

RECREATION OUTDOORS COALITION

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February 1, 2010

USDA Forest Service
ATTN: Data Quality Official
Mail Stop 1143
1400 Independence Ave, SW
Washington, DC 20250-1143

Subject: Data Quality Act Request for Correction

Dear Sir/Madame:

The Recreation Outdoors Coalition (ROC) is requesting a correction of information under the Department of Agriculture's Information Quality Guidelines (also see Exhibit 1). ROC asks you to conduct a second level peer review of the Lassen National Forest's (LNF) engineering reports for proposed motorized mixed use roads.

Description of the Information to Correct:

On December 14, 2009, the Lassen National Forest issued their Final Environmental Impact Statement (FEIS) for a Motor Vehicle Travel Management Plan. The Recreation Outdoors Coalition reviewed the LNF's engineering reports for proposed motorized mixed use (MMU) roads that accompanied the FEIS (Exhibit 2). MMU allows highway legal vehicles and non-highway legal vehicles such as ATVs and dirt bikes to share the same roadway.

We found the LNF's engineering reports for motorized mixed use contradict the conclusions of experienced County Public Works Directors and mixed use decisions on similar unpaved county roads, which connect to the LNF's road system (Exhibit 3). They are also inconsistent with engineering reports from the adjacent Modoc National Forest. The conclusions in LNF's reports are based on volume, vehicle class and average travel speed data that are not statistically valid.

The Lassen NF FEIS did not reference or consider a 2005 Traffic Study on selected maintenance level (ML) 3 and 4 roads that was prepared by a California licensed traffic engineer using State and national traffic surveillance protocols (Exhibit 4). His methodology was peer reviewed by other senior FS staff.¹

¹ Ed Gilliland, principle author of "Guidelines for Engineering Analysis of Motorized Mixed Use on National Forest System Roads," (EM-7700-30, 12/05) and Sue Kocis, National Program Leader for National Visitor Use Monitoring on each national forest.

Many comments in the LNF's analyses are erroneous, contradict data from the 2005 Traffic Study or cannot be substantiated in any meaningful way. The LNF's MMU analysis reflects a well-known bias by the Forest's engineering staff against continuing to allow motorized mixed use on unpaved Forest roads that have had no known MMU crashes or other safety problems.

On November 10, 2009, the Forest Supervisor for the adjacent Modoc National Forest issued his Record of Decision for the Forest Travel Management Plan. Under the Modoc NF Plan, motorized mixed use will continue on most of the Forest's unpaved ML 3 roads, except for a seasonal closure of all motor vehicle travel on selected roads during the winter period. Their motorized mixed use analyses indicated their ML 3 road system has a history of low vehicle use (both highway legal and non-highway legal vehicles) and no mixed use accidents. As a result, the vehicle class was changed on 513 miles of ML 3 roads (89.2 percent of 573 miles) to accept non-highway legal vehicles (Exhibit 5).

Since there are no documented mixed use accidents, low traffic volumes, low OHV use and low travel speeds on LNF roads, the Forest's engineering reports should be comparable to the Modoc NF's reports. **When two adjacent national forests reach significantly different conclusions, a peer review is required. The LNF's engineering reports should also conform with mixed use decisions on unpaved county roads with similar maintenance levels and with the California Vehicle Code.**²

Explanation of Noncompliance with USDA Information Quality Guidelines:

a. Objectivity of Statistical Information

Under the Data Quality Act and USDA supplementary guidelines, "objectivity" focuses on whether the disseminated information is presented in an accurate, clear, complete and unbiased manner. To ensure objectivity,

"USDA agencies and offices will strive to ensure that the information they disseminate is substantively accurate, reliable, and unbiased and presented in an accurate, clear, complete, and unbiased manner."³

The LNF 2009 engineering reports are not a statistically valid survey of traffic volume and class of vehicle on LNF roads. This information forms the basis for Forest Supervisor decisions on whether to continue to allow motorized mixed use on the surveyed roads. The first step in any traffic surveillance program is to determine the existing users and purpose of the information to be collected. In this case, the collection of traffic volume, average speed data, vehicle class, and roadway information is useful for analyzing the potential safety risk of continuing to allow motorized mixed use on these unpaved LNF roads.

The LNF's data collection was not based on accepted "traffic engineering" methodology for traffic surveillance programs. The engineering reports fail to comply with the National Environmental Policy Act for methodology and scientific accuracy. The Act requires:

² Letter from CHP Deputy Commissioner J.A. Farrow to Regional Forester Randy Moore, 12/19/07 (Exhibit 6).

³ USDA Information Quality Activities at: http://www.ocio.usda.gov/qi_guide/index.html

"Agencies shall insure the professional integrity, including scientific integrity, of the discussion and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement."⁴

Several professional engineering documents discuss traffic survey methodology, which would have allowed the LNF to collect valid data for the analysis of motorized mixed use on unpaved roads. These include:

US Department of Commerce, Bureau of Public Roads, "Guide for Traffic Volume Counting Manual," 2/1965.

UC Berkeley, Institute of Transportation and Traffic Engineering, "Fundamentals of Traffic Engineering," 6th edition, 1966.

USDA Forest Service, California Region, "Traffic Surveillance," 8/1969.

Transportation Research Board, National Academy of Sciences, "Low Volume Roads," 6/1975.

Traffic counters or loops for travel time information cannot provide this information as they are subject to malfunction and do not record vehicle class. Cameras or field data recorders (people) are required for the best accuracy.

The LNF engineering reports are based on statistically invalid survey samples, incomplete data, and personal biases that have influenced their findings. The analyses lack measurable indicators or benchmarks for ensuring objectivity and public confidence in their motorized mixed use assessments.

Explanation of the Effect of the Alleged Error:

As a result of the LNF's MMU analysis in the engineering reports, the original 85 miles of proposed mixed use ML 3 and 4 roads were reduced to 9.3 miles in the FEIS's preferred alternative (Modified Alternative 5) due to safety concerns.⁵ The other 75.7 miles were dropped. There are 693 miles of unpaved ML 3 and 4 roads on the LNF. These roads have been safely used by non-highway legal vehicles (OHVs) for decades with no history of mixed use accidents on the Forest. Under FEIS Modified Alternative 5, the LNF is proposing mixed use on only 1.3 percent of the Forest's unpaved ML 3 and 4 roads. Future OHV travel on the remainder of the Forest's ML 3 and 4 road systems (98.7%) will be prohibited.

The LNF FEIS states: "... without motorized mixed use or downgrading road maintenance levels on some ML 3-4 roads, enthusiasts would be constrained to a collection of ML 2 roads and trails that provide limited loop or circuit riding opportunities."⁶ According to the 2005 LNF visitor survey data, this affects over 71,369 visitors who participated in some form of OHV recreation during their stay on the Forest.⁷

⁴ National Environmental Policy Act implementing regulations at 40 CFR 1502.24.

⁵ LNF FEIS, pages 68 and 86.

⁶ LNF FEIS, page 106.

⁷ LNF FEIS, page 121.

Recommendation and Justification for How the Information Should Be Corrected:

As a result of the deficiencies in the LNF's engineering reports, ROC requests a second level peer review under the Data Quality Act. This review should consider data from the 2005 Traffic Study, the engineering reports prepared by the Modoc National Forest, the Agency's "Guidelines for Engineering Analysis of Motorized Mixed Use on National Forest System Roads" (EM-7700-30, December 2005), national Forest Service direction, and the California Vehicle Code (CVC).

ROC's specific comments on the Forest's MMU analysis in the engineering reports are found in Exhibit 1. All **bold** statements require a correction in the analysis. These comments were prepared by H. Richard Tatman, Jr., retired LNF Forest Engineer. Mr. Tatman also performed the MMU analysis for the Klamath National Forest as a subcontractor for Lampe Engineering. Mr. Don Lampe is also a retired Forest Engineer. Appendix H of Exhibit 4 describes Mr. Tatman's qualifications for performing this review. Please contact him at bobs@team-tnt.com or call 530-253-3054 for any questions or explanations pertaining to these comments.

After reviewing the conclusions in the 2005 Traffic Study, the previous Forest Supervisor proposed to allow mixed use on all the ML 3 and 4 roads that were sampled, comprising 72 miles of a proposed mixed use loop around Lassen Volcanic National Park (Laurie Tippin letter, file designation 2350, dated 10/14/05, found in Exhibit 4 on the last page). Data collected in this Study is representative of all the Forest's unpaved ML 3 and 4 roads. The 2009 LNF engineering reports conflict with the 2005 data.

Until the LNF conducts a statistically valid traffic surveillance program at least equal to the 2005 Traffic Study, ROC requests the Forest Supervisor delay her decision on motorized mixed use and continue to allow OHV travel on all unpaved ML 3 and 4 roads. If the LNF chooses to conduct a valid traffic surveillance program, ROC would like the opportunity to peer review the Forest's proposed methodology before the study begins to ensure scientific objectivity.

There are two conflicting interpretations of the California Vehicle Code (CVC). The Region 5 (R5) Regional Forester has his own interpretation while the California Highway Patrol and the Region 6 Regional Forester both have a different opinion. The R5 Regional Forester has chosen to significantly limit non-highway legal vehicle travel on unpaved ML 3 and 4 roads in California's national forests based on a flawed interpretation of the CVC. This conflict needs to be resolved.

Sincerely,

/s/ Sylvia Milligan

SYLVIA MILLIGAN
Recreation Outdoors Coalition

cc:
Kathleen Morse, Lassen National Forest
Randy Moore, R5 Regional Forester

Enclosures:

Exhibit 1: ROC's Review of Lassen National 2009 Engineering Reports of Motorized Mixed Use on National Forest System Roads

Exhibit 2: Lassen National 2009 Engineering Reports of Motorized Mixed Use on National Forest System Roads

Exhibit 3: County resolutions for motorized mixed use and statements from County Public Works Directors.

Exhibit 4: 2005 Traffic Study for motorized mixed use on the proposed Share the Dream Trail.

Exhibit 5: 2009 Engineering Reports for four proposed mixed use ML 3 roads on the Modoc National Forest.

Exhibit 6: California Highway Patrol, Deputy Commissioner J.A. Farrow letter to Regional Forester Randy Moore, dated December 19, 2007.

Exhibit 7: R5 Mixed Use Accidents for the Last 15 Years (1993-2008)

Exhibit 8: Lassen National Forest Temporary Forest Order (May 2009)

Exhibit 9: California Highway Patrol, Chief of Planning and Analysis Division, J.E. McLaughlin, letter to Marlene Finley, Regional Director of Recreation, Lands, Wilderness and Heritage Resources, dated February 3, 2009.