

Upper Tellico Off-Highway Vehicle Area Proposed Supervisor's Orders

Response to Comments

1. Opposition to closing of Trails # 2, 7 and 9.

A representative comment is "*Trails #2, #7, and #9 should not be closed.*" (United Four Wheel Drive Associations, Inc. and Blue Ribbon Coalition, 9/25/07).

Agency Response: The agency recognizes OHV's to be a legitimate use of National Forest lands, but regulations and Forest Plan Standards also require the forest to limit environmental impacts from these activities. Condition survey data show that closing these specific trails will maximize sediment reduction while still allowing for a viable, multi-use trail system.

2. Support for closing Trails # 2, 7, and 9.

A representative comment is "*The current proposal to close them for one year is a necessary start, but will not be sufficient. The best option is to close these trails permanently.*" (Form letter submitted by webuser@kintera.com, with multiple dates on behalf of approximately 700 individuals).

Agency Response: An ongoing condition survey, to be completed early in 2008, will allow the forest to identify problem trail locations and begin to plan for a long-term sustainable system. Information currently is not available to make a permanent decision about the status of these trails at this time.

3. Opposition to seasonal (winter-time) closure.

Representative comments are "*I do not believe that the winter closure is necessary, if we harden the areas most affected by the freeze thaw cycles we can have year around trails.*" (Theurer, Pres. SE Toyota Land Cruiser Ass., 9/20/07); and "*I adamantly oppose seasonal closure of the entire Upper Tellico OHV ...under the assumption that this will solve water quality issues in the area.*" (Steinberg, 10/14/07).

Agency Response: Forest Service resource specialists have identified the winter period as a time when trails are most at risk of damage primarily from the freeze-thaw cycle and its impact on trail tread. Condition survey data show that a seasonal closure does reduce the amount of sediment reaching streams in the Upper Tellico area (a predicted 18% reduction in sediment for the trails surveyed so far). Additionally the winter closure would also allow for "off season" trail repairs and maintenance to be done while there is no vehicle traffic on trails

4. Support for seasonal (winter-time) closure.

Representative comments are "*We favor your proposal to close the entire trail system from January 1 to March 31. The winter closure is essential to prevent sediment*

pollution during the wettest months of the year.” (Alderson, 10/4/07); and “The proposal to close the entire system during the rainy winter months is urgently needed and should be finalized in time to take effect this winter.” (Bell, 10/3/07).

Agency Response: Condition survey data show that a seasonal closure does reduce the amount of sediment reaching streams in the Upper Tellico area (a predicted 18% reduction in sediment for the trails surveyed so far). The comments are noted.

5. General opposition to any OHV Trails.

A representative comment is *“I would urge closure of public forest lands to all forms of wheeled vehicles. If you can’t walk it....stay off it”* (Brown, 9/18/07)

Agency Response: The Nantahala National Forest Land and Resource Management Plan identified OHV’s and four-wheel-drive vehicle use to be permitted in the Upper Tellico Area and a legitimate use for this Management Area.

6. General opposition to any trail closures.

Representative comments are *“The closing of trails in Cherokee County is the last thing we need in our area.”* (Holloway, 10/4/07); and *“The closure of any trails in the Upper Tellico OHV area is Unfathomable.”* (Litton, 9/20/07)

Agency Response: The agency recognizes OHV’s to be a legitimate use of National Forest lands, but regulations and Forest Plan Standards also require the forest to limit environmental impacts from these activities. It is the Forest Service’s desire to maintain a sustainable and viable Upper Tellico OHV system while reducing sediment, meeting water quality standards and improving brook trout fisheries.

7. The need for further studies.

Representative comments are *“There is no data provided by your agency to suggest that sedimentation from January 1 to March 31 occurs at a higher rate than sedimentation during other months of the year, which makes a winter-time closure unfounded.”* (Salo, 9/25/07, Llata, 10/5/07, and others); and *“The Forest Service has provided no scientific data to prove that their “observations and measurements” which support the proposed action are true.”* (Elliott, 9/23/07); and *“What observations and measurements have been taken to determine that there is a problem.”* (Bourassa, 9/20/07).

Agency Response: A condition survey of 41% of Upper Tellico OHV Area trails in late 2007 (areas predicted to be the most high risk for causing sediment to reach streams) provided measurable evidence of sediment coming off roads and trails in the area. Scientifically accepted sediment models also predict that the proposed seasonal closure will reduce future sediment by 18% for the surveyed areas. A full condition survey of the Upper Tellico area will be completed early in 2008.

8. Sediment, water quality, and aquatic habitats.

Representative comments are *“The Commission recommends that the U.S. Forest Service consider permanently closing and stabilizing all trails that are major sources of sediment that cannot be effectively addressed with conventional erosion control measures.”* (NCWRC, 10/8/07); and *“Water quality has been declining in the Tellico River and its tributaries for years as a result of muddy runoff from the inadequately maintained trail system within the Tellico ORV area.”* (Bell, 10/3/07, Verholek, 10/3/07, and others); and *“We urge you to take critical steps to reduce the excessive sedimentation and protect habitat of the Southern Appalachian brook trout...”* (Georgia Council of Trout Unlimited, 10/15/07); and *“Trout, their food sources, their bedding availability will all be compromised by allowing unsupervised, off the trail, offroading.”* (Gowell, 10/16/07).

Agency Response: Water quality and aquatic habitats are of great concern to us. We are in the process of completing condition surveys for the entire trail system, which should give us a clearer picture of where off-site movement of sediment is occurring and where remedies or corrections to the trail system need to take place in order to protect water quality and aquatic habitats. The Forest Service will also be conducting an in-depth study of the area that will identify long-term management actions to significantly reduce the amount of sediment reaching streams. In addition, the National Forests in North Carolina is working with experts at Coweeta Hydrologic Lab to develop a long term monitoring protocol which will provide greater information on the actual effects of management actions on sediment levels in the Upper Tellico watershed.

9. Increased user fees.

A representative comment is *“Up the fee to \$15.00 a day for all users to generate more money for trail repair.”* (Caldwell, 9/19/07).

Agency Response: User fees provide an important source of maintenance funding for the OHV Area. Changes to the current fee may be considered a for long-term area management, but would not effect the decisions to be made regarding these closures. **However, it is important to note that the fees for Upper Tellico were recently raised (to \$10 daily/\$60 season pass) in order to generate more revenue to maintain the trail system and address water quality concerns. Additionally volunteer trail groups continue to contribute a significant amount of money and labor to help maintain the trails.**

10. The need for more regulations and restrictions.

A representative comment is *“...without some regulations and control the Upper Tellico OHV is in great danger of being loved to death.”* (Drew, 10/15/07)

Agency Response: The proposed closures are short-term actions to allow condition surveys to be completed for the Upper Tellico area, and provide time for an in-depth study of the area that will identify long-term management actions, including considerations of use levels.

11. A need for increased law enforcement presence.

Representative comments are “...enforcement should be increased...Large fines and vehicle confiscation will wake people up to the seriousness of these offences.” (Wells, 9/19/07), and “The Forest Service should take responsible actions that preclude this illegal activity including effective closures at the boundaries of the OHV area and increased law enforcement.” (Herrig, 10/6/07).

Agency Response: **Agency Response:** The proposed closures are short-term actions to allow condition surveys to be completed for the Upper Tellico area, and provide time for an in-depth study of the area that will identify long-term management actions, including considerations of greater enforcement needs. The Forest Service has already initiated a higher level of law enforcement actions in the Upper Tellico ORV Area to ensure greater compliance with vehicles staying on designated trails.

12. Tellico increases tourism, benefits the local economy, and effects local businesses.

Representative comments are “The economic impact to the Murphy area will be significant. Many times due to the Upper Tellico ORV visitors, our motels and campgrounds are full, grocery stores, fuel suppliers, auto parts stores and other retail stores see increased business.” (Lovingood, 10/7/07); and “Each time I travel to Tellico I spend a lot of money and use the local community for my needs.” (McCracken, 9/19/07).

Agency Response: The agency recognizes OHV’s to be a legitimate use of National Forest lands, but regulations and Forest Plan Standards also require the forest to limit environmental impacts from these activities. We recognize that Tellico OHV area is a positive contribution to the local economy. It is the Forest Service’s desire to maintain a sustainable and viable Upper Tellico OHV system while reducing sediment, meeting water quality standards and improving brook trout fisheries.

13. Personal property values are affected.

Representative comments are “We as related property owners can also pursue litigation if these restricted uses lower our property values.” (Lovingood, 10/7/07)

Agency Response: The agency recognizes OHV’s to be a legitimate use of National Forest lands, but regulations and Forest Plan Standards also require the forest to limit environmental impacts from these activities. It is the Forest Service’s desire to maintain a sustainable and viable Upper Tellico OHV system while reducing sediment, meeting water quality standards and improving brook trout fisheries.

14. The proposed closures are arbitrary and capricious.

Reference the comments submitted by the Southern Environmental Law Center (13 pages, 10/17/07)

Agency Response: Though a decision has not yet been made, it is likely that the decision will be made based upon consideration of relevant factors, there will be a rational connection between the facts found and the choice made, and the decision will be supported by the weight of evidence and will be in accordance with established rules of law.

15. Road and trail densities are in conflict with the Forest Plan.

Representative comments are “Finally, the Forest Service has exceeded the maximum trail density allowed by the Forest Plan by at least 200% and not less than half the trails in the system must be closed to bring the agency into compliance with the mandate of the Forest Plan.” (Southern Environmental Law Center, 10/17/07)

Agency Response: The proposed closures are short-term actions to allow condition surveys to be completed for the Upper Tellico area, and provide time for an in-depth study of the area that will identify long-term management actions. Overall trail density in the OHV Area is a topic that will need further consideration, but these proposed closures are not the instruments to address this question. Our intent is to evaluate trail density through a NEPA process that analyzes the entire trail system.

16. Public education.

A representative comment is “*Clear posting of the rules in multiple locations is necessary. Education is necessary. The USFS could utilize partnership with clubs and associations to disseminate consistent information about the rules.*” (Moorhead, no date).

Agency Response: Agency Response: The proposed closures are short-term actions to allow condition surveys to be completed for the Upper Tellico area, and provide time for an in-depth study of the area that will identify long-term management actions, including ways to improve user education. The Forest Service hopes to work with partner user groups and utilize web posting and other means to educate the public about the rules for OHV use on national forest land..

17. Ban trout fishing.

A representative comment is “*How can you blame declines on the trout population on four wheeling until selectively closing areas to fishing is tried. The scientific concepts of conducting controlled studies should be applied. If you take two different sections of streams and close one to fishing you will see the trout population increase. Efforts to protect the trout should be directed in this manner, not against four wheelers.*” (Watts, 9/28/07).

Agency Response: Current scientific data do not support a link between fishing pressure and the reduction in the trout populations as measured for the Tellico River. Forest fisheries biologists can provide specific study references if requested. In addition, the National Forests in North Carolina is working with experts at Coweeta Hydrologic Lab to develop a long term monitoring protocol which will provide greater information on the actual effects of management actions on sediment levels in the Upper Tellico watershed.

18. The public right to ride.

A representative comment is *“Please don’t take away our rights as citizens of this great country to enjoy our public land responsibly.”* (Sanderst, 9/24/07); and *“Please consider the right of four wheelers in this matter.”* (Watts, 9/28/07).

Agency Response: The agency recognizes OHV’s to be a legitimate use of National Forest lands, but regulations and Forest Plan Standards also require the forest to limit environmental impacts from these activities. It is the Forest Service’s desire to maintain a sustainable and viable Upper Tellico OHV system while reducing sediment, meeting water quality standards and improving brook trout fisheries.