

1 **NOTICE OF APPEAL**

2
3 Pursuant to 36 C.F.R. Part 215, the listed Appellants appeal Sequoia National Forest,
4 Forest Supervisor Tina Terrell's Record of Decision (ROD) for the Final Environmental
5 Impact Statement of the Sequoia National Forest Motorized Travel Management,
6 signed December 30, 2009. The EIS and ROD violate the National Environmental
7 Policy Act (NEPA), the National Forest Management Act (NFMA), and the
8 Administrative Procedures Act (APA). Consequently, the Appellants request correction
9 of the deficiencies identified herein.

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11
12 Chris Horgan, Executive Director
13 Stewards of the Sequoia
14 PO Box 267
15 Lake Isabella, CA 93240
16 chris@stewardsofthesequoia.org
17

18 Jon Aichele, Land Use Chairman
19 Bakersfield Trailblazers
20 3810 Phaffle Dr
21 Bakersfield, CA 92309
22 jons4x4@aol.com
23

24 Ron Schiller, Chairman
25 High Desert Multiple Use Coalition
26 PO Box 1167
27 Ridgecrest, CA 93556
28 schiller@ridgenet.net
29

30 Jim McWhorter
31 Southern Sierra Fat Tire Association
32 2001 Columbus Ave Suite B
33 Bakersfield, CA 93305
34 jimmcwhorter@earthlink.net
35

36 Jill Thurman, President
37 Kernville Chamber of Commerce
38 PO Box 397
39 Kernville, CA 93230
40 760 376-2629
41 jill@kernvilleframing.com
42

43 Rex Emerson, President
44 Kern River Valley
45 Chamber of Commerce
46 PO Box 567
47 Lake Isabella, CA 93240
48 (760) 379-5236
49 emerson@lakeisabella.net
50

1 Amy Granat
2 **California Trail Users Coalition**
3 PO Box 298
4 Clarksburg, CA 95612
5 Granat.Amy@gmail.com
6

7 Bruce Whitcher, Vice President, Land Resources and Public Policy
8 **California Off-Road Vehicle Association**
9 1500 West El Camino Ave. #352
10 Sacramento, CA 95833-1945
11 User501968@aol.com
12
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1 **Reference: Sequoia Motorized Travel Management FEIS and Record of Decision**

2
3 Enclosed is the appeal filed by the Stewards of the Sequoia and our allied
4 associations. The Stewards of the Sequoia are a non-profit organization headquartered
5 in Lake Isabella, California with over 2000 members. The Stewards endeavor to
6 preserve opportunity for motorized recreation and motorized access to non-motorized
7 recreation on public lands, as well as seeking community based solutions, and
8 working to affect the accountability of public decision makers in maintaining this
9 opportunity. The Stewards promote environmental conservation through education of
10 its members in responsible use of public land for recreation and maintaining an active
11 volunteer trail maintenance program.

12
13 The California Off Highway Vehicle Association (CORVA) has approximately 3000
14 members throughout California and advocates for responsible motorized recreation on
15 public land. CORVA also promotes community involvement in the land use planning
16 process and maintains an educational program in responsible recreation.

17
18 We are concerned that many of our comments on the Sequoia motorized Travel
19 Management draft environmental impact statement and final environmental impact
20 statement were not adequately addressed.

21
22 The Stewards of the Sequoia and the California Off Road Vehicle Association's primary
23 concern is that the land will be managed appropriately for continued motorized public
24 access, and that the purposes of NEPA are fulfilled. Our organizations have provided
25 thousands of volunteer man hours maintaining Sequoia trails. We have provided
26 comments on the Travel Management documents at every step.

27
28 Our interest in this Decision flows from our frequent use of the Sequoia National
29 Forest for motor-vehicle-dependent recreation, our members' investment in the well-
30 being of the Sequoia National Forest expressed via frequent volunteer work for Forest
31 Service, and our keen desire that the government, in this case the agency of the U.S.
32 Forest Service, make its land-use allocation decisions lawfully.

33
34 Respectfully,

35
36 Chris Horgan, Executive Director, Stewards of the Sequoia
37 Bruce Whitcher, Vice President, Land Resources and Public Policy,
38 California Off Road Vehicle Association

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Statement of Reasons

Certain aspects of the FEIS/ROD for the Sequoia National Forest Travel Management are based on flawed or inadequate information. By selecting Modified Alternative 3 the Forest Service is potentially in violation of NEPA, NFMA, and the APA. The following analysis details how these federal regulations would be violated by the project's implementation.

The EIS and ROD for the Sequoia Travel Management Plan potentially violate the Sequoia Land and Resource Management Plan, which would be a violation of FLPMA.

The Sequoia Travel Management FEIS/ROD does not consider the SQNF proposal to construct/reconstruct 42 miles of trail beginning in 1988 (21 miles per decade).¹ The 1988 LRMP/ROD states that this amount of new trail added to the existing trail system would be inadequate to meet future demand, and that, "trail construction over the next ten years would be increased in recognition of a demonstrated need to improve the system of trail connecting facilities and providing loop opportunities".²

The Sequoia Travel Management FEIS/ROD establishes the Forest transportation system and according to the statement of Purpose and Need:

"There is a need for limited changes to the Forest Transportation System to:
a. Provide motor vehicle access to dispersed recreation opportunities
b. Provide a diversity of motorized recreation opportunities"

Yet the FEIS/ROD fails to acknowledge or address this direction need by designating only 13.2 miles of trail for addition to the NFTS.³

Furthermore, the Sequoia Travel Management FEIS/ROD fails to follow LRMP direction by not tracking "compensation credit" as required by the Sequoia Mediated Settlement Agreement (MSA).⁴ Although the SQNF responds to PC 311⁵, the response is inadequate as it fails to consider the direction of the MSA stated on page 102-103.

"PC 311: The Sequoia National Forest should track the miles of trails closed to multiple use and assign compensation credits as required by the Mediated Settlement Agreement (MSA).

Response: *The MSA states that "compensation credit" shall be considered for closing of the existing Sirretta Peak trail to motorized use" (MSA p. 96 (II.L.2.a. (5)). The Sirretta Peak trail is not in this project area."*

¹ Record of Decision, Final Environmental Impact Statement, Sequoia National Forest, March 1988, p. 17.

² Record of Decision, Final Environmental Impact Statement, Sequoia National Forest, March 1988, p.17.

³ Record of Decision, Final Environmental Impact Statement, Sequoia National Forest, Dec. 2009, p. 10-11.

⁴ Sequoia National Forest Mediated Settlement Agreement, 1990, p. 103.

⁵ Sequoia FEIS Oct 2009, p. 841

1 The MSA requires the SQNF to “inventory all trails and roads, both open and closed.”⁶
2 This section provides very clear direction to the SQNF, a direction that has been
3 followed in the Sequoia Motorized Travel Management FEIS/ROD, for which a
4 comprehensive route inventory was undertaken. However the SQNF falls short by not
5 assigning compensation credit as specified by the MSA.

6 *“The Sequoia National Forest shall inventory all roads and trails, both open and*
7 *closed.....As inventoried or pre-existing trails or trail sections are closed,*
8 *compensation credit shall be assigned.”⁷*

9 Compensation Credit is a tool to help the Sequoia make decisions about trail use,
10 such as in the Sequoia Motorized Travel Management Plan. Compensation credit
11 must clearly be tracked for every inventoried trail or trail section that is closed, and
12 an assessment of cumulative benefits done. The SQNF ignores this LRMP direction.

13 **The EIS/ ROD for the Sequoia Travel Management Plan Violates the** 14 **Administrative Procedures Act (APA).**

15
16 The Administrative Procedures Act (APA) prohibits an agency from acting in an
17 arbitrary and capricious fashion. Fair and honest procedures are also an element of
18 complying with NEPA. To assure that a fair discussion occurs, agencies are required to
19 obtain high quality information, including accurate scientific analysis.

20
21 The regulations are very explicit. Agencies shall insure the professional integrity,
22 including scientific integrity, of the discussions and analyses in environmental impact
23 statements. CEQ regulations also require that: Environmental impact statements
24 shall serve as the means of assessing the environmental impact of proposed agency
25 action, rather than justifying decisions already made. In the Sequoia Travel
26 Management EIS the Forest has determined season of use without consideration of
27 climate data.

28
29 The proposed season of use is stated in the Record of Decision.⁸

30
31 *Establish a season of use of 5/15-11/15 for Route 31E78 (.7 miles long)*

32
33 *Establish a season of use for approximately 181.0 miles of routes in order*
34 *to reduce impacts during wet periods. The current season of use for roads*
35 *is year-round, with closures during wet periods implemented by Forest Orders”.*

36
37 The FEIS/ROD proposes a Season of Use from 4/15-12/31, yet the document provides no
38 evidence of need for a change from the current policy of leaving routes open year round and
39 implementing wet weather closures by Forest Order.

40 **The EIS/ ROD for the Sequoia Travel Management Plan Violates National** 41 **Environmental Policy Act (NEPA).**

42

⁶ Sequoia Mediated Settlement Agreement, 1990, p. 103.

⁷ Sequoia Mediated Settlement Agreement, 1990, p. 103.

⁸ Sequoia National Forest, Record of Decision, December 2009, p.12.

1 **A. No Data to Support Fixed Date Seasonal Closures**
2

3 **There is no data presented in the FEIS or the DEIS that supports a change in wet**
4 **weather policy. The SQNF fails to:**

5
6 *“identify any methodologies used and shall make explicit reference by footnote to*
7 *the scientific and other sources relied upon for conclusions in the statement.”CFR*
8 *40 1502.24.*
9

10 The FEIS offers only anecdotal supporting information to justify a change in policy and
11 regulation related to season of use by simply stating that “continued use of routes
12 during extensive wet weather periods can potentially create erosion”.⁹ His appears to
13 be an opinion as the statement indicates this is a potential effect. His statement is not
14 supported by any data provided in the document.
15

16 The FEIS ¹⁰ makes the following statement:
17

18 ***“Changes to the existing NFTS***

19
20 *Changes to the existing NFTS include the establishment of a season of use.*
21 *Changing season of use could have a positive effect (both direct and indirect) as*
22 *routes would not be used during wet periods. Season of use could reduce*
23 *increases in erosion and sediment during wet periods. A change in season of use*
24 *could reduce impacts to rolling dips and waterbars during wet periods.”*
25

26 This section refers to Alternatives 1, 3, 4 and Modified Alternative 3 and indicates the
27 possibility that a change in wet weather policy could possibly reduce erosion and
28 sedimentation and that the “positive effect” is only a possibility. The FEIS presents no
29 supporting evidence or scientific data in the soils and hydrology section or elsewhere
30 in the document that would support such a conclusion.
31

32 Another justification for season of use offered is that:
33

34 *“restricting access while the route is wet protects the route from damage and*
35 *protects the public from getting stranded”.*¹¹
36

37 The FEIS offers no reports of the public of being stranded, therefore this statement is
38 conjecture or a matter of opinion and not supported by evidence or fact.
39
40

41 **B. BMP’s and Maintenance Standards**
42

43 Both the FEIS and the DEIS describe Best Management Practices (BMP’s) that are
44 a maintenance standard for roads; however the BMP’s cited are silent on how BMP’s
45 apply to trails. Roads which have a much larger surface area than trails. Clearly the

⁹ Sequoia National Forest, Record of Decision, December 2009, p. 20.

¹⁰ Sequoia National Forest FEIS , Oct. 2009, p. 292.

¹¹ Sequoia National Forest FEIS, Oct 2009, p. 437.

1 water runoff from a 12 foot wide road is far different than from an 18 inch wide
2 meandering single track trail. The SQNF should remove season of use from single
3 track trails as they are not addressed by the BMP's.

4
5 Applicable BMP's are found in the FEIS Appendix B¹², 2.24, "Traffic Control During
6 Wet Weather Periods." This section is derived from the Regional Water Quality
7 Management Plan, 2000.¹³

8
9 The standard and guideline is broad, simply calling for sediment from disturbed road
10 surfaces to be minimized. Although the FEIS/DEIS provide a table of unauthorized
11 routes with potential for sediment delivery there is no evidence provided to support the
12 contention that a proposed wet weather closure plan makes a significant difference in
13 sediment production from road and trail surfaces.

15 **C. Maintenance costs**

16
17 If resource damage is reduced by changing wet weather policy this should be reflected
18 in maintenance costs. The FEIS includes the following statement:¹⁴

19 ***"Modified Alternative 3***

20 *Maintenance costs for Modified Alternative 3 total \$567,226. System road and*
21 *trail mileage is very similar to all other alternatives; road maintenance levels are*
22 *lower than the No Action alternative, but trail miles are greater. Cross-country*
23 *travel would be prohibited, increasing the amount of use on the remaining trails,*
24 *possibly requiring maintenance more often. Seasons of use would be*
25 *implemented to restrict traffic during the season when damage would occur,*
26 *decreasing annual maintenance cost due to less wear.*

27
28
29 However Annual Maintenance¹⁵ costs for the No Action alternative (\$565,259) and
30 Modified Alternative 3 (\$567,226) differ by approximately \$2000, not even a few tenths
31 of a percent. In fact Table T-4 provides no data to support implementation of fixed
32 seasonal closures as providing any real cost saving over the present policy of closure
33 by Forest Order.

34
35 The Travel Management Rule states that routes of travel should be designated by class
36 of vehicle, and if appropriate, by season of use.

37
38 A fixed season of use from December 31-April 15 for the project area is in fact
39 inappropriate, since weather patterns vary from year to year. The Forest Service
40 should continue to implement forest closure orders based on current weather
41 conditions.

42

¹² Sequoia National Forest FEIS, Oct. 2009, Appendix B, p. 714.

¹³ Water Quality Management for Forest System Lands in California: Best Management Practices. USdA
Forest Service, Pacific Southwest Region, 2000, p. 60.

¹⁴ Sequoia National Forest FEIS, Oct. 2009, p. 444.

¹⁵ Sequoia National Forest FEIS Oct. 2009, Table T-4, p. 442.

1 The weather pattern for the elevation ranges the SQNF has cited does not match the
 2 weather in the project area. **The SQNF DEIS states the proposed Seasonal Closures**
 3 **or 11/15-5/1 or 11/15-5/15 are based on anticipated snow levels (PC235)¹⁶**
 4 However it is rare that snow lasts until May in the lower or middle elevation, although
 5 the document does not state what the actual altitudes for these elevation ranges are.
 6 Snow accumulation in amounts that would cause concern often does not occur in the
 7 higher elevations until January, if at all in some years. Furthermore one section of the
 8 project area may receive snow while another area received none until months later, if
 9 at all. In most cases when the snow does fall in the project area most of it melts within
 10 one or two days, so there is no accumulation.
 11

12 **D. FEIS fails to provide the methodology used to determine the need for fixed**
 13 **closure dates**
 14

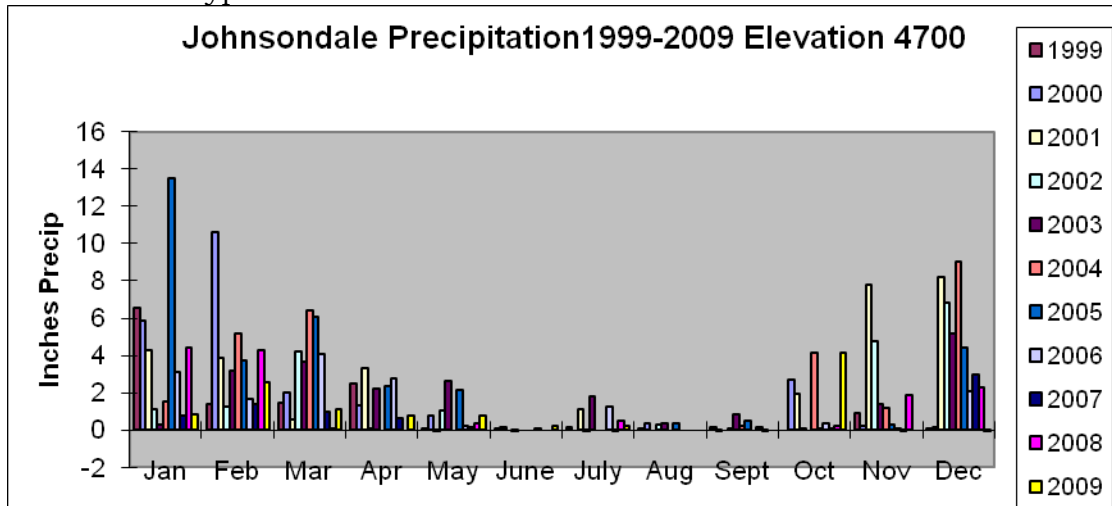
- 15 • The FEIS does not state the weather model or data they have used to develop
- 16 the proposed fixed date Seasonal Closures.
- 17 • The FEIS does not state the altitudes for the elevation ranges for the proposed
- 18 low, middle and higher elevations, making it impossible to determine what is
- 19 being proposed.
- 20 • The FEIS has shown a large variability in snow accumulations based on past
- 21 history across the project area, which does not justify fixed date seasonal
- 22 closures.
- 23 • The FEIS has failed to show any reasonable justification for fixed date seasonal
- 24 closures in the planning area.

25
 26 There are about 25 weather stations in or around the planning area, seven of
 27 which are operated by SQNF and three operated by the BLM.
 28
 29

USFS operated weather stations with elevations:	BLM operated weather stations with elevations:
1. Breckenridge-7501 ft 2. Democrat-2356 ft 3. Hot Springs-3720 ft 4. Johnsondale-4700 ft 5. Kernville-2720 ft 6. Piute-6200 ft 7. River Kern-3010 ft	1. Delonagha-3120 ft 2. Walker Pass-5572 ft 3. Wofford-3150 ft

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¹⁶ Sequoia National Forest FEIS Oct. 2009, Appendix G, p. 837

1 Below is one typical chart.



2
3

4 Looking at the chart for any one station it is readily apparent that precipitation is
5 variable from year to year. This means that precipitation at any one location lacks
6 the consistency to justify a fixed date closure.

7

8 On each chart (included in our FEIS comment) we can also see that in some years
9 there is very little precipitation, while in other years the precipitation comes late, if
10 at all.

10

11 If we then compare the data charts for stations at the same altitude range we can
12 see that there are large variances from location to location even at the same
13 elevation, for example by comparing charts:

13

- 14 • Breckenridge with Piute for high elevation
- 15 • Johnsondale with Walker Pass for middle elevation
- 16 • Democrat with Wofford and Kernville or Kern River for low elevation

17

18

19 However the precipitation data reveals only part of the story. For example at high
20 altitudes it is coldest and one might think that in January of 2005 where Piute shows
21 8.5 inches and Breckenridge shows 4.75 inches that there would have been significant
22 snow accumulations, but the average daily high temperature was 67 and 64 degrees at
23 the stations, so it is unlikely there was any snow at all.

23

24

25 Since no data was included in the FEIS we may assume that the SQNF did not use
26 any data from these stations to determine if seasonal closures were needed, instead
27 the SQNF has adopted seasonal closures because the Washington Office has given the
28 direction to do so regardless of local conditions.

28

29

30 The FEIS does acknowledge *“the complex mountainous terrain of the Western
31 Southern Sierra Nevada”*.¹⁷

31

32

33 Due to the complex nature of the terrain as noted by SQNF above, combined with a
34 lack of snow accumulation data, the large variability of the snow accumulation based

34

¹⁷ Sequoia National Forest, FEIS, Oct. 2009, p. 107.

1 on weather station data, among other things, it is clear that a fixed date season of use
2 as Region 5 has proposed SQNF use is not appropriate.

3
4 When discussing the climate for the area the SQNF states below that precipitation has
5 varied from 15 to 45 inches, or by 200%, over the last five years.

6
7 *Annual precipitation in the upper Kern River watershed over the last five years*
8 *ranged from 15 to 45 inches, occurring in the form of rain from January through*
9 *March and resulting in an annual average snow pack of approximately three feet at*
10 *higher elevations.*¹⁸

11
12 This all points out that the so called wet season does not even occur in some years,
13 but might in others. That is why the SQNF has used Forest Orders as needed in the
14 past to close roads when the precipitation calls for it. However we can recall many
15 times in previous years when large storms were forecast and the SQNF closed the
16 roads only to have the storm never arrive and there was no snow on the ground, or the
17 snow melted on the same day.

18
19 Clearly in years with less precipitation there may be no wet season and indeed there
20 was not. In those years the trails were perfectly suited to be enjoyed all year, and the
21 best time to enjoy them was during the proposed closure periods.

22
23 Since the areas within the planning area differ greatly, the SQNF has provided a
24 separate description to disclose the conditions in the Greenhorns Mountains and a
25 separate description disclosing the conditions in the Breckenridge Mountains.¹⁹

26
27 **Greenhorn Mountains**

28 Elevation ranges from 800 to 8,000 feet, annual precipitation is 10 to 35 inches,
29 and the frost-free growing season is 130 to 200 days.²⁰

30
31 **Breckenridge**

32 Slopes range from 2 to 75 percent, elevations range from 800 to 7,000 feet, annual
33 precipitation is 10 to 16 inches, and the frost-free season is 120 to 210 days.²¹

34
35 The above sections state that in Breckenridge the maximum precipitation is 16 inches,
36 while in Greenhorn is it 35 inches. In addition the SQNF has stated that the frost
37 season generally varies by about 3 months between years. These very large variations
38 in climactic conditions cannot be addressed through a policy of fixed closure dates
39 without unfairly restricting public access to the SQNF.

- 40
41
 - Seasonal closures for the entire planning area are not justified because of the
42 large variations in the snow accumulation, frost season and precipitation from
43 year to year within each elevation range.

¹⁸ Sequoia FEIS, Oct. 2009, p.255.

¹⁹ Sequoia FEIS, Oct 2009, p. 256.

²⁰ Sequoia FEIS, Oct 2009, p. 256.

²¹ Sequoia FEIS, Oct 2009, p. 256.

- 1 • Seasonal closures are not justified because of large variations between different
2 parts of the planning area such as the Greenhorn Mountains and Breckenridge
3 Mountains.
4

5 From the above description of each mountain range, we see that historical
6 precipitation for these Ranges has been as low as 10 inches, which is 30% less than it
7 was in during the past five years, when it was 15 inches. We have testified that during
8 the past five years when precipitation was 15 inches there were years when there was
9 no snow accumulation in most if not all of the planning area, thereby warranting no
10 seasonal closure. We can extrapolate that if the precipitation was up to 30% less or 10
11 inches per year that the planning area would also receive no accumulation of snow
12 and would also not justify fixed date seasonal closures.
13

14 The SQNF has stated precipitation for areas within the project area has been as low as
15 10 inches and as high as 45 inches.²²

- 16 • A fixed date season of use is not warranted when the precipitation can vary by
17 450% each year.
18 • A fixed date seasonal closures based on snow accumulation is not justified
19 when snow does not occur every year.
20

21 Trails on North facing slopes hold snow while South facing trails at the same elevation
22 do not hold snow. Due to predominant weather patterns trails on West facing slopes
23 have more precipitation than those at the same elevation on East facing slopes. This
24 further supports the concept of closures as needed, instead of fixed data seasonal
25 closures.
26

27 Furthermore the new section on Climate Change in the FEIS notes according to the
28 EPA that even more variability may be expected.
29

30 *“According to EPA (2007), however, it is uncertain how much warming will occur,
31 how fast that warming will occur, and how the warming will affect the rest of the
32 climate system including precipitation patterns.”²³*
33

34 **Due to the uncertainty of changes in climate and precipitation there is no data
35 that supports a fixed date based season of use.**
36

37 **E. The FEIS provides an analysis of the effects of the current flexible seasonal
38 closure plan as part of the analysis of Alternative 2**
39

40 The FEIS indicates the justification for wet weather road and trail closures is the
41 potential for increased sediment production and watershed sedimentation due to
42 increased erosion during wet weather. The effects of season of use are addressed in
43 Chapter 3.9, Hydrology and Soils as part of the Assumptions specific to the watershed
44 resource analysis.
45

²² Sequoia FEIS, Oct. 2009, p.255.

²³ Sequoia FEIS, Oct. 2009, p.114.

INADEQUATE RESPONSE TO COMMENTS

The responses to the following public comments are inadequate. Corrections and additions to SQNF response should be made.

1. Quantify Season of Use “Higher Elevation”

In response to PC 235 the author states “the proposed season of use was modified to consider wildlife concerns and those route accessible from higher elevations.” The term “higher elevations” should be quantified.

“PC 235: The Sequoia National Forest should include altitude based seasons of use and conditional snow travel by wheeled motor vehicles and OHVs.

Response: For the Proposed Action, Alternative 1, anticipated snow levels based on elevation were used to determine the season of use for each route. The season of use was based on three elevation ranges, resulting in three different seasons of use: year-round (lower elevations), 5/1-11/15 (middle elevations), and 5/15-11/15 (higher elevations). Under Alternatives 3, Modified 3, and 4, the proposed season of use was modified to consider wildlife concerns and those routes only accessible from higher elevations.”

2. Supply rationale for 31E78 change to pedestrian only

In the response to PC 49 the FEIS indicates the change in season of use of trail 31E78 is for pedestrian use. There is no indication in the DEIS or FEIS of the rationale for a change of this route, which has been managed for motorized use for decades, to pedestrian use. The SQNF should add a rationale for this change to the document.

3. The following response to our comments is inadequate because the basis for season of use is not actual weather conditions.

“PC 64: The Sequoia National Forest should restrict access by Forest Order rather than Season of Use.

Response: The Travel Management Rule allows for seasonal designations “if appropriate, the times of year for which use is designated” (36 CFR § 212.56). Seasonal closures are needed to meet Forest Plan standards and guidelines to close unsurfaced routes during wet weather periods. Seasonal closures on such routes are intended to protect roads and trails from damage when the travel tread cannot support vehicle use, as well as to prevent rutting, soil erosion, and other resource damage.

By stating a season of use, the public will know exactly when roads, trails, and areas are available for use and can plan their use accordingly. A Forest Order may change access from year to year.”

1 The SQNF is using general season of use dates as required by the Washington office,
2 which is not based on actual conditions in Sequoia or the planning area and is not
3 appropriate. The proposed season of use closures will prohibit use in many areas
4 during the best and most popular times to enjoy those trails and roads. The historical
5 use of these areas during these proposed closure times has not caused any undue
6 problems. There have been no problems caused by use during these proposed closure
7 periods that warrant the wholesale closure of all areas above a certain altitude as the
8 SQNF proposes. These closures will deny public access to huge areas during the best
9 times based only on small possible negative effects.

11 **4. Maintenance costs fail to reflect savings due to wet weather closures**

12
13 ***“PC 65: The Sequoia National Forest should provide evidence that
14 proposed wet weather closures make a difference in sediment production
15 from road and trail surfaces and reflect this in the maintenance costs.***

16
17 ***Response:*** Use of roads and trails when the surface is wet can damage the
18 drainage structures (rolling dips and water bars) that are in place to take the
19 water off the road and reduce erosion. The estimates for road and trail
20 maintenance presented in the Comparison of Alternatives section of Chapter 2
21 and the Transportation Facilities section of Chapter 3 are based on an average
22 per mile rate for normal maintenance; any heavy maintenance or reconditioning
23 will incur increased costs. The Transportation Facilities section of Chapter 3 does
24 not include a discussion of maintenance costs (or savings) related to wet weather
25 closures.”

26
27 The response to PC65 is inadequate because it states that there is no discussion of
28 maintenance costs related to wet weather closures when in fact such a discussion is
29 located on the FEIS page 444. This discussion is not supported by the corresponding
30 cost table on page 442 that indicates a negligible cost saving by implementing
31 Modified Alternative 3, which includes fixed date seasonal closures, compared to no
32 action alternative. The SQNF should include a statement that there is no maintenance
33 cost saving due to wet weather closures.

35 **5. Description of Recreation Opportunities Was Not Added To EIS As Stated**

36
37 The response to PC 272 states the SQNF has added a description of the various
38 recreation opportunities, yet the Project Area Description and Location section below
39 remains identical to the DEIS. Nothing has been added or changed from the DEIS.

40 ***“PC 272: The Sequoia National Forest should include other types of
41 recreational use in the overview of the Kern River Basin on page 184.***

42 ***Response:*** A description of the various recreation opportunities identified in the
43 Kern River Basin has been added to the Project Area Description and Location
44 Section of Chapter 1.”

1 No description of the various recreational opportunities identified within the Kern
2 River Basin has been added to the Project Description in the FEIS. This section
3 remains unchanged. He FEIS does not include a description of the various recreation
4 opportunities as stated by SQNF. This description should be added.

6. Trail Tread and Soil Productivity

8 In the response to PC217 the SQNF concedes that trail tread is removed from the
9 analysis and that decreased soil productivity on trails is not subject to soil standards.

10 ***“PC 217: The Sequoia National Forest should remove the comment***

11 ***“decreased soil productivity” as trail tread is not subject to soil standards***
12 ***or vegetation.***

13 ***Response:*** *Trail tread has been removed from analysis as routes are considered to*
14 *be permanent facilities. The Region 5 Soil Handbook states that “The analysis*
15 *standards are to be used for areas dedicated to growing vegetation. They are not*
16 *applied to lands with other dedicated uses, such as developed campgrounds,*
17 *administrative facilities or, in this case, the actual land surface authorized for travel*
18 *by the public using various kinds of vehicles. Therefore decreased soil productivity at*
19 *trail heads is not subject to soil standards.”*

20 This position agrees with Region 5 Soil Standards:

21 **Region 5 Soil Management Handbook Supplement.** (Page 238 & 244 FEIS)

22 *The soil quality standards are to be used for areas dedicated to growing vegetation.*
23 *They are not applied to lands with other dedicated uses, such as developed*
24 *campgrounds, administrative facilities or in this case, the actual land surface*
25 *authorized for travel by the public using various kinds of vehicles...*

26 The statement “decreased soil productivity” has not been changed and still appears six
27 times in reference to trails FEIS page 221, 227 and elsewhere. References to
28 “decreased soil productivity” should be removed from the document as agreed to by
29 SQNF.

7. Usage Data Not Available

33 Numerous routes are proposed for closure due to Forest Service claiming these routes
34 have little use. Yet staff state *“Usage data were not available for all of the routes*
35 *considered” (PC44 page 855).*

36 ***“PC 44: The Sequoia National Forest should consider the frequency of use***
37 ***on each specific route as part of the wildlife analysis.***

1 **Response:** Usage data were not available for all of the routes considered, so all
2 motorized routes were treated equally in the wildlife analysis in Chapter 3.”

3 All references to lack of use should be removed from the FEIS and any routes
4 proposed for closure should remain open, since there is no data available to support
5 route closures.
6

7 **8. Tracking Compensation Credits**

8
9 The SQNF’s response to PC 311, based on page 96 of the Sequoia Mediated
10 Settlement Agreement, that to claim Compensation Credits is outside the scope of
11 this EIS:
12

13 **“PC 311: The Sequoia National Forest should track the miles of trails**
14 **closed to multiple use and assign compensation credits as required by the**
15 **Mediated Settlement Agreement (MSA).**

16
17 **Response:** The MSA states that “‘compensation credit’ shall be considered for
18 closing of the existing Sirretta Peak trail to motorized use” (MSA p. 96
19 (II.L.2.a.(5)). The Sirretta Peak trail is not in this project area.”

20 This comment provides no explanation of why compensation credit is limited to the
21 Siretta Peak Trail. There is no statement in the MSA indicating that compensation
22 credit is limited to any part of the Forest. The SQNF neglects to mention the section
23 from the MSA on Page 103, which Stewards brought to their attention in our DEIS
24 comments, and which requires the SQNF “inventory all trails and roads, both open
25 and closed. This section provides very clear direction to the SQNF.
26

27 **“The Sequoia National Forest shall inventory all roads and trails, both**
28 **open and closed.....As inventoried or pre-existing trails or trail sections**
29 **are closed, compensation credit shall be assigned.....as inventoried or pre-**
30 **existing trails or trail sections are closed, compensation credit shall be**
31 **assigned”.**
32

33 Compensation Credit is a tool to help the Sequoia make decisions about trail use,
34 such as in the Sequoia Motorized Travel Management Plan. Compensation credits
35 should be tracked.
36

37 **CORRECTION OF ERRORS**

38 **1. Greatest Reduction of Trails Not Disclosed**

39
40 Under the Background Section 1.2 in the FEIS Page 9 the SQNF describes how routes
41 have been closed in the past, but neglects to disclose the one of the largest methods of
42 route closures via Wilderness Designation and Monument Proclamation trail closure.
43 While the Background section notes that cross country travel has been banned in the
44 Monument and that motorized use is allowed on roads, it neglects to disclose that the
45 Monument Proclamation specifically closed all trails to motorized use. The trails that

1 were closed are not part of a ban on cross country travel so that closure has not been
2 disclosed. The SQNF should disclose the closure of routes via Wilderness Designation
3 and the closure of all trails to motorized use per the Monument Proclamation.
4

5 **2. Piute Trail Mileage Error**

6
7 The FEIS states that a separate EIS will be done for the Piutes, however in Table 1-A of
8 the current FEIS states that there are 144 miles of inventoried unauthorized routes in
9 the Piutes.²⁵ SQNF should clarify that trail mileage in the Piutes will be determined
10 during the planning process for that area.
11

12 **3. Inconsistent Lakeside Recreation Area Elevations**

13
14 The public has repeatedly voiced concerns regarding the need to preserve traditional
15 vehicular access around Lake Isabella. The Forest Service has summarized those
16 public comments in the FEIS:
17

18 ***“The attraction of Lake Isabella is the open access and ability to park next to
19 the lakeshore to fish, camp, windsurf or boat. If the proposed Forest Plan is
20 adopted that will no longer be possible, which will devastate the local
21 economy, tourism and way of life.” (FEIS Page 19)***
22

23 In response to public comment the Sequoia Forest Service has chosen to implement
24 16 Recreation Areas around Lake Isabella where traditional vehicular access down to
25 the shoreline will be allowed. The Sequoia Hydrology Report found the impacts caused
26 by vehicular access to be negligible compared to wave action and the lake level rising
27 and falling.
28

29 **Lake Isabella**

30 *Lake Isabella area and Forest service land surrounding the reservoir was
31 analyzed as one subwatershed as sediment generated from surrounding lands
32 including roads, communities, and sediment from the North Fork and South Fork
33 Kern River affect the lake upstream from the reservoirs dam. Delineating the lake
34 subwatershed was done for the Cumulative Watershed Effects (CWE) analysis.
35 Effects resulting from roads adjacent to the lake were negligible compared to
36 inflow of sediment from both forks of the Kern and wave action from wind and
37 the lowering and raising water levels of the lake. (DEIS page 212)*
38

39 We understand the Forest Service has chosen a fixed level around the lake at which all
40 the newly designated Recreation Areas end. Supervisor Terrel has stated at public
41 meetings that a fixed level was chosen around the lake below which the public will not
42 be allowed to drive vehicles. However the map of the Lake under chosen Modified
43 Alternative 3 shows the Recreation Areas as ending at different levels from 2500 to
44 2560 elevations. For example:
45

- 46 • Auxiliary Dam Recreation Area ends at 2560 elevation

²⁵ Sequoia National Forest, FEIS, Oct 2009, p. 10

- 1 • Old Isabella Dam Recreation Area ends at 2540 elevation in one area and at
- 2 2560 in another
- 3 • South Fork Recreation Area ends at 2500 elevation
- 4 • Paradise Cove Recreation Area ends at 2540 elevation
- 5 • Stein Cove Recreation Area ends at 2560 elevation
- 6 • Boulder Gulch Recreation Area ends at 2520 elevation

7
8 The above large variance in Recreation Area elevation areas translates into traditional
9 vehicular access being prohibited within hundreds of feet of the shore in the most
10 popular area, while on the same day vehicles will be allowed at the shore in another
11 Recreation Area. This is arbitrary and capricious. It will create an enforcement
12 nightmare, confuse the public and undermine public trust in the Forest Service.

13
14 Considering the Corp of Engineer Isabella Dam project will keep water levels lower
15 than normal for at least 10 years, low water levels will be the norm, not the exception.
16 Therefore these low water Recreation Area boundaries are likely to be reached often (the
17 lake level was below many of them this fall) and a consistent and reasonable boundary
18 to allow for the continued historic vehicular access, which the public has asked for
19 and the Forest Service wants to provide, is important.

20
21
22 **CORRECTION REQUESTED FOR LAKESHORE ACCESS:**

- 23 1. It appears this may be a mapping error that can be corrected by revising the
- 24 map to show the Recreation Areas down to a consistent low water level,
- 25 approximately 100,000 acre feet.
- 26 2. Considering the Cumulative Watershed Effect (CWE's) with which the Forest
- 27 Service must comply, we appreciate there is a maximum recreation area
- 28 acreage that may not be exceeded. Using the CWE guide the Forest Service
- 29 should allow the maximum recreation area down to the lowest water level
- 30 consistent with applicable CWE's.

31
32