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Delivered via Federal Express and email to sftravelmgt@fs.fed.us

SFNF Travel Comments
11 Forest Lane
Santa Fe, NM 87508

Dear SFNF ID Team:

We submit the following comments regarding the Draft Environmental Impact Statement (“DEIS”) for Travel Management on the Santa Fe National Forest (“SFNF”), July 2010, on behalf of the Trails Preservation Alliance (“TPA”), Colorado Off-Highway Vehicle Coalition (“COHVCO”), Jim Burton, Greg Fleming, Ed Hoffman, and John O’Malia (collectively “the Recreation Groups”). We appreciate the opportunity to provide comments and to work with the Forest Service to ensure that the public is afforded ample motorized recreation and access opportunities on the SFNF.

Background

The DEIS addresses the purpose of complying with national policy articulated in the 2005 Travel Management Rule (“TMR”) (70 Fed. Reg. 68264 *et seq.*, Nov. 9, 2005; 36 CFR Parts 212, 251, 261 and 295). It is important to note at the outset that the TMR is not a “closure” directive as portrayed by some preservationist special interests. Then-Chief Dale Bosworth stated upon release of the TMR that “[I]and Managers will use the new rule to continue to work with motorized sports enthusiasts, conservations, state and local officials and others to provide responsible motorized recreational experiences in national forests and grasslands for the long run.” USDA Forest Service, News Releases, “*USDA Releases Final Rule for Motorized Recreation in National Forests & Grasslands*,” dated November 2, 2005. “A managed system of roads, trails and area designated for motor vehicle use will better protect natural and cultural resources, address use conflicts, and secure sustainable opportunities for public enjoyment of national forests and grasslands.” Travel Management Rule Final Communication Plan, November 2, 2005, p.5. In fact, “it is Forest Service Policy to provide to diversity of road and trail opportunities for experiencing a variety of environments and modes of travel consistent with the National Forest recreation role and land capability.” Forest Service Manual 2353.03(2); *see also*, 70 Fed. Reg. 68264 (“motor vehicles are a legitimate and appropriate way for people to

enjoy their National Forests in the right places and with the proper management.”). The Forest Service should be planning for a managed system, and working with all groups, including OHV enthusiasts, in order to comply with not only the agency’s own directives and the Travel Management Rule, but the policies behind the Rule.

The Recreation Groups have many members who live near and/or recreate in the SFNF. These activities include or are economically-connected to motorized and non-motorized recreation, including access by passenger auto, full-size four-wheel drive, ATV, UTV, motorcycle, mountain bike, horses, hiking and other modes of access. This recreational access is intrinsically rewarding for Recreation Groups’ members, but also facilitates other activities including sightseeing, camping, picnicking and day trips, hunting, fishing, photography, observing wildlife, wood and nut gathering, and similar activities. The restrictions proposed in the DEIS, even under Alternative 4 which we support among the range of present alternatives, will adversely impact the activities and recreational/aesthetic interests of Recreation Groups’ members.

These comments are supplemental to, and independent of, any submitted by individual or organizational members of the Recreation Groups. The agency shall independently evaluate and respond to all such comments. In particular, we will not attempt to address route-specific issues in these comments, but anticipate that many members and enthusiasts will do so. An effective response to such comments will be essential to the initial and long-term success of the Travel Management Plan on the SFNF. Please direct any correspondence regarding these comments to Paul Turcke via the above-listed contact information or pat@msbtlaw.com.

General Comments

The Recreation Groups are encouraged by the extensive and well-planned work that has occurred to date which is apparent from the DEIS. We have reviewed numerous travel planning documents and the DEIS stands out as a positive example combining proper recognition of the letter and spirit of the TMR, practical understanding of active recreation management principles, and planning components that present the agency and the public with a meaningful range of management options for robust analysis. Particularly important is the recognition that it is unmanaged recreation that then-Chief Bosworth targeted in his oft-(mis)quoted “four threats” address. DEIS at iii. Of course, the strong framework of the DEIS sets a high standard for the SFNF to meet as the planning process moves forward. Through these comments we offer suggestions for improving identified aspects of the DEIS and highlight specific concerns that must be translated to on-the-ground designations and continuing management for the TMP to live up to the promise of the DEIS.

The SFNF has generally done an impressive job in crafting alternatives that will effectively involve the public and focus agency analysis. The Recreation Groups support Alternative 4, as it best meets the needs and traditional use patterns of the communities and motorized recreationists of the SFNF. We think Alternative 4 is a good balance that allows for

motorized access for all of the various user groups as identified in the Forest's visitor use studies. It also best protects the opportunities for continued dispersed camping and game retrieval. These activities are a major investment in quality family-based recreation opportunities. Alternative 4 offers the best management solution that complies with the TMR and other applicable law while providing a meaningful, diverse range of recreational opportunity to meet the needs of present and future Forest visitors.

We wish to generally note several important themes or sections of the analysis. In some instances, we find the SFNF to have taken a uniquely positive approach, or to have addressed a particular issue more effectively than many Forests we have encountered. In no particular order of importance, we recognize the Forest's good work regarding:

- Purpose and Need (pp. 1-2)
- Recognizing the Transition from an "Open" to "Designated" System (9)
- Including "User-Created" Routes in the Alternatives (see, e.g. 51)
- Limited Cross-Country Travel for Camping and Big Game Retrieval (52)
- Affected Environment/Consequences section starting with "Recreation" and outlining detailed substructure reflecting appreciation of the diversity of recreation opportunity and management challenge (68-106)

Of course we have not yet encountered the perfect TMP document, and wish to highlight several areas that need improvement in the FEIS. There are several areas where the DEIS and analysis could be improved and strengthened.

A. More Complete Recognition of Multiple-Use Framework.

The Forest Service is required by law to make decisions based on a multiple-use mandate, as outlined in statutes like the Multiple-Use Sustained Yield Act of 1960 ("MUSYA") and the National Forest Management Act ("NFMA"). In particular, NFMA requires:

In developing, maintaining, and revising plans of the National Forest System pursuant to this section, the Secretary shall assure that such plans –

- (1) provide for multiple use and sustained yield of the products and services obtained therefrom in accordance with [MUSYA], and, in particular, include coordination of outdoor recreation, range, timber, watershed, wildlife and fish, and wilderness...

NFMA §6, 16 U.S.C. § 1604(e). MUSYA provides further clarification of the agency's duty to provide for "use" of the National Forest System, including outdoor recreation. MUSYA's policy statement explains:

It is the policy of the Congress that the national forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes. The purposes of sections 528 to 531 of this title are declared to be supplemental to, but not in derogation of, the purposes for which the national forests were established as set forth in section 475 of this title... MUSYA §1; 16 U.S.C. § 528.

The Forest Service must comply with this legally-mandated approach to management, which is subject to review under applicable administrative procedures and the Administrative Procedure Act (the "APA"). It is well recognized that the agency has discretion when balancing between "use" and "non-use" under these statutes, and in allocating "use" between the activities listed above. However, the agency cannot arbitrarily and capriciously establish its chosen balance, and must develop a plan "that will best meet the needs of the American People." 16 U.S.C. § 531(a).

Then-Chief Dale Bosworth stated upon release of the Travel Management Rule that "[l]and Managers will use the new rule to continue to work with motorized sports enthusiasts, conservations, state and local officials and others to provide responsible motorized recreational experiences in national forests and grasslands for the long run." USDA Forest Service, News Releases, "*USDA Releases Final Rule for Motorized Recreation in National Forests & Grasslands*," dated November 2, 2005. "A managed system of roads, trails and area designated for motor vehicle use will better protect natural and cultural resources, address use conflicts, and secure sustainable opportunities for public enjoyment of national forests and grasslands." Travel Management Rule Final Communication Plan, November 2, 2005, p.5. In fact, "it is Forest Service Policy to provide to diversity of road and trail opportunities for experiencing a variety of environments and modes of travel consistent with the National Forest recreation role and land capability." Forest Service Manual 2353.03(2). The Forest Service should be planning for a managed system, and working with all groups, including OHV enthusiasts, in order to comply with not only the agency's own directives and the Travel Management Rule, but the policies behind the Rule.

We generally believe the DEIS reflects both a conceptual and route-specific recognition of this guidance. However, a final decision will be better presented and ultimately better defended with more detailed citation to applicable law and regulation establishing the multiple-use mandate.

B. The Range of Alternatives Should be Broadened.

We generally appreciate the range of alternatives, but again seek improvement and refinement. Even the "existing condition" admittedly under-reports the true nature of use on the Forest, through the failure to include unauthorized routes. Motorized users have come to expect the worst in many TMP processes, and the reality remains that the action alternatives all would significantly reduce motorized recreation opportunity. In particular, the Recreation Groups

would like to see further inclusion of motorized trails and/or conversion of roads to motorized trail, including greater UTV, ATV and single-track riding opportunities.

NEPA imposes a mandatory procedural duty on federal agencies to consider a reasonable range of alternatives to the preferred alternative. 40 C.F.R. § 1502.14 (“agencies shall rigorously explore and objectively evaluate all reasonable alternatives.”) The alternatives section is considered the “heart” of the EIS and a NEPA analysis must “explore and objectively evaluate all reasonable alternatives.” 40 C.F.R. § 1502.14. A NEPA analysis is invalidated by “[t]he existence of a viable but unexamined alternative.” *Resources, Ltd. v. Robertson*, 35 F.3d 1300, 1307 (9th Cir. 1993).

An agency must also perform a reasonably thorough analysis of the alternatives before it. “The ‘rule of reason’ guides both the choice of alternatives as well as the extent to which an agency must discuss each alternative.” *Surfrider Foundation v. Dalton*, 989 F. Supp. 1309, 1326 (S.D. Cal. 1998) (citing *City of Carmel-by-the-Sea v. United States Dep’t of Transportation*, 123 F.3d 1142, 1154-55 (9th Cir. 1997)). The “rule of reason” is comparable to the arbitrary and capricious standard. *Idaho Sporting Congress v. Thomas*, 137 F.3d 1146, 1150 (9th Cir. 1998) (quoting *Marsh v. Oregon Natural Resources Council*, 490 U.S. 360, 377 n. 23 (1989)). “The discussion of alternatives ‘must go beyond mere assertions’ if it is to fulfill its vital role of ‘exposing the reasoning and data of the agency proposing the action to scrutiny by the public and by other branches of the government.’” *State of Alaska v. Andrus*, 580 F.2d 465, 475 (D.C. Cir. 1978), *vacated in part on other grounds*, *Western Oil & Gas Ass’n*, 439 U.S. 922 (1978) (quoting *NRDC v. Callaway*, 524 F.2d 79, 93-94 (2nd Cir. 1975)).

One or more viable alternatives were unnecessarily excluded from consideration. Additional routes, especially trails as noted above, should be added into a modified Alternative 4, which could be included in the FEIS and offered for additional public comment prior to issuance of a ROD as recently occurred on the Gunnison (CO) National Forest. Additionally, it would be helpful to add more clarification and explanation of differences between alternatives, especially in light of the significant reduction in road and trail miles. In example, Alternative 4, reduces by 47 the miles of system roads and trails, eliminates 53% of the miles from where people drive now, and then predicts water quality is most likely to decrease. Water quality must increase if the Forest and its volunteers implement best practices and professional knowledge under any of the current alternatives.

The SFNF must also correct the assumption that providing a quantity of public motorized recreation (miles) is the same issue as providing a diverse set of public motorized recreation opportunities (benefits). In example, losing miles of single-track trail bike opportunities in “roadless” areas and offsetting that loss with miles of designated old roads does not sustain a historically-established set of quality needs and experiences. A full disclosure here is important in order to evaluate alternatives in a thorough social tradeoff analysis. While there is some discussion in the recreation specialists report in the appendix of ROS it is absent in main document and displays of effects between alternatives. The primary issues during your scoping

process involve concerns for the conflicts between user groups and yet there is no portrayal or summary of changed recreation settings between groups, only miles of opportunity.

The FEIS can improve on and clarify the range of alternatives.

C. Unauthorized Routes Should be More Fully Analyzed.

We understand the SFNF faces limitations due to time, budget, location or other constraints. Not all unauthorized routes were analyzed or even located due to these and other factors. DEIS at 13-14. We recognize the effort already applied by the SFNF, but still urge you to complete to the extent possible these analyses as the SFNF will likely never devote the same level of effort to route designation and travel planning as is occurring here. Additional routes should not be omitted through lack of analysis, but could be conditionally designated, identified for future analysis, or otherwise documented as appropriate.

We wish to particularly emphasize the scoping comments and detailed proposals submitted by the Blackfeather TPA. This information reflects state-of-the-art user input which hopefully demonstrates a meaningful and worth effort to partner with the agency in fully meeting both the letter and spirit of the TMR.

The TMR recognizes that some unauthorized routes may be properly included in a formally-designated system and encourages Forest to work with interested publics to achieve this end. *See*, 70 Fed.Reg. 68269 (middle column) (“...some user-created routes would make excellent additions to the system of designated routes and areas. The Forest Service is committed to working with user groups and others to identify such routes and consider them on a site-specific basis.”); at 68279 (middle and right columns) (“User-created routes on NFS lands that have resulted from [previously legal] cross-country motor vehicle use may be identified through public involvement and considered in the designation process under the final rule....”). The DEIS could be improved through more complete coverage and more detailed analysis of unauthorized routes.

D. Procedure Analyzing Technical Issues is Questionable.

The Recreation Groups wish that the methodology relied upon and the procedure by which the results were communicated with the public better satisfied NEPA.

When federal agencies evaluate technical issues or apply specialized expertise, NEPA requires them to rely on valid sources and to disclose methodology, present hard data, cite by footnote or other specific method to technical references, and otherwise disclose and document any bases for expert opinion. 40 C.F.R. § 1502.24; *Idaho Sporting Congress v. Thomas*, 137 F.3d 1146, 1150 (9th Cir. 1998). When applying NEPA, agencies must:

utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment....

42 U.S.C. § 4332(A); 40 C.F.R. § 1502.6. NEPA does not envision undocumented narrative exposition, instead requiring:

Agencies shall insure the professional integrity, including the scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement. An agency may place discussion of methodology in an appendix.

40 C.F.R. § 1502.24. Where information is not provided in the NEPA document itself, but is only cross-referenced:

“The propriety of such incorporation is dependent upon meeting three standards: 1) the material is reasonably available; 2) the statement is understandable without undue cross reference; and 3) the incorporation by reference meets a general standard of reasonableness.”

...[T]here is no evidence in the record concerning the public availability of other incorporated materials. In addition, although it appears that the EA is dependent on these documents to support its finding of no significant impact, [] the EA does not appear to specifically cite to which documents or portions of these documents support which conclusions. This requires undue cross-referencing. It appears that the incorporation of these materials fails the general reasonableness test. Defendants have failed to point out where these materials are specifically cited to in the materials to support their conclusions.

Siskiyou Regional Education Project v. Rose, 87 F.Supp.2d 1074, 1098 (D.Or. 1999) (quoting *NRDC v. Duvall*, 777 F.Supp. 1533, 1539 (E.D.Cal. 1991)) (internal citations omitted). Allowing an agency to couch technical analysis in vague citations to other material violates NEPA and the Council on Environmental Quality Regulations.

Throughout the DEIS are littered references to “the project record” for many critical conclusions or elements of the analysis. *See, e.g.*, DEIS at 7, 12, 17, 144. These are at best inconvenient and at worst in violation of NEPA’s procedural requirements.

The basic methodological structure of the water/wildlife analyses are questionable, for they largely eschew site-specific analysis for the use of generic “indicators” as a proxy for impacts which can be easily compared (arithmetically) across alternatives. *See*, DEIS at 143 (equating stream crossing #s with degree of impact); at 176 (similar approach but using miles of unpaved routes to extrapolate dust and air quality impacts). This approach is questionable, as it utterly fails to connect route existence (or use) to habitat or site conditions (e.g. soil type, slope, mitigation) so as to intelligently portray actual impacts. A stream crossing of a high gradient watercourse with silt-dominated substrate will reflect far different impact than one involving a flat gradient, shallow pool with a rocky substrate.

Finally, none of the analyses, even the most rigorous, provide hard data or other comparable material to facilitate meaningful public review.

We recognize the agency is unlikely to alter the fundamental methodological assumptions of the DEIS. Still, the concerns we express can be addressed in an FEIS and in ongoing management efforts. Better science is about analysis that more accurately depicts and provides insight into the actual on-the-ground condition.

In conclusion, we applaud the SFNF for the good work it has done on the DEIS. We recommend that several changes be made, including modification of Alternative 4 or creation of a new alternative to specifically address the areas we have identified. The best procedure to follow, and one that the Forest Service has utilized on various occasions including during travel planning, would be to issue an FEIS which would be available for public comment for not less than thirty (30) days prior to generation of the final Record of Decision (ROD).

Specific Comments

The following are specific comments regarding the DEIS.

As noted above, we specifically incorporate by reference and reiterate the “Citizen’s Alternative” and route-specific proposals of the Blackfeather TPA scoping comments dated August 28, 2008. We appreciate that the SFNF dutifully considered this input, and apparently incorporated some of the concepts and route-specific proposals in one or more of the alternatives considered. DEIS at 47. However, we are unable to determine the extent to which route-specific proposals have not been carried forward into the “action alternatives” nor have we been able to ascertain the reasoning and analysis, if any, behind these conclusions. We ask the SFNF to revisit these issues and consider whether additional Blackfeather recommendations can be incorporated into a modified range of alternatives and/or decision, and that omitted routes be a part of future discussions in the ongoing travel management process.

Specifically, such omitted routes include:

“South Jemez” Area Trails

This area contains ~100 miles of single-track trails and logging roads broken down by type and mileage as show below:

<u>Type of trail road</u>		<u>Approximate mileage</u>
Major system roads		(Varies depending on loop and starting point)
User maintained logging roads and system trails		60
User created and maintained trails		40
Major system roads		(Varies depending on loop and starting point)
Dixon Main Loop	One staging area for the loop is the parking area next to Dixon’s apple farm on FR 89. The other is the intersection of FR 289 and FR 36 at a parking area called Graduation Flats.	The closure of Media Dia (in magenta) causes a major detour through Bland Canyon. This loop contains about 65 miles of single-track and up to 20 miles of forest road, depending on the staging point and the status of Media Dia Canyon trail. The trails in this loop are mostly beginner/intermediate with a few advanced sections
Ponderosa Loop	One staging area for the loop is the intersection of FR 10 and FR 271 a few miles north of the town of Ponderosa. The other is the intersection of FR 280 and SR 4	This loop contains about 47 miles of single- track and up to 19 miles of forest road depending on the staging point. The trails in this loop are mostly intermediate with several advanced sections
Dixon Advanced Loop	The staging points for the loop are Dixon, the intersection of FR 280 and SR 4, and Graduation Flats	This loop contains about 45 miles of single-track and up to 17 miles of forest road depending on the staging point. The trails in the loop are of intermediate/advanced level

Airplane Loop	The staging points for the loop are Dixon, the intersection of FR 280 and SR 4, and Graduation Flats	This loop contains about 19 miles of single-track and up to 25 miles of forest road depending on the staging point. The trails in the loop are of intermediate/advanced level
Motown	single-track trail ~5 miles long running parallel to and east of FR 289 near Obsidian Ridge	This trail is considered intermediate but is good for beginners wishing to advance their skills. There are no steep hills or ledges to negotiate. There are no narrow off-camber sections.
Crosstown	single-track trail ~12 miles long running along mesas south of FR 36	This trail is considered intermediate but is good for beginners wishing to advance their skills. There is one steep rocky hill and a few small ledges to negotiate. There are a couple of moderately narrow slightly off-camber sections. The trail goes mainly through the forest. There is a section in a wet valley near the western end.
Porcupine	short single-track trail ~3/4 mile long running along the side of hill	This trail segment is a critical connector between the trails in the eastern and western areas of the loop. This trail was put in to avoid the closed private land to the south.
Upper Grassy Road (UGR)	logging road/FR 1 88D section running for .6 mile from the southern end of Porcupine to the start of North Pass trail or for 1.3 mile to the cutoff to the saddle at the end of the North Pass trail	

North Pass/North Pass Extension	single-track trail ~4 mile long running west and then south and up and down several peaks	The trail is considered intermediate-advanced in that it has several steep uphill and downhill sections as it climbs up and down peaks.
Horror Show	single-track trail ~1 mile long running west	The trail starts out uphill then runs along the side of a hill. It is not too narrow. It then has a sharp switchback to the left and continues along the side of the hill. It comes out on FR 280 just across the road from an entrance to the Paliza/Peralta trail. This trail has blue diamond cross country skiing markers on it.
Toe Breaker	combination single-track and logging road ~2 miles long	The trail starts at the end of Tower Trail at a fence crossing just east of the radio towers. The south end is at FR 280 1 mile south of the intersection of FR 281 and FR 280. It starts out as a single-track and ends up as a logging road. There is one sharp difficult switchback near the bottom
Electric Fence	combination single-track/logging road ~1 mile long	The trail starts as a single-track along a fence that used to be electrified. It then turns into a logging road and finally back into single-track with a narrow area. The whole trail is easy
Paliza/Peralta	single-track trail xx miles long running	Much of the trail is easy

	northeast/southwest	through the-woods riding. However there are a number of a moderately difficult sections consisting of narrow tree passages, rocky uphill, and narrow off-camber sections. The trail would be considered intermediate/advanced
Dragon Tail	single-track trail ~1.5 miles long running north south along the east side of Las Conchas peak	The north end of the trail is a left turn off Paliza/Peralta about a half mile in from the entrance at FR 280 and Horror Show. The trail is moderately difficult with narrow places and a few steep uphill with large roots
Dragon Tail Cutoff	short logging road trail ~5 miles long running east-west between FR 281 at the south end of Dragon Tail and Toe Breaker or FR 280	The trail is very steep. It may also be Forest Service trail 7
Dead Horse	single-track trail ~1.5 mile long running east/west between FR 282 and Lower Grassy Road	Although the start is a little challenging it would be considered beginner/intermediate
Lower Grassy Road	this is mostly FR 188. It is normally ridden from south to north after coming off of Dead Horse, Salt & Pepper or Over 40. Length is about 4-5 miles depending on where one enters it from the south	The last quarter mile is a moderately steep single-track trail to the right that ends at Upper Grassy Road near the start of North Pass and .6 mile west of the south end of Porcupine
Lower Grassy	There is a single track parallel section	The first 1/4 mile trail is a

Road Single Track	starting just north of where Salt & Pepper comes in	steep downhill leading into a valley. By turning left one gets back to LGR. Turning right leads to the intersection of Over Rover, Gold Cup and Insulator
Salt and Pepper	single-track trail 1.1 mile long running east/west between FR 282 and Lower Grassy Road	It more or less parallels Dead Horse. The west end is to the left about 1.7 miles down FR 282 from the south end of North Pass. This trail appears on USGS Topo maps
Over 40	single-track trail 3.6 miles long running east/west between FR 282 and Lower Grassy Road	This trail is generally difficult. Much of it is narrow and off-camber with a particularly tough section a few hundred yards in. It has ~15 sharp switchbacks. There is a long steep winding uphill section in the middle
Shady Lane	single-track trail ~1.5 mile long running south and then east. The north end is to the right about 1.4 miles down FR 282 from the south end of North Pass at the intersection of Lost Jug	The south end is near the start of Dead Horse. The trail starts out as a logging road and then turns to single-track. The trail is moderately difficult with a few rocky uphills and steep downhills

Lost Jug	single-track/ATV trail ~3.5 mile long running from the southern end of FR 280 east and north to FR 282	The first mile is single-track. It starts along a stream and then climbs a few hills. It has two difficult deeply rutted steep uphill sections filled with roots and rocks. Other parts of the single trail are narrow and off-camber. After about a mile of single-track the trail turns to an interesting ATV two track trail for the rest of the way. The trail comes out on FR 282 very near the start of Shady Lane.
Gold Cup	single-track trail ~1 mile long running northwest/southeast in parallel with Lower Grassy Road	This trail goes up and over a hill. It is moderately steep, narrow and rocky. The north end is a left coming down Lower Grassy Road. The south end is at the intersection of Insulator and Over Rover
Insulator	single-track trail 4.5 mile long that runs out to the end of Upper Horn Mesa	This is an out-and-back trail. It starts at the intersection of Gold Cup and Beaver Pond. The trail is very level. The first part is a road. Near the middle where the mesa becomes narrow there are some moderately difficult rock ledges to negotiate and the trail becomes narrow with a steep drop off to the right. The trail then widens as the terrain does

Over Rover	single-track trail ~0.7 mile long running east from the intersection of Gold Cup and Insulator	The first part of the trail is a steep downhill to a pond at what is called "Evan Griffith's Place" on USGS Topo maps. This part has a few high steep ledges to go down. The trail is normally ridden downhill from west to east. It is very difficult to ride up. This trail appears on USGS Topo maps
Beaver Pond	single-track trail ~2 mile long running from the eastern end of Over Rover out to the Bland Canyon road, FR 268	The trail is fairly level but rocky. It follows a stream and there a couple of stream crossings. This trail appears on the forest service map, but has no number. It also appears on USGS Topo maps
Teepee Two Track	this first part of this trail is a short section of single-track which runs into a logging road for a total length of 1.4 miles	This is steep and rocky in places but generally easy trail. It ends at the start of Bonding Rock
Bonding Rock	a combination single-track and logging road trail ~ 1 mi long	portion is moderately difficult in that it is narrow with off-camber drop-offs, sharp turns, and large rocks to negotiate. The downhill portion back to FR 271 is much easier and some of it is a logging road
Flat Box	combination single-track and logging road trail 1.3 mi long	The single-track section has a steep uphill between two logging roads. The trail ends where it intersects with Salt Lick

Salt Lick	combination single-track and logging road trail ~2 miles long	The single-track sections have a few steep uphill. The trail ends on top of a ridge at a fence crossing where it turns into Toe Breaker. About a quarter mile before the end is the start of Tower Trail.
Tower Trail	a single-track trail that cuts off of Salt Lick about a quarter mile before the end of Salt Lick	This trail has a steep rocky uphill section with a difficult tree root crossing and one sharp switchback. The trail ends on top of the ridge at the intersection of Salt Lick and Toe Breaker
Cerro Pelado	a single-track trail ~ 3 miles long that runs along the eastern slope of Cerro Pelado	This is a difficult trail for advanced riders. The trail ends at Paliza canyon road FR 271 1.1 miles north of the start of Teepee and across road from start of Flat Box
Carl Shipman (FT 113)	a single-track trail ~ 2 miles long that runs from the southern intersection of Motown and FR289 down to FR 89 at the northern end of Cochiti Canyon	This trail is also Forest Service trail 113. It is much easier to go down this trail than to go up it. This trail is intermediate to advanced.
Alamos Hill (FT 113)	a single-track trail ~ 1.5 miles long that runs from FR 89 at the northern end of Cochiti Canyon up the west side of the canyon to FR 286	As it rises the trail starts fairly easy. It has a spectacular view of some tent rocks as it goes behind them. Afterwards the trail has a series of very sharp steep narrow switchbacks. The trail is considered advanced/expert skill level
Media Dia Canyon (FT 424)	a single-track trail ~ 4 miles long that runs from FR 89 at the southern end of Cochiti Canyon up to FR 268. This trail is also Forest Service trail 424. This is an easy fun trail with spectacular	This trail is also Forest Service trail 424. This is an easy fun trail with spectacular scenic views of the surrounding cliffs

“North Jemez” Area Trails

This area contains ~160 miles of single-track trails and logging roads and includes about 35 miles of major forest roads broken by type and mileage as shown below:

<u>Type of trail road</u>		<u>Approximate mileage</u>
Major system roads		35 (Varies depending on loop and starting point)
User maintained logging roads and system trails		120
User created and maintained trails		40
Mainline	7 mile long trail runs north/south and to the east and west of FR 144	The lower part is intermediate advanced and the upper part is beginner/intermediate. The upper part which starts at a cattle guard 4 miles up 144 from 126 is a really fun ride. The trail ends 8 miles up 144 at the start of the Popovers trail.
Popovers	3.5 mile trail running north/south and to the east of FR 144	This is mostly a nice trail through the woods, but it does have three long steep uphill and downhills with a lot of big tree roots and rocks to negotiate. This trail is rated as intermediate to advanced
JLine	This 1.8 mile trail starts as a logging road to the left off of 144 about a mile north of the end of Popovers	single track trail crossing a ravine and a couple of meadows and ends up at Decision Meadow. Easy beginners trail

Teakettle Loop	This is a ~50 mile long loop consisting of single-track trails, logging roads, and forest roads	The first and last portions are a trail that runs parallel to FR 144 up to Decision Meadow. The Teakettle Loop runs north and west of Decision Meadow. This trail is beginner to intermediate. An option is to ride the extended the loop to the north on FRs 316, 103 and 315 to actually go by Teakettle Rock
High Line	10 mile long trail is a combination single-track and logging roads that heads east from Decision Meadow	The trail runs south of FR 144 and near the northern boundary of the Valles Caldera area. It is generally easy. There is a spectacular view from a meadow called Poachers Point at the end where riders typically stop for lunch. Many segments of the trail appear on USGS Topo maps
Broken Arrow Loop	This is a ~40 mile long loop consisting of single-track trails, logging roads, and forest roads.	Most of the trail is easy riding through the trees with a few steep rocky sections.
Wall Loop	This loop consists of ~65 miles of single-track trails and logging roads	The riding is of intermediate to advanced level.
Seven Mile/ Seven Meadow Loop	This loop consists of ~62 miles of single-track trails and logging roads	The riding is of intermediate to advanced level
Broken Arrow/ Cerro Pelon	fairly difficult 13 mile long single-track trail that runs east/west on the north side of FR 144	The trail crosses several meadows and is difficult to find in places. The west end of the trail is at Decision Meadow. Many segments of this trail appear on USGS Topo maps

Chili Relleno	This is an easy single-track trail ~ 5 miles long that runs north thru a valley on the north side of FR 144	The south end is ~.6 miles northeast of the road connecting 144 to Poachers Point. The north end is at the end of the Wall trail. There is a cutover to a road that runs into the northern end of Red Stake
Red Stake	The total length including the road section south to Rock Slide is ~6 miles.	The south end is a right turn in a meadow off of Chili Relleno ~1.5 miles from 144. This is a generally easy trail running north along a flat ridge
Rock Slide	a short, .5 mile long, steep somewhat rocky uphill trail	runs along the edge of a scree slope. It starts about 2 miles north of the end of Red Stake and ends very near FR 27 at one of the starts of Chainsaw
Chain Saw	2 mile long intermediate trail	two difficult rocky ledges to negotiate. One start is at the top of Rock Slide. Another entry point is to skip Rock Slide and continue on the road leading from the end of Red Stake. The end is at 144. However one can continue across 144 on a short steep downhill trail which comes out at the start of Chili Relleno and miss a few miles of 144

Pages viii & 2- We appreciate the general identification of the purpose and need and credit the SFNF for articulating the intuitively obvious, but often overlooked, statement that “[d]riving a vehicle is an important part of virtually every activity on the forest.”

Page 7- We disagree with and question the need for the statement that “[c]ontinued motorized use...will adversely affect forest resources.” This overgeneralization is inaccurate and not representative of the insight otherwise reflected in the DEIS. Hopefully this statement is properly understood as a general framing of a concern/issue raised by some, in the vein of a hypothetical “devil’s advocate” view when compared to reality and the legal mandate which recognizes adverse effects can be mitigated and use properly managed.

Page 9- We appreciate the SFNF’s recognition of the past “open” status of the Forest and the practical result that “unauthorized routes” (and even cross-country travel) exist and were not created in violation of law. It is important to recognize the term “unauthorized route” as a technical term defined in the TMR and avoid the tendency of some to attach a connotation of impropriety or even illegality to “unauthorized” routes.

Page 10- We are concerned that the first MVUM will not show all of the roads, trails and areas shown in the record of decision. This is evidently based on the concern that the Forest cannot complete the surveys required by section 106 of the National Historic Preservation Act. Cultural resource assessments are required for timber sales, grazing improvements, and oil and gas leases before those decisions are made. This sets up a concern about the potential loss of additional opportunity in a process outside of this EIS. The evaluations and disclosure of effects between alternatives is clouded by this procedure and potentially makes the ROD premature. This has been a five year process so far, and waiting another three years before all potential cultural effects can be studied is unacceptable and seems unnecessary at this point.

Page 13- We echo and support the Forest’s recognition that travel planning is a dynamic and ongoing process, and that changes to designated systems of roads and trails are a necessary and expected part of the planning process. In fact, the improvement and refinement alluded to need not and should not wait until after the ROD’s issuance. The Recreation Groups feel strongly that post DEIS follow-up meetings with motorized user groups to review trail- and route-specific details will further enhance the potential to include and save many appropriate opportunities. Discussions about site-specific requirements to mitigate impacts, realign trails, reorganize some loop recommendations will be critical at this time to assure all is being done to transition the road and trail program on the SFNF.

Page 14- Again, we appreciate the recognition of the need to improve upon the awareness and analysis of unauthorized routes. We note that Table 3, row 1 under-represents the existing mileage based on its exclusion of unauthorized routes. This is potentially important because the 7,515 mile figure will be used as the standard of reference against which to compare the degree of change from the existing condition. In reality, the degree of change will be greater because the existing condition reflects historical travel on more than 7,515 miles of routes.

Pages 22-36 - It is important to note that all action alternatives would reduce current levels of effects from motorized use. Put differently, all action alternatives theoretically offer benefits to the natural and physical environment. The broader context includes decades of extensive motorized access, yet with viable wildlife and plant populations and other functioning natural systems. Any of the alternatives will provide benefits, and there is no reason why the agency cannot strike the best balance in selecting Alternative 4.

Page 41- We wish to flag the reference to the “minimum road system” and “subpart A” of the TMR. Anti-access advocates are increasingly attempting to erroneously wield subpart A as the procedural weapon du jour as a means to achieve their desired end. We do not know if such an effort has or will materialize here. To the extent one does, it is important to note that subpart A, which specifically addresses the “minimum road system” guidance, is not “new” direction under the TMR, but was provided in 2001. *See*, 66 Fed.Reg. 3216. Subpart A addresses only roads and focuses on the need for roads in the overall forest transportation system, not on whether motorized use is appropriate on specific areas, roads and trails. The latter determination is made via the subpart B “designation” process. In fact, one could logically conclude that the subpart B determination should be made prior to a subpart A determination, for the “minimum road system” must reflect various criteria, including management objectives. It is through designation of a more holistic motorized route network (including trails) that those objectives can be determined. In concrete terms, a road providing access to a system of integrated trail loops becomes a necessary part of the “minimum road system”, but if the “minimum” system is designated first it might overlook the potential (or need) to provide access to the trails. This of course is precisely the result anti-access interests hope for, that the defined term “minimum road system” can be treated in a colloquial sense to mean “minimal” road system. The SFNF should be cautious to avoid falling into such a trap.

Page 54- It is important to interpret the tabular summary in the proper context – i.e. as a very rough means by which to compare the differences between alternatives. These statements should not be viewed to reflect technical or substantive conclusions. For example the statement that Alternative 4 is “[m]ost likely to degrade water quality” is out of character and indefensible. Given the substantial reduction in route mileage and attention to route location in every action alternative (including Alternative 4) no one can rationally suggest that any action alternative will “degrade” water quality when compared to the status quo.

Page 96- We appreciate the analysis of Inventoried Roadless Areas, and recognition of the fact that notwithstanding the title, many such areas have roads (and motorized trails) which have been legally traveled and which may be designated for future motorized travel, consistent with both the TMR and the 2001 Roadless Rule. It is important to note that the 10th Circuit Court of Appeals will likely soon render a decision on the State of Wyoming’s challenge to the 2001 Roadless Rule. Regardless of the outcome of that decision, the SFNF should be careful to adjust analysis of IRA designations accordingly.

Page 127- We appreciate the SFNF's recognition that decommissioning is a distinct step from route designation and that decommissioning of any route is outside the scope of this analysis.

Page 135- Appropriate mitigation and management of dispersed motorized camping is very achievable. We do not believe the discussion that states, "...alternative 4 does not move the soil and water resource toward a desired condition" fairly represents what can be done through good management combined with the significant reduction of access over the current condition. Road density recommendations for T&E Species (*see* DEIS at 135-144) seem to be at or well under wildlife managers recommendations. This appears to move soil and water qualities towards a desired future condition.

Page 143- We appreciate the general conclusion of the water quality analysis that the action alternatives "would all improve on the current condition..." However, the analysis incorrectly states that "having less motorized use near streams reduces the potential for sediment to get to a stream..." DEIS at 144. In reality, it is the construction and existence of roads/trails that potentially affect water quality far more than continued travel along them. *See, generally*, Robert C. Davies Testimony (December 8, 2004) *The Lands Council v. Stringer*; Case No. CV-03-344-N-MHW (D. Idaho); at 20 ("it's basically just the existence of roads" that is most significant factor influencing sedimentation); at 26 ("just the existence of the roads out there is the problem, that sheerly just by opening--or just by closing these roads, you're not alleviating the problem") (transcript attached hereto as Exhibit "A"). At a minimum, some more detailed analysis using WEPP or some analytical tool to account for site-specific factors such as soil type and traffic type/intensity is necessary to attempt a conclusion at whether even elimination of motorized travel alone will have any effect on sedimentation. Again, the best balance is achieved by Alternative 4.

Page 144-145- The general wildlife discussion is better than in many Forests, but we still caution against overgeneralization and erring on the side of concluding that impacts do exist. Detailed site-specific analysis is critical to designation decisions, not some ubiquitous statement that OHVs adversely impact wildlife.

We wish to emphasize that the Forest should consider alternatives that expand recreation opportunity, rather than seek to reduce it. Demand for motorized recreation opportunities continues to rise, while in many places, opportunity diminishes. We believe an additional 125 miles is necessary to meet existing demand.

Thank you for the opportunity to provide these comments. The Recreation Groups look forward to working with the Forest Service to effectively and appropriately manage OHV use while ensuring sufficient public access and recreational opportunities to public lands.

Sincerely,

MOORE SMITH BUXTON & TURCKE CHARTERED



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