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Attn: Objection for the Upper Applegate Watershed Restoration Project and Draft Decision Record as per 36 CFR 218, Subparts A and B

- Project name: Upper Applegate Watershed Restoration Project (UAW)
- Responsible Official: District Ranger, Donna Mickley
- Rogue River-Siskiyou National Forest Supervisor: Merv George

Greetings,

Thank you for accepting this Objection pursuant to 36 CFR § 218 from the Applegate Neighborhood Network and Klamath Forest Alliance regarding elements of the Upper Applegate Watershed Restoration Project Draft Decision Notice. For the purpose of this Objection the Applegate Neighborhood Network (ANN) is lead objector. We would like to request a formal meeting to address these concerns with the Responsible Official and find resolution for significant Objection Points.

Scope of this Objection

As per 36 CFR § 218 this Objection applies to the Draft Decision Notice for the Upper Applegate Watershed Restoration Project. Our principal objection is related to the approval of motorized trails in the Draft Decision Notice due to violations of the NEPA process, failure to meet the purpose and need, a failure to consider applicable science and a failure to adequately consider public comment.

The Purpose and Need for this project includes ecological restoration needs and the restoration of both ecological process and function as key goals and objectives. The motorized trails approved in the Draft Decision Notice have are inconsistent with the Purpose and Need. They also have no restorative value and should have no place in an ecological restoration project.

Furthermore, the supposed “social values” identified in the Purpose and Need are vague and undefined. The agency makes assumptions about social needs and the need for new motorized trails based on “changing demands” in recreational use, yet completely fails to analyze what those changing demands might be. The agency also fails to consider widely supported “social values” encouraging non-motorized recreation and an decrease in motorized trail access in the Applegate Valley. The interpretation of “social values” and “changing demand” in the EA and Draft Decision Notice is arbitrary and capricious. No science, information or monitoring data was used to support these claims.

Agencies are afforded considerable discretion in defining a project’s purpose and need. *Friends of Se.’s Future v. Morrison*, 153 F.3d 1059, 1066 (9th Cir. 1998). An agency may not, however, “define its objectives in unreasonably narrow terms.” *Id.* (quoting *City of Carmel-by-the-Sea v. United States Dept. of Transportation*, 123 F.3d 1142 (9th Cir. 1997)). The interpretation of

“social values” and “changing demands” was narrowly and unreasonably applied. This interpretation demonstrates institutional bias towards motorized use and fails to take a hard look at environmental effects. The so-called “clarification” in the definition of restoration forced upon the collaborative by the agency, was designed specifically and unreasonably narrowly to benefit a single special interest group (the MRA), who’s use is inconsistent with the Purpose and Need of the project.

New motorized trail development was also highly controversial and did not receive adequate support to be included in the Proposed Action under the Iterative NEPA (iNEPA) process. iNEPA was developed to streamline the implementation of “non-contentious and relatively straight forward” proposals. Based on public debate and controversy surrounding motorized trail proposals in the UAW Project, they are neither non-contentious or straight forward.

The iNEPA process was also developed to consider public input, but exclude proposals from the Proposed Action that would generate contentious outcomes. iNEPA does not require a comparative analysis or range of alternatives because it is assumed that controversial projects will be “considered but eliminated from detailed analysis,” before publication of an EA and official release of a Proposed Action. Under iNEPA, the development and analysis is specifically limited to one action alternative because if implemented correctly the process will eliminate the need for the comparative analysis of environmental effects and controversial activities. The public compromises part of the public process based on the assumption that iNEPA will be correctly applied and controversial projects will not be included in a final Proposed Action. In this case, the public trust was violated and the iNEPA process was abused to promote a single special interest who’s use was outside the scope of project activities.

Inclusion of activities in a Proposed Action under the iNEPA process requires the documentation of a general consensus and significant public support in the NEPA record. Proposals that do not receive public support and do not meet the purpose and need should be “considered but eliminated from detailed analysis.” The entire point of the iNEPA process is to refine the Proposed Action through numerous iterations and eliminate proposals that are not based on agreement.

iNEPA also encourages land managers and planners to exclude proposals that are generally unsupported and benefit a specific stakeholder. Motorized trail use has proven highly controversial and was specifically included in the Proposed Action for the benefit of a single stakeholder, the Medford Motorcycle Riders Associations (MRA). To include contentious motorized trails in the Draft Decision Notice not only violates the mandates and intent of the iNEPA process, but also undermines the collaborative, consensus driven process of developing Action Alternatives as envision under iNEPA.

If controversial or contentious proposals are included in a Proposed Action, we believe it should be implemented with a regular, comparative NEPA analysis. This allows for a range of alternatives to be considered and more effectively allows land managers to compare environmental effects associated with various activities in the Environmental Assessment. This sort of analysis conforms with the mandates to consider a variety of action alternatives and addresses relevant issues and substantive concerns identified by the public.

According to iNEPA protocol, the Proposed Action is limited to one Action Alternative. This action alternative should have been refined in the iNEPA process to exclude contentious or controversial proposals, such as motorized trails. If the agency wanted to move forward with controversial motorized trail proposals they would be best implemented under a separate NEPA analysis with a range of action alternatives.

We also object to the lack of consideration for public comment and the dismissiveness of the agencies Response to Comments in the Draft Decision Notice. We believe this failure not only constitutes a failure to adequately analyze, but it also demonstrates the failure of the collaborative iNEPA process to either incorporate issues of concern into the Proposed Action or adequately analyze relevant issues. The Response to Comments was dismissive, incomplete and biased. Many valid concerns went completely unaddressed and applicable science was simply ignored or dismissed, despite clear application to the proposed project activities. In the Appellate AMA and given the UAW Project objectives to implement collaborative, community driven restoration activities; it seems more consideration for public comments and concerns should have been included in the NEPA process.

Likewise, applicable science was dismissed without adequate consideration and without scientific citations demonstrating otherwise. No scientific or rational reasoning was provided in the EA or Draft Decision Notice to exclude or dismiss scientific information provided by the public. In many cases the agency identified scientific information as outside the scope of analysis because multiple classes of off-road vehicle were included in the research. Yet, many of the impacts and problems associated with motorized use are widely accepted science and are affected by all classes of motor vehicle.

The agency completely failed to validate the decision to dismiss or exclude scientific information with applicable science or monitoring information that demonstrates their position. NEPA requires a “hard look” at potential environmental effects and scientific information. We do not believe that standard was met in the UAW Project EA or Draft Decision Notice. The exclusion or dismissal of both science and public comment was arbitrary and capricious.

Under the Administrative Procedures Act (APA), 5 U.S.C. § 706 the agency “must consider whether the decision was based on a consideration of the relevant factors and whether there has been a clear error of judgment.” The agency must demonstrate a “rational connection between the facts found and the choices made” *Friends of Wild Swan, Inc. v. U.S. Fish & Wildlife Serv.*, 12 F.Supp.2d 1121, 1131 (D. Or. 1997) (quoting *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)). This standard was not met when approving motorized trails in the UAW Draft Decision Notice, no rational connection between the facts and the decision to develop new motorized trails was made.

The facts demonstrate that motorized use will destroy vegetation, impact rare and sensitive plant species, disrupt wildlife, increase sedimentation, surface erosion rates, create rutting or rill and gully erosion and increase unauthorized trail use in the planning area. The project was proposed to restore habitat, not create chronic degradation in the affected ecosystems. We provided science and monitoring information to demonstrate these facts. The agency has failed to adequately address this science and monitoring information in the NEPA process.

We also believe that the agency committed violations of the Federal Land Policy Management Act (FLPMA) by approving of new motorized trails that do not conform to the current Land and Resource Management Plan (LRMP). The mandates and intent of Standards and Guidelines for Big Game Winter Range Areas (MA-14) have been inadequately applied and/or considered in relation to motorized trails. Current NEPA analysis for motorized trails in the UAW Project is inadequate and does not reflect the intent of Big Game Winter Range designation.

Finally, we encourage land managers to look to the future, build strong relationships with local communities and partner with local residents in the AMA to promote restoration and protect important natural resources in the Applegate Watershed. Significant common ground was developed among the community, collaborative stakeholders and the agency surrounding fuels management, plantation thinning, the use of prescribed fire, pollinator/native plant restoration and other restorative land management proposals in the UAW Project.

We encourage the agency to work from that place of agreement and approve only activities that are widely supported, reflect the collaborative process and create restorative outcomes. That is what collaborative habitat restoration looks like. The agency will find more support and far less opposition, if those points of agreement were the focus of Final Decision Notice, especially in the AMA and when implementing iNEPA. We believe a widely supported Final Decision Notice will create more collaborative capacity, build trust and focus land management activities on the innovative restoration work the AMA was created to promote. If the agency can work from that place of consensus, both KFA and ANN will be supporting your efforts. Yet, at this time we will support local residents and watersheds and oppose new motorized trails.

Objection Points & Resolution Points:

Objection Point #1: The approval of new motorized trails in the Draft Decision Notice for Upper Applegate Watershed Restoration (UAW) Project is a distraction from the common ground between the community and the Forest Service and a hinderance to collaborative, community driven restoration in the Applegate Watershed and Applegate Adaptive Management Area (AMA).

The Applegate AMA was specifically designated to promote community based collaboration and innovative land management projects that address concerns of forest health and fuel/fire risks. The UAW Project was sold to the community as an AMA project, and was to be heavily influenced by input from the local Applegate community. That Applegate community was very clear, starting at the first meeting and extending to this day, that new motorized trails were controversial and were not appropriate in a collaborative restoration project. The majority of collaborative partners and especially partners and residents of the Applegate Valley have shared that perspective consistently throughout the process.

Yet, despite working for over three years to find common ground in regard to fuel reduction, prescribed fire treatments, plantation thinning, pollinator restoration and other restorative land management activities, the agencies have moved away from that common ground and place of agreement, by proposing controversial motorized trails in a project that was otherwise broadly supported and could be implemented without Administrative Objections or litigation. This

decision has badly impacted trust with many residents in the Applegate Valley community and will only hinder collaborative capacity in the Applegate Adaptive Management Area (AMA) and limit future opportunities. These outcomes are inconsistent with the goals and objectives of the UAW Project and the AMA land management designation.

The purpose of utilizing a “collaborative” iNEPA process was to streamline the project by finding and working from a place of general agreement, and reducing the potential for administrative objections, appeals, and litigation. The iterative nature of the process was proposed specifically to limit controversy by eliminating projects that were “contentious” and did not meet the Purpose and Need, before the Environmental Analysis was conducted. Unfortunately, the iNEPA process was not properly implemented and the inclusion of new motorized trails in the Draft Decision Notice will guarantee a controversial and litigious outcome. The rest of the project and its provisions, will not provoke a similar response and all objections, appeals, and litigation could have been avoided by canceling the motorized trails approved in the Draft Decision Notice.

The approach of linking highly controversial and environmentally damaging proposals (such as new motorized trails) with broadly supported, ecologically-appropriate land management proposals has proven divisive and ineffective at building collaborative capacity. In fact, these conflicting proposals have disrupted an otherwise harmonious process focused on agreement around ecological principals and effective community fire protection measures.

The health of ecosystems and the fire safety of nearby communities should not be held hostage by inappropriate motorized trail proposals. After the recent fires in southern Oregon and northern California, the public expects a focused approach that works towards fire resilience and fire safe communities, while avoiding unnecessary controversy. A relatively wide swath of agreement surrounds community fire safety and actions that will reduce home site ignition. We encourage the agency to work from this area of agreement to protect nearby communities, especially in the AMA.

Although our organizations and many Applegate Valley residents support portions of the project, we also oppose the new motorized trail designations. New motorized trail development does not meet the objectives identified in the Purpose and Need and new motorized trails have no place in a “restoration” project. They are simply not restorative in nature and provide no benefit to the local ecology. They provide no additional fire resilience and undermine the projects ecological objectives and social license.

Motorized trail and unauthorized route use in the Applegate Valley is highly controversial, cramming motorized trails down the throat of the local community, despite significant opposition is neither collaborative or consistent with the direction provided under the Iterative NEPA process or the AMA. The inclusion of new motorized trails and the controversy it has created demonstrates that the Iterative NEPA process was inappropriately applied, failed to mitigate controversial portions of the project and failed to reflect inputs by the vast majority of collaborative partners.

According to the EA, the goal was to “provide for landscape conditions resilient to disturbances [including wildfires] and climate change” (USDA & DOI 2018. p.55). The BLM and Forest Service, along with collaborative partners and members of the Applegate community, identified the restoration of watershed values, water quality, native plant communities, pollinator habitat, forests, woodlands, and more natural fire regimes as values to be protected or enhanced through UAW project activities. In order to reach these goals, the project focused on the following actions: 1) community fire protection, 2) prescribed fire, 3) habitat restoration, and 4) thinning plantation stands that represent the most explosive fire hazards and most unhealthy forests in the area.

Community members and land management agencies worked together to create a broadly supported, ecologically beneficial and holistic restoration project. The community invested hundreds of hours in the “collaborative” planning process, attending public meetings, workshops and field trips. ANN and KFA were encouraging folks in the area to support this project and were dismayed, when after one and half years of collaboration, the agencies inserted highly controversial motorized trails into the Proposed Action. The motorized trail proposals proved to be extremely controversial in the local community, undermined the project objectives and bogged down the otherwise productive, trust building process of collaboration. Questions were asked by collaborative partners: Are new motorized trails restorative in nature? Do they contribute in any positive way to the local ecology, fire resilience or to the quality of life in the Upper Applegate Valley? These questions and concerns were not addressed in the UAW Project EA or the Draft Decision Notice. New motorized trail designations were assumed to be consistent with the Purpose and Need and to meet project objectives, but no objective analysis took place to establish these “facts.”

ANN believes that the debate surrounding motorized trails in the UAW Project is a distraction from the greater goals of the project. We also believe their inclusion violates the iNEPA process and the mandates of the AMA. While the agencies and the community had achieved a general consensus surrounding the project’s ecological and fuel reduction goals, that consensus has dissolved into controversy and conflict surrounding motorized trail use. The motorized trails approved in the Draft Decision Notice should be canceled and the project should move forward as the widely supported and ecologically beneficial project that it could be. The public demands that federal land managers work towards more fire safe communities, not more conflict on federal land.

Objection Resolution Point #1:

Please cancel all new motorized trails approved in the Draft Decision Notice and work towards implementation of the remaining non-contentious, broadly supported project activities such as prescribed fire treatments, plantation thinning, and maintenance of previous fuel reduction units. These activities are consistent with the Purpose and Need and iNEPA collaborative inputs. They are generally agreed upon and broadly supported as required in the iNEPA process. The goals and objectives of the UAW Project to create an inclusive, collaborative process and a broadly supported proposed action are not consistent with the approval of new motorized trails in the UAW Project.

Objection Point #2: Approval of new motorized trails in the Draft Decision Notice for the Upper Applegate Watershed Restoration (UAW) Project fails to meet the Purpose & Need.

The motorized trails proposed in the UAW EA and approved in the Draft Decision Notice are inconsistent with project objectives, as stated in the Purpose and Need for the UAW Project. According to the EA, “the proposed action addresses the **need** to sustain ecological processes and provide a diversity of benefits.” It also claims that “the objective of this effort is to identify desired values (based on “natures benefits” or ecosystem services approach) from which activities can be designed to restore or enhance these benefits and related ecological processes” (USDA & DOI. 2018. P. 1)

The EA further defines the need for the project as follows, “The underlying **need** for the action is to restore ecological and social conditions and processes in the Upper Applegate Watershed to provide for landscape conditions resilient to disturbance and climate change” (USDA & DOI. 2018. P. 4).

Neither the UAW Project EA or Draft Decision Notice disclose or analyze how motorized trail designation and development will restore the specific “ecological and social conditions and processes in the Upper Applegate Watershed” or contribute to landscape conditions “resilient to disturbance and climate change.” In fact, motorized trail use will have the opposite effect in the planning area.

Motorized trail use is a carbon intensive activity with negative consequences for climate and carbon management. Likewise, the disturbance by motorized activity will degrade rather than restore ecological function in the Upper Applegate Watershed. Motorized trail use has absolutely no credible restorative or positive ecological effect and motorized trail use has been socially controversial in the area for many decades. Motorized trail use simply does not address the Purpose and Need for this project or positively address the underlying conditions that necessitate restorative actions.

The EA further describes the Purpose of the Project stating, “The **Purpose** of the action is to protect and enhance the important community and agency identified values through the attainment of the following goals:

Water and Aquatic Habitat – *Improve watershed conditions and reduce road-related impacts to natural resources. To achieve this, there is a need to:*

- Minimize road related impacts on water quality and quantity and aquatic habitat.
- Maintain or improve important aquatic habitat features so they are sustainable over time.

Terrestrial Biodiversity – *Improve ecosystem resilience and function at the landscape scale in order to sustain healthy forests and watersheds for future generations. To achieve this, there is a need to:*

- Manage forest structure and species composition to increase biodiversity.
- Restore fire-adapted species in the ecosystems, thereby encouraging more fire-resilient forests allowing the re-establishment of the ecological role of fire.
- Develop and maintain habitat connectivity.
- Maintain/enhance late-successional habitat.
- Protect legacy features such as ponderosa and sugar pine, and oak savannas.
- Minimize introduction and spread of non-native species including noxious weeds.
- Restore landscapes to more resilient conditions by providing a mosaic of seral stages.

Community and Culture – *Provide protection to communities at risk from wildland fire, provide for sustainable recreation opportunities, and to improve community involvement for stewardship of the land to foster a respect for ecosystems and the processes that maintain them. To achieve this, there is a need to:*

- Reduce risk to communities and other developed areas from wildland fire.
- Provide sustainable recreation opportunities in response to changing demand.
- Minimize unauthorized recreational and other uses (OHV, camping, dumping, etc.).
- Promote small innovative forest products and restoration by-products.
- Foster a collaborative approach to land management.
- Improve community awareness of our stewardship of the land and foster a respect for ecosystems and the processes that maintain them.

When compared to the resources identified in the Purpose and Need for protection and enhancement, the approved motorized trails fail to provide any of the intended benefits. For, example, the motorized trails approved in the Draft Decision Notice will potentially degrade rather than restore water quality and aquatic habitat. Motorized trails will also degrade terrestrial biodiversity and connectivity values by creating noise disturbances, spreading noxious weeds, damaging native plant habitats, compacting and disturbing soils, and disrupting wildlife movement. The impacts of motorized trail use to soils and native plant communities are well

documented and dry season OHV use will also increase, rather than reduce the “risk to communities and other developed areas from wildland fire.”

Although the agency minimizes the impact of motorized trail development and designation in the Draft Decision Record. Levels of disturbance, soil damage, noxious weed spread and sedimentation will increase from background levels if motorized trails are built. By definition, restoration would occur when the opposite takes place and impacts are minimized or eliminated rather than compounded and increased.

The Purpose and Need proposes to “minimize unauthorized recreational and other uses” yet, condones and codifies such use by designating unauthorized routes as official motorized trails. Simply codifying unauthorized use does not serve to discourage or minimize future impacts associated with unauthorized use and instead may have the opposite effect by benefiting those who do not abide by motor vehicle regulations.

The motorized trails proposed in the UAW EA and approved in the Draft Decision fail to “protect or enhance” a single goal or value identified above in the Purpose and Need. In fact, motorized trails will instead discourage attainment of the Purpose and Need by creating additional impacts to resources identified for “protection and enhancement.” The UAW EA and Draft Decision Notice have completely failed to identify and/or analyze how motorized trail designation will achieve the specific goals of the UAW project in Water and Aquatic Habitat, Terrestrial Biodiversity and Community and Culture.

In the Draft Decision (USDA. 2019. P. B-1) the agency can only point to the need to “provide sustainable recreation opportunities in response to changing demands” as justification for the inclusion of motorized trails. Yet the NEPA analysis completely fails to validate this statement with verifiable information or credible analysis. No NEPA analysis demonstrates what the supposed “changing demands” might be. According to agency and State of Oregon information, non-motorized trail use is far more popular than motorized trail use and demand is trending towards non-motorized trail activities (Oregon Parks & Recreation. 2015. P. 45).

The motorized trails proposed in the UAW Project fail to meet the objectives of the Purpose and Need. This failure should have required the agency to withdraw these proposals and identify all proposed motorized trails in the UAW Project as “out of scope” and/or “considered but eliminated from detailed analysis.” This approach would be consistent with the objectives Purpose and Need for the UAW Project and would have documented the analysis of these proposal under the NEPA process, resulting in a final action alternative without motorized trails.

Current NEPA analysis is unsupported by science and fails to adequately identify how the designation of motorized trails in the planning area will achieve the Purpose and Need. The agencies must identify (with additional NEPA analysis) how the designation of motorized trails is consistent with the projects specific restoration goals. The agency has currently failed to do so. Both science and regional experience show that motorized trails degrade native ecosystems rather than making ecosystems “more resilient to disturbance or climate change.” Current NEPA analysis surrounding consistency with the Purpose and Need is inadequate and unsupported by science.

Resolution Point #2:

Our organizations request that all motorized trails be withdrawn from the UAW Project. They are inconsistent with the Purpose and Need and provide no positive ecological benefit or restorative effects.

Objection Point #3: New motorized trails approved in the Draft Decision Notice for the UAW Project have no restorative effects and should not be included in a “restoration project.”

The UAW Project was sold to the local community and the public at large as a restoration project. The UAW Project was also intended to be a model for a collaborative, community driven planning process implemented under the Applegate Adaptive Management Area (AMA). The goal was to create an ecologically appropriate project with broad based support in the local community and build collaborative capacity by creating trust between the Applegate community and the agency.

Yet, the motorized trails approved in the Draft Decision Notice have absolutely no restorative effects and were extremely controversial within the local community. The motorized trails approved in the Draft Decision are inconsistent with the collaborative inputs and values identified by the majority of the Applegate community throughout the planning process.

Motorized trail use will increase rather than decrease background levels of sedimentation, noxious weeds spread, habitat fragmentation and many other biological values. Such activities cannot credibly called restoration and will undermine restoration efforts. Motorized trails are not restorative actions and should not be included in projects with a focus on habitat restoration. Current NEPA analysis for the UAW Project fails to sufficient justify the inclusion of motorized trails in restoration projects.

Objection Resolution Point #3: Cancel all motorized trails approved in the Draft Decision Notice for the UAW Project and implement activities with truly restorative effects such as plantation thinning, prescribed fire, pollinator restoration, etc.

Objection Point #4: The approval of new motorized trails in the Draft Decision Notice for the UAW Project is inconsistent with the Iterative NEPA Process.

ANN believes that the inclusion of motorized trails designations in the UAW Project are inconsistent with the direction provided in the Iterative NEPA (iNEPA) Planning Process, as outlined in the Proceedings of the iNEPA Workshop. The inclusion of contentious, non-motorized trail designations in the UAW Project is a violation of the iNEPA process.

First, the Best Practices for iNEPA identified beginning “with a well-defined purpose and need (and desired outcomes)” (USDA & DOI. 2014. P.2). Collaborative partners did just that, and worked for over 18 months to develop a well-defined Purpose and Need that was promptly disregarded when motorized groups entered the process. The Purpose and Need and desired

outcomes, along with the definition of “restoration” were originally guiding the process, but when motorized trails were proposed by the Medford Motorcycle Riders Association (MRA) these guiding principles were altered for their benefit.

Without any attempt to work in consistency with the Purpose and Need, the MRA inserted their motorized trail agenda into a planning process it did not belong. They made no attempt to achieve the projects restoration and ecological process oriented goals and objectives and instead flooded the process with polarization around motorized trail use. In response, the agency specifically altered the already defined Purpose and Need and the working definition of “restoration” to encourage and facilitate motorized trail use.

In the Draft Decision Notice, Response to Comments the agency obfuscates and avoids the issue by stating, *“The definition of restoration was not changed by the agencies. There was clarification by the agencies of what the term means to this project and that restoration includes restoring social values, as well as ecological values.”* (USDA. 2019. P. B-2). This so-called “clarification” was not made in a collaborative or transparent manner and was imposed on the community, only being disclosed, after the fact, as a “clarification.” By adding “social” values the agency completely altered the outcome of the project and diluted the original ecological restoration focus. By including “social values” and changing the definition of restoration, motorized trail development was justified and encouraged. By clarifying what restoration *“means to this project,”* the agency significantly altered the original objectives of the project to include and encourage motorized trail use.

The inclusion of “social values” means virtually any activity can be included in a “restoration” project despite real and lasting ecological impacts and no ecologically restorative value. Likewise, it is unclear what social values are being “restored” and what it means to restore social values. This is especially true when no evidence has been provided demonstrating historic motorized use, thus restoration of these specific trails identified in the Draft Decision Notice would entail maintaining them for foot traffic and pack animals. This is the documented historic use of these trails, which date back into the early 1900s and have not been included in the Forest Service or BLM trail system for decades. .

Finally, “social values” identified by the majority of partners in the UAW collaborative and NEPA process included a heavy emphasis on non-motorized recreation and opposition to increased motorized trail use. These “social” values were very apparent in the planning process, yet have been ignored. Instead the minority viewpoint, promoting motorized use was identified as the “social value” being restored and imposed on the rest of society. The restoration of “social values” is vague and undefined, no specific social values were identified for restoration in either the EA or Draft Decision Notice. This demonstrates that social values is actually a reference to motorized use.

It is also clear that the majority of collaborative partners identified “social values” important to the residents and community of the Applegate Valley in the AMA and decreasing motorized use was supported by far more partners than new motorized trail development. The interpretation of “social values” and the marginalization of social values identified in the collaborative process demonstrates bias towards motorized use.

The iNEPA process is intended to limit analysis to one action alternative. This alternative is supposed to be directly tied to the Purpose and Need and broadly supported in the collaborative iNEPA process. iNEPA was intended to encourage a general consensus around proposed project activities before they can be included in a Proposed Action. The concept is that because project activities are “non-contentious” and broadly supported, additional action alternatives and comparative analysis is not required. Yet in this situation, one alternative was created with inappropriate and highly contentious motorized trails. When contention and controversy entered the UAW Project the agency had a choice; either withdraw the motorized trail proposals, continuing utilizing the iNEPA process and move forward with a non-contentious proposal, or create additional action alternatives with motorized trails and without motorized trails, conduct a normal, comparative NEPA analysis, and approve the alternative or portions of an alternative that best meets the Purpose and Need. This was not done in the UAW Project and invalid, inappropriate iNEPA analysis continued limiting alternative development, while creating significant controversy.

iNEPA is intended to “limit polarization among constituents and communities” (USDA & DOI. 2014. P.6). Yet, the UAW Project maximized polarization between constituents and communities by creating a controversial and largely unsupported proposal for motorized trail development and designation. This has compounded existing and long term polarization between the MRA, motorcycle enthusiasts and the Applegate Valley community.

Motorized trail proposals do not reflect the vast majority of collaborative input and were not responsive to “public feedback, comments and concerns” (USDA & DOI. 2014. P. 6) as is intended in the iNEPA process. In fact, the vast majority of public feedback and comments received by the agency opposed new motorized trail designations. Likewise, based on various public meetings and admissions by the agency that motorized trails evoked the most public comments during the EA comment period (USDA. 2019. P. 9), motorized trail designation is the most controversial issue (and perhaps only truly controversial issue) included in the UAW Project. Unfortunately, public concerns regarding motorized trail proposals, unauthorized motorized activities and environmental impacts associated with motorized trail use were largely ignored, in iNEPA process, in the EA and in the Draft Decision Notice.

Instead of an iterative, collaborative process, responsive to public comments and concerns, the iNEPA process was captured by a special interest group (the MRA) advocating for motorized trails. This brought significant polarization to the process and according to both the Proceedings of the iNEPA Workshop and the UAW EA, iNEPA is recommended for projects that are “relatively straightforward or non-contentious.” (USDA & DOI. 2018. P. 17). The requirement that only non-contentious projects be implemented under iNEPA was disregarded by the agency when motorized trails were inappropriately inserted into the UAW Project.

Although iNEPA encourages unanimous or widespread support for all proposals included in the Proposed Action, this recommendation was not followed in the UAW Project planning process. The intent of iNEPA is to allow the iterative process to fine tune proposals based on common ground, collaboration and a general consensus. If a proposal proves controversial or divisive, it should be excluded from the single action alternative being analyzed. The idea is to create a

broadly supported action alternative that reflects the input of collaborative partners and is rooted in the common ground that is achieved during that iNEPA process. The iNEPA process encourages unanimous or widespread support for all proposed activities before they are included in the Proposed Action.

In the case of motorized trail designations in the UAW Project, opposition has been widespread in nearly every collaborative meeting, during each comment period and in public involvement opportunities surrounding the UAW Project. Under the iNEPA process such contentious activities should have been “considered but eliminated from further consideration.”

Instead, the agency has flipped this recommendation on its head, requiring “unanimous support to drop the proposed trails” (USDA & DOI. 2018. P. 17). The Proceedings of the iNEPA Workshop never mentions a requirement for unanimous support to drop proposals and in fact assumes the opposite, that unanimous support would be required for inclusion of a given project in the Proposed Action. The motorized trail proposals never received significant public support, let alone unanimous support. None-the-less they were immediately included in the Proposed Action after being proposed by the MRA. We believe this violates the intent of iNEPA process.

When referring to the motorized trails proposed in the iNEPA process, the agency claims in the Draft Decision Notice that “exclusion of the proposal could be perceived as pre-decisional without adequate analysis.” (USDA. 2019. P.59). Yet, the iterative process is specifically intended to weed out proposals that do not reflect common ground and will generate controversy ahead of EA analysis and before identifying a Proposed Action. In this case, the agency refused to follow iNEPA protocol, failed to receive adequate support for motorized trails before inserting them into the Proposed Action and inappropriately required unanimous opposition to withdraw these contentious, controversial and environmentally damaging proposals from further consideration. These actions violate the intent of iNEPA process.

The iNEPA process specifically encourages land managers to exclude proposals from detailed analysis if they will generate controversial, contentious outcomes and are not broadly supported by stakeholders. The inclusion of motorized trails without adequate support in the Proposed Action demonstrates bias and violates iNEPA protocol. Exclusion of these proposals would not be pre-decisional, it would be consistent with the intent of the iNEPA process which seeks to remove contentious projects from the Proposed Action before EA development and full NEPA analysis is conducted.

The decision to include motorized trails in the Proposed Action also contradicts decisions made during the planning process to exclude other heavily supported activities from the Proposed Action. This includes exclusion of the heavily supported pollinator restoration projects, the proposed Tallowbox Trail on BLM road 39-4-23, the reintroduction of beaver for restoration purposes, pollinator restoration sites and other activities far more consistent with collaborative inputs and project objectives than motorized trail development and designation. The claim that excluding motorized trails from the Proposed Action would be pre-decisional is inaccurate, misleading and inconsistent with the very intent of the iNEPA process, which if implemented correctly would have required the agency to exclude highly contentious and minimally supported proposals for motorized trail designation.

The Proceedings of the iNEPA Workshop states, “this phase [Idea Generation] ends when **all** stakeholders agree to progress on an issue...this might be referred to as the idea; in NEPA language, it is referred to as the proposed action” (USDA & DOI. 2014. p.10). In this case, motorized trails were included in the Proposed Action, but failed to demonstrate support from “all stakeholders” as is required. Instead, stakeholders all agreed and built consensus around ecological and wildfire resilience based concerns. These issues should have been moved forward to inform the Proposed Action, not motorized trails.

Motorized trail proposals that were largely unsupported by community members and collaborative partners never met the standard of iNEPA to move forward as a Proposed Action. They should have been documented as activities that were proposed, but did not receive adequate support to move forward by identifying them as “considered, but eliminated from detailed analysis.”

Under the standard identified by the EA, a proposal would require “unanimous” opposition to be considered contentious and withdrawn from the iNEPA process. Yet, under this standard, not a single activity proposed on federal land, no matter how damaging, could ever be identified as contentious, making the analysis in the EA process meaningless. We all know this assumption is inaccurate, because many controversial activities conducted on federal land are not unanimously opposed. According to the standard in the EA, no proposed action could ever be considered “contentious” and anyone that follows federal land management issues knows that is far from the truth.

We believe the standard used in the EA, that requires unanimous opposition to cancel a given project is a misapplication and a violation of the iNEPA process. In fact, it is the exact opposite of the standard the “all stakeholders agree” on a proposed action and demonstrates significant institutional bias towards motorize use.

The iNEPA process was specifically developed to avoid these sort of controversial outcomes and the limitations placed on alternative development and analysis lend themselves only to “relatively...non-contentious” projects. This standard that “all stakeholders” agree on a proposed action is why only one alternative is required for EA analysis under the iNEPA process.

Controversy, conflict and scientific disagreement is exactly why the regular NEPA process requires a range of alternatives. Under section 102 of NEPA, the agencies are required to “rigorously explore and objectively evaluate all reasonable alternatives” to ensure environmental consequences are “carefully weighted environmental considerations and consider potential alternatives to the proposed action” (40 CFR 1502.14). The idea is that if controversy exists surrounding a specific portion of the proposed action multiple action alternatives must be produced, analyzed and compared. Although motorized trails are highly controversial, no alternatives were developed to address these concerns. In the case of the UAW Project an appropriate range of alternatives was not adequately explored and the iNEPA process was exploited by the agency to implement controversial proposals without sufficient public support or scientific review.

Because only one alternative was produced and it includes motorized trail development and designation, the agencies failed to adequately analyze the proposal by comparing and contrasting multiple alternatives, some with motorized use and others without. No alternative was analyzed that proposed to cancel the new OHV trails., thus the environmental effects cannot be adequately considered or compared to other alternatives. This lack of comparison makes NEPA analysis in the UAW EA, faulty and inaccurate.

iNEPA is a streamlined form of NEPA, that limits alternative development based on the assumption that projects will be frontloaded with collaboration and the agencies will move forward with only “relatively non-contentious” projects. The assumption is that controversial, largely unsupported projects with a high probability of litigation will be implemented under the regular NEPA process with multiple alternatives developed to address controversial or potentially environmentally damaging impacts. The requirement to create a range of alternatives is necessary under the regular NEPA process and is only allowed to be circumvented with iNEPA when projects are “non-contentious.” The motorized trail proposals in the UAW Project area highly contentious and should be withdrawn from the iNEPA project. Contentious projects are more appropriately addressed with the regular NEPA process and a full range of alternatives for analysis and comparison.

According to the Proceedings of the iNEPA Workshop, published in 2014, “The iNEPA process is intended to provide agencies with an efficient way to adjust proposals in response to public input” (USDA & DOI. 2014. p. 7). In this situation, the vast majority of public input demonstrated opposition to the proposed motorized trails, yet the agencies were unresponsive and did not “adjust proposals” as is suggested in this foundational iNEPA document. In fact, not a single public member outside representatives for the Medford Motorcycle Riders Association (MRA) offered support for these proposals. They have been identified and promoted by a special interest OHV group based in Medford, Oregon that was allowed to capture the process. The Applegate AMA designation directs the agency to create localized, idiosyncratic land management proposals generated collaboratively with the local Applegate Valley community and the vast majority of the Applegate Valley community participating in the UAW Process was opposed to new motorized trail designation.

It is inappropriate to alter the Purpose and Need to facilitate a specific land management outcome, as was done in the UAW Project. When the definition of restoration was changed over one year after the planning process began and in direct response to the MRA’s request for motorized trails.

Under the iNEPA process projects should be designed to “reduce the chance of developing alternatives that are ultimately not used because they meet only a particular stakeholders viewpoint” (USDA & DOI. 2014. P. 1). In this specific situation, the new motorized trails proposed in the UAW EA, fail to meet the Purpose and Need and “meet only particular stakeholders viewpoint,” that view point being the Motorcycle Riders Association. Neither the EA or the Draft Decision Notice provide any credible information to demonstrate that other stakeholders are supporting the motorized trail proposals, let alone a majority or consensus . If this cannot be demonstrated the motorized trails should be withdrawn from the Final Decision Notice. It is inappropriate to alter the Purpose and Need to facilitate a specific land management

outcome, as was done in the UAW Project planning process when the definition of restoration was changed over one year after the planning process began and in direct response to the MRA's request for motorized trails.

iNEPA is also intended to “focus analysis and public comment on alternatives that actually might be implemented, rather than on impossible or polarizing alternatives” (USDA & DOI. 2014.p.18) The inclusion of motorized trails has proven highly polarizing and should be canceled to be more consistent with the focus and intent of the iNEPA process.

The document produced in 2014, at the Proceedings of the iNEPA Workshop encourages collaboration due to the following benefits: “a fairer process, better integration among constituents and agencies, conflict prevention, improved fact-finding, increased social capital through trust building, easier implementation, enhanced environmental stewardship, and reduced litigation” (USDA & DOI. 2014. p.7). The inclusion of motorized trails in the UAW Project fails to achieve these benefits and instead demonstrates a process biased towards motorized use and OHV special interest groups representing the “off-road” community (e.g. the MRA). The inclusion of motorized trails in the Proposed Action has increased polarization and conflict among constituents, decreased social capital for “restoration” projects, increased skepticism and mistrust creating less support for project implementation, and increased the potential for Administrative Objections, protest, appeals and litigation. Unless OHV trails are canceled; protests, appeals and litigation will certainly complicate this project.

If the project is litigated or appealed it seems nearly impossible to justify utilizing the iNEPA process by saying the project was “non-contentious”. Given the impact of motorized trails on the collaborative process it is also impossible to state that such proposals have reduced conflict or built trust, facilitated easy implementation or enhanced environmental stewardship as is required. The EA provides no evidence to support the inclusion of motorized trails in the proposed action under the guidelines for collaboration in the iNEPA Workshop documents.

The iNEPA process includes four phases of collaboration including 1) Idea Generation 2) Deliberation 3) Implementation 4) Evaluation. Currently the UAW Project has conducted only phase 1) Idea Generation and 2) Deliberation.

During the Idea Generation phase of the UAW Project, the community continually identified restorative concepts, ecological values, biodiversity, connectivity, community fire protection, forest health and vitality, and non-motorized recreation as values and goals for the project. These values were proposed due to a general consensus among stakeholders. The Idea Generation phase is intended to focus on agreement and eliminate actions that would be contentious if they were to move forward. This recommendation was not followed when proposing motorized trails.

The Deliberation phase includes formal NEPA process such as Scoping and EA analysis. The Deliberation phase should be informed by the previous Idea Generation phase where contentious or polarizing projects or proposals are withdrawn, enabling more viable projects supported by local communities and with significant social license, to move forward. In the UAW Project, the Idea Generation phase documented a general lack of support for new OHV trails and the deliberation/NEPA phase incorrectly allowed contentious and polarizing proposals to enter into

the Draft Decision Notice. We believe this constitutes a violation and misapplication of the iNEPA process.

Objection Resolution Point 4:

Motorized trails approved in the Draft Decision Notice demonstrate the inappropriate application of iNEPA and a violation of both its intent and mandates. We ask that all motorized trails be withdrawn from the project due to significant misapplication of the iNEPA process. If these motorized trails are not withdrawn, the Draft Decision Notice should be withdrawn and a new EA should be developed including a range of alternatives. These should contain alternatives with and without motorized trails to allow a more accurate analysis of potential impacts and environmental effects. NEPA requires this comparative analysis because it more effectively identifies trade-offs in land management and focuses project activities on achieving the objectives of the Purpose and Need. This analysis will provide the public and Forest Service line officers with important information currently not considered in the NEPA analysis.

Objection Point #5: The approval of motorized trails in the Draft Decision Notice for the UAW Project constitutes a “contentious” action and is inappropriate for iNEPA Process

As is outlined above, the Forest Service has inappropriately included “contentious” or controversial actions within the iNEPA process and the UAW Project. Although the agency claims in the UAW EA, that the proposed motorized trails fail to meet the standard of “contentious” proposals because opposition is not completely unanimous, (USDA & DOI. 2018. p.17) the agency fails to back up its assertion with evidence. The reality is that such a standard is unrealistic and fails to acknowledge the considerable controversy that has ensued due to the inclusion of motorized trails within the Upper Applegate Watershed Restoration Project. Although the agency continues to claim in the EA that little controversy exists in regard to motorized trail use, the facts demonstrate otherwise.

From day one in the UAW Project, many local residents in the Applegate Valley identified motorized trail use as a significantly contentious issue, creating extreme environmental impacts and user conflicts across the Applegate Valley. Early in the process it was clearly stated to the agencies that if the UAW planning process was used to designate additional motorized trails, the community would fight those proposals, rather than embrace them. The conflict surrounding motorized use in the Applegate area is in fact, likely the most controversial federal land management activity in the region.

As noted within this comment, the environmental impacts, social impacts, impacts to private landowners (from OHV trespass) and the continued creation of user-created trails have degraded many of the values local residents enjoy in their public lands. Many historically non-motorized trails have been subject to hostile take-over by the motorized community. Federal land managers have been working to make the Applegate Valley an OHV destination and sacrifice zone, with an unusually high concentration of OHV trails. Many in the local community do not support this continued use and abuse of our public lands.

Numerous public meetings including one held at the Ruch Public Library (and attended by dozens of concerned residents) became very contentious and charged, with many in the

community asking the agency to cancel the trails because they do not meet project objectives and are inconsistent with the Purpose and Need. The community was pleading with the agency to remove these trails from the Proposed Action and focus on proposals that are squarely within the common ground we had created. The agency refused to operate from that place of agreement and has instead, forced these motorized trails onto a unsupportive public.

As soon as the agency proposed motorized trails, consensus began to break down and collaborative meetings became contentious. Local residents and collaborative partners felt betrayed by the agencies and once again saw an otherwise good, collaborative project bogged down with inappropriate, highly contentious proposals.

Since that time, the Medford Mail Tribune has published an article announcing the release of the UAW EA and documenting the conflict surrounding motorized use in the UAW Project (Medford Mail Tribune. 11-23-18). This article was followed up by an editorial by the Mail Tribune supporting the project in general, but highlighted the conflict between motorized use and the restorative objectives of the project. The article acknowledges that controversy surrounding the OHV proposals was costing the project support in the community. In response, ANN provided another perspective on the project in an editorial also published by the Mail Tribune, expressing opposition to the motorized trails (Medford Mail Tribune. 11-30-18). Yet, another article was published in the Applegate Newspaper demonstrating opposition to motorized trails and the breakdown of the collaborative process associated with these motorized trail proposals (Applegate. 2018).

After release of the EA, local community members and residents of the Applegate Valley began organizing a rally to demonstrate opposition and provide a voice for the many local residents who feel under represented or ignored in the planning process. The rally was to be focused on our support for the restorative aspects of the project and opposition to new motorized trails. It was proposed as a non-violent and respectful, demonstration. Residents intended to hold signs, peacefully assemble at Star Ranger Station and express our concerns to agency staff and officials.

As soon as word got out about our proposed protest, motorized users began posting on facebook about the rally. The controversy about the project was also highlighted on the Bill Meyers radio show on 12-14-18. The OHV community threatened to hold a counter protest, with some advocating for an “open carry event” and urging motorized trail users to come to the counter protest armed with fire arms. Bill Meyers provided his listeners with unredacted emails about the rally and the OHV community proceeded to publicly post information on the location of the “organizers” home and encouraged motorized users to harass the organizers in their own home. They also posted other organizers personal phone number and email address, again with the intent to intimidate and harass.

In response, to the threats, intimidation and calls for armed protest, the local Applegate Valley residents organizing against new motorized trails canceled the rally. We simply felt it was not worth the potential conflict and we did not want to be subjected to harassment and intimidation in our own homes, due to our opposition to OHV trails. This series of events demonstrates why many in the community feel threatened by the continuing expansion of off-road vehicle trails.

The expansion of trails is being forced upon us and many of the individuals coming to the Applegate Valley to “ride” are hostile to the local population, trespass on our lands, build unauthorized trails and damage the lands we love.

To further document the contentious nature of the motorized trail proposals, the agency organized a public field trip “because of concerns raised regarding the addition of motorized trails” (Donna Mickley Email Nov. 28). This field trip, held on Dec 12 was attended by exclusively Applegate Valley residents and not a single participant was supportive of the newly proposed motorized trails. That same evening the agencies also held a Community Meeting and again only Applegate Valley residents attended, all were opposed to new motorized trails.

Clearly, the proposal to include motorized trails in the UAW Project has been highly contentious and disruptive to an otherwise productive collaboration between the agency and the local communities. ANN believes that there is no denying the controversial and “contentious” nature of the new motorized trail proposals. It has been clearly documented in the public’s reaction to the new OHV trails. The decision to move forward with a Proposed Action that includes new motorized trails is highly contentious and should have been canceled under the iNEPA process. Unanimous opposition is not required for a proposal to be considered controversial. In fact, it is the opposite, unanimous support is required to move a project forward under the iNEPA process and circumvent the requirement to provide a range of alternatives. The outcome of proposing motorized trails and the impact it has had on the collaborative process is undeniable and has been publicly demonstrated. It has infused the process with conflict, controversy and mistrust. It will also likely lead to administrative objections and litigation if the proposed motorized trails are approved.

To prove our point, it is 100% certain, that without the inclusion of inappropriate motorized trails, the UAW Project would be entirely unopposed and broadly supported by a wide variety of collaborative partners. It will not be litigated if the OHV trails are removed. This is because the rest of the project was implemented in a way that was consistent with the collaborative iNEPA process and will provide restorative benefits. New OHV trails are the outlier and have generated significant controversy. For many, the project has transformed from one of the most supported federal land management projects in many years, to a one of extreme disappointment. The inclusion of motorized trails in this process will have a lasting impact on trust between the community and the local land management agencies. Motorized trails are certainly “contentious” and should be canceled to allow the project to move forward without litigation and once again focus our energies on the consensus we had built rather than the disagreement around motorized trails that hinder attainment of the Purpose and Need.

Objection Resolution Point #5:

The iNEPA process requires unanimous support for proposals to be included in a Proposed Action. The motorized trail designations in the UAW Project have been highly contentious and disruptive to the collaborative process. Implementing controversial motorized trail proposals under the iNEPA process is inappropriate and should be withdrawn. If all motorized trails are not withdrawn in the Final Decision Notice, then a new NEPA process and an EA with a range of alternatives should be required. The analysis of controversial projects in the iNEPA process is

inconsistent with its intent and is more appropriately implemented under the normal NEPA process.

Objection Point #6: The approval of new motorized trails in the Draft Decision Notice for the Upper Applegate Watershed Restoration (UAW) violates the intent of the Applegate Adaptive Management Area (AMA).

The UAW Project was proposed as an Applegate AMA project where community collaboration and values should be elevated in the planning process. At the beginning of the UAW process, the Forest Service modeled the project off AMA Guidelines and community members expressed hope that the project might kickstart a new era of collaboration and restorative land management. Those hopes were dashed with the proposal of motorized trails in the UAW EA and with their approval in the Draft Decision Notice.

The Applegate AMA was designated in 1994 on both BLM and USFS land in the Applegate Watershed. The AMA provides guidance to the agencies in regard to project development, collaboration, research and NEPA analysis. The UAW Project was planned under the auspices of the AMA Planning Process.

In many ways, the AMA process helped guide the agencies and local communities towards a general consensus surrounding fire/fuel and forest management activities proposed in the UAW Project. This demonstrates that when applied correctly, the process can and does work in the Applegate Valley. The AMA encourages finding common ground and working from a place of agreement. The goal of the AMA is to “Seek innovative approaches to achieve technical and social objectives” and to “Develop localized idiosyncratic methods that will reflect the needs of the land and communities.” Community collaboration, innovative logging techniques and prescribed fire were specifically emphasized in the Applegate AMA. ANN strongly supports these goals and strategies. We also believe the best way to create “localized, idiosyncratic methods” and “innovative approaches” is to work with the local community to build agreement and general consensus around Proposed Actions.

For many, the AMA provided hope that the agencies and the community could collaborate and move forward with productive, community-supported projects that address the needs of the Applegate Valley ecology and human community. Unfortunately, this potential has not been realized and the experience of many in the community is that the collaborative approach of the Adaptive Management Area has never been meaningfully implemented. Apparently, the agencies agree and the EA states, “Nearly 20 years later, the vision outlined in the Strategic Plan and the goals of the AMA Guide have not been fully realized” (USDA & DOI. 2018. p. 3).

Community concerns have rarely been addressed in the land management planning process, Response to Comments is often dismissive and inadequate, and controversial projects have impacted the region’s collaborative capacity by infusing the planning process with mistrust. This mistake has been repeated in the UAW Project, as it has been repeated in the past. Yet, despite the controversy and the feeling among the community that the federal land management agencies

are not listening or working with the community, the community has remained engaged in land management planning.

For decades, Applegate Valley residents have taken an active role in protecting the important biological, social and scientific values of the Applegate Watershed and will continue to do so. If projects must be opposed, the community of the Applegate Valley is usually up for the challenge. If projects can be supported Applegate Valley residents will gladly lend a helping hand. Folks in the Applegate enjoy working collaboratively when possible to address issues of relevant social and ecological concern in our watershed. Despite challenging political dynamics, the residents of the Applegate continually come to the table and provide meaningful engagement in the planning process. Unfortunately, federal land managers have never fully implement the collaborative mandate of the AMA.

The UAW Project has been no exception. Local community members have been disappointed by the outcome and the Draft Decision Notice. In particular, the inclusion of controversial motorized trails in a supposedly “collaborative, restoration project” has disappointed and disempowered many community members and potentially productive partners in collaboration.

Objection Resolution Point #6 : Cancel all motorized trails approved in the Draft Decision Notice and collaborate with local community partners to conduct multi-party monitoring and implementation monitoring on the remaining non-contentious portions of the UAW Project.

Objection Point#7: The UAW Project EA and Draft Decision Notice fail to analyze the changing or current demands for recreational use in the Upper Applegate Watershed. Yet, the Draft Decision Notice relies heavily on an unsupported assumption that “changing demands” necessitate the designation of additional motorized trails.

In response to comments, the Draft Decision Notice relies heavily on the supposed “changing demands” for recreation in the Upper Applegate Watershed. In the Draft Decision Record (USDA. 2019. P. B-1) the only community or agency identified value the Draft Decision can point to as justification for motorized trail designation is to “provide sustainable recreation opportunities in response to changing demands.” Yet, the agency completely fails to validate this statement with verifiable information or credible analysis.

Analysis in the EA and Draft Decision Notice fails to provide any information demonstrating an actual need for additional motorized trail use “in response to changing demands.” The agency provided no analysis to demonstrated what the supposed changing demands in the watershed might be. There is absolutely no evidence presented in the EA or Draft Decision to suggest that changing demands in the Upper Applegate watershed would support the designation of new motorized trails. The Draft Decision Notice relies heavily on a presumed need for increased motorized trail access, yet completely fails to support this assumption with facts, evidence or analysis.

Contrary to agency claims, existing Forest Service data from the Draft Environmental Analysis for the Motor Vehicle Use Map estimated 2% of Rogue River Siskiyou National Forest visitors

participate in off-road vehicle activity and even less participate in single track motorcycle use (P.III-26) Yet, 20% of the trails in the Upper Applegate Watershed allow motorized use. Clearly, motorized trail use is already disproportionally represented in the area and sufficient opportunities exist to satisfy the 2%. Also according to the Travel Management Plan motorized trails or use areas are directed to be neither “large or numerous (TMR/ Federal Register, page 68274).

At the same time, according to the Oregon Parks and Recreation Department non-motorized users outnumber OHV enthusiasts at a rate of 62 to 1 throughout the state of Oregon. (Oregon Parks & Recreation. 2015. P. 45) This demonstrates that “changing demands” in recreation would support the development of new motorized trails rather than motorized trails and at a rate of 62 to 1.

Currently, hundreds of miles of ecologically damaging motorized trails riddle the mountain sides of the Applegate watershed, they degrade our streams, disturb local wildlife and impact the quality of life for residents in the Applegate Valley. These motorized trails, although largely illegal, unauthorized and unofficial cover vast portions of the watershed. The scale of motorized trail use throughout the Applegate Watershed was never adequately analyzed in the Draft Decision Notice or the UAW EA.

Finally, based on the increasing popularity of non-motorized use on the Mule Mountain Trail system it seems highly likely that “changing demands” in the Upper Applegate Planning Area would discourage the designation of additional motorized trails and increase opportunities for quiet, non-motorized recreation.

Objection Resolution Point #7:

Current analysis of the “changing demands” for recreation is inaccurate and completely unsupported by facts. Assumptions are inappropriate in the NEPA process, which is fact and evidence-based. All motorized trails should be withdrawn in the Final Decision Notice or new NEPA analysis should be required to analyze the changing demands for recreation in the Rogue River-Siskiyou National Forest and in the state of Oregon. If these changing demands are the main justification for inclusion of motorized trails in the Proposed Action, they should be validated with fact and considered by federal land managers in a supplemental NEPA analysis.

Objection Point #8: The actual extent of motorized trail use in the Applegate Watershed was not considered in the EA or Draft Decision Notice.

To accurately analyze both the impacts of motorized use and the “changing demands” in recreational needs, the agency must first consider the amount of motorized trail opportunities available in the region. The agency claims that 180 miles of motorized trail are available on the RR-SNF. They also claim that around 140 miles are available to non-motorized use, while 34 miles are open to motorized use in the Siskiyou Mountains Ranger District and only 13 miles in the Upper Applegate Planning Area. Yet this does not consider the hundreds of miles of motorized routes available on adjacent BLM lands in the Applegate Valley. When considering both cumulative impacts and actual recreational needs these adjacent trails should be considered.

Failing to consider the available motorized trail opportunities within the region, creates a false sense of need and misleading analysis.

Objection Resolution Point #8:

Supplemental NEPA analysis should be implemented considering the available motorized trail opportunities adjacent to the planning area outside Ruch, up Little Applegate and on BLM lands in the Upper Applegate. The need for new motorized trails should be considered in light of the hundreds of miles of available motorized trail in the vicinity of the Applegate Valley. Likewise, the cumulative impact of motorized trail use must also consider the actual extent of motorized trail use occurring in the watershed. Either motorized trails should be canceled or supplemental analysis is required.

Objection Point #9: The approval of new motorized trails in the Draft Decision Notice for the UAW Project is inconsistent with direction in the Travel Management Rule

The Travel Management Rule (TMR) states “areas are not intended to be large or numerous” (TMR/ Federal Register, page 68274), yet 20% of the trails in the Upper Applegate Watershed have been approved for motorized use (USDA. 2019 B-4) and the agency has predicted on 2% of national forest visitors participate in motorized trail use. In total 180 miles of motorized trail can be found in the Rogue River Siskiyou National Forest. Given the 2% of national forest visitors who participate in motorized trail use this system is both “large and numerous.” Specifically, the Upper Applegate Watershed also meets and exceeds the current demand for motorized trails use.

Objection Resolution Point #9:

Currently 2% of national forest users, benefit from use of 20% of the Upper Applegate trail system. This number could also substantially increase when and if the agency opens the Mule Mountain and Mule Creek Trails to motorized use. The Travel Management Rule directed the agency to establish a trail system, but did not require the system to be large or numerous. By providing 10 times more trail miles than the 2% demand identified by the agency the system can be characterized as both large and numerous. New motorized trails should be withdrawn because they are inconsistent with the Travel Management Plan.

Objection Point #10: The proposed Hanley Gulch Motorized Trail should be withdrawn from consideration rather than simply deferred from this Decision.

Many valid reasons have been documented in public comments and during the NEPA process to withdraw the proposed motorized trail on the decommissioned roadbed along Hanley Gulch. This motorized trail proposal should be withdrawn rather than deferred from UAW Project in the Final Decision Notice. The door should not be left open for such an obviously frivolous, unnecessary, unjustified, contradictory and economically unrealistic proposal. The route is proposed on a previously decommissioned roadbed in or near the Riparian Reserve of Hanley Gulch. This road was previously acknowledged as road 2010-200 and has been fully decommissioned under the McKee Legacy Roads Decision Record.

The McKee Legacy Roads Project & the Clean Water Act

Hanley Gulch is a major tributary of Beaver Creek, both are fish bearing streams. Hanley Gulch contains cut-throat trout and rainbow trout. Beaver Creek contains ESA listed coho salmon. Beaver Creek, a Key Watershed, is also currently listed for sediment under the Clean Water Act. It is also one of the only listed streams on this portion of the RRSNF and is in need of restoration rather than further degradation by new motorized trails.

Stream surveys conducted in Beaver Creek show that *“the amount of sand in the channel is reducing habitat quality and that the probable cause is erosion from roads. In addition, the amount of spawning gravel appears adequate but the quality of spawning gravel is lacking due to the high sand content.”* (USDA. 2009. p. 6).

The road up Hanley Gulch, now proposed as a motorcycle trail, was previously decommissioned due to water quality impacts, sedimentation and concerns for aquatic health in the McKee Legacy Roads Project. The Purpose and Need for the McKee Legacy Roads Project was as follows:

“The overall need for action is to implement watershed restoration direction from the Northwest Forest Plan, which lists control and prevention of road related runoff and sediment production as one of the most important components for watershed restoration.” (USDA. 2009a. p. 1)

*“The Purpose of the action is to aid in the recovery of water quality in the Applegate River-McKee Bridge 5th field watershed by reducing road and **trail related runoff** and sediment production in the watershed”* (USDA. 2009a. p. 1).

The McKee Legacy Roads EA describes the Purpose and need by identifying roads for decommissioning *“that are no longer critical for travel management objectives”* and are responsible for *“sediment input to stream channels”* (USDA. 2009. P. 7).

As demonstrated above, the McKee Legacy Roads EA and Decision Notice specifically mentions “trail related runoff and sediment production” as reasons for decommissioning and closure. Motorized trails have been shown to create high levels of runoff, compaction, sedimentation and surface erosion rates and citations were provided to demonstrate these scientific facts in public comment. Neither the EA or Draft Decision Notice provide citations to dispute these impacts.

The McKee Legacy Roads EA also demonstrates that the road in question is *“no longer critical for travel management objectives”* including recreational use. Thus, the specific road bed proposed for motorized trail use was already deemed unnecessary for management or public access/recreational needs.

To further demonstrate the agencies intention to close all roads decommissioned in the McKee Legacy Roads Project to motorized use, the agency specifically and purposefully excluded all roads decommissioned in the McKee Legacy Roads Project from MVUM. In the original Decision Record for the TMP/MVUM motorized use was proposed on numerous decommissioned roads from the McKee Legacy Road Project, including road 2010-200.

In fact, in response to the Record of Decision, Luke Ruediger, then representing the Applegate Wilderness Council specifically appealed the decision to allow motorized use on those roads decommissioned in the McKee Legacy Roads Project. In an Appeal Resolution Letter sent to then Forest Supervisor, Scott Conroy (dated 4/5/10), the letter referred to an Appeal Resolution Meeting attended by Joel King, Tim Chesley, Donna Mickley and Linda Duffy. In that meeting “ the attending officials agreed that the follow errors should be corrected by amending the Motor Vehicle Use Map and withdrawing the decision to allow motorized use on the following roads, routes and areas”, this listed include “numerous roads identified for closure and decommissioning under the McKee Legacy Roads Project ROD”. It was agreed that these roads, including road 2010-200 were included in the MVUM in error and were removed from the final MVUM by Forest Supervisor Scott Conroy to reflect that mistake.

It is important to noted that this decision was agreed upon by the current District Ranger Donna Mickley, who has provided no evidence in the EA or Draft Decision Notice to suggest why this decision should be overturned. Clearly, it was the intention of the McKee Legacy Roads Project and the TMP/MVUM to keep road 2010-200 closed permanently to achieve the desired reduction in sedimentation and benefit water quality in a listed stream.

Designating this previously decommissioned road for motorized trail use is inconsistent with previous NEPA analysis and Decision Records. It is also inconsistent with the restoration objective for the UAW Project and the Clean Water Act. New off-road vehicle trails will increase runoff, compaction, sedimentation and surface erosion rates beyond the existing conditions, creating additional harm to a water quality listed stream. This singular fact, should be enough to cancel motorized use in Hanley Gulch.

The proposal also shows a lack of commitment to previous restoration actions and NEPA process, which is particularly troublesome given the claims of “restoration” in the UAW Project. Will these efforts later be undone to favor special interest groups like OHV’s, logging, mining or grazing? Is the agency truly committed to a restoration-based management strategy? The decision made on Hanley Gulch will demonstrate to the community how deep the agencies commitment truly is.

Soil impacts and sedimentation impacts associate with new motorized trails in the Riparian Reserve of Hanley Gulch were not adequately analyzed and threatened attainment of the Aquatic Conservation Strategy (ACS). Virtually no scientific analysis or specialist reports are provided in the EA, just an assurance that sedimentation will be mitigated with six separate trail bridges. The proposed action will in fact, increase sedimentation due to increased motorized use and damage to filtering vegetation throughout the former road prism area. The impacts to vegetation cover will create increased surface erosion and sedimentation regardless of trail bridges. In fact, it is highly likely that motorized trail users will drive into the deep waterbars along the road rather than utilize the trail bridges. These waterbars will become moguls for motorized trail users and the effects of trail bridge construction will be largely ineffective. This is especially important because of the number of stream crossings (six) and the fact that the upper most stream crossings are well defined streams with significant seasonal flow. In a December 12, 2018 Field Trip on Hanley Gulch the agency provided absolutely no reason that motorized users will not drive into

these gulches and increase erosion. The EA analysis is based on blind faith rather than evidence and reason, as is required under NEPA.

The EA analysis relies on a finding that trail bridges and other mitigation measures can reduce environmental effects and result in no increase in sedimentation. It is simply unrealistic to claim that no increase in sediment yield will occur. The impact of motorized use will lead to a loss of vegetative cover, will facilitate motorized use within the seasonal stream crossings and channelize water in compacted trail treads, all of which will increase sediment yield. The agency's assertions are based on blind faith in compliance and unsubstantiated assumptions that vegetation loss, soil compaction, the channelization of runoff and other effects known to be associated with OHV use will not measurably influence sedimentation rates. This claim is not validated by science and does not reflect the reality of impacts associated with OHV use.

Analysis also relies on an assumption that the narrow width of single track trail will also reduce impacts on erosion and sediment yield. This claim is also unrealistic and unsubstantiated. The proposed trail is a decommissioned roadbed and the entire width of the roadbed will be utilized by motorized users. No physical structures will limit their use of the road to an 18"-24" tread as is analyzed in the EA. Motorized users will use the entire road surface, damaging vegetation, compacting soils, exposing bare mineral soils, churning soils with wheel action and driving onto road cuts. This sort of use is typical motorized use and no physical structures will exist to limit motorized use to the 18"-24" trail tread. It will also undo all the positive vegetative and soil recovery associated with road decommissioning and implementation of the McKee Legacy Roads Project. Sedimentation rates will certainly increase in the Hanley Gulch and Beaver Creek watershed. Therefore environmental analysis should identify the trail width at between 12-15', which is the estimated width of the decommission road prism.

Finally, there is irony in calling this a restoration project, while proposing motorized trails that will increase sedimentation and damage aquatic habitats. It is especially troubling because this particular road was decommissioned to meet restoration objectives and reduce road and trail related impacts under the Clean Water Act. In particular, this included sedimentation and water quality concerns. The reduction of sedimentation is part of this projects Water and Aquatic Habitat objectives and new motorized trails are inconsistent with that goal .

The proposal to designate this specific trail for motorized use is inconsistent with previous restoration efforts under the McKee Legacy Roads Project, the Aquatic Conservation Strategy and the Clean Water Act. The McKee Legacy Roads Project very specifically states in the Decision Record that adequate access for "recreation," and "public access" was retained. Thus according to previous analysis there is simply no need to undermine previous restoration efforts by developing new OHV trails where recreational access was already analyzed and considered unnecessary. The agency has failed to adequately analyze this issue in the NEPA process and has failed to prove evidence of change circumstances that would necessitate a new direction in regard to the decommissioned Hanley Gulch Road.

Costs:

On December 12, 2018 Recreation Officer Brian Long and District Ranger Donna Mickley disclosed that trail bridge construction could cost up to \$60,000 per bridge. At six bridges, this would be cost prohibitive and a waste of public resources. The costs associated with trail bridge construction were not disclosed or analyzed in the EA or Draft Decision Notice. The cost is especially egregious when you consider the need for trail closures from November 1 to April 1 for Big Game Winter Range (MA-14) values, from March 1 to June 30 for Northern Spotted Owl nesting habitats and perhaps in the summer months due to fire risks. This would leave a few months each year available to motorized users and would further inform the cost-benefit analysis towards being fiscally and environmentally irresponsible. The Hanley Gulch route should be withdrawn from further consideration.

Big Game Winter Range

The proposed Hanley Gulch OHV Trail is also located within Big Game Winter Range (MA-14) where road density is a concern and seasonal motorized trail closure would be required from November 1 to April 30 to reduce “disturbance to deer during the winter” months. OHV use is documented to create significant disturbance to wildlife and to wildlife habitats. New motorized trails are inappropriate in deer winter range and previous trail closures have not been adequate in closing OHV trails during the winter months. ANN is aware of numerous circumstances in which the agency has received complaints of inappropriate and illegal OHV use during the winter closures on the Mule Mountain and Mule Creek Trail system and near Baldy Peak. We have documented this motor vehicle trespass with photographs and sent it to Forest Service officials on many occasions. Yet, the agency completely ignored these reports in the EA and Draft Decision Notice.

The agency currently has an unacceptable concentration of OHV trails within the best deer winter range in the Upper Applegate Valley. The EA failed to quantify the miles of motorized trail currently available within the Big Game Winter Range in the Upper Applegate Valley and analyze the impact of designating more miles of OHV trails within this restrictive land management designation. In response to this comment the agency states, “the Standards and Guidelines do address the reduction of open road density. The Standards and Guidelines do not specify an unacceptable trail density.” (USDA. 2019. P. B-9) This interpretation is clearly in conflict with the intent of these Standards and Guidelines to limit disturbance associated with motor vehicle use. It is also inconsistent with historic management activities and closures in the Mule Mountain area and within the planning area. To claim that the Standards and Guidelines do not encourage a reduction in winter range habitat accessible by motor vehicles is inaccurate and to imply that motorized trails would be exempt from these Standards and Guidelines is both disingenuous and contrary to the intent of Big Game Winter Range designation.

Northern Spotted Owl Habitat

The Hanley Gulch Motorized Trail “would pass largely through NRF habitat...and also passes through a spotted owl nest patch and 100 acre core area” (USDA & DOI. 2018 p. 108). The location of the nest core would “restrict all motorized traffic along this route from March 1 to June 30” (USDA & DOI. 2018. EA P. 108). The closure would be put in place to reduce impacts associated with noise disturbance and impacts to reproduction associated with stress from

motorized use. The Draft Decision Notice affirms that closures would be implemented to protect NSO breeding habitat and minimize impacts.

Again, the agency provides no monitoring or enforcement plan and has shown no historic ability to curtail illegal use during this critical nesting period. Yet they assume that seasonal closures would be adequately enforced and generally effective. Given the current state of NSO populations, any impact to breeding owls are significant and far outweigh any recreational benefits.

The Cumulative Effect of Seasonal Use Closures

The cumulative effect of seasonal use closures would limit motorized use on the Hanley Gulch Trail to a very limited time period during the dry summer months when fire hazards are highest and motorized trail users will increase fire risks to nearby communities. Such an increase in fire risks during the critical summer months is inconsistent with the Purpose and Need of reducing fire risks to nearby communities.

To reduce sedimentation, the EA identifies unspecified “seasonal use restrictions for operation during the dry season only.” This means motorized use will increase the risk of ignition by allowing hot mufflers and motorbike access to dry summer fuels. To do so is totally inconsistent with the Purpose and Need to reduce fire hazards to the adjacent communities. Local landowners do not appreciate the additional fire risk and will hold the agency liable if authorized motorbike use starts a fire and leads to the loss of homes, life, or property. It is inappropriate, unsafe and inconsistent with project objectives to allow motorized trail use during the fire season.

Under the proposed seasonal closures all motorized use on the Hanley Gulch Trail will be restricted during the period between November 1 and June 30 for NSO nesting and Big Game Winter Range. This leaves only the driest months of fire season available for legal motorized use, including, July, August, September and October. It is also reasonable to assume and in fact, imperative that seasonal fire restrictions on motorized trail use be put in place during the months of July, August and September to mitigate fire risks to residents in the Upper Applegate Valley. To do otherwise will add additional fire risks in the Upper Applegate Valley and fails to meet project objectives.

Many Upper Applegate residents demand that new motorized trails are not actively being driven in the dry summer months, when wildfire ignitions could occur. This leaves one month per year (October) available for motorized use on the Hanley Gulch Trail. The designation of a motorized trail for one month of use is inappropriate, inconsistent with the Purpose and Need, a waste of tax dollars to develop (especially if six expensive trail bridges are required). It will also encourage illegal use during restricted periods.

If motorized use is allowed during the dry summer months it must be analyzed as an action that will significantly increase the risk of ignition in the Upper Applegate Valley. Current analysis in the EA and Draft Decision Notice fail to address the increased potential for accidental wildfire ignition associated with new OHV trails. If the agency is responsible and closes the trail during the dry season then the seasonal use restrictions make the designation as a motorized trail impractical and unrealistic.

The Cumulative Impact of Off-Road Use on Hanley Gulch

The environmental effects associated with off-road vehicle use on Hanley Gulch Road will lead to unacceptable impacts to NSO habitat, Big Game Winter Range, water quality, threatened coho salmon and aquatic health. The proposal to designate the trail for the month of October each year does not justify the impacts or public expenditures into trail development, bridge infrastructure and maintenance on expensive bridge infrastructure. It is also irresponsible to allow motorized use in the dry summer months, when fire risks are extreme. Likewise, the mitigation efforts associated with bridge construction will only be realized if trail user actually use the bridges and if the bridges are adequately maintained. Long term maintenance of trail bridges is unsustainable and will be extremely expensive when compared to other trails in the area. The proposed development of six trail bridges is unsustainable in regard to long term maintenance costs. The Hanley Gulch Motorized Trail is inconsistent with the Purpose and Need, impacts rather than restores important habitats and provides no benefit to the local community.

Objection Resolution Point #10:

The Hanley Gulch Motorized Trail should be withdrawn from the UAW Project rather than deferred. The restorative benefits of decommissioning Hanley Gulch Road should not be undermined and no changed circumstances have been documented to justify overruling the previous NEPA decision in the McKee Legacy Roads Project. At the same time, numerous valid reasons have been provided to justify continued closure of this road.

Objection Point #11: The Draft Decision Notice claims that new motorized trails “would contribute benefits from nature such as environmental education opportunities, aesthetic or spiritual values and recreation opportunities,” (Decision Notice P. B-1) yet completely fails to identify how these values will be benefitted.

The Forest Service analysis is faulty, inaccurate and overstates the supposed “benefits” of motorized trail use. The agency has failed to identify how educational opportunities and aesthetic or spiritual values will benefit from new motorized trail development. The Draft Decision Notice does not identify any environmental education opportunity ever implemented on the Rogue River/Siskiyou National Forest associated with motorized trails. Likewise, the agency fails to identify how aesthetic and spiritual values will benefit from new motorized trail development. In fact, aesthetic and scenic qualities will be impacted by creating additional noise disturbance, through the loss of solitude and through localized impacts to vegetation and soils, degrading intact habitats, and disrupting wildlife. No specific benefit to spiritual values was documented by the agency to back up these claims. The agency cannot simply make unsubstantiated claims and state them as fact in the Draft Decision Notice or EA. No applicable examples or information was provided during the NEPA analysis. These claims simply do not constitute site specific or scientific analysis and do not meet the standards required for taking a “hard look” at resource values and impacts during the NEPA analysis. In this specific circumstance NEPA analysis is faulty, inadequate and misleading.

Objection Resolution Point #11:

The claims made in the EA and in the Draft Decision Notice that motorized trail use will provide environmental education opportunities and benefit aesthetic and spiritual values are inaccurate and unsubstantiated. Such claims have no place in an EA or Decision Notice, which are intended to be science, fact and evidence based. No facts or evidence support these supposed claims of benefit.

Either all motorized trails should be withdrawn from the Final Decision Notice or new NEPA analysis should be required with a realistic analysis of potential impacts and benefits including environmental education, aesthetic values and spiritual values. The current NEPA analysis is inadequate, overstates any potential benefits of motorized trail use and demonstrates considerable institutional bias.

Objection Point #12: The agency claims that new motorized trail designations will “help reduce further development of user-created trails by providing designated trails for motorized recreation” (Page B-2).

Although the agency claims that new motorized trails will help reduce the unauthorized development of user created trails, they provide no information or evidence to support this claim. Such assumptions have no place in a fact and evidence base NEPA process.

Furthermore, the actual results of designating a system of motorized trails in the RR-SNF MVUM contradicts this claim. The agency has provided no evidence to demonstrate an decrease in user-created motorized trail development. Monitoring efforts by ANN and KFA have documented an increase in unauthorized motor vehicle use and cross-country travel since approval of the MVUM. For instance, unauthorized motorized use is rampant in Botanical Areas throughout the Siskiyou Crest region and has not decreased since approval of the MVUM. For information on continued off-road vehicle trespass and illegal motorized use view this link: <https://www.dropbox.com/s/mz9vhsn4g1y2ouk/2016%20siskiyou%20crest%20report.pdf?dl=0>

There has been absolutely no decrease in unauthorized use following the approval of the RR-SNF MVUM. The agency cannot simply make unsubstantiated claims and state them as fact in the Draft Decision Notice or EA. No examples and no monitoring data were provided during the NEPA analysis to support the claim that new motorized trails will limit unauthorized use.

In reality, the new motorized trails will only create additional opportunities for unauthorized, user-created trail development. The claims in the Draft Decision Notice simply do not constitute site specific or scientific analysis and do not meet the standards required for taking a “hard look” at resource values and impacts during NEPA analysis. In this specific circumstance NEPA analysis is faulty, inadequate and misleading.

Objection Resolution Point #12:

Current NEPA analysis is faulty and misleading. No evidence has been provided to back up statements made about motorized trail designations and user-created trail development. In fact, the approval of the MVUM and the continuation of illegal motorized use contradict the statement that designating new motorized trails will reduce user-created trail development. Either all

motorized trails should be canceled in the Final Decision Notice or supplemental NEPA analysis is required to address the issue of user-created trails and their relationship to designated motor vehicle trails.

Objection Point #13: The agency has failed to complete a road inventory as required in Travel Management Planning Subpart A

Subpart A of the Travel Management Plan directed the Forest Service to conduct minimum road analysis across entire National Forests. This requires the agency to identify roads that are either no longer needed, create adverse environmental effects and/or cannot be adequately maintained. The concept was to designate a viable road system that provides access, while reducing road related impacts and address the nation-wide maintenance backlog. The agency has failed to implement this important analysis. Although in Response to Comments, the agency claims to have conducted a roads analysis, this supposed process did not result in a Decision Notice and did not undergo public comment and other NEPA process. Lacking transparency and never officially released for public review, this analysis does not meet the requirements of the Travel Management Plan Subpart A.

Objection Resolution Point #13:

The Forest Service should defer the designation of new non-system roads until a public and transparent NEPA process is conducted to implement Subpart A of the Travel Management Plan.

Objection Point #14: The agency provided absolutely no analysis, disclosure or information on the size, location or environmental effects of trailhead development. Neither the EA or Draft Decision Notice provide any spatially explicit information regarding their size or location. Depending on the size and location of the trailheads, they may have the potential to create significant environmental and social effects that were not considered in the Draft Decision Notice.

As stated above, absolutely no specific information or mention of trailhead development is analyzed, disclosed or considered in the Draft Decision Notice or the EA in regard to new motorized trails. Certainly, trailheads will be needed to facilitate motorized trail use, for trailers, and for loading motorcycles from vehicle or trailers. The agency provided no spatially explicit information in the EA or Draft Decision Notice regarding the location, size or environmental effects of trailheads and trailhead development. Given the type of use and the equipment required to facilitate motorized trail use, the trailheads would need to be relatively large and would need to be located at either end of the trail.

Based on the location of the motorized trails, the environmental effects could include impacts to riparian areas (including fish-bearing streams listed for sediment), noxious weed spread, wildlife impacts, impacts to NSO habitat and many others. None of these environmental effects were disclosed, analyzed or considered in the Draft Decision Notice or EA, constituting inadequate NEPA analysis.

These trailheads if located near communities would create potentially significant impacts associated with noise disturbance from loading, unloading and running off-road vehicles adjacent to the private residential lands on Beaver Creek Road. Fire risks and specifically ignition risks will increase in the WUI as motorized use becomes more widespread. None of these potential impacts were disclosed, considered or analyzed in the NEPA process.

The failure to analyze for trailhead development and the associated impacts is a violation of NEPA.

Objection Resolution Point #14:

Either withdraw all motorized trails from the UAW Project or create a new NEPA document or supplemental analysis that discloses the size, location and resource values affected by trailhead development.

Objection Point #15: The Draft Decision Notice does not implement motor vehicle closures between November 1 and April 30 as required in the LRMP Standards and Guidelines to “prevent biological stress” in Big Game Winter Range (MA-14).

The LRMP requires closure of motorized trails and routes in Big Game Winter Range during the winter months from November 1 to April 30 to protect habitat values. The LRMP directs the agency to “Control motor vehicle access in big game winter range as needed to prevent biological stress.”

Although in the Draft Decision Record the agency highlights “as needed,” it does not identify why such closures are no longer needed and previous precedents should be ignored. Historically seasonal motorized trail closures have been implemented in the Upper Applegate in Big Game Winter Range designations.

The LRMP directs the agency to “control vehicle access” and manage open road density in big game winter range by implementing closures and reducing miles of open road. Without supporting evidence, the agency is claiming that “standards and guidelines do not specific an unacceptable trail standard” (USDA. 2019. P. B-9).

Clearly the intent of the Standard and Guidelines are to “control vehicle access” and minimize routes available to motor vehicles during critical winter periods. Closing motorized trails in Big Game Winter Range during the winter months is a common Forest Service practice. It has been implemented previously in winter range habitats in the Applegate Valley and on the Prospect OHV trail system. It is also consistent with both the intent and objectives of Big Game Winter Range designation. No information, science or change circumstances have been provided in the NEPA analysis demonstrating why motorized trails would now be exempt from winter range restrictions. Allowing winter use of motorized trails in Big Game Winter Range both arbitrary and capricious.

Objection Resolution Point #15:

Cancel the proposed Hanley Gulch Motorized Trail and Cinnabar Trail, both of which are located in winter range habitat and implement season motor vehicle closures on all motorized trails in the Upper Applegate Watershed and within Big Game Winter Range from November 1 to April 30.

Objection Point #16: Scientific citation provided during the NEPA process and in substantive comments were ignored and inappropriately dismissed or excluded from analysis. The refusal to analyze appropriate science was arbitrary and capricious. The failure to consider appropriate science demonstrates biased NEPA analysis, a refusal to use the best available scientific information, and constitutes a failure to adequately analyze.

The refusal to analyze appropriate citations provided during substantive comment regarding the impacts of motorized use was arbitrary and capricious. The agency provided no citations or scientific justification for this failure to analyze except stating that *“the research noted by the commenter and citation from the Travel Management Final Rule has a broader application than just single-track motorcycle OHV trails as it incorporates information from jeep roads and ATV routes”* (Page B-10). Yet, the impacts of motorized use are similar across motor vehicle classes and the agency provided absolutely no information to support their claim that single-track motorized use and its impact is substantially different.

Single-track motorized use clearly has a tendency to create significant surface erosion, vegetation damage, and rill and gully erosion is often pronounced due to trail rutting associated with the narrow, single track motorcycle tires. These erosion and soil displacement effects can lead to increased sedimentation in nearby streams and has been acknowledge to do so in the Applegate Valley on BLM lands adjacent to the planning area (USDI. 2009.). Monitoring efforts by KFA and ANN have also demonstrated significant impacts associated with single track motorized use throughout the Applegate River Watershed.

Yet, again without any supporting evidence the agency claims that *“single-track motorcycle trails have a lighter touch on the landscape”* than other OHV use. It is also stated without evidence that *“trash and firearm use”* is unlikely to become a problem in areas utilized by motorcycle riders. Our monitoring reports demonstrate otherwise (USDA. 2019. P. B-10).

Science submitted during the comment period demonstrating the spread of noxious weeds and its association with off-road vehicle travel was not address or analyzed in NEPA analysis. Yet, the agency had provided not credible information demonstrating how or why some off-road vehicles spread noxious weed seeds and motorcycles would not. In this regard, motorcycles are not “lighter touch” as claimed in the Draft Decision Notice and the science provided would certainly apply to motorcycle trail use, especially when trails are intended to connect together and cross large portions of the landscape. The refusal to analyze this effect demonstrates biased, incomplete analysis and a failure to consider applicable science.

The following citations were provided during the comment period and should have be considered with detailed analysis: Rooney. 2003., Lonsdale. 1994., Clifford. 1958., Hobbs and Huenneke. 2001., Mack. 1989., Lacey. 2002., and Tuttle. 1987.

The agency has been arbitrary and capricious in rejecting valid science, while providing no science or local monitoring information to support its own claims. The best available science is being ignored and NEPA analysis of motorized trail impacts has been completely inadequate.

Objection Resolution Point #16:

NEPA analysis is faulty, inadequate and failed to utilize the best available science. A new NEPA analysis should be implemented either acknowledging the science provided or providing specific citations to demonstrate otherwise. Applicable scientific citations were provided and disregarded by the agency without adequate justification or reasoning.

Objection Point #17: Analysis of fuel loading and the creation of openings between ½ and ¾ acre using group selection was arbitrary and capricious.

Comments received during the comment period were specifically concerned about fuel loading in relation to opening size. This issue was not adequately analyzed in the EA or Draft Decision Notice. In Response to Comments the agency failed to address this key concern, saying only that they would maximize the retention of “legacy trees” (USDA. 2019. B-14).

While we support the retention of legacy trees it is very different than maintaining levels of overstory canopy that will reduce or suppress understory fuel loading. Openings created in previous timber sales in the Applegate Watershed have generally fill back in with brush, dense stands of hardwoods and regenerating conifers that create a significant fuel ladder and fuel load.

The issue of fuel loading and its association with canopy removal is widely acknowledged in our region. Agency analysis failed to consider the increased fuel loading associated with the creation of canopy gaps between ½ and ¾ acre. Treatments that increase fuel loading are inconsistent with project objectives, the Purpose and Need and will compromise community fire safety. These effects were not analyzed or disclosed in the EA or Draft Decision Record and the retention of legacy trees only partially addresses concerns about future fuel loading and their relationship to canopy removal.

Objection Resolution Point #17:

Canopy gaps should be reduced to ¼ acre to reduce understory shrub response, fuel loading and future maintenance needs. If canopy gaps are not reduced a supplemental fuel analysis is needed to consider the effects on fuel loading and fuel maintenance in canopy gaps. Legacy tree retention is desirable, but does not address the concerns associated with understory shrub response and the long term maintenance needs required when creating larger canopy gaps.

Conclusion:

We ask that the agency consider our objection resolution points and amend the project in the Final Decision Notice to address these relevant concerns. We look forward to our objection meeting and encourage the agency to make this project more socially acceptable, environmentally appropriate and consistent with agency management plans and NEPA protocol.

Thank you for your time,

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Citations:

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