

WALLY HERGER

2ND DISTRICT, CALIFORNIA

PLEASE REPLY TO:

- WASHINGTON OFFICE:
242 CANNON HOUSE OFFICE BUILDING
(202) 225-3076

DISTRICT OFFICES:

- 2635 FOREST AVENUE, SUITE 100
CHICO, CA 95928
(530) 893-8363
- 410 HEMSTED DRIVE, SUITE 115
REDDING, CA 96002
(530) 223-5898

www.house.gov/herger



COMMITTEE ON
WAYS AND MEANS

SUBCOMMITTEES:

RANKING MEMBER
HEALTH
TRADE

Congress of the United States
House of Representatives
Washington, DC 20515-0502

October 6, 2009

Sharon J. Heywood
Forest Supervisor
Shasta-Trinity National Forest
3644 Avtech Parkway
Redding, CA 96002

Dear Supervisor Heywood,

A handwritten signature in blue ink that reads "Sharon" followed by a horizontal line.

I am writing with respect to strong concerns that have been raised by a number of my constituents regarding the Motorized Travel Management Draft Environmental Impact Statement (DEIS) for the Shasta-Trinity National Forest. As national forests throughout California have developed their travel management plans under the direction of the 2005 Travel Management Rule, those in the off-highway vehicle (OHV) community and other motorized recreationists have attempted to work with the Forest Service to identify routes for designation and ensure continued OHV access. However, it has come to my attention that those efforts may have been for naught as several national forests, particularly the Shasta-Trinity, have proposed to greatly restrict OHV travel on public lands.

We all share a desire to protect our public lands for the enjoyment of all users while ensuring their safety as they do so, and I believe that the travel management process is a well-intentioned directive to achieve those goals. Unfortunately, we have all too often witnessed the impacts of well-intentioned policy serving as a conduit for restricting multiple-use access to our public lands, and I feel that the concerns with the travel management process being used as such are certainly valid. In comments submitted on the DEIS, several groups, individuals, and local government have expressed the need for an additional alternative that provides proper balance between OHV access, public safety, and environmental stewardship. Reducing OHV access by more than 90%, as currently proposed under each action alternative listed in the DEIS, simply does not represent that balance. I strongly support my constituents' request and would encourage the Forest Service to work with OHV users and other stakeholders in its development.

Furthermore, as communicated to me in a letter dated June 16th from James Bedwell, Director of Recreation, Heritage, and Volunteer Resources (attached), the Forest Service at the regional level has provided direction to restrict OHV use to less than three miles on maintenance level (ML) 3-5 roads by designating these roads as "highways," even though the California Highway Patrol has repeatedly instructed the Forest Service that it does not consider ML-3 roads to be "highways" for the purposes of compliance under the California Vehicle Code. Notwithstanding the debate concerning the designation of national forests roads as "highways" (which I acknowledge is the guidance provided by the regional

office and therefore not subject to deviation at the forest level), Mr. Bedwell's June 16th letter also informed me that the individual forest retains the discretion to reclassify these roads as ML-2, for which OHV use is allowed.

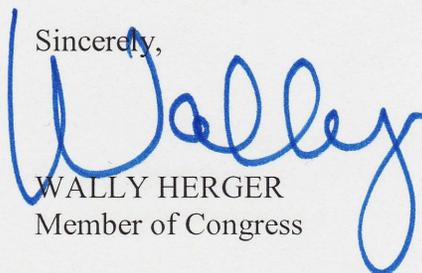
It would certainly seem that absent heavy passenger car traffic or other justification, reclassifying such roads to provide for greater linkage between OHV routes and increased accessibility would be in the best interests of all, while also reducing the Forest Service's maintenance and budgetary obligations. Indeed, as stated on page 486 of the DEIS, annual maintenance costs for ML 3-5 roads are 20-28 times greater than for ML-2 roads. Further, based upon the definition for ML-2 roads provided on page 537 of the DEIS ("*Assigned to roads open for use by high-clearance vehicles. Traffic is normally minor, usually consisting of one or a combination of administrative, permitted, dispersed recreation, or other specialized uses. (Log haul may occur at this level).*"), it appears as if reclassification would allow for continued access for fire suppression and other management objectives.

Finally, as acknowledged in the DEIS, the proposed exclusion of cross-country travel presents a significant barrier to several other recreationists who rely on OHV travel for such purposes as big game retrieval, fishing access, and dispersed camping. Again, Mr. Bedwell's letter advised that cross-country travel for these purposes within a specified distance of forest roads and trails is at the discretion of the responsible official. I believe that such accommodation is reasonable given the targeted nature of such uses, and I would strongly support the consideration of exemptions for seasonal cross-country travel in order to address the aforementioned needs.

As you are well aware, the Shasta-Trinity National Forest hosts thousands of OHV users of all ages each year, which in addition to meeting the multiple-use directive of our national forest lands, contributes significantly to our state and local economies. Moreover, OHV users throughout California and the country have demonstrated their value as partners in land stewardship and education regarding the sustainable use of our public lands. In short, I believe that restricting OHV use as currently proposed by the DEIS for the Shasta-Trinity National Forest undermines the willingness and efforts of OHV users to participate in the travel management process as well as the multiple-use philosophy the Forest Service is obliged to uphold.

It is my hope that the Forest Service will work with affected users in order to address these concerns and develop a more balanced model for OHV use on the Shasta-Trinity. Thank you in advance for your attention and assistance on this issue.

Sincerely,



WALLY HERGER
Member of Congress

Cc: Angela Coleman, Deputy Regional Forester, Pacific Southwest Region
Marlene Finley, Director of Recreation, Lands, Wilderness, and Heritage Resources, Pacific Southwest Region