



February 18, 2020

Tammy Randall-Parker  
Inyo National Forest  
c/o Erin Noesser  
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Bishop, CA 93514

Submitted via email to: [erin.noesser@usda.gov](mailto:erin.noesser@usda.gov)

Re: Road Maintenance and Motorized Mixed Use in Inyo County

Dear Forest Supervisor,

Thank you for the opportunity to submit comments on the Road Maintenance and Motorized Mixed Use proposed action. We appreciate Inyo County Public Work's ongoing road maintenance and their contribution to public access in the southern portion of the forest. We see value in formalizing the road maintenance agreement. At issue is the transfer of responsibility and jurisdiction of Forest Service roads to a small county with limited resources to ensure adequate education and enforcement of legal uses of the roads and adjacent lands. Also at issue is the mechanisms and process for how the Forest Service considers and approves this project.

**Distinguishing between Easements and Special Use Permits**

The four road segments considered for easements are Death Valley, Onion Valley, County, and Foothill Roads. Roads considered for special use permits (SUP) include Division Creek, McMurry Meadows, Coyote and Mazourka Canyon. The proposed action does not indicate how these roads were considered for inclusion under either easement or SUP, nor does it explain the implications of each into the future. While several of the road segments are of nominal mileage and would be under a SUP, exercising the discretion to use easements means these roads will be a long term commitment by Inyo County and difficult to reverse later on. In contrast, SUPs are short term, lasting between one and five years. In general we prefer the use of this tool to easements because of the opportunity it creates for the INF to conduct annual reviews and make changes if warranted. It would be difficult if not impossible for easements to have the same follow up. At the very least any scoping report or draft plan needs to clearly articulate to the public the implications of SUPs verses easements and the commitments of each party.

### **Effective Vehicle Incursion Prevention**

The Forest Service must analyze and address the potential for off highway vehicle (OHV) incursions and the creation of illegal user created routes. The outcome of this decision will be providing the county with the jurisdiction to determine the vehicle use type. The county has made it clear it will attempt to recommend and approve the use of OHVs on these roads. The likelihood for damage to the land and impacts to wildlife are higher if OHV use is allowed on these roads. For example, the proposed Death Valley Road easement (13 miles of paved road) ends where the road becomes BLM managed land at the entrance to the Piper Mountain Wilderness and continues on into Death Valley National Park. In other parts of the Eastern Sierra that allow OHV use there is a problem with incursions into wilderness and national park lands. It is therefore reasonable to be concerned the approval of this easement (and perhaps others) will aide in additional opportunities for incursions into wilderness and the national park. We are hopeful Bishop BLM and Death Valley National Park have been consulted regarding this route and will submit comments.

As a potential solution to address this issue, before an easement or multi-year permit is granted, there needs to be a mechanism and established process for assessing the impacts of OHV use on these roads. The Forest Service should consider a stipulation for Inyo County to create a management plan to augment educational measures and dedicate resources to ensure these newly legal OHV routes do not encourage the trespass problem. Previous attempts at education regarding the importance of OHV traffic staying on designated legal roads seems to be inadequate as there have been persistent trespass issues in Inyo County for decades. We acknowledge that most OHV users follow the rules, however we also must acknowledge that a certain percentage do not, and unfortunately, cause extensive damage. Part of such a management plan should include commitments from the County for additional enforcement resources to ensure that the addition of these new routes does not compound the problem of illegal OHV use. Enforcement against OHV trespass is currently inadequate and this should be a major consideration for the INF when analyzing this project.

Regarding education some examples that would fall to county responsibility:

- Design, placement and maintenance of clearer signs in more places.
- Instituting a policy for OHV renters to sign a document that has a pledge to stay on legal roads and pack out trash.
- Hosts at popular staging areas that will establish an oversight presence and encourage users to follow the rules.
- Using physical barriers such as boulders and log construction in places where trespass occurs.
- Restoring all user created routes with vertical mulch and other best management practices for land recovery.

### **Prepare a full Environmental Assessment**

The INF is proposing to approve this project under a Categorical Exclusion, which will limit the opportunities for public comment and the environmental

analysis the agency will be required to undertake. 40 CFR § 1508.4 defines CE as a “category of actions which do not individually or cumulatively have a significant effect on the human environment.” Unfortunately the INF has not cited authorities from 36 CFR § 220.6 in allowing this project to be excluded from environmental review. Based on this scoping opportunity, we anticipate the responsible official to determine that it is uncertain whether the proposed action may have a significant effect on the environment (see 36 CFR § 220.6 (c)) and thus will determine an EA is required.

There also appears to be a high level of controversy regarding this project, which should trigger the consideration of an Environmental Assessment. Forest Service discretion to use the easement tool under the 1964 Forest Roads and Trails Act further underscores the importance of environmental studies and public engagement, especially to help inform the regional forester of the impacts and implications of approving these easements. A categorical exclusion is inappropriate for this project because of the reasonably foreseeable adverse impacts and the concerns raised by members of the community. A full Environmental Assessment is needed before permanent decisions are made or multiple year permits are granted to the County. Finally, it would be appropriate to allow commenting through the Cara ecosystem management portal so that the public can view comments in the reading room and access project documents.

We look forward to reviewing environmental documents and any analysis the INF releases as the project moves forward. We hope to hear from the federal and local agencies regarding how they will address concerns raised by the public and those covered in this letter. Please do not hesitate to reach out to me directly to further discuss this proposed action.

Sincerely,

A handwritten signature in black ink that reads "Wendy J. Scheeler". The signature is written in a cursive style with a large, looped initial "W".

Executive Director  
Friends of the Inyo