

**Response to Scoping Comments**  
**12-14-05 Public Meeting**

# ADA Access

## Non significant issue

## ADA Access

**Comment:** Classify wheelchair access as a significant issue. Losing 1/3 of motorized access, 1/2 of season to wet weather closure, 98.5% of non-system roads. How can that not impact folks with limited access?

**Rationale 1:** Outside the scope of the proposed action.

**Rationale 2:**

**FS Notes:** Wheelchairs would be exempt from forest orders implementing motor vehicle designations. However, the restrictions on motor vehicles, such as 4X4s, ATVs and, and motorcycles, applies to all people, including those with disabilities. A wheelchair is defined as a device designed solely for use by a mobility impaired person for locomotion, which is suitable for use in an indoor pedestrian area. A wheelchair, even a battery powered wheelchair, that meets this definition is permitted anywhere foot travel is permitted. As a result, wheelchair access is outside the scope of the proposed action and will not be classified as a significant issue. Impacts to persons with disabilities, however, will be addressed, analyzed, and disclosed in the Draft Environmental Impact Statement.

## Not an issue

## ADA Access

**Comment:** Categorical exclusion of wheelchair access and other limitations/restrictions on where vehicles can go has an effect on people with limited mobility.

**Rationale 1:** Is not a point of disagreement, debate or dispute with the proposed action.

**Rationale 2:** General comment received is not related to the current Proposed Action's effects and cannot be resolved through an alternative or mitigation.

**FS Notes:** Wheelchairs would be exempt from forest orders implementing motor vehicle designations. However, the restrictions on motor vehicles, such as 4X4s, ATVs and, and motorcycles, applies to all people, including those with disabilities. A wheelchair is defined as a device designed solely for use by a mobility impaired person for locomotion that is suitable for use in an indoor pedestrian area. A wheelchair, even a battery powered wheelchair, that meets this definition is permitted anywhere foot travel is permitted. As a result, wheelchair access is outside the scope of the proposed action and will not be classified as a significant issue. Impacts to persons with disabilities, however, will be addressed, analyzed, and disclosed in the Draft Environmental Impact Statement.

# Dispersed Camping

**Not an issue**

**Dispersed Camping**

**Comment:** If the Forest Service does not designate routes to dispersed camping areas it will lead to creation of new camping areas and dispersed camping areas.

**Rationale 1:** Is not a point of disagreement, debate or dispute with the Proposed Action.

**Rationale 2:** General comment received that is not related to the current Proposed Action's effects and cannot be resolved through an alternative or mitigation

**FS Notes:** Routes accessing dispersed camping areas is a significant issue that will be addressed in alternatives to the proposed action.

# Law Enforcement

**Not an issue**

**Law Enforcement**

**Comment:** Monitoring and enforcement concerns are not reflected in the set of significant issues. We sent comments in on this. Were they reviewed as legally required?

**Rationale 1:**

**Rationale 2:**

**FS Notes:** These comments were reviewed. However, these are considered to be elements of implementation that will be addressed, analyzed, and disclosed in the Draft Environmental Impact Statement (DEIS), rather than in alternatives to the proposed action.

# NEPA, Forest Plan, Direction, Decisions

**Not an issue**

**NEPA, Forest Plan, Direction, Decisions**

**Comment:** The Chief's response in the 1995 appeal equals standing. The Forest Supervisor must comply with it.

**Rationale 1:** Is not a point of disagreement, debate or dispute with the Proposed Action.

**Rationale 2:** General comment received that is not related to the current Proposed Action's effects and cannot be resolved through an alternative or mitigation.

**FS Notes:** The Eldorado National Forest will comply with decisions made by the Chief of the Forest Service in response to administrative appeals of the 1989 Eldorado National Forest Land and Resource Management Plan. However, new laws, regulations, and policies since that time will be followed.

**NEPA, Forest Plan, Direction, Decisions**

**Comment:** The NOI paraphrased the Land and Resource Management Plan standard and guideline in regard to designating maintenance level 1 roads. This leads to a different interpretation of the standard and guideline ("specific", "may").

**Rationale 1:**

**Rationale 2:**

**FS Notes:** The standard and guideline referenced on page 61779 of the Notice of Intent in the Federal Register (Oct. 26, 2005) is the exact standard and guideline in the Eldorado National Forest Land and Resource Management Plan (Management Practice 27, 4-83).

# Partnerships/volunteers

## Non significant issue

## Partnerships/volunteers

**Comment:** (1) We want to do volunteer trail maintenance; (2) You need to add new trails to accommodate population and rider growth or else the existing trails will get over impacted; (3) Create new loop routes in areas that are acceptable; (4) Let users volunteer to manage temporary rain closures and do maintenance; and (5) Not constructing new trails may cause over use impacts as trail users grow in numbers.

**Rationale 1:** Outside the scope of the proposed action.

### **Rationale 2**

**FS Notes:** Constructing new trails is outside the scope of the proposed action. The Forest Service welcomes the idea of using volunteers for trail maintenance and will look to partner with interested stakeholders when implementation of this decision begins.

## Not an issue

## Partnerships/volunteers

**Comment:** Is there going to be accommodations for volunteer groups helping in building new trails?

**Rationale 1:** Is not a point of disagreement, debate or dispute with the Proposed Action.

**Rationale 2:** Outside the scope of the proposed action.

**FS Notes:** Constructing new trails is outside the scope of the proposed action. The Forest Service welcomes the idea of using volunteers and will look to partner with interested stakeholders in the future.

# Rights-of-Way

## Not an issue

## Rights-of-Way

**Comment:** Impact of OHVs crossing private property must be considered.

**Rationale 1:** Is not a point of disagreement, debate or dispute with the proposed action.

**Rationale 2:** General comment received that is not related to the current Proposed Action's effects and cannot be resolved through an alternative or mitigation.

**FS Notes:** The Eldorado National Forest intends to minimize conflict between OHV use and private landowners, and will not designate roads and trails for which required rights-of-way do not exist and those located predominantly on private land. These intentions are consistent with national regulations and the Eldorado National Forest Land and Resource Management Plan. These specific guidelines were expressed in the purpose and need for the project, which was published in the Notice of Intent in the Federal Register on October 26, 2005 (page 61779). This direction will be applied in the action alternatives and disclosed in the Draft Environmental Impact Statement.

# Route Closure

## Not an issue

## Route Closure

**Comment:** You need to realize that if people travel a long distance and find an area is closed, they may create new routes.

**Rationale 1:** Is not a point of disagreement, debate or dispute with the Proposed Action.

**Rationale 2:** General comment received that is not related to the current Proposed Action's effects and cannot be resolved through an alternative or mitigation.

**FS Notes:** The Forest Service will consider such possibilities in our analysis. However, there is no scientific evidence to substantiate this statement and other reactions, such as use of the available routes, are equally likely. As a result, this is not considered to be a significant issue that will be addressed in alternatives to the proposed action.

## Not an issue

## Route Closure

**Comment:** Doesn't closures of non-system routes become subject to site-specific NEPA?

**Rationale 1:** Is not a point of disagreement, debate or dispute with the Proposed Action.

**Rationale 2:** General comment received is not related to the current Proposed Action's effects and cannot be resolved through an alternative or mitigation.

**FS Notes:** Unauthorized routes are not part of the National Forest System roads and trails, and were not constructed with engineering design by Forest Service experts or with consideration of resource impacts. Thus, no site-specific analysis is required to not designate these routes open for public motor vehicle use. However, the effects of not designating unauthorized routes on the Forest will be analyzed and disclosed in the Draft Environmental Impact Statement.

# Route Designation

## Non significant issue

## Route Designation

**Comment:** Consider the need for new trails to meet the growing use and demand on the Forest. The purpose and need excludes new trail construction, which precludes addressing this need.

**Rationale 1:** Outside the scope of the proposed action.

**Rationale 2:**

**FS Notes:** Constructing new trails is outside the scope of the proposed action.

## Not an issue

## Route Designation

**Comment:** Evaluate the number of users, miles, and types of use to measure the impact of use.

**Rationale 1:** Is not a point of disagreement, debate or dispute with the Proposed Action.

**Rationale 2:** General comment received is not related to the current Proposed Action's effects and cannot be resolved through an alternative or mitigation.

**FS Notes:** The environmental, social, and economical impacts of the alternatives will be addressed, analyzed, and disclosed in the Draft Environmental Impact Statement (DEIS).

## Not an issue

## Route Designation

**Comment:** Growth is an important issue. There is a need for trails to meet the growth in use.

**Rationale 1:** Is not a point of disagreement, debate or dispute with the Proposed Action.

**Rationale 2:** General comment received is not related to the current Proposed Action's effects and cannot be resolved through an alternative or mitigation.

**FS Notes:** Federal law, regulations, and Forest Service direction do not require that the allocation of land available for specific recreation uses be based on recreational needs, nor that there be balance in the sense of equal distribution of land or opportunities for different recreation uses (Forest Service Chief's Appeal Decision of the Eldorado National Forest 1989 Land and Resource Management Plan, Nov. 7, 1995). Instead, the Multiple-Use Sustained-Yield Act (MUSYA) of 1960 requires the management of renewable surface resources "so that they are utilized in the combination that will best meet the needs of the American people" (16 U.S.C. 531). In the context of national forest management, the courts have uniformly held that the Forest Service "has wide discretion to weigh and decide the proper uses within any area" of the national forests (Big Hole Ranchers Ass'n v. United States Forest Service, D. Mont. 1998). Although this statement will not be classified as a significant issue to be addressed in alternatives to the proposed action, the current and future demand for OHV use and trails will be addressed, analyzed, and disclosed in the Draft Environmental Impact Statement.

## Route Designation

**Comment:** Are the 590 miles of maintenance level 1 roads valid for use? Decision documents? Effects? Basis for creation?

**FS Notes:** Maintenance level 1 roads are National Forest System roads. The management objective of these roads is "closed to vehicular traffic." However, if these roads are not physically closed by a gate or barrier, followed by a subsequent forest order, they are open for public motor vehicle use. The effects of designating these roads will be addressed, analyzed, and disclosed in the Draft Environmental Impact Statement (DEIS).

## Route Designation

**Comment:** How will comments on specific routes be used? These are not showing up on the proposed action map.

**FS Notes:** A list of specific routes mentioned in public comments has been compiled with the related attributes or issues. The Interdisciplinary Team will evaluate these routes for possible inclusion in alternatives to the proposed action.

## Not an issue

## Route Designation

**Comment:** You must assess the impact to users of going from an open to designated system.

**Rationale 1:** Is not a point of disagreement, debate or dispute with the Proposed Action.

**Rationale 2:** General comment received is not related to the current Proposed Action's effects and cannot be resolved through an alternative or mitigation.

**FS Notes:** The environmental, social, and economical impacts of the alternatives will be addressed, analyzed, and disclosed in the Draft Environmental Impact Statement (DEIS).

## Not an issue

## Route Designation

**Comment:** I proposed a 300 foot easement covering all trails. Or map all trails. Trails only 300 feet long were not mapped.

**Rationale 1:** Is not a point of disagreement, debate or dispute with the proposed action.

**Rationale 2:** General comment received that is not related to the current Proposed Action's effects and cannot be resolved through an alternative or mitigation.

**FS Notes:** The Eldorado National Forest Route Inventory GPS protocol called for collecting data on routes 100 feet and longer as recommended in the 2002-2003 Pacific Southwest Region: OHV Mapping Project: Motorized Trails: Data Collection Standards with Global Positioning Systems (GPS) and Geographic Information Systems (GIS) Integration Guide.

## Route Designation

**Comment:** The NFS non-motorized trail on my 40 acre property in the NW quadrant of NW Mokelumne Peak does not exist. The trail as shown crosses the existing meadow and drops over a 50' cliff.

**Rationale 1:**

**Rationale 2:**

**FS Notes:** This non-motorized trail is representing the Carson-Emigrant National Historic Trail (CET). After review of the CET survey maps and the existing data it appears as though there is an error in location for a segment of the trail. The error will be corrected during the field season with field review and data collection.

## Route Designation

**Comment:** Reinstatement of Porthole Gap road is a great idea. It will keep traffic out of Mud Lake in the spring when it is wet and will also provide circulation.

**Rationale 1:**

**Rationale 2:**

**FS Notes**

## Route Designation

**Comment:** I have found a few "significant issues" on your list that don't seem to meet your criteria as "conjectural in nature or not supported by scientific evidence." Examples are: (1) designation of 590 miles of maintenance level 1 roads may lead to illegal construction of loops; (2) designation of dead end routes may increase user created routes; and (3) designation of routes that are user created, damage riparian habitat, cause significant damage to...

**Rationale 1:**

**Rationale 2:**

**FS Notes:** After review of this comment, it does appear that these statements are conjectural in nature. The effects of designating maintenance level 1 roads, dead end routes, and unauthorized routes have yet to be analyzed by the Interdisciplinary Team. In addition, we cannot predict the future success of our outreach, education, and enforcement efforts during implementation. These issues will be removed from the list of significant issues.

## Route Designation

**Comment:** Criteria in the regional guidebook for planning need to be applied. Will you be able to meet the timeline based on this requirement?

**FS Notes:** The Eldorado National Forest intends to be consistent with the Memorandum of Intent between the USDA Forest Service and the California Off-Highway Motor Vehicle Recreation Commission, and the Off-Highway Motor Vehicle Recreation Division of the California Department of Parks and Recreation, as referenced in the purpose and need of the Notice of Intent in the Federal Register dated October 26, 2005. Criteria in the regional guidebook will be used as "guidelines" for designating routes on the Eldorado National Forest.

## Not and Issue

## Route Designation

**Comment:** All existing inventoried routes indicate public need, and they need to be the starting point of route designation evaluation, not system road inventory. It is on the dirt, that is an indication of the use and need. You cannot ignore the need of today, let alone the future needs, which isn't included in this NEPA process. 3500-4000 miles exist.

**Rationale 1:** Is not a point of disagreement, debate or dispute with the Proposed Action.

**Rationale 2:** General comment received that is not related to the current Proposed Action's effects and cannot be resolved through an alternative or mitigation.

**FS Notes:** Federal law, regulations, and Forest Service direction do not require that the allocation of land available for specific recreation uses be based on recreational needs, nor that there be balance in the sense of equal distribution of land or opportunities for different recreation uses (Forest Service Chief's Appeal Decision of the Eldorado National Forest 1989 Land and Resource Management Plan, Nov. 7, 1995). Instead, the Multiple-Use Sustained-Yield Act

(MUSYA) of 1960 requires the management of renewable surface resources "so that they are utilized in the combination that will best meet the needs of the American people" (16 U.S.C. 531). In the context of national forest management, the courts have uniformly held that the Forest Service "has wide discretion to weigh and decide the proper uses within any area" of the national forests (Big Hole Ranchers Ass'n v. United States Forest Service, D. Mont. 1998). Although this statement will not be classified as a significant issue to be addressed in alternatives to the proposed action, the current and future demand for OHV use and trails will be addressed, analyzed, and disclosed in the Draft Environmental Impact Statement (DEIS).

## **Significant issue**

## **Route Designation**

**Comment:** The existing non-system road/trail from Bear River Lake Resort 1/2 mile to the combined use road to the west is not addressed in the proposed action. This is an extremely important access route for all users. Without this route all routes to the south side of the lake do not have access from this popular resort. This needs to be included in the proposal.

**Rationale 1:**

**Rationale 2:**

**FS Notes:** The Bear River Bypass Trail, NST1640-A, has been identified through Ranger District and public input is being considered and evaluated for designation.

## **Not an issue**

## **Route Designation**

**Comment:** [Your route designation process needs to address "current roads," including "short" roads or driveways] never included in the inventory (too short). Current roads also needs some analysis of current use and historic use

**Rationale 1:** Is not a point of disagreement, debate or dispute with the Proposed Action.

**Rationale 2:** General comment received that is not related to the current Proposed Action's effects and cannot be resolved through an alternative or mitigation.

**FS Notes:** The Eldorado National Forest Route Inventory GPS protocol called for collecting data on routes 100 feet and longer as recommended in the 2002-2003 Pacific Southwest Region: OHV Mapping Project: Motorized Trails: Data Collection Standards with Global Positioning Systems (GPS) and Geographic Information Systems (GIS) Integration Guide. Data representing "short" routes collected during the Route Inventory will be considered for designation in this project.

## Significant issue

## Route Designation

**Comment:** Mud lake road should be a maintenance level 2 road at a minimum to connect State Highway 88 to 09N04. Otherwise, there is no way to drive a 4WD from the end of 09N04 to Hwy 88. Mud Lake road is a public road across private property at Hwy 88. It was originally the emigrant road and has been in existence for approximately 150 years. The road is shown on the August 1877 GLO Survey. Also shows on USGS Quad Sheets. The road existed before the property was deeded from the federal government to private ownership.

**Rationale 1:**

**Rationale 2:**

**FS Notes:** At the present time the segment of trail 17E24 from Highway 88 to 09N04, known as Mud Lake Road, is included in the Eldorado National Forest transportation system as a 4WD trail open to all vehicles. As part of the designation project, recommendations from the Ranger District, the public, and others are being considered in the designation of Mud Lake Road.

# Route Inventory

## Not an issue

## Route Inventory

**Comment:** The route inventory excluded roads under 300 feet in length, so now they can't be analyzed or considered. These provide access to dispersed camp sites and should be considered. This issue was brought up in the purpose and need meeting.

**Rationale 1:** Not a disagreement.

**Rationale 2:** General comment received that is not related to the current Proposed Action's effects and cannot be resolved through an alternative or mitigation.

**FS Notes:** The Eldorado National Forest Route Inventory GPS protocol called for collecting data on routes 100 feet and longer as recommended in the 2002-2003 Pacific Southwest Region: OHV Mapping Project: Motorized Trails: Data Collection Standards with Global Positioning Systems (GPS) and Geographic Information Systems (GIS) Integration Guide. Data representing short routes collected during the Route Inventory, as well as those brought forward and validated during the public Route Inventory Review are included in the analysis for designation. Short routes which access dispersed campsites will be considered in this project.

# Seasonal restrictions

## Non significant issue

## Seasonal restrictions

**Comment:** Seasonal closures will restrict activity and cause overcrowding.

**Rationale 1:** Conjectural or not supported by scientific evidence.

**Rationale 2:**

**FS Notes:** The Eldorado National Forest Land and Resource Management Plan requires that a seasonal closure be instituted during wet weather periods to reduce damage to native surface roads and trails. Concerns with the seasonal closure in the proposed action have been classified as a significant issue that will be addressed in alternatives to the proposed action.

## Not an issue

## Seasonal restrictions

**Comment:** Access to roads and trails during winter months provides users an opportunity to enjoy access during these months. For a variety of interest some prefer to enjoy the forest during these periods of time versus normal (summer time) conditions.

**Rationale 1:** Is not a point of disagreement, debate or dispute with the proposed action.

**Rationale 2:** General comment received that is not related to the current Proposed Action's effects and cannot be resolved through an alternative or mitigation.

**FS Notes:** The Eldorado National Forest Land and Resource Management Plan requires that a seasonal closure be instituted during wet weather periods to reduce damage to native surface roads and trails. Concerns with the seasonal closure in the proposed action have been classified as a significant issue that will be addressed in alternatives to the proposed action.

# Use - conflict

## Significant issue

## Use - conflict

**Comment:** We own property in which an easement was originally granted to the Forest Service to allow access for maintenance of the Forest on road 11N88. This easement runs across approximately 200 feet of our property and is within 30-40 feet of our home. With the proposed plan, 11N88, a maintenance level 2 road, will now be approved for ALL high clearance motor vehicles. There will be a significant impact, an increase in traffic on our private land, potentially endangering to our children and pets, creating noise, dust, and/or vandalism, or abuse of our land. What does the Forest Service propose to minimize the activity on our land (as it already feels as if we are living next to an off-road vehicle freeway)? In addition, there are endangered plant species along 11N88 that off-road vehicles will impact, as well as deer/wildlife herds. We've had vehicles speed through our property, drive off the easement onto our property. We have a problem with the Forest Service opening 11N88 to any and all off-road vehicles, where these vehicles can then travel directly through our property next to our home.

### **Rationale 1:**

### **Rationale 2:**

**FS Notes:** The Eldorado National Forest intends to minimize conflict between OHV use and private landowners, and will not designate roads and trails for which required rights-of-way do not exist. These intentions are consistent with national regulations and the Eldorado National Forest Land and Resource Management Plan. These specific guidelines were expressed in the purpose and need for the project, which was published in the Notice of Intent in the Federal Register on October 26, 2005 (page 61779). Such issues are considered to be significant issues that will be addressed in alternatives to the proposed action. The conflicts associated with Road 11N88 are being considered. Additional concerns have been identified by the Georgetown Ranger District, Law Enforcement, and Resource Specialists.

# Wildlife

## Wildlife

**Comment:** Under significant issues identified, fawning areas and OHV use, which will negatively affect deer herds - would this not be a Department of Fish and Game issue? With the ENF having some 15,000 deer tags and a very low bag rate. Is the new Forest Supervisor going to be up to speed on this process since it's going fast.

**FS Notes:** The Forest Service will consult with the California Department of Fish and Game in evaluating this issue.