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I am commenting on the Draft Environmental Impact Statement, Oregon Dunes NRA Management Area 10 C Designated Routes Project document released on 10/26/12. I work within government and produce reports based on fact and data. I understand the great amount of time that goes into writing the report, analyzing the data, and vetting it amongst all stakeholders and those within the agency. However, I have noted multiple discrepancies and conclusions based on either incorrect or no data at all, which I will describe. NEPA policy requires agency decision makers to make informed decisions [1502.24 Methodology and Scientific Accuracy]. It states that agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. I have also found multiple instances in which the Forest Service is not following NEPA policy, which I will detail. These, in combination, lead me to distrust the validity of this entire document. I am asking the Forest Service to rewrite this plan, considering the relevant data, and redo their “Oregon Dunes NRA Management Area 10 C Designated Routes Project” document. I advocate for a plan which calls for the restoration of the dunes, to include areas that are currently designated as 10 C to be reallocated as 10 B. In the Forest Service document, “Off Highway Vehicle (OHV) Designated Routes Working Group Oregon Dunes National Recreation Area” dated October, 2010, Siuslaw National Forest, the Forest Service states, “It appears that there are areas where eliminating non-native vegetation such as European beach grass and restoring historically open sand areas would be a reasonable management objective” (page 71). Let’s proceed on this path stated by the Forest Service, of dunes restoration. Both OHV riders AND the environmentalists are already aligned on this goal.

The Forest Service must follow NEPA (National Environmental Policy Act)/Council on Environmental Quality (CEQ) policy. I will further describe how the Forest Service has failed to follow this policy:

* Alternative 1 (page iii of the DEIS) states, “No Action; no additional routes designated and enforcing all user-developed routes as closed.”

A no –action alternative is required by CEQ (40 CFR 1502.14(d). This alternative forms the basis of comparison between meeting the project needs and not meeting the project needs. This alternative provides baseline information for understanding changes associated with the action alternatives.

However, we are not presented with a no-action alternative in the DEIS dated 10/2012. A no-action alternative would entail no closures. The Forest Service is aware of how to write a no-action alternative. This is evidenced in their Record of Decision, Oregon Dunes National Recreation Area Management Plan Final Environmental Impact Statement, written by the USDA Forest Service, dated 7/12/1994. In this document on page 21, Alternative C, provides a “no action” alternative that states, *“Alternative C would continue management under the existing NRA management plan. It is the "no action" alternative. Management would continue to focus primarily on recreation resources with approximately a 50/50 mix in ORV and non-motorized opportunities*”...

The DEIS provides no baseline information for understanding the changes associated with the action alternatives.

* Economics and safety are removed from scope per page 12 of the DEIS document dated 10/2012. The DEIS states that “of the eight issues, six were believed to be directly related to the decision to be made and measurable among the various alternatives, such that differences between the alternatives for that issue could be readily and clearly displayed.” The two issues that were removed from scope include economics and safety. Comments from the public cannot be removed as “out of scope” on these topics and reasons are as follows:

Congress used the phrase “human environment” in NEPA, so when an EIS is prepared and economic or social and natural or physical environmental effects are interrelated, the EIS should discuss all of these effects per 1508.8 [40 C.F.R. 1508.8] The DEIS clearly does not discuss effects of safety nor economics, while NEPA mandates that they do. “The agency has the responsibility to make an informed judgment, and to estimate future impacts on that basis, especially if trends are ascertainable or potential purchasers have made themselves known. The agency **cannot ignore** these uncertain, but probable, effects of its decisions.”

**Economics**: on page 15 of the DEIS, it states, “The alternatives being considered in this action only indirectly affect local economies, primarily through their effects on ODNRA visitation.”

According to the report entitled, The Economic Impacts of Off-Highway Vehicle (OHV) Recreation in Oregon, Main Report, prepared by Oregon State University, Sept. 4, 2009, 81.4 million is spent on OHV trip expenditures on the South Coast, rather than the 2.5 million the DEIS states. OHV trip expenditures account for 829 jobs within the three-county area rather than the 82 jobs reported in the DEIS. This is quite a staggering difference and something that I’m quite certain the three counties would want and required to be informed about (as noted that they were informed on page 144 of the DEIS). These counties now need to be informed with the **correct** information. The Forest Service is quite aware of this research. The document is cited on page 97 of the “Off Highway Vehicle (OHV) Designated Routes Working Group Oregon Dunes National Recreation Area” dated October, 2010, Siuslaw National Forest document, however, not cited within the DEIS. In a personal conversation with the OSU Library on 11/5/2012 with Victoria Heiduschke, Learning Commons Coordinator, The Valley Library, I found that OSU has conducted no further economic studies with a later date than Sept. 4, 2009 nor had any other entities, which makes it clear that no newer data was used, and that the data is cited incorrectly as to appear as less of an economic impact to the three counties.

**Safety**: on page 14 of the DEIS, it states, “Currently, there is no accurate, reliable way of tracking injuries to OHV riders within the riding areas at the ODNRA.” In fact, the Oregon Health Authority (OHA), Injury Prevention and Epidemiology Program does just that. In my professional capacity as a Research Analyst with the OHA Injury Prevention and Epidemiology Program, I presented at the Oregon ATV Law Enforcement Conference held in Redmond, OR during April of this year on ATV safety data for the Oregon Dunes. The ODNRA is within the sentinel area (Coos Bay, Winchester Bay, Florence, and Sand Lake) and data does, in fact, exist. Instances of both injuries and deaths are submitted to the OHA by local law enforcement within each jurisdiction among other data collection methods. So, in fact, there is a baseline to consider the alternatives against. The DEIS further states that “Past history at the Dunes seems to indicate that even in popular, most congested areas of the ODNRA vehicle on vehicle accidents are rare and most rider injuries occur in lower density areas, due to people operating machines beyond their skill/competency level, and not from crashing into one another.” This is obviously not based on data, since it was stated that “no data exist.” The DEIS further states on page 14 that “Rider density can be a partial detriment to rider safety…” According to the Oregon Dunes National Recreation Area Visitor Survey, Robert Burns, March 2008, the majority of 2006 visitors felt that the number of people they saw (crowding acceptability) was unacceptable, 75% of those surveyed. With preferred alternative four, 84 miles of riding area would be closed. Page 67 of the DEIS states that 46% of the dunes are open to motorized use. However, upon review of the breakout on page 8 of the DEIS, it illustrates that actually only **40**% of the dunes are open to motorized use as follows: 10(B) Off-road vehicle open 21% 5,930 acres, 10 (C) ORV on designated routes 15% 4,455 acres, and 10 (D) Developed Corridors 4% 1,050 acres. The sum of these three is actually only 40% of dunes open to motorized use rather that the 46% stated on page 67. Concentrating riders into a smaller area within this acreage only adds to the problem of crowding.

* NEPA does not mandate closure. All alternatives proposed within the DEIS mandate some level of closure.
* The Forest Service did not follow the working group’s recommendations when stating the “preferred alternative” within the DEIS. The working group’s recommendations were most closely aligned with Alternative 5 in the DEIS. In the Forest Service document, “Off Highway Vehicle (OHV) Designated Routes Working Group Oregon Dunes National Recreation Area” dated October, 2010, Siuslaw National Forest, the Forest Service states, “It appears that there are areas where eliminating non-native vegetation such as European beach grass and restoring historically open sand areas would be a reasonable management objective” (page 71). Other key issues discussed by the working group included favoring plans that called for “Dispersing use in this area would enhance rider safety” (page 42).
* The Forest Service does not use their own data when referring to the “Trail riding experience.” On page iii of the DEIS it is stated that “Open sand, largely unrestricted riding, had been and remains the primary draw for OHV recreationists to the Oregon Dunes ODNRA.”

Trail riding is only marginally lower than open dune riding (open dunes riding preferred by 36.4 % of respondents, trail riding, 31.8%). This is data directly from the Forest Service, “Oregon Dunes National Recreation Area Visitor Survey”, Robert Burns, March, 2008, page 43. Again, the Forest Service clearly knows about this data. It is referenced in the “Off Highway Vehicle (OHV) Designated Routes Working Group Oregon Dunes National Recreation Area” dated October, 2010, Siuslaw National Forest, yet not cited in the DEIS.

* Federal law, R.S. 2477, passed by Congress in 1866 states that any travel route (Prescriptive Easement Roads) that was in use before the federal government took an action that changed how the land along that route is managed—must remain open to public use, to ensure the public has access to roads that predate the creation of the Forest Service in 1905. They could be deemed, by a vote of the commissioners, as public rights-of-way under R.S. 2477. See definition of “Prescriptive Easement Roads” below.

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| 6. Prescriptive Easement Roads. | These roads created are created by public use over time without the permission of the landowner. No deed or easement document signed by the landowner would exist on the county records. |

So, in conclusion, thank you for your time and efforts in preparing the DEIS. However, due to the reasons I have outlined in detail above, the DEIS is not a trustworthy document. I request that the document be re-written and that the overall goal shall be dunes restoration, by way of reallocating 10 C land to 10 B.

Best Regards,

Heidi Murphy

A Line in the Sand

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