

Congress of the United States

Washington, DC 20515

April 16, 2010

The Honorable Harris Sherman
Under Secretary for Natural Resources and Environment
US Department of Agriculture
1400 Independence Ave., SW
Washington, DC 20250

Dear Under Secretary Sherman:

We write to share a number of comments and concerns that have been communicated to us regarding the 2005 Travel Management Rule implementation by Region 5. As shown by their responses, the overwhelming majority of our constituents, as well as local government, are opposed to the Region's policy that defines its maintenance-level (ML) 3-5 roads as "highways."

The Region's policy dramatically restricts OHV access – by more than 90% as currently proposed by a number of national forests within our districts – despite significant opposition and documentation justifying mixed-use on ML-3 roads. Because the Region's position unjustly and impractically prohibits motorized access to our national forests, we continue to strongly support our constituents' request for continued OHV access. OHV use is a popular recreational activity in Northern California and a much-needed economic driver for our area. While the Region continues to defend this policy by invoking the California Vehicle Code (CVC), the California Highway Patrol has repeatedly clarified that ML-3 roads need not be designated as highways in order to comply with the CVC. Indeed, the unpaved roads on many of these forests are mixed with similar roads under the jurisdiction of county government that do allow for OHV travel, yet are in compliance with state law.

For these reasons, we believe that the Region's policy on this issue only serves to greatly expand the continuing trend of diminishing access and multiple-use of our federal lands, and is simply unacceptable. In addition to including these comments as part of the public record, we request that you reverse the Region 5 ML-3 road's designation as "highways" or use any other means within your authority to address these concerns.

We share the desire to protect our public lands for the enjoyment of the public, while ensuring safety. However, these well-intentioned goals need not be mutually exclusive and we hope that the Forest Service will work with the OHV community and other stakeholders to implement a balanced mixed-use policy. Thank you for your attention to this issue.

Sincerely,


WALLY HERGER
Member of Congress


TOM McCLINTOCK
Member of Congress