

Appendix Z

Consideration of Comments on the Proposed Action Pursuant to 36 CFR 215.6(b)

Project Name: Hull Mtn to Bald Mtn OHV Hunting Connectivity

Publication Date of Notice of Opportunity to Comment: 26 June 2008

Ending Date of Comment Period: 28 July 2008

Table 1 - Summary of Commenter Statistics	
Number of Individuals	2
Number of Organizations	1
Number of Government Entities	0
Total Number of Commenters	3

Table 2 - Commenters			
Name	Representing	Non-Substantive Comment Numbers¹	Substantive Comment Numbers²
Baker, Kimberly	Environmental Protection Information Center (EPIC)	6	2-5, 7
Beck, Damon	Self		1
McRoberts, Mike	Self		1

Comment Analysis

The comments received during the comment period were assessed to determine which were substantive and which were not. Comments must be substantive to be considered by the Responsible Official [36 CFR 215.6(b)].

¹ Comment numbers correspond to those in Table 4.

² Comment numbers correspond to those in Table 5.

The responses in Table 3 below are either a) only expressions of interest that do not make a comment, or b) comments that do not meet one or more of the criteria for substantive comments as defined in 36 CFR 215.2:

- The comment is within the scope of the proposed action.
- The comment is specific to the proposed action.
- The comment has a direct relationship to the proposed action.
- The comment includes supporting reasons for the Responsible Official to consider.

Table 3 – Non-Substantive Comments & Expressions of Interest	
#	Comment Determination and reasons
6	<p>EPIC members and thousands of California residents were supportive to see the Yuki Wilderness area designated for protection. Wilderness provides refuge and revitalization for people of all sorts.</p> <p>The comment regards the public support for the designation of Yuki Wilderness and the benefits of wilderness in general. Both are outside the scope of the proposed action.</p>

The comments listed in Table 4 below satisfy the definition of a substantive comment. For each comment an explanation is given of how the comment was considered.

Table 4 - Substantive Comments	
#	Comment How the comment was considered.
1	<p>yes please,make this mixed use,& i would like to see even more mixed use.especially if they connect ohv trails and or mixed use roads the more miles i can ride better.i am also an avid huter & like to use an atv & many friends of mine are using utv's.that makes mixed use roads even more desirable.</p> <p>This comment expresses support for the proposed action. The commenter’s supporting reasons are a re-statement of part of the purpose and need [EA pg 3], which we considered in developing the proposed action.</p>
2	<p>We deeply encourage the District to choose Alternative 3. Alternative 3 is a viable option that could provide for all users.</p> <p>a) This Alternative would discourage OHV abuse inside Yuki Wilderness boundaries.</p> <p>The EA [pp21-27] explains 1) why we think there would be no difference between Alternative 3 and Alternative 2 (No Action),</p>

	<p>regarding illegal OHV use within Yuki (that is, existing illegal use would continue); and 2) why the mixed-use status of M1 would have an inconsequential effect on such use as compared to other factors.</p> <p>b) Scarifying and water barring Route M1 would unfairly alter this route in favor of OHV users over equestrians and those pulling trailers.</p> <p>M1 is already mostly rough [EA pg 9], so the proposed action would not result in much change for people hauling trailers to the area. However, many of those same trailer haulers also use M61 to get to the area, and other people use M61 to traverse the Forest. Alternative 3 would inconvenience these people more than the proposed action would [EA pp15-17].</p>
3	<p>The EA does not analyze increased road usage by OHV's and the impact of sedimentation on creeks, streams and springs. The EA claims that usage on these routes would be no different than it is now, however scarifying and water barring along with possible increased use would effect riparian areas.</p> <p>The draft EA acknowledged increased use [p 15], but did not discuss this in detail with respect to sedimentation. This was because it was not identified as an issue by either the public (including EPIC's representative) or the Forest Service during scoping. However, our hydrology analysis indicates that sedimentation would actually decrease over time under either of the action alternatives. This conclusion and its supporting reasons were not disclosed explicitly in the draft EA – they were incorporated indirectly, by reference to Appendix L in relation to compliance with the Clean Water Act [draft EA p 26]. We have added these details to our discussion of that subject in the final EA [p 26-27].</p>
4	<p>The Draft EA does not reflect or discuss the impact of noise pollution on Wilderness users or wildlife.</p> <p>A short discussion regarding noise effects on wilderness users was added to the final EA in Chapter 3 under the heading Unique Characteristics of the Geographic Area, [EA pp 24, 25].</p> <p>Regarding noise effects on wildlife, the draft EA disclosed that the biological effects of the use by non-highway-legal vehicles are indistinguishable from those of the existing use by highway-legal vehicles. This includes noise.</p>
5	<p>It is not adequate to compare relationships between user created routes and NFS route restrictions, because at this time those areas that are restricted are not clearly delineated, making this assessment mute. However if the M1 Route and all user created routes associated with this road were clearly marked and/or blocked from OHV traffic and enforced, the</p>

	<p>probability of abuse would be lessened.</p> <p>The comment seems to miss the main point of the comparison: that <i>administrative</i> restrictions alone do not prevent rogue OHV use – whether it is occurring on NFS routes or cross country. As disclosed in the draft EA [p 23], we agree with EPIC that enforcement and education (i.e. better delineation) are among the factors affecting levels of rogue use that are more influential than a change in administrative restrictions. The disclosure of effects regarding this subject will not change in the final EA</p>
7	<p>While the forest is handed a difficult task of providing multiple use options, we ask that district not chose OHV recreation over all else.</p> <p>The comment regards the balancing of competing/conflicting public interests in coming to a decision. I discuss my consideration of this subject in the Decision Notice [DN/FONSI p 2].</p>

Administrative Review Opportunities

I have determined that at least one non-federal individual or group commented or expressed an interest in this proposal during the comment period. Therefore my decision on this proposed action will be subject to appeal [in accordance with the 24 April 2006 order of the United States District Court in Montana in the case of Wilderness Society vs Rey].

The following individuals or organizations expressed interest during the comment period, and therefore have standing to appeal my decision [36 CFR 215.11(a) - 1993 version]:

- EPIC
- Damon Beck
- Mike McRoberts

s/Lee Johnson

9/30/08

LEE JOHNSON
District Ranger

Date