

**RESPONSE TO COMMENTS ON
and
CHANGES TO
the**

**Programmatic Agreement
among the
U.S.D.A. Forest Service, Pacific Southwest Region,
U.S.D.A. Forest Service, Intermountain Region's
Humboldt-Toiyabe National Forest,
California State Historic Preservation Officer, and
Advisory Council on Historic Preservation
regarding
The Process for Compliance with Section 106 of
The National Historic Preservation Act
for
Designating Motor Vehicle Routes
and
Managing Motorized Recreation
on the
National Forests in California**

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The Motorized Recreation Programmatic Agreement (PA) was originally proposed as the Programmatic Agreement among the USDA Forest Service, Pacific Southwest Region, USDA Forest Service Intermountain Region's Humboldt-Toiyabe National Forest, California State Historic Preservation Officer, and Advisory Council on Historic Preservation regarding the Process for Compliance with Section 106 of the National Historic Preservation Act for Designating Off-Highway Vehicle Routes and Specifically Defined Areas and Managing Off-Highway Vehicle/Motorized Recreation on the National Forests in California. This document was referenced by the short title of the OHV PA.

Since the PA was originally drafted, the Forest Service proposed rules changes that expanded the coverage of the PA to all wheeled, motorized recreation. Thus, the PA's title now reads: *Programmatic Agreement among the USDA Forest Service, Pacific Southwest Region, USDA Forest Service Intermountain Region's Humboldt-Toiyabe National Forest, California State Historic Preservation Officer, and Advisory Council on Historic Preservation regarding the Process for Compliance with Section 106 of the National Historic Preservation Act for Designating Motor Vehicle Routes and Managing Motorized Recreation on the National Forests in California.* The revised document is referenced by the short title of the *Motorized Recreation PA*.

Response to Comments

The proposed Off-Highway Vehicle (OHV) Programmatic Agreement (PA) was submitted for public review in December, 2004. It was posted on the USDA Forest Service, Pacific Southwest Region website, December 7, 2004, with a comment due date of January 31, 2005. Public notices were published in the Sacramento Bee December 16, 17, 20, and 21, 2004, with a comment due date listed as January 31, 2005. General consultation letters requesting comments were mailed hard copy on December 20, 2004, to more than 200 Native American individuals and tribes, including all federally recognized tribes consulted by the National Forests in California.

Negotiations were on-going with the California State Historic Preservation Officer and the Advisory Council on Historic Preservation; however, formal letters of consultation were also mailed to these agencies December 20, 2004, as part of the notification process. Individual letters of consultation were also sent December 20, 2004, to five Tribal Historic Preservation Officers in California, for the: Big Pine Tribe of the Owens Valley, Stewart's Point Rancheria Kashia Band of Pomo Indians, Table Bluff Reservation Wiyot Tribe, Timbisha Shoshone Tribe, and Yurok Tribe. Individual consultation letters were also mailed December 20, 2004, to the Agua Caliente Band of Cahuilla Indians and the Pechanga Indian Reservation Temecula Band of Luiseno Mission Indians--two tribes that had consulted with the region the previous year on a different agreement document.

E-mail notifications, inviting review and comments, were mailed December 21, 2004, to more than 50 members of the OHV Stakeholders Roundtable, Off-Highway Motor Vehicle Division, California Department of Parks and Recreation. Reminders were e-mailed to this OHV Stakeholders Roundtable roster twice, reminding the members of the comment due date of January 31, 2005, and asking them to notify others who might be interested in commenting.

Several forests contacted additional interested parties, including tribes, traditional cultural practitioners, archaeological professionals, historical societies, historic trail enthusiasts, and OHV users. Requests for hard copies of the PA were received from several interested parties; hard copies were mailed. Comment due dates were adjusted to as late as February 14, 2005, to allow time for review and submission.

Comments From:

Comments were received from 76 interested parties. Seventy were from OHV groups or enthusiasts. Three were from environmental groups. Two were from Forest Service archaeologists. One was from a tribe.

Sixteen were considered substantive, that is, all or portions of the submitted comments addressed the intent and/or provisions of the PA. Sixty were nonsubstantive; they stated a position or opinion but did not address the intent or provisions of the PA. Several of the substantive comment submissions also contained some nonsubstantive opinions that did not pertain specifically to provisions of the PA (i.e., management of historic properties for motorized recreation undertakings).

A list of all 76 comments received, substantive and nonsubstantive, is provided in a separate excel spreadsheet. Brief summary statements for all comments are included in the spreadsheet.

Responses to all substantive comments, and to a couple nonsubstantive comments, on the PA are provided in this document. Substantive comments were those that addressed the PA draft. Some generally addressed the intent of the PA, questioning general concepts covered by the PA. Others addressed specific details in the draft, suggesting wording or editorial changes, requesting clarifications, or questioning the specific content of stipulations.

Substantive comments were received from the following interested parties:

- BlueRibbon: Don Amador, Western Representative, BlueRibbon Coalition
- CA4WDC: John Stewart, Natural Resource Consultant, California Association of 4 Wheel Drive Clubs
- CA4WDC Central: Bob Bennett, California Association of 4 Wheel Drive Clubs Central and Lock and Low Four Wheel Club of Visalia
- CDPROMV: Phil Hines, Archaeologist, California Department of Parks and Recreation Off-Highway Motor Vehicle Division
- CORVA: Edward H. Waldheim, President, California Off Road Vehicle Association, Inc.
- Eldorado: Denise McLemore, Heritage Resources Manager, Eldorado National Forest
- Eakle: Pete Eakle
- Glencjan: Glencjan@aol.com
- Lewis: Jimmy Lewis
- Los Padres: Joan Brandoff-Kerr, Heritage Resources Manager, Los Padres National Forest
- Marking: Ken Marking
- ORBA: Bill Dart, Land Use Director, Off-Road Business Association
- PEER: Karen Schambach, California Public Employees for Environmental Responsibility

- Santa Ynez: Adelina Alva-Padilla, Chair Woman, Tribal Elders Council, Santa Ynez Band of Mission Indians
- SOFA: Tomas J. Walsh, Conservation Chair, Save Our Forest Association
- Stewards: Chris Horgan, Stewards of the Sequoia; also represents California Trail Users Coalition (CTUC), and Kern Off Highway Vehicle Association (KOHVA)

Responses to General Comments:

Closing Routes

The most consistent comment received was to not close any motorized vehicle routes (or secondarily, to not close any public lands to off-road vehicle use). This is not an issue addressed by the PA (which deals solely with how to manage historic properties for motorized vehicle recreation undertakings). It is an issue addressed in the route designation process.

The comments resulted from confusion about a statement in Appendix C (Page 38, lines 33-34; “close all unmapped roads, trails or off-route use areas by June 2006”) that summarized the timeline from the Route Designation Guidebook. As of June 2006, all National Forest System (formally classified roads or designated trails and included in Forest Transportation Atlases) and nonsystem (not formally established and not included in Forest Transportation Atlases) motorized vehicle roads, trails, and specifically defined use areas (collectively referred to as “routes”) are scheduled to be mapped. Mapping is done using Global Positioning System (GPS) units, and mapped routes are entered on forest Geographic Information System (GIS) layers. This mapping includes any routes missed in Forest Service route surveys but identified by the public and added to the maps. Thus, all existing routes should be mapped by June, 2006. All routes unmapped as of June, 2006 (which should consist only of new routes made after June, 2006), are closed.

Comments that solely addressed not closing any lands, routes, or unmapped routes were considered nonresponsive as they did not address how historic properties were to be managed pursuant to the proposed PA. However, the text of those lines in Appendix C was revised to provide more clarity to the referenced route designation process, as follows: “confine use to routes mapped (close all cross-country use) by June 2006”.

Funding

The second most frequently voiced comment was about funding, asking what was the funding to implement the PA or various provisions of the PA, or requesting that funding amounts and sources for various tasks be specifically identified in the PA. The PA is a legal document that substitutes for the regulations at 36 CFR 800. Its purpose is to identify the alternative processes and procedures that will be used to consider the effects to historic properties from specific undertakings, in this case, motorized vehicle recreation undertakings. As with the regulations, the PA does not address funding.

Compliance with National Historic Preservation Act (NHPA) Section 106 responsibilities to consider the effects of undertakings on historic properties is an essential part of meeting agency National Environmental Policy Act (NEPA) requirements. The PA streamlines those requirements in comparison to the procedures in the regulations at 36 CFR 800. In doing so, it saves money. As a comparison, in Fiscal Year 2004, the Regional and Sierra PAs saved the region’s forests more than \$19,000,000.00 in expedited Section 106 compliance for some 1,700 projects completed under the PAs rather than under 36 CFR 800.

Funding to complete NHPA and NEPA analyses generally comes from appropriated program dollars, i.e., funds that are allocated to manage program activities. Program funding can be supplemented by grants, volunteer contributions, and other sources.

Public Notification

Some respondents complained that public notification to OHV groups and recreationists was not sufficient. As stated above, notification was sent to all members of the OHV Stakeholders Roundtable, Off-Highway Motor Vehicle Division, California Department of Parks and Recreation. Additional OHV groups and interested parties were contacted by several forests. Seventy-six comments were received, seventy from OHV groups and recreationists. The OHV community is well represented in the comments received.

Criteria for Not Designating Routes

Some respondents questioned why the PA did not include criteria for when routes should not be designated or whether routes should be designated if they adversely affect historic properties. Decisions about route designation are part of the NEPA process, not part of NHPA. NHPA compliance ensures that the effects to historic properties are considered in NEPA decisions. NEPA decisions weigh historic property effects, along with effects to other resources, and along with the benefits of project implementation.

The PA specifies the processes and procedures that identify, and minimize, effects to historic properties. If adverse effects cannot be satisfactorily eliminated or minimized pursuant to the resource protection measures in the PA, Memoranda of Agreement (MOAs) must be negotiated for adverse effects. Substantial adverse effects can necessitate completing Environmental Impact Statements and Records of Decision rather than Environmental Assessments and Findings of No Significant Impact under NEPA.

Unclassified Roads and Nonsystem Trails

One respondent requested that the Forest Service not cast a shadow of illegitimacy on existing routes by using terms such as unauthorized, nondesignated, unclassified, and nonsystem. He noted that many forests had (or still have) open or unrestricted use policies until restrictions were established in Forest Plans.

The PA does not use the terms “unauthorized” or “nondesignated”. The PA does use the terms “unclassified” and “nonsystem”. Unclassified roads are defined, pursuant to 36 CFR 212.1, as those not managed as part of forest transportation systems and not included in Forest Transportation Atlases; they may also be called nonsystem roads. Trails that are not formally designated and not managed as part of forest transportation systems, and not included in Forest Transportation Atlases, are termed nonsystem trails.

Responses to Specific Comments:

Page 1, lines 30-32

Comment: ORBA: Questions legality of PA citations for 36 CFR 295 once proposed rules are finalized.

Response: The Forest Service has proposed amending the regulations at 36 CFR 212, 251, 261, and 295. If and when finalized, they will still be in force, even though the specifics of the rules may have changed. The Forest Service will meet its responsibilities under the amended rules. The wording of the introductory “Whereas” clause has been changed to include successor rules and policies. Other citations of the regulations are from the Route Designation Guidebook, referenced as an appendix to the PA; changes to the guidebook should be addressed to the Regional Motorized Recreation Program Manager.

Page 6, lines 29 and 41

Comment: PEER: Questions definition of the term “supervise”.

Response: “Supervise” is self-explanatory. The Programmatic Agreement (PA) defines it as active oversight and review of all aspects of work. The dictionary further defines it as directing and watching over work and performance.

Page 6, line 32

Comment: CORVA, SOFA, Stewards: Question financial implications of PA.

Response: This PA provides an alternative to National Historic Preservation Act (NHPA) regulatory processes that the agency must follow. Programmatic agreements are not required to address financial costs or where funding will be obtained. However, the expedited processes in other regional programmatic agreements have saved millions of dollars annually over standard 36 CFR 800 consultation costs. NHPA consultation requirements are part of standard project National Environmental Policy Act (NEPA) costs.

Page 7, line 2

Comment: PEER: Questions if confidential files are maintained with State Historic Preservation Officer (SHPO).

Response: Text edited to clarify that sensitive information about traditional cultural properties is kept in confidential files “only” at Forest Supervisor’s Offices.

Page 7, line 5 1.

Comment: Eldorado: Questions submission of reports to the California Historical Resources Information System (CHRIS).

Response: Wording was changed in stipulation III.C.8 related to report requirements, and cross-referenced in this provision. CHRIS submission is still required, pursuant to NHPA responsibilities for statewide inventory.

Page 7, line 31

Comment: CORVA, Stewards: Question users to whom the PA applies.

Response: The purpose of this PA is to address the undertakings of designation and management of routes for motorized recreation. Undertakings related to nonmotorized uses are not part of these undertakings.

Page 7, line 33

Comment: PEER: Suggests wording change for Off-Highway Vehicle (OHV) as primary use.

Response: Text changed to reference motorized recreation and consideration for designation.

Page 7, lines 34 and 44 b)

Comment: Glencjan: Recommends distance off routes to which motorized access is limited.

Response: Cross-country travel will be prohibited with route designation. Areas of Potential Effect (APEs) for heritage inventory of routes include all existing stopping points, vista points, trailheads, etc. APEs are limited to 30 meter wide route corridors and 30 meter buffer zones around stopping points within immediate route surroundings.

Page 7, line 39

Comment: Eldorado: Recommends term “hunting areas” be clarified for the APE definition example.

Response: Text reworded to distinguish between use areas within APE buffer zones and use areas closed to cross-country travel and outside APE buffer zones.

Page 8, line 11 C

Comment: Eldorado: Questions whether use of Sierra PA nonintensive inventory strategy using resources at risk is precluded.

Response: Text wording changed to specifically include Sierra PA resources at risk nonintensive inventory strategy. See stipulation III.C.4.

Page 8, line 16

Comment: CORVA, Stewards: Question duplications of inventories.

Response: Forests do not have heritage resource inventories for all routes--system and nonsystem--that are currently in use. This PA sets up the process of heritage resource inventory for those routes that have not been inventoried for historic properties. Where cultural resource

surveys have already been completed, the survey and site location data are already in the forests' Geographic Information System (GIS) layers, and will not be duplicated.

Page 8, line 35

Comment: CORVA, Stewards: Question financial implications.

Response: See response for Page 6, line 32, above, about financing.

Page 10, line 6

Comment: Eldorado: Questions submission of reports to CHRIS.

Response: See Page 7, line 5 1., above.

Page 10, lines 20-21

Comment: CA4WDC, CORVA, Lewis, ORBA, Stewards: Question "freedom" to develop definitions for archaeological site properties.

Response: The SHPO already has a minimum definition for archaeological and historic sites. Each forest needs to have the ability to negotiate with SHPO its own baseline definition that more accurately reflects the occurrence of archaeological and historic sites within its administrative boundaries. The approach then is standard on the forest.

Page 10, lines 30-35

Comment: CA4WDC, ORBA, PEER, Stewards: Question definition of Heritage Resource Manager (HRM), delegation of responsibilities, and resurvey standards.

Response: Text changes: HRM definition changed to include delegations of professional and technical responsibilities (see stipulation I.C); qualified heritage professional added to definitions (see stipulation I.K) and to this stipulation (III.C.7.a)i); and, needs for resurvey rewritten to cite current standards.

Page 11, lines 8-9

Comment: CA4WDC, CORVA, ORBA, Stewards: Question reporting standards.

Response: Reporting standards change over time, and are currently undergoing changes with implementation of electronic databases. The Forest Service must be able to negotiate with SHPO on necessary changes when they occur. This statement provides the flexibility to update this PA without going through the burdensome process of formal amendment.

Page 11, lines 22-23

Comment: CA4WDC, ORBA: Suggest timeframe for report completion.

Response: Timeframes for heritage survey and reporting vary based on the extent of the undertaking and the NEPA schedule. Heritage Survey Reports (HSRs) have to be completed before the NEPA decision in order to comply with the requirements of the NHPA and NEPA to consider the effects of the decision on historic properties. Completion is dependent on the NEPA schedule.

Page 11, lines 25-32

Comment: CA4WDC, ORBA: Question whether reports are required if Information Center does not accept them.

Response: Section rewritten to highlight forest reporting requirements with copies available to review agencies.

Page 11, sections 9 a) and b)

Comment: CA4WDC, CORVA, ORBA, Stewards: Question need for arbitrary report outside standard report criteria.

Response: Section rewritten to clarify undertakings documented in annual report.

Page 12, line 34

Comment: CA4WDC Central: Suggests use of barriers causes impacts to restricted areas.

Response: Monitoring, pursuant to stipulation IV.A, is recommended to ensure that standard resource protection measures (e.g., barriers) effectively mitigate adverse effects.

Page 13, line 7

Comment: CDPROHVM, Eldorado: Recommend that not using limited testing to determine properties ineligible is overly restrictive, and ask if use of California Archaeological Resource Identification and Data Acquisition Programs (CARIDAPs) is prohibited.

Response: CARIDAPs can be used pursuant to stipulation III.D.3. Stipulation III.D.3 text broadened to include other SHPO approved eligibility determination programs.

Page 13, line 10 and Line 16

Comment: CORVA, Stewards: Question if post-designation site discoveries eliminate alternatives.

Response: If historic properties are identified later and they are being affected, then measures will be implemented to treat the effects. These measures can include but are not limited to standard resource protection measures, treating effects, reroutes, or closures.

Page 14, line 42, Monitoring

Comment: Eldorado, Los Padres: Recommend monitoring to determine if adverse effects are on-going, what treatment measures to use, and trigger points for evaluating effectiveness.

Response: Stipulation IV.C added to identify effects, treatments, and trigger points.

Page 15, line 16

Comment: Santa Ynez: Recommend culturally sensitive sites be avoided and monitors be used for ground disturbing activities.

Response: Monitoring is recommended to protect traditional cultural values.

Page 15, line 21

Comment: CDPROHVM: Questions whether attempts will be made to relocate undertakings if historic properties are discovered during implementation.

Response: The introductory Standard Resource Protection Measure is avoidance of historic properties, which includes relocation of undertakings.

Page 15, line 28

Comment: CORVA, Stewards: Question timeframes, personnel, and costs for monitoring.

Response: Added timeframe for monitoring in section IV.C. Section III.A addresses staffing responsibilities, including for monitoring. See page 6, line 32, above, about financing.

Page 15, line 42

Comment: PEER: Questions monitoring.

Response: The stipulation identifies that qualified heritage professionals examine sites and impacts. See page 15, line 28, above.

Page 16, line 17

Comment: CORVA, Stewards: Question costs and staffing for review.

Response: Section III.A addresses staffing responsibilities, including for review. See page 6, line 32, above, about financing.

Page 17, line 12

Comment: CORVA, SOFA, Stewards: Question previous and new reporting.

Response: Annual Reports are tied to the Regional and Sierra Programmatic Agreement annual reports, which all forests in Region 5 are already doing. Annual Reports are submitted for consultation in lieu of case-by-case project reports. All survey and site location data from previous reports are already in forest GIS layers, and referenced in Annual Report projects.

Page 18, line 21

Comment: CORVA, Lewis, Stewards: Question previous and new reporting and costs.

Response: Reporting for this PA will be incorporated into the existing Annual Reports that forests prepare for the Regional Programmatic Agreement. Reporting is not a new requirement. See page 6, line 32, above, about financing.

Page 17, line 25

Comment: Eldorado: Questions need to detail report requirements and open-ended item I).

Response: The reporting requirements are generally standard to regional agreement documents, and provide guidelines for Region 4 participants. Wording is changed for item I) to limit information to clarifications of effects from PA covered undertakings.

Page 18, line 43

Comment: CORVA, Stewards: Recommend all concerns need to be addressed before designation.

Response: This stipulation provides a process for addressing effects that were not previously identified (usually because sites were buried under overburden, and not visible at the time of survey). It actually provides a more expedited process than that required by the regulations (see 36 CFR 800.13(b)).

Page 19, line 17

Comment: PEER: Questions timeframe for consultation.

Response: Consultation with the Advisory Council on Historic Preservation (ACHP) occurs after SHPO comments are received and for a period not to exceed 10 days.

Page 19 (sic 24), line 24

Comment: CORVA, Stewards: Recommend all problems need to be solved up front.

Response: See page 18, line 43, above.

Page 20, line 22

Comment: Eldorado: Suggests streamlining Resolving Objections stipulation.

Response: The wording of this stipulation was largely written by and negotiated with SHPO. It is essentially unchanged.

Page 20, line 24

Comment: CORVA, Stewards: Question who can object to PA implementation.

Response: The signatories are the Regional Foresters, the SHPO, and the ACHP. The forests are concurring parties and do not have status for objection. If forests chose not to use this PA, they then must follow the regulations at 36 CFR 800, which are more complex and time-consuming than the expedited processes in the PA.

Page 22, IX

Comment: CA4WDC Central: Questions if OHV groups were included as interested parties for comments on the PA.

Response: OHV groups were included in the list of interested parties notified about commenting on the PA. The entire membership of the California OHV Stakeholders Roundtable was notified; members were asked to further notify additional OHV groups that might be interested in commenting. Several forests also notified additional OHV groups and interested parties.

Page 23, XI

Comment: CA4WDC, CORVA, ORBA, PEER, Stewards: Ask if forests can be added and deleted, is PA necessary.

Response: This PA applies not only to route designation but also to future motorized recreation undertakings (e.g., new route or facility construction or route reconstruction). This PA is specific to motorized recreation undertakings; it is not contingent upon other PAs that cover other program activities. If forests are found not to have followed the stipulations of this PA for

motorized recreation undertakings, and are removed from participation, they then must follow the regulations at 36 CFR 800, which are more complex and time-consuming. Text of stipulation XI.B was clarified to specify SHPO and ACHP comments. See stipulation XI.C for language governing forest participation; text wording changed to “unrestricted” rather than “unqualified”.

Page 24, line 30 B

Comment: CORVA, Stewards: Question if California Department of Parks and Recreation Off-Highway Motor Vehicle Division should be signatory to PA, and if PA is tied to forest planning.

Response: The signatories have responsibilities for identification and management of historic properties on National Forest System lands. The California Off-Highway Motor Vehicle Division does not have any such responsibilities on federal lands. The PA is a regional approach to project specific decisions, not general planning decisions; it is not tied to any plan revision schedule of individual forests.

Page 30, line 16

Comment: CORVA, Stewards: Question exemption for one cubic meter of disturbance.

Response: These are projects that the Forest Service approves or proposes that involve less than one cubic meter of ground disturbance. This provision allows those activities to proceed without following the other stipulations of this PA or 36 CFR 800.

Page 30, line 45

Comment: PEER: Questions who screens exemptions.

Response: Pursuant to Appendix A.II, HRMs screen exemptions.

Page 31, line 4

Comment: Los Padres: Requests changing screened exemption for trail maintenance (Appendix A.II.E) to match that for road maintenance.

Response: The trail maintenance screened exemption limits maintenance work to the use of hand tools, to minimize potential effects to historic properties. The proposed change would allow use of machinery. Machinery can be used only if trails are already inventoried for historic properties, so that historic properties can be effectively avoided by the more ground disturbing machinery. This provision is not changed.

Page 32, line 7

Comment: Eldorado: Recommends adding installation of on-site barriers as screened exemption.

Response: Installation of on-site barriers added as screened exemption, Appendix A.II.Q.

Page 33, Appendix B, Standard Resource Protection Measures

Comment: CA4WDC, CORVA, ORBA: Question the use of buffer zones.

Response: Until effects and site types are identified, the extent, nature, and need for buffers cannot be determined. Buffers are developed to eliminate, or reduce to acceptable levels, any identified adverse effects to historic properties. Text changes delete "case-by-case" and "consulted to determine appropriate".

Page 33, line 24

Comment: PEER: Questions meaning of wording to exclude historic properties from project activities.

Response: Historic properties will be avoided by project activities whenever possible. “Historic property” is a term defined in stipulation I.F. Paragraph moved to introduction of provision.

Page 33, line 43

Comment: CORVA, Stewards: Question the use of buffer zones.

Response: Buffer zones are frequently used to mitigate adverse effects from indirect impacts, such as noise, within historic and traditional cultural properties. Buffer zones allow activities to occur that otherwise might not be approved because of their effects.

Page 34, line 6 B

Comment: CORVA, Stewards: Ask if forests have lists of historic properties.

Response: Where site data are available, the forests are using them; those data are in forest GIS layers and tabular databases. Roughly half of the forests' lands in California has been inventoried for cultural resources. Where the data are not available, survey is required prior to making NEPA decisions about route designation or other motorized vehicle program undertakings.

Page 34, line 22 C

Comment: CORVA, Stewards: Question financial implications.

Response: See page 6, line 32, above, about financing.

Page 34, lines 28 and 33

Comment: Santa Ynez: Recommend culturally sensitive sites be avoided and monitors used.

Response: Consultation is recommended with knowledgeable Native Americans to establish buffer zones protecting traditional cultural properties.

Page 35, line 28 c)

Comment: CORVA, Stewards: Question treatment permitted on sites.

Response: This stipulation does not apply just to motor vehicle recreation use; it refers to project-level activities such as trail maintenance or timber removal. It is a standard resource protection measure adapted from the Regional PA, and being used on other types of projects in addition to motorized recreation undertakings.

Page 35, line 31

Comment: Eldorado: Requests protection measure monitoring account for safety considerations.

Response: Text modified for hazard tree removal monitoring to include safety provision.

Page 36, lines 11-32

Comment: Glencjan, Markling: Recommend protection measures such as natural barriers, fencing, and signing to protect sites.

Response: Barriers such as fencing, signing, and other specialized protection measures are included (see page 35, Specialized Protection Measures) and can be effectively used to protect historic properties.

Page 36, line 18

Comment: CA4WDC, CORVA, ORBA, Stewards: Recommend qualifying terminology for "straw bales".

Response: Text revised to add "weed-free" to straw bales.

Page 36, line 27

Comment: CORVA, PEER, Stewards: Request incorporation of treatment measure into forest planning.

Response: This protection measure addresses identified adverse effects to historic properties. It is for project level, site specific cases. It is not the level of strategic planning associated with Forest Plans. Emergency closure orders can be implemented pursuant to 36 CFR 295.5.

Page 38, line 16

Comment: Eakle, SOFA: Question use of term "exponentially".

Response: Text wording changed to state that motorized vehicle use has grown "substantially" since the early 1970s.

Page 41, Appendix C, lines 42-44

Comment: CA4WDC, CORVA, ORBA, Stewards: Question inclusion of nonmotorized, wheeled vehicles.

Response: This reference is from the existing Route Designation Guidebook. Any changes to the Guidebook are outside the scope of this PA; changes to the Route Designation Guidebook should be addressed to the Regional Motorized Recreation Program Manager. The PA has been edited to delete references to mountain bikes.

Page 44, line 8-17

Comment: CORVA, Stewards: Question financial implications.

Response: See page 6, line 32, above, about financing.

Page 45, Appendix C, OHV Use Levels

Comment: CA4WDC, CA4WDC Central, CORVA, ORBA, Stewards: Question OHV Use Level Categories and application of the PA to motorized recreation undertakings.

Response: Paragraph 1: The Forest Service is looking at all motorized recreation use, and is not distinguishing between OHV users and general forest motorized vehicle users. The categories are from the Guidebook and the use numbers were developed by the Motorized Recreation Program Manager in consultation with the forests in the region.

Paragraph 2: For the purpose of this PA, the numbers refer to the maximum number of motorized vehicles per week. The premise of this PA is not to restrict access to forest routes, but to provide heritage resource compliance strategies for route designation and management of motorized recreation.

Paragraph 3: The PA is focused on the undertakings of route designation and motorized vehicle program implementation projects.

Paragraph 4: The presiding authority is the Regional Forester in executing this PA. Pursuant to the PA, the Regional Forester delegates authority to the forest HRMs, with SHPO and ACHP agreement.

Paragraph 5: Mountain bike references have been deleted from the PA. The PA applies to motorized recreation.

Bullet 6 - The purpose of this section is to acknowledge that resources will not be expended on routes not being considered for designation. When decommissioning activities are proposed that may affect historic properties, Section 106 compliance will be required. Mountain bike references have been deleted from the PA. The PA applies to motorized recreation undertakings.

Page 46, line 4

Comment: CORVA, Stewards: Question application of the PA to motorized recreation.

Response: This PA addresses motorized recreation undertakings only.

Page 47, lines 6-8

Comment: CORVA, Stewards: Question who defers heritage survey and public involvement in route designation.

Response: Forest HRMs make determinations about deferred survey for heritage resources. The PA provides an expedited alternative to the 36 CFR 800 regulatory process the Forest Service must follow for NHPA compliance. The route designation process will provide many opportunities for public involvement in the inventory of motorized vehicle routes that are being considered under NEPA analysis for designation. Text changed to add term "heritage" before "resource" to clarify this references heritage resource survey.

Page 47, line 19

Comment: CORVA, Stewards: Question deferred survey.

Response: The deferred survey referenced is specific to cultural resource inventory. It does not defer the survey and mapping of routes being considered for the designation process. The PA provides an alternative to heritage survey (e.g., monitoring) where deferred heritage resource inventory is appropriate (e.g., due to light use). See text changes noted in the response above to Page 47, lines 6-8.

Page 47, line 41

Comment: CORVA, Stewards: Question who makes determination about routes excluded from consideration for designation and whether the public will have input on it.

Response: The Deciding Official, with input from an interdisciplinary team, makes this determination. The public will review and comment on all mapped routes and areas.

Page 48, line 15

Comment: CA4WDC, CORVA, ORBA, Stewards: Question standards for heritage resource documentation.

Response: There are no Codes of Federal Regulations (CFRs) for documentation standards. The referenced criteria provide appropriate standards.

Page 49, lines 5-8

Comment: CA4WDC, CORVA, ORBA, Stewards: Question if past damage to historic properties can be tied to OHV use.

Response: The text is revised to reference motorized recreation. Note, earlier in the same paragraph, that if effects are ambiguous, monitoring is recommended to identify the cause and extent of the effects.

Page 49, line 31

Comment: CA4WDC Central: Questions meaning of sentence, whether it refers to impacts to routes.

Response: The sentence means that existing motorized vehicle routes--routes that bisect historic properties but have no further impacts to those properties from on-going use and maintenance--do not adversely affect historic properties and may be used as-is.

Page 50, line 15

Comment: CA4WDC Central: Questions meaning of paragraph, whether it refers to routes impacted by natural deterioration.

Response: The paragraph means that any subsurface testing or excavation needed to assess adverse effects to historic properties may be limited to the areas of sites being affected by motorized recreation (i.e., testing is not required outside impact areas).

Page 50, lines 25-26

Comment: CA4WDC, CORVA, ORBA, Stewards: Question June 2006 deadline for mapping routes.

Response: The Route Designation Guidebook allows for a collaborative effort between forests and the public to identify all routes being utilized. According to the timeline in the Guidebook, all public input on missed forest routes should have been received and documented on forest maps before June 2006. The PA applies to all motorized recreation undertakings, regardless of any missed routes, new discoveries along existing routes, etc.

Page 51 (sic 49), line 22

Comment: CDPROHNV: Questions if the Forest Service should be designating routes with the potential to affect historic properties.

Response: Monitoring ensures that possible effects from designation will be assessed and treated.

Pages 53-78, OHV Strategy Appendices

Comment: CA4WDC, CORVA, ORBA, Stewards: Multiple questions noted about Route Designation Guidebook.

Response: These appendices are from the existing Route Designation Guidebook, and are included as referenced material only. Any changes are outside the scope of this PA. Changes to the Route Designation Guidebook should be addressed to the Regional Motorized Recreation Program Manager.

Motorized Recreation Changes

The majority of changes to the PA resulted not from the comments received but from Forest Service proposed rule changes. Since the PA was originally drafted, the Forest Service proposed new regulations to replace 36 CFR 212, 251, 261, and 295. The proposed regulations deal with all motorized recreation, not just off-highway vehicle recreation. The regulations are still in draft form. However, anticipating that they may be finalized, the terminology in the PA has been generally broadened to include wheeled, motorized, vehicle recreation. Thus, the title of the PA has been changed from Off-Highway Vehicle, specifically, to Motorized Recreation, in general. References throughout the PA generally have been changed from OHV to motor vehicle or motorized recreation, depending on context.

The most substantive change in the PA resulted from Forest Service policy changes related to the proposed rules. The Forest Service determined that National Forest System roads, trails, and areas (those already in forest transportation atlases, numbered, and signed) were already designated, and that these system routes did not need NEPA analysis in the current designation process. A travel management heritage resources policy related to this was approved by the Advisory Council on Historic Preservation at its February 18, 2005, meeting in Monterey, California. This travel management heritage policy addresses system routes, and generally excludes the need for Section 106 consultation on them, because they are already designated; thus, there are no undertakings to designate existing system routes in the current designation process (which is focused entirely on analyzing nonsystem routes).

Specific Motor Vehicle Route Strategy Changes:

The changes to the PA resulting from these Forest Service proposed rule and policy changes are most noticeable in Appendix C, the Heritage Resources Strategy for Designation of Motor Vehicle Routes. This Motor Vehicle Route Strategy focuses on the motor vehicle route designation process. Inventory Priorities (pages 48-49) for the designation process have been changed. In the original OHV PA, priority survey included National Forest System roads, trails, and specifically defined areas without previous Section 106 consultation. In the revised Motorized Recreation PA, survey of system routes without prior Section 106 consultation is deferred, unless resource concerns or maintenance needs are being analyzed in relation to route designation.

Specific Motorized Recreation PA Changes:

Two changes also have been made to the stipulations in the PA as a result of the proposed rule and policy changes. The PA applies to all motorized recreation undertakings other than route designation (route designation is covered under the Motor Vehicle Route Strategy in Appendix C of the PA). A section has been added to the procedures for identification of historic properties to cover National Forest System routes without previous Section 106 consultation (see stipulation III.C.1.c)). A section was also added to the monitoring stipulation for identification of historic properties along system routes without prior Section 106 consultation (see stipulation IV.B.2). These two changes provide for sample survey of system routes no longer covered under the route designation undertaking; the sample survey is completed within the ten year life of the PA rather than in the three years remaining for route designation.