March 22, 2013

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Subject: Lower Kern Canyon and Greenhorn Mountains Off-Highway Vehicle (OHV) Restoration Project EA Comments for Sequoia ForestKeeper & Kern-Kaweah Chapter of the Sierra Club

Ms. Shibley,

Thank you for the opportunity to comment on the proposed Lower Kern Canyon and Greenhorn Mountains Off-Highway Vehicle (OHV) Restoration Project EA. Sequoia ForestKeeper (SFK) and the Kern-Kaweah Chapter of the Sierra Club (SC) are generally supportive of efforts to close or restore areas damaged by OHVs to avert erosion, to deter illegal uses, to protect natural resources, and to reduce user conflict with non-motorized uses.

Purpose and Scope of the Project

The Lower Kern Canyon and Greenhorn Mountains Off-Highway Vehicle (OHV) Restoration Project would implement the closure and restoration of non-system routes within four recreation sites, relocate and restore campsites located within a recreation site (Evans Flat), and reroute portions of two OHV trails; one mile of the Woodward Peak Trail (Trail #32E53) and two miles of the Kern Canyon Trail (Trail #31E75). Three of the four recreation sites (Black Gulch North, Black Gulch South and China Garden) and one of the OHV trails (Kern Canyon Trail #31E75) are located in the Lower Kern Canyon. The fourth recreation site and the second OHV trail (Woodward Peak Trail #32E53) are located within the Greenhorn Mountains near Evans Flat Campground.

This project will (1) address the need to manage developed recreation sites and the road system to assure resource protection; (2) provide safe access and accommodate management needs; (3) establish partnerships where trail groups help manage, protect, and patrol those areas where they can be an influence; (4) allow changes to the existing trail system to eliminate resource and/or facility damage; (5) prevent user conflicts; (6) place and/or construct some hard barricades, such as boulders and/or fences to limit vehicular access to closed routes; and (7) improve signage within these recreation sites.

SFK and SC submitted four separate comment letters during scoping, which highlighted support for the project: “In general we approve of projects that would decommission damaged trails and roads and restore the habitat to its original contours. We especially support the third phase of the
projects, which would include monitoring and enforcement. We support all those aspects of the proposal. We commend you for proposing these types of projects.” SFK & SC Nov. 13, 2011 Scoping Letter.

Moreover, SFK & SC expressed concerns about the location of the trail rerouting, the width of the proposed re-routed trail, use of bladed trail dozers and other equipment to carve into the slope to create the re-routed trail, routing the trail through drainage areas and making multiple stream crossings, sedimentation into the Kern River, the potential for removing trees and other vegetation in the trail’s path, the potential to use an alternative existing 4WD road/trail for the re-routed trail, the potential effects on Pacific fishers and their habitat in the Evans Flat area, and the potential to adversely affect various species, including sensitive species such as the California spotted owl and Northern goshawk. See SFK & SC Nov. 14 & Nov. 17, 2011 Scoping Letters.

Finally, SFK & SC expressed concerns about conflicts and other adverse effects, such as noise and safety, to users of these trails who want a quiet forest experience in areas that are easily accessible and that improved signage will not solve safety and user conflict problems. See SFK & SC Nov. 18, 2011 Scoping Letter.

Comments

SFK & SC support the restoration aspects of this project except the proposals to build reroutes for the Kern Canyon and Woodward Peak Trails. They urge the Forest Service to drop those aspects of the proposal but proceed with the remaining aspects. Moreover, they also urge the Forest Service to improve signage and take a closer look at user conflicts on these multiuse trails.

1. The Trail Re-Routing Decisions are Premature

The re-routing of the existing Kern Canyon and Woodward Peak Trails should be removed from this decision because they are not authorized and will do more harm than good.

First, the Sequoia National Forest Travel Route Management Plan (2010) is incomplete because the 36 C.F.R. § 212, Subpart A has not yet begun, which is required for the Forest Service to determine whether or not these trails should continue to be used for OHV use. Therefore, the Forest Service should delay the decision of any new ground-disturbing activities in the form of rerouting the Kern Canyon Trail (31E75) and the Woodward Peak Trail (32E53) until the Subpart A analysis has been completed, especially where the activities would cut a new route into undisturbed areas (more on this below).

Moreover, the Sequoia National Forest Travel Route Management Plan (2010) only authorizes the route system in locations of the Kern Canyon Trail and Woodward Peak Trail where they currently exist, and does not provide authorizations for new routes in different locations without an amendment of that plan.

2. Inadequate and Inaccurate Mapping in the Black Gulch North Area
It is unclear what is being proposed with respect to the Kern Canyon Trail rerouting proposal. From the map of the Kern Canyon Trail reroute on p. 27 of the PEA, it appears that the Forest Service does not plan to close and restore the old section of the Kern Canyon Trail and that the Forest Service will continue to have two parallel trails open. This impression may be cause by the inadequacy of the map, which is nearly impossible to read and therefore incomprehensible. For example, the present Kern Canyon Trail is not highlighted yellow, which leads the reader to assume that both the original and rerouted sections will be available to users. If, however, the map is correct, the action proposed would not be authorized by the Travel Management Plan because it creates a new trail in addition to the existing trail.

SFK & SC urge the Forest Service to provide the public with an adequate and accurate map and explain whether or not the existing trail will remain open.

3. Inadequacy of Explanation for why the Kern Canyon Trail should be relocated

The PEA never provides an explanation for why rerouting the Kern Canyon Trail is necessary.

At least for the Woodward Peak reroute, there is a cursory explanation: “The trail reroute at Evans Flat Campground would remove the stream crossing out of the meadow and the new crossing would install an arch culvert which would allow for aquatic organism passage.” PEA, p. 41. No similar explanation, however, is evident anywhere in the PEA for the Kern Canyon Trail.

Before new ground is broken for a trail reroute, which would permanently scar the contour, result in new potential for erosion, and potentially adversely affect rare plants,¹ the Forest Service must provide an adequate explanation for why it is preferable to cut the new trail over improving the trail at its existing location. Without this explanation, the rerouting decision is arbitrary.²

4. Concerns Over Erosion and Sedimentation from Trail Re-Routing

With respect to rerouting both trails, SFK & SC have concerns over increased erosion and sedimentation from breaking new ground. SFK & SC have experienced and documented the rerouting of the Freeman Creek trail using bulldozers with five-foot wide blades when told the project would be a simple trail maintenance project. They are concerned that such equipment would be used again to create a trail up to six feet wide with up to four-foot high contour cuts into the hillsides so OHVs can ride on a relatively flat trail. Bulldozing the trail will forever alter sediment flows and change the hydrologic function of the soil in the area of the trail. Many trees, especially oaks, were cut by the crew that cut the trail through the Freeman Creek grove. Here, however, there is no disclosure of whether the rerouting proposals for the Kern Canyon

¹ The PEA at p. 55 states: “Surveys along proposed relocation routes for the Kern Canyon OHV Trail in Black Gulch North detected a beaver tail cactus along several segments. Further examination shows that the cactus within the project area is the more common O. b. basilaris, not O. b. treleasei.”
² In viewing the Black Gulch North area in Google Maps (click LINK or see Exhibit A), it is unclear how cutting a rerouted new trail will result in less damage than leaving the current trail in place).
and Woodward Peak trails entail cutting live trees. This must be disclosed and the effects must be analyzed.

The following photographs show the equipment used and the damage caused in the Freeman Creek Trail Maintenance Project in June and July of 2006. SFK & SC would like the Forest Service to avoid this type of unnecessary damage in this project.

Equipment used to “maintain” the Freeman Creek Trail.

Depth and width of Freeman Creek Trail cut (segments are 1 foot each)
5. Need for Improved Signage

The routes where OHV are permitted must be designated by better signage that indicates that these specific routes are designated for OHVs. Such signage is not currently present, yet motorized users are clearly evident based on the ground disturbance that results when these OHVs widen the trail as they drive off the route. For example, it is clear that there is no signage to designate 32E49 as an OHV designated route, but OHVs definitely use this area. (32E49 is not discussed in this PEA, but it is an example of the routes that are poorly signed and being damaged by OHVs that do not stay on the trails even if they are designated.) See Photographs below.
6. Concerns Over User Conflict Must be Disclosed

While the PEA claims to have addressed the issue of user conflicts, it concludes that user conflicts are outside the scope of this project because the Sequoia Travel Management Plan allows OHV use. The PEA, however, fails to address the Forest’s responsibility to minimize both user conflict and resource damage, both of which OHVs continue to produce.

Forest Service employees have, for years, been receiving comments of concern about the conflicts encountered, apprehensions, philosophical aversions, reduction or loss of the experience sought, and safety considerations expressed by hikers, back packers, and horsemen (non-mechanized users of the trails) when sharing trails with mechanized equipment users of trails. Moreover, organizations and individuals, including SFK & SC, have reported their concerns over the years about the lack of safety and tranquility when high-speed motorized vehicles and bicycles share trails with non-motorized users. The Forest Service has documented many current objections about multiple-use trails in the Sequoia National Forest Trail Plan FEIS, on page 5 paragraph 3, under “Trail Use”, where it states that, “Many people expressed concerns with shared use, especially on trails where motorized users, bicycles, horses, hikers, or skiers are mixed together.” The motorized-users’ intimidation of non-motorized users has, by itself, caused the loss of the experience sought by hikers, back packers and horsemen. Non-motorized trail users have stated that by requiring the coexistence of motorized and non-motorized trail access in the National Forest, the Forest Service is not fulfilling its obligation to manage the National Forest so as to avoid or even minimize user conflict.

The PEA analysis entirely fails to discuss user conflicts from motorized vehicles on non-motorized user on the Kern Canyon or Woodward Peak Trails. Moreover, the PEA analysis also fails to discuss the effects of noise from OHVs on non-motorized users who are seeking a quiet forest experience.

These types of analyses are not outside the scope of this project and must be addressed in the PEA.
For Sequoia ForestKeeper and the Kern-Kaweah Chapter of the Sierra Club,

René Voss – Attorney at Law