

## USFS WAIVER COMMENTS

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### COMMENT # 1

Attachment D, page 3

“ 2) During implementation of the Travel Management rule, in identifying water quality problems or opportunities associated with:

- a) Establishing the appropriate minimum road network for each national forest;
- b) Disposition (i.e., storage closure, conversion or decommissioning) of National Forest Transportation System roads that are no longer needed for public safety or resource management.”

**Comment:** There is no scientific data that states that a decrease in the amount of roads (minimum road network) within a National Forest or similar type area equates to a increase in water quality? **Remove this statement from the document.**

As stated within *INITIAL STUDY AND PROPOSED MITIGATED NEGATIVE DECLARATION*: closure and/or decommissioning of routes can contribute to decreased water quality including but not limited to increased sedimentation and landsliding.

Post wild land fire damage is a source of decreased water quality during the following wet seasons. The majority of fire fighting apparatus is delivered to the fire line via Forest Transportation System Roads (fire trucks, bulldozers, etc) This document fails to recognize the potential impact to water quality by a decrease in access (few forest roads) for fire fighting crews/equipment to the fire line.

**The agency must acknowledge that decreasing road networks could impede access for fire fighting equipment and subsequently add to decreased water quality.**

## COMMENT # 2

### INITIAL STUDY AND PROPOSED MITIGATED NEGATIVE DECLARATION

Page 3

#### “PURPOSE OF AND NEED FOR PROJECT”

“There are a number of ongoing NPS activities on NFS land that may potentially impact water quality. These include: Timber management, Road management, Range management, Recreation, Off-highway vehicle recreation, Vegetation manipulation, Watershed restoration, Fire suppression and fuels management”

#### **Comment:**

On what basis and what accepted scientific data was used to determine the above listed activities? Is this list based on science or personal opinion?

Use of the term “recreation”, what is this referring to? Is this referring to any and all forms of recreation? As stated above, “a number of ongoing activities on NFS land that may potentially impact water quality”. “*may impact*” ?

Is use of the term “recreation” referring to,

Hiking? Hiking *may* impact water quality. Shoes displace soil and Hikers frequently release their waste products on the forest floor (urine and feces).

Horseback riding? Horseback riding *may* impact water quality. Horseshoes displace soil and horses urinate and defecate on NFS lands.

Camping? Camping *may* impact water quality. Displacement of soil and campground chemicals (soap, food, etc) frequently run-off into nearby streams/lakes. I recently spent a week at a popular Lake in the Stanislaus National Forest with my family. At a quick glance this lake was the most polluted body of water I have ever encountered. Surely Camping and family picnicking on a lakeside beach *may* impact water quality.

Hunting? A Hunter frequently hikes, camps and rides horseback and these activities *may* impact water quality

A family seeking out and removing a Christmas Tree? Getting to/from the Tree and the death of a tree *may* impact water quality.

Bird watching? The majority of bird watchers do not live within NFS lands, therefore they typically have to drive and possibly hike to their bird watching sites. Driving and hiking within the NFS lands *may* impact water quality.

What type of activity is “recreation” referring to ?

All forms of recreation within NFS lands *may* potentially impact water quality

Why was “Off-highway vehicle recreation” listed separately from “Recreation”. Was the decision to do so based on scientific data or personal opinion?

**This statement is vague and singles-out OHV, furthermore it does not include every activity that may impact water quality, remove the statement from the document.**

### COMMENT # 3

#### INITIAL STUDY AND PROPOSED MITIGATED NEGATIVE DECLARATION

Page 4

#### PURPOSE OF AND NEED FOR PROJECT

##### Off-highway Vehicle (OHV) Recreation

Motorized recreation is the fastest growing use of NFS lands.

##### **Comment:**

Is this statement based on opinion or scientific data? The USFS does not 'tally' or 'count' the number of hikers, hunters, campers or OHV'ers on a daily basis. This task would be very difficult due to these activities taking place at all times of the day, every day at literally thousands of locations within every National Forest. I have been recreating on NFS lands (ohv, hiking, camping) for 35 years and I have yet to pass a USFS employee that was simply 'counting bodies'. *Accurately* counting the number of OHV visitors to any National Forest is very difficult and to date probably has not occurred.

Was this statement based on the number of registered OHV's within California? During the 1990's the number of registered OHV's in California increased significantly, however per the California DMV, OHV registrations have been decreasing for the last three years. Logic could indicate that a decrease in the number of OHV's in California equates to a decreased use of OHV's, including their use on NFS lands.

**You have no proof or evidence that Motorized Recreation is the fastest growing use of NFS lands, furthermore the California Department of Motor Vehicles indicates a decrease in demand for OHV. This statement is inaccurate, remove it from the document and replace it with a statement indicating that OHV use is decreasing.**

## COMMENT # 4

### INITIAL STUDY AND PROPOSED MITIGATED NEGATIVE DECLARATION

Page 4

#### PURPOSE OF AND NEED FOR PROJECT

##### Off-highway Vehicle (OHV) Recreation

“The increased power and capabilities of OHVs, together with population growth, has greatly increased both the range of and demand for motorized access”

#### **Comment:**

Why was the power of OHV's mentioned in this document? Is the document attempting to correlate increased horsepower and poor water quality? Is there scientific data that states increased horsepower equates to decreased water quality or was this sentence based on personal opinion?

If we are to *assume* that increased OHV horsepower equates to poor water quality, can we also *assume* that a stronger and more-fit Hiker is a greater threat to water quality than a weak Hiker?

The power of OHV's has not increased. In general, since the mid 1990's the overwhelming trend in OHV's has been a switch from two-stroke motors to four-stroke motors. The majority of OHV's operating on NFS lands today have a four-stroke motor which in general creates less horsepower, therefore there has been a generalized *decrease* in power, not an increase.

The mention of “population growth” is misleading, this implies that population growth of the State of California equates to increased OHV use which is inaccurate, just because the state's population has increased does not necessarily mean there has been an increase in OHV activities on NFS lands, in fact the number of registered OHV's has been decreasing for the last three years.

The range of OHV's has not increased, the typical modern-day OHV has the approximate range of a 1980's era OHV. The overwhelming majority of OHV riders are range-limited by their own physical limitations (physical fitness, conditioning, etc) and it is extremely rare for OHV riders of the past and/or today to reach the range limitations of their OHV before they have reached their own physical limitations. I am an expert off-road motorcycle rider (ohv) and am in excellent physical shape, it is rare for me to operate my OHV to the limit of its range.

The mention of increased demand for motorized access is inaccurate. The demand for motorized access (referencing OHV's) has not increased, the number of OHV's in California has been decreasing for three years.

“The increased power and capabilities of OHVs, together with population growth, has greatly increased both the range of and demand for motorized access”

**You have no proof or evidence that the power and capabilities of OHV's has increased and the California Department of Motor Vehicles indicates a decrease in demand for OHV. This statement is inaccurate, remove it from the document.**

## **COMMENT # 5**

### INITIAL STUDY AND PROPOSED MITIGATED NEGATIVE DECLARATION

Page 4

#### PURPOSE OF AND NEED FOR PROJECT

Off-highway Vehicle (OHV) Recreation

“OHV recreation is the most rapidly increasing source of sediment discharges on NFS lands.”

#### **Comment:**

Is this statement based on scientific data or personal opinion?

This statement appears to be singling-out OHV recreation (riding OHV's for pleasure).

Does this mean that a pick-up truck traveling on Forest Route ABC for the purpose of recreation creates more sediment than a USFS employee who is also traveling the same route in a comparable vehicle for the purpose of their employment?

Does this mean that a person who drives their OHV for the sake of reaching a remote bird-watching area (operating a OHV solely to get from point A to B) is *not* a source of sediment discharge because they are not riding a OHV for the purpose of “recreation”?

This is a photograph (photograph A) of a County Road located in California within NFS lands, this road has over 100 vehicles per day traveling it as it is the primary access to the nearby town for the many local residents.

Also pictured (marked with a red X) is a OHV staging area, the day before this photograph was taken (a Monday in 2011) this OHV staging area had 20+ OHV recreationalist. To access the OHV trail system OHV's are permitted to operate on the County Road from the Staging Area (red X) to the OHV trailhead (blue X). The day before this picture was taken approximately 30 OHV's traveled upon this portion of the road (typical use for a Sunday).

Notice the general condition of this road that is used by *both* OHV and full-size vehicles (every-day cars and trucks). It appears to have a fairly flat and uniform surface and there are loose rocks.

### **Photograph A**





Photograph B was taken at the same time and same location as Photograph A, however Photograph B is facing away from the OHV staging area. This portion of the road pictured is beyond the OHV trailhead and OHV's are not permitted to travel on this portion of the road.

Notice the general condition of the road that is *not* used by OHV's, it appears to be nearly the same if not identical to the portion of road that is used by OHV's

**Photograph B**



This road has over 100 full-size vehicles travel upon it nearly every day of the year and approximately 30 OHV's during a typical weekend day, and fewer (sometimes zero) during the weekdays. Furthermore, this OHV area is closed during four months of the year (zero OHV activity) as are most located within California (wet season closure).

How is it possible that *OHV recreation is the most rapidly increasing source of sediment discharges on NFS lands* when countless roads not unlike this one located on NFS lands within California are traveled upon by hundreds of full-size non-OHV vehicles every day of the year?

“OHV recreation is the most rapidly increasing source of sediment discharges on NFS lands.”

**You have no proof or evidence that OHV recreation is the most rapidly increasing source of sediment discharges on NFS lands. The Agency must ignore this claim and complete a EIR, in the mean time this statement is unfounded and based on speculation. Remove it from the document.**

## COMMENT # 6

### INITIAL STUDY AND PROPOSED MITIGATED NEGATIVE DECLARATION

Page 4

#### PURPOSE OF AND NEED FOR PROJECT

##### Off-highway Vehicle (OHV) Recreation

“It can increase soil erosion, concentrate and divert surface runoff, and damage stream banks”.

#### **Comment:**

Nearly any activity on NFS lands *can* increase soil erosion, concentrate and divert surface runoff and damage stream banks, why was OHV the only listed activity?

Hiking *can* increase soil erosion and damage stream banks

Camping *can* increase soil erosion and damage stream banks

Horseback riding *can* increase soil erosion and damage stream banks

Bird watching *can* increase soil erosion and damage stream banks

Is there scientific data that has compared all activities on NFS lands and their subsequent soil erosion, surface runoff and damage stream banks?

Was this statement based on scientific fact or opinion?

“It can increase soil erosion, concentrate and divert surface runoff, and damage stream banks”

**This statement is ambiguous and unfounded, remove it from the document.**

## COMMENT # 7

### INITIAL STUDY AND PROPOSED MITIGATED NEGATIVE DECLARATION

Page 4

#### PURPOSE OF AND NEED FOR PROJECT

Off-highway Vehicle (OHV) Recreation

“It can sometimes cause discharges of petroleum products, toxic chemicals and pathogens”

#### **Comment:**

Many activities on NFS lands *can sometimes* cause discharges of petroleum products, toxic chemical and pathogens, why was OHV the only listed activity?

Is there any scientific data that indicates that OHV recreation releases more petroleum products, toxic chemicals and pathogens than any other activity on NFS lands?

Campers *can sometimes* cause discharges of toxic chemicals (cooking/cleaning chemicals, lighter fluids, bodily wastes, etc).

Hikers *can sometimes* cause discharges of toxic chemicals. Surely campers occasionally spill their cooking/lantern fuels and leave behind their bodily wastes.

Horses *can sometimes* cause discharges of pathogens (waste products).

Bird watchers *can sometimes* release petroleum products and toxic chemicals. Surely there have been and will be bird watchers who drive to/within NFS lands on both paved and dirt roads while their vehicles were leaking oil, coolant and other potentially toxic materials. Also, I do believe that frequently bird watchers dispose of their own bodily wastes within NFS lands which can potentially release pathogens.

Many activities *can sometimes* release potentially harmful substances onto NFS lands, was OHV mentioned based on scientific data or personal opinion?

**This statement is ambiguous and unfounded, remove it from the document**

## COMMENT # 8

### INITIAL STUDY AND PROPOSED MITIGATED NEGATIVE DECLARATION

Page 8

Travel Management Rule (TMR)

“Many of these roads are in poor repair, contributing significantly to sediment discharges, and USFS does not have sufficient funding to provide the necessary road maintenance”.

#### **Comment:**

“Many of these roads are in poor repair”. How many is “many”? .001%, 5%, 90% ?  
Is “many” based on official criteria or on personal opinion?

“Contributing significantly to sediment discharges”. What is “significant”?  
Is use of the term “significant” based on official criteria or personal opinion?

Is there scientific data that correlates roads considered to be in “poor repair” and “significantly” increased sediment discharges or was this statement based on opinion?  
Surely a road in poor repair that received zero precipitation annually does not have significantly increased sediment discharges.

“USFS does not have sufficient funding to provide the necessary road maintenance”  
What is the “necessary” road maintenance? Is the amount of road maintenance “necessary” to be decided by the USFS, State Water Control Resources Board or some other agency?

Is “necessary” referring to the amount of maintenance necessary to decrease sediment discharge to a pre-chosen level? If so, what is the acceptable level? Or is “necessary” just making the road passable?

Is “necessary” referring to aesthetic qualities? If so, aesthetic to whom?

Is “necessary” referring to the wants of a person who feels that no person should travel in the forest? In this case, “necessary” would be having the road decommissioned. Or is “necessary” referring to the wants of a professional cross-country runner preparing for a rugged mountain race who desires an uneven and difficult to navigate type road?

Necessary to whom, and what criteria is to be used to determine what “necessary” is?

“Many of these roads are in poor repair, contributing significantly to sediment discharges, and USFS does not have sufficient funding to provide the necessary road maintenance”

**You have no proof that roads in poor repair contribute significantly to sediment discharges and the use of the term “poor” indicates that personal opinion instead of official criteria.**

**The Agency must acknowledge only official criteria and not opinion or speculation. Either ignore this claim or complete a EIR, in the mean time this statement is unfounded and must be removed from the document.**

## **COMMENT # 9**

### INITIAL STUDY AND PROPOSED MITIGATED NEGATIVE DECLARATION

Page 11

Designated riparian zones

“Widths of the zones can range from a minimum of 100 feet on each side of ephemeral and/or intermittent streams to over 300 feet on each side of perennial fish bearing streams. Only activities that support each strategy’s objectives are permissible within with a designated riparian zone”.

#### **Comment:**

This statement is inaccurate, the SNFPA Riparian Conservation Area (referred to in this document) states that under certain circumstances the designated riparian zone can be less than 100’ from the streams edge.

**This statement is inaccurate, remove it from the document and/or acknowledge the correct criteria..**

## COMMENT # 10

### INITIAL STUDY AND PROPOSED MITIGATED NEGATIVE DECLARATION

Page 14

“3. OHV recreation is the most rapidly increasing cause of water quality impacts on NFS lands in California”.

#### **Comment:**

Is this statement based on scientific data or opinion?

How is it possible for OHV recreation to be the most rapidly “increasing” cause of water quality impacts when overall OHV recreation has been decreasing for three years?

**You have no proof or evidence that OHV recreation is the most rapidly increasing cause of water quality impacts on NFS lands, furthermore the California Department of Motor Vehicles indicates a decrease in demand for OHV. The Agency must ignore this claim and complete an EIR, in the mean time this statement is unfounded and must be removed from the document.**