

## NM Trials Motorcycle Competition and Camping Special Use Project

### Response to Comments

Reviewed by the Project Interdisciplinary team on 5/12/2009.

Commenter	Date	Comment	Response
Sabine Shurter	3/17/09	That sounds all very reasonable and it should be a great event.. Next to the erosion potential the worst thing about the use of ATVs and motor cycles is the noise generated. Some times a whole valley has to listen to one person having fun. I wished there were stricter rules and enforcement when it comes to noise abatement/ mufflers on ATVs and motorcycles.	Current state law limits OHVs to 96 decibels as measured using test procedures established by the society of automotive engineers pursuant to standard J-1287. Trials motorcycles are smaller and less noisy than the more common enduro or racing motorcycles. Over the past 30 years, NM Trials events have occurred at this location in Lake Fork Canyon and no complaints have been recorded. The event was monitored each day by FS personnel last year and will be monitored in the future if approved.
John O'Malia	3/19/09	Please approve the special use permit for this event, as the impact these trials riders do to the land is minimal.	The Forest Service has completed a full analysis of the proposed events. The analysis will be used to determine one or more decisions on whether to authorize one or both events and if any mitigations are to be implemented as part of the decision(s).
Jon Sollid	3/19/09	Of course you should let the motorcycle events occur in July and October.	See above response.
Terra Manasco, New Mexico Game and Fish	4/03/09	...the Department of Game and Fish does not anticipate significant impacts to wildlife or sensitive habitats.	n/a.
David Torney	4/04/09	... it falls within the multi-use charter of the USFS and is occurring in non-wilderness. The participants should be advised that they must try hard to minimize their impact on the forest. If there are costs associated with cleanup or remediation, then it is likely that the participants would be liable.	If approved, this event would follow previous year's events that were implemented with required mitigation measures to avoid or minimize impacts to the environment and other recreationists using the surrounding areas. The special use authorization issued for this event also specifies requirements for trail maintenance and clean-up.
Susan Craig, Great Old Broads for	4/10/09	According to information received by GOB, damage to	Trials events have been occurring at the proposed Lake

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Wilderness		<p>habitat occurred during previous trials. Any time such a number of motorized vehicles enter an area of flora and fauna habitat, damage will surely occur; and certainly during the commission of speed trials like this.</p>	<p>Fork location for almost 30 years. These events have been repeatedly monitored and assessed for vegetation damage and ground disturbance, which would result in impacts to wildlife habitat<sup>1</sup>. The proposed location in a densely used recreation area (highest use are on the entire District) and adjacent bedrock slopes provide little habitat for flora and fauna. Additionally, project specifications put in place to avoid and minimize impacts have been shown to be largely successful.</p>
		<p>The noise pollution alone is a serious problem, driving away animal life and impacting the experience of hikers and campers in that part of the Jemez.</p>	<p>Current state law limits OHVs to 96 decibels as measured using test procedures established by the society of automotive engineers pursuant to standard J-1287. Trials motorcycles are smaller and less noisy than the more common enduro or racing motorcycles. Over the past 30 years, NM Trials events have occurred at this location in Lake Fork Canyon and no complaints have been recorded. Lastly, the area has been repeatedly analyzed for potential impacts to wildlife and sensitive species habitat, and is in a location where potential impacts to wildlife would be avoided or minimized through timing of events, wildlife surveys, and other mitigation measures.</p>
Michael Kadisak	4/16/09	<p>It is apparent that the Jemez Ranger District, JRD, intends for their jurisdiction to become a destination for all types of motorized recreation. A review of the travel management plan illustrates a climate of preference toward motorized interests in the JRD. The conclusion is clear, motorized use is promoted throughout the Jemez Ranger District,</p>	<p>You are referring to the Travel Management project, which although also dealing with motorized recreation, is a separate project and is outside the scope of this analysis.</p>

<sup>1</sup> See biological analyses for 2004-2009 and monitoring photos/reports for 2007, 2008.

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		including a motorized cross country travel area reserved for exactly the type of dirt bike rallies evaluated here, and in exactly the same place, Lake Fork Canyon, off of FR 376...	
		The obvious objections to dirt bike rallies include the well-publicized issues of fumes, noise, disruption to wildlife and native plant communities. Where is the study to examine the issue of water pollutants, or their impact, upon present and downstream waterways in Lake Fork Canyon? These types of rallies must be suspended until such a time as an appropriate scientific analysis can be completed that comprehensively addresses all impacts, and informs the public of the real environmental costs associated with such events.	The Jemez Ranger District is fully complying with the National Environmental Policy Act and the National Forest Management Act by analyzing the proposed events for impacts to natural resources including water, soil, and wildlife and sensitive species. In addition, these potential impacts are considered in light of direction provided in the Forest Plan. This event has been thoroughly studied and all best available science has been considered through repetitive environmental analysis of potential impacts as well as on-site monitoring of impacts.
		Further, the removal of a large area of valuable public land for a single, motorized use is akin to privatization of our public land. The weight of scientific evidence makes quite clear that motorized use suppresses and surpasses all other uses and users.	Although there are scientific studies that have documented that there are a minority users that feel uncomfortable with OHV use, thus causing displacement of some Forest users <sup>2</sup> , there is also an abundance of research that show motorized recreation can be managed to avoid or minimize negative impacts to all recreationists <sup>3</sup> . One of the main purposes of the analysis and planning process used by the Forest Service when considering proposed events is to minimize potential impacts on natural resources as well as

<sup>2</sup> Snow, Christopher M.; Moore, Roger L. 2007. Hiking shared-use single-track trails: a look at hikers and hunters along the Falls Lake of the 2006 Northeastern Recreation Research Symposium; 2006 April 9-11; Bolton Landing, NY. Gen. Tech. Rep. NRS-P-14. Newtown Square, PA: U.S. Department of Agriculture, Forest Service, Northern Research Station: 152-156.

<sup>3</sup> Fillmore, Edgar R.; Bury, Richard L. 1977. Motorcycle Riding Areas Reduce Conflicts with Campers. *Southern Journal of Applied Forestry*: p. 45-48.; and Divine, Aaron K.; Foti, Pamela E. 2004. Learning to Live with Off-Highway Vehicles: Lessons Learned from the Dixie National Forest. In: Proceedings of the Fourth Social Aspects and Recreation Research Symposium; 2004 February 4-6; San Francisco, California. San Francisco State University. 106-111

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			other uses. Trials events such as those proposed have occurred in this location for almost 30 years without a complaint and without effectively displacing other forest users as observed during event monitoring.
		The impacts and long lasting effects of heavy motorized use must be recognized and acted upon in all management decisions, while the needs of the biotic community must be given a strong voice.	Trails events have occurred at this location for almost 30 years. Repeated analyses completed at the proposed site have concluded repeatedly that there is no sensitive wildlife habitat or species present. Observable impacts to water and soil resources have also been monitored and shown that mitigations issued as part of the authorization of past events have been largely successful. <sup>4</sup>
Georgia Cleverly, New Mexico Environment Department	4/20/09	Potential exists for a temporary increase in dust associated with motorcycle use. However, the increases should not result in non-attainment of air quality standards. Dust control measured should be taken to minimize the releases of particulates due to vehicular traffic and race related ground disturbances... The project, as proposed, is not anticipated to contribute negatively to air quality on a long-term basis.	Much of the trials areas to be used under the proposed event occur on bedrock. As a result, there is little potential for high amounts of dust. Additional precautions such as limiting trials motorcycle use to existing routes when outside of the trials areas has also been required in past trials event permits, and would be included in future permits should there be a decision to authorize one or both events.
		Areas disturbed by this event should be reclaimed to avoid long-term problems with erosion and fugitive dust.	Monitoring over the past two years has shown that because the riding areas are primarily made up of solid rock and there are restrictions for motorcycles to stay on existing trails and roads outside of the trials areas, there is little impact/disturbance to existing vegetation. Monitoring reports from 2008 illustrate that there is a minor amount of impact that does occur from travel off of existing roads and trails despite the permit requirements, but this is within the site's capacity to sustain vegetative cover. Lastly, should there be a decision to

<sup>4</sup> See 2007 and 2008 NM Trials monitoring reports in the project file.

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		<p>With as many as 80 people and possibly over a hundred people expected during these two, three-day events we continue to encourage best management practices for:</p> <ul style="list-style-type: none"> <li>• Fuel storage: does the permit have adequate conditions for storing fuels and the proper equipment in the event of a spill?</li> <li>• Human waste and trash disposal. Is liquid waste addressed appropriately in the permit, and how is the waste stream dealt with?</li> <li>• Roads, trails, and trampling of vegetation. Will this event result in additional erosional conditions, whereby impacting water quality?</li> </ul>	<p>approve one or both proposed events and areas are disturbed by the event(s), there would be requirement to reclaim these areas to Forest Service standards.</p> <p>Should the proposed events be approved, the permit would include a number of mandatory requirements as had been included in previous permits. These requirements specifically address the fuel storage, human waste, and erosional conditions you discuss. The requirements included in last year's permit are available on the Santa Fe National Forest website located at <a href="http://www.fs.fed.us/r3/sfe/projects/projects/trials/2008/trials_event_DM.pdf">http://www.fs.fed.us/r3/sfe/projects/projects/trials/2008/trials_event_DM.pdf</a>. This information was referenced and available on the web in the March scoping letter mailed to your organization in addition to monitoring photos and reports.</p>
Cyndi Tuell, Center for Biological Diversity	4/20/09	<p>This is the third year in a row in which the Jemez Ranger District's one page letter with map does not contain sufficient information to ensure informed and meaningful public involvement... While we appreciate the opportunity to comment at this early stage, the absence of information – let alone sufficient information – is, again, very troubling.</p>	<p>Paragraph two of the scoping letter included a link for the website: <a href="http://www.fs.fed.us/r3/sfe/projects/projects/trials/index.html">http://www.fs.fed.us/r3/sfe/projects/projects/trials/index.html</a> where it was stated that more information was available including monitoring reports, photos, and previous decision documents, which disclosed effects of the same project. Additionally when the scoping letter was e-mailed to you on March 17, 2009 it was made clear that more information would be made available upon request. Additionally, when you asked for a copy of the legal notice on 4/7/2009 your response was answered immediately with the information you requested and another assurance that more information was available if needed. It appears there was ample information available</p>

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			with several notifications of this to you and other publics.
		The Jemez motorcycle trials are clearly not ‘routine’ and clearly not the sort of activity that does not require a case file or decision memo. The impacts of this event extend beyond the timeframe of the event and are occurring now for the third year in a row. We thus fail to see how Categorical Exclusion 31.12-8 can justify the failure to prepare an EA or EIS to satisfy NEPA for purposes of authorizing Jemez motorcycle trials.	The Jemez Ranger District staff have completed a full analysis to determine the impacts of the event and are documenting this analysis in a case file and one or more decision memos. Trials events have occurred at the Lake Fork location for almost 30 years. Analysis based on the current proposal in addition to monitoring of site conditions and previous events lead one to a conclusion of no long-term or short-term significant impacts, thus making the categorical exclusion the appropriate level of analysis.
		Application of a categorical exclusion is particularly inappropriate because this event is not occurring in a vacuum; the Jemez Ranger District is already suffering from cumulatively serious resource impacts caused by poorly managed motorized recreation, especially when considered in light of logging and fuel reduction efforts conducted in and proximate to the project area. 40 C.F.R. § 1508.7.	There have been no previous logging or fuel reduction efforts at the location of the proposed events. The primary use of this area is for recreational uses, specifically camping and trials motorcycle use by individuals and small groups. Cumulative effects are considered by considering ‘aggregated cumulative effects’ as past uses of the area manifest themselves as observable impacts to the land, surrounding water quality, or changes in wildlife habitat.
		Until travel planning is completed, the Forest Service should not authorize activities such as the Jemez motorcycle trials that are likely to exacerbate existing resource damage and intensify user conflicts. Existing management direction and analysis for the Santa Fe National Forest pertaining to motorized recreation simply does not address or evaluate the impacts of organized motorized recreation events like the Jemez motorcycle trials which involve concentrated, intense motorized recreation use over a short period of time. At the very least, the Forest	The proposed trials events are completely separate from the Travel Management (TM) planning process and will in no way compromise the TM process. The Travel Management process would not authorize large group events, such as the proposed events. These would still be handled through the same process and if approved, be authorized under a special use permit.

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		<p>Service should prepare an EA or EIS to ensure that activities authorized pending completion of the travel planning process are consistent with existing management direction and analysis, do not have unacceptable adverse impacts, do not limit the choice of reasonable alternatives being considered in the travel planning process, and do not prejudice the ultimate decisions to be reached in the travel planning process. 40 C.F.R. § 1506.1.</p>	
		<p>Furthermore, guidelines provided by FSH 1909.15 Chapter 30, Section 31.3(2) identify several resource conditions that may present “extraordinary circumstances” compelling preparation of an EA or EIS including:</p> <ul style="list-style-type: none"> <li>a. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.</li> <li>b. Flood plains, wetlands, or municipal watersheds.</li> <li>c. Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas.</li> <li>d. Inventoried roadless areas.</li> <li>e. Research natural areas.</li> <li>f. American Indians and Alaska Native religious or cultural sites;</li> <li>g. Archaeological sites, or historic properties or areas.</li> </ul> <p>Again, the two-page letter does not identify, let alone evaluate, these resource conditions to determine whether “extraordinary circumstances” are present.</p>	<p>This information was available on the Santa Fe National Forest web address printed in the scoping letter.</p>
		<p>The use of the categorical exclusion is clearly inappropriate based on our review of the monitoring report</p>	<p>The monitoring report clearly illustrates that impacts were non-existent or very minor. In some cases where the</p>

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		<p>and photos from the 2008 review. We note from the monitoring report that a meadow was used for camping and that motorcycles were observed riding in this meadow, which is heavily used year-round and likely suffering from the cumulative impacts of year-round use and the heavily concentrated use from the trials events. On the first day of the event the participants were informed about the need to stay on existing roads and trails, yet on the second and third days of observation, participants were again found riding off-trail in the camping area and meadow. The monitoring report indicates the soils in the camping area are sandy loam which is vulnerable to erosion. The Forest Service acknowledges that “monitoring over time is needed to determine whether the impacts are greater than the ecosystem’s ability to provide litter &amp; whether the soil will erode or not at acceptable rates.” Monitoring Report 2008 at page 9. While “impacts are generally minor w/soil loss not very likely to occur unless followed by heavy rains[,]” we note that during the second day of the 2008 event it rained “all night” which clearly indicates that rains can be expected to occur during or directly after trials events.</p>	<p>monitoring reports that impacts may occur if off-road use keeps occurring or if followed by heavy rains, future monitoring reports show that these impacts did not occur. The monitoring data clearly supports existing and previous analyses that these short-term events in a heavily used recreational area have little or no impact in the long-term.</p>
		<p>We also note that although flammable/combustible liquids were located at the site, the Forest Service did not require a spill kit to be on site and spill kits were not observed until the third day of the event. Also on the third day of the event there were “several observed [containers greater than] 2 gallons not in OSHA approved”</p>	<p>Spill kits were available at all times during the event.<sup>5</sup> Just because there is a photo of them on day 3 of the monitoring report doesn’t mean the spill kits weren’t present on previous days. The monitoring report did illustrate that many participants did own gasoline in non-OSHA approved containers. Yet the lack of OSHA-approved</p>

<sup>5</sup> Pers. obs. Mike Dechter 5/8/2009

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		containers. Monitoring Report 2008 at page 7. The potential for a gasoline spill in the meadow used for camping is real and significant impacts to the environment could result.	containers did not increase the potential for a gasoline spill as OSHA-approved containers are not meant to decrease the possibility of spills, but to increase the safety of those near the containers.
		From the photos taken during monitoring of the trials event in 2008, it is clear that the event is designed to take place off of existing roads and trails. It is also clear from these photos and the monitoring report that despite the direction contained in the Clarification Memo for the 2008 trials event that “there will be no new or temporary (sic) roads as part of this decision, although motorcycles may use hard rock or other hard-surfaced areas...for trials as part of this decision motorcycles were in fact ridden off-trail in areas other than “hard rock” or “hard surface.”	The 2008 Decision Memo clarification states that trials motorcycles should be kept to existing routes and ‘approved areas’. Approved areas were areas designated, flagged, and reviewed by Forest Service personnel prior to the event. Generally these area were on hard rock and other hard-surfaced areas. Off-trail use was recorded as a minor problem in the monitoring report, but was also recorded that this issue was remedied without resource damage.
		The area that will be affected by this event includes riparian zones, Mexican spotted owl habitat, Rio Grand cutthroat trout habitat and possibly Jemez mountain salamander habitat. The entire event area is along forest road 376, which is adjacent to Rio Cebolla. The event area is checkerboarded with Mexican spotted owl PACs, goshawk PFAs and Rio Grande cutthroat trout streams limnologically connected to the Rio Cebolla. The upper Rio Cebolla is monitored for vehicle disturbances in wet meadows (Santa Fe National Forest, 2005:24) and research is conducted annually along five miles of the Rio Cebolla for Rio Grande cutthroat trout population enhancement (Id. at 26).	The proposed project is 4 miles upstream of the Rio Cebolla, which is the nearest perennial stream. Additionally, the area downstream of the event includes a part of the Rio Cebolla that does not include Rio Grande Cutthroat Trout. <sup>6</sup> Thus, it is very clear that the proposed project would not have direct or indirect impacts to the Rio Grande cutthroat trout. A 2003 stream inventory report for the Rio Cebolla specifically sites unmanaged recreation as a main impact to this portion of the Rio Cebolla, impacts from managed recreation events are not cited as resulting in impacts to fish habitat or water quality. The proposed project site has been determined through site specific analysis not to have an effect to sensitive wildlife habitat

<sup>6</sup> Simino, James; Bassett, Mike. 2003. Rio Cebolla Stream Inventory Report. Santa Fe National Forest. Available online: [http://www.fs.fed.us/r3/sfe/fish/reports/stream\\_inventory\\_reports/index.html](http://www.fs.fed.us/r3/sfe/fish/reports/stream_inventory_reports/index.html). pp35.

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			<p>including Mexican spotted owl or Jemez mountain salamander. The Biological Assessment and Evaluation completed for this project does recommend Northern goshawk surveys to occur this June despite the fact the area is in a high disturbance zone from high-density recreational use. If the proposed event is approved and goshawk surveys have positive results the July Trials event would be cancelled. Wildlife and fisheries analysis<sup>7</sup> have found that New Mexico Trials events at this same location in the past would have no impacts.</p>
		<p>Riparian zones are known sensitive habitats (Sachet 1988) particularly susceptible to damage from motorized recreation. Given the paucity of these habitats in the southwest, as well as their fragility and importance, any damage inflicted by off-road vehicles can have expansive and persistent effects. Research shows that riparian ecosystems, including ephemeral and perennial watercourses, are vital to the health of aquatic and terrestrial ecosystems because they filter out pollutants from land runoff, prevent erosion, and provide shelter and food for many aquatic and terrestrial animals. United States Department of Agriculture, 2002. There also exists a good base of peer-reviewed scientific research supporting the principle that the impacts of roads extend well beyond the actual area they occupy on the ground. See Forman et al. 2003.</p>	<p>The proposed project area is several miles from the nearest riparian area. There are no perennial water sources within approximately 4 miles of the proposed project area. As a result of this and given that if approved the event(s) would include mitigations to avoid and minimize sedimentation and other potential water quality effects there are no impacts expected to perennial water sources or riparian habitat.</p>
		<p>We request any specialist reports developed for this project be mailed to us (electronically or via ground mail) in a timely manner prior</p>	<p>We will mail specialists reports to you per your request concurrently with any written decision(s) that may be made for this analysis.</p>

<sup>7</sup> See 2004, 2006, 2007, 2008, and 2009 wildlife and fisheries correspondence and analyses in the project file.

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		to or concurrently with the issuance of any decision memo for this project.	
		Additionally, we also ask that you issue a closure order prohibiting cross country travel on the Jemez Ranger District; cross country travel is one of the leading threats to resources and allowing it to continue in a high-use area like this one will negatively impact wildlife, vegetation, habitat and soils. The 2005 Travel Management Rule specifically was promulgated to remedy one of the key threats to our public lands as identified by Chief Dale Bosworth: unmanaged recreation, specifically off-road vehicle travel. The Travel Management Rule requires the Forest Service to engage in travel planning to, in part, ban cross country travel and limit motorized recreation use to designated roads and trails.	This is outside the scope of the project. This project specifically includes analysis of two proposed motorized recreation events that occur for a well-defined time period in a well-defined area. This is an example of managed recreation. Your comment asks us to address all unmanaged recreation across the District, which is currently being addressed through the ongoing Travel Management planning process. More information for the Travel Management planning process for the Santa Fe National Forest is available here: <a href="http://www.fs.fed.us/r3/sfe/travelmgt/index.html">http://www.fs.fed.us/r3/sfe/travelmgt/index.html</a> .
Tony H. Joe Jr., Historic Preservation Department, Navajo Nation	5/1/09	...the proposed undertaking/project area will not impact any Navajo traditional cultural properties... the Navajo Nation has no concerns at this time.	n/a
		...if the proposed action inadvertently discovers habituation sites, plant gathering areas, human remains and objects of cultural patrimony the HPD-TCP requests that we be notified respectively in accordance with the Native American Graves Protection and Repatriation Act.	Should any of the aforementioned issues arise, the Forest Service will follow all existing laws (including NAGPRA), regulations, and written agreements to address the situation.