put together scan combined with GIS that is very illegible.*"

While it's possible to determine the general locations of the POC core areas (if one knows the area), without the road and trail systems legible, there's no way to provide comments about how the various alternatives might affect Port Orford cedar or to understand the bases for broad assumptions the DEIS makes regarding Port Orford cedar and the non-native pathogen that kills it, *Phytophthora lateralis* (PL).

As you know roads and motor vehicle use of roads and trails are the primary ways that Port Orford cedar root disease, PL, is introduced and spread into watersheds, forest stands and wetlands.

> ***The road system in [Port Orford cedar] country is largely infested and provides the principal pathway for disease spread.*** *POC regenerates prolifically in disturbed soil and is especially abundant adjacent to roads ... Four half-mile stretches of forest roads were surveyed for root disease in 1986 and then again in 1993 ("Roadside Surveys for Port-Orford-Cedar Root Disease," E. Hansen, M. Wilson and D. Zobel, Report to the Siskiyou National Forest, 14 February 1994). Cedar were still most abundant near the roads in all areas, but mortality continues and inoculation has spread further along the roads as well as down-slope. The pathogen is now present across the landscape below the roads* (emphasis added). Hansen, Goheen, Jules and Ullian, 2000.
>
> *The situation along streams is even more critical. Essentially all POC growing with their roots in contact with normal winter high flows are killed within a few years of introduction of the pathogen to the stream. Id.*

According to Erik S. Jules:

> ***Roads are the most likely route for P. lateralis to move to uninfected areas, and most new infections are in direct proximity to roads****. In a previous study (Jules et al. 1998), my colleagues and I demonstrated that POC populations near roads were significantly more at risk of infection. For instance, 72% of the infections in our study area were initiated at the point where roads intersect POC populations along streams. Not one of the 36 separate (new) infection events occurred above (i.e., beyond) the road system (*emphasis added*).*

Dr. Jules is the lead author of: Jules, E.S., M.J. Kaufmann, W. Ritts, & A.L. Carroll. 2002. *Spread of an invasive pathogen over a variable landscape: a non-native root rot on Port Orford cedar*. Ecology 83:3167-3181.

The ecological importance of Port Orford cedar in riparian and wetland ecosystems, especially on serpentine terrain and the streams flowing through it, is well established. It's also well established that once PL is introduced into a watershed there is no practical way to eradicate the pathogen. Therefore introduction of PL is irreversible. See for Example Everett M. Hansen, Donald J. Goheen, Erik S. Jules and Barbara Ullian, "Managing Port-Orford-Cedar and the Introduced Pathogen, Phytophthora lateralis" in *Plant Disease*, Vol. 84 No. 1 - http://apsjournals.apsnet.org/doi/pdf/10.1094/PDIS.2000.84.1.4?cookieSet=1.

Given these facts, it's very hard to understand why there's esentially no analysis in the DEIS on the risk of motorized vehicle use of specific roads and trails in spreading the root disease, especially where motorized use is within or accesses large uninfected watersheds where Port Orford cedar is an important component of riparian ecosystems. In response to Friends of the Kalmiopsis, April 7, 2009 information request, the RR-SNF responded in a document titled Port-Orford-cedar Information Request Response,

Draft Environmental Impact Statement Motorized Vehicle Use on the Rogue River Siskiyou National Forest, May 6 2009. It states that:

> *"All of the POC cores intersect the Siskiyou Travel Routes except watersheds 31A04W and 31C)1W."*

First, there is no way to correlate the 7th field watershed POC Cores, which are only identified by numbers, with the those on the map and since the roads and trails on the map are illegible, this statement is doesn't provide meaningful information on which to base a discussion of risk assessment or potential impacts of root disease introduction from specific roads in specific watersheds or land allocations such as Riparian Reserves or Botanical Areas. Further, there's no way to know whether there are high risk wet or other stream crossing on the "Siskiyou Travel Routes" and there's no explanation of what "Siskiyou Travel Routes" the response is referring too.

Top - Sign on 4103-087 in the 1990s after the user-created "road" crosses the National Wild and Scenic Illinois River on a low water bridge. The sign reads "Limited Maintenance, Not Suited for Public travel." **Middle** - Port Orford cedar in this steep tributary of Rancherie Creek, is preventing down cutting and erosion through the contribution of live cedar and large-wood. The photo is taken directly below 4103-087. **Below** - Port Orford cedar seedling re-vegetating stream-side slide area in Rancherie Creek tributary near

Second, in comments on the Supplemental Environmental Impact Statement for the Management of Port Orford Cedar in Southwest Oregon (POC SEIS), which amended the Siskiyou National Forest Plan, Dr. Matt Kaufman wrote that:

> *We are concerned that the core areas are set-up as a "straw man", easily knocked down because they are impossible to implement.*

The Environmental Protection Agency also commented on the POC SEIS dependence of POC Core areas stating that:

> *"alternative 2 does not provide "additional" protection for uninfested areas.* POC SEIS, p. A-98.

The Forest Service's response in the POC SEIS does not directly address EPA's concerns because it is based on additional "core areas" not additional "protection". Without "additional" protection, such as "mandatory" management practices to prevent the introduction of PL into core areas,[1] the core areas will not serve as "refugia of diversity and the abundance of an unimpaired POC ecosystem. Additionally Port Orford cedar core areas are not the only places where Port Orford cedar is ecologically important and where there would be significant impacts if the root disease were to be introduced.

Take for example, the Rancherie Creek Watershed, which a steep, old user-

[1] See comments on the draft POC SEIS by Dr. Donald Zobel and Dr. Tom Jimmerson found in its Analysis File.

created mining road (known as the Chetco Pass road, inventoried as 4103-087) runs through and which is otherwise, essentially roadless. Rancherie Creek is a steep gradient, direct tributary of the National Wild and Scenic Illinois River and part of a Late-Successional Forest Reserve. The lower reach of Rancherie Creek has a large stream-slide along it.

The Chetco Pass road also drops over into the watershed of Slide Creek, a tributary of the National Wild and Scenic Chetco River, that is mostly within the Kalmiopsis Wilderness.

While not shown as a POC Core Area, it can be demonstrated, on-the-ground, that Port Orford cedar plays a critical role in the Riparian Reserves of the Rancherie Watershed. The function of POC along streams can be seen, for example, where young cedar are putting down their roots in stream-side slides and beginning to help stabilize and re-vegetate the steep slopes or where the cedar help prevent down cutting and bank erosion in high gradient streams. Often Port Orford cedar is the primary conifer component of riparian areas in the watershed. There is essentially no other tree species that will likely fill it's ecological function. And while the Biscuit Fire killed many streamside cedar, this only makes the surviving POC all the more ecologically important as the seed source, from parent trees that have adapted over thousands of year to the difficult conditions in this rugged watershed, to aid in natural recovery.

The Chetco Pass road has a seasonal Port Orford cedar gate on it. However, the road also intercepts springs or crosses creeks that are wet either year-round or most of the dry season. While the Forest Service has attempted some mitigation of these high risk conditions, some of the mitigation measures have been subject to failure or have fallen into disrepair.

Above - Forest Service system road 4103-087, prior to the Biscuit Fire. The old, user-created mining road is an example of some of the routes on the Siskiyou National Forest that the agency inventoried as system roads. A lawsuit forced the agency to analyze the impacts of use of the road, which is steep, eroding and has numerous wet areas along its length. However, the Forest Service has yet to prepare an environmental assessment, required by the court before the route is used to access a proposed fire lookout rental on the edge of the Kalmiopsis Wilderness.

Below - Spring where Chetco Pass Road intercepted subsurface flow and diverted it onto the road surface. The spring flows through the root system a large Port Orford cedar. Old user-created roads on the Siskiyou National Forest often intercept surface or sub surface flows. This results in a variety of impacts and results in a higher risk of their use by motor vehicles in spreading POC root disease. Photographs - Barbara Ullian.

The agency at one time installed vehicle barriers to prevent access into the Wilderness watershed but these have been breached. So while the proposed action shows motorized use of the Chetco Pass road ending at approximately Chetco Pass, there is nothing to prevent vehicles from driving in the top part of the Slide Creek watershed before it enters the Kalmiopsis Wilderness. The Siskiyou National Forest's POC risk assessment for the Chetco Pass road (087) found a high risk of introducing PL, into Slide Creek and the Kalmiopsis Wilderness. The road, which is inventoried as a trail has Port Orford cedar populations and wetlands, Darlingtonia fens and other areas that remain wet most or all of the year.

The 087 gate has also either been opened prematurely or not closed during wet conditions. For example on October 18, 2008 Friends sent this email to the District Ranger:

> *The Rogue River-Siskiyou National Forest issued a press release on September 23, 2008 stating that:*
>
> *"[Port Orford cedar] Gates will be locked beginning in the month of October as significant amounts of rain occur and the potential of pathogen transmission increases. The wet season is generally considered the first of October through the end of May each year" (emphasis added).*
>
> *Late Thursday afternoon on October 9th, I observed that the Port Orford cedar gate on the 4103-087 road (after it crosses the Wild & Scenic Illinois River) was wide open. This is after about 2.5 inches of precipitation fell in the Illinois Valley in a three day period between Oct. 2 & 4. Precipitation amounts in higher elevations, such as the area accessed by the 4301-087 road (including the Kalmiopsis Wilderness) would have been even more significant. The area was experiencing rain showers.*

Miner's have also be cited for using ATV on the route when it's supposed to be closed for hunting.

Additionally, use of the 087 road to access the Pearsoll Peak lookout, is the subject of a lawsuit in which the court required the Forest Service to prepare an Environmental Assessment prior to renting the lookout. The agency has yet to prepare the EA. Despite all these factors there is no site-specific analysis, discussion or disclosure of risk of motor vehicle use of the Chetco Pass Road in the DEIS.

The DEIS states that 38 POC Core areas have been eliminated due to the reduction in numbers of Port Orford cedar in these uninfested watersheds as a result of the Biscuit Fire. DEIS, p. III-79. The RR-SNF's response to Friends questions about statements in the DEIS, revises this number to 28. The working map (dated May 8, 2009) shows that in the uninfested watersheds that were removed from the Core area list, the cedar has not been eliminated but in fact occupies the some of the most sensitive habitats on serpentine, riparian areas and stream courses.

There is no scientific rational for removing these POC Core areas simply because the number of cedar have been reduced by the Biscuit Fire or the Forest Service's fire suppression burn outs. Surviving Port Orford cedar in heavily burned areas are, perhaps, even more important than before and thus prevention of the loss of the cedar from introduction of the root disease is still critically important. These surviving POC are the seed source for the regeneration of the cedar in these intensely fire impacted watersheds. The surviving POC are essential for preserving, not only the genetic diversity of the cedar, but also the adaption of the parent tree to specific site conditions, known as epicgenetics. [2]

In a discussion with Dr. Donald Zobel, after the RR-SNF proposed sanitation logging of Port Orford cedar in burned areas after the Biscuit Fire as a mitigation measure, he agreed that surviving POC were

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[2] In biology the term epigenetics refers to changes in phenotype (appearance) or gene expression caused by mechanisms other than changes in the underlying DNA sequence. These changes may remain through cell divisions for the remainder of the cell's life and may also last for multiple generations. However, there is no change in the underlying DNA sequence of the organism; instead, non-genetic factors cause the organism's genes to behave (or "express themselves") differently. See also - http://www.sciencedaily.com/releases/2009/04/090412081315.htm

important in burned areas as a source of seed, and for keeping the genetic diversity present, especially because the seed may not move by wind great distance.

He also confirmed that POC seeds float. This characteristic suggests that their ability to float down streams could be an effective strategy for longer distance dispersal and especially important in regeneration of ecologically important streamside cedar. Dr. Zobel also said that In a cleared (by fire) landscape, [POC] seed will be more effective—it will move farther with the wind and be more successful once it hits the bare soil than it would have otherwise.

Also, the thick, fibrous bark of large cedars make them more fire resistance and its *"this characteristic and resistance of decay following injury give that POC importance in fire-disturbed ecosystems."* Hansen, Goheen, Jules and Ullian 2000. So placing even less importance on preventing the introduction of root disease, in watersheds where POC populations have been significantly reduced by fire, is exactly the wrong management approach to take.

The DEIS appears to tier to the POC SEIS (DEIS p. III-77). It broadly proposes several POC mitigation measures on p. II-61 with only one, public information, seeming to relate to general traffic or recreational motorized use of roads and trails. We couldn't find anywhere in the DEIS where it discusses root disease introduction risk on specific routes. In fact, proposed conversions of routes—such as the Biscuit Hill Trail (a Maintenance Level (ML) 1, native surface user-created route, inventoried as 4402-494—to motorized trails directly contradicts the only site specific analysis the DEIS seems to tier to—the referenced North Fork Smith River Watershed Analysis at p. D-1. This watershed analysis find that 4402-494 has a high risk of introducing the root disease into an ecologically important, uninfested reference watershed.

The Biscuit Hill Trail is accessed primarily by road 4402-112, which is also considered a high risk route by the North Fork Smith River Watershed Analysis (NFS WA). The situation is the same with the McGrew Trail, which both the North Fork Smith Watershed Analysis and the West Fork Illinois River Watershed Analysis list as high risk routes. The NFS WA states that:

> *Port Orford cedar is abundant in [the] ... Baldface Creek Watershed. There are four roads that present a potentially high risk of spread of the root disease fatal to Port-Orford-cedar ... (*p. 18)

Three of the four high-risk roads access the Baldface Creek watershed. They are: 1) 4402-112, 2) 4402-450 (McGrew Trail), and 3) 4402-494 (Biscuit Hill Trail). The DEIS in various alternatives proposes and thus encourages 4-wheel-drive use of one or more of these roads in all alternatives, ignoring the site-specific recommendations of the NFS WA that it tiers to and further not discussing, analyzing or disclosing the risk and probably environmental impacts.

Both the Biscuit Hill Trail and the McGrew Trail are roads only because the Siskiyou National Forest (SNF), without analysis, arbitrarily inventoried them as roads. Like so many other similar routes on the SNF, these routes are unauthorized, crude bulldozed tracks created by mineral exploration or mining claim assessment work. They were never constructed to Forest Service standards. At one time they were essentially trails and did not disqualify the areas they run through from wilderness consideration during RARE II. In fact in 2004, the RR-SNF proposed adding the part of the South Kalmiopsis Roadless Area that the Biscuit Hill Trail runs through as an addition to the Kalmiopsis Wilderness, known as the South Kalmiopsis Wilderness Addition.

The NFS WA found that:

> *In general the risk of [POC root] disease introduction is lowered by the relatively small amount of traffic in the watershed. However, this risk is increased by the high percentage of four-wheel-drive vehicles and motorcycles that more commonly carry mud, by wet stream crossings on routes that may dislodge*

mud or activate water-borne spores, and by concentrations of Port-Orford-cedar along routes. The consequences of disease introduction are high due to the amount of uninfected Port-Orford-cedar at risk both on routes and downstream .. However while higher risk seems to lie in intensive activity such as unwashed heavy equipment operation, general road traffic can introduce the disease over long distances. Mud has been observed to stay on vehicles for trips over 30 miles, including 15 miles of four-wheel drive road. (NFS WA p. 19)

The NFS WA was written in 1995. Since that time high-risk 4-wheel drive and motorcycle traffic has increased in the area. The one seasonal Port Orford cedar gate (on 4402-112) has often either been left open or not repaired by the Forest Service (e.g. after the Biscuit Fire) or is vandalized or driven around (See 3 page memo (with photographs) to Stephen Johnson, et al. dated May 6, 2009). Also the McGrew Trail (4402-019, 112 & 450) provides wet season access around this gate making this seasonal closure otherwise ineffective because the agency has not, at the very least, applied an integrated watershed approach and prevented wet season accent to the McGrew Trail (see three page memo (with photos and maps), dated April 27, 2009, to Joel King, Tim Chesley, with Stephen Johnson copied).

Heightening the risk of PL introduction in this large uninfested area, is the relatively recent introduction of PL in the headwaters of Whisky Creek, in the South Kalmiopsis Roadless Area. When the NFS WA was written the infestation was not known. PL was introduced into the Whiskey Creek watershed at an abandoned forest service rock pit on Oregon Mountain, off road 4402. This road is the principle access road for 4402-112 and the McGrew and Biscuit Hill Trails (see West Fork Illinois River Watershed Analysis (WFI WA), p. 18 and associated map).

The rock pit is often used as a play area for those with four-wheel-drives or motorcycles. If the root disease can be introduced into a Roadless Area watershed from a relatively dry rock pit, the chances are significantly higher where springs, flowing water and/or saturated soils are present. Additionally, the Whisky Creek root disease introduction seriously questions the efficacy of rocking road surfaces as a mitigation measure, especially with off-road type vehicles that typically carry mud (and soil), since it is a rock pit and is accessed by hard surfaced roads.

Note - Friends of the Kalmiopsis and others are submitting a petition to close the Biscuit Hill Trail to public motorized travel as part of our comments on the DEIS. The petition includes a detailed look at the Biscuit Hill Trail and also the McGrew Trail and the issues surrounding their use by motorized vehicles.

The affected environment discussion of Port Orford cedar in the DEIS is broad discussion with little or no site specificity. Compare instead discussions found in agency watershed analysis.

For example, the WFI WA (on p. 18) states that:

Once introduced into a stream course, POC root disease eventually kills most POC downstream, within about 20 feet of the high water line. Mortality occurs over a period of years ... Replacement by other species would be particularly slow or non-existent on less productive serpentine soils.

Port Orford cedar's contributions to riparian habitats on serpentine terrain and why loss of the cedar, especially large or mature trees, can have long term impacts is summarized in the WFI WA (pp. 17 & POC appendix):

Port-Orford-cedar is [the] primary riparian component and most significant source of large wood. [It] creates riparian micro-climate, provides bank stability. Port-Orford-cedar may make calcium available to other plants as needles drop.

POC is the primary shade tolerant conifer along many streams in the West Fork. It is long lived, can achieve large diameters on the best sites, and is a source of long lasting snags and large woody

material. Many conifer associates will tolerate neither the high water table in riparian areas nor the serpentine-influenced soils like POC.

Riparian habitats, including fens, vernal pools and seeps, are important for many rare species in serpentine. *Id.* The serpentine terrain hosts high concentrations of rare plants which the loss of the cedar could impact:

> *Port Orford cedar is commonly found in association with many rare species ... Loss of Port Orford cedar, as the primary associating conifer, could lead to the cumulative loss of the rare plant species associated with wetland communities.* USDA Forest Service, 1996.

The botanical significance of the serpentine terrain and the West Fork Illinois River Watershed, including its tributary Rough and Ready Creek, is well known. For example, the West Fork Illinois River Watershed has been found to host the highest number of rare species, based on an Oregon Natural Heritage Program study, out of 1,400 fifth field watersheds in Oregon (WFI WA, p. 2).

Throughout much of its range:

> *POC grows primarily along streams and in areas with year-round seepage. It often grows within the active stream channel, where as large trees, POC provides shade and long lasting stream structure. The stabilizing effects of its fibrous root system have also been noted by stream ecologists and fisheries biologists.* Hansen, Goheen, Jules and Ullian 2000.

> *On ultramafic soils, POC may be the only riparian tree species. Its loss may have an immediate and drastic effect on stream ecology. Id.*

The WFI WA states that: *"the best management approach for PL involves excluding the pathogen from uninfected areas ... Permanent road closures are likely to be the most effective treatment in uninfected areas where it's possible to apply them"* (WFI WA, POC Appendix).

The efficacy or road closures is well established. For example:

> *... the most effective treatments to minimize spread of the pathogen [PL] into uninfested areas involve permanent road closures and avoiding construction of new roads*. Hansen, Goheen, Jules and Ullian, 2000.

However in the DEIS for motorized use on the forest, rather than address the issue of roads and trails, where motorized use is allowed, and the risk of introducing or spreading the root disease, the RR-SNF appears to treat the issue programatically, even though it proposes site specific use of roads and trails—either through changes in the current status of routes or by continuing current uses which have documented concerns and issues.

The programatic direction for the management of Port Orford cedar is found in the 2004 Supplemental Environmental Impact Statement for the Management of Port Orford Cedar (POC SEIS). The POC SEIS does not provide site specific analysis. Site-specific discussion, analysis, and disclosure are supposed to occur at the project level, like the DEIS for motorized use on the RR-SNF. Moreover, the POC SEIS has not been tested as it applies to general and recreation use of the road system within the range of Port Orford cedar.[3]

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[3] In *Cascadia Wildlands v. Conroy*, Civil No. 04-6440-TC, April 14, 2005, the plaintiffs specifically argued that the defendants didn't adhere to seasonal and wet weather activity prohibitions and vehicle washing requirements specific to post-fire logging in the Biscuit fire Area.

A coalition of environmental groups appealed the Record of Decision and POC SEIS and leading scientists have expressed serious concerns about this new direction for managing POC. For example, Matt Kaufman and Erik S. Jules wrote this about the selected alternative in the POC SEIS:

> *Alternative 2 proposes a POC Risk Key that is supposed to help determine "conditions where additional protection or mitigation management practices are assumed (expected) to be applied." The Risk Key is, however, inherently flawed because there is no scenario in which the key can lend the following answer: this project is too risky and no mitigation will reduce risk enough to make it worthwhile. That is, the Risk Key will never require the agencies to simply not conduct a project; they only need to mitigate. We believe there are situations in which the project should not be done, because of the potential loss to POC.*
>
> *Perhaps worse is the vague nature of the key. In step #2, one is asked to define "significant risk." However, we are given no way to calculate this significant risk (how much is enough to be significant?). Thus, the Risk Key has done little more than maintain the status quo in which decisions are made by best guesses, at best. Also not defined here is the equally vague and problematic: "meeting land and resource management objectives."*

Alternative 2, the POC SEIS selected alternative, essentially combines using a "risk key," with the establishment of POC Core areas and includes a list of possible mitigation measures.

In comments on the draft POC SEIS Dr. Everett Hansen wrote that:

> *Reliance on the Risk Key seems to me a significant weakening of current practices.*

EPA in its comments on the draft POC SEIS state that:

> *Alternative 2 would provide nominal prevention from infection compared to current management direction.*" POC SEIS, p. A-97.

The environmental coalition wrote this in their appeal about the POC Core area concept:

> *Moreover, the selection of the 162 uninfested watersheds is arbitrary and has no basis in science because 1) it restricts these 162 watersheds to those containing 100 or more acres of POC. There is no ecological basis for the 100-acre figure. For example, a patch of POC in the headwaters of a stream may prevent downcutting and erosion downstream were there are no POC. POC in or surrounding small wetlands provide shade and other environmental amenities disproportionate to the number of acres of POC. Surviving POC in the Biscuit Fire area are critical seed as sources for the natural regeneration of POC along streams, wetlands and other sensitive areas and for maintaining the genetic diversity of POC in the fire area and the adaptation of POC to diverse and often harsh site conditions. Watersheds containing less than 100 acres of uninfested POC may host unique genetic or biological diversity.*
>
> *Watersheds with high canopy mortality (from the Biscuit Fire) in the Kalmiopsis Wilderness may not currently have or may never have contained 100 acres or more of POC. Nonetheless the Forest Service is required to provide mandatory and the most effective protection for the cedar in these watersheds and their habitat as part of the agency's duties under the Wilderness Act. The same holds true of National Wild & Scenic Rivers which requires that the Forest Service "protect and enhance" the values and water quality of designated rivers or eligible wild & scenic rivers whether or not there are 100 acres or more of POC or whether or not the Wild & Scenic Rivers are infested with PL*
>
> *The FSEIS responded to concerns raised about the 100 acre cut-off by stating that "the practicality of managing these smaller areas as "cores" is a significant management, tracking, and cost-benefit issue*

and that's why 100 acres was selected as a minimum acreage. FSEIS, A-110. However, this cut off does not address the need to maintain POC as a functional component of many environmentally sensitive, nationally important or congressionally or administratively protected areas or habitats. Nor does the FSEIS contain the cost benefit analysis required by NEPA which insures that the values and amenities that will be affected by the decision are given appropriate consideration in the decision making along with the economic and technical considerations described on p. A-110. See 42 USC § 4332 (B) and NEPA's implementing regulations.

Additionally "requiring" disease control measures only in uninfested 7th field watersheds will in effect provide little protection to these subwatersheds if POC in the larger watershed which the "core" area is a subset of becomes infected with PL. The transport of PL downstream is widely acknowledged as one of the primary ways the disease is spread into uninfected parts of watersheds. In other, words protection afforded the core areas is nominal because the core area concept did not factor in the fact that the root disease could be introduced into a part of the watershed outside the core area and travel downstream. In other words the FSEIS and ROD do not build their management program and core areas around the watershed as the primary unit which must be "managed" to prevent root disease introduction.

In light of the RR-SNF's proposal to either convert ML 1 routes to motorized routes or trails to motorized routes or to continue, and essentially promote, current high-risk motorized use in areas such as the Baldface and Rough and Ready Creek watersheds, the concerns expressed in the appeal about designated National Wild and Scenic Rivers also apply to streams the RR-SNF has found "eligible" to be added to the National Wild and Scenic River system.

The POC core concept focuses on numbers of trees, while it ignores the important role that the cedar plays in ecosystems. In Fremontia, Cheryl A. Sinkiewicz and Erik S. Jules write that:

Although POC is in no danger of becoming extinct, its important ecological roles are certainly threatened. In infected areas, the loss of many of the larger, older trees due to P. lateralis infection has dramatically changed forest composition. In riparian areas, wetlands, and on ultramafic soils, its role appears to be unique and the effect of its loss poorly understood. Sinkiewicz and Jules.

While the DEIS is about the management of motor vehicle use on the RR-SNF, decisions made in this part of the travel management planning process will directly affect Port Orford cedar as a functional component of Riparian Reserves and other wetlands, Wilderness, Wild and Scenic Rivers and "eligible" Wild and Scenic River and indirectly factors such as stream temperature, stream bank stability, threatened or sensitive salmon population, rare plant habitat, biological diversity and scenic and water quality values.

The DEIS does not adequately address these, if at all.

In your letter dated May 8, 2009 to Friends of the Kalmiopsis you wrote that:

I will not be extending the formal comment period beyond the date currently set. However, I value your detailed attention to Port-Orford Cedar root disease concerns and would like to receive your comments.

We hope you find these comments helpful. Given the paucity and quality of information provided in response to our questions, and the broad and general nature of discussion and analysis (or lack thereof) in the DEIS, we've had to focus our comments on certain areas, which we're familiar with or where we can cite to Forest Service documents or other published sources, on issue of Port Orford cedar as it relates to the forest's travel management planning and the DEIS.

Thank you for considering these comments.

Sincerely,

Barbara Ullian
Friends of the Kalmiopsis
1134 S. E. Allenwood Drive
Grants Pass, Oregon 97527

Addendum to Friend of the Kalmiopsis Port Orford Cedar comments on DEIS

The RR-SNF trail inventory states that trail #1173 (Lawson Creek) is not designated for motorized vehicles - http://www.fs.fed.us/r6/rogue-siskiyou/recreation/trails/lawson-creek.shtml. Similarly trail #1169 (Game Lake Trail) is also not designated for motorized use - http://www.fs.fed.us/r6/rogue-siskiyou/recreation/trails/game-lake.shtml. However, the DEIS shows motorized use on these trails as an existing use. DEIS p. II-27. While it proposes to close parts of both trails to motorized use because they are impassible for motorized travel, the DEIS leaves open the lower segments of the trails and provides no reason or analysis why they're being converted to motorized trail and the impacts of this. Both of these trails appear to be in one of the RR-SNF's 2004 proposed additions to the Kalmiopsis Wilderness.

Not only did the RR-SNF find this area to have "outstanding wilderness character" but the Lawson Creek Watershed Analysis (LC WA) notes that the Game Lake area, where they originate, is heavily infested with the root disease and that the road used to access the two trails (3680) has a high risk rating for PL introduction and spread. LC WA, pp 72 & 73.

The LC WA states that:

> *Ultramafic riparian areas support a high diversity of specialized plants, with many species being endemic or sensitive ... Ultramafic riparian stand provide a cooler, contrasting microclimate to the hard upland areas often dominated by open Jeffrey pine stands. Port-Orford-cedar is often the primary overstory component in riparian areas. Port-Orford-cedar grows slowly on these sites, generally reaching 30 inches in diameter in 4000 years on season streams and 30 inches in 200 to 300 years in perennial wet sites. It will remain standing long after it dies ...*
>
> *Phytophthora lateralis is an introduced pathogen that kills Port-Orford-cedar, reducing shade and concentrating delivery of large wood ... The rate at which Port-Orford-cedar dies from the introduced root disease could likely cause the populations size to fall outside the range of natural variability.* LC WA pp. 48-49.

The Horse Sign Creek Watershed Analysis (HSC WA) states that:

> *The Game Lake area contains evidence of Phytophthora lateralis from [the] Lake down to the maintstem of Horse Sign Creek, there is no sign of the tributaries being infected. Road 3680 has two tributaries of Horse Sign Creek below it, each about one mile in length, that are undiseased and contain moderate to high amounts of Port-Orford-cedar.* HSC WA, p. 29

Both trails also appear to cross or approach uninfected tributaries of both Horse Sign and Lawson Creeks though there is no analysis of this either in the DEIS, the LC WA or the HSC WA.

References

Everett M. Hansen, Donald J. Goheen, Erik S. Jules and Barbara Ullian, "Managing Port-Orford-Cedar and the Introduced Pathogen, Phytophthora lateralis" in *Plant Disease*, Vol. 84 No. 1 - http://apsjournals.apsnet.org/doi/pdf/10.1094/PDIS.2000.84.1.4?cookieSet=1.

Cheryl A. Sinkiewicz and Erik S. Jules, 2003. "Port Orford Cedar and the Non-Native Pathogen, Phytophthora Lateralis," in Fremontia, Vol. 31:4, October 2003. http://www.cnps.org/cnps/publications/fremontia/Fremontia_Vol31-No4.pdf

USDA Forest Service, 1995, *A Field Guide to Serpentine Plant Associations and Sensitive Plants in Northwestern California*, Pacific Southwest Region, R5-ECOL-TP-008.

Siskiyou National Forest Watershed Analysis for:

North Fork Smith River Watershed
West Fork Illinois River Watershed
Lawson Creek Watershed
Horse Sign Creek Watershed

May 7, 2009

Attachment - To comments submitted by Friends of the Kalmiopsis, Klamath Siskiyou Wildlands Center and Soda Mountain Wilderness Council

Subject: **Draft Environmental Impact Statement for Motorized Vehicle Use on the Rogue-River Siskiyou National Forest and the failure to analysis impacts of motorized trails in areas recommended as Wilderness in 2004**

Summary

In 2004, the Rogue River-Siskiyou National Forest Supervisor and Under Secretary of Agriculture, Mark Rey, announced their support for the addition of ~64,000 acres to the Kalmiopsis Wilderness. Governor Ted Kulongoski issued a press release supporting the recommended Wilderness but said the area warrants a significantly larger addition.

While media reported on the proposal (Oregonian 6/2/04 and 6/8/04, Associated Press 6/4/04 and Medford Mail Tribune 6/2/04) few details, beyond general maps, were provided. Some of the little information available was acquired through the Freedom of Information Act and maps that were included on the Forest Service's Biscuit Fire website.

The RR-SNF's draft environmental impact statement for motorized use on the Forest, is now proposing motorized trails in areas they found had "outstanding wilderness character" less than 5 years ago.

Forest Service Wilderness Additions

The Rogue River-Siskiyou National Forest issued a press release on June 1, 2004 in which the Forest Supervisor announced, among other things, support for the consideration of 64,000 acres, with outstanding Wilderness character, to be added to the Kalmiopsis Wilderness. See - http://www.fs.fed.us/r6/rogue-siskiyou/news/2004/news06-01-2004-biscuit-fire-feis-release.shtml.

The Oregonian

Wilderness proposal comes as a surprise

Wednesday, June 02, 2004

MICHELLE COLE

The federal government's call for 64,000 acres of new wilderness was viewed widely Tuesday as intriguing -- and a complete surprise ...

If the wilderness proposal is to become reality, Congress must act. It's rare for the U.S. Forest Service to request a wilderness designation, and the Biscuit proposal marks only the second time the Bush administration has promoted additional wilderness lands.

OREGON.gov

June 1, 2004

Press Release

Statement of Governor Ted Kulongoski on Final Environmental Impact Statement for Biscuit Fire Recovery Project

"I am pleased that the FEIS reflects my proposal that the lands adjacent to the Kalmiopsis Wilderness should be added to the wilderness area. However, ***I am disappointed that the Forest Service has only recommended the inclusion of 64,000 acres of land. The unique character of this area warrants a significantly larger addition****."*

Governor Supports Wilderness Additions

See Governor Ted Kulongoski's full press release at http://governor.oregon.gov/Gov/p2004/press_060104.shtml and more public statements below on page 8.

Congressional Request for Information

On June 25, 2004, Senator Ron Wyden and Congressmen Peter DeFazio wrote to Under Secretary Rey, requesting information on the Forest's and Bush Administration's recommendation, with proposed legislative language. (See letter right).

Congress of the United States
Washington, DC 20510
June 25, 2004

The Honorable Mark Rey
Under Secretary for Natural Resources and Environment
U.S. Department of Agriculture
14th St. & Independence Avenue, SW
Washington, DC 20250

The Honorable Kathleen B. Clarke
Director
Bureau of Land Management
Department of Interior
1849 C Street NW
Washington, DC 20240

Dear Under Secretary Rey and Director Clarke:

On the first of this month the Rogue River-Siskiyou National Forest and the Medford District of the Bureau of Land Management (BLM) announced the release of the Final Environmental Impact Statement (FEIS) for the Biscuit Fire Recovery Project. Included in this release the Forest Service and BLM announced your support for consideration of 64,000 acres of lands adjacent to the Kalmiopsis Wilderness for inclusion in the wilderness area.

Though the Forest Service and BLM noted these acres were being considered for wilderness "because of their outstanding wilderness character" the Administration has yet to relay any further detail of these areas to Congress. If this Administration is serious about pursuing Wilderness in the Kalmiopsis it will require Congressional action. However, there are only 33 legislative days left in this session of the 108th Congress. The normal course of action would be for the Administration to provide Congress with maps and descriptions of the areas you are considering for addition to the existing Kalmiopsis Wilderness. It is also accepted procedure for the Administration to provide Congress with proposed legislative language covering the proposed Wilderness areas.

We need this information immediately if we are to proceed on this issue. We would like to receive this information as soon as possible and look forward to your cooperation with our request.

Sincerely,

Ron Wyden
U.S. Senator

Peter DeFazio
U.S. Representative

PRINTED ON RECYCLED PAPER

Freedom of Information Act Request

On June 17, 2004, a Freedom of Information Act request was made for the following: "*Any and all documents, analysis, date opinions maps or other information supporting the proposed addition of 64,670 acres to the Kalmiopsis Wilderness as proposed on June 1, 2004 by the Rogue River-Siskiyou National Forest.*"

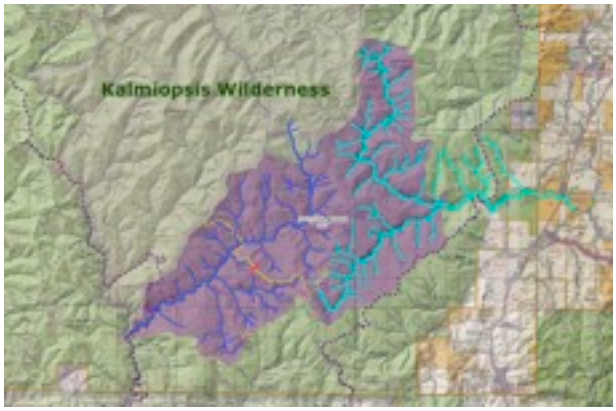
The Forest responded on July 13, 2004 stating that: "I have enclosed notes of an evaluation of Wilderness candidate areas written on May 10, 2004 and a paper describing the proposal for Kalmiopsis Wilderness Additions, including a map of those additions."

Rogue River-Siskiyou National Forest's 2004 Recommended Additions to the Kalmiopsis Wilderness

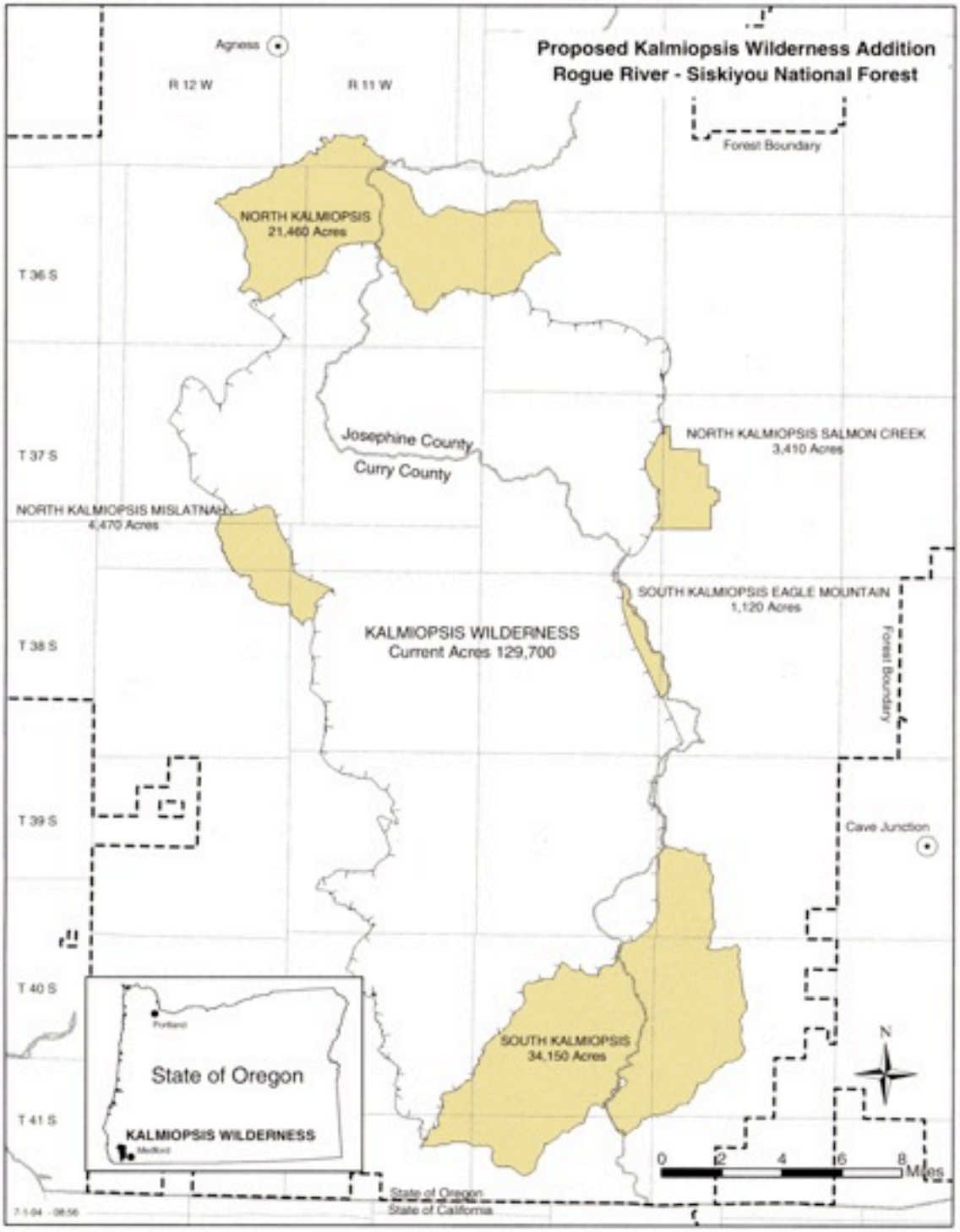
Pages 4 through 7 are scanned copies of the four page RR-SNF's proposal for Kalmiopsis Wilderness Additions. The accompanying map is on page 3. Page 8 is intentionally blank. Page 9 includes a more detailed map of the proposed Wilderness additions prepared by the agency.

RR-SNF's Travel Management Plan Draft Environmental Impact Statement

The proposed action for the Draft Environmental Impact Statement for Motorized Vehicle Use on the Rogue River-Siskiyou National Forest includes motorized trails in areas recommend as Wilderness in 2004. Because the effects on Wilderness potential was not analyzed in the DEIS, this report includes two maps on page 9 that show the approximate location of several proposed motorized trails within or mostly within the proposed Wilderness Additions.



Above - Map of the Rogue River-Siskiyou National Forest's proposed South Kalmiopsis Wilderness Addition with stream course highlighted and approximate location of proposed motorized trails added (yellow dash line). See page 11 for larger maps, legends and further explanation.



Note - the acreage of the Kalmiopsis Wilderness is incorrect on the map. The Wilderness covers 179,755 acres.

Kalmiopsis Wilderness Additions

Rogue River-Siskiyou National Forest

State of Oregon

July 7, 2004 (1100)

The Kalmiopsis Wilderness is within the Rogue River-Siskiyou National Forest located in southwestern Oregon. The Kalmiopsis Wilderness Additions proposal contains five separate areas totaling 64,670 acres that are contiguous to the existing 179,700 acre wilderness. The names of these areas and their acreages are:

North Kalmiopsis	21,501 Acres
North Kalmiopsis Mislatnah	4,477
North Kalmiopsis Salmon Creek	3,410
South Kalmiopsis	34,153
South Kalmiopsis Eagle Mountain	1,129
Total	64,670 Acres

A map is included with this proposal.

Non-Conforming Uses

Proposed wilderness boundaries were adjusted to achieve a balance between competing values for a particular landscape. No structures of any significance occur within the additions. No power lines are present. Several miles of old logging and mining roads exist within some areas. Most of these are not part of the Forest's road system, are un-maintained, and have not been used for many years. Those that are currently used and are within the proposed wilderness areas, such as the road from Chetco Pass to the existing wilderness boundary, will be closed to motorized traffic (.5 mile).

A RAWS (Remote Automated Weather Station) site exists on Lawson Butte and will be relocated.

A wilderness inholding would be created by this designation. The Connor parcel (22 acres) is owned by Josephine County Forestry, is adjacent to the current wilderness boundary, and will be encompassed by the North Kalmiopsis area. Acquisition may occur at a future date.

Some motorized trails exist within the areas, however little or no mountain-bike activity occurs. Designation would eliminate motorized use on the Northern-most end of the Illinois River Trail from Oak Flat to Fantz Ranch (4 miles). Motorized use would also be eliminated on the western-most end of the Hobson Horn Trail (10 miles), but will continue on the eastern portion. Both of these trails are within the North Kalmiopsis area. The McGrew Trail, adjacent to the South Kalmiopsis area, will remain open to motorized use its entire length. Motorized access to Sourdough Camp will continue.

Even though attempts were made to avoid areas of concentrated mining claims, eighty-four claims exist within the five addition areas, totaling 4,920 acres:

	Claims	Acres
North Kalmiopsis	0	0
North Kalmiopsis Mislatnah	4	780
North Kalmiopsis Salmon Creek	2	280
South Kalmiopsis	80	3,860
South Kalmiopsis Eagle Mountain	0	0
Total	86	4,920

The Forest recognizes the potential for conflicts with mining operations. This is especially the case in the Rough & Ready Creek drainage within the South Kalmiopsis area. The wilderness values of this area, however, are high, most claims here are owned by one party, and the plan of operations submitted by that party is the focus of current litigation with valid existing rights determinations nearing completion. Most of the other claims are believed to be placer claims supporting suction dredge operations. These mining operations within newly designated wilderness, however, will require valid existing rights determinations.

Special Provisions Needed

No special provisions are requested with this proposal.

Proposed Geographic Areas; Map of Record and Legal Descriptions to be completed at a later date.

1. North Kalmiopsis Addition area:

The area encompasses the Horse Sign Creek watershed, excluding the area around Game Lake; the south side of the lower 5 miles of Lawson Creek watershed, except those private ownerships near to the mouth of the creek; the Illinois River watershed, south of the Nancy Creek watershed and Lawson Creek, to the existing wilderness boundary, except that part of the Indigo Creek watershed north of Indian Flat, and excepting the Silver Creek watershed east of the mouth of the North Fork of the Silver Creek watershed.

Notable effects to existing uses:

- The addition would possibly include a Forest Service RAWS (weather station) facility, which would be removed.
- The addition *would create a private inholding* (i.e., the "Conners Place," a small and undeveloped parcel of land along the Illinois River owned by Josephine County Forestry Dept.
- The addition *would close the westernmost 3-4 miles* (and least-used portion) along the Indigo-Silver Creek divide of an existing 10+mile trail (the "Hobson Horn Trail") to currently permitted motorized/mechanized use.

2. South Kalmiopsis Addition area:

The area encompasses the North Fork watershed of Rough and Ready Creek; the South Fork watershed of Rough and Ready Creek north of Roads #445, #019, #112 and two existing trailheads, excluding all of road #480 and its trailhead, the Baldface Creek watershed north of road #450, and north of the Sourdough trailhead area, any of its associated trailhead facilities, and its dispersed camping areas.

Notable effects to existing uses. *With the exception of the closure of two very short spur roads (#530 & McGrew Peak road), all existing 4WD/OHV use (i.e., road #450) would continue.*

80 mining claims covering 4,920 acres (a portion of a 155 mining claim block) would fall within the boundary of the new wilderness. The United States is currently the defendant in a lawsuit filed in the U.S. Court of Claims regarding a mining proposal on these claims. We are currently finalizing a BLM-led validity examination on the 155 mining claims.

Any mining activities proposed on pre-existing mining claims within the new wilderness boundary would require Valid Existing Rights determinations prior to authorizing any mining activity, or prior to taking any other management action regarding these claims.

3. North Kalmiopsis - Salmon Addition area:

The area is west of the Illinois River Wild and Scenic River Corridor, east of the existing wilderness and north of an east/west line through Castle Rock.

Notable effects to existing uses:

Two mining claims covering 280 acres would fall within the boundary of the new wilderness.

4. South Kalmiopsis - Eagle Mountain Addition area:

The area lies west of the existing wilderness, east of the Chetco River/Illinois River watershed divide (which is also the Josephine County/Curry County line), south of Pearsoll Peak Lookout, and north of a southwest bearing down slope spur ridge approximately one half mile south along the divide from Whetstone Butte.

No notable effects to existing uses:

- The boundary *would exclude Pearsoll Peak Lookout* from wilderness.
- The boundary *would exclude that portion of the existing Pearsoll Peak motorized-access route that is east of the Chetco/Illinois Divide* from wilderness.
- The boundary *would exclude from wilderness the existing vehicle turn-around/parking area that is located on (or very near) the Chetco/Illinois Divide.*

5. North Kalmiopsis - Mislatnah Addition area:

The area lies in the Mislatnah Creek and Chetco River watersheds being north and east of a line from a topographic saddle approximately ½ mile west of Green Craggie Peak, to and along an unnamed tributary of Mislatnah Creek extending into Sec 27, T. 37 ½ S., R. 12 W., along Mislatnah Creek to Blueslide Creek, to the southern end of a southerly ridge in the SE ¼ of Sec 1, T. 38 S., R 12 W., to a point on the north bank of Chetco River approximately 1/3 mile west of the existing wilderness boundary, and lying north of the Chetco River. Excluding the Low Meadow Timber Sale.

Notable effects to existing uses. The boundary *would exclude the entirety of a current "sold" timber sale. However, four mining claims covering 780 acres would fall within the boundary of the new wilderness.*

Legend Map #2 (left)

Indigo Creek - Eligible Wild & Scenic River

Silver Creek - Eligible Wild & Scenic River

National Wild & Scenic Illinois River

Motorized Trails

Rogue River-Siskiyou National Forest proposed North Kalmiopsis Addition to Kalmiopsis Wilderness and approximate location of proposed motorized trails from the Forest's Draft Environmental Impact Statement for Motorized Use.

Legend - Map #4 (below)

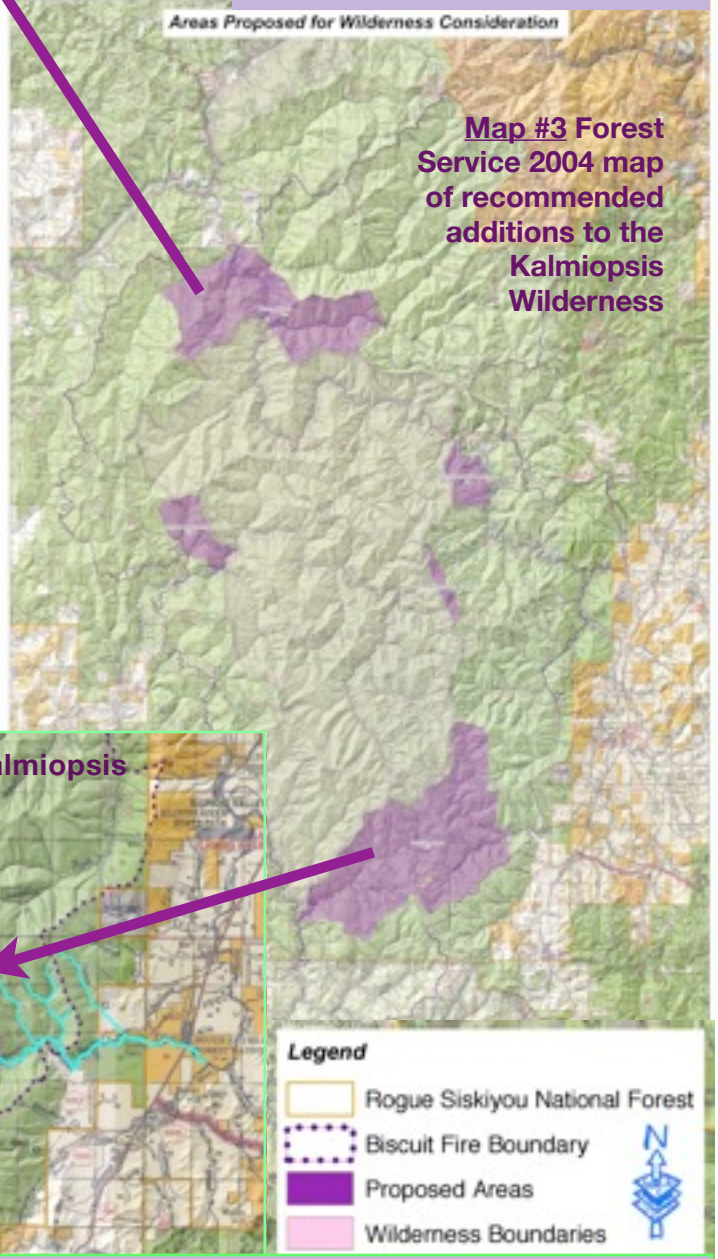
Baldface Creek

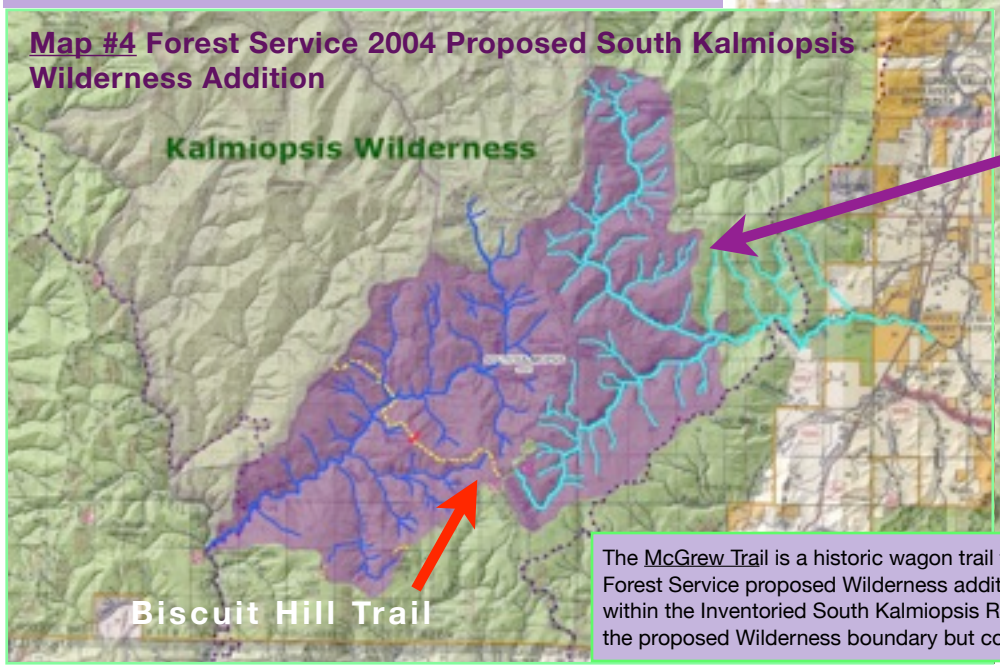
Rough & Ready Creek

Motorized Trails

Rogue River-Siskiyou National Forest's proposed South Kalmiopsis Wilderness Addition and approximate location of proposed motorized trails. The primary motorized trail is approximately 2.7 miles of a longer trail that is a combination of old, native surface user created road and a single track trail known collectively as the Biscuit Hill Trail. The single tack segment is not proposed for motorized use. However, we show the entire length of the trail because there's nothing to prevent motorcycles from continuing beyond the designated segment. The red line shows approximate end of the designated motorized vehicle part of the route.

Map #3 - Rogue River-Siskiyou National Forest's recommended additions to the Kalmiopsis Wilderness. The North Kalmiopsis Addition and South Kalmiopsis Addition maps (#3 & 4 respectively) were developed from the original agency map (#3). They show the approximate location of motorized routes, from the proposed action for the Draft Environmental Environmental Impact Statement for Motorized Vehicle Use on the Rogue River-Siskiyou National Forest,





The McGrew Trail is a historic wagon trail that runs along the southern edge of this Forest Service proposed Wilderness addition. It's approximately 16 miles long, mostly within the Inventoried South Kalmiopsis Roadless Area. It essentially follows much of the proposed Wilderness boundary but could not be drawn accurately on the map.

May 6, 2009

To: Stephen Johnson, ID Team Leader, Rogue River Siskiyou National Forest Motor Vehicle Use Plan Environmental Impact Statement
Tim Chesley, Recreation Staff Office, Rogue River-Siskiyou National Forest\
Joel King, District Ranger Wild Rivers Ranger District

From: Barbara Ullian, Friends of the Kalmiopsis - (541) 474-2265
George Sexton, Klamath-Siskiyou Wildlands Center
Rich Nawa, Siskiyou Project

Re: Port Orford Cedar, Forest Service Road 4402-112 and Biscuit Hill Trail (4402-494) and the South Kalmiopsis Roadless Area on April 26, 2009

Dear Steven, Tim and Joel:

As you know a Rogue River-Siskiyou National Forest Port Orford cedar gate is located on Forest Service Road 4402-112. The purpose of the gate is to enforce a wet season closure of a large area biologically important area in the South Kalmiopsis Roadless Area, which includes streams eligible to be added to the National Wild and Scenic River System. The Wild and Scenic North Fork Smith River watershed analysis and West Fork Illinois River watershed analysis document the high-risk of the routes behind the gate to introduce Port Orford cedar root disease.

On April 27th, we sent you a memo expressing concern about this area and the recently improved access at the beginning of the old user-created route known as the McGrew Trail (FS roads 4402-019 & 450) with photos and maps. We reiterated (from previous memos and conversations) that this route has a high risk of POC root disease introduction and provides access behind the Port Orford cedar gate on 4402-112 making the barrier ineffective.

Yesterday, we reviewed additional photographs and descriptions demonstrating further failures of the wet season closure for this area at the gate on 4402-112. Note these photos were taken before the recent rains, and after a relatively long winter drought period and despite this saturated areas occur along the routes behind the gate.

This adds to our great concern for these nationally outstanding RR-SNF lands. Further, the Draft Environmental Impact Statement for Motorized Use on the Rogue River-Siskiyou National Forest (DEIS) fails to disclose that class 1 and class 2 motor vehicles have year round access to road 4402-112 beyond "seasonal" locked gate. That this occurs is evidenced by a well worn ATV track adjacent to the road 112 gate (photos #1 & #2) and additional photos.

While the DEIS proposes to convert the Biscuit Hill Trail (494) to a motorized route, it fails to disclose the recommendations of previous agency analysis and findings about the high-risk of these routes, the RR-SNF's recommendation that the area the Biscuit Hill Trail goes through be considered for addition to the Kalmiopsis Wilderness and Baldface Creek's eligibility to be added to the National Wild and Scenic River system.

The DEIS also fails to report that saturated soil conditions on 112 and the Biscuit Hill Trail (494) have high risk for the introduction and spread of Port Orford cedar disease (photo #7) due to year round use by motor vehicles. Old growth Port Orford Cedar along the Biscuit Hill Trail (photos #7 & 9) has high risk for infection due to motor vehicle use in adjacent saturated soils. Likely loss of these old growth trees due to infections caused by motorized use is irretrievable loss of resources not reported in DEIS. Additionally, loss of shade due to root disease spreading to Diamond Creek, Baldface Creek and Rough and Ready Creek watersheds would violate ACS and Clean Water Act (see Biscuit FEIS, watershed analysis, and stream survey reports for these streams). Root disease introduction would also impact the nationally outstanding water quality and fisheries values of Baldface Creek and the National Wild and Scenic North Fork Smith River and the outstanding values of Rough and Ready Creek.

Please include this memo as part of our comments on the DEIS and let us know what actions will be taken to remedy the risk to this area. Thank you.

Port Orford Cedar
Forest Service Road 4402-112 and
Biscuit Hill Trail (4402-494)

All photographs taken on April 26, 2009
by Richard Nawa, Siskiyou Project

Photo #1 (top left) Port Orford cedar gate on FS road 4402-112.

Photo #2 (top right) Port Orford cedar gate on FS road 4402-112 and well worn ATV tracks around the gate.

Photo #3 (middle left) Port Orford cedar seedlings along 4402-112 beyond the gate.

Photo #4 (directly above) Dead Port Orford cedar along 4402-112 as it approaches crossing of North Fork of Diamond Creek with and Darlingtonia fen (behind POC gate).

Photo #5 (bottom left) Saturated soils and road bed on 4402-112 behind the Port Orford cedar gate. Tracks and muddy water demonstrate vehicles recently drove through.

Photo #6 (below left) Biscuit Hill Trail (494) at beginning terminus with 4402-112 showing recent vehicle use. **Note** - it may be possible to access the mainstem of Baldface Creek with motor vehicles using the trail.

Photo #7 (top right) Ancient Port Orford cedars along Biscuit Hill Trail.

Photo #8 (directly above) Biscuit Hill Trail vehicle tracks and cut snag.

Photo #9 (bottom right) Biscuit Hill Trail, saturated soils and ancient Port Orford cedar. This area of springs is likely the headwaters of Biscuit Creek. Biscuit Creek is tributary of Baldface Creek and is eligible to be added to the National Wild and Scenic River system as a "Wild" River. The Siskiyou National Forest's map accompanying Baldface Creek's Wild and Scenic River eligibility assessment and findings shows the Biscuit Hill Trail crossing this headwaters and eligible "Wild" river segment of Baldface Creek. When the assessment was written, it noted the trail received little use, primarily by hikers and to a lesser extent horse riders.

APPEAL DECIDING OFFICER: REGIONAL FORESTER

PACIFIC NORTHWEST REGION

ATTN: 1570 APPEALS

P.O. BOX 3623

PORTLAND, OREGON 97208-3623

appeals-pacificnorthwest-regional-office@fs.fed.us

Appeal of Record of Decision for Motorized Vehicle Use on the Rogue River-Siskiyou National Forest and Final Environmental Impact Statement

March 10, 2010

email as attached pdf file

APPELLANTS

Barbara Ullian, Coordinator
Friends of the Kalmiopsis Wildlands
1134 S. E. Allenwood Dr.
Grants Pass, Oregon 7527
(541) 474-2265

NOTICE OF APPEAL

On December 3, 2009, Scott D. Conroy, Forest Supervisor and the deciding officer, signed the Record of Decision for Motorized Vehicle Use on the Rogue River-Siskiyou National Forest. The legal notice of this decision was published in the Medford Mail Tribune Newspaper online on January 22 and 25, 2010 and in the hard copy of the paper on January 25, 2010. The forty-five day appeals period ends on March 11, 2010.

The following is an appeal of Supervisor Scott D. Conroy's Record of Decision and the Final Environmental Impact Statement for Motorized Vehicle Use on the Rogue River-Siskiyou National Forest (hereafter ROD and FEIS) pursuant to 36 CFR 217. This appeal is filed on behalf of Friends of the Kalmiopsis and Barbara Ullian, (collectively appellants).

APPELLANTS

FRIENDS OF THE KALMIOPSIS WILDLANDS (FKW or appellant) is a small local group, made up of mostly volunteers, with a focus on preserving the Kalmiopsis Wilderness and the unprotected wild areas surrounding it, along with the National Wild and Scenic Chetco, Illinois and North Fork Smith Rivers, their unprotected tributaries and the nationally outstanding botanical value National Forest and Bureau of Land Management Lands surrounding the Kalmiopsis Wilderness.

BARBARA ULLIAN has resided in southwest Oregon since 1947 and uses and enjoys the Siskiyou National Forest for hiking, swimming, nature study, photography and other aesthetic purposes. She has written extensively on Port Orford cedar and provided photographs of Port Orford cedar for scientific journals and articles.

Appellants interests will be adversely affected by implementation of certain parts of the FEIS and by the inadequacies of the FEIS to protect potential Wilderness, Roadless Area values, Eligible Wild and Scenic Rivers, Botanical Areas and nationally outstanding botanical values, plants subject to the Serpentine Fen Conservation Agreement and/or protected by the Endangered Species Act (ESA) and key ecosystem components such as Port Orford cedar. Additionally, because the RR-SNF has failed to adequately address issue of naturally occurring asbestos, the safety of appellants and other members of the public could be adversely affected by motorized use of user created routes which the Siskiyou National Forest inventoried, without environmental analysis or public notice, as National Forest System roads.

Incorporated Documents and Appellant's Involvement in RR-SNF Travel Planning Process

On March 14, 2008, with five other organizations, we submitted detailed pre-scoping comments on the Rogue River-Siskiyou National Forest Travel Management Planning Process.

On March 28, 2008, FKW sent a memo to Stephen Johnson and Joel King with a photo taken on Feb. 17, 2008 show vehicle damage and use of the beginning of the McGrew Trail FS 4402-019) in the Oregon Mountain Botanical Area stating that:

As you know Whisky Creek, the West Fork Illinois below Whisky Creek and FS Road 4402 is infested with Phytophthora lateralis. The infestation started at the top of the Whisky Creek in a Forest Service gravel pit off FS Rd. 4402 that was and still is used by off-road-vehicle (OHV) users as a "play" area.

Use of the McGrew trail anytime has a high risk of spreading Port Orford cedar root disease. By your own analysis, use during the winter increases the risk incrementally. Moreover, as we've notified you before, winter use of the McGrew Trail makes the Port Orford cedar gate on 4402-112 ineffective because the trail accesses the area behind the gate.

On September 23, 2008 the Rogue River-Siskiyou National Forest issued a press release stating:

*"[Port Orford cedar] Gates will be locked beginning in the month of October as significant amounts of rain occur and the potential of pathogen transmission increases. The wet season is generally considered the first of October through the end of May each year" (*emphasis added*).*

On October 13, 2008, almost three weeks after the press release, we sent an email to Joel King, Tim Chesley and Frank Betlejeweski informing them that the Port Orford cedar gate of FS road 4103-089 was wide open after approximately 2.5 inches of precipitation had fallen in the Illinois Valley over a three day period.

Earlier on on October 10, 2008, we had sent a memo to Joel King, Stephen Johnson and Tim Chesley noting concern about various Port Orford cedar gates, especially the gate on FS road 4402-112. It reiterates concern that leaving the McGrew Trail open during the wet season makes the gate on 4402-112 ineffective:

"Finally, as noted in my March 27, 2008 memo to you (attached) the McGrew Trail (FS roads 4402-019 & 450) provides access to [the Baldface and Rough and Ready Creek} watersheds behind the POC gate on 4402-112, thus making it ineffective. You indicated recently that no action has been taken to —at-the-very-least— initiate a wet season closure at both ends of the this route, which goes through the inventoried South Kalmiopsis Roadless Area. At this time Friends of the Kalmiopsis is requesting a temporary, emergency closure of 4402-019 & 450."

On October 14, 2008 we submitted scoping comments for Motorized Vehicle Use on the Rogue River-Siskiyou National Forest as per Federal Register Notice Vol. 73, No. 166, 50299-50301.

On December 8, 2008 we submitted additional scoping comments correcting the proposed action which depicted a private road through private property as FS road 4400-011. We also noted that 4400-444 could only be accessed by the private road, through private property and that it was a Maintenance Level (ML) 1 road in the Rough and Ready Creek Botanical Area. The memo cites the Proposed Nicore Mine's Final Environmental Impact Statement and Record of Decision and the West Fork Illinois River Watershed Analysis as an additional authority for closing this area to motorized access.

On April 27, 2009 we sent a memo to Joel King and Tim Chesley, expressing concern about the improvement of wet season access to the McGrew Trail (4402-019), after we were told a seasonal closure would be initiated. The memo included a map from the Forest Service's 2003 Port Orford Cedar Range Wide Risk Assessment documenting the Port Orford cedar root disease infestation of Whisky Creek, the West Fork Illinois River and 4402 road system and the large area of uninfested POC that could be access by using the McGrew Trail. The memo states states:

"I've raised these concerns before. I've provided references to the Forest Service's North Fork Smith River and West Fork Illinois River Watershed Analysis which point out the "high" risk of motorized use of the McGrew Trail to introduce the root disease. I've copied a map (page 2) from the Range-Wide Assessment of Port Orford Cedar on Federal Lands showing the area of concern behind a barrier, which it is not. Also a memo was sent to you on April 27, 2008 regarding the McGrew Trail and the need for a wet season closure. It notes, among other things, that the McGrew Trail provides wet season access to the area behind the Port Orford cedar gate on 4402-112."

On May 6, 2009, FKW, Klamath-Siskiyou Wildlands Center (KS Wild) and Siskiyou Project (SP) sent a memo Stephen Johnson, Tim Chesley and Joel King, documenting that off highway vehicles (OHVs) were easily bypassing the Port Orford Cedar gate on FS Road 4402-112 and traveling into large uninfested watersheds during the wet season. The memo provides photos documenting OHV use.

On May 28, 2009, we sent a memo to Joel King, Tim Chesley, Stephen Johnson and Frank Betlejeweski, clarifying a memo sent earlier by George Sexton about the Port Orford cedar gate on 4201-141 being open and vehicles traveling into the uninfested Babyfoot Creek watershed. We provided photographs and discussion demonstrating the high risk of introducing Port Orford cedar root disease from the motorized use of the route and stating that:

> *"You received an email Wednesday afternoon from George Sexton with photos of the vandalized gate at Onion Camp. What his email didn't directly mention is that the gate at the very beginning of 4201-141 (T38S, 09W, section 30), the spur road that goes down to Onion Camp, was also open.*
>
> *As you know, your decision of July 7, 1999 initiated the "permanent gated road closure" of the 141 route down to the onion fen known as Onion Camp. The decision relocated the trailhead at Onion Camp to an area on the watershed divide above the camp. The stated purpose of the decision is to prevent the spread of Port-Orford [cedar] root disease, reduce impacts to a biologically important wetland, and reduce the risk of sediment delivery to tributaries of Babyfoot Creek."*

On May 10, 2009 FKW submitted extensive comments on the Draft Environmental Impact Statement for Motorized Vehicle Use on the Rogue River-Siskiyou National Forest (DEIS) specific to Port Orford Cedar (POC) and denial of request to extend the comment period because of information missing in the DEIS with regard to POC.

> *"On May 4, 2009, Friends of the Kalmiopsis, Pacific Rivers Council, Oregon Wild and American Hiking Society wrote to you asking for an extension of the 45 day comment period on the DEIS. Our request was based on the Rogue River-Siskiyou National Forest's (RR-SNF) long delay in providing information regarding Port Orford cedar as it relates to the Forest's Travel Management Planning (TMP) and alternatives in the DEIS. The request was made on April 7th.*
>
> *The information and maps were finally supplied on Friday May 8th (we picked up a hard copy map at the Grants Pass Interagency Office) but this map, for the most part, is illegible as is the electronic version that was emailed by Margaret Flores on Friday, May 8. It's very disappointing for it to take 31 days and a number of emails and phone calls—all while the comment period is running—to receive information that should have been, at the very least, readily available to the public and then have the information basically unusable."*

The comments incorporated by reference and tier to:

> *Siskiyou Project, Barbara Ullian, Klamath-Siskiyou Wildlands Center and Oregon Wild's appeal to the Regional Forester, dated June 1, 2004, of the Record of Decision Land and Resource Management Plan Amendment for Management of Port-Orford-Cedar in Southwest Oregon, Siskiyou National Forest and Final Supplemental Environmental Impact Statement for Management of Port-Orford-Cedar in Southwest Oregon and all attachments. If the RR-SNF does not have an electronic version of the appeal, please let us know and we'll supply it.*

On May 11, 2009 FKW, KS Wild and Soda Mountain Wilderness Council submitted extensive comments on the DEIS specific to the McGrew (and associated spur routes) and Biscuit Hill Trails, Baldface Creek, an eligible Wild and Scenic River, the National Wild and Scenic North Fork River, the South Kalmiopsis Roadless Areas. At a later date, we provided the RR-SNF with the Siskiyou National Forest's 1990 Settlement Agreement with American Rivers and Pacific Rivers Council, regarding the screening and eligibility process for potential wild and scenic rivers on the SNF, at the request of Rob Shull. A map

We also provided as an attachment a document dated May 7, 2009 regarding the DEIS's failure to analyze impacts of motorized trail in areas recommended as Wilderness in 2004. We provided the Forest Service's documents and maps, describing 64,000 acres of proposed additions to the Kalmiopsis Wilderness.

We've asked that the comments, memos, photographs and maps sent outside formal comment or scoping periods be incorporated into the Administrative Record for the FEIS and ROD.

We tier to and incorporate by reference all of the above comments and correspondence submitted to the RR-SNF by the appellants. We also incorporate by reference documents received by the appellants through the Freedom of Information Act, including those pertaining to the agency's recommendation to Congress to add 64,000 acres to the existing Kalmiopsis Wilderness and documents pertaining to the OHV use of the McGrew Trail and Sourdough Camp.

We incorporate by reference comments on the Port Orford Cedar Management Plan Supplemental Draft and Final Environmental Impacts Statement, including the comments of Matthew J. Kauffman and Erik S. Jules dated September 12, 2003 (in Analysis File) and Dr. Everett Hansen, Dr. Tom Jimmerson and Dr. Donald Zobel. We incorporate by reference the appeal of the Appeal of Record of Decision Land and Resource Management Plan Amendment for Management of Port-Orford-Cedar in Southwest Oregon, Siskiyou National Forest and Final Supplemental Environmental Impact Statement for Management of Port-Orford-Cedar in Southwest Oregon

REQUEST FOR RELIEF

Appellants request that the Regional Forester of Region 6 of the USDA Forest Service amend RR-SNF Supervisor Scott D. Conroy's Record of Decision for the Motorized Vehicle Use on the RR-SNF. Certain parts of the decision such as prohibitions on cross country travel and motorized travel on ML 1 roads need to be implemented in order to protect the outstanding values scientific values of the Forest and users of the Forest. Thus we we are not requesting a delay in the publication of the Motor Vehicle Use Map (MVUM).

However, parts of the decision and its FEIS are flawed and should not be implemented or require the hard look mandated by the National Environmental Policy Act (NEPA). For example the FEIS does not take required hard look at threats such as naturally occurring asbestos, invasive and noxious plants such as *Alyssum murale and A. corsicum (Yellowtuft)*[1] *and* non-native pathogens such as *Phytophthora lateralis* and *ramorum,* motorized use of native surface, user created roads or trails in areas the Secretary of Agriculture proposed as Wilderness in 2004, Eligible Wild and Scenic Rivers.

The FEIS and ROD weaken existing protections for rare plants and their habitat by failing to prohibit cross country motorized travel and travel on ML 1 roads for purposes of mineral exploration and other mining activities without notice and analysis.

These failures throws into question the efficacy of mitigation measures and agency's duties under for example, the Serpentine Fen Conservation Agreement,[2] the Endangered Species Act and other laws and

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[1] Oregon Department of Agriculture recently established a quarantine for Yellowtuft and other noxious plants. ODA States that: "A quarantine is established against the noxious weeds listed herein. Noxious weeds have become so thoroughly established and are spreading so rapidly that they have been declared a menace to the public welfare. ORS 570.505. (2) Areas Under Quarantine. The entire state of Oregon and all other States of the United States and all foreign countries (http://www.oregon.gov/ODA/PLANT/603_052_1200.shtml.) **However, this is not a new issue to the RR-SNF, who began evaluating the invasion in 2005 and joined with ODA on a risk assessment of *A. murale* and *corsicum* that was published in 2008.**
See also - http://www.oregon.gov/ODA/PLANT/plant_ann_rep07_native_plant.shtml#Phytomining__ag_innovation_or_an_impending_weed_invasion_ and http://yournec.org/index.php?module=pagesetter&func=viewpub&tid=3&pid=784

[2] http://www.fws.gov/oregonfwo/ToolsForLandowners/HabitatConservationPlans/ConsvAgreements/SerpentineFen-CA_6-2006.pdf

regulations requiring the Forest Service to protect native plant species and conserve roadless area values and prevent the spread and introduction of noxious plants and non-native pathogens.

Four-wheelers again rip rare plants by road

By Gordon Gregory
of the Daily Courier

Continuing abuse by some four-wheel-drive vehicle operators is forcing the Siskiyou National Forest to formally propose closing the road to Star Flat in the Illinois Valley to protect a variety of sensitive plants in the area.

The proposal will go out to the public as early as next week and, barring a change of heart, the Siskiyou will blockade the road later this summer.

It is not something the agency considers lightly.

Siskiyou Forest proposes blocking access to Star Flat

"We know it's controversial. There's a lot of people opposed to road closures," said Jeff Walter, ecosystem manager for the Illinois Valley Ranger District.

But Walter said efforts to keep all vehicles on the road and off the flats have failed, with the latest assault occurring just last weekend.

"It's just an historic problem. We tried for several years to find solutions without much success," he said.

Because of the flat, boggy conditions of the area, four-wheel-drive vehicles find it easy to leave the road, either to get around mudd[illegible] areas in the road or to go cross-country just for fun.

Unfortunately, that can damage the vegetation in the area and produce ruts that can channel water away from the bogs and the plants that depend on the moisture.

The area is home to several rare plants, including the insect-eating darlingtonia, the

Turn to ROAD CLOSURE, Page 7A

Road closure From Page 6A

large-flowered purple rush lily, a rare bulbrooted, the Oregon willow weed and a rare marigold.

Over the years the district has tried to protect the area from rogue four-wheelers by placing large boulders and other obstructions at the head of the road and by planting brush to discourage the off-road driving.

"We successfully slowed it down, but we sure haven't stopped it. They've gone in with winches and moved the boulders. We've tried logs and they cut them with chainsaws. If people want to get in there enough, they do," said Walter.

Now the district sees little option but to block the road where it leaves the paved Esser Creek Road about three miles west of Selma. That could be done with a metal gate or some form of earth-an obstruction, such as a ditch.

It is also seeking an administrative change that would make violating the closure a federal crime to give forest officials more authority to deal with off-road travelers.

The area would not be closed to use, just to motor vehicles and, said Walter, any blockade could be temporary. He said the district would like to see a long-term solution to the problem that allows vehicles to use the road.

Long-term options include fencing off the meadow and even developing more campsites at the nearby Illinois River Ti-Bow more people to the area. Walter said that would lessen the allure because four-wheelers would like to be less observe if people were in the area.

"All we're trying to do is prevent resource damage," said Walter.

Workers from the Illinois Valley Ranger District examine damage done by off-road vehicles to plants in the Star Flat Area.

SATURDAY, JULY 2, 1994 DAILY COURIER, Grants Pass, Oregon

BACKGROUND

When the Record of Decision for the Siskiyou National Forest Plan (SNFP) was signed in 1989, it made decisions about land allocations such as Botanical Areas and approximately 284,000 acres of Inventoried Roadless Areas. The Botanical Areas were established based on existing inventories of rare plants and other botanical values. Standard and Guideline, MA-4-3 states that "Vehicles shall not be used off roads and trail."[3] The SNFP also includes an Off-Road Vehicle Management Plan which includes a "Permanent Yearlong Closure [for] any motor drive vehicles off Forest Development Road(s) and or trail(s)" for all Botanical and Research Natural Areas.[4] However, while individual botanist and some District Rangers attempted to address growing impacts to the nationally significant botanical values of the Siskiyou National Forest (SNF), it wasn't until

STATEMENT OF REASONS

The ROD and FEIS violates the National Environmental Policy Act (NEPA), the Roadless Area Conservation Rule of 2001, the Wilderness Act of 1964 (Act or Wilderness Act), the National Wild and Scenic Rivers Act (Act), the National Forest Management Act (NFMA), the Endangered Species Act (ESA), and the Administrative Procedures Act (APA).

A. THE RECORD OF DECISION AND FEIS VIOLATE NEPA.

Pursuant to the National Environmental Policy Act (NEPA), the Forest Supervisor has prepared an EIS and issued a Record of Decision. The EIS is inadequate under NEPA and the ROD is arbitrary and capricious. Appellants will raise substantial questions as to the adequacy of the EIS and its analysis of the environmental effects of the alternatives. In this circumstance, the Forest Service must prepare a supplemental EIS to address the inadequacies and inaccuracies of the current EIS and ROD.

1. The FEIS lacks clarity and its direction and analysis are often undecipherable

Increasingly, like credit card company contracts, RR-SNF National Environmental Policy Act (NEPA) documents are almost impossible to decipher and the very opposite of the intent of NEPA. Appellants have been reviewing Siskiyou National Forest NEPA documents since 1987. We still have many early EISs. While imperfect in some respects they were at least understandable. NEPA requires that:

> *[Environmental Impact] Statements shall be concise, clear, and to the point, and shall be supported by evidence that the agency has made the necessary environmental analyses. An environmental impact*

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[3] USDA Forest Service, 1989 Siskiyou National Forest Land and Resource Management Plan, p. IV-88.

[4] Id. at E-5 through E-9.

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. 43 CFR § 1502.1

The purpose of this FEIS appears to be buffer the agency's decision (or lack thereof) from legal challenges, as it attempts transportation planning, in compliance with the Transportation Management Rule (TMR). With the exception of project level analysis, the SNF and RR-SNF has been able to avoid transportation planning or addressing the effects of its road system on the nationally outstanding natural resources and amenity values of the two National Forests for at least two decades.

Part of the problem may be because the agency, rather than divide the analysis area into at least the two distinct Forests (Rogue River and Siskiyou), chose to address the entire 1.8 million acres in one EIS. While this may be to the Forest Service's advantage, it resulted in a confusing document that supposed to provide project level analysis and decisions but provides little site-specific analysis.

The FEIS states that there is no requirement to reconsider decision made prior to the Travel Management Rule. Page I-5 but never really explains or lists those decisions. Nor does it define what constitutes a "decision." Does the agency mean decisions made during a NEPA process or simply staff decisions never subject to NEPA or public disclosure or input? For example at a certain point someone on the SNF made a "decision" to inventory numerous user-created routes as National Forest System (NFS) roads. There appears to have been no NEPA analysis on this or on the effects of the routes on the land or the effects of their use on the land, especially when the level and type of use was never intended.

In 2004, the RR-SNF through the Secretary of Agriculture proposed adding ~ 64,000 acres to the Kalmiopsis Wilderness. Was that a decision? What weight does it hold in this process, where the Forest is proposing motorized use in their proposed Wilderness additions.

The two quotes below are from a Grants Pass Daily Courier article dated May 21, 1994 entitled: "Forest Service BLM closing road galore".

> The Siskyou's O'Leary said the forest has identified roughly 40 percent of its 2,900 miles of road for closure or decommissioning. However, no decisions will be made until it hears from the public, he said.

> "We're in the process of down-sizing the transportation system," said Sandy Berger, a spokeswoman for the Forest Service's regional office. The agency has already closed about 17,000 miles of roads. And, says Berger, "we'll be closing a lot more."

The Proposed Nicore Mine Final Environmental Impact Statement is a project level analysis. The proposal includes the motorized use of user-created routes inventoried as NFS roads by the SNF. Unlike the Motorized Vehicle Use (MVU) FEIS, the Forest Service's project level analysis for the proposed mine realized the significance effect of the use of these user-created routes through an Inventoried Roadless Area, a Botanical Area and within the corridor of an eligible Wild and Scenic River. The analysis conducted rare plant surveys of the all the proposed haul route. ESA listed plants were found and numerous rare and sensitive ones. There was grave concern over the potential introduction of Port Orford cedar root disease, which wasn't based on some arbitrary percentage of cedar present but the ecological value of the cedar. Some of the MVU FEIS's alternatives appear to reflect site specific analysis of the significant effect of motorized use of the sensitive areas of the Nicore Mine project area but not all.

Part of what's problematic about the FEIS is also its reliance on obscure methods of analysis such as that to determine the risk of Port Orford cedar root disease introduction and spread.

2. The FEIS is lengthy but fails to take the required hard look at the consequence of proposed actions.

NEPA requires that:

Environmental impact statements shall be kept concise and shall be no longer than absolutely necessary to comply with NEPA and with these regulations. Length should vary first with potential environmental problems and then with project size. 43 CFR § 1502.2 (c).

The length of the FEIS has more to do with what appears to be boiler plate than the actual analysis and discussion of environmental effects. The FEIS actually often evades the required project level analysis

through a set of unsupported “assumptions” that the public is asked to accept without knowing whether they are reasonable and/or scientifically acceptable. Again part of the issue here is that for the sake of expediency the RR-SNF chose to conduct transportation planning over 1.8 million acres with one EIS This does the public who’s supposed to was given 45 days to provide meaningful comment on the DEIS and only 45 days to review the final and appeal that decision if necessary.

3. The FEIS’s focus to designate motorized routes and do it quickly is at odds with the requirements of NEPA.

The FEIS admits the “need to move quickly to complete route designation,” and that the project’s “focus is on the designation of motorized use for roads and trails.” Page I-5. However, Congress’s intent with the passage of NEPA was to slow down decisions made that potentially will affect the environment and to be sure federal agencies take a “hard look” at the effects of their actions.

> Environmental impact statements shall state how alternatives considered in it and decisions based on it will or will not achieve the requirements of sections 101 and 102(1) of the Act and other environmental laws and policies. 43 CFR § 1502.2 (d)

With its focus on designating motorized route quickly over 1.8 million acres, the FEIS often fails at fulfilling the section 101 requirements of NEPA. For example by not adequately assessing the potential threat of naturally occurring asbestos (NOA) on native surface roads and trails that travel through serpentine/ultramafic soil types, the agency places the health of citizens at risk. For example a hiker, mountain biker or horse back rider on a route where motorized vehicle use has disturbed serpentine soils, could be subject to unintended consequences of breathing NOA. See YouTube videos of soil disturbance along the McGrew Trail.

4. The FEIS is inadequate because it is based on unsupported assumptions.

While the FEIS makes site specific decisions, it does not provide adequate analysis for the environmental impacts of the decisions because:

a) It accepts the existing conditions as a baseline and only analyzes decisions where there is a change from the existing condition.

> *The existing level of use of NFS roads and trails is part of the current condition. Maintaining the current level of use does not constitute a measurable change to the current condition and therefore does not constitute a new effect. This also applies to situations where roads may be technically closed due to their Maintenance Level 1 status, but are still* physically open to motorized use and receive such use. Page III-3

Above - McGrew Trail in the South Kalmiopsis IRA in 1987. The FEIS states that the trail is actually a road. P. III-26. It’s inventoried as a ML 2 road but is even difficult for horses to travel.

On the McGrew Trail in Southern Oregon, with signs of the Biscuit Fire in the background.

The McGrew Trail is a historic trail constructed around 1852. It is now classed as a ML 2 NFS road. There is no documented decision to inventory the trail as a road or the impacts of this on the South Kalmiopsis IRA which it goes through. Contrary to the FEIS the McGrew trail was never constructed to a high standard based on an engineered design. Page III-3

b) It assumes that all NFS roads and trails are constructed to a high standard.

> NFS roads and trails are assumed to be in an acceptable condition, unless information is documented to the contrary. This is based on the fact that most NFS roads and trails were constructed to a high standard based on an engineered design. Page III-3.

While the first assumption is correct with regard to ML 1 routes, which are essentially closed to vehicular travel and likely correct with regard roads and trails actually constructed to Forest Service standards for purposes and levels of use similar to the existing condition. However, the assumption that the Forest Service does not need to analyze the designation of at least some existing routes begins to fail apart because of another assumption—that all NFS roads and trails are in acceptable condition and were constructed to a high standard based on an engineered design. Page III-3. The facts simply do not support this assumption. The SNF has on their NFS road inventory many miles of user-created, bulldozed mining tracks which were clearly not constructed to a high standard based on an engineered design and are not in acceptable condition. We provided photographs of these routes and described them in our comments on the DEIS:

> *The miners that "created" these "roads" were allowed by the SNF to mark their claims [and do assessment work] by freshly bulldozing the old mining tracks as recently as 1995 (see photo #39). Some of these old mining tracks became trails, with the designation of parts of the area as Wilderness in the 1960's and 70's. However, [outside] the Wilderness boundary, the same user-created routes were inventoried as a National Forest System roads. Most of these routes did not disqualify areas for Wilderness consideration during RARE II and are in Inventoried Roadless Areas...*

The McGrew Trail in 1987. In 1975 John Hart (*Hiking the Bigfoot Country*, Sierra Club Books) described the Trail as "a broad stony trail."

It is especially important to note that the user-created routes, now NFS roads had an entirely different purpose and level of use when they were created than the use that they are being put to now. The roughly bulldozed mineral exploration routes were never designed to:

> *... provide off-highway-vehicle users with thrills and chills, rock and hill climbs playgrounds and photo and YouTube video opportunities. These uses are antithetical to the purposes of Inventoried Roadless Areas and [threaten many of the] unique characteristics of the Roadless Areas in question. Most of the routes were bulldozed by miners to create the appearance of performing assessment work, with a few used to actually access mines. Some were bulldozed over existing trails as was likely the case with the Biscuit Hill Trail and the McGrew Trail. Parts of the McGrew trail were recently bulldozed to create a fire line.* FKW comments on DEIS.

Below is the url for a 4 minute YouTube video of a 2009 McGrew Trail OHV trip. It's a must watch to understand the level of impact that has occurred to the South Kalmiopsis Roadless Area traversed by the McGrew Trail. Note the amount of dust created by the few vehicle in the video. Remember this the type of terrain where naturally occurring asbestos is found. When watching, remember also that according to the FEIS the McGrew Trail is a NFS ML 2 road, in "acceptable condition" and "constructed to a high standard based on an engineered design.

http://www.youtube.com/watch?v=p9Fe1oHf1Nk&NR=1

McGrew Trail—A Short History of a National Forest System Road, 1852 to 2010

The McGrew Trail is mostly within the South Kalmiopsis IRA. While the FEIS describes the McGrew Trail as a road (P. III-26), its history suggests otherwise.

The McGrew trail was constructed around 1852. See March 6, 2002 Special Use Permit: McGrew Trail Four Wheel Drive and Sourdough Camppout memo to Judy McHugh, Team Leader. It was originally an indigenous travel route that was cleared to transport gold and supplies for miners and settlers between what is now Crescent City and the interior valleys. Used only for a few years for this purpose, it was abandoned upon the construction of what is now known as the Wimer Road – NFS road 4402.

In *Hiking the Bigfoot Countr*y, published in 1975, John Hart described the McGrew as little more than a "broad stony trail." This appears to be the only published written description of the trail prior to the current onset of OHV use.

Hart writes: "You do not often have the chance to walk in wild country where civilization has come and gone, but at the southern border of the Kalmiopsis wildlands, you can." Unfortunately, civilization came and went and has returned again to the McGrew Trail.

There's no indication in Forest Planning documents when the SNF inventoried the McGrew Trail as a National Forest System (NFS) road. According to the FEIS, it is a ML 2 road.

As a road, for all practical purposes, the McGrew Trail has been user-created by motorized vehicle use. At a certain point a 4-wheel drive club began using it for an annual event and adopted the trail. As many as 253 people with 100 vehicles participated in the event annually between 1993 and 1997. The annual ride continues today but is smaller. In 2007 62 vehicles were counted by the Forest Service. The attendees camp over night at Sourdough Camp located on the "Wild" segment of the National Wild and Scenic North Fork Smith River. Sourdough Camp is primary destination for most OHV users of the McGrew Trail. Over the years Wild River Area of the North Fork Smith at Sourdough has been increasingly impacted by OHV users. Barriers place to keep vehicles from the gravel bars and from crossing Baldface Creek are routinely vandalized. See Forest Service monitoring reports and correspondence regarding the Pacific Northwest Four Wheel Drive Club Father's Day Event. In 2004, the District Ranger wrote: "I am also painfully aware of the ongoing off-road resource damage at Sourdough Camp ...".

Users of the McGrew Trail like to drive onto serpentine outcrops such as this and pose with their vehicles for photos. Is this one of the serpentine outcrop where a population of the endangered *Arabis macdonaldiana* (MacDonald's rockcress) is or was found?

Despite the size of PNW Four Wheel Drive Club event, the SNF never required a special use permit (SUP) , complied with NEPA or prepared environmental analysis until 2002. The event has been categorically excluded from preparation of an environmental assessment since 2002. The CE only looked at the impact of this permitted event and does not address the effects of associated and/or unregulated use

The requirement for a SUP for the organized event also forced the agency to, for the first time, conduct rare plant surveys on the trail. It's hard to know the number of rare plants that once occupied the route route prior to the beginning of the heavy OHV use in the 1990's but rare plants were found in the 2002 survey. In 2003, the SNF conducted informal consultation with USDI Fish and Wildlife Service and concluded that the 4-wheel drive event will have a "May Effect. Not Likely to Adversely Affect" on an endangered plant species. Initially about 40 *Arabis macdonaldiana* (MacDonald's rockcress) plants were found. Later additional populations were identified numbering about 300 in crevices on a serpentine outcrop adjacent to a section of the trail, with about five plants located on the roadway.

A 2002 memo from the Illinois Valley District Botanist note that impacts to A. macdonaldiana occurred during the 2002 event. Additional impacts have occurred, especially to one population on the Smith River National Recreation Area where the McGrew Trail joins FS Road 4402. See Forest Service email correspondence and memos.

After watching video, compare the trail now with the photo of the McGrew Trail in 1987 and read John Hart words below from Sierra Club Book's *Hiking the Bigfoot Country*, describing the Trail before it became known as an extreme OHV route, with a national reputation:

> *You do not often have the chance to walk in wild country where civilizations has come and gone, but at the southern border of the Kalmiopsis Wildlands, you can ... Now, [the McGrew Trail] is little more than a broad stony trail, a good fifteen-mile cross-mountain hike in the red rock country.* John Hart 1975.

Here are additional YouTube Videos of the McGrew Trail:

http://www.youtube.com/watch?v=Ilz_LpwcwZU; http://www.youtube.com/watch?v=7eP9bfXQUcY&NR=1;

http://www.youtube.com/watch?v=SveuLPxTWWg&NR=1;

http://www.youtube.com/watch?v=3eU9GRefasE&NR=1;

http://www.youtube.com/watch?v=sPeIhN7QH7M&NR=1;

http://www.youtube.com/watch?v=RXC0PGkA2YA&NR=1

http://www.youtube.com/watch?v=RYaEJd6nUHI&NR=1;

Note the wet conditions with this video:

http://www.youtube.com/watch?v=lWze1IlpSXk&NR=1

Note the airborne dust on this video:

http://www.youtube.com/watch?v=K6WEqETEXq4&NR=1

In Siskiyou Regional Education Project v. United States Forest Service, Civil No. 94-3084-CO, the SNF argued that they did not have to prepare a decisional memo to rent the Pearsoll Peak Lookout. The lookout is accessed by NFS road 4103-087 and Trail 1124.1. Road 087 is one of the old user-created mining routes which the FS inventoried as a system road and has classified as ML 2. Trail 1124.1 is also a user-created mining access route, which was inventoried as a trail in 1995 but at a certain point the Forest Service appears to have inventoried it as an extension of 087. See FEIS alternative maps as opposed to Illinois Valley Ranger District transportation map which show it as Trail 1124.1.

The Forest Service defendants claimed that NEPA did not apply because their decision did not alter the environmental status quo and also that NEPA doesn't apply to the continuation of the same use. However, the magistrate judge disagreed finding that renting the lookout to the public did not maintain the status quo because the lookout was originally used for fire protection and that there was evidence that the lookout rental would increase traffic on Forest Service road 087 from ten to sixty percent.

The court accepted the plaintiff's evidence that:

> "... gullying and landslides are present on the access route [to the lookout]; portions of the slopes and trail to Pearsoll Peak are unstable; poor road design, poor road maintenance, environmentally destructive construction techniques, and lack of road maintenance have resulted in stream [side] slides, debris avalanches, culvert failures, and dry ravel; that water diversions are causing gullying in the road and sedimentation of Rancherie Creek due to Forest Service Road 087."

Please note 4103-087 was and is a ML 2 NFS road that the Forest Service assumes to be in "acceptable condition" and "constructed to a high standard based on an engineered design."

The court also accepted plaintiffs evidence that there are a number of springs, seeps, perennial stream crossings, and associated wetlands along the access route [to the lookout] and that the Forest Service's analysis of extraordinary circumstances did not address the presence of these features and what affect if any increased traffic use would have on the sensitive areas or whether the Port Orford cedar root disease control strategy was sufficient to avoid potential effect.

The court found that the Forest Service was required to examine both direct and indirect impacts of its to decision rent the lookout and increase the use of road 087 and trail 1124.1. On January 26, 1996 the District Court agreed with the Magistrate Judge's Findings and Recommendations and enjoined the Forest Service from implementing the Pearsoll Peak Lookout Rental decision until it prepared an environmental assessment. *Siskiyou Regional Education Project v. United States Forest Service*, United States District Court of Oregon, No: 94-3084-CO, January 26, 1996.

While this case is about in that the RR-SNF's designation of motorized routes

5. The FEIS does not adequately address the environmental consequences of its proposed actions on Inventoried Roadless Areas.

The FEIS designates roads and trails in Inventoried Roadless Areas for Motorized Use without analysis of environmental consequences. The FEIS states that "complete descriptions" of the IRAs is found in Appendix C of the two Forest Plans. FEIS III-39. However, these plans were written more than two decades ago so the Appendix C description can no longer be considered complete. The extensive process around the development of the 2001 Roadless Area Conservation Rule (RACR) has increase public awareness of the values of IRA. There's also been increased scientific recognition of their importance as reference landscapes and of the fisheries values of streams flowing through IRAs.

However, the FEIS's environmental consequences section on Roadless Areas is so cursory, that it doesn't even mention the names of the individual IRAs, let alone analysis the effects of motorized route designation on each and their roadless area values. While the FEIS makes project level decisions it does not provide site specific analysis. In fact, the FEIS simply provides a list of general Roadless Area values.

In some IRA's the agency proposes to amend Forest Plan land allocations to allow for motorized use. In other IRAs, Forest Plan land allocations already allow motorized use. However, in either case the Forest Plan FEIS's in question also do not include environmental analysis of the effects the motorized use of individual routes in the IRAs. The plans are programmatic documents. No other use with the ability to do so much damage escapes analysis in this way. For example, in the individual Forest Plan some lands are allocated to timber production. The analysis of the logging but the analysis of environmental consequences of a timber sale is done at the project level and the FEIS is a project level decision document.

The Forest Service cannot simply default to the general direction in the individual Forest Plans and not take the required hard look at the environmental consequences its motorized route designation, whether its an existing use or a new use. This is is especially true in Roadless Areas, in part, because of their significance and, in part, because the RACR. While the Rule doesn't prohibit motorized use per se. It does prohibit road "reconstruction" in inventoried roadless areas. 36 CFR § 294.12. Road "reconstruction" includes any activity that "results in improvement or realignment of an existing classified road." 36 C.F.R. § 294.11

The RACR defines road reconstruction as "activity that results in improvement or realignment of an existing classified road defined as follows:

(1) *Road Improvement*. Activity that results in an increase of an existing roads traffic service level, expansion of its capacity, or change in its original design function.

(2) *Road realignmen*t. Activity that results in a new location of an existing road or portions of an existing road, and treatment of the old roadway. 36 CFR § 294.11.

As discussed above. The existing so-called roads in most inventoried roadless areas on the RR-SNF are actually user-created, mineral exploration or mining access route or in the case of the McGrew Trail a historic travel route constructed prior to the advent of the automobile. It's probably safe to assume most of these routes predated RARE II.

During RARE II, the Forest Service defined roads as being "passable by a standard passenger vehicle, intended for highway use." This accounts for why RR-SNF RARE II Roadless Areas such as the South Kalmiopsis, have numerous mining tracks within them and that these did not disqualify the for consideration as Wilderness. They were not passable by a standard passenger vehicle intended for highway use. There use levels were low and they were "designed" primarily for mining access or used as annual mining claim assessment work. There was no consideration of rare plants, Port Orford cedar root disease, erosion, steepness, sediment contribution to streams or effect or other impacts.

The infrequency of use on most route lead to many being used mostly as non-motorized routes. See for example John Hart's description of the McGrew Trail above. The RR-SNF's current use and level of use of these routes has undergone significant change since RARE II or even since Forest Plan's Appendix C inventories. Clearly these routes/trails were not designed for type of vehicle use they now receive or for the level of use that is currently occurring.

Additionally, as most of the McGrew Trail video demonstrate, users often re-align the routes to avoid areas where erosion caused by previous use has made them impassable. Users change the surface, killing vegetation that was becoming re-established and rare plants, widen the routes, cause erosion and otherwise altering the original purpose of the mining tracks. Denuding ultramafic terrain of vegetation and pulverizing the fragile soils may also place other users at risk, if the rock and soil contain naturally occurring asbestos. See - http://www.fs.fed.us/r5/noa/, EPA's comments on Travel Management Plans for other National Forest's with serpentine terrain and publications of the State of California.

The Forest Service has also increased the service level of some of the user created roads in IRAs. For example 4402-172, 497,530 and 550 are all in the South Kalmiopsis IRA and have a ML objectives of 1. The preferred alternative shows them as existing routes with no change where mixed use is allow.

4402-530 (T41S, R10W, sections 9 & 4) is on the Alt. 5 map but no route number is shown. At least part of 530 appears to be in the 1/4 corridor of the "Wild" section of one of Baldface Creek's perennial tributaries known as Taylor Creek. Taylor Creek was found an Eligible Wild and Scenic River by the SNF in 1994, with the highest potential classification of Wild. The McGrew Trail also in section 9 is within the 1/4 corridor of Taylor Creek. As pointed out in our comments on the DEIS, Baldface Creek and all its perennial tributaries are subject to a Settlement Agreement with American Rivers and Pacific Rivers Council. Page A-31 acknowledges this fact with regard to Biscuit Hill Creek and 4402-494 but not for the McGrew Trail and Taylor Creek.

Left - Road 4402-535, a spur of 4402-112, also has a maintenance level objective of 1 but is shown on alternative maps as a no change forest road with mixed use allowed.

Routes like this are why the assumptions that the FEIS uses flaws the whole analysis. Use of the old user-created route (inventoried as a NFS road) by motorized vehicles would constitute reconstruction under the RACR. The question is did the McGrew Trail one look like this

The Biscuit Hill Trail in the South Kalmiopsis IRA and Forest Service Proposed 34,000 acre South Kalmiopsis Wilderness Addition (Baldface Creek Watershed). The Biscuit Hill Trail is RR-SNF ML 1 NFS road 4402-494. The proposed action proposes converting it to a motorized trail.

Appendix F (Port Orford cedar risk key) identifies NFS road 4300-011 and trail 1184 as being identified for future "treatment." Page F-8. It does not state what the future treatment is but if it includes Port Orford cedar sanitation logging or road reconstruction or upgrade it would violate the RACR, because both are in the South Kalmiopsis Roadless Area.

6. The FEIS contains new information not disclosed in the DEIS

40 CFR 1502.9(a) requires that DEIS "must fulfill and satisfy to the fullest extent possible the requirements established for final statements in section 102(2)(C) of NEPA. If a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft of the appropriate portion."

a) Mining Access - The FEIS added mining access as an issue and a section on mining access in chapter III (page III-133 to 138). In the response to comments the FEIS states that: The discussions regarding mining and mining access will be expanded and clarified in the FEIS." Page A-63.

However, this is not a minor edit or addition. Nor does it really clarify what regulations apply the Transportation Management Rule (36 CFR §261.13 - essentially the purpose and heart of the rule). The Forest Service's interpretation of its requirement to provide "motorized vehicle" access for mineral exploration and other mining activities—both on ML 1 roads (closed to vehicular travel) and cross country (or off Forest Development Roads) changes a great deal with regard to the analysis of the FEIS and the action alternatives because it essentially exempts anyone claiming to be a miner from the Transportation Rules. It's also built on false premises.

The new section in the FEIS, among other things states that

> *Any person entering federal lands identified within the Forest for the purpose of exploration, sampling, or beginning prospecting may use motor vehicles on all publicly maintained roads (including ML 1 roads) without further authorization from the Forest Service.*

What 228.4 (a) (1) says is that:

A notice of intent to operate is not required for:

(i) Operations which will be limited to the use of vehicles on existing public roads or roads used and maintained for National Forest System purposes;

It does not say ML1 roads, it says "existing public roads or roads used and maintained for National Forest System purposes." A ML 1 road is closed to public motor vehicle travel.

The Forest Service's Organic Administration Act authorizes the Secretary of Agriculture to promulgate rules and to protect the national forest land from destruction and depredation. 16 USC § 551. It also specifies that person entering the national forests for the purpose of exploiting mineral resources "must comply with the rules and regulations covering such forests." 16 USC § 551.

Further the 9th Circuit in Clouser v. Espy found that the "materially interfere" standard of the Mining Law does not apply to actions taken by the government to regulated mining-related activities that occur on national forest lands outside of the boundary of a mining claim. Clouser v. Espy 42 F.3d 1522 (9th Cir. 1994).

There is nothing to essentially stop the Forest Service from for example requiring a miner to use non-motorized access in sensitive area such as Botanical Areas. In fact the SNF Plan Standard and Guidelines for Botanical Areas states that "Vehicles shall not be used off roads and trails" though this is for recreation uses so its a little unclear. The Standards and Guidelines for Botanical Areas also say that that Valid claims existing prior to botanical area designation may be developed <u>but</u> that "Every effort should be made to protect botanical resources, especially sensitive plant species. SNF Plan page IV-88 & 89.

The FEIS states that:

> *36 CFR §228.4 specifically states that such use is exempt from notifying the Forest Service. Further, if an operator reasonably concludes that the travel associated with exploration, sampling, or beginning prospecting will not cause a significant disturbance of surface resources, cross-country travel could also be exempt from notifying or obtaining additional authorization from the Forest Service prior to conducting this activity.*

Since under the Organic Act the Forest Service can promulgate regulation to protect the land from degradation and that persons entering the national forests for mining activities has to comply with the rules, the Forest Services logic seems off here. The agency promulgated the Travel Management Rule which essentially prohibits motor vehicle use off designated roads and trails and outside designated areas. 36 CFR § 261.3. An actually mining claim may be exempt if the prohibition materially interferes with the mining operation but outside the mining claim § 261.3 should apply.

> *The regulations do not specifically state that cross-country or off road travel is authorized, but the regulations allow the operator to evaluate any activity associated with mining to determine if a significant surface resource disturbance might occur. 36 CFR §228.12 states that when a Plan of Operation is required, the use of an off-road vehicle is prohibited until the plan is approved.*

Where does 36 CFR 228 say that the operator doesn't have to follow the rule and regulations of the national forest?

> *The Organic Administration Act and several court rulings make it clear that those entering NFS lands under the authority of mining laws must comply with the rules and regulations of the national forest. Conflict between regulations would make enforcement under 36 CFR §261 difficult if not impossible.* Page III-134.

How so more than any other regulation or law such as compliance with the Clean Water Act and Endangered Species Act?

> *Mining activities allowed by regulation (36 CFR §228.4) and exempt from notice requirements include:*
>
> *Operations that will be limited to the use of vehicles on existing public roads or roads used and maintained for NFS purposes. A ML 1 road would fit this description and use by citizens entering under the mining laws would not require additional authorization. Page III-136.*

If the road is not designated for motorized travel, it is closed. Where does it say that reasonable access to a mining claim or for exploration has to be on a road using a motorized vehicle?

> *Assuming that there is a valid claim supported by discovery, a right of access is impliedly granted by Congress under the general mining laws for mining purposes across public land exists.*

A mining claim is only valid if there is a discovery of a valuable mineral deposit. A mining claim does not create any rights against the United States and is not valid unless and until all requirements of the mining law have been satisfied. *Skaw v. United States*, 13 Cl. Ct. 7, 28 (1987).

> *Barricading entry and threatening criminal action to bar entry to a mining claim by the government constitutes a legal impediment affecting a claimant's right to enter upon the surface of a claim.*

The agency by regulating the access is not "barricading entry, threatening criminal action or barring entry to the claim. It is doing it's duty under the organic act.

> *Thus, to the extent that entry on the surface of the land is necessary to effectuate the removal of minerals, it is assumed that such right was impliedly reserved in the grantor as a necessary incident of the reserved mineral estate. Page III-136.*

A mining claim is only valid if there's a discovery of a valuable mineral deposit and all requirement of the mining law has been met.

> *Additional comments were received from mining interests regarding access and permitting requirements. The right of reasonable access for purposes of prospecting, locating, and mining is provided by mining law.*

If they need to access a claim with heavy equipment they need to submit a NOI, otherwise its reasonable that they access the land like every other citizen, in compliance with regulations promulgated by the Secretary of Agriculture.

> *Such access must be in accordance with the rules and regulations of the Forest Service. Although the claimant has the right of access, under these regulations the government has authority to approve the route and method of access so as to minimize the surface disturbance. However, it is important to note that access to a mining claim is a nondiscretionary right of the miner and is not subject to a right-of-way permit or a special use permit issued under 36 CFR 261.* Page A-3.

Again access is not being barred. The access is simply being regulated.

b) **Port Orford Cedar** - Again the DEIS was flawed because it essentially ignored the Port Orford cedar root disease issue. We requested information early in the process and got it a few days before the comment period on the DEIS closed. We asked for a comment period extension. It was denied. We submitted substantive comments. Most weren't responded to in the FEIS. The FEIS is also flawed. It does not disclose whether there are seasonal closures for POC. The use of the Risk Key is flawed. We've reiterated some of our comments on the DEIS below.

Page III-80 to III-82 and Page III-86 and Appendix G Phytophthora lateralis discussion

The Forest also has adopted *Best Management Practices for Noxious Weed Prevention and Management, Port-Orford-cedar Root Disease Prevention and Management, Sudden Oak Death Prevention and Management.--Interim Direction for the ROR/SIS National Forests--February 15, 2002. Page III-77.*

> The DEIS states that 38 POC Core areas have been eliminated due to the reduction in numbers of Port Orford cedar in these uninfested watersheds as a result of the Biscuit Fire. DEIS, p. III-79. The RR-SNF's response to Friends questions about statements in the DEIS, revises this number to 28. The working map (dated May 8, 2009) shows that in the uninfested watersheds that were removed from the Core area list, the cedar has not been eliminated but in fact occupies the some of the most sensitive habitats on serpentine, riparian areas and stream courses.
>
> There is no scientific rational for removing these POC Core areas simply because the number of cedar have been reduced by the Biscuit Fire or the Forest Service's fire suppression burn outs. Surviving Port Orford cedar in heavily burned areas are, perhaps, even more important than before and thus prevention of the loss of the cedar from introduction of the root disease is still critically important. These surviving POC are the seed source for the regeneration of the cedar in these intensely fire impacted watersheds.

The surviving POC are essential for preserving, not only the genetic diversity of the cedar, but also the adaption of the parent tree to specific site conditions, known as epicgenetics. [5]

In a discussion with Dr. Donald Zobel, after the RR-SNF proposed sanitation logging of Port Orford cedar in burned areas after the Biscuit Fire as a mitigation measure, he agreed that surviving POC were important in burned areas as a source of seed, and for keeping the genetic diversity present, especially because the seed may not move by wind great distance.

He also confirmed that POC seeds float. This characteristic suggests that their ability to float down streams could be an effective strategy for longer distance dispersal and especially important in regeneration of ecologically important streamside cedar. Dr. Zobel also said that In a cleared (by fire) landscape, [POC] seed will be more effective—it will move farther with the wind and be more successful once it hits the bare soil than it would have otherwise.

Also, the thick, fibrous bark of large cedars make them more fire resistance and its *"this characteristic and resistance of decay following injury give that POC importance in fire-disturbed ecosystems."* Hansen, Goheen, Jules and Ullian 2000. So placing even less importance on preventing the introduction of root disease, in watersheds where POC populations have been significantly reduced by fire, is exactly the wrong management approach to take.

For example, Matt Kaufman and Erik S. Jules wrote this about the selected alternative in the POC SEIS:

Alternative 2 proposes a POC Risk Key that is supposed to help determine "conditions where additional protection or mitigation management practices are assumed (expected) to be applied." The Risk Key is, however, inherently flawed because there is no scenario in which the key can lend the following answer: this project is too risky and no mitigation will reduce risk enough to make it worthwhile. That is, the Risk Key will never require the agencies to simply not conduct a project; they only need to mitigate. We believe there are situations in which the project should not be done, because of the potential loss to POC.

Perhaps worse is the vague nature of the key. In step #2, one is asked to define "significant risk." However, we are given no way to calculate this significant risk (how much is enough to be significant?). Thus, the Risk Key has done little more than maintain the status quo in which decisions are made by best guesses, at best. Also not defined here is the equally vague and problematic: "meeting land and resource management objectives."

Alternative 2, the POC SEIS selected alternative, essentially combines using a "risk key," with the establishment of POC Core areas and includes a list of possible mitigation measures.

In comments on the draft POC SEIS Dr. Everett Hansen wrote that:

Reliance on the Risk Key seems to me a significant weakening of current practices.

EPA in its comments on the draft POC SEIS state that:

Alternative 2 would provide nominal prevention from infection compared to current management direction." POC SEIS, p. A-97.

The environmental coalition wrote this in their appeal about the POC Core area concept:

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[5] In biology the term epigenetics refers to changes in phenotype (appearance) or gene expression caused by mechanisms other than changes in the underlying DNA sequence. These changes may remain through cell divisions for the remainder of the cell's life and may also last for multiple generations. However, there is no change in the underlying DNA sequence of the organism; instead, non-genetic factors cause the organism's genes to behave (or "express themselves") differently. See also - http://www.sciencedaily.com/releases/2009/04/090412081315.htm

Moreover, the selection of the 162 uninfested watersheds is arbitrary and has no basis in science because 1) it restricts these 162 watersheds to those containing 100 or more acres of POC. There is no ecological basis for the 100-acre figure. For example, a patch of POC in the headwaters of a stream may prevent downcutting and erosion downstream were there are no POC. POC in or surrounding small wetlands provide shade and other environmental amenities disproportionate to the number of acres of POC. Surviving POC in the Biscuit Fire area are critical seed as sources for the natural regeneration of POC along streams, wetlands and other sensitive areas and for maintaining the genetic diversity of POC in the fire area and the adaptation of POC to diverse and often harsh site conditions. Watersheds containing less than 100 acres of uninfested POC may host unique genetic or biological diversity.

Watersheds with high canopy mortality (from the Biscuit Fire) in the Kalmiopsis Wilderness may not currently have or may never have contained 100 acres or more of POC. Nonetheless the Forest Service is required to provide mandatory and the most effective protection for the cedar in these watersheds and their habitat as part of the agency's duties under the Wilderness Act. The same holds true of National Wild & Scenic Rivers which requires that the Forest Service "protect and enhance" the values and water quality of designated rivers or eligible wild & scenic rivers whether or not there are 100 acres or more of POC or whether or not the Wild & Scenic Rivers are infested with PL

The FSEIS responded to concerns raised about the 100 acre cut-off by stating that "the practicality of managing these smaller areas as "cores" is a significant management, tracking, and cost-benefit issue

and that's why 100 acres was selected as a minimum acreage. FSEIS, A-110. However, this cut off does not address the need to maintain POC as a functional component of many environmentally sensitive, nationally important or congressionally or administratively protected areas or habitats. Nor does the FSEIS contain the cost benefit analysis required by NEPA which insures that the values and amenities that will be affected by the decision are given appropriate consideration in the decision making along with the economic and technical considerations described on p. A-110. See 42 USC § 4332 (B) and NEPA's implementing regulations.

Additionally "requiring" disease control measures only in uninfested 7th field watersheds will in effect provide little protection to these subwatersheds if POC in the larger watershed which the "core" area is a subset of becomes infected with PL. The transport of PL downstream is widely acknowledged as one of the primary ways the disease is spread into uninfected parts of watersheds. In other, words protection afforded the core areas is nominal because the core area concept did not factor in the fact that the root disease could be introduced into a part of the watershed outside the core area and travel downstream. In other words the FSEIS and ROD do not build their management program and core areas around the watershed as the primary unit which must be "managed" to prevent root disease introduction.

The POC core concept focuses on numbers of trees, while it ignores the important role that the cedar plays in ecosystems. In Fremontia, Cheryl A. Sinkiewicz and Erik S. Jules write that:

> *Although POC is in no danger of becoming extinct, its important ecological roles are certainly threatened. In infected areas, the loss of many of the larger, older trees due to P. lateralis infection has dramatically changed forest composition. In riparian areas, wetlands, and on ultramafic soils, its role appears to be unique and the effect of its loss poorly understood.* Sinkiewicz and Jules.

References

Everett M. Hansen, Donald J. Goheen, Erik S. Jules and Barbara Ullian, "Managing Port-Orford-Cedar and the Introduced Pathogen, Phytophthora lateralis" in *Plant Disease*, Vol. 84 No. 1 - http://apsjournals.apsnet.org/doi/pdf/10.1094/PDIS.2000.84.1.4?cookieSet=1.

Cheryl A. Sinkiewicz and Erik S. Jules, 2003. "Port Orford Cedar and the Non-Native Pathogen, Phytophthora Lateralis," in Fremontia, Vol. 31:4, October 2003. http://www.cnps.org/cnps/publications/fremontia/Fremontia_Vol31-No4.pdf

USDA Forest Service, 1995, *A Field Guide to Serpentine Plant Associations and Sensitive Plants in Northwestern California*, Pacific Southwest Region, R5-ECOL-TP-008.

HUMBOLDT STATE UNIVERSITY

March 4, 2010

Mary Wagner
Regional Forester
USDA Forest Service, Region 6
333 SW First Avenue
Portland, OR 97204

Dear Mary,

I'm writing in reference to the Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) for Motorized Vehicle Use on the Rogue-River Siskiyou National Forest. I sincerely appreciate the effort that the Forest Service has invested in these documents; from personal experience, I have some sense of the tremendous amount of work it must have taken to complete the process.

Unfortunately, I feel compelled to voice concern about the scientific basis used in several key sections of the FEIS, all of which concern Port Orford cedar (*Chamaecyparis lawsoniana*) and its associated root pathogen (*Phytophthora lateralis*). I am a biologist and I have studied the spread of the root pathogen intensively since 1997. The purpose of my research has been to understand the factors that control the rate and extent of *P. lateralis* spread, and I have published my work in peer-reviewed journals (e.g., Jules et al. 2002, Kauffman & Jules 2006). To date, these are the only studies to rigorously assess the factors that control spread of *P. lateralis*. One of these studies (Jules et al. 2002) was cited several times in the FEIS, though the conclusions of my study were misinterpreted. The FEIS, in my opinion, poorly describes our current scientific understanding of the root rot in several key areas. I describe these below:

On page A-8 of the FEIS, the following response is given to a comment about the efficacy of gating as a mitigation strategy against the spread of *P. lateralis*:

> "As noted with noxious weed treatments, the Feasibility rating of these invasive pathogen mitigation measures should not have been "F3". It will be changed to "F2" in the FEIS. The basis for this, specifically for gate closures for prevention of spread of *Phytophthora lateralis* (PL) is Jules et al. (2002) where it was shown that 72 percent of the infection events studied were the result of vehicle traffic. *Reducing vehicle access by gates or other means was found to reduce the potential to spread PL*." (Emphasis added).

The above text from the FEIS is erroneous and reveals a worrisome misinterpretation of the science that has been conducted on the spread of *P. lateralis*. The study by Jules et al. (2002) did not assess the effect of reducing vehicle access by gating nor by any other means. The study did show that spread is more likely along roads, but we had no way to compare gated versus ungated areas. It is, on the other hand, defensible to conclude that permanent closure of roads (e.g., decommissioning) will reduce the spread of *P. lateralis* from infected to uninfected watersheds. Unfortunately, one cannot apply the same conclusion to seasonal gate closures nor

to ineffective closures, where vehicular traffic (including OHVs) may continue to access the road, simply because there has never been any study that assessed their efficacy as a means to slow *P. lateralis* spread. The study mentioned on A-8, "[a] qualitative assessment of a number of management practices", has no scientific merit and does not allow for a comparison with areas that do not have mitigations in place. In short, we currently do not understand the impact of seasonal gate closures or non-permanent closures on the spread of *P. lateralis*.

The scientific foundation of the FEIS is also called into question on A18, where it states:

> The question of finality of infestation of *Phytophthora lateralis* (PL) is an open one. Preliminary (3 year) monitoring from the Biscuit Fire has shown the following: Twenty-one of twenty-two plots planted in spring 2004 had mortality caused by PL. Mortality in the fall 2004 planting has declined from that seen in spring 2004. Fewer plots showed *Phytophthora lateralis* -caused seedling mortality and fewer seedlings overall were infected. PL mortality declined to thirteen, nine, and six plots respectively in 2005, 2006, and 2007 (Betlejewski 2009). This will be clarified in the FEIS.

The study described here tells us nothing about the "finality" of *P. lateralis*. For instance, if the current rate of decline continued, how long would it be before all of the *P. lateralis* was gone? One could use the data presented to make such an estimate, but I believe you will find that it allows enough time for Port Orford cedar to recolonize the site, and thus perpetuate the presence of the pathogen. Also, how do these rates of declining mortality compare to areas that did not burn? Without such a comparison, how would one conclude fire had an effect on *P. lateralis*? In any case, the study should not be used to guide management, nor should it be used to make any conclusions about the role of fire in the ecology of *P. lateralis*.

The FEIS relies heavily on the Risk Key (Appendix F), though the key does not have strong scientific merit. There are several issues of which you should aware. First, the Risk Key begins by asking if "there [are] uninfected POC within, near, or downstream of the activity area whose ecological, Tribal, or product use or function measurably contributes to meeting land and resource management plan objectives?" Here, "near" is defined as "within 25 to 50 feet downslope or 25 feet upslope from management activity areas, access roads, or haul routes; farther for drainage features; 100 to 200 feet in streams." The distances here are arbitrary, and although they are perhaps best guesses, the in-stream estimate of 100-200 has little basis and is of particular concern since that is where infection is most likely. Empirical studies have shown that *P. lateralis* can infect a stream even if there is up to 540 feet between the upstream road (inoculum source) and the first cedar (Jules et al. 2002). The FEIS notes that my study (Jules et al. 2002) shows a relationship between distance to the first cedar and infection probability. While this is true, it ignores the simple fact that long-distance infections happen frequently. Models using the same data suggest that infection risk does not reach levels near zero until there is approximately 1,300 feet between the road and the first cedar (Jules et al. 2002). Second, the Risk Key lists "sanitation" as a required management practice. It is important to note that there not consensus among scientists that sanitation will reduce the spread of *P. lateralis*. Again, the FEIS notes that my study shows a relationship between cedar density and infection risk (the more cedar, the higher the infection risk). But it is incorrect to cite this as evidence for the efficacy of sanitation (which we did not and could not analyze). Sanitized sites are excellent habitat for Port Orford cedar recruitment, thus frequent and consistent sanitation of seedlings would be forever be necessitated. It seems clear that this is not a pragmatic approach for land managers. And again, the efficacy of sanitation has not been properly assessed. To date, I know of only one study that has tried to assess the impact of

sanitation on *P. lateralis* spread, and it was hampered by using only one control (comparison) site (Marshall and Goheen 1999).

I believe the FEIS and ROD have not used the best available scientific information to evaluate the spread of *P. lateralis* and the risk that roads and vehicular traffic have in contributing to that risk. At the very least, I'm writing to let you know that the perspective given in the FEIS is not one that is shared by all scientists with expertise in the ecology of Port Orford cedar and *P. lateralis*.

Please do not hesitate to contact me with any questions.

Sincerely,

Erik S. Jules

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Cc:

- Frank Betlejewski, Interregional Port-Orford-Cedar Program Manager, USDA Forest Service
- Scott Conroy, Forest Supervisor, Rogue River-Siskiyou National Forest
- Shane Jimerfield, Siskiyou Regional Education Project
- Steve Johnson, Travel Management Team Leader, Rogue River-Siskiyou National Forest
- George Sexton, KS Wild

**The views expressed here do not represent those of Humboldt State University.

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Jules, E.S., M.J. Kaufmann, W. Ritts, & A.L. Carroll. 2002. Spread of an invasive pathogen over a variable landscape: a non-native root rot on Port Orford cedar. Ecology 83:3167-3181.

Kauffman, M.J., and E.S. Jules. 2006. Heterogeneity shapes invasion: host size and environment influence susceptibility to a nonnative pathogen. Ecological Applications 16:166-175.

Marshall, K. and D.J. Goheen. 1999. Monitoring effectiveness of roadside sanitation treatments to decrease likelihood of spread of Phytophthora lateralis in Southwest Oregon.

Comment #__ *Chetco Pass road was not engineered to FS standards; there are stacked switchbacks, a spur road below it, and a large streamside slide on Rancherie Creek. The road is an old unauthorized mining track that was signed as "not suitable for public travel", and has risk of introducing Port-Orford-cedar disease. (DL-44, page 1)*

Response: *This road is tracked as a National Forest System road. It is suitable as a 4-wheel drive road; the signing is based on suitability for low clearance passenger vehicle use. Seasonal closures for POC root disease will be employed as needed based on risk and the ROD and FEIS for Port-Orford-Cedar (2004). Also see response to Comment #78. Page A-33.*

Comment #160*: Implement wet weather restrictions based on wet weather conditions, not specific dates. (2404)*

Implement wet weather restrictions based on wet weather criteria, not on specific dates that have no relation to actual conditions on the ground. (DC-367, page 11; DL-47, page 2)

Response: *From the Record of Decision for the Final Supplemental Environmental Impact Statement – Management of Port-Orford-Cedar in Southwest Oregon (FSEIS): Dry season (Pathology section of the FSEIS), is identified as "generally between June 1 and September 30, when conditions are dry and temperatures typically exceed 68 degrees F". Note that the dry season dates are listed as "generally" not exclusively between June 1 and September 30.*

Wet weather restrictions may be adopted for implementation of the Travel Rule based on the flexibility provided by the MVUM standards. This will be clarified in the FEIS. Page A-48

Comment #78: Map shows 43103087 ends at Chetco Pass; nothing to stop Slide Creek & Wilderness entry. (1612)

While the proposed action shows motorized use of the Chetco Pass road ending at approximately Chetco Pass, there is nothing to prevent vehicles from driving in the top part of the Slide Creek watershed before it enters the Kalmiopsis Wilderness. The POC risk assessment found a high risk of introducing PL. (DC-350 page 6)

Response: As stated in the response to Comment #26, the 4103087 Road continues west for approximately another 1/3 of a mile before terminating near the Kalmiopsis Wilderness boundary, however this last segment is classified as ML 1 and is not open to motorized use.

The POC Risk Key from the POC ROD (USDA-FS 2004) was used to assess appreciable additional risk to POC that measurably contribute to meeting management objectives. The Proposed Action would not introduce appreciable additional risk to POC that measurably contribute to meeting management objectives in the immediate vicinity of Chetco Pass. This will be clarified in the FEIS. Page A-28.

A seasonal closure of part of the McGrew road to help prevent the spread of Port-Orford-cedar root disease would be implemented under all alternatives.
Page III-74

c) While the RR-SNF had knowledge of the naturally occurring asbestos issue, they brushed it off and the DEIS did not adequately address the issue.

The RR-SNF had opportunity to adequately address the issue of naturally occurring asbestos on native surface roads traveling through lands underlain by the Josephine ophiolite. Region 5 across across the California border has been developing information and informing the public (http://www.fs.fed.us/r5/noa/) and the State of California and EPA are also working on the issue. The RR-SNF has attempted to fix the deficiency of the FEIS, with mostly boiler plate meaningless information on NOA. Once more there is little, if any specificity in the analysis of environmental and health consequence The FEIS does not bother to identify routes where naturally occurring

asbestos could be a potential hazard, even though it has in it's possession information noting the occurrence of NOA in the Rough and Ready Creek Watershed. The McGrew Trail runs along the watershed divide of the Rough and Ready Creek Watershed and the adjacent Baldface Creek Watershed. Both are areas with residual nickel laterite deposits located on the broad peneplain that the McGrew Trail and additional routes in the area run through. Please see the YouTube videos (urls are found above on pages 9 and 11.

The Bureau of Land Management in the January 31, 2005 Nicore Mineral Report that:

> *Serpentine occasionally occurs along fractures as "slickenfibers " (Figure 6-2), which indicate the direction of separation or movement of the fractures. Asbestos has also been found in small veinlets associated with serpentinite at a number of road cut locations within the Nicore Claim Group ...*
>
> *Dust control —If the fine-grained laterite soils in the mining area and haul road are allowed to dry out, large quantities of fugitive dust will result from operation of equipment over these surfaces. The possible association of asbestos with the serpentinite makes dust control especially important. To control the dust, a 7,000 gallon water tanker capable of spraying 400 gallons per minute of water will wet the mining area and haul road twice each day while mining is in progress.*
>
> *How extensive or significant [the asbestos] occurrence are is unknown. Asbestos is regulated as a hazardous air pollutant under the Clean Air Act, and the potential for generating airborne asbestos would need to be evaluated prior to any mining activity ... Give the potentially significant coast of asbestos mitigation, a prudent person would further investigate the extent of asbestos and any applicable mitigation requirements ... The potential costs of properly mitigation for hazards such as asbestos are too significant to overloo*k. 2005 Nicore Mineral Report, Page 13-6.

Photo below is from the Nicore Mineral Report on 4400-445 after having been cleared as a fireline in the 2002 Biscuit Fire.

7. The FEIS designates motorized routes in areas the Forest Service has recommended be added to the Kalmiopsis Wilderness.

While we actually submitted RR-SNF documents and maps pertaining to the Forest Service's proposed 2004 Kalmiopsis Wilderness Additions and raised issue with regard to proposed motorized routes in these recommended Wilderness Areas, the FEIS appears not to respond to concerns with the exception of the two response to comments below:

> ***Comment #61:*** *DEIS fails to consider impacts to Forest Supervisor proposals for wilderness made in Biscuit FEIS. (1516)*
>
> *Some areas now considered for motorized routes are Roadless Areas that the Forest Supervisor and Undersecretary of Agriculture Mark Rey actually recommended for wilderness after the Biscuit Fire. (DC-341, page 4; DC-360, page 27; DC-374, page 2)*
>
> ***Response:*** *Under this process (motorized vehicle use), limited motorized use in this area (currently not wilderness) is ongoing and no new routes are being proposed. Therefore, proposals under this process to allow motorized would not preclude future designation as Wilderness. This will be clarified in the FEIS.*

The Biscuit Recovery Project EIS evaluated the quality of Inventoried Roadless Area characteristics. The EIS did not make wilderness recommendations. The Forest Supervisor recognized that some IRAs have wilderness quality but a proposal has not been formalized to Congress. Page A-24.

The Biscuit Fire Recovery Project Draft Environmental Impact Statement did analyze the effects on "Wilderness Character." See pages III-298 through III-317. The DEIS noted that the Forest Plan identifies both the South and North Kalmiopsis Roadless Areas as possessing demonstrable wilderness potential.

Secretary Veneman is quoted in her press release (above) as saying "These lands have been noted for their outsanding wilderness characteristics for many years and there has been long standing public interest in providing greater protection in this area."

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VENEMAN PROPOSES ADDITIONS TO WILDERNESS IN OREGON

WASHINGTON, July 8, 2004--Agriculture Secretary Ann M. Veneman today announced a proposal to Congress to designate more than 64,000 additional acres as wilderness in Southwest Oregon to continue to protect natural resources and wildlife habitat. The acreage is in five remote and largely roadless parcels, ranging in size from 1,000 to 34,000 acres, some of which were partially burned during the 2002 Biscuit Fire. The lands are adjacent to the existing Kalmiopsis Wilderness on the Rogue River-Siskiyou National Forests.

"These lands have been noted for their outstanding wilderness characteristics for many years and there has been long-standing public interest in providing greater protections in this area," said Veneman. "The Bush Administration is pleased to move this important proposal forward and will begin work with Congress this session to provide this designation."

The proposed wilderness addition offers key protections for several unique plants and animals and gives greater opportunities for solitude for forest visitors, and maintains access to the McGrew Trail, a historic wagon road, as well as the popular Sourdough camping area nearby.

This is the second wilderness proposal forwarded by the Bush Administration. It follows a May 2002 recommendation to designate 1.4 million acres in the Chugach National Forest as wilderness.

#

Left - Secretary Veneman's Press Release announcing the proposal to Congress to designate more than 64,000 additional acres as Wilderness on the Rogue River-Siskiyou National Forest in 2004.

Comment #70: *Proposal for Biscuit Hill Trail (494) did not consider previous recommendations for wilderness and W&SR eligibility. (1604)*

While the DEIS proposes to convert the Biscuit Hill Trail (494) to a motorized route, it fails to disclose the recommendations of previous agency analysis and findings about the high-risk of these routes, the RRSNF's recommendation that the area the Biscuit Hill Trail goes through be considered for addition to the Kalmiopsis Wilderness and Baldface Creek's eligibility to be added to the National Wild and Scenic River system. (DC-323, page 2; DC-372, page 2)

Response: *See response to Comment #61 and #92. Page A-26*

As noted in issue #9 below, the Forest Service expected to close the part of the Hobson Horn Trail to motorized use. RR-SNF documents state:

- The addition *would close the westernmost 3-4 miles* (and least-used portion) along the Indigo-Silver Creek divide of an existing 10+mile trail (the "Hobson Horn Trail") to currently permitted motorized/mechanized use.

The response to comment #61 is wrong with regard to the Biscuit Hill Trail. The FS response says: *"Under this process (motorized vehicle use), limited motorized use in this area (currently not wilderness) is ongoing and no new routes are being proposed".* The Proposed Action proposes to convert the Biscuit Hill Trail which is a ML1 route to a motorized trail. We submitted 43 pages of detailed comments on the Biscuit Hill Trail during the comment period for the DEIS. The comments including numerous photographs and maps. The RR-SNF appears to have ignored them.

Additionally, since we submitted the comments on the DEIS, we received former Secretary of Agriculture Ann Veneman's press release announcing USDA's proposal to Congress to designate the 64,000 acres of addition to the Kalmiopsis Wilderness on July 8, 2004 and the text of the Kalmiopsis Wilderness Additions Act of 2004 submitted to the 108th Congress 2nd Session.

8. The FEIS is inadequate because it does not identify the time of year for designation of routes and thus does not meet the purpose and need of the TMP .

NEPA requires the statement of purpose and need in an EIS to reflect the true purpose and need "to which the agency is responding in proposing the alternatives including the proposed action." 40 C.F.R. § 1502.13. The CEQ regulations which guide the NEPA process do not distinguish between "purpose" and "need" in imposing this requirement. Id.

The purpose of the FEIS and ROD is to enact the Travel Management Rule at 36 CFR Parts 212, 251, 261, and 295 (Travel Management; Designated Routes and Areas for Motor Vehicle Use, hereafter Travel Management Rule or TMR). The rule states:

> *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. 36* §212.56 Identification of designated roads, trails, and areas.

However, we can't find where in the FEIS, including on the preferred action map where seasonal restrictions are disclosed or which designated routes include a season restriction (i.e. the appropriate time of year). In our comments and correspondence we've pointed out routes where there are existing seasonal restrictions and suggested routes where at the very least seasonal restrictions are needed.

However, existing specific seasonal restrictions are not identified or disclosed. The FEIS states only that:

> *Combine this with* ***possible*** *seasonal restrictions on use and other components of a designation process, and the result is an infinite number of permutations and combinations that could be developed as alternatives* (emphasis added). Page II-1

In general, this baseline includes existing National Forest System (NFS) roads and trails identified in the Forest route inventory, combined with isolated cross-country motor vehicle travel, ***existing seasonal closures,*** *restrictions on wheeled over-the-snow travel, and no specific prohibitions on the use of public wheeled motor vehicles for parking and dispersed camping* (emphasis added)*. P. III-2*

This is further confused by the fact that some routes are designated for motorized travel in certain alternatives but not others.

9. The ROD and preferred alternatives violate the National Wild and Scenic Rivers Act and the RR-SNF's Settlement Agreement with American Rivers.

Section 10(a) of the 1968 Wild and Scenic Rivers Act (Act) states that national wild and scenic rivers shall be administered in such manner as to protect and enhance the values which caused it to be included in the system. Public Law, 90-542. In addition in 1982 the Secretaries of Agriculture and Interior issued guidelines for agencies to determine whether a river is suitable to be included in the system and to determine what activities to allow in it after designation.[6] The guidelines state that the Act codifies a "nondegradation and enhancement policy for all designated river areas". Federal Register 39458 (Sept. 7,1982).

The Wild and Scenic Rivers section of the FSEIS inadequately analyzed the effects to Wild and Scenic River values. FSEIS, pp. 3&4-136-140. There is no disclosure or analysis of how the various alternatives will effect the outstanding values of the National Wild and Scenic Chetco, Illinois, Elk, Rogue and North Fork Smith Rivers, either directly or indirectly.

The 2004 Illinois River Recreation Development Plan restrictions include: a) Parking permitted only at designated parking areas; b) No off-road motorized vehicle use; c) Speed limits posted and enforced; and d) Campfires permitted only in agency constructed fire rings.[7] These restrictions were developed to protect and enhance the National Wild and Scenic Illinois River's Outstandingly Remarkable Values and the public's enjoyment of the river. The FEIS is unclear about what decisions it affects. For example, in Appendix E-1 the FEIS lists Current Forest Orders. From the FEIS's language it's impossible to accurately decipher what order is for what. One, #RSF-115 for W&S Illinois River/motorized vehicle closure states that its in review. There is no explanation.

The FEIS, failed to address the documented impacts of OHV use on the National Wild and Scenic North Fork Smith River in it's "Wild" segment. See else where in this appeal and RR-SNF monitoring reports of the McGrew Trail Ridge. Since all alternatives except 4 promote the unregulated motorized use of the Wild section use through the failure to address the OHV issues created by users of the the McGrew Trail, that camp at Sourdough. We say unregulated because barriers designed to prevent OHVer from driving onto the gravel bar, across Baldface Creek, in the meadow and from hill climbing have failed.

The motorized Hobson Horn Trail crosses the "Wild"segment of the Eligible Wild and Scenic River, Indigo Creek. The Trail and Indigo Creek's Wild and Scenic River eligibility is noted on our comments on the DEIS pertaining to the Forest Service's Kalmiopsis Wilderness Additions. Indigo Creek thus is also subject to the American River's et al. settlement agreement we scanned and emailed to the RR-SNF. However, the FEIS totally fails to address this motorized route in the the eligible "Wild" segment of Indigo Creek. The RR-SNF Wilderness proposal document dated 7/7/2004 states that:

- The addition *would close the westernmost 3-4 miles* (and least-used portion) along the Indigo-Silver Creek divide of an existing 10+mile trail (the "Hobson Horn Trail") to currently permitted motorized/mechanized use.

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[6] Frost, Peter M.K., 1992-1993. "Protecting and Enhancing Wild and Scenic Rivers in the West". Idaho Law Review, Volume 29, No.2, 1992-1993, p. 320.

[7] USDA Forest Service, Decision Notice and FONSI, Illinois River Recreation Development Decision Notice, dated 12/10/04.

CONCLUSION

We ask the Forest Service to revised its EIS to address its flaws but to not delay in publishing its the MVUM. Thank you for considering our concerns.

Sincerely,

Barbara Ullian, Coordinator
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BEFORE THE REGIONAL FORESTER - USDA FOREST SERVICE - REGION SIX

REGIONAL FORESTER
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SISKIYOU REGIONAL EDUCATION PROJECT, BARBARA ULLIAN, ENVIRONMENTAL PROTECTION INFORMATION CENTER, OREGON NATURAL RESOURCES COUNCIL, KLAMATH-SISKIYOU WILDLANDS CENTER & UMPQUA WATERSHEDS	In Re: Appeal of Record of Decision Land and Resource Management Plan Amendment for Management of Port-Orford-Cedar in Southwest Oregon, Siskiyou National Forest and Final Supplemental Environmental Impact Statement for Management of Port-Orford-Cedar in Southwest Oregon
V.	
SCOTT D. CONROY, FOREST SUPERVISOR, SISKIYOU NATIONAL FOREST	**NOTICE OF APPEAL** **BACKGROUND** **STATEMENT OF REASONS** **REQUEST FOR RELIEF**

June 1, 2004
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NOTICE OF APPEAL

On March 29, 2004, Scott D. Conroy, Forest Supervisor, signed the Record of Decision and Land and Resource Management Plan Amendment for the Management of Port-Orford-Cedar in Southwest Oregon, Siskiyou National Forest. Notice of this decision was published in the Medford Mail Tribune Newspaper on April 14, 2004. The forty-five day appeals period ends on June 1, 2004 due to Memorial Day.

The following is an appeal of Supervisor Scott D. Conroy's Record of Decision and the Siskiyou National Forest Land and Resource Management Plan Amendment and Final Supplemental Environmental Impact Statement for the Management of Port-Orford Cedar in Southwest Oregon, Siskiyou National Forest (hereafter ROD, SNF Plan Amendment or Amendment, SEIS or FSEIS) pursuant to 36 CFR 217. This appeal is filed on behalf of the Siskiyou Regional Education Project (Siskiyou Project), Barbara Ullian, Klamath-Siskiyou Wildlands Center (KS Wild), Environmental Protection Information Center (EPIC), Oregon Natural Resources Council (ONRC), and Umpqua Watersheds (UW), (collectively appellants).

APPELLANTS

The SISKIYOU PROJECT is a non-profit, tax-exempt, public interest organization with members in most states. The Siskiyou Project seeks to preserve, protect and restore the wildlands, wild rivers, wild fish, and wildlife of the Siskiyou Mountain Bioregion and its nationally outstanding biological and botanical diversity. Members of the Siskiyou Project use and enjoy the Siskiyou National Forest and specifically the numerous habitats occupied by Port Orford cedar. Siskiyou Project's staff and members use and enjoy the Siskiyou National Forest for fishing, camping, kayaking, nature study, scientific study, photography, hiking and other recreational, educational, and aesthetic purposes. In addition, Siskiyou Project members own property within the range of Port Orford cedar within or adjacent to the Siskiyou National Forest. The Forest Service's protection of Port Orford cedar or lack thereof will directly affect the integrity and value of these members' private land. Siskiyou Project and its members are dedicated to preserving the aesthetic and ecological integrity of the Siskiyou National Forest and the range of Port Orford cedar in Southwest Oregon and Northwest California and its biological diversity

BARBARA ULLIAN has resided in southwest Oregon since 1947 and uses and enjoys the Siskiyou National Forest and specifically Port Orford cedar's habitat for hiking, swimming, nature study, photography and other aesthetic purposes. She has also extensively written on Port Orford cedar and provided photographs of Port Orford cedar for scientific journals and articles.

ENVIRONMENTAL PROTECTION INFORMATION CENTER (EPIC) is a grassroots, nonprofit organization working to protect some of the world's most productive and endangered ecosystems: the forests of northern California. EPIC has defended the forests and endangered species of northern California through education, public participation, and strategic litigation since 1977, and maintains offices in Humboldt County, California. Most of EPIC's 3000 members live in northern California, and many regularly visit the region's public lands for recreational, spiritual, esthetic, and other important reasons.

OREGON NATURAL RESOURCES COUNCIL FUND ("ONRC"), headquartered in Portland, Oregon, is a non-profit corporation with approximately 7,000 members. ONRC's goals are: (1) to protect and restore Oregon's wildlands, wildlife, and waters, including the state's remaining old-growth forest and roadless areas, and (2) to protect and restore fully-

functioning terrestrial and aquatic ecosystems with a full complement of native species. ONRC members regularly use and enjoy the wildlands of SW Oregon and NW California within the range of the Port Orford Cedar for a variety of recreation pursuits. ONRC's members know and love Port Orford Cedar and its essential role among the many unique plants and animals that live in this area. ONRC brings this action on its own behalf and on behalf of its members, many of whom regularly enjoy and will continue to enjoy Port Orford Cedar for educational, recreational, and scientific activities, including hiking, camping, photography, and observing wildlife. The interests of ONRC and its members have been harmed by Forest Service actions that accelerate the spread of the root disease that kills the trees and BLM's failure to do more to avoid spreading the disease.

The members of UMPQUA WATERSHEDS use and enjoy forests with Port Orford Cedars. Our organization submitted scoping comments on the POC EIS on March 7, 2003. We submitted DSEIS comments on September 12, 2003. We protested the BLM decision to implement the EIS on February 23, 2004.

KLAMATH-SISKIYOU WILDLANDS CENTER (KS Wild) is a 501(c)(3) non-profit, tax exempt, public interest conservation organization based in illiams, Ashland and Portland, Oregon. KS Wild's organizational mission is to conserve the globally outstanding biological diversity of the Klamath-Siskiyou region in Southern Oregon and Northern California. KS Wild seeks to protect the ecological resources of the region by protecting and preserving the little remaining mature and old growth forests and associated species in the Klamath-Siskiyou ecoregion. KS Wild members and staff derive recreational and educational benefits from native Port Orford Cedar populations in the Klamath-Siskiyou ecoregion.

Appellants have a long history of attempting to protect Port Orford cedar (POC) and its habitat on the Siskiyou National Forest both during Forest Planning processes and failing that in the courts. In 1995 Siskiyou Project and others filed suit against the USDA Forest Service and USDI Bureau of Land Management attempting to get the agencies to prepare a range-wide management plan for POC and an Environmental Impact Statement (EIS) on the plan in the manner of the management plan and EIS for Pacific Yew.[1]

Since approximately 1990, appellants have participated in numerous National Environmental Act (NEPA) processes specific to the Siskiyou National Forest's (SNF) management of Port Orford cedar (POC) and its habitat or NEPA on project level analysis that affected Port Orford cedar and its habitat on the Siskiyou National Forest (SNF) or adjacent public lands. Appellants have called the SNF's attention to projects where the agency had improperly failed to consider POC; have reported to the SNF numerous POC closures or gates that were vandalized or improperly left open by Forest Service personnel; have requested that areas be closed to motorized travel in order to protect POC; and have written to Forest Supervisors and District Rangers about POC concerns. Appellants have also digested and disseminated many NEPA documents and information concerning POC.

One or more of the appellants have appealed individual actions affecting POC on the Siskiyou National Forest and appealed the Six Rivers and Klamath National Forest Plans specific to management direction for POC. In addition, appellants have provided the Forest Service with information about the location of at-risk POC and expressed concern about SNF activities that have placed POC on adjacent private land at risk of infection from *Phytophthora lateralis*.

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[1] Hansen, Everett M., D.J. Goheen, E.S. Jules & B. Ullian, 2000. "Managing Port-Orford-Cedar and the Introduced Pathogen *Phytophthora lateralis*" in *Plant Disease*, Vol 84 No. 1, a publication of the American Phytophathological Society, January 2000.

Siskiyou Project staff and board members have also written extensively about POC and the controversy surrounding it, completed scientific studies about POC and the spread and introduction of *Phytophthora lateralis* (PL or *P. lateralis*), participated in or initiated educational conferences or conference topics on POC and filed project specific lawsuits regarding POC.

In 2003 when the Siskiyou National Forest and BLM proposed to prepare a supplemental EIS on the management of POC, Siskiyou Project and Barbara Ullian submitted extensive scoping comments, dated March 11, 2003, on the proposal. On September 11, 2003 Siskiyou Project, Barbara Ullian, ONRC, Umpqua Watersheds, EPIC and KS Wild submitted detailed and substantive comments on the POC DSEIS. On February 22, 2004 the above organizations submitted a formal protest of the FSEIS to the BLM.

We incorporate by reference all of the comments and correspondence submitted to the SNF and BLM by the appellants regarding Port Orford cedar, its habitat and management. Additionally, we incorporate into the administrative record any and all documents received by the appellants through the Freedom of Information Act to the USDA Forest Service and BLM, including but not limited to, documents, memoranda, and reports regarding POC and its management and the comments of Matthew J. Kauffman and Erik S. Jules on the DSEIS dated September 12, 2003 (in Analysis File).

Scott Conroy's Record of Decision and Amendment of the Siskiyou National Forest Plan direction for the management of Port Orford cedar will irreparably, directly, indirectly, and/or economically harm members, staff, and boards of directors of the appellant organizations.

REQUEST FOR RELIEF

Appellants request that the Regional Forester of Region 6 of the USDA Forest Service reverse Siskiyou and Rogue River National Forest Supervisor Scott D. Conroy's decision to amend the Siskiyou National Forest Plan and to choose Alternative 2. The ROD should be withdrawn and a supplement to the FSEIS or new FSEIS should be prepared that incorporates the needed changes discussed in this appeal and the appellants' prior comments on the DSEIS and FSEIS and that meets all substantive and procedural requirements of all applicable laws and regulations.

The revised or new EIS should include alternatives that adequately protect POC across the planning area. The new alternatives should provide much more conservative protocols for assessing projects that may put POC at risk, and more effective and comprehensive mitigation efforts for where projects do go forwards beyond the planning stage. The assessment protocols must be clearly defined and must set an upper level of risk that beyond which a project will not go forward. Mitigation strategies should focus on those that are proven to work, rather than unproven techniques. The strategies that are clearly best include permanent and seasonal road closures, as well as stronger protection of Inventoried and uninventoried roadless areas.

REQUEST FOR STAY

Appellants request a stay, during this appeal and any ensuing court review, of Supervisor Conroy's decision to choose Alternative 2 and amend the SNF Land and Resource Management Plan. This stay request should be granted because the appellants' interests and the interests of the American people of present and future generations, for whom Congress established the National Forest System, the National Wild and Scenic River

System and the National Wilderness Preservation system, will be irreparably harmed by direct and/or indirect impacts of implementing Alternative 2 and amending the SNF Plan.

The stay should be further granted because the POC FSEIS and Supervisor Conroy's decision sets precedent for foreseeable future management of Port Orford cedar and Late-Successional Reserves, Inventoried Roadless Areas, Wild and Scenic Rivers, Wilderness Areas and other sensitive areas.

BACKGROUND

Port Orford cedar (*Chamaecyparis lawsoniana*) is endemic to the forests of southwest Oregon and northern California. Throughout much of its range Port Orford cedar (POC) is further restricted to wetlands, riparian areas and areas with subsurface water (Zobel et al. 1985). The cedar's elegant adaptations to wetland environments make it an ecologically important component of these critical habitats. In 1952, the fatal, non-native root pathogen (*Phytophthora lateralis*) was introduced into the northern end of POC's native range. Unlike other cases in which non-native pathogens have all but eliminated the functional role of their host trees (e.g., American Elm), there are still large, uninfected areas of POC remaining. These areas provide a unique opportunity for conservation, but their numbers are being seriously eroded by the continual spread of the disease, adding an urgent imperative for the need to implement the most effective measures to prevent further spread of the disease into uninfected areas.

Because *P. lateralis* is solely water-born, and does not produce air-born spores, we have every reason to think that the disease can be managed properly. This is a cause for optimism. Quite simply, *P. lateralis* is a highly predictable organism: spores of *P. lateralis* are spread in water downslope from roads (USDA Forest Service 1996b); streams and road are its principle pathways; and humans are its main vectors (USDA Forest Service 1996b; Jimerson, et al. 1995). *Phytophthora lateralis* is carried between different streams and regions by the transport of its spores trapped in mud on the bottom of vehicles (Jimerson, et al. 1995). Since we cannot stop spores from moving downstream and downslope once they are introduced, it is clear that management must focus on excluding the root disease from uninfected watersheds and areas. Exclusion, permanent road closures and restricting road construction into uninfected areas are the best strategy for maintaining healthy populations of POC (USDA Forest Service 1996b; FEMAT, 1993). Unfortunately, the managers of public lands within the range of the cedar are not making the hard decisions necessary to protect POC in the remaining uninfected areas.

Conservation organizations have continually pressured the land managing agencies to implement the strongest disease control measures where appropriate and to develop a range-wide plan for the management of POC. It has been primarily through these interactions with the agencies that the debate over the fate of the cedar has progressed.

In the early part of this decade, the federal agencies managing most of the cedar's range (U.S. Forest Service and Bureau of Land Management) had as their primary concern the threat to "commercial production" of POC by the root disease (UDSA Forest Service 1992). Conservation organizations unsuccessfully focused on protecting POC by exploring listing the species under the Endangered Species Act and the Convention on International Trade in Endangered Species (CITES). With a few exceptions the ecological role of POC in its various habitats was largely unknown or ignored by both the agencies and the public.

The observations of stream ecologists and hydrologists were interjected into this vacuum and the emphasis of the dialogue over the loss of POC began slowly to change. Ecologists, biologists and botanists increasingly recognized the important role that POC plays in riparian and wetland habitats within its range. (Frissell 1992; Furniss 1989). Conservationists, following the lead of the scientists, began to emphasize the ecological benefits of POC in their conservation efforts on public lands. Thus the dialogue shifted, within and outside the agencies, and the ecological values of POC have become increasingly acknowledged.

One of the most useful outcomes of this shift has been the continuing growth of evidence of the cedar's importance. Though POC's role has not been quantified in any comprehensive study, research and observations thus far suggests its role likely to be an irreplaceable one in many habitats.

POC in riparian areas helps to shade the stream, to reduce water temperature and to stabilize stream banks, (Furniss, 1989; USDA Forest Service, 1997b; 1996a; 1995) which are vulnerable to erosion during high winter flows. At the end of its long life cycle, fallen on to floodplain surfaces or in the streams it once shaded, POC's large trunk, decay resistant wood and long residence time provides long lasting and diverse habitat for salmonids and other aquatic life (Frissell, 1992; USDA Forest Service, 1997b; 1996a; 1995). POC can act as an important channel-forming agent when it interacts with the stream (Furniss 1989; USDA Forest Service, 1997c). While POC's occurrence can be discontinuous along streams these characteristics and its ability to grow directly adjacent to or in the active stream channel appear to confer a disproportionate ecological value to the cedar.

POC is particularly important to streams flowing through the Josephine ophiolite, an extensive, botanically unique area of ultramafic soils within the range of POC. Ultramafic environments are highly toxic to most plants (Jimerson, et al. 1995). Here the cedar is often the only large conifer in riparian areas (USDA Forest Service 1997a; 1997b; 1996; 1995a). POC, by incorporating calcium into the soil, helps improve soil fertility especially on ultramafics (Zobel, et al.; Jimerson and Creasy 1997). POC is also commonly found in association with many rare plant species on the Josephine ophiolite (Jimerson, et al. 1995).

In the southern part of POC's range, where there has been an extensive data collection effort on the cedar, researchers fear that the loss or significant decline of this major shade tolerant tree species in riparian plant communities will effect biodiversity in many ways (Jimerson and Creasy 1997). Studies in northern California have found POC to be a component of more than 34 plant associations, and this number is likely to grow.

Elevating the dialogue and increasing knowledge alone will not protect uninfected areas containing POC and stem the spread of the root disease. The impetus provided by a variety of efforts by conservationists – from collaboration to litigation – has helped emphasize the ecological role of POC and the need for strong protective strategies, but despite this progress land management decisions still favor high-risk activities such as logging, mining, cedar bough cutting, mushroom collecting, and motorized recreation, over protection of POC in uninfected watersheds.

The land managing agencies refusal to prepare a range wide assessment and management plan for POC and to subject it to public scrutiny and challenge through a formal National Environmental Policy Act process has been one of the biggest areas of contention between public land managers and conservation organizations. The BLM and SNF's FSEIS is not a range wide assessment and management plan and is furthermore flawed as we discuss below.

Without a range-wide assessment and management plan based on the best available science, conservation organizations that are trying to protect POC and uninfected watersheds have no choice but to challenge the undocumented efficacy of the agencies' disease control efforts on a project by project basis. While the challenges, in the form of administrative appeals and lawsuits, are resented by the land managing agencies, its important to note that after many years and extensive comments on the DSEIS, the agencies still have provided the public with no more that a perfunctory description of the disease control measures, with no estimate of the measure's effectiveness and no disclosure as to which measures will be applied. Environmental analysis of the impacts of disease introduction and disease control measures is based on general statements or "expectations" with no underlying environmental data or scientific references.

One reason that the conservation community has resorted to tactics that are considered by some as aggressive is simply that, even with the knowledge of how *P. lateralis* predictably spreads via roads, land managers reflect an attitude of resignation concerning the disease. That is, "like it or not, the disease will eventually spread everywhere including wilderness." This attitude can only come from a sense that we are unable to restrict road construction and/or permanently close existing roads in the few remaining, mostly roadless, uninfected watersheds, or that the value of doing so is superceded by other needs. Hard-line tactics have been the only way to force protection of POC, because land managers are not willing to do so otherwise. The ever-eroding number of disease-free watersheds lends ample proof of this.

While the debate as articulated in the FSEIS is more enlightened than a decade ago, we are still losing the basic units necessary for the conservation of POC – large uninfected watersheds. One by one, with little fanfare and no accountability, previously uninfected river basins and watersheds are falling to *P. lateralis*. Despite disease control programs often described as aggressive and/or multi-faceted, the pathogen continues to be introduced into areas once thought to be of low risk. In recent years *P. lateralis* has been introduced into Wilderness and roadless area watersheds.

In the Kalmiopsis Wilderness of the Siskiyou National Forest, activities facilitated by motorized access on an old existing mining road, are thought to be responsible for the introduction of the pathogen deep into the heart of the wilderness. More than 8 miles of river including the National Wild and Scenic Chetco are now infected by the pathogen (USDA Forest Service 1996a). *Phytophthora lateralis* was recently introduced into a roadless area watershed and Forest Service Botanical Area. The point of infection was an unused gravel pit at the top of the watershed. The introduction of the pathogen into the Klamath River Basin, in 1995, was thought to be from off-road vehicles in a headwater area. The second root disease introduction in the Klamath Basin (1996) occurred on a paved road,18 to 20 miles from the nearest infection source.

Phytophthora lateralis is a disease of watersheds as well as of POC and Pacific yew (*Taxus brevifolia*; see Hansen et al. 2000). Infestation of a watershed can have significant ecological effects because of the loss of the vast majority of POC along rivers and streams (Jimerson, et al. 1995; Jimerson and Creasy). For example, biologists are now concerned that the loss of shade from disease killed trees along the Chetco River could cause increases in stream temperatures which in turn may adversely affecting the wild fish populations (USDA Forest Service 1996). Also, through the loss of irreplaceable large, old streamside POC, the pathogen is likely to indirectly impact a myriad of species associated with the cedar and its habitat, mostly wetland, riparian and stream ecosystems. Loss of POC as the primary conifer in these wetlands could lead to cumulative losses in the distribution and

abundance of associated rare plants (USDA Forest Service 1995). Importantly, the spread of *P. lateralis* into a watershed is irreversible; there is no effective way to eradicate the pathogen once introduced.

Federal land management decisions more often than not favor semi-primitive roaded recreation (4 wheel drive and off road vehicles) over the preservation of disease-free watersheds, including those in Wilderness, roadless areas and Late-Successional Reserves. Lack of funding for the construction and installation of POC "super" gates and tank traps to restrict motorized access leave high-risk areas unnecessarily open for years. A disease control measure known as sanitation has included the logging of healthy 200 to 400 year old cedars in a Botanical Area and in Late-Successional Reserve rather than close a low maintenance road to motorized use. There are viable measures that could provide stronger protection for many of the remaining remote uninfected watersheds but the land managing agencies have not been willing to make the hard choices to initiate them.

The concern for economic losses due to *P. lateralis* and the lack of a progressive and optimistic plan to protect uninfected POC watersheds has led to a skewed research program initiated by federal agencies. While funding has supported important research on the basic biology of POC and *P. lateralis* (Imper and Zobel 1983, Zobel et al. 1985, Hansen 1996), and on disease incidence rates along streams and roads (Hansen et al. 1993, Hansen et al. 1994 , Goheen et al. 1987), much research has been devoted to finding and increasing genetic resistance to the disease. It is important to repeat what was mentioned by Hansen et al. 2000 about heritable resistance that has been found in POC; resistance does not mean immunity, but rather what appears to be an increased time to mortality after initial infection. While the results should cause optimism for those who wish to grow POC to a merchantable size, there is little reason to think that planting resistant genotypes in infected regions will ever produce the old, large-diameter POC that are currently being lost to *P. lateralis*. For instance, if the 50% survival of "resistant" seedlings over a 3-year period (Hansen et al. this volume) is at all indicative of long-term survival, only one tree of a 1000 planted would be alive after 11 years, and none thereafter. While we are not suggesting that survivorship rates will stay constant over the lifetime of a plant, the current data cast doubt on our ability to produce old trees and restore cedar populations in the face of continued inoculum load (spore production).

Some of the questions that are important for managing POC and the root disease are now beginning to be addressed. For instance, studies funded by the USDA Forest Service on POC and its plant associations have revealed a wide array of assemblages in which POC is represented (Jimerson and Daniel, 1994, 1997), and this work provides some of the first baseline data useful for ensuring that a wide spectrum of POC associations can be represented in conservation plans. Also, while the Forest Service had previously begun efforts aimed toward mapping the distribution of POC and *P. lateralis*, they have only recently standardized their protocols across districts. Their mapping data will show the general extent of the disease's spread across the range of POC, and will be useful for tracking future spread rates. Lastly, a new study has been completed by a group of scientists at the University of California, Santa Cruz in which the history of disease spread – spread both down streams/watersheds and between watersheds – is being reconstructed using the dedrochronology technique of crossdating.[2] This study allows for the development

[2] Jules, Erik S., M.J. Kauffman, W.D. Ritts, & A.L. Carroll, 2002. "Spread of an Invasive Pathogen Over a Variable Landscape: A Nonnative Root Rot on Port Orford Cedar," in *Ecology*, 83(11), pp. 3167-3181, published by the Ecological Society of America, 2002.

of predictive models of future disease spread that can be useful for evaluating the efficacy of proposed management plans.[3]

There are other questions that should be of priority for research. First, what are the long-term demographic effects of infection on POC populations? There are many scenarios that can be envisioned, such as continual seedling establishment from upslope plants coupled with chronic disease levels, or complete "burn out" (removal) of the infection from a system followed by cedar recolonization from outside seed sources. Another important question concerns how infection influences riparian habitats and their associated communities? What are the physical changes of riparian areas resulting from POC mortality, and what organisms respond positively or negatively to the change? And finally, what are the most appropriate regions to protect from infection that are currently unprotected. This task includes not only identifying which areas are still disease free, but also determining what attributes of an area make it likely to remain disease-free. For instance, our own observations suggest that once the disease reaches a particular watershed, the chance of spread within the watershed is quite high. Thus, protection only part of a watershed system may have a high chance of failure. Understanding the dynamics of past spread of *P. lateralis* should help determine attributes needed for protected areas.

In the last decade it's become clear that POC is an ecologically important species; that the irreversible infection of watersheds and the resulting loss of the cedar from the continual spread of the root disease will likely have significant ecological effects; that the spread of the disease is predictable because it is related to human activities and the presence of flowing and standing water; and that actions taken to prevent the disease would also benefit associated species. Given this, the continual erosion of uninfected areas, the flaws of the FSEIS, the ambiguities and the lack of concrete direction to protect POC, its function in the ecosystem and its habitat in the ROD are particularly disturbing.

Those faced with the challenge of managing POC should be reminded of how this problem stands in stark contrast to other diseases found on forest trees, in which management is much more difficult and is often totally ineffective. Diseases that disperse in wind, spread rapidly, and unpredictably. For example, a close relative of *P. lateralis*, *P. cinnamomi*, spreads via air-born spores and has caused immense loses in Australian eucalyptus forest (Gregory 1983). The American chestnut (*Castanea dentata*) was once a dominant component of eastern deciduous forests, though large chestnuts have been almost entirely eliminated by the non-native, wind-dispersed chestnut blight (*Endothia parasitica*; Whitney 1994). The POC-*Phytophthora* system has none of the complexities that arise from aerial dispersal, and therefore we should share some optimism about the possibility of effective management.

While there area still unanswered questions about POC, the critical ecological role it plays and about *Phytophthora lateralis*, much of what we need to know in order to stem the spread of *P. lateralis* is already known. For instance, there appears to be consensus that permanent road closures and a moratorium on road construction in watersheds containing uninfected populations of POC are the most effective measures of excluding the root disease. While these strategies may not be appropriate in all areas, there are important opportunities for the conservation of POC where they are, but land managers have failed to make the hard decisions required in the FSEIS and ROD. This was a concern expressed both non-governmental scientists and educators and the Environmental Protection Agency (EPA). Though the FSEIS and ROD give lip service to concerns raised in comments on the DEIS, protection of the remaining larger uninfected watersheds is still problematic,

[3] Id.

uncertain and subject to the Forest Service's interpretation of convoluted and murky direction for POC management on federal lands.

STATEMENT OF REASONS

Supervisor Conroy's Record of Decision violates the National Environmental Policy Act (NEPA), the Wilderness Act of 1964 (Act or Wilderness Act), the National Wild and Scenic Rivers Act (Act), the National Forest Management Act (NFMA), the Endangered Species Act (ESA), the Clean Water Act (CWA), and the Roadless Area Conservation Rule (Roadless Area Rule or Roadless Rule), Administrative Procedures Act (APA).

The ROD and FSEIS are flawed due to their narrow scope (e.g. - applicable to Oregon only) and flawed analysis (e.g. – failure to discuss, disclose or provide the underlying scientific data regarding the efficacy of the project level mitigation measures[4]). Most importantly, the language and therefore direction of the FSEIS and the ROD in particular are not clear, concise and understandable. So it still remains to be seen if the ecological value of preserving areas where the Port Orford cedar can continue to flourish will ever come to outweigh the BLM and Siskiyou National Forest's (SNF) emphasis for motorized recreation and extractive industries on our public lands.

Appellants incorporate the comments and concerns raised by Matthew J. Kauffman Ph.D. and Erik S. Jules Ph. D. into this administrative appeal - Attachment A.

I. THE RECORD OF DECISION AND FEIS VIOLATE NEPA.

Pursuant to the National Environmental Policy Act (NEPA), the Forest Supervisor has prepared an EIS and issued a Record of Decision. The EIS is inadequate under NEPA and the ROD is arbitrary and capricious. Appellants will raise substantial questions as to the adequacy of the EIS, its range of alternatives, and its analysis of the environmental effects of the alternatives. In this circumstance, the Forest Service must prepare a supplemental EIS to address the inadequacies and inaccuracies in the current EIS and ROD.

A. The Scope of the EIS is Narrow and Does Not Comply With the Requirements of NEPA.

The EIS and ROD fail to meet the stated purpose and need. The EIS has failed to address reasonably foreseeable, connected, and cumulative actions. The EIS does not present a full range of reasonable alternative. The EIS does not adequately discuss mitigation measures or document and explain their effectiveness. And finally, the EIS does not present adequate information and disclose controversy.

1. Failure to meet stated purpose and need.

The proposed action does not most effectively meet the stated purpose and need for the project. The selected alternative, Alternative 2, is not only inconsistent with the project's stated purpose and need, to maintain POC as an ecologically and economically

[4] The ROD claims that the alternatives in the SEIS are themselves different levels of mitigation measures that apply to other forest management use (ROD p. 21). However, this does not relieve the Forest Service from disclosing, discussing or providing the underlying scientific data regarding the efficacy of mitigation measures that will be applied in project level decisions.

significant species on federal lands, but will actually lead to further loss of POC due to infection with PL. This violates both NEPA and the APA. NEPA requires the statement of purpose and need in an EIS to reflect the true purpose and need "to which the agency is responding in proposing the alternatives including the proposed action." 40 C.F.R. § 1502.13.

Despite the FSEIS' expansion of the Need (in the "Purpose" section on Page 1-5) to include "providing access to POC products," "avoiding unnecessary restrictions to public access and use," and "providing for continued extraction of a wide range of products," it is appropriate for this agency action to fulfill these secondary "purposes" only as side-effects to fulfilling the "primary underlying need" to which the POC DSEIS and FSEIS responds, which is maintenance of POC as an ecologically and economically significant species on federal lands. The Forest Service and BLM cannot avoid this "underlying need," because the Northwest Forest Plan and the Federal Land Policy and Management Act also mandate that they protect Port Orford cedar. The proposed action does not meet this primary need.

NEPA requires the statement of purpose and need in an EIS to reflect the true purpose and need "to which the agency is responding in proposing the alternatives including the proposed action." 40 C.F.R. § 1502.13. The CEQ regulations which guide the NEPA process do not distinguish between "purpose" and "need" in imposing this requirement. Id. If the true "purposes and needs" of the POC DSEIS and FEIS are, "providing access to POC products," "avoiding unnecessary restrictions to public access and use," and "providing for continued extraction of a wide range of products," then the EIS's statement that it will meet the "underlying need" of maintaining POC is a ruse. It is probable that the proposed action will lead to the "functional extinction" of POC (even though POC will literally not be extirpated, PL kills POC before it grows to maturity and provides its most important ecosystem functions). An agency may not "frame its goals in terms so unreasonably broad that an infinite number of alternatives would accomplish those goals and the project would collapse under the weight of the possibilities." Citizens Against Burlington v. Busey, 938 F.2d 190, 196 (D.C. Cir. 1991).

In addition, none of the alternatives meet the purpose and need, since the planning area for the FSEIS is limited to federal lands in Oregon only. Because management direction for California lands are not included, this FSEIS is incomplete, and management of POC will be inefficient and ineffective.

See also section titled "The EIS fails to develop and analyze reasonable alternatives" in this appeal.

2. The EIS Fails to Analyze Connected and Reasonably Foreseeable Actions.

The Forest Service is required to consider more than one action in a single EIS if they are connected actions, cumulative actions or similar actions. 40 CFR § 1508.25. Northwest Resource Information Center, Inc. v. National Marine Fisheries Service, 56 F.3d 1060 (1995). Connected and cumulative actions have "cumulative impacts". Cumulative impacts are defined as the impact on the environment which results from the incremental impact of the action when added to other past, recent, and reasonably foreseeable future actions. 40 CFR § 1508.4.

There are numerous NEPA decisions pending that are awaiting the POC FSEIS and ROD. One important example is the Biscuit Fire "Recovery" Project. Apparently, the Biscuit Project decision will tier to the POC FSEIS and ROD. Neither the POC FSEIS and ROD nor the Biscuit Project DSEIS adequately disclose and analyze the impacts of the Biscuit Project

on POC within and near the Biscuit Fire area. This is a NEPA violation. The Biscuit Project is the largest proposed timber sale in modern times, and will occur in some of the most important and pristine POC habitat in the range of the POC. Neither NEPA document discloses the effects of the project to POC, particularly with respect to the extreme importance of the surviving POC within the fire area which will be crucial to the re-establishment of POC in the fire area

The POC FSEIS and ROD should have disclosed the impacts of the various alternatives and the decision on POC in the Biscuit Fire area, as well as the impacts of this POC FSEIS and ROD on all other planned and pending projects on FS and BLM lands within the range of the POC.

3. The EIS Has Failed to Develop and Adequately Analyze a Full Range of Reasonable Alternatives.

The scope of an EIS is further determined by its range of alternatives. The Forest Service must consider three types of alternatives. Alternatives which include the No Action alternative, other reasonable courses of action and mitigation measures not in the proposed action. 40 CFR § 1508.25(b).

a. The ROD and EIS do not accurately represent the No Action alternative and its effects.

A supplemental EIS must fully develop and fairly analyze the No Action Alternative. The FS and BLM should have been more forthcoming in disclosing and analyzing the effects of the current POC management strategy (or lack thereof). The FSEIS paints a rosy picture of the agencies actions in the past several years, claiming that agency actions have slowed the spread of PL. In fact, the agencies could have done much better in protecting the POC and limiting the spread of POC by seasonally and permanently closing more roads, prohibiting off road vehicle use in sensitive areas, and stepping up enforcement of existing closures.

The ROD states that Alternative 2 borrows the management techniques currently used by the Agencies … and improves that direction by addition the risk key and emphasis on 162 uninfested 7th field watersheds (emphasis added). ROD p. 11. However, given the convoluted and ambiguous direction and language of the selected alternative and ROD, the no action alternative (1) may be more protective of Port Orford cedar and its habitat than the new direction of Alternative 2.[5] Appellants are not alone in this assessment. Dr. Everett Hansen in comments on the DSEIS states that, "[r]eliance on the Risk Key seems to me a significant weakening of current practices." EPA in its comments on the DSEIS state that "alternative 2 would provide nominal prevention from infection compared to current management direction." FSEIS, p. A-97.

EPA also commented that alternative 2 does not provide "additional" protection for uninfested areas. FSEIS, p. A-98. The response in the FSEIS does not directly address EPA's concerns because it is based on additional "core areas" not additional "protection". Without additional protection, such as "mandatory" management practices to prevent the introduction of PL into core areas,[6] core areas will not serve as "refugia of diversity and abundance of an unimpaired POC ecosystem." *Id*.

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[5] See also comments on the DSEIS of Dr. Everett Hansen dated September 12, 2003 from the Analysis File.
[6] See comments on the DSEIS of Dr. Donald Zobel and Dr. Tom Jimmerson from the Analysis File.

While, the direction provided by Alternative 2 and the ROD is vague, uncertain and discretionary, the Siskiyou National Forest Plan's S&G 12-8 "requires" that strategies for Port Orford cedar management be integrated into all environmental analysis and that these should be applied on a site or drainage-specific basis to "prevent" or reduce the spread and severity of PL. Siskiyou National Forest Land and Resource Management Plan, p. IV-63.

Alternative 2 on the other hand only appears to "require" that one or more disease control strategy be applied to "reduce" "significant" risk to 162 currently uninfested 7th field watersheds and that disease control strategies "may" be applied on some activities (including timber sales) in other areas (FEIS, p. 2-14) depending on the discretionary findings of the Forest Service after going through the Risk Key (p. 2-18).

Moreover, the selection of the 162 uninfested watersheds is arbitrary and has no basis in science because 1) it restricts these 162 watersheds to those containing 100 or more acres of POC. There is no ecological basis for the 100-acre figure. For example, a patch of POC in the headwaters of a stream may prevent downcutting and erosion downstream were there are no POC. POC in or surrounding small wetlands provide shade and other environmental amenities disproportionate to the number of acres of POC. Surviving POC in the Biscuit Fire area are critical seed source for the natural regeneration of POC along streams, wetlands and other sensitive areas and for maintaining the genetic diversity of POC in the fire area and the adaptation of POC to diverse and often harsh site conditions. Watersheds containing less than 100 acres of uninfested POC may host unique genetic or biological diversity.

Watersheds with high canopy mortality in the Kalmiopsis Wilderness (from the Biscuit Fire) may not currently have or may never have contained 100 acres or more of POC. Nonetheless the Forest Service is required to provide mandatory and the most effective protection for the cedar in these watersheds and their habitat as part of the agency's duties under the Wilderness Act. The same holds true of National Wild & Scenic Rivers which requires that the Forest Service "protect and enhance" the values and water quality of designated rivers or eligible wild & scenic rivers whether or not there are 100 acres or more of POC or whether or not the Wild & Scenic Rivers are infested with PL.

The FSEIS responds to concerns raised about the 100 acre cut-off by stating that "the practicality of managing these smaller areas as "cores" is a significant management, tracking, and cost-benefit issue and that's why 100 acres was selected as a minimum acreage. FSEIS, A-110. However, this cut off does not address the need to maintain POC as a functional component of many environmentally sensitive, nationally important or congressionally or administratively protected areas or habitats. Nor does the FSEIS contain the cost benefit analysis required by NEPA which insures that the values and amenities that will be affected by the decision are given appropriate consideration in the decision making along with the economic and technical considerations described on p. A-110. See 42 USC § 4332 (B) and NEPA's implementing regulations.

Additionally "requiring" disease control measures only in uninfested 7th field watersheds will in effect provide little protection to these subwatersheds if POC in the larger watershed which the "core" area is a subset of becomes infected with PL. The transport of PL downstream is widely acknowledged as one of the primary ways the disease is spread into uninfected parts of watersheds. In other, words protection afforded the core areas is nominal because the core area concept did not factor in the fact that the root disease could be introduced into a part of the watershed outside the core area and travel downstream. In other words the FSEIS and ROD do not build their management program and core areas

around the watershed as the primary unit which must be "managed" to prevent root disease introduction.

The infection of Whiskey Creek (tributary of the West Fork of the Illinois River is a prime example). Though most of the Whisky Creek watershed is in the South Kalmiopsis Roadless Area, the very headwaters of one of the forks is right below a rock quarry and storage area which was being used as an off highway vehicle (OHV) play area. This rock quarry/OHV play area is the source of the infestation of Whisky Creek and the West Fork Illinois River below Whisky Creek. Another example is the infection of Collier Creek. Most of the Collier Creek Watershed is protected in the Kalmiopsis Wilderness, except some headwater tributaries. The root disease was introduced into the headwaters area through a logging operation and now the whole of the mainstem of Collier Creek in the Wilderness is infected.

The flaws in the 7th Field Watershed core area scheme and analysis of its efficacy are difficult if not impossible to assess in the FSEIS due to numerous factors including but not limited to: 1) the FSEIS and ROD's mapping of 7th Field Watersheds provides little useable information by which to identify the core areas due to its coarse scale and lack of physical features; 2), the 7th field watersheds are identified only by an obscure code known only to the agency or not readily available to the public; the FSEIS and ROD contain little if any information about these watersheds, including information about POC, habitat, plant communities, road systems, streams crossings, etc.; and 3) the direction for the management of these watersheds in the FSEIS and especially the ROD is obscured by ambiguities and the lack of clarity of the language of these documents. It is impossible for the public to understand how the Forest Service is actually proposing to manage these areas. Moreover, the Forest Service's mapping of these core areas is flawed because they arbitrarily excluded watersheds where their preliminary mapping of vegetation mortality from the Biscuit Fire assumed 75 percent canopy mortality across the board.

The Biscuit Fire Project DEIS noted that there were problems with the accuracy of the vegetation mortality mapping.

> Two methods of determining the extent and intensity of the fire were used. During preparation of the Biscuit Post-Fire Assessment (Forest Service 2003), aerial photography was used to produce a map of Canopy Fire Effects. In June of 2003, a determination of fire effects using satellite imagery (Vegetative Change) was found to be more useful in this analysis. Biscuit DEIS p. II-1.

The map of canopy mortality from the Siskiyou National Forest's Biscuit Post-Fire Assessment (figure 4) shows a different pattern of mortality in the Biscuit Fire area than the Vegetative Change map in the Biscuit DEIS. Moreover from our experience on the ground, there are areas which are mapped as sustaining 75% or greater canopy mortality in the Biscuit Fire area in which many Port Orford cedar have survived. These surviving POC, whether there is 100 or more acres of them, are critically important for natural regeneration of the cedar and for preserving the genetic diversity resulting from thousands of years of evolution and adaptation to a great diversity of site conditions. POC regeneration from surviving trees, though it may be slower than planting so-called disease resistant/nursery grown seedlings, in the long term, is more likely to result in the establishment of hardy, healthy POC which are adapted to the great diversity of site conditions found in the planning area.

Preventing infestation of these surviving cedar, their habitat and their watersheds,

especially in Late-Successional Reserves, Inventoried Roadless Areas and uninventoried roadless areas, should receive priority over other activities such timber salvage. At least under the direction of the 1989 Siskiyou National Forest Plan Standard and Guideline (No Action) the agency is "required" to consider disease control strategies for all POC populations, a requirement that under the selected alternative appears to be entirely at the discretion of the Forest Service.

For these and other reasons discussed in this appeal there is no way to compare the efficacy of the various alternatives, including no action, in meeting the narrow purpose and need statement for the EIS. The primary purposes of the amendment of the Siskiyou National Forest Land and resource management plan appears only to be to provide the NEPA analysis required by *Northcoast Environmental Center v. Glickman*, No. 96-107734 D.C. No. C 95-0038-MMC, 9th Circuit, February 17, 1998:[7]

> The agencies will be unable to shield their POC program from NEPA review because they will not be able to avail themselves of the Council on Environmental Quality's "tiering" provisions. 40 CFR § 1502.20. Id.

And the Sandy-Remote court decision and to give the agency even more discretion about whether or not to initiate and implement POC disease control strategies than they have now.[8]

Ironically, the Siskiyou National Forest has still not complied with NEPA in its POC management program. Therefore the findings of Northcoast Enviornmental Center v. Glickman that the Forest Service cannot tier project level analysis to the Siskiyou National Forest Plan still applies to the amended Siskiyou National Forest plan. We discuss the failure to comply with NEPA in more detail throughout this appeal and the in appellants' and scientists' more detailed comments on the POC DSEIS.

See also discussion below on the arbitrary and capricious nature of the "risk key" and the criteria for the selection of the core areas (7th Field Watersheds).

b. The EIS fails to develop and analyze reasonable alternatives.

The FSEIS discusses several alternatives that were "considered but eliminated from further detailed study." The reasons given in the FSEIS for not analyzing some of these possible alternatives are not adequate to justify their elimination from further detailed study.

For example, closing roads and prohibiting management activities in uninfested watersheds and small subwatersheds, imposing stronger protections, focusing on prevention rather than mitigation or control, eliminating timber harvest in POC areas, and closing more roads[9] within federal lands are all viable alternatives that were arbitrarily and capriciously

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[7] See for example discussion of POC issues in the Biscuit Fire Analysis Fire ID Team and Advisory Committee notes.

[8] "The Risk Key seems designed to minimize the amount of POC subject to special protection." Dr. Everett Hansen in comments on the DSEIS dated September 12, 2003 in Analysis File.

[9] Especially closing old user created mining roads in Inventoried Roadless Areas, uninventoried roadless areas or those in the uninfested watersheds. While many of these user-created roads have been inventoried as "system" roads they were not constructed standards, are native surface, often have wet/live stream crossings or go through or are adjacent to springs and other perennially wet areas. Their use has resulted in the infection of large watersheds thought to be otherwise protected (e.g. – the old mining road in the Kalmiopsis Wilderness, South Kalmiopsis Roadless Area and

eliminated from further detailed study in the FSEIS. This deprives the decision maker and the public of a full range of alternatives and accompanying analysis to make an informed decision on what alternative is best.

NEPA requires that an EIS contain a discussion of the "alternatives to the proposed action." 42 U.S.C. §§ 4332(C)(iii)(E). The discussion of alternatives is at "the heart" of the NEPA process, and is intended to provide a "clear basis for choice among options by the decisionmaker and the public." 40 C.F.R. §1502.14.

The POC DSEIS and FSEIS explained that the various alternatives identified above were eliminated from further detailed analysis because they "would not meet the Purpose and Need of providing access to the forest for public use and extraction of products." This conclusory statement paints with too broad of a brush. The primary Purpose and Need of this FSEIS is "maintenance of POC as an ecologically and economically significant species on BLM and National Forest Lands," with the agencies seeking a management strategy that is "practical and cost-effective and reduces disease introduction, slows the spread of disease where present, and/or mitigates the occurrence of the disease on POC." The Purpose and Need in the DSEIS also stated that any strategy for controlling the disease must allow the Agencies to meet their multiple-use mandates, including:

- Providing access to POC products;
- avoiding unnecessary restrictions to public access and use;
- providing for continued extraction of a wide range of products;
- permitting fuel reduction and forest health treatments; and
- conducting fire suppression activities.

The fact that the Forest Service and BLM are authorized to provide for multiple use does not mean that the are required to provide for <u>all</u> multiple uses on <u>every</u> acre. The agencies are required under federal law to achieve an appropriate mix of uses on any given federal forest.[10] In the case of the forests within the range of the POC, an appropriate mix of uses is one that most vigorously protects POC from the PL and at the same time still allows for some multiple use on parts of the forests.[11]

The definition of "Multiple Use" in the Multiple Use Sustained Yield Act (hereinafter "MUSYA") strongly suggests that not all uses are appropriate on all areas or all national forests. The act expressly states

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adjacent uninventoried roadless area that goes from Onion Camp to the Little Chetco River and the Emily Cabin area.) An alternative that included specific directions to analyze the risks to POC from these high risk user created roads and the potential for their closure, similar to the process on the Six Rivers National Forest for the closure of the High Plateau Area/North Fork Smith Botanical Area to motorized vehicles, is reasonable. An alternative to amend Forest Plan land allocations, such as changing "motorized" backcountry recreation areas to "non-motorized" Backcountry Recreation Areas, is also reasonable.

[10] Forest and Rangeland Renewable Resources Planning Act of 1974, 16 U.S.C. § 1601(d)(1) ("The level and types of treatment shall be those which secure the most effective mix of multiple use benefits.").

[11] "Under the Multiple Use Act, the Forest Service has complete, unreviewable discretion to assign weights to the five different purposes for which the forests are managed. . .Congress had given no indication of the weight to be assigned to each of the uses, with the result that the decision as to the proper mix of uses within any particular area was solely within the discretion of the Forest Service." Durwood, supra note 17 at 50023. (citing Sierra Club v. Butz, 3 Envtl. L. Rep 20292 (9th Cir.1973)). However, "Forest Service discretion under the Multiple Use Act has been abused as a result of the agency's informal procedures and its emphasis on economic productivity of the national forests." *Id.*

> "Multiple use" means: The management of all the various renewable surface resources of the national forests **so that they are utilized in the combination that will best meet the needs of the American people**; making the most judicious use of the land **for some or all of these resources** or related services over areas large enough to provide sufficient latitude for periodic adjustments in use **to conform to changing needs and conditions**; that **some land will be used for less than all of the resources**; and harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output.[12]

The MUSYA envisions that multiple use is to be balanced across "areas large enough. . .to conform to changing needs and conditions"[13] and that some of the national forests will not contain all of the possible uses that can be derived on the land.

Public demand, science, and other federal laws such as the Endangered Species Act, mandate that the ecological and recreational conditions of the forests within the range of the POC be improved and the balance of uses that are allowed on these forests must be shifted. Closing roads which are no longer needed and/or which pose a risk of becoming a vector for *p. lateralis*, as well as instituting additional protections for POC (*i.e.,* prohibiting off road vehicle use in POC areas) is both permitted and anticipated under the statutes that govern the Forest Service and BLM. Additionally, closing roads and instituting other protections for POC is necessary to preserve and protect the highest and best uses of areas where POC grows. As a result, one or more alternatives which propose to close and decommission some roads (a more aggressive strategy than Alternative 3) and institute stronger protections for POC are reasonable and viable alternatives that should have been considered in the DSEIS.

Another flaw in the DSEIS section that discusses alternatives that were eliminated from further detailed study is that the agencies have thrown the baby out with the bathwater by stating broadly that many of these alternatives would not meet the Purpose and Need of this federal action. For example, the agencies failed to analyze whether there are unneeded roads which pose a threat to POC which could be decommissioned (or at least gated). In the discussion of why the SEIS did not analyze an alternative which would close more roads on federal lands, the DSEIS went on at length about how the agencies have reciprocal right-of-way agreements and other obligations to keep roads open. Some of the things this discussion did not disclose were what percent of roads in POC areas are subject to such obligations, whether there are any roads which can be closed or decommissioned, and whether the private landowners with which the agencies share right-of-ways would be willing to allow at least seasonal closures on these right-of-ways.

There are many high risk-user created roads in Inventoried or uninventoried Roadless Areas and/or in land allocations or congressional designations such as Wilderness, Botanical Areas or Backcountry Recreation Areas, where multiple right of ways are not at issue. An alternative that directed such high risk roads be closed to motorized travel, that the Forest Service analyze the closure of high risk roads in a separate NEPA document or that the Forest Service amend the Siskiyou National Forest Plan to, for example, change "motorized" Backcountry Recreation Areas to "non-motorized" Backcountry Recreation Areas is

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[12] Multiple-Use, Sustained Yield Act of 1960, 16 U.S.C. § 531(a) (2000) (emphasis added).
[13] *Id*.

reasonable and should have been developed. While the Siskiyou National Forest often argues that user created mining roads cannot be closed because they provide access to mining claims, the Forest Service clearly has the right to regulate the means of access to mining claims. See for example the District Court and 9th Circuit Court *Clouser v. Espy* cases and attending government briefs. In other words, the government does not have to provide mining claimants or prospectors with motorized access under the 1872 Mining Law.[14]

The agency rationale for many of the other alternatives eliminated from further analysis suffer from the same flaws containing conclusory statements about why the sky will fall and alleging that such alternatives would not meet the Purpose and Need of providing unfettered access to all parts of the forest, including areas which are currently uninfected with PL.

B. The EIS and ROD Fail to Provide Sufficient High Quality and Complete Information and Accurate Scientific Analysis.

1. The Mitigation Sections of the FSEIS and ROD Do Not Meet the Requirements of NEPA.

Environmental Impact Statements must include discussion of measures to mitigate adverse environmental impacts of the proposed action. But a mere listing of mitigation measures is insufficient to satisfy statutory requirements. An EIS must analysis mitigation measures in detail and explain effectiveness of measures. Oregon Natural Resources Council v. Marsh, 832 F. 2d 1489, on remand 677 F. Supp. 1072, certiorari granted.

But even if these measures are the "best scientific control measures" and experts agreed, the EIS must provide the underlying environmental data from which this opinion was derived. Idaho Sporting Congress v. Thomas, No. 97-35339, CV-96-0371-S-BLW (9th Cir. 1998).

The FSEIS and ROD do not provide an adequate discussion of the effectiveness of proposed mitigation measures, in particular, the Risk Key parameters. In addition, the likelihood of implementation of the various mitigation measures was not disclosed or discussed. For example, the total discretion of Forest Service managers in determining when the Risk Key applies will in all likelihood result in many projects going forward without implementing ANY mitigation measures. Even if the manager does determine that the Risk Key should be applied and determines that mitigation measures are necessary, the manager could decide that only vehicle washing is enough to mitigate for PL. The FSEIS and ROD did not adequately discuss the effectiveness of vehicle washing, or provide underlying data as to the effectiveness of vehicle washing. Empirical data as to the effectiveness of vehicle washing should be readily available, since the FS has been using vehicle washing as a mitigation measure for the last several years.

As discussed above, the ROD circuitously attempts to get around the flaws in the analysis of mitigation measures and the lack of underlying data, science or studies regarding the efficacy of the mitigation measures or management practices by declaring: that the alternatives themselves are mitigation; that the mitigation measures are included in each of the alternatives; or that selected mitigations measures "listed" under the Decision

[14] See *Clouser v. Espy*, 42 F3d. 1522 (9th Cir. 1994) and *Clouser v. Madigan*, 1992 WL 694368 (D. OR. 1992).

section of this ROD or are already part of the Standards and Guidelines in the following Land and Resource Management Plan Amendment. How can the efficacy of these so called mitigation measures be understood, disclosed or even analyzed given the broad discretion the agency has under the selected alternative of whether to apply any mitigation measures at all. It is hard to see how this constitutes the hard look required by NEPA and envisioned by the 9th Circuit in *Northcoast Environmental Center v. Glickman*, No. 96-17074 D.C. No C95-0038-MMC.

The FEIS assigns a numerical effectiveness, implementation and probability rating to management practices and types of spread (FSEIS p. 3&4-37-39) but does not provide the basis for how the ratings were arrived at, except for claiming the numbers were derived from the "professional judgment of forest pathologist" and "literature". *Id*. While the FSEIS lists literature that recommends management techniques (FSEIS, p. 3&4-38), the recommendation of techniques in literature cannot be substituted for actual data or studies or specific reference to studies regarding the effectiveness of the mitigation measures.

In addition, the FSEIS does not disclose the "methodology" for how the forest pathologist arrived at the rating system. In other words the assignment of the various numerical ratings is arbitrary. Contrast the POC FSEIS to the NEPA documentation for the Northwest Forest Plan. Appendix A of the Final Supplemental Environmental Impact Statement for the Northwest Forest Plan, otherwise known as FEMAT, described in detail the process used to determine the effects of the options on affected species and the likelihood (probability) of the species remaining well distributed throughout their range under various management scenarios. See for example FEMAT beginning on page IV-38. No such discussion of methodology accompanies the POC FSEIS.

After approximately 30 years of managing POC in the face of the root disease, it is difficult to understand how the Forest Service does not have at least some data on the efficacy of mitigation measures and the methods by which the disease is most often spread or introduced into uninfested areas. If the agency has this information it is not disclosing it in the FSEIS.

While the FSEIS cites a sampling of gated closures done in November of 2000, which found 90 percent of the barriers intact and apparently effective in preventing entry, one sampling at one point in time is hardly adequate to provide a statistically credible rating. From this one sampling, for an undisclosed number of gates in an undisclosed area, the agency concludes that the probability that temporary road closures will protect an uninfested area is 2. We're not sure if this is an effectiveness rating (p. 3&4-39) or a probability rating of 2.1 to 4 percent probability of infection (p. 3&4-37). Assuming it is the latter. The Forest Service has assigned a 2.1 to 4 percent probability that an area would become infected using this management practice (mitigation measure). A statistically sound sampling to determine efficacy would seem require the monitoring of temporary gated closures across the landscape, annually for a number of years and throughout the time the gates were closed.

Appellants also have made observations concerning the efficacy of temporary POC gates. One seasonal gate installed to prevent access to large uninfested primarily Roadless Area watersheds has been vandalized each year since its installation, except perhaps the winter of 2003 & 2004. Though the purpose of this gate is to prevent wet season motorized access to these uninfested watersheds, the agency has allowed a historic trail that accesses the same uninfested area to remain open year-round. It is increasing used by OHVs who relish the challenge of extreme conditions found during the winter. The presence of this open OHV trail essentially renders the POC gate ineffective.

A gate entering the Kalmiopsis Wilderness, in a remote location, has been regularly vandalized. During one effort to repair the damage, the Forest Service cemented the gate's posts. However, before the cement could dry someone pulled the posts out. While the agency does disclose that gates are not always effective, the assumption regarding their efficacy cannot be supported by the inadequate sampling. Clearly other factors, including but not limited to location, construction and controversy, are factors that need to be considered when assessing the efficacy of temporary closures.

We are especially concerned about the "blatant" misrepresentation regarding the effectiveness of roadside sanitation found in the FSEIS (e.g. p. 3&4-39). For more specific concerns regarding the efficacy of roadside sanitation, see the comments of Matthew J. Kauffman and Erik S. Jules on the DSEIS, dated September 12, 2003 in the project Analysis File

The FSEIS's probability rating for the type of carrier of PL is also arbitrary. For example how was it determined that human's on foot should receive a 5 rating and passenger vehicles a 7 rating? That a human on foot would have close to the same probability rating as an 4 wheel drive, big tired, mud covered pick-up truck, that is driven off road and through streams is hard to imagine. Moreover, regulated passenger vehicle travel on hard surface roads is not differentiated from unregulated OHV use or passenger vehicle travel on old user-created, native surface mining roads with numerous wet areas and live stream crossings.

The FSEIS assigns a likelihood rating for the time of year, however, as noted by Dr. Donald Zobel in his comments on the DSEIS, it is not the time of year but the environmental conditions during transport that are important. Strictly going by time of years ignores the fact that there are many travel routes in the planning area and adjacent lands that go through perennial streams or areas with soils that are saturated most of the year if not year-round.

Because of the inadequacies of analysis of mitigation measures, the uncertainty of whether or not any mitigation measures will be applied, the arbitrary criteria for the selection core areas the FSEIS and ROD are still insufficient under NEPA to tier project level decisions to.

2. The EIS and ROD fail to identify methodologies and underlying scientific data.

Conclusory statements, which do not refer to the scientific or objective data supporting them, do not satisfy the requirements of NEPA for a "detailed" environmental impact statement. Citizens Against Toxic Sprays, Inc. v. Bergeland, 428 F.Supp. 908 (1977). NEPA requires that the public receive the underlying environmental data from which a Forest Service expert derives their expert opinion. Idaho Sporting Congress v. Thomas, 137 F.3d 1146 (9th Cir. 1998). NEPA's implementing regulations require agencies to identify any methodologies used and make explicit reference by footnote to the scientific and other sources relied on for conclusions used in any EIS statement. 40 CFR § 1502.24.

The FSEIS contains many unsupported and unsubstantiated statements, and relies heavily on "professional judgment" without disclosing and analyzing the data underlying such judgement.

For example, the FSEIS and ROD state that the Standards and Guidelines of the

selected alternative define uninfested 7th field watersheds as those containing more than 100 acres of POC. The FSEIS offers no scientific or ecological reason for selecting 100 acres was chosen as a threshold for this standard and guideline, nor does it provide any analysis for how this cutoff meets the purpose of maintaining POC as an ecologically significant species on federal lands. A POC stand of 50, 75, or even 99 acres would not be protected under this standard and guideline. This number has no basis in science and is arbitrary and capricious. It appears that the sole reason for the 100 acre criteria was cost and the practicality of managing small areas. FSEIS, p. A-110. See also comments of Matthew J. Kauffman and Erik S. Jules on the DSEIS dated September 12, 2003 (in Analysis File).

Another area where the FSEIS and ROD fails to identify methodology and underlying scientific data is the Risk Key. The reasons for choosing many of the parameters of the Risk Key are not clear. See discussion of the Risk Key in Section 2 above.

In addition, the prediction of what percentage of POC areas will be infested in the next 100 years should also be backed up with hard data, and this should have been disclosed in the FSEIS.

3. The EIS and ROD Fail to Adequately Discuss Impacts and Adverse Opinions

NEPA requires that the Forest Service candidly discloses in its EIS the risks of its proposals, and that it responds to adverse opinions held by respected scientists. Seattle Audubon Society v. Moseley, No C92-479WD (1992). Friends of the Earth v. Hall, 693 F. Supp. at 934, 937. An EIS must serve the purpose of informing the decisionmaker and the public of the risks of its proposed action before the decision to proceed is made and must inform the decisionmaker of the full range of opinion. Seattle Audubon Society v. Moseley, No C92-479WD (1992). Citizens Against Toxic Sprays, Inc. v. Bergland, 428 F. Supp. 908, 902 (1977)

a. The SEIS and ROD Do Not Adequately Discuss & Disclose Impacts to the Kalmiopsis Wilderness.

The Kalmiopsis Wilderness is a large congressionally protected area containing significant populations of POC.[15] While the Biscuit Fire killed many POC in the Wilderness there are still live POC remaining which will be important for the natural regeneration of the cedar in the Wilderness. The FSEIS does not adequate discuss or disclose impacts to POC in the Wilderness or adequately analyze the efficacy of the management direction for protecting POC in the Kalmiopsis as mandate by Congress in the Wilderness Act. All of the watersheds within the Kalmiopsis Wilderness or those directly draining into the Wilderness (e.g. Slide Creek) should have been included as core areas whether or not the Forest Service "assumed" that they contain less than 100 acres of POC. There should be no timber harvest or salvage logging in these watersheds and user-created/native surface roads should be permanently closed in order to protect POC and the natural regeneration of POC in the Wilderness watersheds of the Kalmiopsis.

Some pre-fire information regarding POC is found in the Chetco River Watershed Analysis Iteration 1.0, which we incorporate by reference into these comments.[16]

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[15] The largest protected area where Port-Orford-cedar is found is the Kalmiopsis Wilderness (Zobel, et al. 1985).
[16] USDA Forest Service 1996. Chetco River Watershed Analysis, Iteration 1.0, Siskiyou National Forest, Chetco Ranger District.

b. The SEIS does not adequately and candidly disclose and respond to adverse opinion held by respected scientists.

The SEIS does not adequately and candidly disclose and respond to adverse opinions held by respected scientists. For example while the SEIS mentions studies such as Jules et al. 2003, but simply writes it off as flawed (see for example FSEIS, p. 3&4-76) or acknowledges the connection between roads and the spread of PL without disclosing the substance of the study and its findings. FSEIS, p. A-91. The SEIS appeared to respond to the concerns in of a Forest Service ecologist that if the agency is to meet its legal requirements there will have to be significant modifications in the management of timber harvest, OHVs, access, special forest products and recreation to name a few. FSEIS, p. A-92. It was the ecologists opinion that none of the EIS alternatives resulted in a significant change to the Siskiyou National Forest Plan. *Id*. However, rather than addressing the substance of the scientists concerns the Forest Service in its response to comments went on about the definition of significance. *Id*.

This Forest Service ecologist and others raised concern that the planning area for the SEIS did not include California and because of this forest management in Oregon could have detrimental effects thought POC groves in the California National Forests. FSEIS, p. A-93. The Forest Service responded by saying the land management plans for the California Forests are more recent and contain more POC management direction. *Id.* However, these forest plans still lack analysis of the efficacy or specificity of mitigation measures that concerned the court in *Northcoast Environmental Center v. Glickman*. The court in this case did not discern between the Oregon and California forest plans when it stated that the Forest Service could no longer tier site-specific environmental analysis to the broader POC program.

Moreover, while the FEIS assigns a numerical effectiveness and implementation rating to management practices (FSEIS p. 3&4-37-39, after 30 years of managing POC in its native range in the face of PL, there is still little or no underlying data to support these ratings. For example, the FSEIS cites a sampling of gated closures done in November of 2000 which found 90 percent intact and apparently effective in preventing entry. From this sampling, done at one point in time of an undisclosed number of gates, the agency concludes that the probability that temporary road closures will protect an uninfested area is 2. See additional discussion regarding this subject in the section of this appeal regarding mitigation measures.

Several scientists and the public expressed various concerns about the risk key and its application. See for example FSEIS P A-104. The Forest Service responded that "the option to drop or redesign the project has been added to the risk key. *Id*. However, <u>if</u> this provision has been added to the risk key it is not readily apparent or easily understood. ROD, p. 33 and FSEIS, p. 2-18. The risk key does imply there could be "design changes" however, it appears that whether or not this is done is dependent on weighing values. One of the major flaws of the SEIS is that the Forest Service has not quantified the value of native or old POC and its function in diverse habitats and the genetic or adaptive legacy of native POC as required by NEPA.

Another scientist complained that Alternative 2 contains so much vague langue it is hard to tell what would be done. FSEIS p. A-102. There is a response to this comment in the FSEIS but the response is equally vague and Alternative 2 in the FSEIS remains vague and convoluted. Equally vague and difficult to understand is the Forest Supervisors decision

in the ROD and changes and so-called clarifications. For example the ROD claims that it clarifies direction in the FSEIS stating that:

The risk key uses the ambiguous term "appreciable additional risk" and provides an equally vague definition, stating that a "reasonable" person would recognize risk, additional to existing uncontrollable risk, to believe mitigation is warranted and would make a cost-effective or important difference. FSEIS, p. 2-18 & ROD, p. 33. In other words in response to a "scientist's" concern about the vagueness management direction, the Forest Service merely substituted ambiguity with more ambiguity.

There are other examples, where the Forest Service has ignored or misrepresented the concerns of scientists and others and where the SEIS does not adequately and candidly disclose and respond to adverse opinions, to numerous to detail in this appeal.

i. Mining.

In response to concerns raised during the comment period on the DSEIS about the effects of mining on POC, the lack of regulation of the majority of mining operation and the failure of the DEIS to address this concern, the agencies have added a section on mining in the FSEIS. P. 3&4-154. The added analysis concludes that most mining that occurs in the area is summer use and is "generally considered a minimal threat to POC." FSEIS, p. 3&4-155. However, the FSEIS provides no support for this assumption, which, in fact, contradicts previous analysis, documents in the Forest Service's files and on the ground factual information such as the study by Richard Nawa of the effects of suction dredge mining on Briggs Creek, Sucker Creek and the Left Fork of Sucker Creek which we incorporate by reference into this appeal – Attachment B.

For example, the Siskiyou National Forest's 2001 DEIS on Suction Dredging Activities correctly noted that suction dredging and associated activities are a high risk for intensifying existing infestations or leading to new infestation of root disease (Pages 87 & 114). The DEIS also correctly noted that risk of introduction or spread of the disease exists all year long (Page 114), not just during the wet season.

> … suction dredging and associated activities are high-risk activities for intensifying existing infestations or leading to new infestations of root disease. The dredging operation is in the wetted portion of the stream, support activities require entering riparian areas on a frequent basis. **Activities within riparian areas, and particularly the wetted portion, increase the potential for transporting spores directly into the water and for transport infested mud (or organic matter) to an uninfected stream.** Infested mud could inadvertently be transported and directly introduced into a stream or wet area by vehicles, off road vehicles, the shoes of miners and other equipment during frequent trips to operate or support a mining operation. Use of improved, low standard mining roads or trails to access mining claims could also spread or intensify the disease in wet areas away from the claim itself. **Although the suction dredge-operating season is currently June 15 through September 15, other activities besides operation of the dredge in stream could occur any time during the year. Activities during the wet season carry an additional increased risk of transporting infected mud** (emphasis added).

USDA 2001. DEIS, Suction Dredging Activities, Operating Plan Terms and Conditions for Programmatic Approval of Suction Dredge Plans of Operation, Page 114.

One particular tragic introduction of PL, that of the infestation of the Kalmiopsis Wilderness in the Little Chetco/Emily Cabin area and the subsequent infestation of the National Wild and Scenic Chetco River in the Wilderness, is thought by the scientist who initially investigated it to have been the result of small scale mining activity.[17] At least there is no plan of operation on record for mining activity on the Little Chetco & Emily Cabin claims so one can assume the mining operation that is the likely cause of the PL introduction was just such small scale seasonal operation the FSEIS considers to be a minimal threat. Moreover, whether the threat was minimal or not the consequences of the PL introduction irreversible and will have a long term effect on the Wilderness. See USDA Forest Service's Chetco River Watershed Analysis, Iteration 1.

In addition, the POC FSEIS does not disclose or analyze the effects of suction dredge mining such as felling trees, undercutting banks, road construction or reconstruction, use of ATV's in and along streams where POC grows, and, of course, ways in which mining activity contributes to the spread of POC disease.

Finally, the FSEIS provides no understanding of the regulation surrounding miner's access and property rights or the effects of these on the management of POC or of the controversy surrounding the regulation of mining. For example, the Forest Service is currently being sued by miners and one of the appellants regarding the implementation (or lack thereof) of the Northwest Forest Plan Standard and Guideline MM-1 for mineral operations in Riparian Reserves.

ii. Functional Extinction

The FSEIS states that no matter what happens, POC will not be extirpated by PL (Page 3&4-45). This false reassurance does not reveal the truth about PL's impact to POC populations. Even though it appears to be likely that PL will not cause POC to literally go extinct, infected POC do not grow to maturity and it is in maturity when POC provide their vital functions to riparian ecosystems, fish populations and other sensitive habitats. Moreover, it is mature POC with their thick bark, which are more resistant to wildfire and therefore more likely to survive fire and provide seed source for natural regeneration in the post-fire landscape. This ability to survive wildland fire also helps preserve the genetic diversity of the species and their adaptation diverse and often harsh site conditions. [18] Therefore, PL is causing the ***functional*** extinction of POC over a large area of its range.

The FSEIS does obliquely discuss that chronic infestation insures that few if any of the cedars regenerating on an infested high-risk site attain large size (Page 3&4-46), but this is not an adequate discussion or analysis of how PL will cause functional extinction on <u>any</u> sites (not just high risk sites) that become infected.

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[17] "The SEIS notes that a mining road has been implicated in a long-distance spread to the interior of the Kalmiopsis Wilderness." FSEIS, p. A-95. See also June 18, 1997 letter from Everett Hansen to Mary Zuschlag regarding the Draft EIS for motorized access to private property within the Kalmiopsis Wilderness in analysis file for the EIS: "The risk to POC (and associated species extends beyond the lands downslope and downstream from the road. As disease increases in an area, so does the chance for secondary spread, by humans and domestic and wild animals. This is the probably explanation for disease upstream from the existing road in the Little Chetco. There is a large infestation in the area below the road in the vicinity of Emily Cabin that was disturbed by past placer mining, that I suspect served as the source for the recent "upstream" transport."

[18] See also comments on the DSEIS, submitted by Dr. Donald Zobel, regarding the fact that POC in subordinate crown positions producing little if any seed (in analysis file).

iii. Stream temperatures

Even though the FSEIS claims to respond to our DSEIS comments regarding temperature impacts to coho salmon in non-ultramafic soils, the FSEIS still downplays impacts to coho salmon on non-ultramafic areas because it erroneously assumes that other conifers will replace dead POC at a rate that will prevent stream warming. We believe that depending on the variable rate of replacement tree growth beneath dead POC, several generations of coho salmon will endure less than optimum conditions for stream temperature. The FSEIS fisheries narrative still erroneously assumes that tree replacement will be rapid, with no stream temperature impacts to cold water loving coho salmon. The FSEIS fails to acknowledge that coho salmon distribution may be lost from some stream reaches where PL is virulent and alder and other species fail to grow rapidly (logging streamside conifers has eliminated coho from some streams). Once coho populations are extirpated due to high stream temperatures, colonization may not occur even if stream temperatures are restored with hardwood re-growth.

The FSEIS erroneously alleges that temperature impacts will occur primarily on ultramafic or serpentine areas where coho populations are low. Even if coho densities are low on PL- affected ultramafic streams, increased stream temperatures would likely eliminate any production, thus reducing distribution of coho salmon. Reduced distribution would adversely affect Southern Oregon/Northern California coho salmon because risk of extinction would be increased due to fewer viable populations. This would violate the Endangered Species Act.

iv. Large wood in the stream channel

The FSEIS falsely claims that the streamside large woody debris function would be maintained (Page 3&4 – 84). On non-ultramafic soils, red alder, not conifers, will replace POC in the Southern Oregon Northern California Coho ESU, leading to degraded habitat for wood-dependent coho salmon in the long term (>100 years). The FSEIS fails to assess the impact of past and future salvage logging of PL-killed POC. The Northwest Forest Plan permits salvage logging. Districts often salvage log POC by claiming that adequate wood was left on site for fish. "Adequate wood" determinations are subjective because scientific studies have not found an upper limit for benefits from large wood. Since the DSEIS does not address salvage logging in Riparian Reserves, one can only assume that salvage logging will occur as it has in the past and large wood recruitment will be decreased.

v. Sediment

The FSEIS erroneously claims that the effect of decreased root strength from PL-killed POC would be localized and is not expected to significantly increase slumps or entry of colluvial material into the channel. In the Siskiyou Region, POC densely vegetates streambanks and even grows in the active channel, providing superior streambank stability (see Nawa 1997). Increased sediment from landslides and streambank erosion due to PL-killed POC would be likely to adversely affect coho salmon.

vi. Roadside sanitation is wasteful and useless

The FSEIS did not disclose and analyze important information about the proposed mitigation measure of sanitation.

According to the study by Goheen and Marshall[19], sanitizing does not work for many years after it is done. Disease in their study plots was not reduced for "four years after treatment."[20] They documented that "P. lateralis can survive in dead infected roots for up to seven years..."[21] Even though this issue was raised in scoping and in DSEIS comments, the FSEIS failed to address this issue and explain how road sanitizing removes diseased roots, or if it helps at all when it is done just before bringing in the logging equipment. It appears that to be effective, sanitizing would need to be done 4 to 7 years before a project is implemented. This is impossible because the FS cannot implement a project before a NEPA decision has been made. Therefore, roadside sanitation is a useless process to protect POC, and a wasteful process for beautiful, healthy POC (some appearing to be naturally disease resistant) which are growing along roadsides.

The FSEIS suggests including Roadside Sanitation as part of routine road maintenance.[22] This FSEIS has not considered all the negative effects of this practice. In the past, POC have been wiped out hundreds of feet from roadsides, not just 50 feet. Sometimes large Douglas firs or other species have to be cut down to facilitate cutting down POC. Disease-resistant and expensive, genetically selected POC have been cut down for roadside sanitation. In fact, all genetically superior POC were selected near roads to facilitate easier cone picking, and road sanitation could eventually remove all these trees. Valuable, large POC have disappeared from roadsides after they were cut down. If roadside sanitation is considered as "routine" road maintenance, there will in all likelihood be no tracking and no accountability for these activities, and the effects will not be considered in a NEPA process, or for that matter, in any other process. Because of its limitations, using roadside sanitation as a mitigation tool is simply a waste of perfectly good, healthy, and possibly disease-resistant POC, as well as the other large trees that need to be removed to facilitate POC cutting.

Preventing wet-weather logging would be a far more effective mitigation measure. The Goheen study documented that PL spreads mostly during "the cool, rainy late fall, winter, and early spring months."[23] Instead of sanitizing, which doesn't work in time, restriction of wintertime logging activities within the habitat of POC should be required. Goheen and Marshall found that most of the deadly spores are in "roadside ditches."[24] It is impossible to stop infected water from flowing down hill. PL cannot be filtered with a hay bale. The only way to keep it out of the water flowing downhill in the watershed is to not log during the wet season.

vii. Cumulative Effects

In Kern v. BLM, the 9th Circuit Court of Appeals held:

> NEPA requires that the BLM analyze the impact of reasonably foreseeable timber sales, and of other "reasonably foreseeable future actions," on the fungus and the Cedar. We have already held that the BLM must conduct such an analysis in the EIS

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[19] "Monitoring effectiveness of roadside sanitation treatments to decrease likelihood of spread of Phytophthora lateralis in Southwest Oregon, USA." Donald J. Goheen and Katrina Marshall. USDA Forest Service, Southwest Oregon Forest Insect and Disease Service Center, Central Point, Oregon. USA. dgoheen@fs.fed.us Summarized on page 3&4-41 of the FSEIS.

[20] Goheen and Marshall. page 1.

[21] Goheen and Marshall. page 2.

[22] FSEIS. Page 2-22.

[23] Goheen and Marshall. page 2.

[24] Goheen and Marshall. page 4

> for the RMP for the entire Coos Bay District. We now hold that the BLM must also conduct such an analysis in any EA for this site-specific project within that District.
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> * * *
>
> In the absence of an EIS analyzing the impact of reasonably foreseeable future timber sales within the Coos Bay District under the proposed RMP, we hold that it was arbitrary and capricious, and a clear error in judgment, for the BLM not to include in the revised EA for the Sandy-Remote Area an analysis of the cumulative impacts of such sales within that District. At a minimum, the BLM is required to provide such an analysis in the EA. If such an analysis is not made, it would be easy to underestimate the cumulative impacts of the timber sales in the Sandy-Remote Area, and of other reasonably foreseeable future actions, on the spread of the fungus and the welfare of the Cedar. Such a restricted analysis would impermissibly subject the decisionmaking process contemplated by NEPA to "the tyranny of small decisions."

Despite the strong direction from the 9th Circuit regarding cumulative impacts analysis, the current FSEIS contains inadequate and inconsistent (between resources) cumulative effects analysis.

Ninth Circuit case law holds that an EIS must adequately catalogue the relevant past projects in the area. It must also include a useful analysis of the cumulative impacts of past, present, and future projects. This requires discussion of how future projects together with the proposed project will affect the environment. The EIS must analyze the combined effects of the actions in sufficient detail to be useful to the decisionmaker in deciding whether, or how, to alter the program to lessen cumulative impacts. Detail is therefore required in describing the cumulative effects of a proposed action with other proposed actions.

The POC FSEIS does not adequately catalogue past projects in the range of the POC, nor does it include a useful analysis of the impacts of past, present, and reasonably foreseeable future projects. For example, there is no discussion of the cumulative impacts of OHV activity spreading PL for each alternative. The FSEIS also fails to adequately discuss the cumulative impacts of private land logging and other private land activities on POC and the spread of PL.

The scant cumulative effects discussion in the FSEIS is far too general and one sided to meet NEPA requirements.

vii. Miles of infested perennial or fish bearing streams..

The FSEIS states that "[t]he pathogen now infests about 9-15 percent of the federally-administered POC acreage within the range. Much of this acreage is on sites such as along streams and roads, at high risk to spread the pathogen." Reporting infestations as areas (e.g. percent acres infested) does not provide an accurate measurement of impacts to streams because streams are linear. Reporting infestations as "perennial stream miles infested" or "fish bearing stream miles infested" would provide an accurate indicator of the ecological effect to stream ecosystems and riparian reserves. A high proportion of stream miles may be infected, but reporting this as "percent acres" gives a misleading perception that the impact of infestation is relatively low. In other words, the reported low acreage/low percent of infestation is affecting a disproportionately large number of stream miles in riparian reserves. This is especially true for higher order fish bearing streams

(stream orders 3-6). The percent of infestation affecting anadromous fish bearing stream miles is probably very high, especially if ultramafic geology streams are excluded. Analysis of stream miles rather than acres would provide a means to prioritize streams for increased protection measures. For example, fish bearing streams, especially those with anadromous fish (e.g. coho salmon) could be made a priority for road closures based on a regional analysis in the FSEIS.

4. The ROD and FSEIS Are Flawed Because They Ignore Available Information.

If the Forest Service has difficulty obtaining adequate information upon which to make a reasoned assessment of environmental impacts of the proposed action, the Forest Service may not simply negate the existence of these impacts; rather, it has the obligation to engage in what is called "worst case" analysis. Methow Valley Citizens Council v. Regional Forester, 833 F. 2d 810, certiorari granted Robertson v. Methow Valley Citizens Council, L.Ed.2d 905, reversed L.Ed.2d 351 on remand 879 F.2d 705.

- As in the DSEIS, the FSEIS continues to misrepresent the post fire distribution of POC in the Biscuit Fire area. Subsequent to the Biscuit fire, Siskiyou Project staff have observed and photographed POC in at least 8 locations along Forest Road 4103-087 west of the Illinois River (where DSEIS Maps 1 and 2 eliminated historic data about POC distribution). A substantial stand of mature and old growth POC is found below Road 087 at Marsh Creek. Although much reduced by the >75% crown kill, live POC occurs throughout the Biscuit fire area. For analysis purposes the presence of POC at stream crossings is an important distinction because the POC Siskiyou Project staff observed was primarily found at stream crossings that are high risk sites. Thus, the DSEIS and FSEIS arbitrarily and erroneously reduced the number of high risk sites in the Biscuit fire area. Since the SEIS is a programmatic document for long-term decision making, a more reasoned approach would have been to map the pre-fire POC (at least along perennial streams) in the Biscuit fire area, since POC either remains intact or will colonize these areas naturally or through planned artificial plantings. The DSEIS and FSEIS state that restoration efforts are expected to begin restoring the total acres of POC back towards pre-fire levels. The removal of POC from portions of the Biscuit Fire area also reduced the mapping of core protection areas in Alternative 3 (e.g. core areas in watershed 171003110604). This omission could seriously retard the persistence and recovery of POC in riparian reserves. In other words, both impact analysis and decisionmaking are deleteriously affected by the decision to exclude POC from areas in the Biscuit fire area with 75 percent crown kill. The SEIS is overly concerned about accurate measurement of live POC acres when POC stream miles or presence of POC along roads is the most important factor about long-term management.

- Alternatives 3 and 6 include protection for certain watersheds (6th and 7th field, respectively) that have "at least 100 acres of stands containing POC." It is not clear what this clause means. Does it means stands that are significantly comprised of POC? The FSEIS does not disclose that smaller populations or even individual POC are important and could serve as crucial seed sources for areas that lose their POC to natural (such as fire) or human caused occurrences.

- The FSEIS added a section on mining and its effects to POC (Pages 3&4 – 154-155), but the information presented was inadequate and erroneous. The FSEIS states that miners "generally submit a written or verbal notice of intent to operate each year, describing the intended scope of the operation" (3&4-155) and that "operations of any size, and even most prospecting, requires a plan of operations to be filed…if the proposed activity would likely

cause significant disturbance of surface resources" and that "applications typically trigger an EA or other NEPA analysis" (Page A-114). This last statement is patently false, and the first statement is misleading. From direct experience, the Siskiyou Project knows that a significant majority of suction dredge miners on the Siskiyou National Forest do not submit notices of intent, and the Siskiyou National Forest does not require a Plan of Operations for the vast majority of mining operations on the Forest. Therefore, most mining activity escapes scrutiny, is not subject to any terms and conditions or any mitigation for POC and a miniscule amount of it is ever analyzed under a NEPA process. It is also important to note that the determination that there is no "significant disturbance of surface resources" is not synonymous with a finding that the mining operation has little or no potential to introduce or spread PL. Many mining or mining associated activities that do not meet the criteria for significant disturbance of surface resources are high risk activities. See elsewhere in these comments for a discussion of the potential for suction dredge mining to spread and introduce PL.

The FSEIS also states that mining is an "important and legitimate use of public lands, providing raw materials for a variety of industrial uses." (Page A-114) A more reliable statement of the economic importance of the mining of locatable minerals in the Siskiyou National Forest can be found in the FEIS for the revision of BLM's surface mining regulations. In calculating the value of locatable mineral production from federal lands in the twelve western states in 1998, BLM found that the value of gold and silver from all federal lands in Oregon was not measurable.[25] A value of 0 was registered. In terms of jobs, only 10 jobs were attributed to locatable mineral production in Oregon on federal lands in 1998.[26] The vast majority of mining activity in the range of the POC is considered "recreational" and does not measurably contribute to the economy.

In addition, mining can only be considered a "legitimate" use of public lands if it is consistent with the 1872 Mining Law, which requires that a mining claim be "valid" and with other laws and regulations governing the use National Forests and the protection of resources on National Forest lands. The FSEIS has failed to acknowledge that the miners' statutory rights under the Mining Law are derivative of a discovery of a valuable mineral deposit and absent such discovery denial of mining is appropriate. Further, the FSEIS does not disclose that Mining Law rights are not absolute. They are further conditioned by the requirement that the mining claimant must comply with all laws, rules and regulations.

The FSEIS also does not disclose that Standard and Guideline MM-1 of the Northwest Forest Plan ROD (NFP) states that any mining activity within a Riparian Reserve requires a Plan of Operations. The NFP's Aquatic Conservation Strategy states that activities in Riparian Reserves that do not either maintain or restore conditions should not be implemented. Most instream/suction dredge mining does not comply with the NFP. It degrades conditions in Riparian Reserves instead of maintaining and restoring them.

- The FSEIS contains the following assumptions (among others): 1) the Northwest Forest Plan (NWFP) will be implemented as written and intended (does not disclose that ACS and S&M being gutted), 2) there will be adequate funding to implement the requirements of the selected alternative, 3) gates will work most of the time.

These assumptions are incorrect, and therefore the analysis flowing from these assumptions is flawed. Therefore, the public and the decisionmaker are not receiving accurate

[25] USDI, 2000. FEIS, Vol. 1, Surface Management Regulations for Locatable Mineral Operations, p. 268.
[26] Id, p. 280.

information, and any decisions, which are based on the incorrect assumptions will be flawed.

The assumption that the NWFP will be implemented as written and intended is false. The FSEIS should have disclosed that critical components of the NWFP, the Aquatic Conservation Strategy and the Survey and Manage provision, are being severely weakened and eliminated, respectively, through administrative actions.

The assumption that there will be adequate funding to implement the selected alternative is also flawed. The appropriations for the agencies are not in an upward trend, and it is very unlikely that there will be enough money to fully implement a POC management strategy. At the very least, the FSEIS should have outlined a prioritization plan for different components of a POC management plan, so that the public and the decisionmaker could make an informed decision about what alternative would protect POC is the most efficient and effective manner. For example, given that the agencies have a road maintenance backlog and will probably not receive funding in the foreseeable future to adequately maintain all roads that need it, the most efficient and effective way to manage for protection of POC may be to close and/or decommission roads that are not used often or that pose a significant threat to POC, wildlife, and/or water quality.

The assumption that gates will work "most of the time" is highly suspect. The only evidence that the FSEIS offers in support of this assumption is unpublished data from a sampling of gate closures which purported that 90% of gates were intact and apparently effective in preventing entry. The FSEIS also states that implementation monitoring showed a high level of compliance with mitigation measures such as gate integrity and vehicle washing. The truth is, the agencies don't have a clue how often gates are breached (or how many keys to gate locks are given to members of the public by agency personnel). The Siskiyou Project, KS Wild, and other organizations and members of the public frequently find that gates have been breached, and notify the agencies of this fact. Many times, the agencies ignore the fact that gates have been vandalized or left open.

- The FSEIS states that the risk of PL spread is much greater during wet periods than dry ones. This is true, but does not take into account dry season rain storm events or roads that have perennial springs and other wet spots on and along them. Although the FSEIS does mention that mitigation measures to reduce the risk of spreading PL can be implemented during dry season rain storms and on roads with wet spots on them, the FSEIS should have discussed the difficulty in implementing these mitigation measures (lack of personnel to monitor these situations, the sheer number of instances where these mitigation measures would be necessary, etc.) and disclosed that other methods of preventing the spread of PL (closing roads with non-wet season wet spots, not allowing logging or other motorized activity in higher elevation areas where summer rain storms are more likely to occur) wold be more efficient and effective.

- The role of POC in all riparian areas where it occurs, especially in ultramafic ecosystems, is consistently downplayed throughout the FSEIS. The FSEIS assures that POC will be replaced by other conifers, but does not adequately disclose that other conifers do not provide the same function to riparian areas as does POC (i.e., POC is slow growing, is very long-lived, and when it dies, the wood of the POC can last <u>twice</u> as long as the POC actually lived). In one study, most Port Orford cedar seedlings were found on plots 5m from the stream where Douglas-fir regeneration was nearly absent.[27] In fact, Port Orford cedar often

[27] Minore, Don & Howard g. Weatherly 1994. "Riparian trees, shrubs, and forest regeneration in the coastal mountains of Oregon" in *New Forests* 8:249-263, 1994.

grows in substrates that are saturated much or all of the year, where few other conifers survive (Zobel et al. 1 985). In the wet ultramafic meadow community, it is the only tree in the wetter portions, even growing in and along the small streams (Zobel et al. 1985)

- We contend that several generations of salmonids which inhabit streams in ultramafic areas, including coho salmon, would endure elevated stream temperatures during the period while riparian brush and other vegetation is established.

- Alder is known to decrease summer stream flows when it replaces old growth conifers in clearcuts (Hicks et al. 1991). Streamflow has been identified as a major limiting factor for salmonids in the Siskiyou Region. Low flows limit summer rearing habitat and water withdrawals (i.e. reduced flows) can increase stream temperatures. The Fisheries section fails to identify the deleterious impacts to fish from the likely replacement of POC with alder in the Siskiyou Region.

- In the Ultramafic Soils section of the FSEIS, the agencies claim that none of the alternatives will have any major effects to soils. (3&4-53 - 54). The FSEIS states that POC's ability to utilize soil calcium does not enrich soils, and although litter fall places calcium in a more usable form and location for other plants (Zobel et al., 1985), the effect is small (Powers, *personal communication*). The underlying data or scientific evidence for "professional judgment" claims such as this must be disclosed in the DSEIS. In addition, the soils section fails to disclose that POC's rot resistance helps prevent erosion and maintains soil moisture. In addition, the FSEIS fails to disclose that litter and soil under POC are less acidic (have a much higher pH) than those under other conifers, and that this may have distinct effects on soil properties. (Zobel et al., Ecology, Pathology, and Management of Port-Orford-Cedar, GTR PNW-184, Sept. 1985). The capacity for other trees to grow on some ultramafic sites may result from the influence of POC on the soil. (Id.)

- The FSEIS failed to depict the current system of road closures that would reduce the spread of PL and more importantly failed to obtain recommendations from each district about the need for additional road closures or improved gates. These recommendations could have been illustrated and prioritized in the FSEIS. Likewise, the watersheds selected for protection in Alternative 3 would have benefited by recommendations from USFS/BLM districts that would identify 7th and 8th field coho salmon streams and 303(d) listed stream segments needing additional protection.

- The BA for coho salmon should have been included in the FSEIS. The analysis and determination of effects of Alternative 2 and the other Alternatives should have been disclosed to the public and the decisionmaker before the FS chose Alternative 2.

5. The ROD and SEIS Fail to Address Impacts to Sensitive and Management Indicator Species.

The FSEIS contains a discussion about effects of the management direction on Wildlife in general but does not specifically address impacts of Management Indicator or Sensitive Species. For example it does not address effect on fishers or martens.

6. The SEIS does not contain an adequate monitoring plan.

The monitoring plan only proposes to monitor uninfected 7th field watersheds every 5 years in order to catch infections when they are small enough to treat. However, there is no scientific basis for this interval between monitoring efforts and for the assumption that any infection discovered in this time frame will not have infested the entire watershed downstream. ROD, p. 20. Otherwise it appears that monitoring efforts will be little different from those currently in place. Based on the FSEIS's lack of underlying data regarding the effectiveness of mitigation measures or management practices, the current monitoring is clearly not adequate. For example conclusions about the effectiveness of temporary closures is based on one sampling of gates in November of 2000 (FSEIS, p. 3&$-39.) Also what about the spread or introduction of PL in areas outside of the selected 7th field watersheds? Such infestation could infect the core areas or other important or sensitive habitat.

C. The FS Cannot Review Project Alternatives and Impacts for the First Time in a FSEIS

Alternative 6 in the FSEIS was not discussed in the Draft EIS. This alternative appears for the first time in the Final SEIS. Such an insertion violates NEPA's requirement that the public be given a full opportunity to review alternatives in the Draft EIS.

> [NEPA] ensures that the agency, in reaching its decision, will have available, and will carefully consider, detailed information concerning significant environmental impacts; ***it also guarantees that the relevant information will be made available to the larger audience that may also play a role in both the decisionmaking process and the implementation of that decision.***

Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 349 (1989) (emphasis added).

In addition, extensive information and analysis was included for the first time in the FSEIS (i.e., Alternative 2 was changed, previously described "significant" effect to coho now only applies to certain situations under Alternatives 4 and 5, impacts of mining added, etc. – see "Changes Between Final and Draft at the beginning of each Chapter). While we applaud the inclusion of supplemental information, the public and experts should be given the chance to review and comment on this new material.

Federal courts have specifically overturned Final EISs that contain material information for the first time:

> In order to effectuate the disclosure aspects of NEPA, the CEQ established that an EIS must undergo two stages of review. In the first stage, a draft impact statement is prepared and circulated to the public and various agencies for comments and criticisms. This is the vital stage, for it is here that outside review can vitiate "objective errors or excessive bias in an EIS." I-291 Why? Association, supra, 372 F.Supp. at 258. **This is the only time when the public and outside agencies are able to closely analyze the impact statement** and their comments, provided they are reasonable, must be included in the final EIS. Committee for Nuclear Responsibility, Inc. v. Seaborg, 463 F.2d 783, 787, cert. denied, 404 U.S. 917 (1971).
>
> In the second stage, the final EIS receives only "in-house" review. This stage guarantees "that those ultimately responsible for agency decisions have a factual basis for their review of subordinates' recommendations." I-291 Why?, supra, 372

> F.Supp. at 258. By requiring opposing viewpoints to be included in the final EIS, Congress intended for those beyond the decisional agency to be cognizant of all "environmental tradeoffs" that may occur if the project was approved. A balanced EIS is a vehicle for responsible decision-making.
>
> **There cannot be responsible decision-making when data appears in the final EIS without being subject to the critical evaluation that occurs in the draft stage.** There are two dangers that can occur when information appears in the final EIS for the first time: (1) the ultimate decision-makers will believe that there is no controversy due to the lack of critical comment; and (2) objective errors without being red-flagged would go unnoticed. … Supplemental information, which has not been processed in the same manner as a draft EIS, cannot resurrect a deficient impact statement.

Appalachian Mountain Club v. Brinegar, 394 F.Supp. 105, 121-122 (D. Mass. 1975) (emphasis added). "As we have previously held, unless a document has been publicly circulated and available for public comment, it does not satisfy NEPA's EIS requirements." Commonwealth of Massachusetts v. Watt, 716 F.2d 946, 951 (1st Cir. 1983), *citing* Grazing Fields Farm v. Goldschmidt, 626 F.2d 1068, 1073-74 (1st Cir. 1980).

Given the significant changes and additions between the Draft and Final SEIS's, an additional comment period should have been allowed after release of the FSEIS.

D. The Forest Service May Not Defer Consideration of Environmental Impacts To A Later Stage.

A critical flaw in the FS's NEPA compliance is its plan to postpone full consideration of the impacts of the proposed action until a later time. The FSEIS looks at the general impacts of the various alternatives for the range of POC in Oregon , on a broad and largely abstract level. The FSEIS fails to include detailed data and analysis regarding the impacts to fish and wildlife associated with the various alternatives. The FSEIS and other documents indicate that a more detailed description of the chosen alternative, and closer and more detailed analysis of impacts, will be provided at a later date, most likely during project-level NEPA evaluation. This is unacceptable and inconsistent with NEPA. The purpose of NEPA is to disclose fully impacts before deciding upon a course of action. Connor v. Burford, 848 F.2d 1441, 1450 (9th Cir. 1988). In Connor, the Ninth Circuit rejected an agency's position that inadequate information prevented it from describing in an EIS all of the anticipated future effects of a planned project.

> The government's inability to fully ascertain the precise extent of mineral leasing in a national forest is not, however, a justification for failing to estimate what those effects might be before irrevocably committing to the activity. . . . Appellants' suggestion that we approve now and ask questions later is precisely the type of environmentally blind decision-making NEPA was designed to avoid.

Id. at 1450-51; see also Kleppe v. Sierra Club, 427 U.S. 390, 410 (1976) ("Only through comprehensive consideration of pending proposals can the agency evaluate different courses of action.") (emphasis added); Cuddy Mountain, 137 F.3d at 1380 ("Nor is it appropriate to defer consideration of cumulative impacts to a future date.") In Oregon Environmental Council v. Kunzman, 714 F.2d 901, 904-05 (9th Cir. 1983), the Ninth Circuit rejected an agency's effort to proceed with an agency action on the basis of a general "programmatic" EIS. The court noted that the programmatic EIS, and accompanying

environmental assessment for the project "did not provide the information necessary reasonably to enable the decision-maker to consider the environmental factors and to make a reasoned decision." Id.

These cases are very much analogous to the situation here. By selecting a preferred alternative from among those included in the FSEIS, the FS will be committing to a course of action that has impacts that are both irreversible and unexamined. For example, many agency activities that could impact POC will escape NEPA analysis, or be approved under a Categorical Exclusion, by agency managers using the Risk Key to arbitrarily decide that risk reduction management practices need not be applied (for example, road maintenance or improvement decisions, or transportation system management decisions such as deciding to leave gates open year round). These types of impacts could have been avoided by the FS choosing an alternative from the POC FSEIS that involved restricting motorized access or including more measurable and enforceable requirements in the Risk Key. As it is presently worded, the Risk Key is so subjective and discretionary as to be virtually meaningless.

The selection of an alternative now will shape the direction of the FS's POC management for decades, and hence, that selection must be on the basis of complete information. Certainly, nothing in NEPA allows the FS to defer consideration of these critical issues until after an Oregon range-wide alternative has been selected.

The FS failed to adequately discuss the consequences of PL introduction on ultramafic riparian areas in the planning area. The FSEIS discusses the importance of POC to ultramafic ecosystems and admits that there will be some negative consequences of some of the Alternatives (Pages 3&4- 68 through 71) (but the FSEIS lacks specificity as to how each of the Alternatives will affect ultramafic ecosystems), but in the Cumulative Effects section (Pages 3&4-70 and 71) states that logging and "other management disturbances on ultramafic soils are limited." The FSEIS totally fails to discuss the cumulative impacts of off road vehicle activity and mining on ultramafic ecosystems, including the potential of these activities to spread PL and kill POC, which are a crucial component of these ecosystems.

E. The Analysis and Alternatives in the FSEIS and Decisions in ROD Are Not "Clear and Concise" and Does Not Make Information Available to Citizens or Allow for Public Scrutiny.

NEPA's implementing regulations require that environmental impact statements are clear, and to the point. 40 CFR § 1500.2 (b) & 1502.1. And also that environmental impact statements shall be written in plain language so that the public can readily understand them. 40 CFR § 1502.8.

Much of the FSEIS is written in a manner that is very difficult to understand. It is often difficult, if not impossible, to figure out the management direction that is being proposed by the agencies and the effects of the proposed management actions or direction. We are not alone in this. Respected scientists, experts in the ecology of POC and PL also find the FSEIS vague and difficult to understand.[28]

Both scientists and the public commented that Alternative 2 contains so much vague language it is hard to tell what would be done. FSEIS p. A-102. There is a response in the FSEIS to this concern but the response is equally as vague as the management direction in

[28] "I found it difficult to understand the risk key." Comment of Dr. Donald Zobel on the DSEIS, dated September 9, 2003.

Alternative 2 of the DSEIS. Despite concerns raised concerning the ambiguities of the DSEIS, the language and direction in the FSEIS remains vague and convoluted. Equally vague and difficult to understand is the Forest Supervisors decision in the ROD. For example the ROD claims that it clarifies direction in the FSEIS stating that:

> To further clarify that use of the risk key does not preclude future NEPA and other appropriate site-specific considerations at the project scale, I have edited the second sentence introducing the risk key to read, "This approach precludes the need for additional project-specific analysis of mid- and large-geographic and temporal-scale effects because the risk key describes conditions where risk reduction management practices are assumed (expected) to be applied." ROD, p. 8.

We have read this "clarification" numerous times and still do not understand its meanings and more importantly its implications for the protection and management of POC. Whether project level analysis and decisions would include site-specific POC risk analysis and disease control strategies and whether these would be subject to NEPA analysis is a major concern to the appellant's who, with EPA, USFWS and expert scientists, are concerned with the ambiguity and discretionary nature of the management direction in the FSEIS and ROD. Despite raising this question in our comments and reading the Forest Service response and clarification we, still do not have an understandable and clear answer to this question.

The risk key uses the ambiguous terms such as "appreciable additional risk" and provides an equally vague definition, stating that a "reasonable" person would recognize risk, additional to existing uncontrollable risk, to believe mitigation is warranted and would make a cost-effective or important difference. FSEIS, p. 2-18 & ROD, p. 33. There is no definition of "a reasonable" person. The agencies appear to have left this to the courts to decide as the courts have had to with regard to the ambiguities of the 1872 Mining Law.

Another clarification in the ROD is the added definition for "activity area" which is a term used in the risk key. ROD, p. 8 & 47. However, the definition provides little clarity as to what constitutes the "activity area" and how this will affect the management of POC.

The ROD also changes the FSEIS with regard to 7th field watershed core areas and the Biscuit Fire (ROD, p. 7) but we cannot determine from the ROD just what the change is and its implications for POC management in the Biscuit Fire area.

In this appeal we have provided just a few examples, from many in the FSEIS and ROD, where the information and management direction is presented in such a way as to preclude public scrutiny and understanding of the proposed management direction and effects of that direction. In response to concerns raised about the vagueness of management direction proposed for POC, the Forest Service has substituted ambiguity with more ambiguity. Providing the public and decision maker with a clear, understandable and concise document is critical to meeting the purpose and need since the FSEIS and ROD are programmatic documents which will guide the management of POC across thousands of acres of National Forest land. In addition, many project level NEPA documents, such as the Biscuit Fire Recovery Project EIS (the largest timber sale on National Forest lands) will tier to the POC FSEIS and ROD.

F. The FSEIS Does Not Contain a Cost-Benefit Analysis Insuring That Environmental and Aesthetic Values and Amenities of POC and its Habitat is Adequately Considered.

NEPA requires that the Federal Government shall identify and develop methods and procedures, in consultation with the Council on Environmental Quality, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations. 42 USC § 4332 (B). To assess the adequacy of compliance with this section of NEPA the EIS shall, when a cost-benefit analysis is prepared, discuss the relationship between that analysis and any analyses of unquantified environmental impacts, values, and amenities. 40 CFR §1502.23.

Throughout the FSEIS and ROD protective measures for POC are weighed against, cost, cost-effectiveness, or the value or need for the proposed activity. Examples are:

- "If the risk cannot be reduced to the point it is no longer appreciable through practicable and cost-effective treatments … the project may proceed if the analysis supports a finding that the value or need for the proposed activity outweighs the additional risk to POC created by the project." FSEIS, p. 218, ROD, p. 33.
- "The practicality of managing these smaller areas as "core" is a significant management, tracking, and cost-benefit issue and 100 acres was selected as the minimum for these alternatives." FSEIS, p. A-110.
- "The two agencies have sought a management strategy that would slow the spread of the root disease enough to maintain POC's significant ecological and economic functions, without the cost of the management strategy exceeding its effect on the value of these functions." FSEIS, p. I-5, ROD, P. 11.

But while the FSEIS analyzes the costs of the POC program and various mitigation measures, it does not attempt to quantify the value of POC, its function in various ecosystems and diverse habitats, it's contribution to landscape aesthetics, the irreplaceable nature of large or old POC or its spiritual importance to indigenous people.

In addition to the general or functional values of POC within its native range, old, irreplaceable, individual POC must be assigned a value if the EIS is to adequately quantify the value of POC. A little more than a year ago, the Joseph and Bathsheba Pope Valuables Oak Cabinet, made in Salem, Massachusetts in 1679, sold at auction for $2,400,000. A live, beautiful, old Port Orford cedar - a work of art shaped by the hand of nature for centuries, almost as old as the United States or older, holding the secrets of thousands of years in its genetic code – is certainly worth at least as much, if not more, than an old, oak commode. The EIS, to adequately assess whether the costs of POC management practices exceeds their benefits, must also seek to quantify the benefits according to the relative rarity of native mature and old Port Orford cedar.

G. The FSEIS is Not a Range-Wide Assessment or Management Plan and Does Not Adequately Address or Analyze POC Management Direction in California and How This Affects POC Management in Oregon or How Management in Oregon Affect POC in California.

Appellants, including EPIC, are very concerned that the proposed POC management direction at issue fails to adequately address the need to conserve populations of the POC in Northern California. For example, disjunct stands of POC at the southern and eastern margins of the species' range, in the Six Rivers, Klamath, and Shasta-Trinity National Forests, may be particularly important to the future of the species, as they may represent uniquely-adapted, genetically distinctive forms of the POC. The direction contemplated in

the FSEIS and ROD fail to adequately address the need for new direction in these northern California national forests.

Under both the NFMA and ESA, the Forest Service has a positive obligation to provide for the long-term survival of POC across its range in California. The Forest Service has prepared an integrated range-wide management plan and POC assessment that included California which addresses the need for conservation measures to ensure that all remaining stands of POC in northern California are protected from logging, OHV use and other activities which may increase the risk of transmission of PL.

On P. A-31 the FSEIS provides the Existing Direction for the Six Rivers, Klamath and Shasta Trinity National Forests. The FSEIS at this point refers to the Background (pp. 1-4 & 2-6) sections of the FSEIS as to why the POC management direction for these Forests is not being changed at this time. The decision to not change management direction in California appears to the tied the "Sandy-Remote" court decision which the Forest Service and BLM have interpreted to require only a range-wide cumulative effects analysis:

> Including these units as cooperators and addressing the potential environmental effects to POC in California from alternatives considered by the four action administrative units in Oregon meets the Court requirement for a cumulative effects analysis for the proposed action. FSEIS, p. 2-6.

The FSEIS is flawed, however, because there is no analysis of the effectiveness of the California plan's POC management direction or discussion of underlying data or methodology concerning the efficacy of mitigation measures and the need to coordinate management strategies.

For example, remembering that PL is disease of watersheds as well as of POC, we can use the North Fork Smith as an example. The watershed spans the Oregon & California border. It's in two separate regions of the Forest Service (5 & 6) and two separate Forests (Six Rivers & Siskiyou) and three separate ranger districts (Gasquet, Illinois and Chetco). There is little coordination between the administrative units. When the Siskiyou National Forest/Illinois Valley Ranger District decided to categorically exclude from further analysis a special use permit for a 100 vehicle 4-wheel drive event over a route that crossed into California/Six Rivers National Forest/Gasquet Ranger District part of the North Fork Smith Watershed there was, according to the acting district ranger at Gasquet, no notification of the event or the CE to the Gasquet District until the public called the District to inquire about their position on the event.[29]

The Siskiyou National Forest is promoting OHV activity on the historic McGrew Trail in the uninfected watersheds of an Inventoried Roadless Area in the Oregon part of the North Fork Smith watershed and the Six Rivers National Forest is closing old user-created mining roads in an uninfected Inventoried Roadless Area on the California part of the North Fork Smith Watershed. Unregulated OHV activities in infected areas of the watershed on both forests have high potential for infecting uninfected parts of the watershed and there is little, if any, coordination under the current management regime and no direction to coordinate under the FSEIS and ROD.

The three California Forest Plans were completed in 1995. One of the appellants (Siskiyou Project) appealed the Klamath and Six Rivers National Forest Plans, specific to

[29] Barbara Ullian - Personal Communication with Mike McCain.

their management direction for Port Orford cedar.[30] The POC provisions of the plans were an improvement over the older Siskiyou National Forest Plan (SNFP), however, they still contain flaws in analysis and direction similar to the SNFP. While the agencies have expended a lot of energy and fanfare (at least on paper) to, in appearance, comply with the Sandy-Remote Court decision, the real reason, driving the Siskiyou National Forest's amendment of its LRMP's direction for managing POC, goes unheralded – *Northcoast Environmental Center v. Glickman*.[31]

While the three California forest plans are newer than the SNFP and have recently undergone a NEPA process, the plans' POC management direction is still flawed to the extent that project level analysis requires NEPA on their POC program. In other words the project level analysis cannot tier to the forest plan's POC program. Like the Siskiyou National Forest Plan there is no analysis and disclosure of the efficacy of the plan's POC program, its direction and mitigation measures.

H. The FSEIS and ROD Do Not Disclose or Discuss How They Comply With the Roadless Area Rule or the Adverse Effects on Inventoried Roadless Areas.

The purpose of the Roadless Area Conservation Rule (RAC Rule) is to provide, within the context of multiple-use management, lasting protection for inventoried roadless areas within the National Forest System. 36 CFR §294.11. In order to do this the RAC Rule prescribes prohibitions on road construction and reconstruction and the prohibitions of timber cutting, sale or removal in inventoried roadless areas. The FSEIS and ROD, include as mitigation measures the cutting of POC (eradication and roadside sanitation) and the reconstruction of roads. However, neither the ROD nor FSEIS address whether these mitigation measures will be applied in inventoried roadless areas and overall how mitigation measures or lack of mitigation will affect roadless areas.

Roadless areas characteristics include: diversity of plant communities, habitat for species dependent on large, undisturbed areas of land, reference landscapes, traditional cultural properties and other locally identified unique characteristics. 36 CFR § 294.11. The Federal Register Notice for the RAC Rule further explains some of these roadless area characteristics:

- Roadless areas function as biological strongholds and refuges for those species dependent on large, undisturbed areas of land and conserve native biodiversity by serving as a bulwark against the spread of nonnative invasive species.[32]
- Roadless areas also serve as reference landscapes which are a barometer to measure the effects of development on other parts of the landscape.[33]
- Roadless areas also contain locally unique qualities. For example the South Kalmiopsis Roadless area contains large uninfested watersheds with POC.
- Roadless areas are also important to watershed protection.[34] Many scientists have documented the importance of roadless areas to water quality, fish habitat and the

[30] November 15, 1995 and October 9, 1995 respectively.
[31] Biscuit Fire Project Advisory Board Meeting Notes for February 6, 2003: "POC, Key issue is perceived weakness in Forest Plans (Siskiyou LRMP) that did not reference current methods to reduce risk of spread of disease and analyze their effectiveness. Current NEPA documents of the project level do not have a good reference to tier to. The POC SEIS will do this and our EIS need to add5ess the same issue. Consistency with POC EIS will be important."
[32] Federal Register Notice, Vol. 66, No. 9, p. 3245.
[33] Id.
[34] Id. at p. 3246.

sensitive/at risk fish populations. For example the Northwest Forest Plan's Aquatic Conservation Strategy includes special provisions for roadless areas in Key Watersheds.

The FSEIS and ROD do not discuss or disclose how the selected alternative will protect these roadless area characteristics and how the management of POC will impact roadless area characteristics.

II. THE RECORD OF DECISONS VIOLATES THE WILD AND SCENIC RIVERS ACT.

Section 10(a) of the 1968 Wild and Scenic Rivers Act (Act) states that national wild and scenic rivers shall be administered in such manner as to protect and enhance the values which caused it to be included in the system. Public Law, 90-542. In addition in 1982 the Secretaries of Agriculture and Interior issued guidelines for agencies to determine whether a river is suitable to be included in the system and to determine what activities to allow in it after designation.[35] The guidelines state that the Act codifies a "nondegradation and enhancement policy for all designated river areas". Federal Register 39458 (Sept. 7,1982).

The Wild and Scenic Rivers section of the FSEIS inadequately analyzed the effects to Wild and Scenic River values. FSEIS, pp. 3&4-136-140. There is no disclosure or analysis of how the various alternatives will effect the outstanding values of the National Wild and Scenic Chetco, Illinois, Elk, Rogue and North Fork Smith Rivers, either directly or indirectly.

For example, how will the outstanding water quality and fisheries values of the Chetco River be affected if uninfested tributaries of the Chetco become infected. The FSEIS does not make all streams in the Kalmiopsis Wilderness or in the direct watershed of the Kalmiopsis Wilderness core areas. In fact, Slide Creek, a large uninfested Wilderness watershed and tributary of the Wild & Scenic Chetco River, with its headwaters outside the Wilderness boundaries, it not a core area. The Slide Creek Watershed may be particularly vulnerable under the management direction in the FSEIS and ROD to OHV use and salvage logging proposed in the Biscuit Fire Area.

Babyfoot Creek, which appears to be one of the core 7th field watersheds listed in the FSEIS and ROD, also is a large uninfested Wilderness watershed and tributary of the Chetco, with its headwaters outside the Wilderness Boundary. Large salvage logging units and logging haul routes are proposed in this headwaters area of Babyfoot Creek. The area contains live POC, survivors of the Biscuit Fire. However, because Alternative 2, the risk key and application of further NEPA analysis are so vague, subject to interpretation and agency discretion, it is impossible to determine how the selected alternative will affect the National Wild and Scenic Chetco River.

III. THE FEIS AND RECORD OF DECISION VIOLATES NFMA.

The need for "maintenance of POC," in the face of the introduced pathogen, Phytophthora lateralis (PL), is driven by the biodiversity provisions of the National Forest Management Act (NFMA) and the goals and objectives of the Northwest Forest Plan, which require affirmative action by the agencies to protect uninfested POC populations and the plant communities they are a part of.

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[35] Frost, Peter M.K., 1992-1993. "Protecting and Enhancing Wild and Scenic Rivers in the West". Idaho Law Review, Volume 29, No.2, 1992-1993, p. 320.

The National Forest Management Act ("NFMA"), 16 U.S.C. § 1600 et seq., directs the Forest Service to manage the national forest so as to "provide for diversity of plant and animal communities based on the suitability and capability of the specific land area in order to meet overall multiple-use objectives." 16 U.S.C. § 1604 (g)(3)(B).

NFMA's implementing regulations at 36 C.F.R. § 219.27(g) generally requires planners to "preserve and enhance the diversity of plant and animal communities … so that it is at least as great as that which would be expected in a natural forest." 36 C.F.R. § ()(1984). The regulations emphasize that planners must recognize national forests as ecosystems and consider the interrelationships of environmental factors within those ecosystems. 36 C.F.R. § 291.1(b)(3) (1984).

These provisions lead to the development of the Northwest Forest Plan (NWFP) with its ecosystem approach.

NFMA "requires planning for the entire biological community – not for one species alone." Seattle Audubon Soc'y v. Moseley, 798 F. Supp. At 1483. The regional standards and guidelines must consider the effect on other old-growth species, and the subject cannot be put off until individual forest plans are developed. Seattle Audubon Society v. Espy, 998 F. 2d at 704.

Though the FSEIS does not acknowledge NFMA's requirement to preserve the functional role of POC in Northwest ecosystems, other documents do:

> The national forests and Bureau of Land Management (BLM) districts where Port-Orford cedar (POC) grows are mandated by the Northwest Forest Plan to practice ecosystem management on the lands they administer. Ecosystem management is defined as "the careful, informed, and integrated use of ecological principles at various scales to produce, restore, and sustain ecosystem integrity and provide desired conditions, uses, products, values and services over the long term." It differs from more traditional forest management approaches in its emphasis on a more holistic, system-oriented, and ecologically sensitive management philosophy, and in the stress it places on overall ecosystem sustainability. (Goheen, 2000).

Not only are the Forest Service and BLM required to manage POC's habitat as ecosystems, but the NWFP requires the agencies take affirmative action in their management:

> The objective of Late-Successional Reserves is to protect and enhance conditions of late-successional and old growth forest ecosystems, which service as habitat for late-successional and old growth related species … Northwest Forest Plan Record of Decision, p. C-9 & C-11.

And,

> Another goal of forest management on federal lands is to maintain biological diversity associated with native species and ecosystems in accordance with laws and regulations … In Late-Successional Reserves, standards and guidelines are designed to maintain late-successional forest ecosystems and protect them from loss due to large-scale fire, insect and disease epidemics and major human impacts. Northwest Forest Plan Record of Decision, p. B-1.

The Aquatic Conservation Strategy of the Northwest Forest Plan also has implications for protection of POC.

The DSEIS (3&4-7) incorrectly stated that the Northwest Forest Plan did not address POC because it was outside its scope and purview. The Forest Service responded to these concerns stating that the need to meet all applicable laws is understood (FEIS – A-90). However, neither the FEIS or ROD prescribe a management regime that meet the above requirements of NFMA. Nor do the FEIS and ROD meet the requirement of the Northwest Forest Plan.

Appendix A of the Final Supplemental Environmental Impact Statement for the NWFP (hereafter FEMAT or FEMAT Report) states that:

> [I]t is critical for the conservation of [POC] to close roads and restrict further road construction in watersheds that contain uninfected stands (e.g. inland California populations). FEMAT, p. IV-123.

In fact, FEMAT found that under Alternative 9 (the selected alternative) the projected future likelihood of POC remaining well distributed in its habitat was only 60 percent. FEMAT, Table IV-20. In addition, the objectives of both Late-Successional and Riparian Reserves require the land managing agencies to take affirmative action to not only protect biological and structural diversity of forest, riparian, and aquatic ecosystems but also to enhance it, including the functional role POC play in these ecosystems. So while specific actions to protect POC from the non-native pathogen killing it are not prescribed by the NWFP, the Forest Service and BLM's overall mandate in the plan, to protect and enhance old growth forest ecosystems and plant communities, especially in Late-Successional and Riparian Reserves and Administratively and Congressionally Withdrawn areas, clearly includes POC.

Regulations promulgated pursuant to NFMA also mandate that the Forest Service provide for protection of POC:

> 36 CFR 219.26 requires the Forest Service to "provide for diversity of . . . tree species consistent with the overall multiple use objectives of the planning area."
>
> 36 CFR 219.27(c)(7) prohibits silvicultural treatments "where such treatments would make stands susceptible to pest-caused damage levels inconsistent with management objectives."
>
> 36 CFR 219.27(g) states that management prescriptions "shall <u>preserve and enhance</u> the diversity of plant and animal communities, . . . so that it is at least as great as that which would be expected in a natural forest and the diversity of tree species similar to that existing in the planning area (emphasis added)."

The DSEIS, FEIS and ROD should have disclosed the Forest Service's obligations to protect diversity pursuant to NFMA and its implementing regulations so that the selected alternatives could be measured against these standards. The proposed action does not satisfy these obligations.

In addition, the Wilderness Act and NFMA's implementing regulations require managing agencies to take affirmative action to preserve the scientific values and ecological processes of congressionally designated Wilderness. See Section VII below.

A. Failure to comply with the requirements of the Aquatic Conservation Strategy (ACS)

> Complying with the Aquatic Conservation Strategy objectives means that an agency must manage the riparian-dependent resource to maintain the existing condition or implement actions to restore conditions. Northwest Forest Plan Record of Decision, p. B-10.

And,

> Forest Service and BLM-administered lands within the range of the northern spotted owl will be managed to:
>
> Maintain and restore the distribution, diversity, and complexity of watershed and landscape-scale features to ensure protection of the aquatic systems to which species, populations and communities are uniquely adapted.
>
> Maintain and restore the species composition and structural diversity of plant communities in riparian areas and wetlands …
>
> Maintain and restore habitat to support well-distributed populations of native plant, invertebrate, and vertebrate riparian dependent species …

Maintain and restore the physical integrity of the aquatic ecosystem, including shorelines, banks, and bottoms … Northwest Forest Plan Record of Decision, p. B-11.

The FSEIS fails to disclose how the agencies failure to prevent the spread of PL will violate the Northwest Forest Plan Aquatic Conservation Strategy and its 9 ACS objectives. The difference between Alternatives 2 and 3 (and an even more conservative alternative) is the difference between maintaining aquatic habitat (Alternative 3 or better) or degrading, retarding or preventing attainment in violation of the ACS (Alternative 2). Loss of POC will cause loss of shade and bank stability, and, over the long term, loss of large wood recruitment, which will cause aquatic degradation.

The FSEIS lacks an adequate analysis of how Alternative 2 will restore or maintain ACS objectives, and claims that this analysis will be done at the project level (Page A-151). That does not suffice. This FSEIS should have discussed how the various Alternatives will meet the ACS objectives across the planning area. Since application of the Risk Key will subjectively eliminate some project level actions from any further NEPA analysis, an untold number and magnitude of impacts to POC and Riparian Reserves will escape <u>any</u> review – not in the FSEIS, and not in a project-level analysis.

B. Failure to comply with the requirements for the management of Late-Successional Reserves.

See the discussion above for how the FSEIS and ROD do not adequately protect POC as an important old-growth related species.

IV. THE FSEIS AND RECORD OF DECISION VIOLATES THE ENDANGERED SPECIES ACT.

The FSEIS states that loss of POC under any alternatives would not have a detectable effect on fish (including ESA-listed coho). The FS does not adequately explain or support this statement with scientific evidence.

The FSEIS admits that SW Oregon coho habitat in ultramafic ecosystems will be adversely affected, but dismisses this an insignificant because, according to the FSEIS, only 6% of total coho habitat in the planning area will be adversely affected. However, the FSEIS does not disclose the degree of ESA take or whether loss of POC and loss of salmonid habitat values will cause jeopardy or reduce options for future recovery of the coho (and fails to consider the cumulative effects of the Biscuit fire which likely affected some of this same area). The FSEIS says that the agencies cannot determine the significance of this loss, but this cumulative effects disclosure and analysis is exactly what the 9th Circuit in Kern mandated.

Also see discussions above regarding stream temperatures, large wood, and sediment.

The FS is violating the ESA by choosing Alternative 2 before NOAA-Fisheries has issued its Biological Opinion for this EIS. FS decisionmakers and the public need to know NOAA-Fisheries' determination of the impacts of Alternative 2 in order to make a fully informed decision.

V. THE FSEIS AND RECORD OF DECISION VIOLATES THE CLEAN WATER ACT.

Modeling results for ultramafic streams suggest that temperature increases caused by the death of POC would either degrade currently listed 303(d) streams or cause unlisted streams to be listed. Similar increases to stream temperature and 303(d) listings would be expected in non-ultramafic streams where POC densities are high (e.g., Left Fork Sucker Creek, Briggs Creek on the Siskiyou National Forest).

The FSEIS failed to explain how 303(d) streams would be recovered to current state standards. For example, 303(d) streams could be identified for priority planting of disease resistant POC, road closures in high risk areas, and eradication experiments.

Instead, the FSEIS claims that analysis of management practices and specific recommendations to address 303(d) listed streams are "beyond the scope of this analysis," and punt the ball to TMDLs, water quality management plans, and future project level NEPA analysis. TMDLs and water quality management plans and TMDLs are not NEPA documents, and are notoriously vague and unenforceable. As stated previously in this Protest, deferring NEPA analysis to the project level violates NEPA and is plagued with a variety of flaws (mainly due to the subjectiveness of the Risk Key).

VII. THE RECORD OF DECISION VIOLATES THE WILDERNESS ACT.

The Wilderness Act requires managing agencies to take affirmative action to preserve the scientific values and ecological processes of congressionally designated Wilderness.

> [e]xcept as otherwise provided in this Act, each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character. 16 USC § 1133 (b).

Wilderness area planning on National Forests occurs at two levels. The Forest plans set general standards for managing all wilderness areas within national forest lands. Individual wilderness resource plans provide site-specific management direction for each wilderness area. Wilkinson, Charles F. & H. Michael Anderson, 1987. Land and Resource Planning in the National Forests, Island Press.

The National Forest Management Act's implementing regulations require Forest Service planning to provide direction for the management of designated wilderness . . . areas in accordance with the provisions of 36 CFR § 293. 36 CFR § 218.18. The objectives of these regulations direct the Forest Service,

> . . . to administer Wilderness as to meet the public purposes of recreational, scenic, scientific, educational, conservation, and historical uses; and it shall also be administered for such other purposes for which it may have been established in such a manner as to preserve and protect its wilderness character. In carrying out such purposes, National Forest Wilderness resources shall be managed to protect, perpetuate, and, where necessary, restore the wilderness character of the land and its specific values of solitude, physical and mental challenge, scientific study, inspiration, and primitive recreation (emphasis added). 36 CFR § 293.2. To that end: (a) Natural ecological succession will be allowed to operate freely to the extent feasible. 36 CFR § 293.2 (a).

Prior to the introduction of PL, the Kalmiopsis Wilderness was considered the largest protected area where POC is found. Zobel et al. 1985. While the root disease was introduced into the Kalmiopsis Wilderness in 1991, most of the upper watershed of the wilderness remains uninfected (except for Collier Creek). The Siskiyou Wilderness also contains important stands of POC.

See also discussion elsewhere in this appeal regarding the effects of the selected alternative on the Kalmiopsis Wilderness.

VI. THE "STANDARDS" USED IN THE RISK KEY AND IN THE ANALYSIS OF MITIGATION MEASURES ARE ARBITRARY AND CAPRICIOUS.

As we stated in our comments on the DSEIS, the Risk Key is so discretionary as to be rendered virtually meaningless. The Risk Key must be significantly revised because in its present form it could be used subjectively to obtain a low risk rating for about any project, and thus avoid the need to implement restrictive practices. The wording in the risk key requires an evaluation of a site-specific project in the context of meeting "resource management plan objectives." The key cannot be used in an objective manner because it does not use easily evaluated parameters. The risk rating would depend more on the subjective judgment of the user than on objective, observable evaluations. One could claim that allowing the new infestation of any POC stand would not meet the management plan objective "to prevent the spread of PL" or one could argue that the loss of downstream POC is negligible.

The Risk Key is set up in such a way that many living Port Orford Cedar trees could not be protected. For instance, to provide any protection at all, the POC must "Measurably contribute" to management objectives. This is defined as POC that is "not meaningful", like "a small percentage of the stand or does not provide unique stand attributes (not providing

the largest trees in the stand, for instance), its loss is probably not meaningful… where stream shading, bank stability, and other riparian functions are readily performed by other species onsite, POC mortality is probably not meaningful…"[36]

This determination and examples of meaningful POC could render virtually all POC, especially POC in the matrix and in the northern part of the region, unmeaningful. Instead, the FSEIS should have determined that all living POC is meaningful, simply because it has not yet died from PL. Some of those trees that could be determined to be "not meaningful" could be the disease-resistant strain the species will ultimately depend on.

VII. The Forest Service's choice of Alternative 2 Is Arbitrary and Capricious

As stated in the U.S. Fish and Wildlife Service's comments on the DEIS, "[A]s a result of the improved efficacy at containment, stated increase in conservation of sensitive resources, and relatively modest increase in cost over Alternative 2, we recommend that Alternative 3 should be the preferred alternative."

As stated in the United States Environmental Protection Agency's comments on the DSEIS:

> "Our main concern is that Alternative 2: (1) Will provide nominal prevention from infestation compared to the current management direction (Alternative 1) . . . The difference between the two Alternatives is nominal, only 2%. In comparison, Alternative 3 projects that infestation levels will cover 28% of the areas where Port-Orford-Cedar is a prominent element of the forest composition, a more substantive 7% difference.
>
> (2) Does not provide additional protection of uninfested areas from PL . . . we strongly recommend that the preventive elements of Alternative 3 (providing access limitations and restricting timber harvesting in Port-Orford-Cedar stands to 32 currently uninfested watersheds) be incorporated into the finalized Preferred Alternative developed for the FSEIS."

Since Alternative 6 was added to the FSEIS, that Alternative, or a combination of Alternative 3 and 6, should be chosen by the decision maker as the alternative which best balances the needs of multiple use and protection of the environment.

The FS's choice of Alternative 2 is arbitrary and capricious because it has offered explanations for its decision that run counter to the evidence. The FS did not examine the relevant data and articulate a satisfactory explanation for its action based upon the record. The FS's decision is not a reasonable exercise of its discretion, is not based on consideration of relevant factors, and is not supported by the record.

CONCLUSION

The Forest Service should rescind its identification of Alternative 2 the selected alternative and as the Siskiyou National Forest Land and Resource Management Plan Amendment, rectify the deficiencies that have been identified in this appeal, and develop and choose an alternative that is more protective of Port Orford cedar and its habitat.

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[36] FSEIS page 2-19.

Sincerely,

Lori J. Cooper Staff Attorney Siskiyou Project	Joseph Vaile Campaign Coordinator Klamath-Siskiyou Wildlands Center	Doug Heiken Oregon Natural Resources Council	Francis Eatherington Forest Monitor Umpqua Watersheds

Scott Greacen
Environmental Protection Information Center

Barbara Ullian

ATTACHMENTS

Attachment A – Comments on the DSEIS submitted by Matthew J. Kauffman, Ph.D. and Erik S. Jules, Ph.D. dated September 12, 2003.

Attachment B – Observations of fish, wildlife, habitat, and human activities associated with mining in Riparian Reserves, Siskiyou National Forest (updated 12/08/01).

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USDA Forest Service poster - Celebrating Wildflowers/Stark Beauty: Klamath-Siskiyou Serpentines

May 25, 2011

Roy Bergstrom, District Ranger
Wild Rivers Ranger District
Rogue River-Siskiyou National Forest
Roy Bergstrom <rbergstrom@fs.fed.us>

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Smith River National Recreation Area
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Re: Request for temporary emergency closure of the McGrew Trail, FS Road 4402-112 and Sourdough Camp in the Wild River Area of the National Wild and Scenic North Fork Smith River under 36 CFR §212.52 (b)(2)

Dear District Rangers:

First we want to thank Roy Bergstrom for his prompt response and quick attention to the concerns over quad rally scheduled for last weekend at Sourdough Camp—a time when the area is closed to motorized use under the North Fork Smith's Wild and Scenic River Management Plan.

This request for temporary emergency closures of specific areas to motorized travel on the Rogue River-Siskiyou National Forest and Six Rivers National Forest contains supplemental information to the request Friends of the Kalmiopsis and Klamath-Siskiyou Wildlands Center submitted to you by email on May 24, 2011. Three additional organizations, Wildlands CPR, Environmental Protection Information Center (EPIC) and the Illinois Valley Activity Section of the Rogue Group Sierra Club have also joined in requesting the area closures.

The header image is adapted from a USDA Forest Service poster for serpentine plant communities in the Klamath-Siskiyou Region as a reminder of the unique values, botanical richness and great beauty of the serpentine terrain of the South Kalmiopsis that we're asking to have protected—a resource valued by both the public and the Forest Service. See - http://www.fs.fed.us/wildflowers/communities/serpentines/index.shtml and http://www.fs.fed.us/wildflowers/communities/serpentines/center/index.shtml

This quote, from a Wild Rivers Ranger District's botanical evaluation (June 6, 2002), puts the area under discussion in context with the Forest Service's celebration of Klamath-Siskiyou serpentines:

> The McGrew Trail predominantly traverses rocky serpentine soils … much of its' prime habitat for rare and endemic plant species that are unique to the Siskiyou/Klamath range.

Request for temporary emergency closures

Due to the unseasonably wet weather, potential impacts to populations of Arabis macdonaldiana (listed as endangered under the Endangered Species Act) and adverse

impacts to the Wild River Area of the National Wild and Scenic North Fork Smith River, we are writing to urge that you immediately initiate a temporary emergency closure for all but emergency motorized travel, under 36 CFR § 212.52 (b)(2), on the following roads or tails and adjacent National Forest lands:

1) The McGrew Trail (aka 4402-019 and 450) and spur routes connecting with the trail—all of which access large uninfected watersheds in the South Kalmiopsis Roadless Area;

2) FS road 4402-112, beginning at the existing Port Orford cedar (POC) wet season closure;

3) Sourdough Camp in the Wild River Area of the National Wild and Scenic North Fork Smith River; and

4) FS road 4402-206, the access road to Sourdough Camp, at the current POC closure.

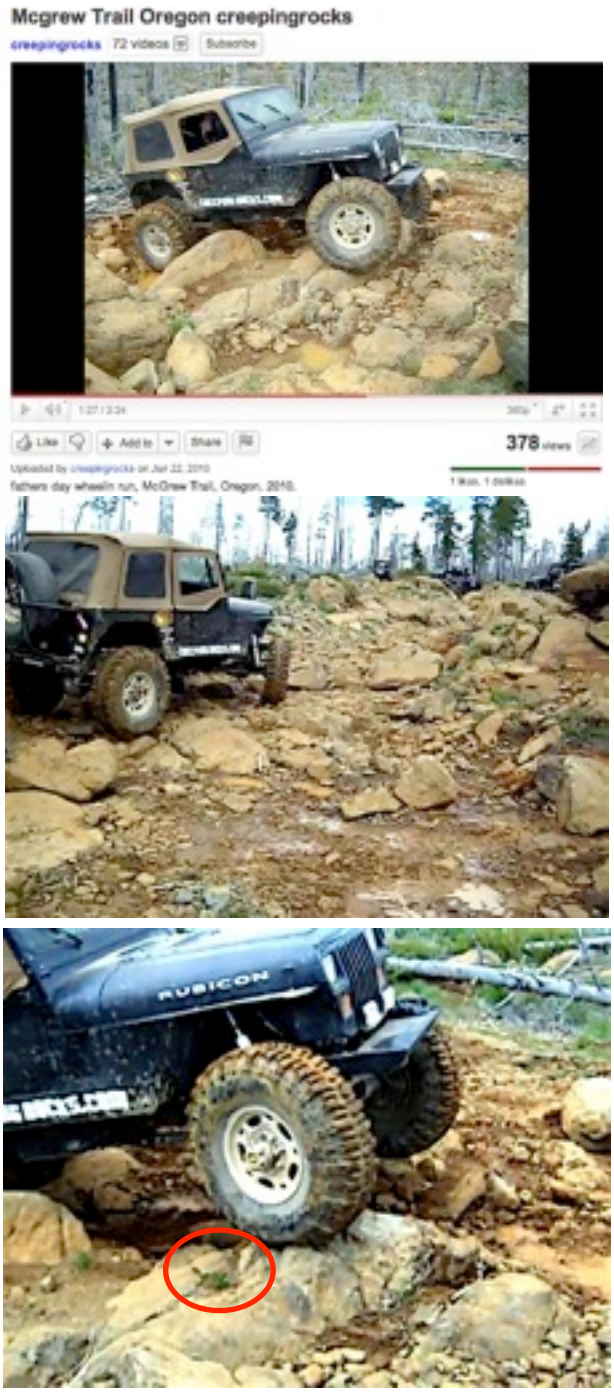
Some of these areas are closed to motorized use during the wet season. However, the closure date for the wet season is October 1 through May 31st. The unusually wet weather pattern, with precipitation forecast by NOAA through June 1st, and the high potential for "considerable adverse affects" makes temporary the closure of these routes and surrounding areas to motorized travel essential in order to:

- Prevent the high likelihood of the irreversible introduction of Port Orford cedar root disease into large uninfected Inventoried Roadless Area watersheds, two streams eligible to be added to the National Wild and Scenic River System, and the USDA Forest Service's recommended South Kalmiopsis Addition to the Kalmiopsis Wilderness; and

- Prevent erosion and damage to trails, roads and the Wild River Area of the National Wild and Scenic North Fork Smith River.

Additionally, it has come to our attention that

Off-roading along the McGrew Trail South Kalmiopsis Roadless Area



Above - Screen shots taken from a YouTube video of the 2010 Father's Day run on the McCrew Trail at http://www.youtube.com/watch?v=fur6q3MovFQ

While not easy to see in the screen shots, the video clearly shows the damage to this serpentine terrain after the area has been used as a "playground" for the off roaders during this Forest Service permitted event.

both permitted and unregulated use of the McGrew Trail is not limited to vehicles staying on the trail/road prism and thus has to potential to further endanger populations of *Arabis macdonaldiana* found along the route—as well as other rare or sensitive serpentine plants. See photos right and next pages.

Adding to the urgency of our request is the fact that there is a motorized event planned for this weekend (May 27-29) for the McGrew Trail (behind an area that has a wet season closure on the Wild Rivers Ranger District). Here's the link to the announcement - http://www.pirate4x4.com/forum/showthread.php?t=971032

Note it states there are "little rock playgrounds along the route" and that they will be camping near one. Note also that they incorrectly state that the area is open on May 1st.

Context

With the header image we want to illustrate the dichotomy of a land management regime that, to date, has yet to adequately address the conflicts and issues surrounding the use of one of the most botanically rich areas in the nation as a playground for extreme off road vehicles (OHV), and the agency's acknowledgement of the nationally outstanding resource values of the areas serpentine terrain. The Forest Service's Celebrating Wildflowers Serpentine webpage clearly expresses why the area is unique and important and that the Forest Service's goal is to preserve serpentine plant communities.

Contrast this goal with the reality shown in the YouTube videos that we provide links to (and screenshots from) including one video of the June 2010 Fathers Day OHV event (screen shots right and next page). The event, of up to 100 vehicles, occurs under a Rogue River-Siskiyou National Forest Special Use Permit. Under the special use permit, vehicles are required vehicles to stay on the trail/road prism of the McGrew Trail.

Vehicles do not stay on McGrew Trail

During the Annual Father's Day run on the McGrew Trail vehicles are supposed to stay on trail as mitigation for potential impacts to *Arabis macdonaldiana* and other rare plants. This video is just one example that even during this Forest Service regulated event, people do not keep to the trail and go off-road to spin tires and challenge themselves in what they call "little playgrounds full of rocks." - http://www.youtube.com/watch?v=fur6q3MovFQ However, these serpentine rock outcrops and barrens are often host to rare, sensitive and endangered plants.

As an example of what what happens to anything growing in these so-called playgrounds, watch the video beginning at 1:24 and the area of the red circle in the above screen shots. The plant growing in the cavity of the serpentine rock is obliterated after the vehicle goes over it several times spinning its wheels. Now multiply by the hundreds of vehicle users traveling the McGrew Trail.

The video and the above screen shots also show the wet conditions during this Forest Service permitted event.

This requirement is one of several measures that are supposed to prevent impacts to Arabis macdonaldiana (McDonald's rock cress) and other rare plants along the trail. The rock cress is the second plant to be listed under the Endangered Species Act. It's classified as endangered.

See especially the June 22, 2010 video that shows the wet conditions of the area and mud on vehicles. Four-wheel drive vehicles carrying mud and soil are one of the primary vectors of Port Orford cedar root disease. The Annual Father's Day run is supposed to be a regulated event, though the regulation is not evident or effective in many cases.

While permitted use appears not to be complying with required mitigation measures, consider that most of the traffic on the McGrew Trail is wholly unregulated, including the run that's being planned for this weekend. See videos (and screen shots from them) showing the adverse impacts of unregulated use of the McGrew Trail.

The McGrew Trail

The McGrew Trail is a user-created route that's inventoried as Forest Service system road 4402-019 and 450. John Hart, in the Sierra Club's Hiking the Bigfoot Country, describes it in 1975 as "little more than a broad stony trail." This was before the advent of extreme off-highway vehicles. The videos posted on YouTube (with urls provided below) are perhaps the best reference to demonstrate the degraded condition of the trail and the damage that's been done to areas along the route which runs through the South Kalmiopsis Roadless Area.

Since there are no gates at either end of the McGrew Trail, it provides motorized vehicle access behind an official POC closure on FS road 4402-112. This effectively renders the 4402-112 closure (T41S, R10W, Sec. 12) ineffective. Wet season travel on the McGrew Trail places two large uninfected roadless area watersheds at high risk of POC root disease introduction. This according to the Siskiyou National Forest North Fork Smith River Watershed Analysis that lists the 112 road and the McGrew Trail as the highest risk roads in the area.

Off-roading - McGrew Trail 2010

Above - Screen shots from YouTube video of July 18, 2010 on the McGrew Trail. See the video (53 seconds) at http://www.youtube.com/watch?v=WWt6n1naRVw

Top screen shot shows vehicles off the McGrew trail in some of the prime rare plant habitat. Is this one of the rock playgrounds?

Middle - Vehicle crawls serpentine rock and down a bank and

Bottom - onto the McGrew Trail.

We ask that the Rogue River-Siskiyou National Forest and the Six Rivers National Forest initiate a temporary emergency closure for travel on the McGrew Trail until conditions are dry and concerns resolved over unregulated use, soil erosion, damage to rare plant habitat and Arabis macdonaldiana populations are resolved. The authority to do this is found under 36 CFR section 212.52 (b) (2) Temporary, emergency closures based on a determination of considerable adverse effects.

The south end of the McGrew Trail (FS 4402-450) is on the Smith River National Recreation Area (T19N, R2E, Sec. 3). The north end of the trail (4402-019 is on the Wild Rivers Ranger District (T41S, R9W, Sec. 4).

The videos we list below, with their urls, demonstrate the degraded condition of the trail, fact that motorized vehicle use is not limited to a road/trail prism and that the off-highway vehicle use is creating severe erosion of the trail and surrounding area, including unauthorized user created bypass routes. Of note is also the amount of dust generated during dry conditions, a concern if there is naturally occurring asbestos in the area.

In summary, the considerable adverse effects of regulated and unregulated motorized use of the McGrew Trail include:

- The high risk of introducing POC Root Disease into large uninfected watersheds and two eligible Wild and Scenic Rivers, an irreversible impact.
- The high risk of impacting populations of *Arabis macdonaldiana*, listed as "endangered" under the Endangered Species Act.

Port Orford Cedar Root Disease

Forest Service documents and record provide documentation for the temporary emergency closure. For example, according to the Forest Service's Watershed Analysis for the North Fork Smith River states:

Severe erosion - McGrew Trail

Top and middle - Screen shots from YouTube videos of the McGrew Trail showing the severe erosion taking place.

Middle screen shot from - http://www.youtube.com/watch?v=p9Fe1oHf1Nk

Bottom photo - Deeply eroded hill climb at Sourdough Camp in the Wild River Area of the National Wild and Scenic North Fork Smith River. Photo taken May 15, 2010. The POC gate on 4402-206 was wide open.

> Port-Orford-cedar is abundant in large uninfected areas, including ... Baldface Creek. There are four roads which present a potentially high risk of disease spread ... 4402112, 4402450 (McGrew Trail) and 4402494.
>
> ... risk [of POC root disease introduction] is increased by the high percentage of four-wheel-drive vehicles and motorcycles that more commonly carry mud, by wet stream crossings that may dislodge mud or activate water-borne spores, and by concentrations of Port-Orford-cedar along routes.
>
> Mud has been observed to stay on vehicles for trips over 30 miles, including 15 miles of four-wheel-drive road.
>
> The consequence of disease introduction are high due to the amount of uninfected Port-Orford-cedar at risk both on routes and downstream.

The McGrew Trail, 4402-112 and 4402-494 (Biscuit Hill Trail) are listed as have highest risk rating, with a priority ranking of 1, 2 and 3. See USDA Forest Service North Fork Smith Watershed Analysis, 1995, pp 18 & 19.

While, the POC closure at the beginning of 4402-112 is meant to close the area to wet season motorized travel, the McGrew Trail provides access to the area the closure is meant to protect, including the highest risk sections of 112 and the Biscuit Hill Trail. In areas, POC is abundant along the McGrew Trail and below it.

There is supposed to be a closure order for the north end of the McGrew Trail in the Oregon Mountain Botanical Area, Wild Rivers Ranger District (T41S, R9W, Sec. 4), however, the closure gate has yet to be installed.

<u>Unseasonally wet weather</u>

Wet season closures are meant to help prevent the spread and introduction of Port Orford cedar root disease during periods when soils are

Is this the McGrew Trail or User Created Route?

Screen shots above, middle and bottom from - http://www.youtube.com/watch?v=FM2XrEbiS9c The video was uploaded August 2010.

saturated. . Most wet season closures are for October 1 through May 31st. However, Southwest Oregon area is experiencing an unusually cool, wet spring. Soils are still wet and precipitation is predicted by NOAA through June 1st. See also special weather statement on page 12. Precipitation for the evening of May 24th and morning of May 25 was .52 inches a little west of O'Brien. See also - http://newweb.wrh.noaa.gov/mfr/GetOb.php?wfo=mfr&sid=SBFO3&num=24&table=1 Clearly we are still in the wet season, despite what the calendar says.

The area of the McGrew Trail and Sourdough Camp receive much higher precipitation amounts than the interior valleys of Southwest Oregon. For example, a retired BLM employee keeps detailed precipitation records for an area 1.5 miles WNW of O'Brien (elevation 1500 ft.). In 2010, he measured a total annual precipitation of a little over 100 inches (available on request). In May and June of 2010 he measured 4.47 and 4.33 inches, which accounts for the wet conditions shown in the video of the June 2010 Father Day McGrew Trail run.

We ask that you extend the wet season closures on 4402-206 and Sourdough Camp and on 4402-112 and that you close the full length of the McGrew Trail and all spur routes accessing the area to motorized travel until conditions are dry.

The beauty of the rocks is enhanced by the loveliness of the wildflowers that inhabit them, creating breathtaking natural rock gardens. Some of the rarest and most beautiful Klamath-Siskiyou serpentine endemic plants are rock outcrop inhabitants: *Arabis macdonaldiana* (Macdonald's rockcress), *Galium serpenticum* ssp. *scotticum* (Scott Mountain bedstraw), and *Sedum moranii* (Rogue River stonecrop).

Serpentine habitats are not very hospitable for ferns in general but several have been able to find a niche and an ability to survive the rigors of the serpentine. This lace lip fern is growing out of a crack in the serpentine bedrock (*Cheilanthes gracillima*). Photo by Steve Matson.

Siskiyou willowherb (*Epilobium siskiyouense*) is a strict endemic of serpentine habitats, generally observed growing in cracks or seams where some soil and moisture is available for its growth. Photo by Norman Jensen.

Although the rock outcrops can seem to be depauperate of wildflowers, coming upon the beautiful Siskiyou buckwheat (*Eriogonum siskiyouense*) in full flower is a real treat. The succulent leaves allow this plant to store water when it is available so it can survive this extremely xeric environment. Photo by Ken DeCamp.

Excerpt from the USDA Forest Service's Celebrating Wildflowers on serpentine rock outcrops - http://www.fs.fed.us/wildflowers/communities/serpentines/communities/rock_outcrops.shtml

Rare, Sensitive and Endangered Plants

A 2002 USDA Forest Service Botanical Evaluation for the McGrew 4x4 Trail Ride and Sourdough Campground Special Use Permit states that:

> The McGrew Trail predominantly traverses through rocky serpentine soils throughout its length, much of it's prime habitat for rare and endemic plant species that are unique to the Siskiyou/Klamath range. The Pacific NW 4 Wheel Drive Association is requested to ensure that its' participants stay within the road prism at all times.

She states that she will,

> ... ensure "No Effect" to the *Arabis macdonaldiana* (and hybrid) populations by setting up a station in the vicinity of the site for the duration of the event and greeting each vehicle as the approach with general educational information about serpentine plants. Vehicles will be directed to go around the cones/stakes. The cones/stakes will be placed in a larger area than the endangered plants so as not to call attention to its exact location.

McGrew Trail in 1988.

Arabis macdonaldiana is the second plant to be listed under the Endangered Species Act. It's status is "endangered." See - http://plants.usda.gov/java/profile?symbol=ARMA33 Two populations of the endangered plant were along the McGrew Trail in 2001 and confirmed in 2002 in the first rare plant surveys to be conducted for the OHV route. Only the actual trail prism and areas directly adjacent to it were surveyed.

In 2002, the Two Rivers (now Wild Rivers) Ranger District Botanist wrote this about her attempt to protect the ***Arabis*** and educate the ride participants about serpentine plant communities:

> There were many more users on the trail than just the permittee. A campground (at least 40 people and 15 vehicles) was set-up adjacent to the "SLUICE" (hardest section of the [McGrew] Trail ...). Vegetation was drive over quite heavily in the campground area (*Streptanthus howellii* (FS sensitive) habitat, several plants could be located within the area). Trash abounded ... Impacts to *Arabis* population occurred before I made it out there. While I was walking the road looking for the population, my backpack, hammer, camelback, and water bottle was stolen (only 3 vehicles passed me in the interim). The *Arabis* has been confirmed to be *macdonaldiana* by Dr. Linda Vorobik."

This was an event the Forest Service tried to regulate under a special use permit (SUP). Additional concern, expressed about later SUP events in correspondence between the Six Rivers National Forest, Rogue River-National Forest and the U.S. Fish and Wildlife Service, Roseburg field office, can be found in the files of former Wild Rivers District Botanist Maureen Jules and the analysis files for the Categorical Exclusions for the annual Father's Day McGrew Trail Ride.

The video of the June 22, 2010 Father's Day McGrew Trail Ride demonstrates that participants and spectators are not limiting activities to the road prism. While these impacts are of of great concern, an even larger problem is the unregulated use of the McGrew Trail. See provided urls to McGrew Trail YouTube videos for some of the unregulated use. These demonstrate that

vehicle use along the McGrew Trail is not limited to the trail prism as recommended by the Forest Service botanist for trail events occuring under special use permits.

Note that the Pirate 4x4 post states that there are little rock playgrounds along the trail and that they will camp near one of the areas. By admission the participants will not limit their use of the area to traveling within the road/ trail prism. Under the current wet conditions impacts will be magnified.

Port Orford cedar along part of the McGrew Trail used as a fire line during the 2002 Biscuit Fire. Photo 2004. This is the south (4402-019) segment of the trail in the Rough and Ready Creek watershed. Port Orford cedar is not only found directly adjacent to the trail but downslope as well.

Port Orford cedar is the primary riparian conifer in the Rough and Ready Creek watershed. Numerous cedar were lost during the Biscuit Fire. Introduction of the root disease into this South Kalmiopsis Roadless Area watershed, would not only be irreversible but would significantly and adversely effect the nationally outstanding water quality and botanical values of this eligible Wild and Scenic River.

Inset - Riparian Port Orford cedar along Rough and Ready Creek often is closely associated with rare plants providing shade, soil amelioration and shelter during high flows for rare and endemic plants

Sourdough Camp and FS Road 4402-206

The North Fork Smith River in Oregon was added to the National Wild and Scenic River System in 1988. Congress identified the river's scenery, white water recreation, water quality and fisheries as outstandingly remarkable values. The 2 mile segment from Baldface Creek downstream to the California/Oregon border was classified as a Wild River. This segment include a primitive camping area known as Sourdough Camp that's accessed soley by FS road 4402-206.

The beginning terminus of 206 is on the Six Rivers National Forest (Smith River National Recreation Area) but it soon drops into the Rogue River-Siskiyou National Forest, leading eventually to Sourdough Camp and the Wild and Scenic North Fork Smith River. The road is another user-created route, inventoried by the Siskiyou National Forest as a system road. It is steep, narrow, native surface and prone to erosion.

The Siskiyou National Forest didn't complete a Wild and Scenic River Management Plan for the North Fork Smith River until 2003. In the decade and a half since the river was designated, use at Sourdough Camp escalated in parallel with the escalating off-highway vehicle use of the McGrew Trail. The 1999 Environmental Assessment for the Wild and Scenic River Management Plan (MP) disclosed that as many as 275 people at a time, participants of the

Northwest Four-Wheel Drive Association's Father's Day McGrew Trail Ride, camped at Sourdough Camp.

It wasn't until 2001 that the Siskiyou National Forest prepared monitoring reports for Sourdough Camp to establish a baseline condition. The 2001 Monitoring Report for Sourdough Camp states:

> As of September 11, 2001, 14 unofficial roads have been cut into the banks that are either separating the riparian meadow flood plain from the forested area upslope or the rocky bench from riparian meadow. Impacts are both ecological and aesthetic.
>
> Soil compaction in the heavily used areas of the meadow has either denuded the herbaceous area altogether or left remnants of what previously occurred.

In a June 15, 2001 Decision Memo, then District Ranger Jim Fincher, decided to seasonally close 4402-206 during the wet season with a gate about 1/2 mile south of Fall Creek. The CE states that the gate would be re-opened when the road dries out. He also decided to block access to Baldface Creek and the North Fork Smith River and to place boulders throughout the Sourdough Camp area in locations where unauthorized 4-wheel drive activities have resulted in resource damage.

The Siskiyou National Forest completed the MP for the North Fork Smith in 2003. Relevant Standards and Guidelines (S&G) for the Wild River Area include:

MA2-3N:

> Damage created by vehicles drive off the roads should be repaired and barriers placed to restrict vehicles to the roadway.

MA2-6N:

> Motor vehicles shall be banned from the river bar at Sourdough Camp and from crossing Baldface Creek.
>
> Motor vehicle use, except for specific emergency and administrative uses, shall not be permitted within the corridor except for dry season (June 1 to September 30) use on existing roads in the portion of Sourdough Camp south of Baldface Creek and the roads leading to it (roads 4402-206 and 4402-259).

When undisturbed, there's great and subtle beauty in the stark rocky serpentine terrain of the South Kalmiopsis.

The photograph on page 5 of this request is just one indication that off-highway vehicle damage continues at Sourdough Camp. Unauthorized hill climbs and user-created routes continue to be used and to erode. Reports are that barriers to prevent

access to the river bars and Baldface Creek are no longer in place. The POC gate on 4402-206 was apparently vandalized or left open in 2010 during the wet season.

We understand that these are long standing difficult issues. This is why we ask that the Rogue River-Siskiyou National Forest initiate a temporary emergency closure of FS road 206 until conditions are dry and a closure of Sourdough Camp to motorized vehicles until damaged areas within the Wild River corridor have been restored and measures put in place to implement the management direction and goals of the North Fork Smith's Wild and Scenic Management Plan.

In our email we noted that a photo used in a video indicated that vehicles where driving onto the river bar at Sourdough Camp. While this may be occurring, we were mistaken in the location of the photo. It appears to have been taken on the North Fork Smith River on the Smith River National Recreation Area.

Conclusion

In the past, we've written extensively on the issue of the McGrew Trail, its high risk of introducing POC root disease and how it makes the POC closure on the 4402-112 road ineffective. The attached comments to the Rogue River-Siskiyou National Forest on the draft environmental impact statement for motorized vehicle use on the forest provides additional information, maps and Forest Service references supporting our request for these closures.

We know there's little time before this weekend's McGrew Trail event. Unfortunately, despite the presence of an endangered plant and the high risk for the irreversible introduction of POC root disease into two watersheds—both eligible Wild and Scenic Rivers—there is no regulation of general motorized use of the McGrew Trail. We seem to find out about events, such as last weekend Sourdough quad rally and this weekends McGrew Trail run by accident.

Please let us know if we can provide additional information and your decision. We'd be happy to discuss our concerns with you—either in person or on the phone. Thank you for considering our requests.

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CC Without attachments;

Senator Ron Wyden
Senator Jeff Merkely
Representative Peter DeFazio
Governor John Kithaber
Scott Conroy, Supervisor Rogue River-Siskiyou National Forest
Tyrone Kelley, Supervisor Six Rivers National Forest
Mary Kay Vandiver, District Ranger Smith River National Recreation Area
Jim Thrailkill, Supervisor, Roseburg Field Office, USFWS

Attachments: Comments on draft environmental impact statement on the Rogue River-Siskiyou National Forest motor vehicle use plan, dated May 11, 2009.

2010 Weather Records for Lone Mountain Road, O'Brien, Oregon

McGrew Trail YouTube Videos

http://www.youtube.com/watch?v=p9Fe1oHf1Nk

http://www.youtube.com/watch?v=sPeIhN7QH7M&feature=related

http://www.youtube.com/watch?v=uhjuvJH1uiA&NR=1

http://www.youtube.com/watch?v=TjoK2V6iRDs&feature=related

http://www.youtube.com/watch?v=K6WEqETEXq4&NR=1

http://www.youtube.com/watch?v=3eU9GRefasE&feature=related

http://www.youtube.com/watch?v=wCZ5RFfyb1E&feature=related

http://www.youtube.com/watch?v=u3-dZoU4jDI&feature=related

http://www.youtube.com/watch?v=WWt6n1naRVw

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SPECIAL WEATHER STATEMENT
NATIONAL WEATHER SERVICE MEDFORD OR
330 AM PDT THU MAY 26 2011

EASTERN CURRY COUNTY AND JOSEPHINE COUNTY
330 AM PDT THU MAY 26 2011

...UNSEASONABLY COLD FRIDAY NIGHT THROUGH SUNDAY MORNING...

COLD LOW PRESSURE WILL MOVE SOUTHEASTWARD FROM THE GULF OF ALASKA AND ACROSS THE
AREA FRIDAY NIGHT THROUGH EARLY SUNDAY BRINGING UNSEASONABLY COLD TEMPERATURES TO
```

ALL AREAS EAST OF THE COASTAL MOUNTAINS. ADDITIONALLY...SHOWERS ON SATURDAY WILL FALL AS SNOW DOWN TO ELEVATIONS AS LOW AS 3500 TO 4000 FEET. ISOLATED THUNDERSTORMS ARE ALSO POSSIBLE ON SATURDAY AFTERNOON AND EVENING...AS WELL AS SMALL HAIL DOWN TO THE VALLEY FLOORS.

LOW TEMPERATURES ON SATURDAY AND SUNDAY MORNINGS WILL BE BETWEEN 20 AND 35 DEGREES IN THE MOUNTAINS AND EAST OF THE CASCADES...AND BETWEEN 30 AND 45 DEGREES IN THE VALLEYS. HIGH TEMPERATURES DURING THE DAY ON SATURDAY ARE LIKELY TO BE AROUND TWENTY DEGREES BELOW NORMAL...25 TO 40 DEGREES IN THE MOUNTAINS...AND IN THE 45 TO 60 DEGREE RANGE IN THE VALLEYS.

THOSE PLANNING TO CAMP OR SPEND SIGNIFICANT TIME OUTDOORS THIS MEMORIAL DAY WEEKEND SHOULD PREPARE FOR THIS SIGNIFICANTLY COLDER THAN NORMAL WEATHER.

TEMPERATURES ARE EXPECTED TO WARM SIGNIFICANTLY ON SUNDAY AFTERNOON...BUT YET ANOTHER COLD LOW PRESSURE SYSTEM IS LIKELY TO ARRIVE ON MEMORIAL DAY.

$$

From: Romain Cooper Romain Cooper <romain@frontiernet.net>
To: FS-comments-pacificnorthwest-rogueriver-siskiyou
Subject: comments on travel management seis
Date: Monday, November 21, 2011 6:16:05 PM
Attachments: RRSiskNF travel plan Sdeis comments romain cooper.doc

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Find my comments attached in a Word doc.

thank you very much,

Romain Cooper

Romain Cooper
10398 Takilma Road
Cave Junction, OR 97523
541-592-2311

From: Romain Cooper 11/20/2011
10398 Takilma Road
Cave Junction, OR 97523
541-592-2311 romain@frontiernet.net

To: Travel Management Team
Rogue River/Siskiyou National Forest, Siskiyou Mountains Ranger District
645 Washington Street, Ashland, OR 97520
Email: comments-pacificnorthwest-rogueriver-siskiyou@fs.fed.us

Re: Rogue River-Siskiyou Travel Management Plan Supplemental DEIS

This is my comment letter for the RR-Sisk Travel Management Plan Supplemental DEIS. I have incorporated my DEIS comments (10/14/08) and the scoping letter (10/14/08) which state my general opinions and several specifics regarding the RR-Siskiyou Travel Management Plan DEIS. I have added emphasis in **BOLD** to parts of these comments that I believe deserve special attention.

Thank you for considering the below points:

ORVs - The Forest Service has the choice of whether:
(A) to be pushed around and unduly influenced by a small number of off-road thrill seekers backed by a powerful industry that profits on damage to our natural heritage. The result on such a "cave-in" will be the increased spread of Port-Orford root disease, more rapid spread of alien, invasive plant species, damage to exceptional native plant communities and general damage to federal lands, soil and water resources and a diminished quality of recreation for the majority of forest users who do not appreciate the "scream" of high-reved motor vehicles as they attempt to enjoy the natural beauty of our federal lands **OR**
(B) to limit the use of ORVs to areas where resource damage is minimal (especially regarding the spread of POC root disease and damage to botanical resources) and where conflicts with other outdoor recreationists is low. Please remember that spread of POC root disease is an **irreversible, irretrievable** impact.

Places where resource damage and user conflicts are high and where ORV use should NOT be allowed include:

- The Boundary Trail system near Grayback Mountain, Tannin Lake/ Tannin Peak, OR Caves National Monument, etc.
- The Biscuit Hill Trail – This old track/ trail begins on a ridge but there are several headwater wetlands that flow down into Biscuit and/ or Baldface Creek. It is (in my opinion) insane and **irresponsible** to allow vehicle use above (upstream/ upslope) one of the premier uninfected Port Orford cedar stands in existence.
- McGrew Trail – This trail is largely in an inventoried roadless area. The abuse of current use has been well documented. Botanical values are high in this area and the potential of POC root disease infection to South Fork Rough and Ready, Taylor and Diamond Creeks is unacceptable.
- Hobson Horn Trail – One of the premier trails of the North Kalmiopsis. This is in an Inventoried Roadless Area.
- Cook & Green Trail – This trail traverses a botanical wonderland. ORVs are out of place.
- Mule Mountain Trails (Applegate) – Important for quiet, non-motorized recreation.

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In a more general sense, I believe ORV use is inappropriate in:

- Inventoried Roadless Areas
- Botanical Areas
- Any serpentine/ peridotite areas (due to high botanical values) except when the vehicle stays on the existing road system.

Enforcement of regulations is always difficult and especially when dealing with ORVs. The agency should assume that a goodly percent of the users will go off trail when the opportunity exists. (This is a reason why the "opening up" of the Biscuit Hill area to ORVers is ill advised.)

Road Decommissioning and Obliteration - Another major issue is the use of road decommissioning to lower resources damage (such as spread of POC root disease and delivery of sediment from road systems) and lower road maintenance costs. Please see comments in the attached scoping letter. Similarly, gates on roads can help lessen vehicle initiated resource damage and maintenance costs and should be used more frequently.

I endorse **Alternative 4** of the DEIS as the alternative that best protects the resources of the Rogue River – Siskiyou National Forest and best address the needs of the great majority of recreationists and residents who live near the forest (as I do).

If you believe my descriptions of possible resource damage on Federal Lands from ORV use is hyperbole, please contact me asap and I will personally show you significant damage to exceptional botanical resources (including listed plant species) on federal lands in my neighborhood. I have lived adjacent to Siskiyou National Forest lands for over 40 years and have seen the ORV problem go from negligible to critical on a first hand basis.

Thank you for considering my comments.

Respectfully and Sincerely,

Romain Cooper

--

From: Romain Cooper 10/14/08
10398 Takilma Road
Cave Junction, OR 97523
541-592-2311 romain@frontiernet.net

To: Travel Management Team
Rogue River/Siskiyou National Forest, Siskiyou Mountains Ranger District
645 Washington Street, Ashland, OR 97520
Email: comments-pacificnorthwest-rogueriver-siskiyou@fs.fed.us

Re: Rogue River-Siskiyou Travel Management Plan NOI

Dear Forest,

Please consider these scoping comments (issues, concerns, opportunities) as you develop a RR-Sisk Travel management Plan. Many of my points are somewhat general in nature but should readily apply as you draft

alternatives. My more specific points will focus on the Siskiyou portion of the Forest as this is the area with which I am more familiar.

- Road decommissioning should be a major component of any Travel Management Plan.
    - There is currently a huge backlog of needed maintenance for the existing Forest road (and trail) system. Though it will take a certain amount of capital, the best way to address this problem is to decommission minor roads (for example, spurs that do not lead to destinations) and roads that pose high safety and/ or environmental risks.
    - An ambitious road decommissioning plan will have collateral economic benefits as it can employ heavy equipment workers who are under employed due to recessions in the lumber and housing markets.
    - Road decommissioning in the Siskiyou Nat. Forest can be a major tool in slowing and reversing the spread of Port Orford cedar root disease.
    - Similarly, road decommissioning is an important tool for reducing the spread of "NEW" exotic weed infestations and can also help curb the spread of existing infestations.
    - Road decommissioning is a major tool in any effort to maintain and restore aquatic ecosystem health. The Forest must identify and, when appropriate, decommission roads that 1) deliver chronic sediment into the streams and that 2) pose a high risk of catastrophic failure / mass wasting. The Forest now has a viable, recovering, restorable salmon/ steelhead population but that population is vulnerable. Perhaps the major threat (that can be addressed on a local level) to the Forest's fish populations lies in the Forest road system.
    - When the risk of POC root disease spread can be kept low, and when and sediment and mass wasting concerns can be addressed, decommissioned roads can be used as motorized vehicle tracks for quads and motorcycles.
- The use of Gates on Forest Roads is an important tool to help prevent and minimize road related resource damage. Gates are used help prevent the spread and lower the risk of spread of POC root disease. Seasonal gate closures are often utilized so that road use doesn't occur during the wet season when POC root disease contaminated mud can be easily transported from infected to uninfected areas. However, the "gate closure" method is imperfect as there are unexpected dry season storms, forgotten gates that don't get closed and locked, delays (after the wet season has commenced) in getting gates closed, etc. Please consider that, when roads don't meet the bar to be decommissioned but are still lightly used (short spurs, for example), to have the **gate closure for the entire year**. The road section is still available for fire fighting, certain projects, etc. But the amount of use is drastically decreased so the maintenance costs, risk of POC root disease spread, spread of invasive weeds, trash dumping, etc. are all dramatically reduced.
- Off Road vehicle use should **NOT** be allowed except within designated areas. Any part of the Forest other than the "legitimate" road system (not "user-created" tracks) should be considered off limits to motorized use.
- **Motorcycles and quads should not be allowed on trails within Inventoried Roadless Areas.** The IRAs should be kept "wild". Resource damage (including spread of POC disease which is an "irretrievable" change and introduction of invasive plants which can be practically "irreversible") and resource conflicts (due to the noise of the trail bikes, etc.) which degrade the "wilderness experience" will result.
- Similarly, and for the same reasons, motorcycles and quads should not be allowed on trails in high use primitive recreation areas.
- The "resource conflict" reasoning behind the above 2 points is obvious. On the more primitive hiking trails, recreationists are looking for an experience that is close to nature and full of natural sounds. A single motorcyclist can seriously change that experience for several miles and for scores of hikers. It's a noise thing. At the same time, in the more developed (but still primitive and full of nature in many respects) parts of the Forest there is an extensive road system that should satisfy the motorcyclists.

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Motorcycle trails can be added (and, as mentioned above, created from some decommissioned roads) outside of IRAs or existing popular hiking areas.

- Specific trails that I have enjoyed over the last 37 years and that I believe should be "non-motorized" include the Hobson Horn Trail, the McGrew Trail and the Boundary Trail.
- Regarding the "McGrew Trail" area, POC root disease spread is a major concern. Generally, this is an area with exceptional botanical resources. It is obvious that many of the 4 wheelers who use this area will not stay on the track. Non-motorized use only should be the rule on this track which is in a very undeveloped IRA.
- In the "proposed action" maps, I noticed that the spur out to Biscuit Hill was proposed for motorized use. This is a bad idea. The incredible (uninfected) PO Cedar stands in this area (Biscuit Creek, Baldface Creek and unnamed tribs) are too precious. The track is close to the ridge top but the risks are still there.
- Likewise, the part of the McGrew Trail from Cedar Springs to Sourdough Camp is a bad place to encourage motorized use. Again, the uninfected POC stands along Taylor and Baldface Creeks and their tribs should be protected.
- Hobson Horn Trail is one of the premier trails of the North Kalmiopsis and hikers deserve to use it without the noise of motorcycles. The risk of invasive weed introduction will be lessened.
- The Boundary Trail above the Oregon Caves is a very popular trail for resident and visiting hikers. The granitic soils are easily disturbed and botanical resources damaged. On several occasions, I've witnessed resource damage from off trail use in this area.

Basic Points:

1. **Decommission high (environmental) risk roads.**
2. **Make popular trails and trails in IRAs "non-motorized only".**
3. **Create trails for motorcycle (and quad) use in the more roaded parts of the forest. Decommissioned roads can be used for some of these trails.**
4. **Make as highest priority objectives of the Travel Plan:**
    a. **Lower risk of POC root disease spread.**
    b. **Lower risk of spread of invasive weeds.**
    c. **Lower risk of catastrophic mass wasting from road system failure.**
    d. **Reduction of fine chronic sediments coming off of road system.**

Thank you very much for addressing this important issue in a constructive way. Thank you for considering my scoping comments.

Sincerely, Romain Cooper

From: David Calahan David Calahan <dpcalahan@live.com>
To: FS-comments-pacificnorthwest-rogueriver-siskiyou
Subject: Comments
Date: Monday, November 21, 2011 8:20:49 PM
Attachments: Motorized Vehicle Use RR Natl. Forest - DSEIS.docx

---

Attached are my comments for the DSEIS Motorized Vehicle use on the RR-Siskiyou NF. Thank You.

David Calahan
11000 Hwy 238
Jacksonville, OR 97530
541-899-1226

Scott Conroy
C/O David Krantz, Project Lead
Forest Supervisors Office
3040 Biddle Road
Medford, OR 97504

Ref: DSEIS Motorized Vehicle Use on the Rogue River-Siskiyou National Forest

Dear Scott Conroy & David Krantz, November 20, 2011

I am disappointed the FS has chosen to allow motorized use on so many trails through areas they just should not be near. The enforcement issue really increases when Off Highway Vehicles (OHV's) in those backcountry places. There are always a few "outlaw biker" types who will break the rules and continue off trail riding. Letting them near those areas invites more resource damage.

I oppose motorized trail use in the following management areas: Research Natural Areas, Botanical Areas, Big Game Winter Range Areas, Back Country Non-Motorized Areas, Riparian Areas, Spotted Owl Core Areas, Port Orford Cedar Habitat and Inventoried Roadless Areas.

I oppose the plan amendments that allow for motorized use in Back Country non-motorized areas and RNAs. I cannot understand why the FS would allow the OHVs anywhere near those types of areas.

I am concerned that Hinkle Lake Trail is identified in the DSEIS as open to motorized use. I thought it had a long standing closure that simply had not been enforced effectively. Hinkle Lake is a botanical area that needs protection. It is presently under attack by OHVs. The damage is still repairable at this point but it would not take much to make a serious impact if the area is not effectively closed to OHV use.

I would like to see more trails revert back to non-motorized use. Ideally they would be signed and maintained for that use. Four trails I would put on this list are: Boundary Trail, Elliott Ridge Trail, Mule Mountain Trail and Cook and Green Trail.

The only alternative that I could support is Alternative 4. This is the most environmentally sound proposal offered.

Thank you for reviewing my comments. Please continue to keep me on this mailing list.

Sincerely,

David Calahan
11,000 Highway 238
Jacksonville, OR 97530
541-899-1226

From: Conroy, Scott
To: Krantz, David
Subject: Fw: RRSNF ORV use
Date: Wednesday, November 16, 2011 2:20:59 PM

----- Original Message -----
From: Duane Dungannon [mailto:mvp@ccountry.net]
Sent: Wednesday, November 16, 2011 12:05 PM
To: Conroy, Scott
Subject: RRSNF ORV use

Dear sirs:
I am an avid backcountry hunter and angler, and I have witnessed ORV use and abuse grow in SW Oregon with each passing year.
I concur with the Congressional letter from Rep. DeFazio and Sens. Wyden and Merkley to the Forest Supervisor Conroy asking that lands proposed for wilderness designation by the Forest Service not be designated as off-road vehicle routes. Please reconsider the "plan amendments" that would open more backcountry areas to off-road vehicle use and abuse.
I would like to see more ATV permit dollars go to enforcement and less toward buildling additional ORV trails through our backcountry, particularly in areas documented by ODFW to be critical wintering range for wildlife and spring fawning and calving areas.
Thank you for your consideration. -Duane Dungannon, Phoenix, Oregon

Duane Dungannon
822 Amerman
Phoenix, OR 97535

From: Conroy, Scott
To: Krantz, David
Subject: Fw: Motor Vehicles on the Forest
Date: Wednesday, November 16, 2011 2:20:09 PM

----- Original Message -----
From: Sandy Greenwald [mailto:sandy.green.wald@gmail.com]
Sent: Wednesday, November 16, 2011 12:19 PM
To: Conroy, Scott
Subject: Motor Vehicles on the Forest

Dear USFS,

I have seen tremendous damage done by motor vehicles on the BLM lands in my neighborhood, in the Little Butte Creek watershed. Fortunately, our local lands managers took action, installed some gates, did some erosion control projects, and today the land is beginning to heal. However, the last 10 years did some expensive damage which we cannot now afford to fix.

I urge you to save your agency time and money in the future by making these closures now. OHV use has increased greatly in the last decade, and if these trends continue, the level of damage will be exponentially greater.

In my experience, there are a lot of devoted "mudboggers" who cannot resist a patch of soft soil. It is unfortunate that this compulsion must limit the freedom of the many more sensible OHV riders. But a single "rogue" rider can do centuries worth of damage in a half hour - ruts a foot deep, gullies that will continue to downcut.

Just getting quad riders to stay on roads is a major task you have set yourselves. In order to properly protect our Botanic Areas and RNA's it will be necessary to close and/or gate the nearby roads, otherwise people will go wherever they want to. Signs deter the law abiding, but they are not the ones who do the most damage.

I understand OHV riding is a popular hobby. However, it can also be extremely destructive, and we are not obliged to provide a place on our public lands for ecological vandalism.

Sincerely,

Sandy Greenwald
sandyrocks@earthlink.net
PO Box 1092
Eagle Point, OR 97524

Sandy Greenwald
PO Box 1092
Eagle Point, OR 97524

MARY SULLIVAN MURPHY
7110 HIGHWAY 66
ASHLAND, OREGON 97520

Nov. 17, 2011

I'm writing to strongly object to closing any more roads to the public who wishes to ride motorized vehicles in the Rogue River-Siskiyu Forest. I agree with our emergency techs who say they need these roads for safety, to rescue people.

Additionally, these roads belong to all Americans and not just those who hike or choose not to ride in a vehicle. This is so unfair and is another attempt by the environmentalists to get rid of any human activity they do not approve of!! The forests belong to us all. Don't lock us out.

M. S. Murphy

MEDFORD OR 975

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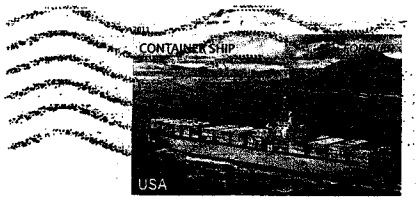

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ROGUE RIVER-SISKIYOU
NATIONAL FOREST

Travel Mgt. Plan
Medford Interagency Office
2040 Biddle Rd.
Medford, Oregon
97504

0041

Pacific Northwest Four Wheel Drive Association
Washington - Oregon - Idaho

Randell Drake, Oregon Executive Director
Mona Drake Region 6 PNW Secretary
19210 Pinehurst Rd Bend OR, 97701
541-419-9952
jRMDrake@msn.com

November 18, 2011

Re: Draft Supplemental Environmental Impact Statement
Motorized Vehicle Use
On the Rogue River-Siskiyou National Forest
November 9, 2011
USDA Forest Service
Rogue River-Siskiyou National Forest

Scott Conroy
Forest Supervisor
Rogue River-Siskiyou National Forest

c/o David Krantz Project Lead
Forest Supervisor's Office
3040 Biddle Road
Medford, Oregon 97504

I will not support Alternative five as it closes roads that need to be left open for Class II users. Per the prime directive of the TMP the only thing that needed done was close cross country travel and designate roads and motorized routes for OHVS(of all classes). We will support the closure of cross country travel as long as there are motorized trails opened for our use. Without the second part being implemented upon signing the final ROD we will not support this draft. Per the CFR all motorized users were to be included in for all visiting US Forest lands. Please do not use this draft to close any roads to motorized use. Comparing the existing fire maps to the maps included in this draft; there are many roads and motorized routes that already do not appear. As per the prime directive these need to all be included. Per the CFR and the Off-Highway Vehicle Use and Collaboration Guide spells out that even user created motorized routes that make loops between roads and trails could be used for OHVs were to be including in designated routes. These also are missing from the maps within the draft and need to be drawn in on the future forest maps.

Class II users are being left out of a range of use and type of trails for Class II to use. With the exception of the McGrew trail there is but shared use roads for Class II to use. There is no range in the types of trails. An example of user trails would be from extreme rock or mudding trails to areas of Level I roads. Level I roads being easy and motorized trails that are rated to extreme. You have allowed but one moderate trail (McGrew trail) for Class II use and hundreds of miles of shared use routes. There are no extreme trails; there are no difficult motorized trails. Just a moderate trail and lots and lots of shared use roads which are not trails. Just shared use roads that one might meet a logging truck on or a motorbike going 60mph. There needs to be trails for the quiet rides and the slow OHV users that provide a full range of user skills and provides a wide range of users' satisfaction while visiting the Rogue River-Siskiyou National Forest. Trails from easy to extreme need to be signed open for motorized use.

The only trail that appears on your maps is the McGrew trail for Class II use. This is wrong. There should be just as many miles of Class II trails as there are hiking trails. This lack of motorized trails throughout your 247,000 acres is bordering on discrimination against one kind of user and that is the Class II

motorized users. Shared use roads are not trails. Thinking like an extreme anti-access environmentalist for a minute; imaging the uproar of a logging truck dragging logs out of the wilderness down a hiking trail with hikers scrambling. The Class II community is no different, however there is but approximately 15 miles of quiet trail where one can anticipate not being run over by another fast motorized user. Trails just like hiking trails with vistas, forest vegetation, wild animals, scenic ridgelines, trails following the lay of the land. Up hills, along streams, topping a butte now and then, pull outs at natural wonders and historical sites, etc... these are the things that make a great trail. The area within this draft is full of these trails that should be motorized. Shared use roads are not trails for OHVs they are roads.

As the McGrew trail is the only moderated trail (trails a stock Class II rig can navigate but challenging) within your entire forest I ask the forest service to please keep it open as long as possible. Please open this trail in early May and leave it open throughout the entire season for us to use well into November. There is no other true Class II trail such as this and closing it at random and not keeping it open as long as possible will not allow us any place to go. We arrived in October and the gate was closed without any reason at all. Where are we to wheel when we just drove over hundred and seventy five miles and the gate is closed? No reason posted, no one to open the gate, and no posted areas for an alternative trail nearby to use. It was with great restraint and knowledge of the area which allowed us to use at least a portion of the trail which was not gated closed. The date of this gate being open needs posted up on your web site for all too easily find and see. As an American citizen I am more than just asking to leave this trail open to us longer than it is currently being done I expect it to happen.

Using the McGrew trail as an example there should be at least one Class II trail open in each of the counties your forest lay in. Do you not have hiking trails throughout these counties? Then why no OHV trails? This is the purpose of the TMP is making a legal place for us to go and to stop cross country travel. There is a lack of true trails left open within this Draft per your maps. I would like to point out that 97% of all forest users leave the highway and enter Rogue River-Siskiyou National Forest in a Class II vehicle including the employees of the forest service. Most citizens will continue to use that OHV vehicle during their entire stay. Others will unload other types of OHVs and enjoy a combination of OHVs throughout their time in the forest. Are you going to allow the anti-access extreme environmentalist to close you out of the forest as well? For them; <u>this is just a beginning of removing motorized use from public lands</u>.

I do not support Alternative five because it closes many primitive roads. For example you close Road 435 which is a very good OHV Level I road which needs to stay open for an easy OHV route. Closing this road down for any reason only makes this entire area a road less area. Within months of this road closing it will become an addition to the existing wilderness. This entire area will be without motorized access to this entire gigantic area except by foot. All you are doing in closing this road or any road is denying access to all Americans to enjoy the forest. Second by closing the exact roads you are closing you are making vast amounts of road less areas which will become buffer zones for the existing wilderness which is not legal. Then shortly after the road less area; behind our backs it will become an addition to the existing wilderness or new wilderness which I can assure you is the scope of anti-access environmentalist plan.

Using the McGrew trail as an example of a range of trails there are two separate existing trails. A Class II user can use the McGrew trail for a moderate trail experience and would not possible use the other trail. The easy trail ride for a Class II user would be a run up Road 434 Biscuit Hill, then to Road 112 Buskin Peak, and ending up running out road 435 is an example of an easy OHV route. This motorized route would provide many with an easy trail that travels a very scenic ridge line and ends with a great vista overlooking the wilderness and a great tour of the area. This would be an example of an easy trail and a moderate trail within the same area. What would happen here in both examples is all motorized users would have the Oregon OHV sticker displayed or they would be unable to use either of these trails.

I would like for the Forest Service to leave the Forest Service road (Road 206) down to Sourdough Campground as close to a Level I road as it can. No scheduled, annual maintenance; only repair of filters, bridges, culverts etc. This road needs to be posted as a High Clearance Road and left in as rough shape as to make it just passable. The exception would be the existing bridges and culverts need to be kept up to allow OHVs to cross the many streams. This campground is an excellent example of a backcountry

primitive campground and I hope it stays this way with motorized access. With limited dispersed overnight camping along the roads as it now happens.

There are 3,183 miles of Shared use roads but very few trail miles. The McGrew trail is but 15 miles long and is an excellent example of a moderate trail for Class II user. We ask for the forest service to create more miles of trails by tenfold for Class II user. This TMP is for creating OHV trails please use it for making more trails. Per the collaborating guide, work with the entire OHV community (including Class II) and make at least 1000 miles into trails. Do not let this opportunity slip by without creating additional trails and play areas for OHVs throughout your forest. It is most likely the last chance we have for getting trails within the US Forest Land. The American public OHV user is growing faster than any other user group. We need more trails. We are not going away but will be entering the US Forest with or without trails. If the Forest Service is serious about stopping cross country travel then trails of like standards need to be created. If the Forest Service thinks we will be content with roads there will be little or no change. Again I would like for you to reread the prime directive, Off-Highway Vehicle use and Collaboration, and the CFRs and use these to create at least a thousands of miles of Class II OHV trails for the America public to use in/on their OHVS.

Disabled Americans have a right to visit the US Forest. To deny these humans the right to use their OHVs to explore these great lands is a disgrace. This forest service needs to redefine the many motorized trails open to the disable. Many OHV users have no way of using hiking trails. It does not matter if they are old, legless or have an illness that does not allow them to use their own bodies to explore these lands within this draft. The point is they have no way to access the forest except OHVs (Class I, Class II, Class III or Class IV) and OHVs allow them to move freely throughout the forest. This TMP should include thousands of miles roads and trails that enable them to utilize their OHVs to access these lands. The cold heartlessness of the writer within these pages should be terminated from public salary. Then a human with disability and owning an OHV allowed to rewrite access of disability Americans to have the access they desire within this forested lands. In the times we live in I find it offense that the Rogue River-Siskiyou National Forest does not consider the aging population or the disabled veterans of this nation as needed access to the land within this draft.

In conclusion it would be un-American of me to support any Alternative that close a single mile of road. Roads provide access for medical personnel to assist the injured. Roads provide for commercial access to the forest. Roads provide fire breaks between lands. Roads provide fire fighter to access fires and to have motorized routes for hurried retreat and evacuation of citizens. Existing roads and trails provide search and rescue to find the lost and the lost to find their way to safety. I will not support any Alternative that does not have miles of OHV trails within it such as the McGrew. Trail miles for Class II need to be written in this plan or we will not have any true miles of trail other than the McGrew trail. Please don't road us out of the Rogue River-Siskiyou National Forest.

I strongly support Alternative two as it allows the most miles of Level I roads and Class II trails left open to the American public. This forest has a treasure house of old roads and trails that could be utilized for an awesome class II OHV trail system for the citizens of six counties. OHV trails systems would allow monies from the Federal and State OHV funds and the support of the OHV community. You need to realize these old roads, motorized routes and with the addition of a few connector routes would be the answer to stopping cross country travel. Grant fund monies would help enforce that OHVs stay on the routes, finance signage, and education of the public where they can go, maps which show the OHV trails and someone running the web site keeping the OHV user up to date where they can go. Please reconsider and modify this Alternative to create more trails. Creating trails for all users which would have easy routes to extreme Class II routes.

I will assure you the more play areas you make close to communities the less damage will occur on forest motorized trails and roads. Please Modified Alternative two and create play areas close to towns.

Please do not mitigate my rights to these old roads and routes with the anti-access extreme environmentalist behind closed doors. We will join you in keeping more trails open to motorized use providing this forest service makes an effort to create more motorized trails. We will support you for trails such as building barriers to keep motorized trails open through a sensitive area. We will help putting up

boundary signs on play areas to keep it open. Please do not mitigate my rights away to the forest. There is always a way to keep a motorized route open.

Remember outdoor recreation is; OHVs having access to thousands of miles of motorized routes in their own National Forests.

Thank you for allowing us to comment. Please take our comments seriously. We are for accessing the forest not closing it down to a handful of selfish users that does not enable all Americans to access the entire forest within this draft.

Respective submitted;

Randell Drake, Oregon Executive Director
Member of Deschutes County Four-Wheelers, Member of Harney County High County-Wheeler, Member of Region 6 of the Pacific Northwest Four-Wheel Drive Association

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From: Jim Nolan [mailto:jim.nolan@frontiernet.net]
Sent: Tuesday, November 22, 2011 11:11 AM
To: Krantz, David
Subject: Letter to David Krantz on TMP_November 212011.docx

Dear Mr. Krantz:

Here is my response to the Travel and Management Plan specific to my geographical concerns. Actually, my issues are with the entire travel and management plan itself. With proper management, the USFS can manage the control of root diseases as well as protect many species while allowing human travel using motorized vehicles.

In addition, it seems that the USFS has gone overboard with the endangered species protection, especially when you compare the damaged caused by wildfires (such as the Biscuit Fire) to grow into huge conflagrations compared to motor vehicle use in the national forest.

Also, it is believed by many citizens, that these road closures are preludes to wilderness designations, of which most of us are opposed to.

In general, I believe that it is unwise that any road that is within 2 miles of private property should be blocked or decommissioned. These roads will serve us to save lives and property in the future. Has the USFS considered the protection of citizens and property in their decisions. It seems not. I believe that the only viable option is the Do Nothing option, that has the least amount of impact on the local community, culture and economy. It is unfortunate that the USFS has gone to the dark side of Environmental Activism, especially at the expense of the human race.

Regards,

Jim Nolan
POB 674
Cave Junction, OR 97523
541 592-6004 Office
541 660-8572 Cellular
jim.nolan@frontiernet.net

November 21, 2011

David Krantz
Environmental Coordinator
Supervisors Office
3040 Biddle Rd
Medford, OR 97504

Dear Mr. Krantz:

My wife and I live at 2101 Rough and Ready Creek Road. We are concerned that the road proposed closures will cause reluctance for the USFS to fight fires in our area. When the Biscuit

Fire was backfired in our area, the Conflagration came to our property and red tagged it and told us to leave. We told them no, we did not trust the USFS or their contractors to be careful enough to protect our property. We set up our own fire fighting system and kept our house and barn roofs under a constant spray using 1-1/2 lines and nozzles.

The USFS left behind a mess and a lot of dead wood in our backyard, with no plans to ever take out any of the dead tinder sticks left behind after they set fire to it.

Closing the roads and then later decommissioning them is only a prelude to wilderness status. We know that is where you are trying to go and we disagree with the decommissioning of any of these roads, especially, when the USFS has a duty to defend our homes. This will be especially difficult to do if you do not manage the dead and try timbers around our property that you burned up.

I also don't think it is right for you use the argument for these road closures, that you are protecting endangered species, when it was the USFS's lack of proper action that caused the Biscuit Fire to expand like it did. It is double talk to tell me that it is ok for the USFS to call the Biscuit Fire a natural fire, and then rationalize that the damage to endangered species was also natural, and allowable.

The excuse of closing these roads for controlling the spread of root disease is also disingenuous. The amount of times these roads are used are small, however, even if the number of times of use were to increase, the spread of the diseases could be managed by providing washing stations for Jeeps, bikes and 4-wheelers at the beginning of these roads wherever they depart from paved or graveled roads normally travelled.

I say again, that these road closures are nothing more than a prelude to wilderness designation, which makes the ***Do Nothing*** option the only correct one to choose.

My same arguments holds for the Tennessee Pass road, Free and Easy Pass road, and the road between Tennessee Pass to the 8$ Mountain area and from the road backside of $8 Mountain to the mouth of Deer Creek. These roads will serve as great access roads for future fires and they should not be blocked off or decommissioned.

In addition, my family has owned mining claims on the upper Josephine Creek area for several years and use the Tennessee Pass trails/roads as access. We do not want gates on these roads.

Jim & Carol Nolan
2101 Rough and Ready Creek
O'Brien, OR 97534

Scott Conroy, Forest Supervisor
C/O David Krantx, Project Lead
Forest Supervisor's office
3040 Diddle Road
Medford, OR. 97504

AS a member of the Pacific Northwest Four-Wheel Drive Association, I respectfully request roads currently open to motorized travel stay open to motorized travel. The Forest Service has not addressed OHV Class II Jeep Trails. Additional Class II roads need to be established for the enjoyment of motorized public.

My Jeep club has used the McGrew trail for over thirty years and wants the trail left open in its entirety. The McGrew Trail was the first Class II Adopt a Trail in Oregon and is vital the 4x4 community in Oregon and California. I am a member of the Four Runners of Klamath Falls 4x4 club and our club has donated countless hours maintaining the McGrew Trail and Sourdough Campground. The gate to McGrew Trail and Sourdough Campground should be open May 1st each year and not closed until after hunting season in November.

The Forest Service should open more User Created roads that make a loop to connect with; Level I and Level II roads open to the public.

Alternative II is the only option that leaves the entire McGrew Trail system intact as we know it today. The TMP directive was not to close roads but to stop cross country travel. Additional trails for motorized access should be developed.

Roads to keep open to HOV Class II Vehicles shown on the map in Box H:

1. Road #19
2. Road #112
3. Road #172
4. Road #206
5. Road #259
6. Road #450
7. Road #497
8. Road #535
9. Road #530
10. Road #550
11. Road #4402
12. Road #3482 – 7.6 Miles North of the McGrew Trail

Comments From:
Larry East Jr.
8027 Big Buck LN
Klamath Falls, Or. 97601

Phone (541)883-8326
lareast@msn.com

Member:
Four Runners of Klamath Falls (Vice President)
Pacific Northwest 4 Wheel Drive Association

Larry East Jr
8027 Big Buck Ln
Klamath Falls, OR 97601

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Scott Conroy, Forest Supervisor
C/O David Krantx, Project Lead
Forest Supervisor's Office
3040 Diddle Road
Medford, OR. 97504

97504 4119

Scott Conroy, Forest Supervisor
C/O David Krantx, Project Lead
Forest Supervisor's office
3040 Diddle Road
Medford, OR. 97504

I am a member of the Pacific Northwest Four-Wheel Drive Association; I respectfully request roads currently open to motorized travel stay open to motorized travel. The Forest Service has not addressed OHV Class II Jeep Trails. Additional Class II roads need to be established for the enjoyment of motorized public.

My family, friends and Jeep club has used the McGrew trail for over thirty years and wants the trail left open in its entirety. The McGrew Trail was the first Class II Adopt a Trail in Oregon and is vital the 4x4 community in Oregon and California. I am a member of the Four Runners of Klamath Falls 4x4 club and our club has donated countless hours maintaining the McGrew Trail and Sourdough Campground. The gate to McGrew Trail and Sourdough Campground should be open May 1st each year and not closed until after hunting season in November.

The Forest Service should open more User Created roads that make a loop to connect with; Level I and Level II roads open to the public.

Alternative II is the only option that leaves the entire McGrew Trail system intact as we know it today. The TMP directive was not to close roads but to stop cross country travel. Additional trails for motorized access should be developed.

Roads to keep open to HOV Class II Vehicles shown on the map in Box H:

Road #19, #112, #172, #206, #259, #450, #497, #530, #535, #550, #4402 and road #3482 – 7.6 miles north of the McGrew Trail.

Comments From:
Julie Thompson
1712 Fargo Street
Klamath Falls, Or. 97603
Phone (541)891-9130

Member:
Four Runners of Klamath Falls (Secretary)
Pacific Northwest 4 Wheel Drive Association

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Julie Thompson
1712 Fargo St
Klamath Falls, OR 97603

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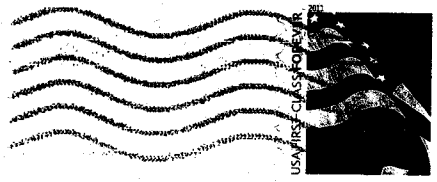

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Scott Conroy, Forest Supervisor
C/O David Krantx, Project Lead
Forest Supervisors Office
3040 Diddle Road
Medford, OR. 97504

9750454119

RE: The Travel Management Plan: 11-18-11

Closing roads in the Rogue River-Siskiyou National Forest is a very bad idea!

Blocking forest roads will cause hardships on many people. It is a dangous thing to do. It will cost the lives of humans and wildlife.

The forests are there to be used by everyone, not a select few.

Frankly I can't believe any sane person would want to do something so harmful to the environment, people and wildlife.

Lets put the needs of people above politics.

Thank You

Jerry

Jerry Painter
Grants Pass, OREGON

Received
Medford BLM
District Office

Jerry Painter
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ROGUE RIVER-SISKIYOU
NATIONAL FOREST

Travel Management Plan
Medford Interagency Office
2040 Biddle Rd
Medford, OR 97504

97504-4119

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

November 21 2011

Scott Conroy, Forest Supervisor:
C/O David Krantz, Project Lead
Forest Supervisor's Office
3040 Biddle Road
Medford, Oregon 97504

Re: U.S. Environmental Protection Agency (EPA) review and comments on the Draft Supplemental Environmental Impact Statement (DSEIS) for Motorized Vehicle Use on the Rogue River-Siskiyou National Forest (Forest) . EPA Region 10 Project Number: 08-053-AFS.

Dear Mr. Conroy,

This review was conducted in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Under our policies and procedures, we evaluate the environmental impact of the proposed action and the adequacy of the impact statement. We have assigned an LO (Lack of Objections) rating to the DSEIS. A copy of the EPA rating system is enclosed.

In our February 22, 2010 comment letter on the Final EIS and Record of Decision (ROD)[1] we described how the FEIS was responsive to our concerns and recommendations on the DEIS, and provided details and recommendations relating to what was our primary remaining environmental concern - risk to human health from exposure to Naturally Occurring Asbestos (NOA).

To address our concern that the FEIS and ROD's mitigation measures to reduce the risk of exposure to NOA may not provide full protection of human health, we recommended that the Forest develop and implement a specific plan to address risk of NOA exposure. The DSEIS's proposal for a NOA informational webpage and visitor pamphlets available at ranger stations[2] is responsive to our NOA risk reduction recommendations.

We also appreciate the DSEIS's disclosure of specific NOA exposure risk reduction strategies from Forest Service Region 5. To increase the effectiveness of the stated strategy to conduct site-specific analysis for route changes to determine if the ground surface poses a health risk due to presence of asbestiform fibers,[3] we recommend that the FSEIS address how results from these analyses would be considered in travel management including future Motor Vehicle Use Map updates.

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[1] Available online at: http://yosemite.epa.gov/oeca/webeis.nsf/(PDFView)/20100006/$file/20100006.PDF?OpenElement
[2] DSEIS, p. II-53
[3] Ibid.

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Please contact me at (206) 553-1601 or by email at reichgott.christine@epa.gov, or you may contact Erik Peterson of my staff at (206) 553-6382 or by email at peterson.erik@epa.gov with any questions or concerns regarding this review.

Sincerely,

Christine B. Reichgott, Manager
Environmental Review and Sediment Management Unit

Cc: David Krantz, Project Lead

Enclosure

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U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements Definitions and Follow-Up Action*

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.

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ROGUE RIVER-SISKIYOU
NATIONAL FOREST

David Krantz, Project Lead
Forest Supervisor's Office
3040 Biddle Road
Medford, Oregon 97504

From: Krantz, David
To: FS-comments-pacificnorthwest-rogueriver-siskiyou
Subject: FW: Motorized Vehicle Use on Rogue/Siskiyou
Date: Monday, December 05, 2011 3:46:22 PM

Comments from Coos Bay BLM

From: Wright, Kip P [mailto:kwright@blm.gov]
Sent: Monday, November 14, 2011 4:32 PM
To: Krantz, David
Subject: RE: Motorized Vehicle Use on Rogue/Siskiyou

Oops, forgot the map--Kip

From: Krantz, David [mailto:dkrantz@fs.fed.us]
Sent: Monday, November 14, 2011 10:41 AM
To: Wright, Kip P
Subject: RE: Motorized Vehicle Use on Rogue/Siskiyou

Hi Kip--

The close of the comment period is November 21st. Can you send me a map of where the ACEC is in relation to the proposed road conversions in the Signal Buttes Area. Does the proposed route lead folks into the ACEC? If so, lets set up a time to look this over. Thanks!

David Krantz
Forest Planner
Rogue River-Siskiyou N.F.
3040 Biddle Rd
Medford, OR 97504
W 541-618-2126
C 541-690-7410

From: Wright, Kip P [mailto:kwright@blm.gov]
Sent: Monday, November 14, 2011 9:24 AM
To: Krantz, David
Subject: Motorized Vehicle Use on Rogue/Siskiyou

Hey David, when does the public comment period end for this project? Since we are managing an Area of Critical Environmental Concern (ACEC) which is closed to OHV, and is adjacent to the 195 road near Signal Buttes, we want to make sure that we do not get any OHV traffic on our trail system. Portions of the ACEC are uninfected with POC root rot and we have a great deal of historic/cultural material on surface including graves. Thanks Kip Wright, ACEC Manager, Coos Bay BLM

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
COOS BAY DISTRICT OFFICE
1300 AIRPORT LANE, NORTH BEND, OR 97459
Web Address: http://www.blm.gov/or/districts/coosbay E-mail: BLM_OR_CB_Mail@blm.gov
Telephone: (541) 756-0100 Toll Free: (888) 809-0839 Fax: (541) 751-4303

In Reply Refer To:

8011 (ORC040)

DEC - 1 2011

Mr. David Krantz
Environmental Coordinator
Supervisor's Office
3040 Biddle Road
Medford, Oregon 97504

Dear Mr. Krantz:

Thank you for the opportunity to comment on the Travel Management Plan for the Rogue/Siskiyou National Forest. This letter provides information in addition to a field visit that Kip Wright, our Field Office Area of Critical Environmental Concern (ACEC) Manager had with District Forest Ranger Alan Vandiver on September 29, 2010 to the Hunter Creek area.

We have a few concerns in regards to the plan. First, the plan identifies a motorized use trail that originates (or ends) in T. 37 S., R. 14 W., Section 13 that is not accurately mapped in your document as it actually is located in the BLM's Hunter Creek Bog ACEC. Our current management plan for the area prohibits motorized vehicular use of the area. In addition, there are old mining roads that originate on the Forest Service's section of trail that allows easy access into the ACEC. In order to alleviate these concerns the trail would need to be rerouted on to Forest Service ownership and the mining roads would need to be blocked to prevent vehicular traffic.

The second concern has to do with the conversion of FS Road 195 to a motorized trail. The BLM has had an on-going problem with ATV use occurring on BLM lands in the North Fork Hunter Creek ACEC (T. 37 S., R. 14 W., Section 1, 2, 11, and 12), which is closed to ATVs. Riders access the BLM land from an unsigned trail, which is well known to the locals that originates off of Road 195. Our concern is that once the area is converted to a motorized trail and placed on a map there will be an increase in ATV traffic. We understand that through this process any open cross country travel is prohibited and individuals can receive citations for such a violation. However, law enforcement in this area is problematic due to the open nature of the country and lack of resources available to federal agencies. Of particular concern is the large acreage of sensitive plant species and cultural items that occur in the North Fork Hunter ACEC. We would like to work with the Gold Beach Ranger District to find a mutually agreeable solution to limit this trespass problem.

I am confident we can work together to find solutions that best meet the needs of the public while managing the area for its unique natural resource values. My staff and I would like to meet with you to discuss this further. Please contact Kip Wright at (541) 751-4242 to arrange a meeting date and location if you are in agreement. I greatly appreciate your efforts to resolve this continuing problem and for your work on the Travel Management Plan.

Sincerely,

Kathy Hoffine

Kathy Hoffine
Myrtlewood Field Manager

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
COOS BAY DISTRICT OFFICE
1300 Airport Lane
North Bend, OR 97459-2000

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David Krantz
Environmental Coordinator
Supervisor's Office
3040 Biddle Road
Medford, OR 97504

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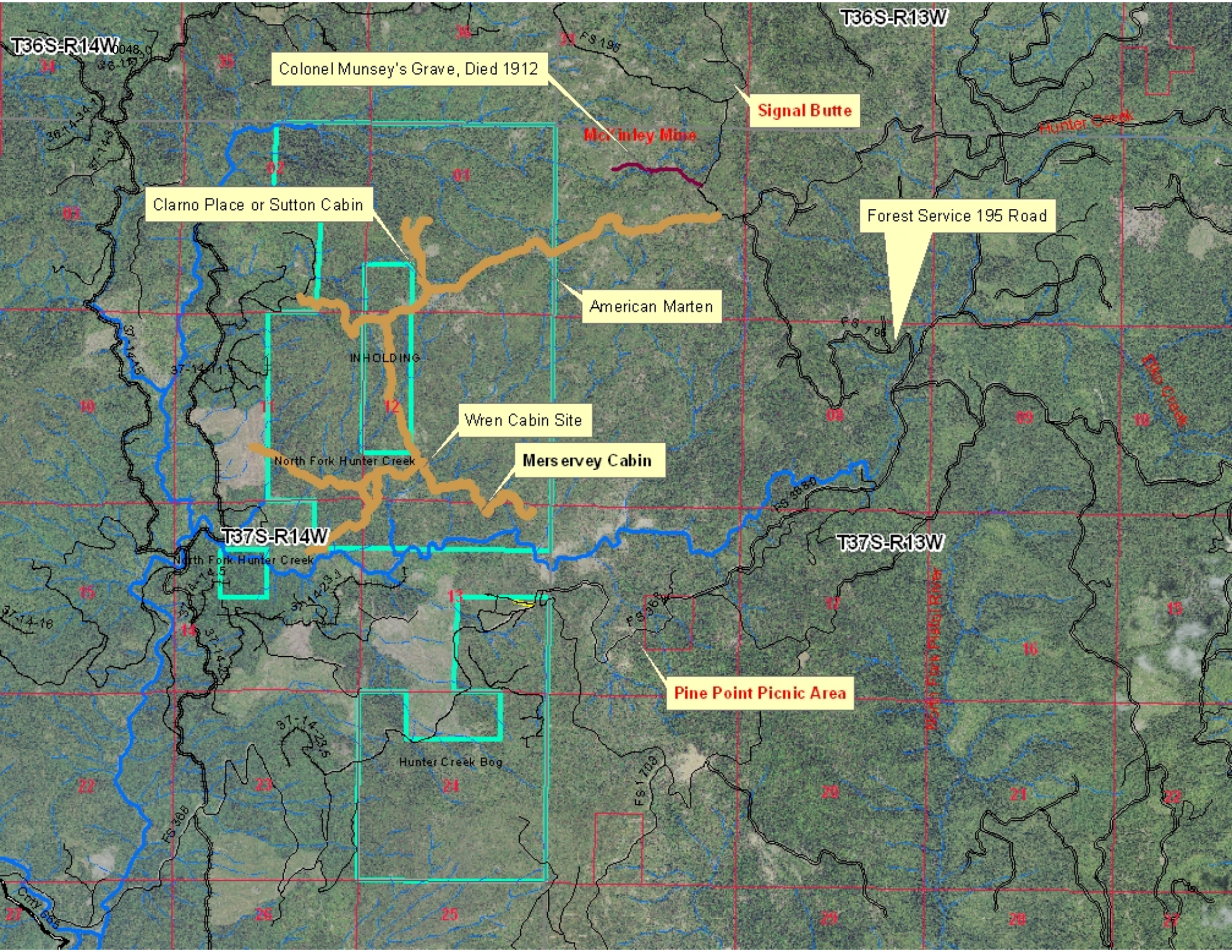
T36S-R14W
T36S-R13W
Colonel Munsey's Grave, Died 1912
Signal Butte
McKinley Mine
Hunter Creek
Clarno Place or Sutton Cabin
Forest Service 195 Road
American Marten
INHOLDING
Wren Cabin Site
North Fork Hunter Creek
Merservey Cabin
T37S-R14W
T37S-R13W
North Fork Hunter Creek
Pine Point Picnic Area
Hunter Creek Bog
Elko Creek
North Fork Elko River